

CONSTITUTION

OF THE INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES

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OF PAINTERS AND ALLIED TRADES



ORDER OF BUSINESS FOR DISTRICT COUNCILS AND LOCAL UNIONS

- (DC&LU) 1. Opening.
- (DC&LU) 2. "Pledge to the Flag" (Candian Salute).
- (DC&LU) 3. Roll Call of Officers.
- (DC&LU) 4. Reading of Minutes of Previous Meeting.
- (LU) 5. Proposals for Membership.
- (LU) 6. Initiation of New Members.
- (DC&LU) 7. Communications and Bills.
- (DC&LU) 8. Reports of Accidents, Sickness or Death.
- (DC) 9. Financial Report of Business Manager/
Secretary Treasure of District Council
(including itemization of receipts and
expenses).
- (LU) 10. Report by Financial Secretary for the past
month.
- (LU) 11. Report by Treasurer (including itemization
of receipts and expenses).
- (DC&LU) 12. [Quarterly] Report by Trustees
- (DC&LU) 13. Collection of Assessments, Fines and Dues.
- (DC&LU) 14. Organizing Committee Report.
- (DC&LU) 15. Political Action Committee Report.
- (DC&LU) 16. Report on Apprenticeship, Training and
Journeyman Upgrading.
- (DC&LU) 17. Reports of Representatives, Delegates
and Committees.
- (DC&LU) 18. Unfinished Business.
- (DC&LU) 19. New Business.
- (DC&LU) 20. Reports of Stewards, Shops, State of Trade
and Help Wanted.
- (DC&LU) 21. Nomination, Election and Installation
of Officers.
- (DC&LU) 22. Good of the Union.
- (DC&LU) 23. Adjournment.

TO ALL MEMBERS OF THE INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES AND OTHER INTERESTED PARTIES:

For the convenience of our members, other interested parties and workers who may wish to consider joining our labor organization, the General Constitution has been published in an English, French version and a Spanish version. In the event of any conflict between the English version and French and or Spanish version, all interpretations of the General Constitution shall be resolved and determined by reference to the English version.

CONSTITUTION

OF THE INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES

And Laws Governing
Subordinate Bodies Under
Its Jurisdiction Issued
January 1, 2010
First Printing

Affiliated With
The American Federation
of Labor and Congress of
Industrial Organizations

Organizing Since 1887



PREAMBLE

We the members of District Councils and Local Unions affiliated with the International Union of Painters and Allied Trades—believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of this International Union; to secure legislation in the interests of our members; to bring about higher wages, shorter hours and better working conditions for them; to influence public opinion by peaceful and legal methods in favor of our affiliated organizations and all organized labor generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers; and to otherwise enrich the lives of our members and their families, all other working men and women, and all mankind—do hereby formulate and adopt this Constitution for our guidance and government.

CONSTITUTION

NAME AND COMPOSITION

Sec. 1. The name of this International Union shall be the International Union of Painters and Allied Trades. The International Union shall be comprised of an unlimited number of District Councils, Local Unions and other subordinate bodies, subject to its laws and usages.

OBJECTS

Sec. 2. The objects of this International Union are:

To organize workers and to improve their lives and livelihoods and the welfare of their families through the benefits of collective bargaining;

To aid members to become more skillful and efficient workers;

To promote general knowledge and education;

To improve and better their wages, hours and conditions of labor;

To cultivate friendship among the members of the International and render assistance in securing employment;

To promote individual rights and recognition in the member's trade or occupation;

To raise funds for the benefit of sick, disabled or unemployed members, and the families of deceased members who continuously complied with our laws;

To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, or sex;

To secure improved wages, hours, working conditions and other economic advantages for our members and their families through organizing and collective bargaining, through advance-

ment of our standing in the community and in the labor movement, and other lawful methods;

To provide educational advancement and training for officers, employees and members;

To safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political education and other community activity;

To protect and strengthen our democratic institutions and preserve and perpetuate the cherished traditions of democracy;

To protect and preserve the union as an institution and in the performance of its legal and contractual obligations;

To protect and enhance the stature and well-being of workers and their families by promoting and securing the passage of progressive legislation;

To create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity for union employers while, at the same time, insuring job security, safety, training and excellent wages and benefits for our members;

And such other objects, for which working people may lawfully combine, having in view their mutual protection and benefit.

It is recognized that the problems that this labor organization will confront are not limited to “bread and butter” unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the union may determine from time to time. We, therefore, determine and assert that the participation of this labor organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the sole benefit of the organization and its members and their families.

SEAL

Sec. 3. The seal of this International Union shall be as follows: A metal seal which shall make an impression upon paper and on the inside of the outer scroll of which shall be the words "International Union of Painters and Allied Trades."

HEADQUARTERS

Sec. 4. The General Offices and Headquarters of this International Union shall be at such location as the General Executive Board, acting in accordance with the direction of the General Convention, may determine.

RITUAL

Sec. 5. The ritual and obligation shall be administered in such form as is established, and as is revised from time to time, by the General Executive Board.

JURISDICTION

Sec. 6. This International Union shall have jurisdiction over all workers engaged in: all painting, decorating and coatings applications and wall covering; all levels of drywall and wall finishing; any and all labor, material, tools or equipment for preparatory work or surface treatment, including mold remediation, work in relation to painting, decorating and coatings applications, wall covering, drywall and wall finishing; glazing; architectural metal and glass work; flooring and decorative floor covering work; paint and coatings manufacturing; sign, convention and display work; show decorators; scenic artists and designers; metal polishers; civil service, public and professional employees; book-binding; maintenance work; chemical, clerical and warehouse workers; any and all units, as well as all apprenticeable crafts, that have historically been part of this In-

ternational Union; and any and all work as may be obtained and maintained through organizing and collective bargaining. Such work shall include, but not be limited to:

(a) **Painters:** Work will include, but not be limited to: (1) preparation, application and removal of all types of coatings and coating systems in relation to all painting, decorating, protective coatings, coating and staining of concrete floors and toppings, waterproofing, masonry restoration, fireproofing, fire retarding, metal polishing, refinishing, sealing, lining, fiberglassing, E-Glass fiberglass, carbon fiber, encapsulating, insulating, metalizing, flame spray, the application of Exterior Insulating Finishing Systems; (2) each and all such applications, and similar or substitute applications, on all surfaces, interior and exterior, to include, but not be limited to: residences; buildings; structures; industrial, power, chemical and manufacturing plants; bridges; tanks; vats; pipes; stacks; light and high tension poles; parking, traffic and air strip lines; trucks; automobile and railroad cars; ships; aircraft; and all machinery and equipment; (3) any and all material used in preparation, application or removal of any paint, coatings or applications, including, but not limited to: the handling and use of thinners, dryers, sealers, binders, pigments, primers, extenders, air and vapor barriers, emulsions, waxes, stains, mastics, plastics, enamels, acrylics, alkyds, epoxies, epoxy injection and T-Lock welding, sheet rubber, foams, seamless and tile-like coatings, etc.; (4) all preparation for and removal of any and all materials for finishes, such as deep cleaning, patching, all levels of finishing, taping/finishing, skim coating, pointing, caulking, high pressure water, chemical and abrasive blasting, environmental blasting, wet/dry vacuum work, chemical stripping, scraping, air tooling, bleaching, steam cleaning, asbestos and lead abatement/removal; (5) the inspection of all coatings and/or coating systems during their applications will be performed by members of this International Union.

(b) **Wall Covering** work will include, but not limited to: (1) all material applied to walls or ceilings with adhesive, staples, tacks, by stretching or adhered by any other method, including all papers, vinyl's, flexible woods, fabrics, borders, metals, upholstered wall systems, the fabric covered panels made of plastic/wood or pre-finished products of micor fiberglass, etc., acrovin and various plastic wall coverings such as wainscoat, caps, corner moldings and accessories; (2) any and all preparation of walls and ceilings such as scraping or any methodology for removal of existing materials, including patching, leveling, skim coating and priming.

(c) **Drywall Finishing** work will include, but not be limited to: (1) the preparation or leveling of any surface or substrate which is to receive a coating, finish and/or wall covering; this will include, but not be limited to, all levels of finishing and/or spackling of all surfaces, including gypsum wallboard taping and finishing, fire taping and all firestopping systems, glaze coatings, skim coating or any other finishing system, spotting of nails, finishing of corner beads/flex beads. Patching and sanding is within the system of preparing surfaces for finishes. (2) All stucco and dryvit systems will be performed by members of this International Union.

(d) **Glaziers, Architectural Metal and Glass Workers:** General Glazing will include, but not be limited to: (1) the installation, setting, cutting, preparing, fabricating, distributing, handling or removal of the following: Glass and Glass substitutes used in place of glass, pre-glazed windows, retrofit window systems, mirrors, curtainwall systems, window wall systems, suspended glass systems, louvers, photovoltaic and other collection systems, skylights, entranceways including automatic doors, patio doors, store front, column covers, panels and panel systems, glass hand rails, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons. Art glass,

prism glass, beveled glass, leaded glass, automotive glass, protection glass, plate glass, window glass, , wire glass, ribbed glass, ground glass, colored glass, figured glass, vitrolite glass, carrara glass, all types of opaque glass, glass chalk boards, structural glass, tempered and laminated glass, thiokol, neoprene, all types of insulating glass units, all plastics or other similar materials when used in place of glass to be set or glazed in its final resting place with or without putty, vinyl, molding, rubber, lead, sealants, silicone and all types of mastics in wood, iron, aluminum, sheet metal or vinyl sash, doors, frames, stone wall cases, show cases, book cases, sideboards, partitions and fixtures; (2) the installation of the above systems materials when in the shop or on the job site, either temporary or permanent, on or for any building in the course of repair, remodel, alteration, retrofit or construction; (3) the installation and welding of all extruded, rolled or fabricated materials including, but not limited to, all metals, plastics and vinyl's, or any materials that replace same, metal and vinyl tubes, mullions, metal facing materials, corrugated flat metals, aluminum panels, muntins, facia, trim moldings, porcelain panels, architectural porcelain, plastic panels, unitized panels, showcase doors, all handrails and relative materials, including those in any or all types of building related to store front, door/window construction and curtain wall systems; (4) the installation of automatic door entrances, door(s) and window(s) frame assemblers such as patio sliding or fixed doors, vented or fixed windows, shower doors, bathtub enclosures, storm sash where the glass becomes an integral part of the finished product, including the maintenance of all of the above; (5) bevelers, silverers, scratch polishers, abrasive blasters, flat glass wheel cutting, mitre cutters, engravers, hole drilling, machine operations belt machines and all machines used in the processing of glass, auto matic beveling, silvering, grinding, polishing, unpacking and racking of glass, packing glass, glass cleaners in shops, mirror cleaning, assembling, framing and fabrica-

tion and assembling of all insulated and non-insulated units, fabrication and mounting of mirrors and the operations of all machines and equipment for these operations; (6) the selecting, cutting, preparing, designing, art painting, and installing of fused glass, thick facet glass in concrete and cementing of art glass, and the assembly and installing or removal of all art glass, engraving, drafting, etching, embossing, designing, abrasive blasting, chipping, glass bending, glass mosaic workers, cutters of all flat and bent glass; glass shade workers, and glaziers in lead or other metals; the fabrication and distribution of all glass and glass-related products; (7) any and all transportation, handling, unloading and loading of tools, equipment and materials will be performed by members of this International Union.

(e) **Paint Makers** will include, but not be limited to all workers engaged in the mixing, testing, preparing and/or manufacturing of paint, coating, caulking, putty, sealants, etc. and handling of lead, color, oil, lacquer, varnish, synthetic resin, acrylic paints and coatings, etc., including any and all materials for the same.

(f) **Floor and Decorative Coverings Workers:** Work will include, but not be limited to: (1) measuring, cutting, fabricating, fitting, installing to be cemented, tacked or otherwise applied to its base and/or underlayment(s) wherever it may be, all materials whether used either as a decorative covering, topping or as an acoustical appliance such as carpets of all types and designs, sheet rubber, sheet vinyl, pre finished hardwood floors, laminate floors and laminate floor systems, cork carpet, rubber tile, asphalt tile, tile, cork tile, interlocking tile, mastic, composition in sheet or tile form and all derivatives of above; artificial turf and derivatives thereof, all resilient seamless materials such as epoxy, polyurethane, plastics and their derivatives, components and systems; (2) the fitting of all devices for the attachment of the above materials and the fitting of all decorative or protective trim to and adjoining the above materials which shall include the drilling and plugging of holes

and attaching of strips, slats, nosing, etc., on any base and/or underlayment(s) where the above materials are to be installed or applied, such as drilling, plugging and slatting for installing or fastening of carpet, the installing of all nosings, cap strips, corner beads and edgings of any material and the preparatory work of the craft for all of the aforesaid, which includes but is not limited to, substrate preparation and the application of all self leveling, trowelable and board underlayments; (3) the removal of the aforementioned installed material from its base and/or underlayment as required; (4) the cleaning of rugs and carpets and all drapery hanging, make-up and the installation of drapes and window treatments.

(g) **Sign and Display:** Sign and Display Painters' work shall include, but not be limited to: (1) the making and installation/removal of all signs and servicing of same, designing, lettering and pictorial work of any kind, including vinyl signs, vinyl substrates, vinyl vehicle wrapping and the preparing for the finishing of same, be it by hand brush, roller, spray, mechanical or computer-aided and by any other method or process pertaining to same; (2) they shall have control of all branches, methods and processes of screen process work; tube bending and display work such as creating, designing, building and finishing of all display matter and its related operations used for advertising purposes, including all art work and lettering whether it is done by hand, mechanical or computer aided or by any other method or process pertaining to same; (3) the construction, erection and maintenance of all billboards and all communication advertising will be done by members of this International Union.

(h) **Display Convention and Show Decorators:** The display convention and show decorators' work will include, but not be limited to: (1) the delivery, loading and unloading and the installation and removal of all exhibits (floor to ceiling) and related materials in connection with trade shows and conventions, including, but not limited to: trade show and convention booth

assembly and disassembly; installation and removal of interior and exterior decorations, flags, drapes and other display materials; uncrating, assembly, installation, removal, disassembly and recrating of all commercial exhibits; (2) the installation and dismantling of furniture owned by the employer, the installation and removal of floor coverings and special event displays; (3) the construction, preparation, erection and maintenance of all signs, lettering, pictorial work, screen process work, show card writing, commercial exhibits and fabrication of advertising displays and pattern and sketch making, scale model making, the preparation of training aids and mockups and application of plastic, scotchlite and similar reflective materials.

(i) **Scenic Artists and Designers:** Scenic Artists' and Designers' work will include, but not be limited to: models, sketches, carpenter drawings, painting for theatrical productions, motion picture settings and all the various effects; the painting of properties and decorations which may be used to decorate stage, motion picture and TV settings, mural paintings, display creations, costumes and the art of make-up and all its various effects.

(j) **Metal Polishers:** Metal Polishers' work will include, but not be limited to: new construction and existing sites consisting of metal polishing, both the initial and continuing maintenance which shall include, but not be limited to, coloring, lacquering, spraying, application of vinyl coatings, cleaning, polishing and finishing of ornamental and architectural iron, bronze, brass, nickel, aluminum, stainless steel and all metal specialty work.

(k) **All Tools, Equipment and Material:** (1) the handling, assembling, disassembling, operation, maintenance, storage and transporting of all tools, equipment and material used or that may be used by members of this International Union in performing their trade or work; (2) the loading and unloading of any and all materials, tools and equipment will be done by any members and units coming under the International Union's

jurisdiction; (3) tools, material and equipment, as used herein, shall include, but not be limited to, brushes, rollers, spray painting equipment, coating applicators, all miscellaneous hand and power driven tools, all robotic, computerized mechanical and manually operated abrasive, shot, bead, water and related blasting equipment, containment systems, ventilation/dehumidification systems, vacuum recovery units, wet and dry vacuum systems and any and all related safety equipment, ladders, scaffolding, lifts and all other dedicated rigging, including the handling, erection and dismantling of same, the operation and maintenance of all types of compressors.

(l) **Related Work:** Members of this International Union shall also have jurisdiction of: (1) all processes and procedures for decontamination of all contaminated areas; (2) all clean-up of any type of debris caused by or during the preparation and/or application of any work described in this Section.

(m) **Technological Improvements, Advancements, New or Substitute Systems or Processes and/or New or Substitute Materials:** The jurisdiction of this International Union shall include and extend to any and all new or substitute systems or processes, new or substitute materials and technological improvements or advancements in any existing or new system, process or material that is referred to or incorporated in any of the provisions in the General Constitution or any collective bargaining agreement to which the International or any of its subordinate bodies is a party.

DISSOLUTION OF THE INTERNATIONAL UNION

Sec. 7. This International Union can only be dissolved by a vote of the membership of the Local Unions at a special meeting expressly called for that purpose. The vote shall be by secret ballot and it shall be necessary for a majority of all the members in good standing in each of the Local Unions to vote

affirmatively for dissolution in order to make such vote valid. As long as there are five (5) or more Local Unions, which have failed to vote, or failed to vote affirmatively for dissolution, the International Union cannot be dissolved.

ABBREVIATIONS

Sec. 8. The following abbreviations may be used in this Constitution and in reports and other documents of the International Union:

A.D.—Accidental death

AFL-CIO—American Federation of Labor- Congress
of Industrial Organizations

B.M.—Business Manager

B.M.S.T.—Business Manager/Secretary Treasurer

B.R.—Business Representative

C.C.—Clearance Card

D.B.F.—Death Benefit Fund

D.C.—District Council

E.G.V.P.—Executive General Vice President

F.S.—Financial Secretary

F.T.I.—Finishing Trades Institute

G.C.—General Convention or General Constitution

G.E.B.—General Executive Board

G.O.—General Office or Officer

G.P.—General President

G.P.R.—General President's Representative

G.S.-T.—General Secretary-Treasurer

G.V.P.—General Vice President

IUPAT—International Union of Painters & Allied Trades

J.A.T.C.—Joint Apprenticeship and Training Committee

J.A.T.F.—Joint Apprenticeship Training Fund

L.M.C.I.—Labor Management Cooperation Initiative

L.U.—Local Union

Pres.—President

R.S.—Recording Secretary

GOVERNMENT OF THE INTERNATIONAL UNION

Sec. 9. This International Union shall be governed by the following bodies:

- (1) General Convention.
- (2) General Executive Board.
- (3) General Officers.
- (4) District Councils.
- (5) Local Unions.

Sec. 10. All the sovereign powers, including the legislative, executive, administrative and judicial powers, of this International Union, shall be vested in its General Convention when in session.

Sec. 11. All the powers of the General Convention shall, when the General Convention is not in session, pass to and vest in the General Executive Board, with the exception of such powers as may herein be specifically delegated to the various officers and subdivisions of the International Union, or to the General Convention alone.

Sec. 12. (a) All the powers exercised by the General Convention when in session and all the powers exercised by the General Executive Board when in session shall, when such bodies are not in session, pass to and vest in the General President, except, as expressly limited in this Constitution, and such powers shall be exercised subject to the approval of the General Executive Board. All other General Officers shall exercise such powers as are conferred upon them by this Constitution.

(b) The District Councils and Local Unions shall have authority to exercise such powers as are conferred upon them by this Constitution.

Sec. 13. Except to the extent necessary to accomplish the purposes and objectives of this International Union as set forth in this Constitution, and except as may be otherwise provided herein, the subordinate bodies of the International Union shall have autonomy in the conduct of their affairs, including organizing activities and the negotiation, administration, and enforcement of their Collective Bargaining Agreements and engaging in economic activity to that end.

Sec. 14. The International Union shall not be responsible for any actions, activities, statements or omissions of any District Council, Local Union or any of the International's subordinate bodies or their officers, agents, employees or representatives unless the same were expressly authorized or directed, in writing, by the General President or General Executive Board. In addition, and not in limitation of the foregoing, neither a District Council, Local Union or any other subordinate body, nor any of the officers, agents, representatives or employees of such subordinate bodies, has the power to make any representation, contract, promise or agreement, or to incur any liability for or on behalf of the International Union, or which shall be binding upon the International Union, without the written consent of the General President or his designee. No District Council, Local Union or other subordinate body or any of the officers, agents, representatives or employees of such subordinate bodies, is authorized or empowered to act as agent of the International and no such person or entity shall be deemed an agent of the International Union unless expressly authorized in writing by the General President or his designee.

FINANCES

Sec. 15. The fiscal quarters in the year shall begin January 1, April 1, July 1, and October 1.

Sec. 16. The revenue of the International Union shall be derived from the following sources:

- (a) A per capita tax.
- (b) Administrative Processing fees or application fees.
- (c) Reinstatement and clearance card fees.
- (d) Sale of supplies.
- (e) Interest on money on deposits in banks or on other investments as prescribed in this Constitution.
- (f) Assessments levied in accordance with the provisions of the Constitution.
- (g) Revenues from General Office Building.
- (h) The sale of such publications as are authorized by the General Executive Board.
- (i) Any other sources not prohibited by this Constitution or by law.

Sec. 17. (a) Absent General Executive Board action, on January 1 of each year, the International Union's per capita tax shall be automatically increased by a percentage equal to 1.8 times the percent increase in the cost of living during a twelve-month period ending August 31 preceding each respective effective date, as determined by the Consumer Price Index, All Items (CPI-W)] issued by the U.S. Bureau of Labor Statistics. For example, the increase effective January 1, 1990, shall be determined by the cost of living increase in the period September 1, 1988 to August 31, 1989. In each case, the new per capita tax shall be rounded to the nearest ten cents (10¢). If the CPI is negative or flat for the year, absent General Executive Board action, the per capita tax shall be increased, using the above formula, as if the CPI increased by 1%.

As soon as possible after the issuance of the applicable Consumer Price Index, a Committee appointed by the General Executive Board shall meet and certify the amount of per capita tax increase under the foregoing formula. The certified amount shall be forwarded to the General Executive Board and shall become

effective on January 1 unless the General Executive Board reduces the certified amount, in which event the amount established by the General Executive Board shall become effective on January 1. The General Secretary-Treasurer shall notify all Local Unions in writing of the new per capita tax to become effective on the first of the year. The Committee appointed by the General Executive Board will also review, and make recommendations to the General Executive Board on, International Union finances.

The per capita tax shall be paid for each member in good standing except Life Members while not working at the trade and members who transfer to Life Membership on or after January 1, 1980. Each District Council and/or Local Union shall pay to the International Union \$50.00 as an Administrative Processing Fee on each applicant initiated except as provided in Sections 93 and 94 and applicants admitted as members of newly formed Local Unions; and \$25.00 for each member reinstated and \$10.00 for each clearance card granted.

For non-members paying the Local Union agency fees or other fees equivalent to dues paid by members, the Local Union shall remit to the International Union a fee equivalent to the per capita tax set forth in this section. For non-members paying the Local Union agency fees, service fees, or other fees that are less than dues paid by members, the Local Union shall remit to the International Union a fee equivalent to eighty percent (80%) of the per capita tax set forth in this section.

(b) Each Local Union shall pay to the International Union a \$2.00 per month death benefit payment on all members covered by the Death Benefit Fund pursuant to Section 314 and the rules and regulations of the Fund, except Life Members while not working at the trade, and members who transfer to Life Membership on or after January 1, 1980.

(c) Each Local Union shall collect from the member and forward to the International Union a \$3.00 per month death benefit payment on each member who transfers to Life Membership

after April 1, 1975 who no longer works at the trade, and who elects to continue his or her eligibility in the Death Benefit Fund.

(d) For members who transfer to Life Membership the Local Union shall collect from the member a monthly fee of \$8.00 and forward \$5.00 of that amount to the office of the General Secretary-Treasurer, as per Section 100(e)(1).

For members who transfer to the LR Class of Life Membership, the Local Union shall collect from the member a monthly fee of \$12.00 and forward \$9.00 of the amount to the office of the General Secretary-Treasurer as per Section 100 (e) (1).

(e) No changes can be made in this section except in Convention.

(f) The General Executive Board shall not exempt any Local Union from payment of per capita tax; provided, however, the General Executive Board may, in its sole discretion, upon a specific finding that the interests of the International or the good and welfare of members so require, grant a waiver of this provision or otherwise reduce the obligation of Local Union(s) to pay per capita tax.

Sec. 18. In order to ensure adequate funding of the Death Benefit Fund, the death benefit payment called for in Section 17(b) may be increased by the General Executive Board, if in the sole discretion of the General Executive Board, it feels an increase is necessary to maintain the solvency of the Death Benefit Fund.

Sec. 19. A Finance Committee consisting of the General President, the General Secretary-Treasurer and a member of the General Executive Board selected by that Board shall be empowered and authorized under the general supervision of the General Executive Board, to invest all funds of the International Union in excess of such amounts as may be necessary to hold subject to immediate call, in such investments as may be made by fiduciaries under applicable laws. The Finance Committee

shall retain the services of an investment counselor. All investments shall be maintained in the name of the International Union, or in the name of a bank nominee of the International.

Sec. 20. (a) All revenue received from death benefit payments and from investment of death benefit funds shall be placed in the “Death Benefit Fund” and shall be used for no purpose other than maintaining such Fund and the payment of claims and benefits there under. All costs of maintaining and administering the “Death Benefit Fund” shall be paid from the revenue of said Fund, with transfer of said amount to the General Fund. The General Executive Board together with the General Secretary-Treasurer shall determine the amount of said costs.

(b) That portion of per capita tax allocable to the Accidental Death Benefit Fund, to provide accidental death benefits to all members in good standing as described in Section 313, shall be placed directly into that Fund.

(c) That portion of per capita tax designated for the International Union of Painters and Allied Trades Political Action Together—Legislative and Educational Committee Fund, a separate segregated fund, shall be placed directly into that Fund.

Sec. 21. All other revenue, not designated to specific Funds under Section 20, shall be placed in the International Union’s General Fund. Allocations from that Fund to various purposes shall be decided upon by the General Executive Board from time to time based on the needs of the International Union; provided, however, the General Executive Board shall establish and maintain a dedicated General Convention Fund and make appropriate periodic allocations to that Fund sufficient in amount to pay the expenses of the General Convention.

AUDIT OF ACCOUNTS

Sec. 22. (a) The General Executive Board shall, previous to January of each year, notify three (3) Local Unions (no two

Unions to be in the same state or province) to elect one of their members to act upon the auditing committee, the duty of which shall be to audit the accounts of the General Office. No Local Union shall furnish a member of the committee more than once in two (2) years.

(b) Members of the auditing committee shall receive, during their employment, remuneration as provided in Section 44(e).

Sec. 23. (a) The General Executive Board shall secure the services of an independent certified accountant, who shall act in conjunction with the auditing committee.

(b) The report of the committee and accountant, signed and attested before a Notary Public, shall be published in the next issue of the official Journal following the close of the audit.

GENERAL CONVENTION

Sec. 24. (a) This International Union shall meet in General Convention every five (5) years, at a time, date, and place to be designated by the General Executive Board. At this meeting the General Officers of this International Union shall be elected in accordance with the Constitution. The General Officers, following their election and qualification, shall continue in office until their successor is elected and qualifies under the provisions of the Constitution.

(b) Laws adopted shall become effective January first following the close of the regular General Convention, unless otherwise designated.

Sec. 25. (a) Special General Conventions: A Special General Convention may be called when 125 Local Unions make a request therefore or when the General Executive Board deems it necessary to do so. The place for holding such Special Convention shall be selected by the General Executive Board.

(b) Each Local Union requesting a Special Convention, shall certify that such request was made upon a majority vote of

those present and voting at a meeting of said Local Union at which the question of a Special Convention was voted upon. Not more than 10 Local Unions in each state or Province shall be counted in the requisite number of the 125 Local Unions.

Representation

Sec. 26. A Local Union, to be entitled to representation in any regular or special General Convention, shall have been chartered for at least six (6) months prior to the holding of such Convention, and must have paid its per capita tax to the International Union up to and including the second month preceding the Convention month. Such payment must be received by the office of the General Secretary-Treasurer no later than the last business day of the month preceding the Convention month.

Sec. 27. (a) Local Unions shall be entitled to representation in the General Convention according to the number of members on whom per capita tax shall have been paid, determined as of a date certain to be set by the General Executive Board prior to each Convention.

(b) Local Unions having 100 members or less shall be entitled to one delegate.

(c) Local Unions having more than 100 members and less than 500, two delegates.

(d) Local Unions having 500 members and less than 1,000, three delegates.

(e) Local Unions having a membership of 1,000 shall be entitled to four delegates and an additional delegate for each 500 members or major fraction over 1,000.

Election of Delegates

Sec. 28. (a) All delegates shall be elected by secret ballot by their respective Local Unions during the month of May preceding the General Convention. Nominations shall be held one

meeting prior to the election meeting. Notice of the nomination and election meeting shall be given to the membership at least five (5) days prior to the nomination date and fifteen (15) days prior to the election date.

(b) To be eligible as a delegate a member must be a resident of the United States or, in the case of delegates from Canadian Local Unions, a citizen of Canada, must be employed (including employment as defined in Section 40), actively seeking employment, or unable to be employed or to seek employment due to disability, within our trades, during the major portion of the 12 months immediately prior to the date of nomination, and must be a member in continuous good standing in the Local Union he or she is to represent as a delegate for a period of two (2) years immediately preceding the date of nomination, except where qualified members are not available who have the required two (2) years of good standing, in which case the Local Union may elect as delegates members regardless of their length of membership.

(c) However, a Local Union that has been chartered for less than two (2) years, but more than six (6) months prior to the date of election of delegates, it may elect members as delegates regardless of the length of their membership.

(d) Apprentices and Life Members are not eligible to serve as delegates.

(e) General Officers and General and Special Representatives shall automatically be delegates of their respective Local Unions to Regular and Special Conventions of this International Union. The Business Manager/Secretary-Treasurer of a District Council and the Business Manager of Local Unions that are not fully affiliated with a District Council shall also automatically be a delegate of his or her Local Union to Regular and Special Conventions of this International Union. In addition, the Director of Organizing, the Director of Servicing and the Director of Political Action of each District Council

shall be automatic, but non-voting, delegates. Local Unions will be entitled to their full quota of delegates as provided in Section 27, in addition to the foregoing delegates.

Sec. 29. Alternates to represent the Local Union in case of inability of the regular elected delegate, or delegates, to attend the session, shall be the member, or members, that receive the next highest number of votes at the election of delegates. Alternates must have the same qualifications as delegates.

Sec. 30. (a) Local Unions may combine to send a delegate, but the delegate must be a member of one of the Local Unions electing him or her and must bear a credential from each.

(b) Each delegate shall be entitled to one (1) vote and no proxy representation shall be allowed.

(c) Except as provided for in Section 33, the expenses of the delegates, or alternates, shall be defrayed by the Unions they respectively represent.

Sec. 31. Certification of election shall be made upon duplicate credentials, furnished by the General Secretary-Treasurer, be signed by the President and Recording Secretary and bear the Local Union seal. The copy shall be filed at once with the General Secretary-Treasurer; and the original shall be presented to the Credentials Committee by the delegate or an alternate.

Sec. 32. (a) At the time of nominations for General Convention delegates, the Financial Secretary shall review the eligibility of any candidate and make a report on each candidate at the nominating meeting.

(b) Any question on the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union.

(c) Any member who is ruled ineligible to be a delegate may appeal to the General President. If the presiding officer fails to rule on a question of eligibility, any member may appeal to the General President. To be considered timely the appeal must be

postmarked no later than seven (7) days following the nominating meeting. In reviewing eligibility questions, the General President shall examine all available and pertinent Local Union, District Council and International Union records. However, and notwithstanding Section 119 or any other provision of this Constitution, in the event of discrepancies the General President may place full reliance on the membership records on file at the General Office and his decision in that regard will be final and binding on all concerned.

(d) Any protest concerning the election of delegates may be presented to the General President. To be considered timely the protest must be postmarked no later than seven (7) days after the election.

Mileage, Hotel Room and Per Diem

Sec. 33. (a) The International Union shall pay mileage, at the rate of thirty cents per mile each way, of all delegates entitled to seats and attending the sessions of the General Convention. The applicable mileage rate shall be computed with reference to the shortest reasonable road or highway route between the city of the delegate's Local Union and the Convention city.

(b) The International Union shall pay to each delegate attending the General Convention the average cost of hotel room, as determined by the General Executive Board, from and including the night immediately preceding the opening of the Convention through the night of the day the Convention adjourns.

(c) All delegates entitled to seats and attending the sessions of the General Convention, other than the Director of Organizing, the Director of Servicing and the Director of Political Action of each District Council, shall be paid a per diem allowance of \$65.00 for each day the Convention is in session, up to a maximum of five days.

Sessions

Sec. 34. (a) During the sessions of the General Convention, only members of the International Union shall be admitted except by consent of the General President.

(b) A quorum for the transaction of business shall consist of a majority of the delegates attending the General Convention.

(c) The General Secretary-Treasurer shall keep a correct record of the proceedings of the General Convention, and shall have it printed daily during the session.

Committees

Sec. 35. (a) The General President shall appoint the following Committees: Laws and Constitution; Finance; Credentials; Rules; General President's Report; General Secretary-Treasurer's Report; Appeals; and Resolutions.

(b) The General President may appoint a sub-committee from among the members of any Committee named in sub-section (a) to perform such duties as the General President may desire.

(c) The General Executive Board is authorized to cause any Committee or sub-committee of any Committee to meet in advance of the General Convention, in the General Headquarters city or in the General Convention city, in preparation for the Convention.

Resolutions

Sec. 36. If a Local Union wants to propose to the General Convention any resolutions dealing with general subjects such as organization, building trades, health measures, shorter work day, or legislative enactment, the Local Union membership must vote on the proposal at a regular or special meeting. At least fifteen (15) days prior to the meeting, notice describing the resolution(s) to be proposed shall be given to the member-

ship. All resolutions that the membership votes to propose shall be in writing, shall bear the signature of the proper officers and the seal of the Local Union submitting same, and shall be mailed to the General Secretary-Treasurer postmarked at least forty-five (45) days before the convening of the General Convention. Any resolutions considered after that time must receive the consent of the Convention except resolutions submitted by the General Executive Board.

Appeals

Sec. 37. The General Convention shall consider appeals only from original jurisdiction or appellate decisions of the General Executive Board on charges against members, District Councils, Local Unions, state and provincial conferences or any other subordinate body of the International Union pursuant to Sections 281-311 of the General Constitution. No other rulings or decisions by the General President or the General Executive Board may be protested or appealed to a General Convention.

Order of Business

Sec. 38. The General Convention shall be governed by the following rule of order:

1. Call to Order.
2. "Pledge to the Flag" ("Canadian Salute").
3. Presenting Credentials.
4. Reporting of Committee on Credentials.
5. Roll Call.
6. Appointment of Committees.
7. Resolutions, Memorials and Petitions.
8. Reports of Officers.
9. Reports of Committees on Officers' Reports.
10. Reports of Committees.
11. Unfinished Business.

12. Election of Officers.
13. Installation of Officers.
14. New Business.
15. Adjournment.

GENERAL OFFICERS

Sec. 39. (a) The General Officers of this International Union shall consist of a General President, an Executive General Vice President, a General Secretary-Treasurer, and General Vice Presidents in such number as shall exist in accordance with Subsection (c).

(b) The General President shall have the authority to assign the General Vice Presidents to, and direct the General Vice Presidents in, all areas of responsibility. The General Vice Presidents shall represent and service our members in geographic regions in the United States and Canada, which shall be established, and may be changed from time to time, by the General President. Whenever practicable, the General Vice President assigned to represent and service United States members shall be a resident of the United States and the General Vice President assigned to represent and service Canadian members shall be a citizen of Canada.

(c) Between General Conventions, the General President shall have the authority to change, add to, or eliminate the General Vice Presidents' areas of responsibility, and reduce or increase the number of General Vice Presidents. If by such action the number of General Vice Presidents is reduced, the term of office of the affected General Vice President(s) shall end on the effective date set by the General President, notwithstanding the term of office provision of sub-section (i). If by such action the number of General Vice Presidents is increased, the General President shall appoint the additional General Vice President(s) to serve for the remainder of the normal five-year term.

(d) The General Officers shall be nominated and elected at large by the General Convention.

(e) If there are two (2) or more nominations for the office of General President, Executive General Vice President, or General Secretary-Treasurer the vote for such contested office shall be by roll call. The candidate receiving the highest number of votes shall be declared elected.

(f) If there are more nominations for the office of General Vice President than the number of General Vice President positions that exist pursuant to Subsection (c), a vote shall be held by roll call, and the nominees needed to fill the existing General Vice President positions receiving the highest number of votes shall be declared elected.

(g) In any roll call vote held pursuant to sub-sections (e) and (f), each delegate shall be entitled to one (1) vote as provided in Section 30(b). The roll shall be called by Local Unions. The vote of the delegates of each Local Union shall be announced by a spokesperson chosen by its delegation; except that if the accuracy of the announced vote of any Local Union is challenged by any member of its delegation the delegates of that Local Union shall be individually polled. The presiding officer shall appoint three (3) tellers who shall record the votes cast by the delegates from each Local Union and prepare and sign a report of the number of votes cast for each candidate.

(h) Any post-convention challenge to the election of General Officers must be in writing and must be mailed to the General President postmarked no later than seven (7) days following the last day of the Convention. Any appeal from the General President's ruling must be in writing and must be mailed to the General Executive Board, through the General Secretary-Treasurer, postmarked no later than seven (7) days following the date of the General President's ruling.

(i) The General Officers shall hold office for five (5) years, or until their successors are duly chosen and have qualified.

Their terms, unless to fill a vacancy, shall commence on the first Monday following thirty (30) days from the date of their election.

Sec. 40. Any member shall be eligible for nomination and election as a General Officer, if the member has been in continuous good standing for five (5) years previous to nomination, was employed, actively seeking employment, or unable to be employed or to seek employment due to disability, within our trades (or occupations) during the major portion of the 12 months immediately prior to the date of nomination, and is not otherwise disqualified by the provisions of this Constitution. The phrase “employed” shall be deemed to include full time employment as an officer, agent, or employee of the International Union, a District Council of the International, a Local Union or other subordinate body of the International, the AFL-CIO, or any of their departments, a State Federation of Labor, a Building Trades body or a central body recognized by the Local Union of which he or she is a member; or in any department of the local, state, provincial and/or territorial or Federal Government pertaining to labor. It shall not be necessary that a candidate be a delegate to the General Convention. For the purpose of this section, “full-time” shall have the same meaning as in Section 182 (j).

Sec. 41. The General President, Executive General Vice President, General Secretary-Treasurer and General Vice Presidents shall attend the General Convention and their expenses shall be paid out of the funds of the International Union.

Sec. 42. The incumbent General President, or a person designated by the General President, shall act as General Preceptor and install the elected officers.

Duties of General President

Sec. 43. (a) The General President shall be the principal executive and administrative officer of the International Union

and shall enforce all of its laws according to this Constitution and the policy established therein or by the General Executive Board. The General President shall have direction and supervision of all subordinate bodies and shall exercise day-to-day supervision over the affairs of the International Union, all to the end of obtaining compliance with laws and policies of the International as set forth in this Constitution.

(b) The General President shall preside at the General Convention and conduct the same in conformity with this Constitution; he or she shall have the deciding vote in case of a tie on any question voted on by the General Convention.

(c) The General President, or his or her designee, shall serve as a delegate of the International Union at the conventions or meetings of the American Federation of Labor-Congress of Industrial Organizations, the Building and Construction Trades Department, and other departments and organizations with which the International Union may be affiliated from time to time. The General President shall also appoint all other delegates to such departments and organizations, including those set forth in Section 44(d).

(d) Should the General President resign or be removed from office, unless instructed otherwise by the new General President, he/she shall immediately resign any and all elected or appointed offices held in the AFL-CIO or any organizations affiliated in any manner with the AFL-CIO or the IUPAT. Whether an organization is "affiliated" with the AFL-CIO or the IUPAT within the meaning of this paragraph shall be in the sole complete discretion of the new General President.

(e) The General President shall act to the best of his or her ability in furthering the interests of the organization.

Sec. 44. (a) The General President shall have the authority to appoint, and to discharge or otherwise discipline, all Representatives and Organizers. The General President also shall have the authority to establish their salaries, per diem and other al-

allowances, and change same from time to time, taking into account such considerations as their duties, location, and duration of assignment.

(b) Any member shall be eligible for appointment as a Representative if the member has been in continuous good standing for five (5) years previous to his or her appointment, has been employed, actively seeking employment, or unable to be employed or to seek employment due to disability, within our trades (or occupations) during the major portion of the 12 months immediately prior to the date of appointment, and is not otherwise disqualified by the provisions of this Constitution. The phrase "employed" shall be deemed to include employment as an officer, agent, or employee of the International Union, a District Council of the International Union, a Local Union or other subordinate body of the International, the AFL-CIO, or any of their departments, a State Federation of Labor, Building Trades body, or a central body recognized by a Local Union of which he or she is a member, or in any department of the local, state, provincial and/or territorial or Federal Government pertaining to labor.

(c) All Representatives and Organizers shall send weekly reports to the General President. The General President shall send a copy of each report to the appropriate General Vice President. Each report shall contain a clear and concise summary of the Representative's or Organizer's activities.

(d) The General President shall have the authority to appoint, and to remove or replace, delegates to the Conventions of the AFL-CIO and its Departments with which the International Union is affiliated.

(e) The General President shall have the authority to establish the salaries, per diem and other allowances, of auditors, delegates to conventions of the AFL-CIO, the Building Trades Department and other AFL-CIO Departments, delegates to Conventions of and members of all committees and members of

boards of trustees appointed by the General President or the General Executive Board, as provided in this Constitution. The General President also shall have the authority, to change such salaries, and per diem and other allowances, from time to time. In exercising this authority the General President shall take into account such considerations as the duties, location, and duration of assignment of the persons involved.

(f) All expenses shall be itemized upon the official forms supplied by the General Secretary-Treasurer, and shall be confined to the items appearing thereon. For any expenditures not covered by such items receipts must be submitted to the General Secretary-Treasurer along with the official form. Such expenditures will be considered for reimbursement in accordance with policies established by the General Executive Board.

(g) When the conduct of his/her office requires the General President to travel outside the Metropolitan area of Washington, DC, the General President is authorized, in his or her discretion, to have his/her spouse accompany him/her and the reasonable expenses of such spouse shall be paid by the International Union. The General President may also authorize, in appropriate circumstances, the General Officers or other employees of the International to have their spouses accompany them during the conduct of International Union business, at International Union expense.

Sec. 45. The General President shall employ such help as may be necessary to conduct the work of his or her office in a proper manner. The General President shall also be empowered to direct District Councils or Local Unions to assign Representatives in their employ to participate in special projects or assignments (e.g., organizing, educational, political action or other important campaigns) under the direction and supervision of the General President.

Sec. 46. (a) When any question arises respecting the construction or interpretation of this Constitution, the General

President shall, in the first instance decide any such question subject to the approval of the General Executive Board; the General President's interpretation and construction of the Constitution shall be accepted and binding upon all parties, subordinate bodies, officers and members of the International Union pending the approval or change of such interpretation or construction of the Constitution by the General Executive Board, and such approval or change by the General Executive Board shall be made at its next regular meeting following such interpretation or construction. If the General Executive Board takes no action in respect to such interpretation or construction at such meeting, the same shall be deemed approved by the General Executive Board.

(b) The General President shall preside at all sessions of the General Executive Board.

(c) The General President shall exercise a general supervision over the affairs of the International Union and of all subordinate bodies and perform such other duties as the Constitution may require, and report his or her acts and activities to the General Convention.

(d) The General President shall sign all charters and shall, in common with other General Officers, submit to the General Secretary-Treasurer a weekly itemized account of all monies expended by him or her on behalf of the International Union which, if in accordance with the General Constitution, shall be paid by the General Secretary-Treasurer.

(e) The General President shall have the authority to decide all grievances submitted to the General President by District Councils, Local Unions or subordinate bodies, subject to review by the General Executive Board.

(f) When the General President makes a decision or issues an order to a subordinate body or the officers or members thereof, the same shall be complied with until such decision or order is reviewed and reversed by the General Executive Board. Refusal

to obey such decision or order shall subject the offender to suspension of membership or suspension or revocation of charter or such other disciplinary action as may be deemed appropriate and proper, subject to the approval of the General Executive Board.

(g) Notwithstanding any other section of the General Constitution, the General President shall have the authority, with the approval of the General Executive Board, to order two (2) or more District Councils or Local Unions to merge or otherwise combine if, in his or her opinion, after proper investigation, such merger or combination is in the best interest of the International Union and its members. The General President may also decide the terms and conditions of any merger or combination when the District Councils or Local Unions involved cannot or do not agree. The General President also shall have the authority to transfer funds and other assets of the District Councils or Local Unions so merged or combined to the District Councils or Local Unions into which they merged or combined. Where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected District Councils and Local Unions, including their right to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office. The General President shall also have the authority, with the approval of the General Executive Board, to permit two (2) or more District Councils, Local Unions or other subordinate bodies to voluntarily consider a merger or other combination and to approve the appropriate procedure to be followed and the terms of any such voluntary merger.

(h) The General President, with the approval of the General Executive Board, shall have the authority to permit a District Council(s) or Local Union(s) to charge initiation fees and/or approve exceptions to the rules set forth in Sections 93 and 94.

(i) The General President shall establish a Scholarship Awards Program, to be known as the A.L. "Mike" Monroe and

Ralph D. Williams, III Sports Scholarship, in which scholarship grants shall be awarded annually in the amount of \$5,000 each to qualified children of active members, one such scholarship for each Region in the International Union. Subject to approval by the General Executive Board, the General President shall be empowered to establish rules and regulations governing the administration and awarding of such scholarship grants.

(j) The General President shall be empowered to establish a Scholarship Program, in which the children of qualified members shall be provided, each year, with a grant in the amount of \$5,000 to attend the George Meany Center National Labor College, such scholarship grants to be known as the International Union of Painters and Allied Trades Labor College Scholarship. Upon approval by the General Executive Board, the General President shall be empowered to determine the number of scholarship grants each year and the rules and regulations that shall apply to the administration and awarding of such scholarship grants.

Sec. 47. (a) The General President shall be empowered to demand and take possession of and examine the books and records of any District Council, Local Union or other subordinate body or the dues books or official receipts of members and to delegate such power to any General Officer, General Representative, Auditor and other duly accredited representative. The General President may appoint auditors whenever necessary and should the General President or they discover any discrepancies, errors or misconduct, the General President may suspend the officers, representatives or employees of the District Councils, Local Unions or other subordinate bodies and appoint others to fill the vacancies, pending a complete investigation.

(b) The General President shall have authority to visit any locality for the purpose of investigating and adjusting strikes, lockouts, grievances and difficulties that may arise between

Unions and individual members or between Unions and employers.

(c) The General President shall have power to suspend or revoke the charter of any District Council, Local Union or other subordinate body for any violation of the Constitution or laws of the International, in accordance with the provisions of Sections 281-311. If in the opinion of the General President the rights and interests of the members of the subordinate body or of the International are likely to be placed in jeopardy unless immediate action is taken, the General President may suspend or revoke the charter of a subordinate body prior to the institution of proceedings under Sections 281-311; and in such cases said proceedings will be instituted within a reasonable period of time following the suspension or revocation of charter.

(d) The General President shall have authority whenever he or she deems it necessary to protect or advance the interests of a District Council or Local Union and the International, or to organize and protect its jurisdiction, to require the District Council or Local Union to employ a sufficient number of representatives to cover the jurisdiction or territory involved.

(e) When in the General President's judgment a District Council or Local Union does not organize or protect its jurisdiction or territory, the General President may suspend or revoke its charter, and a new District Council or Local Union may be established, or the jurisdiction or territory be awarded to another District Council or Local Union.

(f) The General President shall, in addition to all other duties and responsibilities set forth in the General Constitution, serve as the Director of Organizing for the International Union.

Sec. 48. The salary of the General President shall be \$301,762.52 per year, and he or she shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board. The General President shall also be allowed a yearly Contingent Fund

for extra expenses in such amount as may be determined by the General Executive Board, not to exceed the sum of \$10,000.00 per annum. At the meeting of the General Executive Board for each quarter, the General President shall submit a report of his/her contingency expenses for approval. The amount of the expenses approved shall be recorded in the official proceedings of the General Executive Board meeting.

Authority of the General President to Appoint Special Trustees

Sec. 49. (a) The General President, with or without a hearing, but after investigation, shall have the power, with the approval of the General Executive Board, to appoint a Special Trustee to take immediate charge and control of a District Council or Local Union and its affairs for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of the International Union.

(b) Immediately upon appointment of such Special Trustee, the functions of all officers and employees shall terminate and such functions shall pass to the Special Trustee. The Special Trustee may, thereupon, suspend or remove any officer or employee without pay and appoint temporary officers, or employees in their place, who shall act under the Special Trustee during the term of such trusteeship. The Special Trustee shall take such other action as, in his or her judgment is necessary for the preservation of the District Council or Local Union and the rights and interests of its members.

(c) The Special Trustee shall report, from time to time, on the affairs and progress of the District Council or Local Union to the General President. The Special Trustee's acts shall be

subject to the supervision of the General President, who shall have power at any time to remove such trustee and replace him or her with a successor trustee. The General President shall also have the authority to establish the Special Trustee's salary, per diem, and other allowances, and change same from time to time. If in the judgment of the General President the subordinate body under trusteeship has the financial ability to pay all or a portion of the salary and expenses of the Special Trustee, the General President may so direct.

(d) Temporary officers must be members in good standing of the Local Union (or, in the case of a District Council, a Local Union affiliated with the District Council). Temporary financial officers must give bonds for the faithful discharge of their duties, satisfactory to the General President, and such bonds shall not be in a sum less than the amount of money the temporary officers are likely to handle.

(e) The Special Trustee shall take possession of all the funds, books, papers and other property of the District Council or Local Union and tender a receipt for same. The Special Trustee shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient, he or she shall settle the most worthy claims, as his or her judgment dictates, unless otherwise provided for in this Constitution. When the Special Trustee recommends self-government be restored and such recommendation is approved by the General President, the Special Trustee shall return all funds, books, papers and other property to the District Council or Local Union. If, however, the charter of the District Council or Local Union is suspended or revoked, then any balance remaining to the credit of the District Council or Local Union shall be forwarded to the General Secretary-Treasurer, who shall hold it in trust for the purpose of reorganization. If such District Council or Local Union is not reorganized within a period of two (2) years, then all funds, assets and properties shall revert to the International Union.

(f) A Special Trusteeship shall operate for one (1) year, but may be continued by order of the General President, with the approval of the General Executive Board for another year, whereupon it shall terminate and cannot be renewed.

(g) Upon the appointment of a Special Trustee, as provided in this section, in cases where no prior hearing has been held, the General President shall notify the officers of the District Council or Local Union that a hearing will be held which will be presided over by a representative appointed by the General President, acting as the Hearing Officer. The notice may be given by the General President or the General President's representative by telegram, mail, facsimile or telephone and shall be given at least five (5) days prior to the time fixed for the hearing. The General President or his or her representative shall fix the time and place of the holding of said hearing, which shall be within 30 days of the appointment of a Special Trustee. At such hearing, interested parties may be heard on the subject of continuing the Special Trusteeship. To assure decorum and order, the General President may limit the size of the group participating in the hearing at any one time, but in no event will any member of the District Council or Local Union involved be denied admittance except for unbecoming conduct. The Hearing Officer shall, either orally or in writing, report back to the General President as to what transpired at such hearing, and the General President shall be the sole judge as to whether or not the affairs of the District Council or Local Union should continue under trusteeship. If the General President is of the opinion that the affairs of the District Council or Local Union should continue under trusteeship, the General President shall make such decision and notify the Special Trustee and, thereupon, the trustee shall continue to act in accordance with the powers defined in this section. If, upon such hearing, the General President is satisfied that the management of the affairs of the District Council or Local Union do not re-

quire the continuance of the Special Trusteeship, he or she shall so decide and the District Council or Local Union and its officers or employees (if their term shall not have expired) shall revert to their former status and continue to operate without trusteeship. In any case where a hearing is held prior to the appointment of a Special Trustee, then the procedures specified in this section shall be followed except that hearing may be held at any time upon fifteen (15) days' notice to the District Council or Local Union.

(h) The determination of the General President following the hearing as provided in Subsection (g) of this section may be appealed by majority vote of the members, present and voting, of the District Council or Local Union involved to the next meeting of the General Executive Board. In addition, or in the alternative, any District Council or Local Union over which a trusteeship has been placed may, after a period of not less than six (6) months following the decision of the General President, under Subsection (g) of this section, following a request for restoration of self-government, duly voted at a membership meeting, petition for restoration of self-government and upon receipt of such petition the General President shall hold another hearing in the same manner as the hearing provided for in said Subsection (g). If after such hearing the trusteeship is continued, successive petitions for restoration of self-government can be filed and must be acted upon, provided, however, that no such petition shall be presented at intervals of less than six (6) months. The General President shall have the power to remove the trusteeship at any time.

(i) Neither the authority contained in this section nor the actual exercise thereof shall in any way increase, enlarge or alter the International Union's liability or obligation, if any, for the debts or activities of any affiliated bodies or their officers or representatives. The International Union shall not be liable or responsible for the acts or conduct of a trustee District Coun-

cil or Local Union or its agents unless such acts or conduct were directed, authorized or ratified by the General President or the Special Trustee. Any debt or obligation of the trustee District Council or Local Union, whether arising before, during, or after the period of trusteeship, must be satisfied from the funds of the District Council or Local Union only, and may not be claimed against International Union's funds unless it was incurred as a result of conduct undertaken by or at the direction of the Special Trustee during the period of trusteeship which would not have ordinarily been undertaken by the District Council or Local Union in the absence of the trusteeship.

(j) This section and the authority therein conferred on the General President shall apply with equal force and effect to all subordinate bodies of the International Union.

Duties of Executive General Vice President

Sec. 50. (a) The Executive General Vice President shall assist the General President in carrying out his or her executive and administrative functions as set forth in Sections 43 through 49 of the General Constitution. The General President may direct or delegate to the Executive General Vice President the authority to act for the General President whenever the General President deems it necessary or proper to do so.

(b) The Executive General Vice President shall be under the supervision and direction of the General President and shall perform any and all work assigned by the General President.

(c) The salary of the Executive General Vice President shall be set and maintained at seventy-five percent (75%) of the General President's salary, and he or she shall be allowed such amount for allowances and expenses, as are permitted under policies established by the General Executive Board. He or she shall also be allowed a yearly Contingent Fund for extra expenses in such amount as may be determined by the General

Executive Board, not to exceed the sum of \$3,000.00 per annum. At the meeting of the General Executive Board for each quarter, the Executive General Vice President shall submit a report of his or her contingency expenses for approval. The amount of expenses approved shall be recorded in the official proceedings of the General Executive Board meeting.

Duties of General Vice Presidents

Sec. 51. The General Vice Presidents shall assist the General President in carrying out his or her executive and administrative functions as set forth in Sections 43 through 49 of the General Constitution. The General Vice Presidents shall be under the supervision and direction of the General President and shall perform any and all work assigned by the General President.

Sec. 52. General Vice Presidents shall submit reports to the General President, at such intervals and containing such information, as may be required by the General President.

Sec. 53. The salaries of General Vice Presidents shall be set and maintained at sixty percent (60%) of the General President's salary, and they shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board.

Duties of General Secretary-Treasurer

Sec. 54. (a) The General Secretary-Treasurer shall conduct all correspondence between his or her Office and District Councils, Local Unions or other subordinate bodies, and receive all monies due from District Councils, Local Unions or other subordinate bodies, giving his or her receipt therefore. The General Secretary-Treasurer shall receive and account for revenues of the International Union as set forth in Section 16.

(b) The General Secretary-Treasurer shall preserve all-important documents, papers, accounts, letters received and

copies of all letters written by him or her on business of the International Union, as convenience of files and space will permit. The General Secretary-Treasurer shall retain records on file for the individual members for determining their standing over the period of their membership or part thereof.

(c) The General Secretary-Treasurer shall have charge of the seal of the International Union and affix it to all official documents.

(d) The General Secretary-Treasurer shall receive all applications for charters, sign and grant the same, when authorized by the General Executive Board.

Sec. 55. (a) The General Secretary-Treasurer shall keep accurate records of all International financial transactions and shall pay all lawful bills within the authority of this Constitution.

(b) The General Secretary-Treasurer shall establish and maintain an appropriate recordkeeping system which shall show the age, date of initiation, suspension or expulsion of members and all other information necessary for keeping a complete record of the entire membership.

(c) The General Secretary-Treasurer shall be authorized with the approval of the General Executive Board to modernize the accounting system of the International Union and to prescribe uniform or specific accounting, recordkeeping and financial and membership activity reporting systems and practices for District Councils, Local Unions and other subordinate bodies of the International Union. Whenever any such system or practice has been prescribed and approved, District Councils, Local Unions and other subordinate bodies of the International shall be obliged to adopt and utilize the same. Such system or practice may include, but not be limited to, a requirement that all dues and/or other receipts of a Local Union be paid directly to a District Council (so as to subject such funds to the stricter auditing procedures of a District Council) thereafter, allocating to

the Local Union its share of such funds. Such system or practice may also include any requirement, deemed reasonable by the General Secretary-Treasurer and the General Executive Board, designed to improve the accuracy of the financial records and reports of a subordinate body or the accountability of its officers and such system may, to the extent deemed necessary by the General Executive Board, modify or eliminate responsibilities assigned to Local Union officers under Sections 157-175 of the General Constitution.

Sec. 56. The General Secretary-Treasurer shall receive all communications for the General Executive Board and shall submit to the General Executive Board, for interpretation, all points of law arising under the jurisdiction of the International Union and all grievances and appeals forwarded to him or her, unless otherwise provided in this Constitution.

Sec. 57. (a) With all calls issued to the Local Unions for referendum votes the General Secretary-Treasurer shall forward envelopes properly addressed, for mailing returns to the General Office. The envelope shall be gummed or provided with some other device for sealing and the General Secretary-Treasurer shall see that they are not opened before they are placed in charge of the canvassing committee.

(b) The General Secretary-Treasurer shall give a correct return of the votes cast on all questions submitted to the referendum.

Sec. 58. The General Secretary-Treasurer shall have full charge and management of the Union Label of the International Union and have it registered in the several states and in Canada and shall see that it is properly advertised and introduced to the trade union movement. The General Secretary-Treasurer shall prosecute all parties for violation of the registration laws governing the label.

Sec. 59. (a) The General Secretary-Treasurer shall have supervision over all staff and personnel employed by him or her,

and shall manage and operate any building, space, or premises occupied by the International Union, except as otherwise provided in this Constitution.

(b) The General Secretary-Treasurer shall employ such help as may be necessary to conduct the work of his or her office in a proper manner.

(c) The General Secretary-Treasurer shall deposit all revenue received in banks designated by the General Executive Board. The General Secretary-Treasurer shall be empowered in conformity with Section 19 of the Constitution, with the approval of the General Executive Board, to invest the surplus funds of this International Union; and to manage, change, exchange and sell such investments and to make the required reinvestments to properly protect the funds of this International Union.

Sec. 60. The General Secretary-Treasurer shall be bonded in the amount and in the manner required by law; but for not less than \$100,000.00. Should the funds in the hands of the General Secretary-Treasurer at any time exceed the amount for which the General Secretary-Treasurer is bonded, the General Executive Board shall have the bond raised to an amount sufficient to thoroughly protect the funds of the International.

Sec. 61. The salary of the General Secretary-Treasurer shall be set and maintained at seventy-five percent (75%) of the General President's salary, and he or she shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board. He or she shall also be allowed a yearly Contingent Fund for extra expenses in such amount as may be determined by the General Executive Board, not to exceed the sum of \$3,000.00 per annum. At the meeting of the General Executive Board for each quarter, the General Secretary-Treasurer shall submit a report of his or her contingency expenses for approval. The amount of the expenses approved shall be recorded in the official proceedings of the General Executive Board meeting.

GENERAL EXECUTIVE BOARD

Sec. 62. (a) The General Executive Board shall be composed of the General President, the Executive General Vice President, the General Secretary-Treasurer and the General Vice Presidents, who shall meet quarterly or when specially convened by the General President. The Executive General Vice President shall act as a Recording Secretary.

(b) The General Executive Board shall have governing authority over the International Union and its subordinate bodies when not in convention session to the end of upholding the laws and policies of the International Union as expressed in this Constitution. The General Executive Board shall have the power to supervise all business and financial affairs of the International Union and to authorize all expenditures deemed necessary to effectuate or accomplish the objectives of this International or for its benefit.

Sec. 63. In all matters requiring action by the General Executive Board, at any time when the General Executive Board is not in formal session, the General Executive Board may act by telegram, letter, facsimile or long-distance telephone. Such action so taken by the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board was in formal session.

Sec. 64. All correspondence for the General Executive Board shall be acknowledged and prepared by the General Secretary-Treasurer for submission to the General Executive Board. Its decisions shall be submitted to the General Secretary-Treasurer, who shall notify parties interested.

Sec. 65. (a) The General Executive Board shall decide all points of law arising under the jurisdiction of the International Union and also all grievances and appeals, unless otherwise provided in this Constitution; their decisions shall be in force and effect unless reversed in accordance with the procedure set forth in this Constitution.

(b) In the event of the enactment of any federal or provincial law or valid regulation, or judicial or administrative agency decision, which is in conflict with or inconsistent with or contrary to any provisions of this Constitution and the General Executive Board is so advised by competent legal counsel, then the General Executive Board is authorized, upon advice of counsel, to make such change or clarification in or amendment to any provisions of this Constitution which is necessary in order to conform to the law, regulation or decision, but only to the extent necessary to obtain compliance with and conformity to such law, regulation or decision.

Sec. 66. (a) The General Executive Board shall have the power to extend existing industrial and manufacturing contracts to cover new or related unorganized plants and to act in all such matters or emergencies that may arise in our efforts to promote and protect our jurisdictional and organizing rights.

(b) The General Executive Board is empowered to enter into Agreements, which, in its judgment, are in the best interests of the membership of our International Union. Notwithstanding Section 255(b), no ratification vote shall be required in the case of any agreement referred to in this Section 66(b), or any agreement initiated and approved by the International Union, or to which the International is a party, that may require District Council or Local Union signature and implementation. Further, it shall not be necessary to apply Section 243 to any agreement referred to in this Section.

Sec. 67. The General Executive Board shall have the authority to examine the books and accounts of District Councils, Local Unions and subordinate bodies and shall instruct financial secretaries in the proper method of keeping their books and preparing their monthly reports. The General Executive Board may deputize any member or officer to act for it in performing this function. Such examination may be made at the place most convenient to the General Executive Board or its deputy and, for

that purpose, the books and records may be taken into possession by the Board or its deputy, upon giving receipt therefore.

Sec. 68. The General Executive Board shall have the authority to order the immediate removal, pending investigation, of financial officers of subordinate bodies who are neglectful, inefficient or incompetent in the performance of their duties.

When the General Executive Board is not in formal session and prompt action is necessary, the General President is authorized to perform this duty with the right of appeal to the General Executive Board. Pending such appeal, the decision of the General President shall remain in full force and effect. When these functions are exercised by the General Executive Board or the General President, they shall be authorized to delegate the performance of these functions to a General Vice President. If, upon investigation, the General Executive Board is of the opinion that good cause exists for the permanent removal of such officer, he or she shall be presented with formal charges and accorded a hearing in accordance with the procedure provided for in the sections dealing with "Charges, Trials, Appeals and Disciplinary Action."

Sec. 69. (a) The General Executive Board shall prepare the bond of the General Secretary-Treasurer, and hold it in trust for the International Union, and perform such other duties as are provided in this Constitution.

(b) The General Executive Board shall have plenary authority to adopt benefit plans and allowances for officers and employees of the IUPAT, provided that such benefits and allowances are at least equal to any benefit or allowance specifically provided for in the Constitution.

Sec. 70. (a) The General Executive Board may, in its sole and complete discretion, direct or authorize the issuance of charters for the establishment of subordinate bodies (including Conferences and Ladies' Auxiliaries), when it deems such action to be in the best interest of the International Union; and no

charter shall be issued in the jurisdiction of this International Union in the absence of such direction or authorization by the General Executive Board.

(b) The General Executive Board shall have authority to designate or amend the territorial jurisdiction of District Councils, Local Unions and other subordinate bodies.

(c) The General Executive Board shall have authority, between Conventions, to establish new units, divisions or classifications of membership and, in its discretion, establish appropriate per capita amounts applicable to members in such units, divisions or classifications. The General Executive Board shall also have the authority to approve exceptions to the rules set forth in Sections 93 and 94.

(d) The General Executive Board shall have authority, with the agreement of a District Council Business Manager/Secretary-Treasurer, to limit the number of elected Business representatives in any District Council. Such action shall be taken only after taking into account the financial resources of the District Council, the ability of the District Council to support elected Business Representatives either Council wide or in specific Local Unions or crafts that may have designated Business Representatives elected from their ranks, the recent growth or contraction of District Council membership as a whole or within specific Local Unions or crafts, and the overall effectiveness of the current structure of the District Council in achieving the goals and furthering the policies of the International Union. Should the Business Manager/Secretary-Treasurer not agree, the General Executive Board may nonetheless limit the number of elected Business Representatives in a particular District Council if it unanimously finds that such action is necessary in order for the District Council to effectively represent all its members in collective bargaining and contract administration, to effectively organize and to effectively accomplish the goals of this International.

Sec. 71. The orders and decisions of the General Executive Board between Conventions are supreme. Officers of subordinate bodies must obey them and faithfully carry them out; any action by an officer of a subordinate body contrary to such decisions and orders, whether such contrary action consists in the making of a motion, the entertaining of such motion or aiding and abetting in the making or entertaining of such motion, shall constitute a violation of this section. The General Executive Board shall be authorized to suspend, immediately, such offending officer of such subordinate body; following such suspension the offending officer shall be accorded a hearing as provided for in the sections dealing with “Charges, Trials, Appeals and Disciplinary Action” and, if found guilty, shall be disciplined as therein provided.

Vacancies—General Officers

Sec. 72. When, through any cause other than by the operation of Section 39(c), a vacancy occurs among the General Officers, the General Executive Board shall, as soon as practicable but not more than 90 days from the time the vacancy occurs, appoint a member qualified to serve as a General Officer, to fill such vacancy pending the next General Convention.

Litigation

Sec. 73. The International Union is authorized to pay all the expenses for investigating services, employment of all counsel and other necessary expenditures in any cause, matter, case or cases where a General Officer or International Union representative, employee, or agent is charged with any violation or violations of any law or is sued in any civil action or actions (1) if a majority of the General Executive Board in its sole discretion determines that said charges or law suits are (a) unfounded, (b)

are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officers or representative, or (2) if a majority of the General Executive Board in its sole discretion determines for any other reason that the expenditures should be made in the best interests of the Union and its membership.

SALARIES AND EXPENSES

Sec. 74. (a) General Officers shall be paid a \$100.00 per diem allowance, reimbursement for actual cost of reasonable hotel room when out of town overnight, postage and communication expenses, and reimbursement for reasonable transportation expenses or car mileage at the rate of thirty cents (\$0.30) per mile; provided that in lieu of car mileage the General Executive Board may authorize the purchase or rental of an automobile for the use of each General Officer and the payment of all reasonable expenses incurred in the normal operation of such automobile.

(b) All expenses shall be itemized upon the official forms supplied by the General Secretary-Treasurer, and shall be confined to the items appearing thereon. For any expenditure not covered by such items receipts must be submitted to the General Secretary-Treasurer along with the official form. Such expenditures will be considered for reimbursement in accordance with policies established by the General Executive Board.

(c) All salaries set forth in Sections 48, 50, 53, and 61 of the General Constitution shall be automatically increased each year, beginning in 1971, by a percentage equal to the percent increase in the cost of living during each preceding calendar year, as determined by the cost-of-living index (The Consumer Price Index, All Items) issued by the U.S. Bureau of Labor Statistics. As soon as possible after the issuance of the applicable Consumer Price Index, the auditing committee elected pursuant

to Section 22(a) of the General Constitution shall certify to the General Secretary-Treasurer the amount of salary increase to be implemented in accordance with the foregoing formula. The salary increase shall be effective, each year beginning in 1971, upon certification of the percentage rate by the auditing committee and paid retroactive to January 1st of each year. The General Executive Board is authorized to eliminate or defer any cost-of-living adjustment that would otherwise be payable under this subsection when in its judgment such action is needed to assure the financial stability of the International Union.

SUPPLIES

Sec. 75. (a) All Constitutions, cards, emblems, buttons, books, forms and other supplies shall be furnished by the General Secretary-Treasurer, per order of the Financial Secretary of any Local Union in good standing, at the prices quoted in the official price list.

(b) Emblems of the International Union shall be sold to members only.

THE PAINTERS AND ALLIED TRADES JOURNAL

Sec. 76. The General Secretary-Treasurer, with the approval of the General Executive Board, shall secure by negotiation the most advantageous contract(s) available for the printing of the "Painters and Allied Trades Journal" and all standard forms, books and printed matter utilized by the International Union.

Sec. 77. The General Secretary-Treasurer shall mail the "Painters and Allied Trades Journal" only to those members who have a correct mailing address on file with the International Union. These addresses shall be furnished by the Local Union Financial Secretary or by the member to the General

Secretary-Treasurer and to the Business Manager/Secretary Treasurer of the District Council.

Sec. 78. The General Secretary-Treasurer shall publish in the “Painters and Allied Trades Journal” the following:

(a) A statement of the financial activities of the International, including the total monies received and expended by him or her during the reporting period.

(b) The report of the Auditing Committee and the independent certified public accountant as required by Sec. 23(b);

(c) Any decision, resolution or notice that the General Executive Board, in its discretion, designates for publication in the Journal;

(d) Any decision, resolution or notice that the General President, in his or her discretion, designates for publication in the Journal;

(e) Proposed amendments to the General Constitution if received timely and in conformity with the provisions set forth in Sec. 80;

(f) Proposed amendments to the General Constitution submitted in accordance with the provisions set forth in Sec. 81;

(g) All other articles, notices or communications as may be authorized by the General President or the General Executive Board.

Sec. 79. The Painters and Allied Trades Journal may contain advertising, as approved by the General President.

PROVISIONS FOR THE AMENDMENT OF THE CONSTITUTION

Sec. 80. This Constitution, and the Local Union rules contained therein, may be amended or altered at the regular session of the General Convention by a majority vote of the delegates present. Laws so adopted shall become effective on January 1st following, unless otherwise designated. If a Local Union wants

to propose an amendment to the General Convention, its membership must vote on the proposal at a regular or special meeting. At least 15 days prior to the meeting, notice describing the amendment to be proposed shall be given to the membership. All amendments that the membership votes to propose shall be in writing, shall bear the signature of the proper officers and the seal of the Local Union submitting same, shall be mailed to the General Secretary-Treasurer postmarked at least 45 days before the convening of the General Convention, and if received timely shall be published in the official Journal of the month preceding the General Convention; provided, however, that the General Executive Board may present amendments for adoption by the General Convention at any time when the General Convention is in session.

Sec. 81. Should the General Executive Board deem a law necessary to govern the International Union in a matter not provided for in this Constitution, or that an existing law should be amended, they may recommend the insertion of a new section or amendment to be voted on by referendum, provided the proposed change is endorsed by ten percent (10%) of the International's Local Unions representing at least five (5) different states or provinces and each of the different geographic regions established pursuant to Section 39 (b). Should a majority of the members voting support the amendment it shall become law.

Sec. 82. (a) Any action to be taken by a Local Union to endorse an amendment under Section 81 must be by membership vote in a special meeting upon specific notice of the matter to be voted on. Any such action must be communicated to the General Secretary-Treasurer by each respective Local Union taking such action by means of a letter bearing the signatures of the Recording Secretary and one other officer specified in Section 152 and bearing the stamped or metal impression seal of the Local Union.

(b) Local Union endorsements under Section 81 must be on file with the General Secretary-Treasurer within six (6) months

from the date the proposal is first published in the official Journal.

(c) All voting returns must be submitted to the General Secretary-Treasurer within 60 days following submission of the proposal to a referendum vote.

(d) Amendments shall be submitted to a referendum vote by the General Secretary-Treasurer only in January and July of any given calendar year.

Sec. 83. (a) Any referendum under Section 81 must be voted upon in the following manner and no other method can be substituted for same.

(b) The vote must be conducted by each separate Local Union at a separate meeting of the Local Union and among the members of each separate Local Union. The vote shall be by secret ballot and shall be held at a special meeting of the Local Union. The Financial Secretary of the Local Union is required to send out special notices to each member of the Local Union, advising the member of the day, time and place where the special meeting will be held and that such meeting is being called for the purpose of voting on a question submitted to a referendum. A vote conducted by a combination of Local Unions or groups or in any other manner than above specified, shall be null and void, and all of the votes cast by such groups or combinations of Local Unions shall be thrown out and not counted.

Merger, Joinder, Affiliation, Consolidation, Amalgamation and/or Restructuring with Another Labor Organization

Sec. 84. Notwithstanding the provisions set forth in Sections 80-83, or any other provision set forth in the General Constitution, this Constitution, and the rules contained therein, may be amended for the purpose of approving and/or implementing an agreement by and between the International Union and another

labor organization(s), which agreement provides for the merger, joinder, affiliation, consolidation, amalgamation and/or restructuring of such labor organizations under a new or amended Constitution, by means of the following procedure:

(a) The proposed agreement must be set forth in writing and be approved by the General President; and

(b) The General President must submit a written report to the General Executive Board stating his or her reasons in support of the proposed agreement. Upon such submission, the General Executive Board shall consider the proposed agreement and approve, or disapprove, the agreement. A vote to approve the proposed agreement must be carried by a majority vote of the members of the General Executive Board; and

(c) Upon approval by the General Executive Board, the proposed agreement shall be submitted to a specially commissioned Membership Advisory Board. The Membership Advisory Board shall be comprised of (1) the active, full-time principal officer of each District Council in the International; and (2) the full-time Business Manager (or other principal officer) of each Local Union that is not affiliated with a District Council. Each member of the Membership Advisory Board shall have one (1) vote. A vote to approve the proposed agreement must be carried by a majority vote of the members of the Membership Advisory Board.

(d) In the event an agreement by and between the International Union and another labor organization involving merger, joinder, affiliation, consolidation, amalgamation and/or restructuring or combining of such labor organizations under a new or amended Constitution is approved in accordance with the procedures set forth in Subsections (a), (b) and (c) above, the agreement shall be construed as adopted and binding on the International Union, its subordinate bodies and members. In such event, the General Constitution shall be construed as amended, altered or modified so as to conform to the requirements set forth in such agreement

and a General or Special Convention of the International Union, or other special processes for amendment of the General Constitution as may be set forth in Sections 80-83 shall not be required in order to give effect to such agreement or the amendments to the General Constitution that may necessarily result from the implementation or approval of such agreement.

(e) The provisions set forth in Subsections (a)-(d) above shall apply only in circumstances in which, in order to approve or implement a proposed merger, joinder, affiliation, consolidation, amalgamation and/or restructuring or combining of such labor organizations, the General Constitution of the International Union must be amended. Nothing contained in this Section shall be construed, in any manner, as a limitation or prohibition on the existing powers of the General Executive Board and/or the General President to approve agreements by and between the International Union and other labor organizations where such agreements do not require the amendment or revision of the General Constitution, including agreements in which the International Union absorbs or admits the membership of another organization under the terms of this Constitution.

MEMBERSHIP

Admission to Membership

Sec. 85. (a) An applicant for membership in this International Union (including apprentices) shall be admitted into membership upon signing an official application blank and paying such amounts as may be required by provisions in the General Constitution and the approved bylaws. A member/candidate shall have no more than forty-five (45) days [thirty (30) days for industrial members] from the date of signing the application blank to make full payment of the appropriate fees) and be formally initiated, unless excused from this provision by application of other provisions in the General Constitution.

(b) If complete and full payment of the appropriate fee(s) is not made as provided in Section 85(a) or if it is discovered that the applicant has made false statements or is unable to qualify as a member, the membership shall be revoked and the paid fees forfeited.

(c) Until the appropriate fee(s) is paid in full and the member is formally initiated, the member shall not be entitled to vote for any office or position nor to run for or hold any office or position in the International Union. Such member shall have all other rights and privileges and be amenable to all the laws and obligations of this International Union.

(d) Starting with the month of admittance, the member shall pay all dues and assessments (but the member shall be given credit for any advance dues payment paid pursuant to Section 93), and the Local Union shall pay per capita tax to the International Union. Where District Councils manage applications and collect Administrative Processing fees and dues from applicants while paying on applications, then such District Councils will pay the per capita tax on the applicants in accordance with procedures as established and made known by the General Secretary-Treasurer until such time as the applicant is assigned to a Local Union and initiated.

(e) All District Councils and Local Unions not affiliated with a District Council shall establish a new member orientation program. All new members of a District Council or Local Union must attend a new member orientation class offered by the District Council or Local Union within 90 days of being initiated. Such class should be offered periodically by the District Council or Local Union and should include, but not be limited to presentation of the health insurance summary plan description, pension summary plan description, bylaws, collective bargaining agreements, COMET class and information on union meetings and officers.

Sec. 86. (a) Any person to be admitted to membership in one

of the apprenticeable crafts of this International Union must have followed one of the branches of the trade for at least three (3) years as enumerated in this Constitution and (except as provided in Section 95) be competent to command the minimum rate of wages established by the District Council or Local Union of the district in which he or she applies for membership.

(b) Applicants working in an allied trade shall make application to the District Council or, when a District Council does not exist in the area, to a Local Union of that branch of the business in which they are employed. No member shall at any given time belong to more than one (1) Local Union of our International Union.

(c) No member who has been expelled by any Local Union of this International Union shall be eligible to membership in any Local Union, except upon the written permission of the General Executive Board.

(d) If any applicant should be admitted into membership although not eligible under this section, then such person is subject to expulsion following a hearing in which it is determined that such person was not eligible to membership at the time he or she obtained the same. Such hearing may be held as provided for in Sections 281-311, inclusive, of this Constitution.

(e) When admitted into membership the member shall see that a beneficiary card or the beneficiary page of the member's dues book is fully filled out and the member's beneficiary is designated. This procedure must also be followed when securing future dues books, changing a beneficiary, or changing Local Unions.

Examining Boards

Sec. 87. All new applicants for membership in any IUPAT District Council and or Local Union may be evaluated as to

their Crafts skills within 45 days of their application or Clearance Card being filed with the District Council or Local Union.

These skills evaluations will be provided by the recognized training entity affiliated with the District Council or Local Union. Those who demonstrate their skills shall be given either a journeyman or apprentice Classification.

Those failing or unwilling to demonstrate to the recognized training entity their skills, shall automatically be classified as an apprentice and will be subject to all rules and regulations of that training program.

Sec. 88. If the Administrative Processing Fee (APF) required by Sections 93 and 94 has been paid, the member/candidate may be formally initiated, following reasonable notice, at any meeting. If not present, the Recording Secretary shall give him or her reasonable notice and instruct him or her to appear at the next meeting. Should the member/candidate fail to appear for initiation at such meeting without giving good excuse therefore, the APF shall be forfeited. Any person making a partial payment to apply upon his or her APF and failing to pay the balance due within forty-five (45) days [thirty (30) days for industrial members] shall forfeit the money paid.

Sec. 89. (a) Membership in Dual Organizations: No person shall be eligible to become or remain a member in this International Union who is a member of or lends support to or is associated with any dual labor organization or other organization which undertakes to exercise duties and functions similar to those exercised by this International Union or its subordinate bodies or which claims jurisdiction in whole or in part over matters which are within the jurisdiction of this International Union, provided, however, that the General Executive Board may waive the foregoing provisions in exceptional cases.

(b) Subversive Activities Bar to Membership: No person shall be eligible to become or remain a member of this Interna-

tional Union who is a member of or associates himself or herself with, or lends support to, any organization or group that expounds or promotes any doctrine or philosophy inimical to or subversive of the fundamental principles and institutions of the AFL-CIO or of this International Union, or who himself or herself expounds, promotes or advocates any such doctrine or philosophy. Such person shall, upon the preferring of charges, be granted a hearing by the Local Union if no District Council exists, otherwise by the District Council, and, if found guilty, shall be disciplined in the manner provided for in this Constitution.

(c) It shall be the duty of the District Councils and Local Unions to exercise diligence in carrying out the foregoing sections of the Constitution; if the General President or the General Executive Board is of the opinion that the District Council and the Local Union is not doing so, the General President or the General Executive Board may proceed to exercise original jurisdiction in any case, or the General President or the General Executive Board may transfer and remove any case from the District Council or the Local Union to the General President or the General Executive Board for action, and the General President or the General Executive Board may do so before trial, during trial or after trial. When the General President or the General Executive Board directs such transfer, the jurisdiction of the District Council or the Local Union shall cease.

Transfer from Foreign Unions

Sec. 90. (a) Members of unions of our trades, crafts or employee units from foreign countries, who carry cards showing them to have been at least five (5) years in continuous good standing, who have properly cleared out from such foreign unions and report within 90 days after entry into this country, may be initiated in any Local Union of the International on

payment of the APF, which shall be credited in the usual manner.

(b) An active propaganda in favor of naturalization shall be carried on by District Councils, Local Unions and members of said Unions shall be urged to become citizens.

Admission of Contractors or Employers

Sec. 91. A contractor or employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the NLRB or Provincial law) or in a permanent, policy-making position. A contractor or employer shall not be allowed to work intermittently as a journey-person for another contractor or employer, while he or she is engaged or recognized as a contractor or employer.

Sec. 92. (a) The admission of contractors or employers to membership, or the refusal thereof, shall be determined by the bylaws of the District Council or Local Union. Where contractors or employers are admitted, the District Council or Local Union shall determine the conditions of admission; said contractor or employer must comply with the trade rules and working conditions of the locality in which the work is done, must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay its scale of wages.

(b) No contractor or employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates and Executive Board Members, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any officer, delegate, Business Representative, or any elected position.

Membership Fees and Dues

Sec. 93. (a) Except as may be otherwise provided in Sections 94 and 100, membership fees and dues shall be as follows: There shall be no initiation fee(s) for new members/candidates. A District Council (or Local Union where no District Council exists) shall charge an Administrative Processing Fee (APF) to new members other than industrial members (see Section 94) in the amount of five hundred dollars (\$500.00): fifty dollars (\$50.00) of the fee shall be forwarded to the International Union to offset its administrative processing costs; from the balance of the APF, an advance payment of six months regular dues shall be deducted and forwarded/paid to the appropriate entity. If the new member/candidate is an apprentice, the Administrative Processing Fee (APF) shall be in the amount of one hundred dollars (\$100.00): \$25.00 of the fee shall be forwarded to the International Union to offset its administrative processing costs. There shall be no advance payment of regular dues required for apprentices. Exceptions to the foregoing rule(s) may be granted by the General President, upon approval by the General Executive Board effective January 1 of each year; minimum dues for members shall be automatically increased by the same amount that per capita tax is increased pursuant to Section 17(a). The General Executive Board will give advance written notice to all Local Unions of the new minimum dues applicable on each of the foregoing effective dates. Local Unions that have adopted or adopt the administrative dues system shall have discretion to set a lower rate of regular dues; and no Local Union shall set a rate of regular dues below the required amount of per capita tax per month or a rate of regular dues that exceeds twice the then-current rate of per capita tax. All other dues charged by a Local Union shall be payable by means of administrative dues check-off based on a percentage of wages earned. The establishment of dues above said amounts or that differ from the requirements of

this Section shall be determined by action of (a) District Councils or (b) Local Unions that are not within the jurisdiction of a District Council; and in any case must be approved by the General President and the General Executive Board. Exceptions to the rule(s) set forth in Section 93 may be granted by the General President, upon approval by the General Executive Board.

(b) Dues of all members shall be charged in full for the month of application, or admission by transfer from foreign unions and, in all instances, membership shall begin from the first day of that month.

(c) The Administrative Processing Fee shall be waived for any graduate of an IUPAT Job Corps program, and may be waived or reduced for any others on approval of the General Executive Board for organization purposes or, otherwise, in special circumstances.

(d) All District Councils (and Local Unions not fully affiliated with a District Council) shall adopt and implement an approved form of administrative dues check-off based on a percentage of wages earned.

(e) Whenever the International Union has an agreement with any other union whereby each agrees to honor the other union's transfers (clearance cards) the Administrative Processing Fee shall be waived for any member transferring to a Local Union from such other union, provided that the transferring member deposits evidence of his or her good standing in such other union with the Local Union. Failure to deposit such evidence within 30 days of initiation shall result in termination of transfer rights and shall require the member to pay an Administrative Processing Fee to retain membership.

Industrial Members

Sec. 94. (a) Workers in factories, production shops and manufacturing concerns and other industrial units as designated by

the General President shall be admitted as industrial members. There shall be no initiation fees for industrial members unless approved by the General President. Industrial members shall be charged an Administrative Processing Fee in the amount of fifty dollars (\$50.00): twenty dollars (\$20.00) thereof shall be forwarded to the International Union to offset its administrative processing costs. Where such an Administrative Processing Fee is charged to a new member, the amount payable to the International Union shall be the lesser of the amount set forth herein or the amount set forth in Section 17(a). There shall be no advance dues payment requirement for industrial members. Effective January 1, 1990, and effective January 1 of each succeeding year, minimum dues for industrial members shall be automatically increased by the same amount that per capita tax is increased pursuant to Section 94(b). The General Executive Board will give advance written notice to all Local Unions of the new minimum dues applicable on each of the foregoing effective dates. Local Unions that have adopted or adopt the administrative dues system shall have discretion to set a lower rate of regular dues; and no Local Union shall set a rate of regular dues below the required amount of per capita tax per month or a rate of dues that exceeds twice the then-current rate of per capita tax. The reinstatement fee on each member will be \$5.00, and the Local Union shall forward to the General Office \$3.00 for each of its members reinstated. All other dues charged by a Local Union shall be payable by means of administrative/dues check-off based on a percentage of wages earned. Exceptions to the rule(s) set forth in Section 94 may be granted by the General President, upon approval by the General Executive Board.

(b) Effective January 1, 1990, and effective January 1 of each succeeding year, the monthly per capita tax on each industrial member shall be automatically increased by an amount equal to the increase under Section 17(a) on each such effective

date. The same certification and notice procedures as set forth in Section 17(a) will apply to this section as well.

(c) For industrial non-members paying the Local Union agency fees, or other fees, equivalent to dues paid by members, the Local Union shall remit to the International Union a fee equivalent to the per capita tax set forth in subsection (b). For industrial non-members paying the Local Union agency fees, service fees, or other fees that are less than dues paid by members, the Local Union shall remit to the International a fee equivalent to eighty percent (80%) of the per capita tax set forth in sub-section (b).

(d) Members of industrial Local Unions, industrial members in mixed Local Unions, or members of each bargaining unit within industrial Local Unions, who are less than 60 years of age, may participate in the International Union's Death Benefit Fund if they, as a group, vote to participate by secret ballot vote at a specially called meeting. Local Unions whose industrial members vote to participate in this manner must make the death benefit payments on such members as required by Section 17.

(e) All District Councils (or Local Unions not fully affiliated with a District Council) shall adopt and implement an approved form of administrative dues check-off based on a percentage of wages earned not later than January 1, 2004.

Apprentices

Sec. 95. (a) Any person engaging to learn a trade encompassed within the jurisdiction of this International Union shall be required to serve a minimum apprenticeship of three (3) consecutive years and shall register with the joint apprenticeship committee or District Council or Local Union in the locality where he or she is employed. The General Executive Board, however, shall have authority to alter the terms of apprenticeship in individual instances as circumstances may dictate for

the best interest of the International Union and its overall apprenticeship programs.

(b) District Councils and Local Unions shall keep a record of registered apprentices and forward a copy of same to the General Secretary-Treasurer.

Sec. 96. (a) Apprentices upon their formal initiation shall be permitted to participate in all Union proceedings with the right to vote, but an apprentice shall not be eligible to be nominated, or elected to any office or position or as a delegate to any affiliated organization, central body or General Convention, unless otherwise permitted by provisions in this Constitution; provided, however, apprentices in their third year of an approved apprenticeship program who satisfy the requirements set forth in Section 181 may run for Local Union office (other than the principal officer or full-time positions).

(b) District Councils and Local Unions may charge apprentices not less than the administrative processing fees and dues required by Section 93.

All apprentices must be affiliated with a District Council or Local Union. When apprentices are indentured to a District Council they must be initiated into a Local Union after their 45-day indenture period.

(c) The membership of any apprentice is contingent on his or her full compliance with the Constitution of the International Union, and the District Council and Local Union apprenticeship rules, regulations, and agreements. The apprentice is subject to charges for violations and may be disciplined or have his or her membership revoked upon being found guilty.

Sec. 97. (a) When an apprentice completes his or her term of service and becomes a qualified journey-person, the Financial Secretary shall place his or her name on the roll as a regular member (subject to the provisions of this Constitution governing such members) and the member shall pay full dues and all

assessments. The Financial Secretary shall notify the General Secretary Treasurer of such transfer.

(b) Members who have served their apprenticeship as defined by the provisions of the Constitution and under the jurisdiction of Local Unions and, consequently, were transferred to regular membership, shall not be required to pay any difference in administrative processing fee as per Section 93 of the Constitution.

(c) Wherever there is a duly constituted apprenticeship program established under the administration of a Local Union Joint Apprenticeship and Training Committee, no Local Union may transfer an apprentice into the category of a regular member before completion of his or her apprenticeship and without the authorization of the International Union representatives of the Local Union Joint Apprenticeship and Training Committee.

Sec. 98. Where the working card system is in force an apprentice shall be furnished with an apprentice card. An apprentice when applying for a Clearance Card, shall, whenever possible, have requested of his or her J.A.T.C. coordinator or Business Representative or Business Manager/Secretary Treasurer of the District Council or Local Union a copy of his or her records or indenture so that the apprentice may upon depositing his or her clearance card into a District Council or Local Union be able to continue his or her program without any undue delay.

Sec. 99. (a) Each District Council or Local Union shall make regulations as to the ratio of apprentices to journey-persons in each shop. Each District Council or Local Union shall negotiate agreements requiring an employer of three (3) or more journey-persons to employ at least one (1) apprentice unless his or her right to train apprentices has been revoked by the Local Union Apprenticeship and Training Committee. This shall not limit the obligation of the employer to train apprentices in the proper ratio to the total number of journey-persons in the shop as outlined in the applicable Collective Bargaining Agreement or in

the area Apprenticeship and Training Standards nor shall it be construed to replace journey-persons in a shop when substantial local unemployment exists in the area of the District Council or Local Union.

(b) Each District Council or Local Union shall present its current Apprenticeship and Training Agreement to the General Executive Board for approval as a supplement to its working agreement as provided in Section 255.

(c) Each District Council or Local Union shall negotiate agreements setting forth apprentice starting rates that will fit the needs of its area, never to be less than the established minimum wage.

Life Members

Sec. 100. (a) Eligibility: Effective January 1, 2000, any member reaching the age of 55 years and who has 30 consecutive years of membership in good standing shall be eligible for transfer to Life Membership only when he or she has retired permanently from employment at the trade. In the event a member becomes totally and permanently disabled prior to the age of 55 years, with 30 consecutive years of membership in good standing, he or she shall be eligible for transfer to Life Membership.

Effective March 1, 2004, members who become permanently retired from employment at the trade or who become permanently disabled and have twenty (20) years of cumulative membership in good standing shall be eligible for the LR class of Life Membership.

(b) **Procedures for Transfer:** Eligible members desiring to transfer to Life Membership shall petition their Local Union for approval. When said approval is granted, the Financial Secretary shall forward the same to the office of the General Secretary-Treasurer.

(c) Determination of Eligibility: The Financial Secretary shall forward to the General Secretary-Treasurer an application for Life Membership, properly completed, and an affidavit setting forth facts to establish the member's age. The member's record as set forth at the General Office will be considered proof of eligibility for transfer. Any member or Local Union wishing to establish eligibility when transfer is denied, may submit abstract of ledger accounts, or other supporting evidence for consideration and review by the General Secretary-Treasurer.

(d) The General Secretary-Treasurer shall issue to such members a certificate of Life Membership, Life Membership card and a pin appropriate for the occasion. The issuance of certificate, card and pin shall be without cost to the member or the Local Union in which he or she is a member.

(e) Rights, Privileges and Limitations:

1. Members who transferred to Life Membership prior to January 1, 1995 shall be entitled to the benefits set forth in Section 99(e)(1) of the 1995 General Constitution, which provided as follows:

“While not working at the trade, a Life Member who transferred prior to January 1, 1980 shall be exempt from payment of all dues and assessments, except strike assessments which such member shall pay in accordance with the regulations of his or her Local Union or District Council. While working at the trade, such Life Member shall be required to pay all Local Union and or District Council dues and assessments. Members who transfer to Life Membership on or after January 1, 1980 shall be exempt from payment of all dues and assessments, except that those who sign their applications to participate in the Death Benefit Fund will be required to pay \$3.00 per month in order to maintain their death benefits.”

Members who transfer to Life Membership on or after January 1, 1995 shall be exempt from payment of all dues and assessments, but shall be required to pay a monthly fee of \$8.00,

of which \$3.00 shall be retained by the Local Union and \$5.00 shall be forwarded to the office of the General Secretary-Treasurer. Payment of this fee will allow Life Members to participate in the International Union's Death Benefit Fund, receive the Journal, attend and participate in Local Union meetings, participate in senior citizen programs, and enjoy other privileges of membership, subject to the limitations and restrictions set forth in this Section 100. A Life Member who is indebted for three (3) months' fees shall stand suspended, and shall be subject to the rules and requirements set forth in Sections 119 through 121.

LR Life Members shall pay a monthly fee of \$12.00 of which \$3.00 shall be retained by the Local Union and \$9.00 shall be forwarded to the office of the General Secretary-Treasurer. Payment of this fee will allow LR Life Members to participate in the International Union's Death Benefits Fund, receive the Journal, attend and participate in Local Union meetings, participate in senior citizen programs, and enjoy other privileges of membership, subject to the limitations and restrictions set forth in this Section 100. A Life Member who is indebted for three (3) months' fee shall stand suspended, and shall be subject to the rules and requirements set forth in Section 119 through 121.

2. Life Members and LR Life Members shall not be entitled to run for or hold any office or position within the International Union, or to run for or hold a position as delegate to the General Convention.

3. Life Members and LR Life Members shall be amenable to all the laws of the International Union, including those relating to charges, trials and disciplinary actions.

4. The entitlement of Life Members and LR Life Members to International Union Benefits shall be governed by Sections 313-316 of the Constitution.

5. Neither a Life Member nor an LR Life Member shall be permitted to vote on questions of dues and assessments, if for

any reason whatsoever, he or she is classed as exempt from payment thereof. He or she shall not be permitted to vote on ratification of working agreements unless he or she is working at the trade and paying full dues.

6. Neither a Life Member nor an LR Life Member shall be entitled to Local Union Sick, Accident or Death Benefits, unless at the time of transfer he or she exercises the option to participate in such benefits; and, if he or she exercises such option, he or she shall pay continuously the required assessments.

7. Any "life member" who returns to work at the trade shall be classified to "Regular" status for the period starting with the quarter he/she returned to work. Such member may revert to life classification the quarter following his/her last day worked.

Gold Members

Sec. 101. Those members who have remained in continuous or cumulative good standing for a period of fifty years and who have not transferred to Life Membership shall be known and referred to as "Gold Members." The General Secretary-Treasurer shall identify such members from the International Union's records and shall notify them, their Local Union, and the General Executive Board of their status. Gold Members shall receive from the International Union a suitable award (such as, for example, a pin and/or certificate) in recognition of their many years of service, and shall be honored and recognized by such means, as the General Executive Board deems appropriate.

Dispensated Members

Sec. 102. Members, whose age or physical condition debars them from earning the current rate of wages, shall be permitted to work for less but must first obtain written permission from their Local Union prior to doing so.

Privileges and Duties of Members

Sec. 103. Any member who becomes a contractor or employer may, subject to the provisions of Section 92, transfer to a Local Union that admits contractors to membership. Nothing in this or any other provision of the Constitution shall interfere with the right of journey-persons to take work temporarily during strikes or lockouts, or when unemployed, under such reasonable restriction as the District Council or Local Union may determine, and to give employment to one or more workers.

Sec. 104. A member who leaves the trade to enter another occupation may remain a member, but the member shall not be eligible to hold office in a Local Union or represent a Local Union in a District Council or General Convention or the International Union; neither shall he or she be permitted to debate the question of wages or hours of work or any other question that affects the working rules of the locality.

Sec. 105. Each member in good standing shall receive one (1) copy of the official Journal, the same to be sent to his or her mailing address if on file at the General Office.

Sec. 106. A member of the International Union in good standing may work as a journey-person at any of the branches of the trade, provided the member demands and receives the rate of wages paid and otherwise conforms to the working rules of that branch of the trade in which he or she wishes to be employed. The member shall transfer his or her membership to the Local Union of the trades in which he or she is engaged in a locality where such a Union exists, provided that the member is qualified in the branch of the trade that said member desires to transfer into.

Sec. 107. (a) Any member in good standing may visit any Local Union, provided he or she can produce a clearance card or official dues receipt and is not in arrears in a sum equal to three (3) months' dues. The Warden shall examine the member's dues book and/or receipt and ascertain if he or she is enti-

tled to a seat. A member so visiting shall not have voice or vote but may be allowed the privilege of the floor by a majority vote of the members present.

(b) If the Local Union has cause to believe that a visit by several or a group of members is for the purpose of disrupting or interfering with the business of that Local Union, or if such a visit has such an effect, it may curtail, deny, or set conditions for, the visit.

(c) At any Local Union meeting where nominations for District Council wide elections are to take place, a member of another Local Union affiliated with the same District Council may attend for the purpose of being nominated for District Council wide office.

Sec. 108. Subject to Sections 256-273 inclusive, and to applicable federal and state, provincial and/or territorial laws, a card fully paid up, regardless of where it is issued, shall entitle the holder to the right to work in any city, provided he or she conforms to the working rules and conditions of the locality and that no strike or lockout exists in that locality.

Sec. 109. A member leaving the jurisdiction of the District Council or Local Union in which he or she is a member, to work for his or her employer in the jurisdiction of another District Council or Local Union, must demand and receive in all cases, the shorter work day and the higher scale of either locality. Failing to do so, the member will be subject to charges.

Sec. 110. Members shall keep the Business Manager/Secretary-Treasurer of the District Council and the Financial Secretary of their Local Union notified of their correct addresses and shall attend all regular and special meetings as the Union may prescribe in its bylaws.

Sec. 111. Every member in a Local Union fully affiliated with a District Council authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's em-

ployer governing terms and conditions of employment and to act for the member and to have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his or her employment with such employer in such manner as it deems within its discretion to be in the best interest of the District Council. The District Council officers, Business Representatives and agents may decline to process any grievance, complaint or dispute if, in their sole discretion and judgment, such grievance, complaint or dispute lacks merit. Every member in a Local Union that is not fully affiliated with a District Council authorizes the Local Union to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member, with full authority and discretion, as described above in relation to District Council officers, representatives and agents.

Sec. 112. Every member is obligated to adhere to and follow the terms of the bylaws of the District Council (where the member's Local Union is fully affiliated with a District Council), the bylaws of their Local Union and the provisions of the General Constitution with respect to their rights, duties, privileges and immunities. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

Sec. 113. No member shall interfere with the elected officers or authorized representatives of the International Union, its District Councils or Local Unions 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 of them, provided this does not interfere with the individual's right as a member. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from conduct that would interfere with the per-

formance by the International Union, District Council or Local Union of its legal, contractual and constitutional obligations.

Sec. 114. Each member shall faithfully support and assist, in accordance with rules established by a District Council or Local Union, in obligatory picketing and/or organizing campaigns as may be deemed necessary by the District Council (or in the case of a Local Union not fully affiliated with a District Council), a Local Union leadership.

Sec. 115. Each member shall be informed of the International Union's policy to encourage participation by the membership in all local, state, provincial and national elections and involvement by workers in political affairs and issues within their communities. Although adherence to this policy shall not be a condition of membership in the International Union, members will be encouraged to adopt and promote this policy and to support the implementation of programs designed to communicate to members, their families and workers in the community the importance of registering to vote and voting in all local, state, provincial and national elections.

Sec. 116. Any member who has been properly trained and is qualified to perform a particular job or trade shall be entitled to perform such work.

Sec. 117. All members shall be encouraged to make an effort to pay regular dues on an annual basis so as to avoid the potential of membership suspension due to failure to pay dues on a timely basis. All District Councils and/or Local Unions shall establish procedures or programs that permit members to pay regular dues on an annual basis.

Sick Benefits

Sec. 118. Local Unions may provide in their bylaws for assistance to any brother or sister who has been injured or incapacitated by sickness.

Automatic Suspension of Members for Failure to Pay Dues

Sec. 119. (a) Any member indebted for three (3) months' dues or an amount equal to three (3) months' dues shall stand suspended, neither a vote of the Local Union nor a hearing being required to suspend the member. Dues shall include regular, administrative, and working dues. The member's last dues receipt shall be deemed sufficient notice of arrears, and no further notice shall be required. Fines on which time payments are to be made shall not be charged except, as installments due are not paid. The Business Manager/Secretary-Treasurer of the District Council or the Business Manager or Business Representative of the Local Union shall attempt to notify the member of his/her impending suspension prior to the effective date of such suspension. It shall be the duty of the Financial Secretary to notify the Business Manager or Business Representative of the identities and circumstances relating to such members.

(b) The failure of the Financial Secretary to report a suspension or collect a reinstatement fee or his or her action in accepting delinquent dues shall not constitute a waiver of default nor entitle a member to benefits for the period prior to such payment of arrearages; the acceptance of such arrearages by the Financial Secretary or any other officer of the Local Union from the member or from any person on his or her behalf shall not constitute or be construed as a waiver of the default of the member, nor will the acceptance of such arrearages have the effect of reinstating the member in good standing except as herein otherwise provided. It shall be the duty of each member to keep himself or herself informed of arrearages in dues or other financial obligations to the member's Local Union.

(c) If the General Secretary-Treasurer finds, from an examination of the reports, daybook sheets or dues records of a member, that he or she became suspended the General Secretary-

Treasurer shall record said suspension on the necessary cards of record of the member on file at the General Office and if found that the Local Union accepted dues from him or her without subjecting such member to procedure of reinstatement, the General Secretary-Treasurer shall call the same to the attention of the Local Union and it shall be required to reinstate such member in accordance with the provisions of the Constitution. The Local Union shall be required to remit, to the General Office, the reinstatement fee provided for in the Constitution. A member, who has become suspended in such a manner, shall not be placed in good standing until the reinstatement fee has been paid and the proper records pertaining to reinstatement received by the General Secretary-Treasurer.

Sec. 120. (a) A suspended member, failing to become reinstated within three (3) months from the date of his or her suspension, shall be dropped from the roll; to again become a member of the International Union he or she must pay the full fee(s) applicable to new member/candidates of the Union to which he or she makes application.

(b) The dropped member shall also pay to the Local Union that suspended him or her all dues; assessments, fines and other indebtedness he or she owed said Local Union at time of suspension. This shall be paid regardless of any dispensation made in the Administrative Processing Fee of the District Council/Local Union initiating him or her. Payment of back dues and assessments may be waived at the sole discretion of the Business Manager/Secretary-Treasurer of the District Council.

Reinstatement of Suspended Members

Sec. 121. At any time within three (3) months after the date of suspension a suspended member may be reinstated on payment of back dues and arrearages, including dues for the cur-

rent month, and, except as otherwise provided in Section 94, a \$50.00 reinstatement fee, \$25.00 of which will be retained by the Local Union and \$25.00 to be sent to the office of the General Secretary-Treasurer.

Quarterly Working Cards

Sec. 122. For the purpose of identifying members in good standing, the working card system shall be enforced in every locality where practicable. District Councils or Local Unions, where Building Trades Councils are chartered, shall use the Building Trades Working Cards, when same are issued by said Building Trades Council. District Councils and Local Unions, in districts where working cards are not issued by said Building Trades Council and in other districts where no Building Trades Councils are chartered, shall use the International Union working card, where practicable, by enforcing the quarterly working card payable in advance, and placing such restrictions upon its issue and providing such punishment for failure to comply with the rules, as local conditions demand. Working cards should be issued at the commencement of the quarter and furnished to all affiliated Unions. All members must secure their current quarterly working card by the 20th of the first month of the current quarter. Failure of a member to secure a quarterly working card as specified above shall subject such member to such penalty or penalties as may be prescribed by his or her District Council or Local Union.

Resignation

Sec. 123. Any member may sever his or her connections with the International Union by written resignation addressed to his or her Local Union. If at the time of resignation the member owed to any District Council or Local Union dues, assessments, fines or other indebtedness, the indebtedness shall remain a

legal obligation of the former member collectible in a court of law, together with attorney's fees and other costs of collection, by the appropriate District Council or Local Union. To again become a member of the International Union, a member who had resigned must pay all amounts required of a new member/candidate, and must also pay to the appropriate District Council or Local Union all dues, assessments, fines or other indebtedness owed to that District Council or Local Union at the time of resignation and not yet paid or collected. A member who resigns shall not thereafter be entitled to any International Union benefits.

Local Unions

LOCAL UNIONS

Sec. 124. (a) Local Unions subordinate to this International Union may be organized in any part of the United States, its territories or Canada, by twenty-five (25) or more workers employed in branches of the crafts, trades or employee units that are organized by our International Union and who possess full membership qualifications as set forth in this Constitution; provided, however, the General Executive Board may, in special circumstances, permit charter(s) to be issued to groups of workers fewer than twenty-five (25).

Local Unions must apply to the General Secretary-Treasurer for a charter and pay a \$35.00 charter fee. If directed or authorized by the General Executive Board, the General Secretary-Treasurer shall forward a charter and initial supplies.

(b) The General Executive Board may charter more than one (1) Local Union of a given kind, craft, or branch within the same city or district after consultation with the Union or Unions of that kind, craft or branch already chartered in said city or district and the District Council, if any, having jurisdiction in the geographic region. No branch of a Local Union shall be allowed in any city, except by permission of the General Executive Board.

(c) When the membership of a Local Union falls below twenty-five (25) members in good standing, as determined by per capita being paid to the International Union, the Local Union may be dissolved upon action of the General Executive Board. Upon dissolution, the General Secretary-Treasurer shall notify the members of the Local Union to transfer to another Local Union or to affiliate directly with the International Union. The standing of such members in the International Union shall in no manner be affected by such dissolution.

Objects

Sec. 125. (a) The objects of the Local Unions shall be to further the objects of the International Union as set forth in this Constitution and to support and further the policies and programs adopted by the General Executive Board.

(b) Where a District Council exists, Local Unions shall become full affiliates of the District Council and work through and with the District Council to further these goals.

Allied Trades

Sec. 126. The designation “allied trades” as used here and throughout this Constitution shall include the following: Resilient Floor and Decorative Coverings Workers, Sign and Pictorial Painters, and Display, Convention and Trade show Decorators, Glaziers, Architectural Metal and Glass Workers, Fabricators, Scenic Artists, Paint Makers, Metal Polishers and such other trade, craft, or occupations such as public employees, etc, as is expressly designated an “allied trade” by formal action of the General Executive Board.

Rights and Duties of Local Unions

Sec. 127. Where a local, State or Provincial council or subordinate body of the AFL-CIO, or the Building Trades Department of the AFL-CIO exists or is organized, the Local Union or Local Unions of the International in its jurisdiction shall affiliate; provided that where a District Council exists, the District Council shall fulfill the affiliation requirements set forth herein. Where the Local Union affiliates, its representatives shall be nominated and elected by the members of the Local Union in accordance with the procedures set forth in this Constitution for the nomination and election of Local Union Officers. Where the District Council affiliates its representatives shall be chosen

from among its delegates and shall be appointed by the Business Manager/Secretary-Treasurer.

Sec. 128. No Local Union shall grant a dispensation whereby a member is allowed to be indebted for dues. Any Local Union desiring to remit dues for services, or on account of sickness, or to save members from suspension, must draw an order from the Treasurer with which to pay the member's dues and the payment must be credited in the cash receipts journal, and member's ledger, and the member must be issued a receipt indicating that his or her dues are paid by the Local Union. The order may be presented to the Treasurer and the money collected from him or her and paid to the Financial Secretary, or the order, properly endorsed by the member, may be turned in to the Financial Secretary, who shall accept it as cash and turn it in to the Treasurer as part of the receipts of the meeting. Such orders shall be included in the expenditures of the meeting and shown in the cash disbursements journal. Any Local Union that desires to remit dues under this section must do so on the basis of uniform standards that are applied in a nondiscriminatory manner.

Political Action and Education

Sec. 129. (a) Local Unions shall strive to procure the passage of uniform lien laws throughout the United States and Canada, making a mechanic's lien the first lien on real estate, to secure the wages of labor. Such liens should be granted without unnecessary delays.

(b) It shall be the policy of the International Union to encourage participation by its membership in all local, State, Provincial and national elections and involvement by workers in political affairs and issues within their communities. Each Local Union shall adopt and promote this policy and shall, to the extent permissible by law, establish and implement pro-

grams designed to communicate to members and their families the importance of registering to vote and voting in all local, State, Provincial and National elections. The Local Union shall, in addition, maintain records concerning whether its members have registered to vote and encourage members who have not taken advantage of their privilege to vote in our democracy to do so.

(c) Members in good standing who are elected or appointed to full-time Federal, Provincial, State or municipal offices or positions and who, as a result, are unable to work in the trades or employee units within the jurisdiction of the International Union shall, during the term of such government service, continue to accrue consecutive years of membership credit toward Life Membership.

(d) Each Local Union will make a maximum effort to secure a voluntary minimum contribution of five cents (\$0.05) per hour per member and/or initiate a weekly voluntary payroll deduction plan in an equivalent amount, such voluntary contributions to be forwarded to the IUPAT PAT Committee for support of political candidates and/or political support programs.

Sec. 130. No Local Union or other subordinate body shall circulate any appeal or circular asking for financial aid unless such appeal is approved by the General Executive Board, attested by the General Secretary-Treasurer. Each Union receiving such financial assistance must forward to the General Secretary-Treasurer an itemized account of receipts and expenditures.

Sec. 131. No Local Union or other subordinate body or any member shall be permitted to issue charters, seals, blanks, or other documents, or establish websites, bearing the copyrighted seal of the International Union, the name or acronym of the International or to use any trademark, service mark or mark of any kind that is commonly associated with the International Union or its affiliates, or to engage in conduct that may inter-

ferre with the intellectual property rights of the International Union, without the approval of the General President. Nor shall any member or subordinate body, in the publication of programs, souvenirs or other documents or websites, designate the same as “The Official Journal” of the International Union or as the “Painters and Allied Trades Journal” the registered name of our official Journal, or represent, in any manner, that such publication or website has been approved by the International.

Sec. 132. No Local Union or other subordinate body shall levy assessments on its members to aid other trades in cases of trade issues without the consent of the General Executive Board.

Local Union Bylaws and Dues

Sec. 133. (a) Each Local Union shall frame its own bylaws, which shall in no way conflict with the Constitution of the International Union or, where one exists, the bylaws of the District Council. All Local Union bylaws shall conform with the Model Bylaws for Local Unions affiliated with a District Council or the Model Bylaws for unaffiliated Local Unions, whichever is applicable, published by the General Executive Board. All bylaws shall be submitted, for approval to the District Council (where one exists) with which the Local Union is affiliated. Once approved by the District Council, the bylaws shall be submitted for approval to the General Executive Board, with any variances from the Model Bylaws clearly noted in bold typeface. The General Executive Board may approve as written, or it may require corrections that are in its discretion needed to avoid conflict with this Constitution or with law. Upon approval, or approval as corrected, by the General Executive Board, one copy shall be filed with the District Council and one copy shall be retained by the General Secretary-Treasurer. Bylaws or changes thereto, shall not be implemented, printed

or enforced prior to approval by the General Executive Board. Notwithstanding anything to the contrary, the General Executive Board may, at any time, disapprove the bylaws of a Local Union, in whole or in part, when such bylaws are deemed by the General Executive Board to be in conflict or inconsistent with the rules or policies of the International Union.

(b) The General Executive Board shall approve or disapprove submitted bylaws within six (6) months from the date of submission; if no action is taken within the six-month period, the bylaws shall be considered approved.

(c) All Local Unions shall revise their bylaws no later than June 1st of the year following a General Convention to bring their bylaws into conformity with the action of the General Convention.

Sec. 134. It shall be the continuing responsibility of each Local Union to assure that it is in sound financial condition. At least once a year, the Executive Board of the Local Union shall meet to review the Local Union's finances and the sufficiency of its dues structure, and determine whether a dues increase is needed to enable it to properly carry out its duties, obligations and programs. Thereafter, the Executive Board shall report its findings to a regular or special meeting of the membership and, if needed, propose a dues increase to the membership utilizing the procedures specified in Section 135. Any such modification in dues shall be consistent with the provisions set forth in Sections 93 and 94. Where a Local Union is affiliated with District Council, the Business Manager/Secretary-Treasurer of the District Council shall be a participant in all aspects of this process and shall be responsible to insure that this process is completed annually and properly.

Sec. 135. (a) Whenever a Local Union wishes to alter or amend its bylaws or to alter the rate of dues or other fees or assessments, it shall do so pursuant to the procedure set forth in this section.

(b) Each Local Union shall have a Bylaws Committee as a standing committee. Any proposed amendment or change as described in subsection (a) must be submitted for approval to the Bylaws Committee and thereafter to the Executive Board. Once approved by the Bylaws Committee and the Executive Board, as proposed or as modified by the approving body, the proposal shall be submitted for a membership vote conducted in accordance with the procedure set forth in sub-section (c).

(c) Notice shall be given by mail to the membership at least 15 days prior to the meeting at which the members will consider and vote on the question. The notice must specifically state the question to be voted on, including the precise amount or rate of any change in dues, fees, or assessments, and must include a copy of any proposed Bylaw amendment. Such meeting may be regular or special. Voting shall be by secret ballot, and a majority vote of the members in good standing present and voting at such meeting shall decide the issue. Any such proposal thus adopted shall be submitted for approval to the District Council if any and to the General Executive Board, and shall not be effective until so approved; provided that General Executive Board approval shall be subject to Section 133 (b). Notwithstanding this provision, or the language set forth in Section 133 (b), the General Executive Board may, at any time, revoke its approval or disapprove Bylaws of a Local Union, in whole or in part, when such Bylaws are deemed by the General Executive Board to be in conflict or inconsistent with the rules or policies of the International Union.

(d) This procedure shall not be applicable to the modification, reduction or waiver of administrative processing fees by a Local Union, on approval of the General Executive Board, for organizational purposes, or otherwise in special circumstances, pursuant to Section 93(c) of the General Constitution.

(e) Assessments may be levied during the course of a strike without regard to the 15-day notice requirement of sub-section

(c), but reasonable notice of the meeting must nevertheless be given to the membership.

Meetings

Sec. 136. (a) The General Executive Board shall be empowered to revoke the charter of any Local Union, which fails to hold regular meetings. What constitutes “regular meetings” shall be determined by the General Executive Board based on the circumstances of each case.

(b) During any and all regular, special or recess sessions of any Local Union the flag of the country in which the body is chartered shall be displayed in such position as will be faced by the assemblage.

Quorum

Sec. 137. Seven (7) members in good standing shall constitute a quorum, except in Unions with twenty five (25) or less members, where five (5) members shall constitute a quorum.

Per Capita Tax

Sec. 138. All monies due the International Union for per capita tax, administrative processing or application fees, Death Benefit Fund payments, reinstatements, clearance card fees and supplies shall be forwarded to the General Secretary-Treasurer immediately after the close of the month, along with required reports. Remittances must be made by express or post office money order, check or bank draft payable to the International Union. All monies due to the District Council (if any) for per capita tax, fees or assessments shall be forwarded to the Business Manager/Secretary-Treasurer of the District Council.

Sec. 139. Should a majority of the Trustees doubt the accuracy of any bill from the General Secretary-Treasurer or a

District Council, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board or the District Council Delegates, as the case may be, at its next meeting.

Sec. 140. Each month, every Local Union shall hold in its Treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments, and all other payments required to be made to the International Union under this Constitution. Such required payments shall be made prior to allowing other expenditures.

Sec. 141. In the case of mistaken per capita tax payments to the International Union or the District Council, or any other payment made by mistake or error, the refund to the Local Union shall be limited to three (3) months' payments.

Funds and Property of Local Unions

Sec. 142. (a) Local Unions shall not incorporate or otherwise assume a legal status other than that provided by this Constitution. Local Union funds, assets or property derived from any source shall be held in the name of the Local Union and shall not be transferred or conveyed to any other person, body, committee, entity or organization, whether incorporated or unincorporated, except as otherwise permitted in this Constitution; provided, however, subject to the provisions set forth in Section 142(b), Local Unions may establish, where local law requires, a Declaration of Trust or Corporate Entity to hold title to real estate for the benefit of the Local Union.

(b) In instances where a trust or corporate entity is established to hold title to real estate for the benefit of the Local Union, the Local Union shall be the actual and beneficial owner of all shares or interest in the trust or corporate entity. The trust

or corporate entity shall be construed as being subject to this Constitution and to the laws, rules and regulations of the International Union, and all officers or trustees of such entity shall be, if not otherwise appointed to office or position pursuant to Local Union Bylaws, subject to election in accord with the provisions of this Constitution that refer to the election of Local Union officers. A Local Union that seeks to establish a trust or corporate entity to hold title to real property must obtain approval by the General Executive Board prior to establishment of such trust or entity, as well as General Executive Board approval of the trust or entity Bylaws and operational documents. In circumstances where a Local Union has established a trust or corporate entity to hold title to real property without the approval of the General Executive Board, immediately upon discovery by any Local Union officer, the Local Union shall revise its trust and/or corporate documents to comply with this provision and submit its operational documents and Bylaws for General Executive Board approval.

(c) The funds and property of a Local Union shall be used for such purposes only as are specified in this Constitution and the Local Union's bylaws and as may be required to properly transact its business, including payment of salaries and benefits, which may include group insurance, capitation tax, administrative processing fees, reinstatements, and clearance cards, for printing, rent, purchasing of supplies or for the payment of legally authorized bills. No member shall possess any right, title or interest (actual or beneficial) in the funds, property, assets, entitlements or expectancies of a Local Union.

(d) On no consideration shall money from the Local Union Treasury be loaned or donated to members (strike, lockout and regularly established sick benefits excepted). This shall not prohibit a Local Union from levying an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of in-

juries or sickness incurred while working at the trade; provided, however, that before any such assessment is levied (1) all members shall be notified by mail that the proposed assessment will be considered at the next meeting and, (2) the majority of members present and voting, approve the assessment in a secret ballot vote.

(e) No funds of a Local Union or any other subordinate body of this International Union shall be used to pay the legal expenses and costs incurred by any member or members involved in any litigation or administrative or legal proceeding which involves the International Union or any subordinate body thereof except upon a two-thirds vote of the membership present and voting at a special meeting called to discuss and decide the issue.

(f) Local Union's affiliated with a District Council shall not make any non per capita tax expenditures in excess of \$5,000.00 without prior written approval of the District Council Business Manager/Secretary-Treasurer.

(g) All local unions with annual receipts of \$250,000 or more or whose net assets exceed \$250,000 shall be required to have an annual unqualified audit performed by an Independent Certified or Chartered Public Accountant. The annual audit shall be reviewed by the Local Union Trustees in accordance with Section 174. The audit shall be completed no later than four (4) months after the close of the local union's fiscal year. A copy of such audit, when completed, shall be forwarded to the General Secretary-Treasurer's office.

Sec. 143. (a) The funds or property of the Local Union shall not be divided among the members, individually, but shall remain the funds and property of the Local Union, for its legitimate purposes, while twenty-five (25) members remain therein; provided, however, that in the case of a merger of a Local Union or in the case of a Local Union's dissolution as set forth in Section 124(c), the charters of the Local Union or Local

Unions merged, or dissolved, shall be surrendered to the General Secretary-Treasurer and the funds and property shall revert, pro rata, to the Local Union or Local Unions to which the members transfer. When the charter of a Local Union is revoked, the Local Union or its officers shall forthwith turn over all books, documents, property and funds to the General President or his representative; and should a Local Union disaffiliate, secede, dissolve or be dissolved, suspended, expelled, or forfeit its charter, then all books, documents, property and funds shall likewise be turned over forthwith to the General President or his representative. In all such cases, the books, documents and funds shall be held in trust by the International Union until such time as the Local Union may be reinstated or reorganized. If it is not reinstated or reorganized within two (2) years, then such books, documents, properties and funds shall revert to the International Union.

(b) Whenever a Local Union, or other subordinate body secedes, disaffiliates or dissolves, or its charter is suspended, forfeited, or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property and funds of such organization, and such demand if refused, then all expenses, of whatever nature, incurred by the International Union in recovering such records, property and funds, shall be a lawful charge upon recovery thereof, the International Union shall reimburse itself from the property and funds recovered.

(c) The International Union and its other subordinate bodies shall not be liable for any debts or obligations of any Local Union by virtue of the transfer or reversion to them of any funds or property of such Local Union pursuant to this section; and if a court of competent jurisdiction should rule otherwise, the said liability shall be strictly limited to the funds and property owned by such Local Union at the time of said transfer or reversion.

Sec. 144. Other than where a Special Trusteeship has been approved pursuant to Section 49, no monies shall be paid out of the funds of a Local Union without the vote of the members, except monies owed to the International Union or to the District Council pursuant to the General Constitution and/or the District Council Bylaws, and fixed Local Union expenses previously approved by the membership. A regular order on the Treasury, or check upon the bank in which funds are deposited, must be drawn for each payment.

Sec. 145. No Local Union shall levy an assessment or draw from its treasury to pay the funeral expenses of any member not in good standing or to pay the funeral expenses of a member in good standing for an amount in excess of \$1,000.00 and then only when the Local Union assumes the expenses of the funeral (unless the Local Union is the beneficiary of the deceased.)

Deposit of Funds

Sec. 146. No Local Union or other subordinate body shall place its funds in any bank or depository in the name of any individuals, or in the name of any other entity; all monies must be deposited in the name of the Local Union to be drawn at the order of the Local Union by the proper officers.

Bonds

Sec. 147. (a) Officers of Local Unions and other subordinate bodies, or of Trusts in which such bodies are interested, and employees of such bodies, who participate in collection, receiving and banking of dues, assessments and other income shall be bonded as required by law, with a financially sound bonding company selected by the General Executive Board. The amount of said bond and the officers or employees on which said bond applies will be as set by law, and determined by the General Secretary-Treasurer.

(b) The General Secretary-Treasurer or the General Executive Board may, by official action, direct increases or reductions in the amount of said bonds, or changes in positions of persons bonded there under, but in no event will any person or position be bonded for an amount less than \$2,500.00. In all instances, the officer or officers or employees entrusted with the collection, custody and safekeeping of funds shall be bonded. The premiums on the bonds written on officers or employees shall be paid by such body in the manner and form designated by the General Secretary-Treasurer.

Reports to General Secretary-Treasurer

Sec. 148. Local Unions that are required by law to file LM reports with the Department of Labor, and/or reporting Form 990 with the Internal Revenue Service, or any other report or form required by law to be filed with a government agency, shall send copies of such reporting forms to the office of the General Secretary-Treasurer at the time they are filed with the government agency. Such forms and/or reports shall include all reports filed with governmental agencies by Trust Funds in which the affiliate participates (other than funds administered by the IUPAT). Local Unions that are affiliated with a District Council shall also submit copies of such forms and/or reports to the District Council.

Audits of Delinquent Local Unions

Sec. 149. (a) Any Local Union that becomes two (2) months in arrears in payment of per capita taxes and fees, or two (2) months in arrears in furnishing monthly reports to the office of the General Secretary-Treasurer, shall at the end of said two-month period of arrearages be promptly notified by the office of the General Secretary-Treasurer.

(b) The General Secretary-Treasurer shall cause to have performed by his or her designee an audit of any Local Union which has become delinquent two (2) months or longer in the payment of any monetary obligation due and owing to the International Union. The General Secretary-Treasurer shall ascertain the reasons for such delinquency and the extent of the Local Union's financial ability to pay the obligations.

(c) Should the General Secretary-Treasurer determine that the Local Union does not have the ability to pay its obligations, he or she shall, in writing, order payment arrangements to satisfy the obligation.

(d) Should the General Secretary-Treasurer determine that the Local Union can pay the obligations, he or she shall, in writing, order immediate payment.

(e) Failure to comply with the General Secretary-Treasurer's orders may result in trusteeship proceedings and/or charges being filed and officers of the Local Union being removed from office in accordance with provisions of this Constitution.

Sec. 150. Any member of a lapsed, dissolved by revocation of charter or otherwise or suspended Local Union, if in good standing, may apply to the General Secretary-Treasurer for a certificate to admit the member to another Local Union, provided he or she applies to the General Secretary-Treasurer within 30 days from the date of the Union's suspension or dissolution. Each member shall be notified by mail at his or her last known address of the suspension, lapse or the dissolution or the revocation of charter of the Local Union to which the member belongs. No member's right to International Union benefits shall be invalidated who has complied with the requirements of this Constitution.

Sec. 151. When a subordinate body chartered under the laws of the International is granted a stay of suspension it shall not entitle its members to International Union benefits, except as provided in this Constitution.

Local Union Officers

Sec. 152. (a) The officers of a Local Union shall be a President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Warden, at least three (3) Trustees, and in Local Unions that are not affiliated with a District Council the Business Manager.

(b) In Local Unions that are not affiliated with a District Council, the Business Manager, shall be a full-time position and shall serve as the principal officer of the Local Union. The Business Manager shall be an automatic trustee to any Local Union Trust funds; shall appoint and have the power to remove the union trustees to all Local Union Trust funds; shall have full charge of the business office of the Local Union shall have the authority to employ and discharge such employees and purchase and utilize such equipment and supplies as he or she deems necessary for the proper operation of such offices; shall be spokesperson of the Local Union negotiating committee(s); and shall have the power to direct and supervise Local Union Business Representatives in the performance of their duties. The Business Manager shall be responsible to enforce this Constitution and the Bylaws at all times. The Business Manager shall have such other duties and authority as specified in the Bylaws.

(c) In elections of the Business Manager of a Local Union the notice of nominations, and the ballot in the event of a contest, shall note that the holder of this office shall also be an automatic delegate to regular and special Conventions (for example, by designating the position as Business Manager/Automatic Delegate to General Convention).

(d) The Business Manager shall receive a weekly salary of not less than forty (40) hours pay at the highest collectively bargained hourly wage rate of pay in the Local Union agreement(s). This provision may only be waived upon the approval of the General Executive Board.

(e) The Business Manager shall be held responsible to the Local Union and the General President for results in organizing the Local Union's jurisdiction, for establishing working relations with employers, and for protecting the jurisdiction of the International Union of Painters and Allied Trades.

(f) The Business Manager, in his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the Local Union may dictate.

(g) The Business Manager, or his or her designee, shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to insure that the General Constitution, and the working rules and provisions of the collective bargaining agreement are enforced. It shall be the duty of the Shop and Job Steward to see that all persons have their working cards, and to contact the Business Manager of the Local Union immediately if there should be any irregularity.

(h) The Business Manager shall appoint from among the members the following Standing Committees: Bylaws Committee; Organizing Committee; Political Action Committee; and Building Committee. All other committees of the Local Union shall be appointed by the President or as otherwise set forth in the Local Union bylaws.

(i) All Local Union officers shall be required by the General President to attend training classes in their duties as officers. Such classes may be held at a location determined by the General President.

(j) The Bylaws of a Local Union may designate the composition of its Executive Board. Where the bylaws of a Local Union do not designate a Local Union Executive Board, the President, Vice President, Recording Secretary, Financial Secretary, Treasurer, and in Local Unions that are not affiliated with a District Council the Business Manager, shall constitute the Local Union Executive Board.

(k) The General Executive Board may direct the combination or elimination of Local Union offices or the reassignment of responsibility from one officer to another.

(l) The duties of the Business Manager, all other officers, Business Representatives and employees of the Local Union shall be carried out, and their authority shall be exercised in strict accord with the General Constitution and the policies and programs established by the General Convention, the General President and by the General Executive Board. The Business Manager of the Local Union shall be responsible for monitoring and taking appropriate action to assure the performance by officers, Business Representatives and employees of their responsibilities under this provision.

Sec. 153. All Local Union officers shall serve a term of three (3) years, provided that each officer's term shall end immediately upon the election of his or her successor.

Sec. 154. Local Unions may fix salaries for such Local Union officers as they may decide to pay. Salaries shall be established and modified in accordance with these rules:

(a) Salaries shall be established prior to nominations;

(b) Salaries may be increased during a term for the remainder of the term once in a 12-month period. Salaries may be reduced during a term if funds are not sufficient to pay the amount previously established;

(c) An increase or reduction of salaries must be accomplished by majority, secret ballot vote of the membership at a special meeting, except that if said salaries are set forth in the bylaws any change in salaries must be accomplished by amendment of the bylaws.

Sec. 155. The terms of office and salary provisions of this Constitution and Local Union Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of Local Unions, removal of officers by appropriate proceedings, imposition of Trusteeship and by such other process as is pro-

vided for in this Constitution. This provision shall constitute due notice of its terms under any applicable law requiring such notice.

Duties of President

Sec. 156. At each meeting, the President shall preside, preserve order and enforce this Constitution and bylaws; the President shall decide all questions of order during each meeting subject to an appeal to the membership. The President, during meetings, shall also be responsible for requiring all officers to provide appropriate reports to the membership as required by provisions, in this Constitution and the Bylaws. The President shall not vote except by ballot, but shall have the deciding vote in case of a tie when voting by any other method.

Sec. 157. The President shall sign all orders by the Treasurer or checks upon the funds in banks authorized by the Local Union; but on no consideration shall he or she sign warrants or checks for money to be donated or loaned to members. The President shall comply strictly with Section 140 and other provisions of the Constitution governing the expenditures of monies.

Sec. 158. The President shall appoint all committees, with the exception of those that must be elected or are reserved for appointment by others under this Constitution and the bylaws of the Local Union, unless otherwise ordered. The President shall call special meetings when requested in writing by at least ten percent (10%) of the members in good standing, or five (5) members in good standing, whichever is greater. All members must be notified of such meeting by a notice that is sufficiently detailed to inform the members of the purpose of the meeting and matters to be voted on, if any.

Sec. 159. Any member who enters the meeting in a state of intoxication, or who disturbs the harmony thereof, or who uses profane or unbecoming language, shall be admonished by the

chair. If the member again offends he or she shall be fined by the chair, not less than \$10.00 nor more than \$20.00, and may be removed from the hall.

Sec. 160. Preceptor. The immediate ex-President, any other ex-President, or, in their absence, any officer or member of the International Union in good standing shall act as Preceptor in initiation and installation ceremonies.

Duties of Vice President

Sec. 161. The Vice President shall assist the President in the discharge of his or her official duties and fill his or her place in case of absence.

Duties of Recording Secretary

Sec. 162. (a) The Recording Secretary shall keep correct minutes of each meeting, read all documents and correspondence, issue all summons for meetings, have charge of the seal and affix the same to all official documents, draw and sign all orders on the Treasurer or checks upon the bank, and conduct all official correspondence except as otherwise provided. The Recording Secretary shall notify the General Secretary-Treasurer and the District Council Business Manager/Secretary-Treasurer at once of any change of Local Union officers. Along with the President and Treasurer, the Recording Secretary shall be strictly guided by the provisions of Section 140.

(b) The Recording Secretary shall maintain records of the proceedings of all meetings of the Local Union and the Executive Board, as prepared by the Recording Secretary or such person as is authorized to record such proceedings, and shall keep important documents, papers, and correspondence, as well as files on contracts and agreements with employers. Upon request of any person made in person or in writing to the Recording Secretary or Business Representative during regular hours

at the principal office, the Recording Secretary or the Business Representative shall provide a copy of the Collective Bargaining Agreement made by the District Council or Local Union with the employer of such person, if the person making such request is directly affected by such agreement, and may require a receipt therefore. The Recording Secretary shall also maintain at the principal office of the Local Union copies of agreements made by the District Council or the International Union and the employees represented by the Local Union are directly affected by such agreements, which agreements shall be available for inspection during the regular hours maintained at the principal office of the Local Union by any member or by any employee whose rights are affected by such agreements.

Sec. 163. In the absence of both the President and Vice President, the Recording Secretary shall call the meeting to order and a President pro tem shall be elected by the Local Union.

Duties of Recording Secretary in Connection with Nominations and Elections:

Sec. 164. (a) Upon reasonable request of any bona fide candidate for office, the Recording Secretary shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that in making such request the candidate pays all costs involved in advance. The Recording Secretary may require that all campaign literature shall be presented to the principal office of the Union not later than five (5) days prior to the election and may, where the volume of work involved exceeds the facilities and capacities of the employees of the organization, provide for a consolidation of such distribution and the cost in the event of such distribution shall be distributed on a pro rata basis.

(b) The Recording Secretary shall make available for inspection by any bona fide candidate the membership list covered by

Union security agreements once within 30 days prior to the election date. Such inspection shall be arranged for in advance by the Recording Secretary. No candidate shall be permitted by the Recording Secretary to copy any names or addresses of members.

(c) The Recording Secretary shall retain copies of all requests for distribution of campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received for such work and for postage, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers and such other records as shall relate to the conduct of the election.

Duties of Financial Secretary

Sec. 165. (a) The Financial Secretary shall receive all monies paid into or received by a Local Union and shall issue a receipt for same. All receipts issued are to be recorded in a cash receipts journal. The above applies to monies received between meetings, as well as those received on meeting nights.

(b) The Financial Secretary shall maintain and make all entries in required reports as amended from time to time by the office of the General Secretary-Treasurer. All receipts from members entered on the cash receipts journal are also to be posted to the individual member's ledger. At the end of each month, a copy of the Monthly Activity Report is to be submitted to the office of the General Secretary-Treasurer.

(c) The Financial Secretary is to report to the membership at each meeting the total receipts collected in the prior month and same is to be recorded into the official minutes.

(d) The Financial Secretary shall upon written request by any member in good standing make available for inspection by such member a copy of any annual report required by law to be filed

with the Department of Labor or Internal Revenue Service. Upon a written request by any member in good standing setting forth good and sufficient cause for requesting examination of any books, records, and accounts necessary to verify an annual report referred to in this subsection, the Financial Secretary shall make arrangements to have the records available for inspection during regular business hours at the principal office of the Local Union. In the event that the Financial Secretary believes that just cause does not exist for the request made, he or she may deny the request in which case the member may appeal the matter within ten (10) days in writing to the Local Union Executive Board.

(e) Financial Secretaries shall close their cash receipts journals and Local Union Activity Report at the end of each month. As soon as possible but not later than the 10th of the following month, a copy of the Local Union Activity Report is to be mailed to the office of the General Secretary-Treasurer.

(f) The Financial Secretary shall also maintain a record of all members with their last known address. Said record shall not be open to inspection by any member except a bona fide candidate for office in connection with an election, as set forth in Section 164 (b).

(g) The Financial Secretary shall also be responsible for all other duties of the office as set forth in this Constitution.

Sec. 166. (a) Reports to the General Secretary-Treasurer and Membership. Financial Secretaries shall close the books of the Local Union at the end of each month. As soon as possible but not later than the 10th of the following month, they shall mail all required monthly reports, forms, and cards which are to be sent to the office of the General Secretary-Treasurer.

(b) The Financial Secretary shall report monthly to the General Secretary-Treasurer all changes in membership in the Local Union. The Financial Secretary shall do so through the use of the Local Union Activity Report.

(c) The original Local Union Activity Report received by the General Secretary-Treasurer shall constitute the official notification of changes in the membership of the Local Union. Entries are subject to correction only upon the receipt of written proof of an error made by the Financial Secretary and verified by comparison to a receipt or other documents issued to the member.

(d) The Financial Secretary shall read each month a summary report for the prior month stating the overall membership with the gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members reinstated, and the names and number of clearance cards deposited and issued.

(e) Where a Local Union is affiliated with a District Council, each month the Financial Secretary shall submit to the Business Manager/Secretary-Treasurer, upon request, a copy of the Local Union's financial report and check registers.

Sec. 167. (a) The Financial Secretary shall turn over all monies collected to the Treasurer of the Local Union, on a timely, but not less than weekly, basis for the Treasurer to deposit into the proper Local Union account.

(b) The Financial Secretary is to indicate on the monthly journal that the funds were given to the Treasurer. The Treasurer, in turn, is to sign on the same line indicating his or her receipt of same.

(c) It is also permissible for the Financial Secretary to deposit all funds collected and to turn over a certified deposit slip to the Treasurer.

Sec. 168. Payment of Monthly Remittance to the General Secretary-Treasurer. When forwarding the original copy of the monthly billing statement to the office of the General Secretary-Treasurer, the Financial Secretary shall enclose a check or money order for the amount shown immediately to the right of the notation, "Total Net Charges to Be Paid by Month 10," found in the lower portion of the billing statement.

Sec. 169. (a) The Financial Secretary shall report monthly all suspensions and reinstatements. Reinstatements shall also be clearly noted on the monthly Activity Report.

(b) The Financial Secretary shall keep a correct account of each member's financial standing together with the member's full name and address, social security and phone number, date of birth and date of initiation.

(c) The Financial Secretary shall provide each member who reinstates or who deposits a clearance card with a change of address card and forward the same to the General Secretary-Treasurer.

(d) The Financial Secretary shall examine all dues books coming into his or her possession and see that the title page and the page for designation of beneficiary are correctly filled out. If the dues book is not applicable, he or she shall see that a designation of beneficiary card is completed.

(e) Fines imposed upon a member either by the member's home Local Union or any other Local Union, having proper jurisdiction shall be charged to the member's account by the Financial Secretary and must be paid before dues are accepted. However, if the District Council or Local Union that imposes a fine has granted the member a stated time or a time payment program, the Financial Secretary shall accept dues and fine payments in accordance with said stated payment plan.

(f) The Financial Secretary shall not accept or credit dues payments from a member until all fines, assessments and other indebtedness against said member, due and payable, are paid in full.

(g) In U.S. Local Unions, action by the Financial Secretary not accepting dues until a fine or assessment has been paid will not be utilized to affect the employment status of the member.

(h) The Financial Secretary shall under no condition accept partial payment from a suspended member making application

for reinstatement but must collect complete indebtedness which the member owed when suspended, the reinstatement fee and such additional dues and assessments to and including the month of reinstatement before presenting the application for approval of the Local Union.

(i) The Financial Secretary shall submit all claims for International Union benefits on the forms provided by the General Secretary-Treasurer, having same properly signed and attested in accordance with the Constitution.

(j) The Financial Secretary shall complete and sign all clearance cards deposited and mail the same to the General Secretary-Treasurer, with monthly reports. Change of address cards shall be submitted to the General Office with the clearance cards if the member's address has changed. If the address is the same, that should be indicated on the reverse side of the clearance card.

Sec. 170. Failure of the Financial Secretary to properly fulfill the duties of his or her office and comply with the provisions of Sections 165-169 of this Constitution shall authorize the General Executive Board to immediately suspend the Financial Secretary and remove him or her from office. Such action shall be subject only to review on receipt of appeal by the General Executive Board.

Duties of Treasurer

Sec. 171. (a) The Treasurer shall receive from the Financial Secretary all monies collected, on a timely, but not less than weekly, basis and give receipt for the same in the manner prescribed in Section 167. The Treasurer shall make no disbursement without the sanction of the Local Union and then only by warrant or check, signed by the Treasurer, and either both the President and Recording Secretary or either the President or Recording Secretary as determined by the Local Union in its

bylaws; the Treasurer is authorized with the consent of the Local Union to deputize such function in his or her temporary absence to a qualified member. Along with the President and Recording Secretary, the Treasurer shall be strictly guided by the provisions of Section 140.

(b) For checks or orders on the bank that are issued electronically on behalf of the Local Union, such as payroll direct deposit, a report or register listing all such payments must be signed in the same manner as described in Sec. 171(a) with a written statement attached that the signatories have reviewed and approved all payments in the listing. All electronic payments described herein must be reported the same as any payments in Sec. 171(a).

(c) The Treasurer shall present to the Local Union, at the end of each quarter, an itemized statement of all money received and paid out by him or her. The Treasurer shall submit his or her financial report for inspection by the Recording Secretary each meeting night and submit his or her books for inspection to the Trustees at any time when called upon to do so.

(d) The Treasurer shall receive at least \$1.00 per annum as salary and shall file bonds with the General Secretary-Treasurer, in the amount required by law, but not less than \$2,500.00, for the discharge of his or her duties.

Duties of Trustees

Sec. 172. The Trustees shall have supervision of all funds and property of the Local Union.

Sec. 173. The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the Local Union's bank statements to verify their balance. They shall see that all bonds, notes or

other securities owned by the Local Union are properly secured in an appropriate depository in the Local Union's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the Local Union except on an order or check signed in accordance with this Constitution. They shall verify that expenditures have been made in strict compliance with this Constitution.

Sec. 174. (a) At the end of each fiscal quarter the Trustees shall jointly fill out the quarterly checklist of the trustees and forward the original copy to the office of the General Secretary-Treasurer and District Council Business Manager/ Secretary-Treasurer. They shall examine the membership records of the Local Union so as to ascertain the membership at the close of each month and shall compare their findings with the duplicates of the reports of the Financial Secretary to the General Office to see if the Local Union is paying tax on the proper number of members and if all suspensions, reinstatements, initiations, admissions of members on clearance cards and other changes in membership of the Local Union have been properly reported.

(b) In lieu of the required quarterly checklist and other duties of Trustees set forth in the Subsection (a), Local Unions may submit to the office of the General Secretary-Treasurer a quarterly, semi-annual, or annual financial statement prepared by an independent accountant. The financial statement is to be reviewed and signed by the Trustees prior to submission to the General Secretary-Treasurer and District Council-Business Manager/ Secretary-Treasurer. The Trustees shall report to the membership on the essential elements of the financial statement.

Sec. 175. The Trustees shall see that the Treasurer and Financial Secretary, and other officers or representatives required to be bonded are bonded in the manner and in the amount required by law, but not for less than \$2,500.00, sufficient to thor-

oughly protect the funds of the Local Union and when directed by the Local Union the Trustees shall file bonds in such amounts as the Local Union shall require.

Duties of the Warden

Sec. 176. The Warden shall take charge of the door at the meetings and see that none but the members in good standing of the Local Union and authorized representatives and guests be admitted. He or she shall also act as Sergeant at Arms.

Duties of the Business Representative

Sec. 177. Where a Local Union is fully affiliated with a District Council, all Business Representatives shall be employed by the District Council and shall be subject to the direction and supervision of the Business Manager/Secretary-Treasurer of the District Council. In Local Unions that have a Business Manager pursuant to Section 152 (b), the Business Representatives shall be subject to the direction and supervision of the Business Manager of the Local Union. The Business Representative shall also be subject to assignment or direction of the General President in accordance with Section 45.

Committees

Sec. 178. (a) The first-named person on a committee shall be its chairperson until said committee meets; its members may then elect a chairperson.

(b) No member shall be exempt from serving on a committee unless excused by a vote of the Local Union, or if he or she is a member of some other committee. No member can be appointed on a committee in his or her absence.

(c) All committees shall perform the duties assigned to them within the time specified.

Sec. 179. Committees holding monies of the Local Union either as balances or appropriations, or from any other source, shall, at the next regular meeting, deliver the same into the hands of the Financial Secretary, together with all vouchers and accounts. In no case shall a committee be discharged until it has delivered such monies and its report has been acted upon.

Nominations and Elections

Sec. 180. (a) The election of Local Union Officers, Local Union Executive Board Members, delegates to central bodies, and District Councils shall be held on the last meeting in June and nominations for the same shall be held on the last meeting in May. Where necessary, the term of current Local Union officers shall be shortened to obtain compliance with the preceding sentence.

(b) Notice of the nomination meeting and the election meeting shall be given by mail posted to the last known home address of all members at least five (5) days prior to the nomination date and at least 15 days prior to the election date. Such notices shall clearly state the date, time, place and purpose of these meetings.

(c) Each Local Union shall elect its officers and delegates to central bodies by secret ballot for a term of three (3) years, and shall elect Delegates to the District Council by secret ballot for a term of four (4) years. Officers and said delegates shall hold office until their successor is duly elected.

Sec. 181. (a) To be eligible to run for any elected position, a member must meet the following requirements:

(1) The member has been in continuous good standing in his or her Local Union for two years immediately prior to the date of nomination;

(2) The member has attended at least one meeting, and attended, or excused his absence from, at least twenty-five per-

cent (25%) of the meetings held by the Local Union during the 12 months immediately prior to the date of nomination; a member may excuse his or her absence on the basis of a work conflict, illness, or personal emergency, so long as he or she submits the excuse in writing to the Local Union no later than five (5) calendar days after the missed meeting; and

(3) The member (A) was employed, actively seeking employment, or unable to be employed or to seek employment due to temporary disability, within our trade during the major portion of the twelve months prior to the date of nomination, and (B) is currently active in the trades and not drawing a pension from a plan sponsored by or affiliated with the International Union or any subordinate body of the International Union. “Employed” and “employment” means “full-time” employment as defined in Section 182 (j).

(b) A member otherwise eligible shall not be rendered ineligible under this Section if he or she was employed full time during the major portion of the 12 months prior to the date of nomination by the International Union, a Local Union or District Council of the International Union, the AFL-CIO, or any department thereof, a central body recognized by the Local Union of which he or she is a member or in any department of the local, state, provincial and/or territorial or Federal Government. For the purpose of this section, “full-time” shall mean working at least 870 hours per year, determined by dividing the total of the office holder’s earnings during the twelve (12) months preceding the month of nominations by the lesser of the journey-person’s hourly rate of compensation, or the officeholder’s lowest hourly rate of compensation.

(c) Where no members are initially nominated who meet the eligibility requirements set forth above, the Local Union may accept the nomination and election of others from among its members who are not specifically disqualified under other provisions of the General Constitution. Where the General Presi-

dent, in his or her sole discretion, determines that conditions in a given Local Union warrant, he or she may waive one or more eligibility requirements.

(d) In every case, it shall be a requirement of eligibility to be nominated or elected that the member must be a resident of the United States or in the case of Local Unions in Canada; one must be a citizen of Canada.

(e) War veterans now serving or having served in the armed forces of the United States or Canada, shall be credited with continuous good standing for the period of such service insofar as eligibility for delegate to the General Convention is concerned.

(f) Any member who enters the land, naval or air forces of the United States or Canada, by enlistment or conscription, and becomes disabled while in service and receives an honorable discharge, shall not be debarred from holding office or serving as a delegate or representative of the Local Union, provided the member is otherwise qualified under the provisions of the Constitution.

(g) Every member in good standing shall have the right to nominate, vote for or otherwise support the candidate of his or her choice, subject to the provisions of this Constitution.

(h) No member whose dues have been withheld by his or her employer for payment to the Local Union pursuant to his or her 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 Local Union, by reason of alleged delay or default in the payment of dues by his or her employer to the Local Union.

(i) Local Unions may not impose eligibility requirements different than those set forth in this Section.

Sec. 182. (a) No member shall be nominated if not present unless absent due to: (a) official Union business; or (b) confinement to his or her home or a hospital due to temporary illness.

(b) No member shall be nominated for, nor accept nomination for, nor hold, two (2) or more full-time or part time elected positions (including District Council or International positions) at any one time; provided that the position as Delegate to the General Convention or to a District Council shall not be construed as an elected position for the purpose of this Section. An exception to the above may only be granted upon the Local Union receiving written permission from the General President.

(c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the presiding officer without further nomination being made.

(d) The Financial Secretary shall at the time of nominations review the eligibility for office of any candidate and make a report on each candidate at the nominating meeting.

(e) Any question of the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union, in accordance with the provisions of the Constitution, and shall be appealable to the General President in accordance with Section 182 (f), below.

(f) Any member may appeal the eligibility determination of the presiding officer to the General President. Any such appeal must be received by the General President, within 48 hours of the presiding officer's determination. The General President or his or her designee shall decide such an appeal, within 14 days. In reviewing eligibility questions, the General President may examine all available and pertinent Local Union, District Council and International Union records provided; however, that in all cases the General President may place full reliance on the membership records on file at the International Union and his or her decision in that regard will be final and binding on all concerned.

(g) A member who is ruled ineligible for office on appeal to the General President may submit a further and final appeal to the General Executive Board within two (2) days following his or her receipt of the General President's decision. The General

Executive Board shall decide the appeal as soon as practicable, but no later than its next regularly scheduled meeting.

(h) 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 election meeting.

(i) In elections held to fill vacancies, a member who holds an elected Local Union position other than delegate to the General Convention or District Council delegate must resign said position in writing before accepting nomination as a candidate for another elected Local Union position and all existing vacancies, including those left by such resignations, shall be filled by the same nominations and elections. The notice of the nominations meeting shall state that nominations will be accepted for the position vacated, and any other positions that come open as a result of any such resignation.

(j) The term “full-time” as used in this section shall mean employment during which the officeholder has served at the rate of 870 hours per year. The 870 hours will be determined by dividing the total of the officeholder’s earnings during the 12 months preceding the month of nominations by the lesser of the journey-person’s hourly rate of compensation, or the officeholder’s lowest hourly rate of compensation during that 12-month period.

Sec. 183. (a) At elections the presiding officer shall appoint two (2) tellers and one (1) judge who shall constitute the election committee. The presiding officer shall then announce the names of the candidates in rotation and a vote shall be taken.

(b) Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

(c) After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots. Each

candidate shall have the right to have an observer present at the polls and at the counting of the ballots. An observer must be a member in good standing of the subordinate body conducting the election.

(d) When there are two (2) or more candidates for an office or delegate, the candidate or candidates receiving the highest number of votes shall be declared elected.

(e) All officers shall be installed immediately after election.

(f) All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

(g) Any protests concerning elections or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

(h) Any member aggrieved by a ruling by the General President under sub-section (g) may appeal to the General Executive Board within seven (7) days following the member's receipt of the General President's ruling.

Expiration of Term of Office

Sec. 184. (a) The terms of all Local Union officers and other elected representatives shall expire immediately upon the announcement of the winning candidate, who shall immediately assume office. All Local Union Officers at the expiration of their terms of office or when removed under procedures set forth in this Constitution, shall immediately deliver to their successors all books, papers, monies and other property in their possession belonging to the International Union, Local Unions or other affiliated subordinate bodies. They shall not be relieved from their bonds until they have done so.

(b) All records, vouchers, worksheets, receipts, books and reports, shall be retained at the Local Union's principal office for a period of seven (7) years.

Vacancies

Sec. 185. If any officer or delegate fails to discharge the duties of his or her office or position for three (3) consecutive meetings without a reasonable excuse, the office or position shall be declared vacant by the President.

Sec. 186. Vacancies occurring among the officers in any Local Union shall be filled by nominations at the next meeting and election at the succeeding meeting, under procedures set forth above; except that if at the time the vacancy occurs the period remaining to the end of the unexpired term of the vacant office is twelve (12) months or less the vacancy shall be filled by appointment by the President.

Sec. 187. During the temporary absence of any officer the President shall appoint a member to perform the functions of that office on a pro tem basis.

Removal of Officers and Delegates

Sec. 188. No officer or other elected official of a Local Union may be removed except after due charges and a trial in accordance with Sections 281 through 311 of this Constitution. Upon the filing of charges seeking the removal of a Business Representative or other elected official, the Business Manager/Secretary-Treasurer of the District Council (for affiliated Local Unions) or the Business Manager (for unaffiliated Local Unions) shall have discretion to suspend the Business Representative or elected official with or without pay, and to require that Business Representative or elected official to relinquish control of all property of the Local Union, pending the decision of the Trial Board. Provided, however, that any officer or other elected official who goes suspended for nonpayment of dues or who fails to remain a member in good standing of the Local Union that elected him or her shall be automatically removed from office.

Sec. 189. (a) The election of Local Union Officers, Local Union Executive Board Members, delegates to central bodies, and District Councils shall be held on the last meeting in June and nominations for the same shall be held on the last meeting in May. All Local Unions affiliated with a single District Council shall conduct nominations and elections of Local Union officers and delegates to central bodies in the same year and month, and shall conduct nominations and elections of District Council delegates in the same year and month as the nomination and election of the District Council Business Manager/Secretary-Treasurer and Business Representatives.

(b) Any delegate failing to follow the instructions of a Local Union as provided in Section 189(a) may be removed as a delegate by majority vote at a special meeting of the Local Union, and a new delegate shall be elected.

New Officer Training Program

Sec. 190. All full time newly elected or appointed (first-time) Local Union Business Managers, Business Representatives, Organizers or other Representatives are required, as a condition to maintaining their positions, to attend Leadership Training sponsored or established by the International Union at such time and place as prescribed by the General Executive Board. The International Union shall pay reasonable transportation costs, tuition, books, fees and lodging for attendance in the seminar. The Local Union of the participant shall pay the participant's salary. The General Executive Board is authorized to sponsor or establish courses and curriculum designed to teach such new officers or representatives the fundamentals necessary to better represent the membership and to invite participation in the seminars by such other staff or officers as it deems appropriate.

District Councils

DISTRICT COUNCILS

Formation of Councils

Sec. 191. (a) District Councils shall be formed by a charter issued by the General Executive Board. The jurisdiction of each District Council shall be determined by the General Executive Board, except no charter shall be issued for the formation of a District Council within 15 miles from the headquarters of a District Council already chartered, nor shall a charter be issued for more than one (1) District Council in any city.

(b) Wherever District Councils exist in violation of this section the General Executive Board shall be empowered to revoke charters of same if upon investigation the Board deems it advisable.

Objects

Sec. 192. The objects of District Councils shall be to further the objects of the International Union set forth in this Constitution and to support and further the policies and programs adopted by the General Executive Board.

Powers and Duties

Sec. 193. (a) Each District Council shall have legislative and executive power in all matters relating to the common interest and welfare of the Local Unions within its jurisdiction, except where otherwise provided in this Constitution.

(b) District Councils shall be authorized to act as the exclusive bargaining representative of their members and any other employees represented by the District Council or any affiliated Local Union. District Councils shall be authorized to establish rates of wages and uniform dues for all Local Unions of the same character within their jurisdiction. They shall have power, subject to a referendum vote of the Local Unions and the ap-

proval of the General Executive Board, to frame, through collective bargaining or otherwise, all working or trade rules and to enforce the same; collect all fines duly imposed; issue a quarterly working card; order strikes and decide all disputes between Local Unions or members, subject to appeal to the General Executive Board. However, this section shall not deprive any other officer or body of jurisdiction to decide any such matters in dispute when the Constitution vests any jurisdiction over such matters in other officers or bodies.

(c) They shall have power to make agreements with kindred bodies or central organizations in the district that are not antagonistic to the International Union, and to send delegates to the same when necessary.

(d) They shall have the power to inspect the books and records of affiliated Local Unions and investigate complaints by members. For good cause, and with the approval of the General President, they may audit the financial or other records of an affiliated Local Union or of any Trust Fund (other than a Trust Fund administered or established by the International) affiliated with the Local Union. In the event the District Council determines that a Local Union or its officer(s) has not complied with provisions in this Constitution, the active, full-time executive officer of the District Council shall promptly file a detailed report with the General President.

Bylaws

Sec. 194. (a) Each District Council shall frame its own bylaws, which shall in no way conflict with this Constitution. All District Council Bylaws shall conform to the Model Bylaws for District Councils published by the General Executive Board. All Bylaws shall be submitted for approval to the General Executive Board with any variances from the Model Bylaws clearly noted in bold typeface. The General Executive Board

may approve as written, or it may require corrections that are in its discretion needed to avoid conflict with this Constitution or with law. Upon approval, or approval as corrected, by the General Executive Board, a copy of the Bylaws shall be returned to the District Council and a copy shall be retained by the General Secretary-Treasurer. Bylaws or changes thereto, shall not be implemented, printed or enforced prior to approval by the General Executive Board.

(b) Each District Council shall have a Bylaws Committee as a standing committee. Proposed changes in the bylaws, working rules or capitation tax of a District Council, and dues and assessments to be levied by a District Council on members of its affiliated Local Unions, must be submitted for approval to the Bylaws Committee and thereafter to the Council delegates. Once approved by the Bylaws Committee and the Council delegates, as proposed or as amended or modified by the approving body, such proposed actions must be submitted by the District Council for referendum vote among the members of the affiliated Local Unions. The referendum vote shall be conducted in accordance with the procedure specified in sub section (c).

(c) Notice shall be given by mail to the membership of the affiliated Local Unions at least 15 days prior to the meeting at which the members will consider and vote on the question. The notice must specifically state the question to be voted on, including the precise amount or rate of any change in dues, fees, or assessments, and must include a copy of any proposed Bylaw amendment. Such meeting may be regular or special. Voting shall be by secret ballot, and a majority vote of the members in good standing present and voting at such meetings shall decide the issue.

(d) All District Councils shall revise their bylaws no later than June 1st of the year following a General Convention to bring their bylaws into conformity with the action of the General Convention.

(e) Bylaws, or changes in bylaws, working rules, capitation tax, or dues and assessments to be levied by a District Council on members of its affiliated Local Unions adopted pursuant to subsection (b), shall be submitted for approval to the General Executive Board, and shall not be effective until so approved. The General Executive Board shall approve or disapprove submitted bylaws within six (6) months from the date of submission; if no action is taken within six (6) month period, the bylaws shall be considered approved; provided that the General Executive Board may disapprove bylaws of a District Council, in whole or in part, when such bylaws are deemed by the General Executive Board to be in conflict or inconsistent with the rules or policies of the International Union.

(f) All District Council bylaws shall contain the following provision:

In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair days work in workmanlike manner. Any member, who is terminated for cause, three times within a twenty-four month period, from a position under a District Council collective bargaining agreement, shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.

In cases where the terminations resulted strictly from lack of skills, the Trial Board may require the member to attend journeyperson upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 102 of the IUPAT Constitution, the Trial Board may recommend that Section 102 be implemented in lieu of expulsion.

(g) The Bylaws of each District Council shall provide for a separate organizing fund.

(h) The Bylaws of each District Council shall provide that a portion of dues check off shall be placed in the Organizing fund. Said amount shall be over and above the current dues called for in the Bylaws of the District Council.

(i) The Bylaws of each District Council shall provide that the Business Manager/Secretary-Treasurer shall determine how the monies in the Organizing Fund shall be used.

Affiliation by Local Unions

Sec. 195. (a) All Local Unions within the jurisdiction of a District Council must be fully affiliated with, represented in and governed by the rules of the District Council, provided that the General President may, in his or her discretion exempt a Local Union from this requirement. Refusal of a Local Union to be fully affiliated with a District Council shall be penalized by the General Executive Board, as it deems proper.

(b) District Councils shall admit as a full affiliate any Local Union within their jurisdiction, regardless of the wages received by the Local Union and the District Council shall do all in its power to raise the wages and improve the working conditions of such Local Unions.

(c) “Full affiliates” or “fully affiliated” means payment of full per capita tax and administrative dues check-off to the District Council, enjoyment of full voting rights, trade recognition, cooperation with the principal officer and all other representatives and officers of the District Council in negotiating collective bargaining agreements and adopting Bylaws, merging all fringe benefit funds, servicing, policing jobs, organizing and enforcing contracts on a District Council-wide basis.

(d) No District Council shall suspend or expel a Local Union without the consent of the General Executive Board.

(e) When a Local Union or Unions are assessed by a District Council and said assessment is considered unjust or illegal and

an appeal is made, the said Local Union or Unions shall pay the disputed assessment, in part or whole and under protest, pending the decision of the General Executive Board.

Meetings

Sec. 196. (a) The General Executive Board shall be empowered to revoke the charter of any District Council, which fails to hold regular meetings. What constitutes “regular meetings” shall be determined by the General Executive Board based on the circumstances of each case.

(b) During any and all regular, special or recess sessions of any affiliated District Council the flag of the country in which the body is chartered shall be displayed in such position as will be faced by the assemblage.

(c) The Business Manager/Secretary-Treasurer or President of a District Council shall have the authority to use, at his/her discretion, video conferencing as a means to conduct the monthly meeting of the District Council.

Quorum

Sec. 197. A quorum for the transaction of business shall consist of a majority of the delegates attending District Council meetings as defined in the District Council Bylaws.

Funds and Property of District Councils

Sec. 198. (a) District Councils shall not incorporate or otherwise assume a legal status other than that provided by this Constitution. District Council funds, assets or property derived from any source shall be held in the name of the District Council and shall not be transferred or conveyed to any other person, body, committee, entity or organization, whether incorporated or unincorporated, except as otherwise permitted in this Consti-

tution; provided, however, subject to the provisions set forth in Section 198 (b), District Councils may establish, where local law requires same, a Declaration of Trust or Corporate Entity to hold title to real estate for the benefit of the District Council.

(b) In instances where a trust or corporate entity is established to hold title to real estate for the benefit of the District Council, the District Council shall be the actual and beneficial owner of all shares or interest in the trust or corporate entity. The trust or corporate entity shall be construed as being subject to this Constitution and to the laws, rules and regulations of the International Union, and all officers or trustees of such entity shall be, if not otherwise appointed to office or position pursuant to District Council Bylaws, subject to election in accord with the provisions of this Constitution that refer to the election of District Council officers. A District Council that seeks to establish a trust or corporate entity to hold title to real property must obtain approval by the General Executive Board prior to establishment of such trust or entity, as well as General Executive Board approval of the trust or entity bylaws and operational documents. In circumstances where a District Council has established a trust or corporate entity to hold title to real property without the approval of the General Executive Board, immediately upon discovery by any District Council officer, the District Council shall, revise its trust and/or corporate documents to comply with this provision and submit its operational documents and bylaws for General Executive Board approval.

(c) The funds and property of a District Council shall be used for such purposes only as are specified in this Constitution and the District Council's bylaws and as may be required to transact its business. No member shall possess any right, title or interest (actual or beneficial) in the funds, property, assets, entitlements or expectancies of a District Council.

(d) On no consideration shall money from the District Council Treasury be loaned or donated to members (strike, lockout

and regularly established sick benefits excepted). This shall not prohibit a District Council from levying an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade; provided, however, that before any such assessment is levied (I) all members shall be notified by mail that the proposed assessment will be considered at the next meeting and, (II) the majority of members present and voting, approve the assessment in a secret ballot vote.

(e) No funds of a District Council or any other subordinate body of this International Union shall be used to pay the legal expenses and costs incurred by any member or members involved in any litigation or administrative or legal proceeding in which the International Union or any subordinate body thereof is an adverse party, except upon a two-thirds vote of the membership present and voting at a special meeting called to discuss and decide the issue.

Sec. 199. (a) The funds or property of a District Council shall not be divided among its affiliated Local Unions or the members, individually, but shall remain the funds and property of the District Council for its legitimate purposes, while chartered; provided, however, that in this case of a merger of a District Council, the Charter of the District Council merged shall be surrendered to the General Secretary-Treasurer and the funds and property of that District Council shall be transferred to the surviving District Council. When the Charter of a District Council is revoked, the District Council or its officers shall forthwith turn over all books, documents, property and funds to the General President or his representative; in such event, the books, documents, property and funds shall be held in trust by the International Union until such time as the District Council may be reinstated or reorganized. If it is not reinstated or reorganized within two (2) years, then such books, documents, property and funds shall revert to the International Union.

(b) Whenever a District Council or other subordinate body secedes, disaffiliates or dissolves, or its charter is suspended, forfeited, or revoked, and demand is made upon such organization or its officers to deliver to the General President or his or her authorized representative the records, property and funds of such organization, and if such demand is refused, then all expenses, of whatever nature, incurred by the International Union in recovering such records, property and funds, shall be a lawful charge upon recovery thereof, the International Union shall reimburse itself from the property and funds recovered.

(c) The International Union and its other subordinate bodies shall not be liable for any debts or obligations of any District Council by virtue of the transfer or reversion to them of any funds or property of such District Council pursuant to this section; and if a court of competent jurisdiction should rule otherwise, the said liability shall be strictly limited to the funds and property owned by such District Council at the time of said transfer or reversion.

Sec. 200. No District Council shall levy an assessment or draw from its treasury to pay the funeral expenses of any member not in good standing or to pay the funeral expenses of a member in good standing for an amount in excess of \$1,000.00 and then only when the District Council assumes the expenses of the funeral (unless the District Council is the beneficiary of the deceased.)

Deposit of Funds

Sec. 201. No District Council or other subordinate body shall place its funds in any bank or depository in the name of any individuals, or in the name of any other entity; all monies must be deposited in the name of the District Council to be drawn at the order of the District Council by the proper officers.

Finances

Sec. 202. (a) It shall be the continuing responsibility of each District Council to assure that it is in sound financial condition. At least once a year, the Council of Delegates shall meet to review the Council's finances and the sufficiency of its revenue, and determine whether a per capita tax, working dues and/or percentage dues check-off increase is needed to enable it to properly carry out its duties, obligations and programs. Thereafter, the District Council shall report its findings to the membership. If needed, the Council of Delegates shall propose a per capita, working dues and/or percentage dues increase through referendum vote as set forth in Section 194.

(b) All district councils shall be required to have an annual unqualified audit performed by an Independent Certified or Chartered Public Accountant. The annual audit shall be reviewed by the District Council Trustees in accordance with Section 216. The audit shall be completed no later than four (4) months after the close of the district council's fiscal year. A copy of such audit, when completed, shall be forwarded to the General Secretary-Treasurer's office.

(c) Whenever there is a change in the principal financial officer of a District Council (the Business Manager/Secretary-Treasurer), an independent auditor appointed by the General President shall review the records of the District Council, and at the General President's discretion, any affiliated local unions, to determine whether all financial and reporting practices are adequate and in order. The independent auditor may, in his discretion, perform a complete audit or such procedures as in his judgment are sufficient to determine whether the financial and reporting practices of the District Council are adequate and in order. At the conclusion of his review, the independent auditor shall submit to the General President and the District Council Business Manager/Secretary-Treasurer, a writ-

ten report stating his findings, and any recommendations for modification of the District Council's and/or Local Unions' financial and reporting practices.

Sec. 203. The revenue of District Councils shall be derived as provided for in the District Council Bylaws.

Sec. 204. (a) All District Council expenditures must be authorized by this Constitution, the District Council Bylaws or action of the Council Delegates.

(b) District Councils shall fix salaries and other compensation for officers in accordance with these rules:

(1) Salaries and benefits for all officers shall be established in the District Council Bylaws;

(2) A change in salaries must be accomplished by amendment of the bylaws in accordance with this Constitution;

(3) The bylaws shall clearly provide the amount of vacation, sick leave, per diem and other benefits to be received by officers, and shall provide that salaries of officers shall not be increased by payment of overtime or payment for accrued but unused vacation or sick leave;

(4) The terms of office and salary provisions of this Constitution and District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in this Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

(c) In all instances, the officer or officers or employees entrusted with the collection, custody and safekeeping of funds shall be bonded. The General Secretary-Treasurer or the General Executive Board may, by official action, direct increases or reductions in the amount of said bonds, or changes in positions or persons bonded but in no event will any person or position be bonded for an amount less than \$2,500.00. The premiums on the bonds written on officers or employees shall be paid by

such body in the manner and form designated by the General Secretary-Treasurer.

Sec. 205. (a) All checks or orders on the bank issued by District Councils must be signed by any two of the following: (1) the President, (2) Business Manager/Secretary-Treasurer or (3) one of the Trustees.

(b) For checks or orders on the bank that are issued electronically on behalf of the District Council, such as payroll direct deposit, a report or register listing all such payments must be signed by two of the three individuals listed in Sec. 205(a) with a written statement attached that the signatories have reviewed and approved all payments in the listing. All electronic payments described herein must be reported the same as any payments in Sec. 205(a).

Sec. 206. No District Council or other subordinate body shall circulate any appeal or circular asking for financial aid unless such appeal is approved by the General Executive Board, attested by the General Secretary-Treasurer. Any District Council receiving such financial assistance must forward to the General Secretary-Treasurer an itemized account of receipts and expenditures.

Sec. 207. No District Council, or other subordinate body or any member shall be permitted to issue charters, seals, blanks, or other documents, or establish websites, bearing the copyrighted seal of the International Union, the name or acronym of the International or to use any trademark, service mark or mark of any kind that is commonly associated with the International Union or its affiliates, or to engage in conduct that may interfere with the intellectual property rights of the International Union, without the approval of the General President. Nor shall any member or subordinate body, in the publication of programs, souvenirs or other documents or websites, designate the same as "The Official Journal" of the International Union or as the "Painters and Allied Trades Journal" the registered name of

our official Journal, or represent, in any manner, that such publication or website has been approved by the International.

Sec. 208. No District Council or other subordinate body shall levy assessments on its members to aid other trades in cases of trade troubles without the consent of the General Executive Board.

Bonds

Sec. 209. (a) Officers of District Councils, and other subordinate bodies, or of Trusts in which such bodies are interested, and employees of such bodies, who participate in collection, receiving and banking of dues, assessments and other income shall be bonded as required by law, with a financially sound bonding company selected by the General Executive Board. The amount of said bond and the officers or employees on which said bond applies will be as set by law, and determined by the General Secretary-Treasurer.

(b) The General Secretary-Treasurer or the General Executive Board may, by official action, direct increases or reductions in the amount of said bonds, or changes in positions of persons bonded there under, but in no event will any person or position be bonded for an amount less than \$2,500.00. In all instances, the officer or officers or employees entrusted with the collection, custody and safekeeping of funds shall be bonded. The premiums on the bonds written on officers or employees shall be paid by such body in the manner and form designated by the General Secretary-Treasurer.

(c) The General Executive Board shall develop a group liability insurance program covering all affiliates. Every District Council shall, unless exempted by the General Executive Board, participate in such insurance program. Premiums shall be paid by the District Councils and Local Unions participating in the program.

Reports to General Secretary-Treasurer

Sec. 210. District Councils and other affiliates that are required by law to file LM reports with the Department of Labor, and/or reporting Form 990 with the Internal Revenue Service, or any other report or form required by law to be filed with a government agency, shall send copies of such reporting forms to the office of the General Secretary-Treasurer at the time they are filed with the government agency. Such forms and/or reports shall include all reports filed with governmental agencies by Trust Funds in which the District Council or other affiliate participates (other than funds administered by the IUPAT).

Audits of Delinquent District Councils

Sec. 211. (a) Any District Council that becomes two (2) months in arrears in payment of per capita taxes and fees, or two (2) months in arrears in furnishing monthly reports to the office of the General Secretary-Treasurer, shall at the end of said two-month period of arrearages be promptly notified by the office of the General Secretary-Treasurer.

(b) The General Secretary-Treasurer shall cause to have performed by his or her designee an audit of any District Council which has become delinquent two (2) months or longer in the payment of any monetary obligation due and owing to the International Union. The General Secretary-Treasurer shall ascertain the reasons for such delinquency and the extent of the District Council's financial ability to pay the obligations.

(c) Should the General Secretary-Treasurer determine that the District Council does not have the ability to pay its obligations, he or she shall, in writing, order payment arrangements to satisfy the obligation.

(d) Should the General Secretary-Treasurer determine that the District Council can pay the obligations; he or she shall, in writing, order immediate payment.

(e) Failure to comply with the General Secretary-Treasurer's orders may result in trusteeship proceedings and/or charges being filed and officers of the District Council being removed from office in accordance with provisions of the General Constitution.

(f) Unless an exception is granted by the General Executive Board, each District Council or Local Union shall submit to the General Secretary-Treasurer's office, on a monthly basis, a report detailing the total hours worked under collective bargaining agreements maintained by that affiliate. Such report shall include each employer's name, the total hours worked and the agreement under which the hours were worked.

District Council Officers

Sec. 212. (a) The officers of a District Council shall consist of the Business Manager/ Secretary-Treasurer, the President, the Vice-President and the Trustees.

(b) The District Council shall be composed of the Business Manager/Secretary-Treasurer and the Local Union delegates to the Council.

(c) The Executive Board of a District Council shall consist of the Business Manager/Secretary-Treasurer, President, Vice President, the Trustee Chairperson of the District Council and unless otherwise specified in the District Council bylaws, one duly elected delegate from each fully-affiliated Local Union. The Executive Board of a District Council shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Delegates; provided, however, that during the interim between Council Delegates meetings, the Executive Board shall be authorized to act for the Council Delegates in cases of emergency. The Executive Board shall meet prior to all District Council meetings and at all other times as deemed necessary by the Business Manager/Secretary-Treasurer and/or President.

(d) The duties of all officers, Business Representatives and employees of the District Council shall be carried out, and their authority shall be exercised, in strict accord with this Constitution and the policies and programs established by the General Conventions, by the General President and the General Executive Board. The Business/Manager Secretary–Treasurer of the District Council shall be responsible for monitoring and taking appropriate action to assure the performance by officers, Business Representatives and employees of their responsibilities under this provision.

Duties of Business Manager/Secretary-Treasurer

Sec. 213. (a) The bylaws of a District Council shall provide that the Business Manager/ Secretary-Treasurer shall be a full-time position and shall serve as an active full-time principal officer. The Business Manager/Secretary-Treasurer shall be an automatic trustee to any District Council Trust Funds and any Trust Funds established by Local Unions fully affiliated with the District Council; shall appoint (and have the power to remove) all Union Trustees to all Trust Funds of the District Council and all Trust Funds established by Local Unions fully affiliated with the District Council; shall have full charge of the business office of the District Council shall have the authority to employ and discharge such employees and purchase and utilize such equipment and supplies as he or she deems necessary for the proper operation of such offices; shall maintain a current list of names and addresses of all members of the affiliated Local Unions; shall be spokesperson of the District Council negotiating committee(s); shall have the power to direct, and supervise Business Representatives in the employ of the District Council in the performance of their duties and assign them to any territory or task irrespective of trade; and shall have the power to appoint, discharge and set salaries and expenses for organizers, field repre-

sentatives or other staff and direct them in the performance of their duties; and shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s), if established by collective bargaining agreement and appoint all other delegates to the Joint Trade Boards. The Business Manager/Secretary-Treasurer shall have such other duties and authority as specified in this Constitution or the District Council Bylaws.

(b) The Business Manager/Secretary-Treasurer shall be held responsible to the District Council, the affiliated Local Unions, and the General President for results in organizing the jurisdiction of the District Council, for establishing working relations with employers, and for protecting the jurisdiction of the International Union of Painters and Allied Trades.

(c) The Business Manager/Secretary-Treasurer shall receive a weekly salary of not less than sixty (60) hours pay at the highest collectively bargained hourly wage rate set forth in the District Council area labor agreement(s). This provision may only be waived upon the approval of the General Executive Board.

(d) The Business Manager/Secretary-Treasurer at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.

(e) The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes of District Council meetings and forward same to all affiliated Local Unions and to all delegates to the District Council and to the General Secretary-Treasurer. At a minimum, the minutes shall contain the following:

(1) a listing of the District Council Delegates and Officers who were present or absent at each meeting, as well as a list of all members and guests in attendance,

(2) a description of each item of business conducted at the meeting, which shall note all motions made and the disposition of each.

The principal officer shall also keep a roll-call record book to record the presence or absence of all delegates and officers of the Council at meetings.

(f) The Business Manager/Secretary-Treasurer or his or her designee shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to insure that the General Constitution, the District Council bylaws, and Working Rules and provisions of the collective bargaining agreement are enforced. It shall be the duty of the Stewards to see that all persons have their working cards, and to contact the District Council immediately if there should be any irregularity.

(g) The Business Manager/Secretary-Treasurer shall appoint from among the members of all affiliated Local Unions the following standing Committees: Bylaws Committee; Organizing Committee; Political Action Committee; Building Committee; Retirees Committee and Community Organizing for Real Economics Committee. All other Committees of the District Council shall be appointed by the President or as otherwise set forth in the District Council Bylaws.

(h) When any question arises respecting the construction or interpretation of the District Council Bylaws, the Business Manager/Secretary-Treasurer shall, in the first instance decide any such question subject to the approval of the Council of Delegates. If the Council of Delegates takes no action in respect to such interpretation at the next meeting after it is made, the same shall be deemed approved by the Council of Delegates.

Duties of President

Sec. 214. It shall be the duty of the President to preside at all meetings of the District Council Delegates and to conduct the meetings according to parliamentary rules, to enforce due observance of the General Constitution and the bylaws of the District Council at such meetings, to decide all questions of order

without debate, and subject to an appeal to the meeting, and to see that all officers perform their respective duties faithfully during each meeting. The President shall sign all official documents that have been passed by the District Council Delegates. The President shall not take part in any debate, or make or second any motion. He or she shall not vote on any motion except in case of a tie, when he or she shall have the deciding vote. The President shall appoint all Committees, except as otherwise provided in this Constitution or the Bylaws of the District Council.

Duties of Vice- President

Sec. 215. The Vice President shall assist the President in the performance of his or her duties and conduct the meetings in the President's absence.

Duties of Trustees

Sec. 216. (a) Each District Council shall elect the number of Trustees to be determined by the District Council Bylaws. The Trustees shall, immediately upon election, elect one (1) Trustee as Chairperson.

(b) No District Council Trustee may be employed by the District Council in any other capacity.

(c) On no less than an annual basis the trustees shall meet with the Independent Certified or Chartered Public Accountant to review the audit report upon its completion as required by Section 202(b). The trustees will subsequently render a report on the Audit to the District Council delegates, with a copy of the Audit and report being forwarded to the Office of the General Secretary-Treasurer. Further, the trustees in fulfilling their duties as prescribed in Section 216(a), shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.

Sec. 217. The Trustees shall have supervision of all funds and property of the District Council.

Sec. 218. The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the District Council's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the District Council are properly secured in an appropriate depository in the District Council's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the District Council except on an order or check signed in accordance with this Constitution. They shall verify that expenditures have been made in strict compliance with this Constitution.

Sec. 219. (a) At the end of each fiscal quarter the Trustees shall jointly fill out the quarterly checklist of the trustees and forward the original copy to the office of the General Secretary-Treasurer and District Council Business Manager/Secretary-Treasurer. They shall examine the membership records of the District Council so as to ascertain the membership at the close of each month and shall compare their findings with the duplicates of the reports of the Business Manager/Secretary Treasurer to the General Office to see if the District Council is paying tax on the proper number of members and if all suspensions, reinstatements, initiations, admissions of members on clearance cards and other changes in membership of the District Council and its affiliates have been properly reported.

(b) In lieu of the required quarterly checklist and other duties of Trustees set forth in the Subsection (a), District Councils may submit to the office of the General Secretary-Treasurer a quarterly, semi-annual, or annual financial statement prepared by an independent accountant. The financial statement is to be

reviewed and signed by the Trustees prior to submission to the General Secretary-Treasurer and District Council Business Manager/Secretary-Treasurer. The Trustees shall report to the membership on the essential elements of the financial statement.

Sec. 220. The Trustees shall see that the Business Manager/Secretary-Treasurer and other officers, representatives and employees required to be bonded are bonded in the manner and in the amount required by law, but not for less than \$2,500.00, sufficient to thoroughly protect the funds of the District Council and its affiliates and when directed by the District Council the Trustees shall file bonds in such amounts as the District Council shall require.

Duties of Warden

Sec. 221. Where District Council bylaws establish the office of "Warden," the Warden shall take charge of the door at the meetings, and see that none but the delegates in good standing to the District Council and authorized representatives and guests be admitted. He or she shall also act as Sergeant at Arms.

Duties of Business Representatives

Sec. 222. It shall be the duty of the District Councils' Business Representatives to render such assistance to the Business Manager/Secretary-Treasurer as he or she may require and, under his or her direction, to carry out their assigned functions.

Delegates

Sec. 223. Each Local Union affiliated with each District Council shall elect the number of delegates as provided for in the District Council Bylaws.

Nominations and Elections

Sec. 224. (a) The Business Manager/Secretary-Treasurer shall be elected at large by the membership of all Local Unions affiliated with the Council.

(b) In elections of the Business Manager/Secretary-Treasurer the notice of nominations, and the ballot in the event of a contest, shall note that the holder of this office shall also be an automatic delegate to regular or special Conventions of the International Union (for example, by designating the position as Business Manager/Secretary-Treasurer/automatic delegate to General Convention).

(c) The Business Representatives of a District Council shall be elected at large by the membership of all Local Unions fully affiliated with the District Council. As set forth in the District Council Bylaws, elected Business Representatives may, when the District Council Bylaws so provide, be automatic delegates to the District Council. In such instances, the Notice of Nominations, and the ballot (in the event of a contest), shall note that the holder of this position shall also be an automatic delegate to the District Council (for example, by designating the position as Business Representative/Automatic Delegate to the District Council).

(d) District Council delegates shall be elected by secret ballot in accordance with the procedure specified in this Constitution.

(e) The President, Vice President, Trustees, and delegate members of the District Council Executive Board shall be nominated, and elected by secret ballot, by the delegates of the District Council within thirty (30) days after each District Council elections. The term of each office shall be four (4) years. The provisions set forth in Section 228(b) shall not apply to these positions.

(f) The term of the Business Manager/Secretary-Treasurer and elected Business Representatives shall be four years. The

term of District Council Delegates shall be four years, and they shall be elected in the same year in accordance with the provisions of Section 229.

Sec. 225. (a) Nominations of the District Council Business Manager/Secretary-Treasurer and Business Representatives shall be held at Local Union meetings in May of each election year. At such meetings, any member of any Local Union affiliated with the District Council may attend for the purpose of being nominated for such offices. Unless the District Council Bylaws prescribe a different rule, to be nominated for the position of Business Manager/ Secretary-Treasurer or Business Representative, one must be nominated in one Local Union.

(b) Elections of the District Council Business Manager/Secretary-Treasurer and Business Representatives shall be held in June of each election year at such times and locations as shall be established by the District Council Election Committee. The Election Committee shall choose date, times and locations that provide all members a reasonable opportunity to vote while at the same time avoiding undue and unnecessary cost to the District Council.

(c) Notice of the nomination and the election meeting shall be given by mail posted to the last known home address of all members at least five (5) days prior to the nomination date and at least fifteen (15) days prior to the election date. Such notices shall clearly state the date, time, place and purpose of these meetings.

Sec. 226. (a) Upon reasonable request of any bona fide candidate for District Council office, the Business Manager/Secretary-Treasurer or his or her designee shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that in making such request the candidate pays all costs involved in advance. The Business Manager/Secretary-Treasurer may require that all campaign literature shall be presented to the principal office of the District Council not later than five

(5) days prior to the election and may, where the volume of work involved exceeds the facilities and capacities of the employees of the organization, provide for a consolidation of such distribution and the cost in the event of such distribution shall be distributed on a pro rate basis.

(b) The Business Manager/Secretary-Treasurer shall make available for inspection by any bona fide candidate for District Council office the membership list once within 30 days prior to the election date. Such inspection shall be arranged for in advance by the Business Manager/Secretary-Treasurer. No candidate shall be permitted to copy any names or addresses of members.

(c) The Business Manager/Secretary-Treasurer shall retain copies of all requests for distribution of campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received for such work and for postage, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers and such other records as shall relate to the conduct of the election.

Sec. 227. (a) To be eligible to run for District Council office, a member must meet the following requirements:

(1) The member has been in continuous good standing in a Local Union for two (2) years immediately prior to the date of nomination:

(2) The member has attended at least one meeting, and attended, or excused his absence from, at least twenty-five percent (25%) of the meetings held by the Local Union during the 12 months immediately prior to the date of nomination; a member may excuse his or her absence on the basis of a work conflict, illness, or personal emergency, so long as he or she submits the excuse in writing to the Local Union no later than five (5) calendar days after the missed meeting; and

(3) The member (A) was employed, actively seeking em-

ployment, or unable to be employed or to seek employment due to temporary disability during the major portion of the twelve months prior to the date of nomination, and (B) is currently active in the trades and not drawing a pension from a pension plan sponsored by or affiliated with the International Union or a subordinate body of the International Union. “Employed” and “employment” means “full-time” employment as defined in Section 227(b).

(b) A member otherwise eligible shall not be rendered ineligible under this Section if he or she was employed full-time during the major portion of the 12 months prior to the date of nomination by the International Union, a Local Union or District Council of the International Union, the AFL-CIO or any department thereof, a central body recognized by the Local Union of which he or she is a member or in any department of the local, state, provincial, and/or territorial of Federal Government pertaining to labor. For the purpose of this section, “full-time” shall mean working at least 870 hours per year, determined by dividing the total of the officeholder’s earnings during the twelve (12) months preceding the month of nominations by the lesser of the journey-person’s hourly rate of compensation, or the office holder’s lowest hourly rate of compensation.

(c) Where no members are initially nominated who meet the eligibility requirements set forth above, the District Council may accept the nomination and election of others from among its members who are not specifically disqualified under other provisions of the General Constitution. Where the General President, in his or her sole discretion, determines that conditions in a given District Council warrant, he or she may waive one or more eligibility requirements.

(d) In every case, it shall be a requirement of eligibility to be nominated or elected that the member must be a resident of the United States or in the case of Canada; one must be a citizen of Canada.

(e) War veterans now serving or having served in the armed forces of the United States or Canada, shall be credited with continuous good standing for the period of such service insofar as eligibility for delegate to the General Convention is concerned.

(f) Any member who enters the land, naval or air forces of the United States or Canada, by enlistment or conscription, and becomes disabled while in service and receives an honorable discharge, shall not be debarred from holding office, provided the member is otherwise qualified under the provision of the Constitution.

(g) Every member in good standing shall have the right to nominate, vote for or otherwise support the candidate of his or her choice, subject to the provisions of this Constitution.

(h) No member whose dues have been withheld by his or her employer for payment pursuant to his or her 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 District Council, by reason of alleged delay or default in the payment of dues by his or her employer.

(i) District Councils may not impose eligibility requirements different than those set forth in this Section.

Sec. 228. (a) No member shall be nominated if not present unless absent due to: (a) official Union business; or (b) confinement to his or her home or a hospital due to temporary illness. Notice shall be in writing and received in the Local Union prior to the opening of nominations.

(b) No member shall be nominated for, nor accept nomination for, nor hold, two (2) or more elected positions (including District Council and International Union positions) at any one time; provided that the position as delegate to the General Convention or to a District Council shall not be construed as an elected position for the purpose of this Section. An exception to the above may only be granted upon the Dis-

trict Council receiving written permission from the General President.

(c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the presiding officer without further nomination being made.

(d) The Financial Secretary of each Local Union shall at the time of nominations review the eligibility for office of any candidate and make a report on each candidate at the nominating meeting.

(e) Any question of the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union, in accordance with the provisions of the Constitution, and shall be appealable to the General President in accordance with Section 228(f) below.

(f) Any member may appeal the eligibility determination of the presiding officer to the General President. Any such appeal must be received by the General President, within 48 hours of the presiding officer's determination. The General President or his or her designee shall decide such an appeal within 14 days. In reviewing eligibility questions, the General President shall examine all available and pertinent Local Union, District Council and International Union records provided; however, that in all cases the General President may place full reliance on the membership records on file at the International Union and his or her decision in that regard will be final and binding on all concerned.

(g) A member who is ruled ineligible for office on appeal to the General President may submit a further and final appeal to the General Executive Board within two (2) days following his or her receipt of the General President's decision. The General Executive Board shall decide the appeal as soon as practicable and no later than its next regularly scheduled meeting.

Sec. 229. (a) At District Council elections, an Election Committee shall be established in accordance with the District Council Bylaws.

(b) Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

(c) After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots. Each candidate shall have the right to have an observer present at the polls and at the counting of the ballots. An observer must be a member in good standing of the subordinate body conducting the election.

(d) When there are two (2) or more candidates for an office or delegate, the candidate receiving the highest number of votes shall be declared elected.

(e) All officers shall be installed immediately after election.

(f) All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

(g) Any protests concerning election or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

(h) Any member aggrieved by a ruling by the General President under sub-section (g) may appeal to the General Executive Board within seven (7) days following the member's receipt of the General President's ruling.

Expiration of Term of Office

Sec. 230. (a) The Terms of all District Council officers and other elected representatives shall expire immediately upon the announcement of the winning candidate, who shall immediately assume office. All District Council officers at the expiration of their term of office or when removed under procedures set forth in this Constitution, shall immediately deliver to their successor all books, papers, monies and other property in their

possession belonging to the International Union, District Councils, Local Unions or other affiliated subordinate bodies. They shall not be relieved from their bonds until they have done so.

(b) All records, vouchers, worksheets, receipts, books and reports, shall be retained at the District Council's principal office for a period of seven (7) years.

Vacancies

Sec. 231. (a) A vacancy in the position of Business Manager/Secretary-Treasurer shall be filled by majority vote of the Council Delegates by secret ballot at a special called meeting of the Council. The specially called meeting shall occur within fourteen (14) days of the vacancy, and the time and place of the meeting shall be set by the District Council President, who shall give written notice of said meeting and its purpose to each delegate. During the interim between the vacancy and the election of a replacement, the duties of the Business Manager/Secretary-Treasurer shall be performed by the District Council President.

(b) Vacancies in all other District Council officer positions, other than in Local Union delegate positions, shall be filled by nomination and election at the next meeting of the Council of Delegates.

(c) Vacancies among District Council Business Representatives may be filled by appointment by the Business Manager/Secretary-Treasurer. A member appointed in accordance with this provision shall serve the remaining term of the vacated Business Representative position.

(d) During the temporary absence of a Business Representative, the Business Manager/Secretary-Treasurer may appoint a member to perform the functions of that position on a pro tem basis.

Removal of Officers and Delegates

Sec. 232. No officer or other elected official of a District Council may be removed except after due charges and a trial in accordance with Sections 281 through 311 of this Constitution. Upon the filing of charges seeking the removal of a Business representative or other elected official, the Business Manager/Secretary-Treasurer shall have discretion to suspend the Business Representative or elected official with or without pay, and to require that Business Representative or elected official to relinquish control of all property of the District Council, pending the decision of the Trial Board. Provided, however, that any officer or other elected official who goes suspended for nonpayment of dues or who fails to remain a member in good standing of the District Council that elected him or her shall be automatically removed from office.

Sec. 233. (a) No delegate to a District Council or central body shall be instructed by the Local Union he or she represents, except at a special meeting called for the express purpose of instructing said delegate.

(b) Any delegate failing to follow the instructions of a Local Union as provided in Section 233 (a) may be removed as a delegate by majority vote at a special meeting of the Local Union, and a new delegate shall be elected.

Political Action and Education

Sec. 234. (a) District Councils shall strive to procure the passage of uniform lien laws throughout the United States and Canada, making a mechanic's lien the first lien on real estate to secure the wages of labor. Such liens should be granted without unnecessary delays.

(b) It shall be the policy of the International Union to encourage participation by its membership in all local, State, Provincial and National elections and involvement by workers

in political affairs and issues within their communities. Each District Council shall adopt and promote this policy and shall, to the extent permissible by law, establish and implement programs designed to communicate to members and their families the importance of registering to vote and voting in all local, State, Provincial and National elections. The District Council shall, in addition, maintain records concerning whether its members have registered to vote and encourage members who have not taken advantage of their right to vote in our democracy to do so.

(c) Members in good standing who are elected or appointed to full-time Federal, Provincial, State or Municipal offices or positions and who, as a result, are unable to work in the trades or employee units within the jurisdiction of the International Union shall, during the term of such government service, continue to accrue consecutive years of membership credit toward Life Membership.

(d) Each District Council will make a maximum effort to secure a voluntary minimum contribution of five cents (\$0.05) per hour per member and/or initiate a weekly voluntary payroll deduction plan in an equivalent amount, such voluntary contributions to be forwarded to the IUPAT PAT Committee for support of political candidates and/or political support programs.

CENTRALIZED LOCAL UNION DUES, RECORDS AND REPORTING

Sec. 235. (a) The dues collection portion of this plan shall apply to dues referred to in sections 93 and 94 of the General Constitution, excluding percentage dues check off collected by the District Council referred to in section 94(e). Each District Council and affiliated Local Union shall conform their bylaws to include the provisions of subsection (b) for District Councils and subsection (c) for the affiliated Local Unions.

(b) Dues Collection and Membership Reporting Plan

(1) This Article XV-A (or appropriate Article #) is adopted pursuant to the Dues Collection and Membership Reporting Plan (“the Plan”) promulgated by the General Secretary-Treasurer pursuant to Section 55(c) and 235 of the General Constitution. In accordance with the Plan, this Article shall apply to, and shall govern; all affiliated Local Unions and be adopted by the Local Union Bylaws. All funds received and disbursed pursuant to this Article (whether on behalf of the District Council or participating Local Unions) shall be subject to all audit procedures applicable to the District Council under the General Constitution and/or these Bylaws.

(2) All administrative processing fees, dues and assessments payable to Local Unions by applicants and members of all Local Unions affiliated with the District Council shall be collected and received by the Business Manager/Secretary-Treasurer of the District Council or by designated staff working under the direction and supervision of the Business Manager/Secretary-Treasurer. Upon receipt of any payment, the Business Manager/Secretary-Treasurer shall issue a receipt for the same to the applicant or member, and shall record the receipt in an account for the applicable Local Union and in the individual member’s ledger for each member.

(3) At the end of each month, the Business Manager/Secretary-Treasurer shall deduct from the dues received for each affiliated Local Union (i) the per capita tax payable to the International Union, (ii) the per capita tax payable to the District Council, (iii) any monies due from the Local Union to any other IUPAT affiliated entity.

(4) As soon as possible, but no later than ten (10) days after the end of each month, the Business Manager/Secretary-Treasurer shall transmit (i) the monies due from each Local Union to the International Union, the District Council and any other appropriate entity.

(5) The District Council shall retain (an amount to be determined by the District Council Bylaws) per member per month from the dues collected to offset the expense to the District Council in administering this article. The District Council shall remit (a set amount to be determined by the District Council Bylaws) per member per month to the Local Union. Any remaining funds will be retained by the District Council. At the discretion of the Business Manager/Secretary-Treasurer, the District Council shall retain all dues monies collected and pay all reasonable and necessary local union expenses.

(6) The per capita payment to the International Union shall be directed to the General Secretary-Treasurer and shall be accompanied by all Local Union reports required by the General Secretary-Treasurer, including the Monthly Activity Report required by Section 165(b) of the General Constitution and the Local Union Activity Report required by 165(e) and Section 166(b) of the General Constitution. Checks for per capita tax shall be made payable to the International Union of Painters and Allied Trades (IUPAT).

(7) Each Local Union Financial Secretary shall receive copies of all reports required to be made to the General Secretary-Treasurer, and a detailed report stating (i) the total receipts collected on behalf of the Local Union in the prior month, (ii) the overall membership of the Local Union, with gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members suspended and reinstated, and the names and number of clearance cards deposited and issued, (iii) a correct account of each member's financial standing together with the member's full name and address, social security and telephone number, date of birth and date of initiation.

(8) In order to fully and properly carry out his or her responsibilities under this Section the Business Manager/Secretary-Treasurer shall have authority to establish a procedure (i) for

collection of dues by mail or other appropriate means and (ii) for reporting changes of member's addresses and contact information by mail or other appropriate means.

The Business Manager/Secretary-Treasurer may authorize the Local Union Financial Secretary to receive dues payments and membership information from members, provided that such system requires that all dues received by the Financial Secretary shall be transmitted to the Business Manager/Secretary-Treasurer within 5 days, and further provided that when the Financial Secretary receives dues payments from members he or she must provide the member with a temporary receipt (such receipt will indicate the amount received and the date only, and shall not indicate dues status. The official receipt from the District Council will indicate that information), a copy of which shall be transmitted to the Business Manager/Secretary-Treasurer with the payment and a copy of which shall be retained by the Financial Secretary.

(9) In carrying out his or her responsibilities under this Section, the Business Manager/Secretary-Treasurer shall be subject to and shall comply with all the provisions of the General Constitution, including but not limited to Sections 165 through 171, governing the duties of Local Union Financial Secretaries and Treasurers.

(10) The Business Manager/Secretary-Treasurer's duties shall include the filing of Life Membership Applications, Death Benefit Claims, Armed Services Cards, Clearance Cards, Beneficiary Cards, etc. The Business Manager/Secretary-Treasurer shall also be responsible for the preparation of Local Union LM and 990 forms and filing same. The Business Manager/Secretary-Treasurer shall secure the signatures of the proper Local Union officers on the LM or 990 forms, after presenting those officers with all supporting documentation for these reports.

(11) The Business Manager/Secretary-Treasurer shall also perform the functions of the Local Union Treasurer, as per Section

171, and shall provide the Treasurer with such reports as are called for in the affiliated Local Union bylaws for the Treasurer to report out at Local Union meetings. In carrying out these responsibilities, the Business Manager/Secretary-Treasurer shall be authorized to establish a bank account in the name of each participating Local Union (or move existing Local Union accounts), provided that no disbursement from such account shall be made without the sanction of the Local Union and the required signatures of the appropriate Local Union officers on the checks.

(12) The Local Union Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to their particular Local Union on a quarterly basis as per Sections 172 through 175. In lieu of the trustees auditing the Business Manager/Secretary-Treasurer, it is permissible for the trustees to review an unqualified audit performed by a Certified Public Accountant (CPA) or Chartered Accountant. Such review will be done with the accountant to explain the report. Copy of such report is to be sent to the General Secretary-Treasurer.

(13) Notwithstanding anything to the contrary in this Article, the Business Manager/Secretary-Treasurer and all other officers of the District Council and all participating Local Unions shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

(c) Local Unions in the Dues Collection and Membership Reporting Plan shall make the following modifications to the Bylaws of the Local Union.

(1) Article VI, section 2(d and e) (or appropriate article and section numbers) should read as follows:

Financial Secretary: As Local Union ____ has adopted the Dues Collection and Membership Reporting Plan, the duties of the Financial Secretary shall be as set forth in Article VI-A (or appropriate article and section numbers)

Treasurer: As Local Union ____ has adopted the Dues Collection and Membership Reporting Plan, the duties of the Treas-

sureur shall be as set forth in Article VI-A (or appropriate article and section numbers)

(2) Add an Article VI-A (or appropriate article and section numbers) reading as follows:

Article VI-A: Duties Of The Financial Secretary Under Dues Collection And Membership Reporting Plan.

Under the Dues Collection and Membership Reporting Plan adopted by Local Union ____ pursuant to Article XV-A of the District Council ____ Bylaws, the Business Manager/Secretary-Treasurer of District Council ____ performs many of the functions of the Financial Secretary and Treasurer of Local Union _____. Therefore, the duties of the Financial Secretary and the Treasurer of Local Union ____ shall be as set forth in this Article.

Where the Financial Secretary receives dues payments from members (such as at Local Union meetings) of Local Union____, he or she shall (i) transmit such payments to the Business Manager/Secretary-Treasurer of District Council ____ within 5 days, (ii) provide the member with a temporary receipt, a copy of which shall be transmitted to the Business Manager/Secretary-Treasurer with the payment and a copy of which shall be retained by the Financial Secretary. Such temporary receipt shall indicate only the amount of funds received and shall not indicate the member's standing or through which calendar month dues is paid.

The Financial Secretary shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of the District Council. At each membership meeting, the Financial Secretary shall deliver a report to the membership, which report shall include the following information:

- (i) the gross receipts of the Local Union in the prior month,
- (ii) the net receipts of the Local Union, along with the amounts of all per capita deductions made by the Business

Manager/Secretary-Treasurer of District Council ____ and any other deductions,

(iii) the overall membership of the Local Union, with the gain or loss in membership in the prior month noted,

(iv) the number and names of members on application and those initiated,

(v) the number and names of members suspended and reinstated, and

(vi) the names and number of clearance cards deposited and issued.

The Treasurer shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of District Council _____. At each membership meeting, the Treasurer shall deliver a report to the membership, which report shall include the following information:

(i) list all deposits made to the Local Union account, if any,

(ii) A copy of the Local Union cash disbursements journal, if applicable,

(iii) list of all payments from the District Council made on behalf of the Local Union, from the funds collected by the District Council for the Local Union.

Notwithstanding anything to the contrary in this Article, the Financial Secretary, the Treasurer and all other Local Union officers shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

The Financial Secretary shall perform the Financial Secretary duties outlined in Section 182 (d) and 228 (d) of the General Constitution from information provided the Financial Secretary by the Business Manager/Secretary-Treasurer of the District Council.

The Local Union Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to their particular local union on a quarterly basis as per Sections 172

through 175. In lieu of the trustees auditing the Business Manager/Secretary-Treasurer, it is permissible for the trustees to review an unqualified audit performed by a Certified Public Accountant (CPA) or Chartered Accountant. Such review will be done with the accountant to explain the report. Copy of such report is to be sent to the General Secretary-Treasurer.

(d) All District Councils and Local Unions shall use the IUPAT Integrated Membership System (IMS) computer system or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity, no later than January 1, 2014.

(e) As soon as possible but no later than January 1, 2014, all District Councils and their affiliated Local Unions shall adopt the dues collection and membership reporting plan provided for in this Section. After January 1, 2014 the Business Manager/Secretary-Treasurer may designate any affiliated Local Union to continue to have all records, dues, and reporting done by the Local Union Financial Secretary and Treasurer in accordance with their duties in sections 165 through 171. This process can continue as long as the Local Union is timely and accurate with all reporting and per capita payments to the General Secretary-Treasurer's office. In addition the Business Manager/Secretary-Treasurer will verify annually that all the membership records and financial records of the Local Union are accurate and correct, and that all reporting and per capita payments have been made on time in accordance with the IUPAT constitution. The Business Manager/Secretary-Treasurer shall also verify that all LM, 990, or other required government forms have been processed and filed by the Local Union. If the Local Union fails to maintain these standards, the District Council Business Manager/Secretary-Treasurer will decide what course of action will be taken.

New Officer Training Program

Sec. 236. All full time newly elected or appointed (first-time) District Council Business Managers, Business Representatives, Organizers or other Representatives are required, as a condition to maintaining their positions, to attend Leadership Training sponsored or established by the International Union at such time and place as prescribed by the General Executive Board. The International Union shall pay reasonable transportation costs, tuition, books, fees and lodging for attendance in the seminar. The District Council of the participant shall pay the participant's salary. The General Executive Board is authorized to sponsor or establish courses and curriculum designed to teach such new officers or representatives the fundamentals necessary to better represent the membership and to invite participation in the seminars by such other staff or officers as it deems appropriate.

STATE, PROVINCIAL AND REGIONAL CONFERENCES

Sec. 237. (a) State, provincial and regional conferences may, with the consent of the General Executive Board, be formed in any state, province or region; such Conferences shall not exercise the functions of District Councils or Local Unions.

(b) State, provincial and regional Conferences shall adopt bylaws, rules and regulations for their government, which shall not be in conflict with this Constitution and shall be subject to approval of the General Executive Board.

(c) Local Unions within the state, province or region desiring to affiliate with the Conferences, must be permitted to affiliate; when fifty-one percent (51%) of the Local Unions of a state, province or region become affiliated with said Conference then all local unions shall affiliate and become a part of the Conference and subject to its laws.

(d) The primary functions of such Conferences shall be to devise ways and means for state-wide, province-wide or region-wide assistance to the members of the affiliated District Councils and Local Unions in organizing, protecting and strengthening the Local Unions belonging thereto.

(e) Conferences shall be called into formal session at least once a year, the date to be determined by the Executive Board of such Conference.

(f) State, provincial and regional Conferences shall be subject to the same supervision, control and disciplinary measures as other subordinate bodies of the International Union.

(g) Record minutes shall be made and preserved of all action taken at the formal Conference, at the conclusion of which a copy thereof shall be forwarded to the General Executive Board, through the General Secretary-Treasurer.

MEETINGS

Sec. 238. No member shall be permitted to use recording devices during any portion of any meeting in the International Union.

AGREEMENTS AND WORK RULES

Sec. 239. District Councils and Local Unions shall, wherever possible, make agreements with employers governing the hours of work, scale of wages, and all other matters that are in the interest of the members; but no District Council or Local Union shall make any law or sign any agreement specifying that members of the International Union shall work only for members of employers' or contractors' associations or similar combinations.

Sec. 240. (a) Except as noted in sub-section (b), a District Council or Local Union shall enter into Collective Bargaining Agreements only with contractors or employers, whose principal place of business is located within the geographic jurisdic-

tion of such District Council or Local Union, and shall not negotiate or enter into agreements with any out-of-town or out-of-jurisdiction contractors or employers.

(b) A District Council or Local Union may enter into an agreement with an out-of-jurisdiction contractor or employer under the following conditions:

1. The District Council or Local Union must receive prior written approval from the Office of the General President.

2. The agreement contains the International Union's mandatory out-of-jurisdiction clause as set forth in Sec. 246; and

3. The District Council or Local Union immediately, in writing, sends to the District Council or Local Union in whose jurisdiction the employer's principal place of business is located, notification that the agreement has been signed and a complete, signed copy of that agreement.

Sec. 241. District Councils and Local Unions shall enforce the weekly payment of wages and the forty (40) hour regular work week wherever possible, and must establish a minimum wage for a day's work. They shall do all in their power to adopt and implement a percentage dues check-off system in accordance with General Executive Board policy.

Labor Day

Sec. 242. (a) All District Councils and Local Unions shall observe the first Monday in September as Labor's holiday. All members shall be restrained from working on this day.

(b) The Sunday preceding Labor Day, of each year, shall be set aside as Memorial Sunday, in tribute to those Brothers and Sisters who have passed away.

Sec. 243. When a contractor or other employer does any work outside of his/her home city or town and in a locality where a District Council or Local Union exists, not less than fifty percent (50%) of the workers employed on such work

shall be residents of or employed the greater percentage of their time in such locality; provided they possess the necessary skills to perform the work.

Sec. 244 (a) Neither the General Executive Board nor any other authority shall have power to grant exclusive or special privileges to any District Council or Local Union working under a charter of this International; nor shall the General Executive Board or any other authority be invested with power to force any employer to bring workers from one city to work in another city, if Union workers can be procured in such city where the work is to be erected and finished. All conditions of such localities shall be strictly adhered to except as provided in Section 109.

(b) Where a contractor, builder or employer does any work pertaining to our trades outside his or her home city or town, and in a locality where a District Council or a Local Union exists, whose bylaws or working agreements provide for the payment of transportation, said out-of-town firm must comply strictly with such clause.

Mandatory Clauses: The Provisions Set Forth in Sections 245, 246, 247, 248, 249, 250, 251, 252 and 253 Apply to All Collective Bargaining Agreements Within the Jurisdiction of the International Union.

Sec. 245. Except as otherwise specified in the General Constitution, it shall be the duty of all District Councils and Local Unions affiliated with this International Union to include in any collective bargaining agreement that they enter into with a contractor or employer the following clause: "The contractor or the employer party to this agreement, when engaged in work outside the geographical jurisdiction of the Union party to this agreement, shall employ not less than fifty percent (50%) of the workers employed on such work from the residents of the area

where the work is performed or from among persons who are employed the greater percentage of their time in such area.”

Sec. 246. District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause: “The Employer party hereto shall, when engaged in work outside the geographic jurisdiction of the Union party to the agreement, comply with all of the lawful clauses of the collective bargaining agreement in effect in said other geographic jurisdiction and executed by the employers of the industry and the affiliated Local Unions in that jurisdiction, including but not limited to, the wages, hours, working conditions, fringe benefits, and procedure for settlement of grievances set forth therein; provided however, that where no affiliated Union has a current effective agreement covering such out-of-area work, the employer shall perform such work in accordance with this agreement; and provided further that as to employees employed by such employer from within the geographic jurisdiction of the Union party to this agreement and who are brought into an outside jurisdiction, such employee shall be entitled to receive the wages and conditions effective in either the home or outside jurisdiction whichever are more favorable to such employees. In situations covered by the last proviso fringe benefit contributions on behalf of such employees shall be made solely to their home funds in accordance with their governing documents, and the difference between the wages and benefit contributions required by the away funds and the home funds, if any, shall be paid to the employees as additional wages. This provision is enforceable by the District Council or Local Union in whose jurisdiction the work is being performed, both through the procedure for settlement of grievances set forth in its applicable collective bargaining agreement and through the courts, and is also enforceable by the Union party to this agreement, both through the procedure for settlement of grievances set forth in this agreement and through the courts.”

Sec. 247. District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause:

“Preservation of Work Clause”

Section 1. To protect and preserve, for the employees covered by this agreement, all work they have performed and all work covered by this agreement, and to prevent any device or subterfuge to avoid the protection and preservation of such work, it is agreed as follows: If the Employer performs on-site construction work of the type covered by this agreement, under its own name or the name of another, as a corporation, company, partnership, or other business entity, including a joint venture, wherein the Employer, through its officers, directors, partners, owners, or stockholders, exercises directly or indirectly (through family members or otherwise), management, control, or majority ownership, the terms and conditions of this agreement shall be applicable to all such work.

Section 2. All charges of violations of Section 1 of this Article shall be considered as a dispute and shall be processed in accordance with the provisions of this agreement on the handling of grievances and the final and binding resolution of disputes. As a remedy for violations of this Article, the Joint Trade Board or Arbitrator shall be able, at the request of the Union, to require an Employer to pay 1) to affected employees covered by this agreement, including registered applicants for employment, the equivalent of wages those employees have lost because of the violations, and 2) into the affected Joint Trust Funds to which this agreement requires contributions any delinquent contributions that resulted from the violations. The Joint Trade Board or Arbitrator shall be able also to provide any other appropriate remedies, whether provided by law or this agreement. The Union shall enforce a decision of the Joint

Trade Board or Arbitrator under this Article only through arbitral, judicial, or governmental, for example, the National Labor Relations Board channels.

Section 3. If, after an Employer has violated this Article, the Union and/or the Trustees of one or more Joint Trust Funds to which this agreement requires contributions institute legal action to enforce an award by an Arbitrator or the Joint Trade Board remedying such violation, or defend an action that seeks to vacate such award, the Employer shall pay any accountants' and/or attorneys' fees incurred by the Union and/or the Joint Trust Funds, plus costs of the litigation, that have resulted from such legal action. This section does not affect other remedies, whether provided by law or this Article that may be available to the Union and/or the Joint Trust Funds."

Sec. 248. District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause: "Employees covered by this agreement shall have the right to respect any legal primary picket line validly established by any bona fide labor organization, and the Union party to this agreement has the right to withdraw employees covered by this agreement whenever the employer party to the agreement is involved in a legitimate primary labor dispute with any bona fide labor organization."

Sec. 249. (a) All District Councils and trade or craft Local Unions shall establish in their collective bargaining agreements provisions for affiliation with the IUPAT Finishing Trades Institute (IUPAT-FTI) and further provide a minimum contribution of ten cents (\$0.10) per hour for each hour paid for each employee covered under the said collective bargaining agreement to the IUPAT-FTI.

(b) Each District Council or Local Union JATF shall make a minimum contribution of five cents (\$0.05) per hour to the IUPAT-FTI from the hourly contribution made to the District Council or Local Union Apprenticeship Fund until such time

that the provision to contribute to the IUPAT-FTI is made part of the collective bargaining agreement.

Sec. 250. All District Councils and Local Unions shall include in their collective bargaining agreements provision for contractors/employers to contribute to the Labor Management Cooperation Initiative a minimum of ten cents (\$0.10) for each hour or portion thereof for which an employee receives pay.

Central Collection System

Sec. 251. District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause: “The Employer, shall, with respect to any and all contributions or other amount that may be due and owing to the IUPAT and its related or affiliated Funds or organizations, including, but not limited to, the IUPAT Industry Pension Plan, the IUPAT Industry Annuity Plan, the IUPAT Finishing Trades Institute (IUPAT-FTI), the Painters and Allied Trades Labor Management Cooperation Initiative, the IUPAT Political Action Together (and any and all other affiliated International organizations as they may be created or established in the future), upon receipt of a written directive to do so by the affiliated Funds and organizations, make all required payments, either directly or through an intermediate body, to the ‘Central Collections’ Unit of the International Union and its affiliated Funds and organizations. Such contribution shall be submitted on appropriate forms, in such format and with such information as may be agreed to by Central Collections.”

Top Workplace Performance

Sec. 252. Provided it does not conflict with any federal, state or provincial law, District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause. The clause should be added in the collective bar-

gaining agreement under hiring procedures or hiring hall clause. This clause shall be enforced in accordance with the Top Workplace Performance Plan as outlined by the International Union as amended from time to time and it shall read as follows:

(a) Should any person referred for employment be terminated for cause, his or her referral privileges shall be suspended for two weeks. Should the same individual be terminated for cause a second time within a twenty-four (24) month period, his or her hiring hall privileges shall be suspended for two months. Should the same individual be terminated for cause a third time within a twenty-four (24) month period, his or her referral privileges shall be suspended indefinitely.

(b) A termination shall not be considered as “for cause” for purpose of this provision if the person referred for employment has filed a grievance challenging the propriety of his or her termination, unless and until the grievance is resolved in a manner that affirms the termination for cause. For the purpose of this provision, a decision of the District Council Joint Trade Board and/or an arbitrator shall be final and binding.

(c) The provisions in subsections (a) and (b) notwithstanding, a Termination Review Committee, composed of the members of the District Council Joint Trade Board [or, alternatively, if there is no Joint Board, “composed of two (2) members appointed by the Business Manager/Secretary-Treasurer of the District Council and two (2) members appointed by the Employer Association”] may, upon written request of the applicant, vacate or reduce the period of suspension should the Committee determine, following inquiry or investigation, in its sole and complete discretion, that equity requires such action.

Sec. 253. A program shall be offered by the District Council (or Local Union) Apprenticeship Program for advanced or upgraded journeyman training for all journeymen working under this Agreement. Journeymen shall be required to take

such courses in accordance with the following rules: [NOTE: The parties should negotiate on a local basis what rules apply to journeyman upgrade training.]

Sec. 254. The International Union shall refuse to approve agreements which do not set forth the above provisions; provided, however, the General President may approve agreements that do not include the above provisions when, in his or her discretion, he or she believes the interests of the International Union will be served by such approval.

Submission to General President

Sec. 255. (a) All working agreements must be approved by the General President whose determination shall be subject to review and approval by the General Executive Board. All working agreements must be submitted in triplicate to the General Secretary-Treasurer for submission to the General President for approval.

(b) District Councils and where there are no District Councils, Local Unions shall negotiate and ratify working agreements setting forth the wages and working conditions. Where a working agreement is negotiated by the District Councils and/or Local Unions, the same shall be decided upon by referendum vote of the members working under the agreement. In every case the referendum vote shall be by a secret ballot conducted in the regular manner at a special meeting called for that purpose. All such working agreements shall be subject to the approval of the General President whose determination shall be subject to review and approval by the General Executive Board.

(c) The General President shall examine the apprentice and training supplement to the working agreement and determine whether it is in compliance with the specific section of the Constitution concerning apprentices. If it is found that the agreement is in conflict with any section of the General Constitution,

the General President shall refer the agreement back to the District Council or Local Union to correct before being approved.

(d) The consideration or approval of working agreements or wage rates by the General President or the General Executive Board shall not make the International a party to such working agreement or wage rate if incorporated into an agreement unless the International Union, following specific authorization of its General Executive Board or its General President, becomes a party to and signs any such agreement. The International Union assumes no liability for breach of any agreement to which it is not an actual party.

(e) With each working agreement submitted to the General Secretary-Treasurer, the District Council or Local Union shall submit a list of names and addresses of all contractors/employers who are parties to the agreement. As each contractor/employer ceases being a party, and as each new contractor/employer is added as a party, to the agreement, the District Council or Local Union must promptly notify the General Secretary-Treasurer.

CLEARANCE CARD LAWS

Sec. 256. (a) A member in good standing wishing to leave the jurisdiction of his or her Local Union must apply to the Financial Secretary for a clearance card. The member must pay up all arrearages and \$15.00 for the card. \$5.00 will be retained by the Local Union and \$10.00 sent to the office of the General Secretary-Treasurer. It shall not require a vote of the Local Union for its issue. Notwithstanding anything in this Subsection, Life Members shall not be required to obtain clearance cards, but Life Members shall be required to register regularly with the Local Union in the area where they are employed or where they are seeking employment

(b) No clearance card may be issued until the person requesting same has been a member of the International Union at least

one (1) month since his or her latest initiation date, unless an exception is granted by the General Executive Board.

(c) Should a member less than three (3) years in membership apply for a clearance card, it shall be granted with the provision that, if the member deposits it in a Local Union where a higher administrative processing fee exists for new member/candidates, he or she shall pay the difference between such fees to the Local Union accepting his or her card.

(d) A Local Union Officer to whom a clearance card is issued shall, automatically, be removed from office.

Sec. 257. No Financial Secretary shall issue a clearance card to himself or herself or to any member against whom charges are pending, and no card so issued shall be accepted. No clearance card shall be issued to a Financial Secretary until his or her books have been audited by the Trustees.

Sec. 258. Local Unions shall use only the official clearance card issued by the International Union.

Sec. 259. (a) When a member has paid dues in advance of the month in which the card is issued, the Financial Secretary issuing the card shall credit the member with the proper amount on the space provided on the card and the amount shall, upon application, be forwarded to the Financial Secretary of the Local Union accepting the card.

(b) If a Local Union fails to forward overpay dues within 30 days after being notified to do so through the General Office, the amount due shall be charged to the account of said Union on the books at the General Office and the General Office shall forward the amount to the Local Union to which it is due.

Sec. 260. (a) A Local Union issuing a clearance card shall collect dues from the member and pay per capita tax upon the member for the month in which the card is issued and the Local Union receiving the card shall collect dues and pay per capita tax for the month in which the card expires.

(b) A member who receives a clearance card remains a mem-

ber of the Local Union issuing same until the last day of the month in which the card is issued (unless the card is deposited in that month), and becomes a member of the Local Union wherein the member deposits the card the month in which the card is deposited. Local Unions in which cards are deposited shall not be required to pay per capita tax upon members whose cards are deposited in month of issue.

Sec. 261. A member is only entitled to sick benefits prescribed in the bylaws of the Union in which the card is deposited, provided however, that a Local Union, if it desires, may on payment of a certain sum stated in its bylaws retain in sick beneficial standing a former member who has transferred to another Union until such time as the member becomes entitled to sick benefits in the Union in which the member has deposited his or her card.

Sec. 262. A member carrying a clearance card shall deposit it in some Local Union before the expiration of 30 days from date of issue. The right to so deposit this card terminates 30 days from the date of issue except as provided in Section 260.

Sec. 263. A member receiving a clearance card shall sign it. With the clearance card, the member is entitled to join any Local Union of the International Union except where strikes or lock-outs exist; in a locality where two (2) or more Local Unions exist the member shall deposit the clearance card in the Local Union which has jurisdiction over that branch of the trade at which the member works the major part of his or her time.

Sec. 264. A member of the International Union who visits a city or town in search of employment shall deposit his or her clearance card with some official of the Local Union within 48 hours after his or her arrival. It shall be permissible to stamp or mark such member's working card as a Visiting Member, up to a period of 60 days, but otherwise it shall be mandatory upon every proper official agent of the District Council or Local

Union to forthwith accept such clearance card unless a strike or lockout actually exists in such city or town.

Sec. 265. If the member carrying a clearance card has spent more than 48 hours in the jurisdiction of the District Council or Local Union before presenting his or her card the member may be fined in an amount not to exceed \$10.00. If the member can show that his or her failure to deposit the card within the prescribed time was caused by circumstance beyond his or her control or can give satisfactory reasons for the delay the Local Union may accept the card upon payment of all arrearages and may omit the imposition of any penalty; but this shall not apply to those more than six (6) months in arrears.

Sec. 266. A member making application for a clearance card shall be required to state whether the member is leaving the jurisdiction of his or her District Council or Local Union to continue in the employ of his or her home firm in some other jurisdiction. A member obtaining and using a clearance card in violation of this law shall, upon proof of such violation, pay to the Local Union issuing the card a fine not exceeding \$25.00.

Sec. 267. (a) No clearance card shall be granted to a member leaving the jurisdiction of a District Council or Local Union to work for his or her home employer; but the member shall be required to notify the Business Manager or Financial Secretary of his or her Local Union in person or in writing, of his or her so leaving, and returning. Failing to do so the member shall be subject to a fine of \$5.00.

(b) A member when so working cannot be compelled to take out a clearance card, but if a District Council or Local Union exists in the jurisdictional district or area in which the member is employed, he or she must register his or her name with the Business Manager before starting to work and in the event there is no Business Manager, with the Local Union Financial Secretary, on or before the first regular meeting. Unless so temporarily employed for an outside firm the member must be-

long to the Local Union in which jurisdiction he or she is employed.

Sec. 268. (a) Members leaving the jurisdiction of their Local Union without taking out their clearance cards, except as provided for in Section 263, must notify and register with the Financial Secretary of their Local Union within 30 days from date of leaving. The Financial Secretary upon receiving this notice shall notify the Financial Secretary or Business Manager of the district in which said member is and furnish them with member's name and correct address, if possible, and notify such member to transfer his or her membership to the Local Union in whose jurisdiction he or she is working.

(b) Should there be no Local Union in the district in which the member is working, the member shall register once each month with his or her home Local Union and give any information that may be required of him or her, such as wages he or she receives, the amount of hours worked daily and by whom employed. Members violating this section shall be fined \$5.00 for each month they fail to comply with this section, said fine to be paid to the home Local Union.

Sec. 269. (a) When a member of one District Council or Local Union works for his or her home employer within the jurisdiction of another affiliated District Council or Local Union, and the bylaws of that other District Council or Local Union make provision for administrative dues, or a Business Manager "assessment" in the nature of dues, the member shall pay to the other District Council or Local Union, either directly or by check-off, the amount of administrative dues, or Business Manager "assessment," called for by that other organization's bylaws. While so employed, the member shall not be required to pay any other dues to the District Council or Local Union in whose jurisdiction the member is working.

(b) When a member of one District Council or Local Union works for his or her home employer within the jurisdiction of

another affiliated District Council or Local Union, and the by-laws of that other District Council or Local Union make no provision for administrative dues, or a Business Manager “assessment” in the nature of dues, the member while so employed shall pay to the other District Council or Local Union an amount equal to the current dues and assessments called for by that other organization’s bylaws. This obligation shall commence after the expiration of 60 days following the beginning of the member’s work in that other jurisdiction.

Sec. 270. No District Council or Local Union, or other subordinate body, representative, Business Manager, or other official shall refuse to accept a clearance card of any traveling member or members in search of employment or employed, providing the clearance card is properly filled out and is signed and sealed in accordance with the Constitution, except in localities where strikes or lockouts exist; provided, however, that District Councils or Local Unions shall have the authority to refuse to accept clearance cards for a period of not more than 30 days after the conclusion of a general strike or lockout in the locality. This does not apply to shop strikes.

Sec. 271. As soon as a traveling member deposits his or her clearance card, he or she shall fill out a beneficiary card. The member will receive the Local Union or District Council working card providing he or she pays the fixed amount paid by all members in said District and complies with the Local Union and general laws of the International Union.

Sec. 272. Members of adjacent District Councils or Local Unions, who are requested by Business Managers of the International to accept temporary employment, shall not be required to secure clearance cards for a period of 30 days, but must report to the District Councils or Local Unions and pay such dues and Business Manager “assessments” as are provided for by the locality of their employment.

Sec. 273. A member carrying a clearance card in a locality

where no Local Union of the International Union exists shall, in order to retain his or her good standing, forward the clearance card and dues books to the Local Union issuing the same or to the General Office, which shall notify the member of the nearest Local Union in which he or she shall deposit same.

LEAVE OF ABSENCE CARD

Sec. 274. Trade Show and Resilient Floor Covers members who have been in continuous good standing for a period of (1) year or more, who accept employment at the trade in areas not covered by an IUPAT collective bargaining agreement and who have all dues, assessments and other indebtedness paid up to and including the month of leaving the territorial jurisdiction of the International Union, shall be granted a “leave of absence card” upon request.

A charge of \$5.00 shall be made for the issuance of the “leave of absence card,” \$2.50 of which shall be forwarded to the office of the General Secretary-Treasurer.

Members holding a “leave of absence card” shall not be required to pay dues and assessments nor be entitled to any rights, privileges or benefits of the International Union during such “leave of absence” and shall not be permitted to work at any branch of the trade in areas covered by an IUPAT collective bargaining agreement while holding such “leave of absence card.”

A member who returns to employment in areas covered by an IUPAT collective bargaining agreement in holding a “leave of absence” card and who deposits such card with the Local Union granting it, shall be readmitted without payment of any Administrative Processing Fee. Such member shall pay dues and assessments for the current quarter, plus a \$5.00 charge for deposit of the “leave of absence” card, \$2.50 or which shall be forwarded to the office of the General Secretary-Treasurer.

Upon deposit of a “leave of absence card” a member shall be given credit for that period of membership during which he or she was in good standing prior to receiving the card for the purpose of determining all rights privileges and benefits of the International Union.

ARMED SERVICES CARD

Sec. 275. (a) Members and apprentices who enlist or are inducted or are called up from Reserve or National Guard units to serve as members of any branch of the armed services of the United States or Canada and who have all dues and assessments paid, including those for the month of induction or enlistment, shall be granted an “armed services card” upon their request, which will entitle the holder thereof to certain privileges and dispensations outlined in the following paragraphs. The “armed services card” shall not be issued, nor is it valid, to those members or apprentices who enlist for a six (6) months’ period or who re-enlist.

(b) The legal holder of an “armed services card” will not pay any dues and assessments to his or her Local Union during the period of active service in the armed forces. He or she shall be granted 60 days to return to his or her Local Union after his or her honorable discharge and shall within said 60-day period, deposit his or her “armed services card” with the Financial Secretary of the Local Union in which he or she was affiliated at the time of his or her induction or enlistment. He or she shall not be required to pay any re-affiliation fee or fee of any type. He or she shall only be required to pay dues and assessments beginning with the month in which the card is deposited.

(c) The Local Union with which said card holder is affiliated will not make any payments to the General Office on such card holders for the same period that the member is exempt from paying dues and assessments. The past membership record of said

holder of an “armed services card” shall be maintained under procedures established by the General Secretary-Treasurer. The names of said card holders will appear on the monthly activity statement printout and on the Union’s active membership rolls while said card holder is in the armed services.

(d) The prior good standing record, but not the service record, of a holder of an “armed services card” shall be used in computing eligibility for office under Section 181 (a) and 227(a) of the Constitution.

The holder of an “armed services card” shall not be eligible for benefits from the International Union during the time such card is held.

(e) A wallet-sized identification card shall be issued to the member who enters the armed services. This card will be issued only by the General Secretary-Treasurer upon the General Secretary-Treasurer’s receipt of a written request from the member’s Local Union.

STRIKE AND LOCKOUT LAW

Sec. 276. Where District Councils exist, strikes and lockouts shall be under their supervision. They shall, however, be governed by the provisions of this Constitution.

Sec. 277. When a District Council or Local Union decides to arbitrate questions in dispute in a strike or lockout, no proposition to lengthen the hours of labor shall be considered.

Sec. 278. If a majority of the members present, in a special called meeting, decide, by vote, that the members having a grievance shall be sustained or that a strike shall be called to enforce a demand for better conditions, the Recording Secretary shall, at once, transmit a detailed account of the difficulty and a report of the vote taken to the General Secretary-Treasurer, who shall immediately notify the General Executive Board.

Sec. 279. In no case shall a District Council or Local Union take any strike action or contract ratification action until all affected members in good standing have been duly notified. It shall be the duty of the Business Manager/Secretary-Treasurer or the Business Manager to give the affected members reasonable notice of any such action.

Sec. 280. (a) Any strike or lockout participated in by any Local Union or other subordinate body of the International Union shall immediately be reported to the General President and the General Secretary-Treasurer.

(b) Applications for strike assistance from Unions that do not make regular reports and conform to the Constitution shall not be considered by the General Executive Board. Where assistance is given, the granting of same shall be subject to conditions, rules and/or policies issued by the General Executive Board.

CHARGES, TRIALS, APPEALS AND DISCIPLINARY ACTION

Sec. 281. (a) All charges, trials, appeals, formal hearings and disciplinary action shall be governed by provisions of Sections 281-311 inclusive, unless otherwise provided for in this Constitution.

(b) If a specific problem of procedure presents itself for which there is no provision in this Constitution, then the General President, with the approval of the General Executive Board, or the General Executive Board, may formulate an appropriate rule, and such rule shall govern the situation.

Sec. 282. (a) Jurisdiction over matters referred to in Sections 281-311 inclusive, shall consist of "original jurisdiction" and "appellate jurisdiction."

(b) Except as otherwise provided in the District Council By-laws, Local Unions affiliated with a District Council shall have original jurisdiction only in respect to charges against their

members or officers for violations of the Bylaws of such Local Union, however, if no District Council exists in the area where the Local Union is located, such Local Union shall, in addition, have original jurisdiction over all matters over which the District Council would have had jurisdiction.

Original Jurisdiction of District Councils

Sec. 283. District Councils shall have original jurisdiction to hear and try charges filed against any member or officer of any Local Union affiliated with that District Council for violation of the bylaws, trade rules and regulations of the District Council, or for violations of the Constitution of the International Union, or for violations of the bylaws of a Local Union which also would constitute violations of the bylaws of the District Council or of the Constitution of the International Union. They shall also have jurisdiction to hear and determine grievances of members against Local Unions or of one Local Union against another Local Union if both are affiliated with the same District Council.

Jurisdiction of the General Executive Board Over District Councils

Sec. 284. Should one (1) or more Local Unions feel aggrieved over the management of a District Council, they may file charges in writing with the General Executive Board, which shall have jurisdiction to hear same. A copy of such charges must be filed with the Business Manager/Secretary-Treasurer of the District Council. The procedure shall be similar to the procedure for trials by the General Executive Board.

Authority of the General Executive Board to Take Original Jurisdiction

Sec. 285. The General Executive Board shall have the authority to exercise original jurisdiction in any case in which charges

have been filed with a subordinate body or any case where in the opinion of the General Executive Board a violation of this Constitution may have occurred. The General Executive Board may, in its discretion, take original jurisdiction of such charges or the trial thereof, and may do so even though the case is pending or in the process of trial before a subordinate body. When the General Executive Board assumes such original jurisdiction, the jurisdiction of the subordinate body over the case shall terminate and the subordinate body shall transfer all of its records, documents, papers and vouchers then in its possession pertaining to said charges and case to the General Executive Board. The General Executive Board shall, whenever practicable, follow the procedure with respect to notice, time, date of hearing, and manner of service of notice of the charges/transfer of jurisdiction upon the accused, as is outlined in the following sections. Notwithstanding this provision, the General Executive Board shall be empowered, in its sole discretion, to develop special rules or procedures for the conduct or determination of a case that is within its jurisdiction when the General Executive Board believes that such special rules or procedures are required to permit a fair and reasonable determination of the case.

Emergency Authority of the General President to Conduct a Trial When Welfare of Organization Demands

Sec. 286. Whenever charges of possible violation of this Constitution involving a member or members, or officer or officers of a District Council, Local Union or other subordinate body, or a subordinate body itself, create or involve, in the judgment of the General President, a situation imminently dangerous to the welfare or best interests of the District Council, Local Union, other subordinate body or this International Union, the General President is authorized, in his or her discre-

tion, to assume original jurisdiction in such matter, even though such charges have been filed with another body and are pending. Under such circumstances, the General President may immediately suspend the person or subordinate body against whom charges have been preferred but, at the time of such suspension, the General President shall notify the party or parties charged to appear before him or her for a hearing at such place and such time as the General President shall fix. The General President shall accord such parties a minimum of four (4) days in which to appear. The General President may then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented. When the General President has so acted, his or her judgment shall be final, subject, however, to an appeal to the General Executive Board and from the General Executive Board to the Convention, in the same manner as provided for appeals in other cases. But, pending appeal from the General President's decision, his or her decision shall stand and be enforced. If suspension of a Local Union or other subordinate body is deemed advisable by the General President, he or she may appoint a Trustee who shall have the same power as is specified under Section 49 of this Constitution. Notwithstanding any provision set forth herein, the General President shall be empowered, in his or her sole discretion, to develop special rules or procedures for the conduct or determination of a case that is within the General President's jurisdiction when the General President believes that such special rules or procedures are required to permit a fair and reasonable determination of the case.

Trials and Hearings Conducted by Representatives

Sec. 287. In all hearings, trials and other matters which are to be decided and acted upon by the General President or the

General Executive Board, the conduct of the hearing and the taking of evidence may be performed by a member or officer of the International Union duly appointed to act in the matter. At the conclusion of the trial or hearing, such representative shall make a summary of the evidence and report his or her findings and conclusions to the General President or the General Executive Board, whoever appointed the representative, and the decision in the case shall be made by the General President or the General Executive Board. In all cases on appeal to the General Executive Board, a competent person may be deputized to summarize and brief the record in the case for submission to the General Executive Board, a copy being prepared for each member of the Board. The entire record on appeal shall be available to the General Executive Board.

Basis of Charges

Sec. 288. The basis for charges against members, Local Unions, District Councils, state and provincial Conferences or any other subordinate body of the International Union may, among other things, consist of the following:

(1) Violation of any provision of the Constitution or of any rule or regulation promulgated by the General Executive Board or General Officers.

(2) Violation of the oath of membership or of provisions in the ritual of this International.

(3) Violation of the oath of office.

(4) Disloyalty to the International Union.

(5) Conduct unbecoming to a member or officer of this International Union.

(6) If an officer—neglect inefficiency or incompetence in the performance of the officer's duties; failure to advance and promote the interests of the members of the International by performing acts detrimental to such interests of the International.

(7) If an officer—utilizing the officer's official position to engage in enterprises which are inimical to the welfare of this organization and contrary to good morals and sound trade union principles. The General Executive Board shall be authorized to determine what activities are in contravention of good morals and sound trade union principles, and its judgment in that respect shall be final.

(8) Misappropriation, embezzlement, improper handling of Union funds, misuse of Union funds, tampering with or altering Union financial records so as to falsify same; altering or tampering with membership records or Union books or making false official reports, or failure to account for receipts and disbursements to the membership and to the International Union.

(9) Fostering secession; engaging in, advocating or encouraging dual unionism or engaging in subversive activities as prescribed in Section 89 of this Constitution; creating dissension among the members; or destroying peace and harmony within the Local Unions.

(10) Libeling, slandering, or in any other manner abusing fellow members, officers of Local Unions or other subordinate bodies, or the General Executive Board or the General Officers of the International Union.

(11) Abusing fellow members or officers in the meeting hall, or disrupting Union meetings.

(12) Violation of the trade union rules, promulgated in accordance with the Constitution of this International Union; or violation of trade union rules of the locality in which a member is working.

(13) Engaging in any activities which tend to bring the Local Union or other subordinate body of this International Union or the International itself into disrepute, or which tend to reflect upon its good name, standing and reputation.

(14) Violation of orders issued by representatives acting under the direction of the General Officers or of the General

Executive Board. (The orders of such representatives shall have the same force and effect upon members, officers and subordinate bodies as though issued by the authority appointing such representatives. Such orders must be obeyed immediately upon their issuance. If any party is aggrieved by such order, that party may bring the matter to the attention of the officer or body under whom the representative is acting, and obtain summary review of the order; but pending any such review, the order of the representative shall stand and be in full force and effect.)

(15) So conducting its affairs by a Local Union or subordinate body, or permitting its officers to so conduct its affairs as to hinder, prejudice or injure the rights and interests of members or of the International Union.

(16) And for such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty of a member, officer or subordinate body of this International Union.

Charges, Trials and Appeals of General Officers

Sec. 289. (a) Any General Officer of the International who violates the Constitution or who is negligent in the performance of his or her duties, may be charged and tried, when such charges are preferred by motion of any District Council, Local Union or other subordinate body, seconded by ten (10) Local Unions, no two (2) from the same state or province. If, after an impartial trial by the General Executive Board, a General Officer is found guilty by that body, he or she shall be appropriately disciplined.

(b) If the officer or the officers charged, or the Union or Unions or District Council that preferred the charges, are not satisfied with the result of the trial, they may appeal to the membership or the General Convention through the General

Secretary-Treasurer and the decision of the membership or the General Convention shall be final.

Trial and Appeal Boards

Sec. 290. (a) The Trial Board of a Local Union shall be the members of its Executive Board except that in Local Unions that include a Business Manager or Business Representative(s) on their Executive Boards, the Business Manager and Business Representatives shall not sit on the Trial Board. If any member of the Trial Board is a directly interested party to the proceedings, that member shall refrain from sitting on the Trial Board. In that event, the President shall appoint a disinterested member to sit on the Trial Board.

(b) The Trial and Appellate Board of a District Council, or other subordinate body, may be selected from the members of its Executive Board, providing such procedure is established through adoption of an appropriate bylaws. Where the trials are held under the jurisdiction of a District Council, Trial Board members may be selected from the duly elected delegates comprising said Council, providing such procedure is established through adoption of appropriate bylaws. Such Trial Board shall not exceed ten (10) members.

(c) If any member of such Trial Body or Appellate Board is a directly interested party to the proceedings, that member shall refrain from sitting on the Trial or Appellate Board. In that event the President shall appoint a disinterested member to sit on the Trial or Appellate Board. If the President is disqualified as an interested party, his or her place shall be taken by the Vice-President who shall then make whatever appointments of disinterested members as are necessary and in the event the Vice-President is also disqualified, the Recording Secretary shall make appointments. In the event the President, the Vice-President and the Recording Secretary are all disqualified, the

membership shall elect disinterested members to fill any vacancies caused by disqualifications.

(d) In Local Union Trial Boards, the Presiding Officer shall be the Local Union President or another member designated by the President. In the District Council Trial Boards, the Presiding Officer shall be the District Council Business Manager/Secretary-Treasurer or another member designated by the Business Manager/Secretary-Treasurer.

Procedure for Conduct of Trials

Sec. 291. (a) When original jurisdiction is exercised by any Trial Body, the procedure unless otherwise specifically provided in this Constitution, and except as permitted under Sections 285-286, shall be as follows: Charges must be filed within a reasonable time after the occurrence of the alleged violation or its occurrence became known or should have been known. The party preferring the charges shall present them in writing, in duplicate, and file them with the Secretary of the Trial Body. Such charges shall be sufficiently explicit as to reasonably inform the accused of the nature of the accusations against him or her. Such Secretary shall promptly forward a copy of the same, by registered or certified mail, to the party charged, together with a notice of the date, time and place of hearing, such date not to be less than 14 days or more than 60 days after the charges have been mailed. At the same time the Secretary shall also send by mail, a notice of the date, time and place of the hearing, to the party preferring the charges.

(b) When original jurisdiction is exercised by the General Executive Board under Section 285, or by the General President under Section 286, the notice of the date, time and place of hearing may be given by the Hearing Officer appointed to conduct the Trial under Section 287; and, unless otherwise specified by the General Executive Board or the General President

pursuant to Sections 285-286, the hearing shall take place not less than 14 days nor more than 60 days after the charges have been mailed to the charged party by the General Secretary-Treasurer for the General Executive Board, or by the General President, as the case may be.

Sec. 292. (a) The party charged may file a written statement explaining or opposing the charges. However, failure to file such written statement shall not deny such party the right to appear at the hearing and defend.

(b) The parties to the proceeding may appear at the hearing personally and with witnesses. Any person who can give evidence concerning the charges can be called as a witness regardless of whether the person is a member or not. Each party shall have the right to select a member of the Union to act as counsel in the case. The member selected as counsel shall not be a lawyer. If the member is a lawyer he or she shall be ineligible to represent the party charged. The Trial Board may, however, in its discretion, permit the accused to be represented by a lawyer but, when the accused does so, the other side will have the same right. However, it is the intention of this International Union to discourage the appearance of lawyers in these hearings, and court and legal formality shall not control the proceedings. The Trial Board may, if it deems advisable, exclude all other witnesses from the hearing room while a witness is testifying, except the parties directly interested and their counsel.

Sec. 293. (a) In the matter of trials, appeals and other hearings, it shall not be necessary to maintain a stenographic record unless request for the same is made by any directly-interested party to the proceedings; if such request is made, the party making it shall furnish a competent reporter at his or her expense, and three (3) copies of the transcript shall be prepared, so that each party and the Trial Body may have one (1) within ten (10) days after the conclusion of trial or appeal. The ex-

pense of all copies shall be borne by the party requesting the stenographic record. The reporter shall attach an affidavit to the transcript stating that the same is a true and accurate transcript of the evidence taken at such trial or hearing. If a stenographic record of the hearing is not taken, the Trial Body shall arrange for the keeping of notes concerning the testimony of the witnesses and the evidence produced by the parties so that on appeal the Appellate Body will be able to determine what evidence each party submitted in his or her behalf. No member shall be allowed to use any recording device during a Trial Board proceeding.

(b) At the conclusion of any trial, appeal or hearing, a decision shall be rendered by a majority of the members of the trial or appeal board in each case. If the decision is not complete, the Appellate Body may request a more comprehensive decision, so that the Appellate Body may intelligently understand the points decided.

(c) Every decision of a trial or appellate body shall be reduced to writing and a copy thereof furnished to each directly-interested party.

Sec. 294. (a) All the proceedings below, including the charges, transcript of summary evidence and Trial Board decision, in accordance with the foregoing sections, of the Trial or Appellate Bodies, must be forwarded, duly attested by the Secretary of such Trial or Appellate Body, to the General Secretary-Treasurer, who shall file the same for future reference. The membership number and Local Union numbers and the correct first and last names must be furnished to the General Office with all correspondence relative to trials, appeals and penalties.

(b) The findings and conclusions of the Trial Board of the Local Union or other subordinate body shall be conclusive on such subordinate body and shall not be subject to review by such subordinate body. Such findings and conclusions can be reviewed only as specified in this Constitution.

Out-of-Area Members

Sec. 295. When a member of one Local Union (called the “home” Local Union) works in the jurisdiction of another Local Union (called the “away” Local Union), and is charged with a violation of the trade rules, bylaws, or the Constitution, the member shall be tried by the District Council or Local Union in whose jurisdiction the offense was committed. If the member is found guilty and fined, the fine shall be paid to the District Council or Local Union in whose jurisdiction the offense was committed. If the member is properly tried by the Trial Board of the away District Council or Local Union, copies of the charges, notice of hearing, and decision that must be mailed to the member pursuant to Sections 291-293(c) shall be mailed to his home Local Union in the same manner and at the same time as they are mailed to the member. In any such case, the appeal shall be sent directly to the General Executive Board.

Failure to Appear

Sec. 296. Failure on the part of any interested party to appear in any trial, appeal or hearing, when an appearance is required before the tribunal which has the matter before it, at the time and place designated in the notice for appearance, shall constitute a waiver of appearance and defense, and the trial, appeal or hearing shall proceed in the absence of such party. No member may be found guilty, even if the member fails to appear, unless evidence proving the charge is presented to the Trial Board.

Refusal of Local Union to Try Members

Sec. 297. If any Local Union refuses to try its members on charges properly preferred, for any cause whatsoever, the party preferring the charges may bring the charge before the District

Council, where one exists, for trial and decision, in the same manner as provided for the conduct of other trials before District Councils. If no District Council exists, the charging party may present the matter to the General Executive Board for appropriate ruling and disposition.

Charges Not Preferred in Good Faith

Sec. 298 It shall be a violation of this Constitution for any member to prefer charges against another member if unsupported by substantial evidence and motivated by bad faith or malice. However, no member may be found guilty of violating this provision unless charges are separately preferred against the member on that ground and said charges are processed by the trial body in the normal fashion.

Decisions and Penalties

Sec. 299. (a) Decisions and penalties imposed upon the members, officers, Local Unions, District Councils or other subordinate bodies found guilty of charges, may consist of reprimands, fines or other monetary penalty, suspensions, expulsions, removal from office or position, revocations of charters, or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine or command to pay or reimburse a sum of money, then same must be paid promptly pending an appeal if one is taken. If the fine or other monetary penalty is against a member or officer of a Local Union, assessed by the Local Union, it shall be paid to the Financial Secretary of the Local Union. If a fine or other monetary penalty is assessed against a member or a Local Union by a District Council or other subordinate body, the payment shall be to the Treasury of such body.

(b) If the fine or other monetary penalty is assessed where the General Executive Board or General President has taken

original jurisdiction, it shall be paid to the Treasury of the International Union unless otherwise ordered by the General Executive Board or the General President, as the case may be.

(c) When such a penalty consists of a fine or other monetary penalty, and an appeal is taken, such fine or other monetary penalty shall be deposited as above provided, except that the General Executive Board, or the District Council as the case may be, is authorized to waive these regulations on payment of fine or other monetary penalty if in its opinion said fine or other monetary penalty creates an undue hardship. The General Executive Board shall have the authority to waive any other penalty or abate any disciplinary action pending appeal to a District Council or to itself. Thereupon such member, officer or Local Union shall be permitted to continue in the Union, with full rights and privileges in accordance with the laws of the International Union. If, on appeal, the decision below is reversed and the fine or other monetary penalty disallowed, then same shall be returned to the party that had deposited it.

(d) When a decision is handed down by any trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body.

(e) In the event of noncompliance with a decision handed down by a trial or appellate body, the member, officer, District Council, Local Union or other subordinate body shall stand suspended from all privileges of the International Union until the provisions of the decision have been complied with.

(f) Any member or body that is tried by the General Executive Board cannot be tried for the same offense by a District Council or Local Union.

Sec. 300. Any District Council, Local Union or other subordinate body refusing to enforce a decision of the General Executive Board, shall be suspended or have its charter revoked by the General Executive Board.

Sec. 301. An expelled member shall not be admitted again to

membership in the International Union, except upon the written permission of the General Executive Board.

Sec. 302. In connection with organizing campaigns, the General Executive Board may forgive or reduce fines or other monetary penalties imposed by a Trial Board and/or any appellate body in both pending and closed cases.

Specific Penalties

Sec. 303. Any officer or member who alters any financial account or record, or who alters the records of a meeting, shall be fined or expelled and shall not again be eligible to hold office, or position as delegate or committee member in any Union of the International.

Sec. 304. Any officer or member making false reports of tax, initiations or reinstatements to the General Secretary-Treasurer shall be disciplined. Any member who enters dues or other payments for himself or herself on an official dues receipt illegally, or issues himself or herself a clearance card, forging the name of the Financial Secretary in either case, the General Secretary-Treasurer with the approval of the General Executive Board, shall be empowered to annul the membership of such member, after proof of the act has been established.

Sec. 305. Any officer, delegate or committee member or member in any Union of the International who is guilty of embezzling, misappropriating, stealing or robbing Union funds or who erases, adds to or changes the amounts or the dates of payments of dues or other indebtedness, or falsifies information on claims for International Union Benefits on membership books, shall not be eligible to again hold office, or position as delegate or committee member in any Union of the International.

Sec. 306. In processing applications for membership, officers must use the original, official, numbered membership application form issued by the General Office. Officers who use

for that purpose a copy or facsimile of said official form or some other application form shall not thereafter be eligible to hold office in the International Union or any affiliate of the International Union, and may be otherwise disciplined.

Appeals

Sec. 307. (a) Any directly-interested party to a proceeding in which a final decision has been rendered, feeling aggrieved over such decision, may take an appeal there from.

(b) Appeals from the decisions of Trial Boards of Local Unions shall be taken to the District Council. If there is no District Council, then the appeal shall be taken to the General Executive Board. Appeals from the decisions of District Councils shall be taken to the General Executive Board. Appeals from the General Executive Board shall be taken to the General Convention. In the case of other subordinate bodies, appeals shall be taken to the General Executive Board; and from it to the General Convention.

(c) A General Convention shall not consider an appeal to it unless received by the General Secretary-Treasurer within 30 days of the date the decision of the General Executive Board. Appeals received by the General Secretary-Treasurer less than 45 days prior to the opening day of the General Convention, may, in the discretion of the General Secretary-Treasurer be heard at the Convention or held over for consideration by the next General Convention.

Sec. 308. (a) Every appeal must be taken within 30 days from the date the decision of the lower tribunal is rendered. It shall be presented in writing and bear the original signature (not a facsimile or copy) of the appellant. There shall be annexed to the appeal, a copy of the decision. A copy of the appeal shall be filed with the Secretary of the body to which the appeal is taken. Failure to take an appeal within the 30-day pe-

riod shall be grounds for disallowing the appeal by the appellate body.

(b) Promptly upon receipt of Notice of Appeal, the Secretary of the body from which the appeal was taken shall prepare all of the papers and documents in the case which constitute the record, and shall forward the same to the Secretary of the body to which the appeal is taken.

(c) The parties to the appeal shall have 15 days in which to file, with the Secretary of the appellate body, a written statement and written argument in support of its contentions. The appellate body may then, at its convenience but without unnecessary delay, proceed to hear the appeal and decide it. The appellate body may hear the appeal on the record as presented; or it may permit the parties to appear and present oral argument; or it may hear the appeal by a retrial of the entire case. An appellate body may (with or without opinion) affirm or reverse the decision below, alter the penalty, or remand the case for further proceedings or alteration of penalty consistent with its direction or opinion.

Exhaustion of Remedies

Sec. 309. Members or officers of District Councils and Local Unions or other subordinate bodies of this International Union and the officers, who may have controversies relating to Union affairs, or against whom charges have been preferred, or against whom disciplinary or adverse action has been taken, shall be obliged to exhaust all remedies provided for in this Constitution by the International Union before resorting to any other court or tribunal. Should any of the afore-designated members, officers or subordinate bodies resort to court or other proceedings before exhausting all procedure and remedies provided for in this Constitution, he or she or it shall be guilty of a violation of the laws of this International and shall be subject to disciplinary action.

Improper Lawsuits

Sec. 310. It shall be a violation of this Constitution for any member or officer of any subordinate body, or for any subordinate body, to bring a lawsuit in any Court or file charges or complaints with any administrative tribunal against any other member or officer of any subordinate body, or any subordinate body, or the International Union, the General Executive Board or any General Officer, in relation to any controversy relating to Union affairs where such lawsuits, charges or complaints are found to be without merit and are motivated by bad faith or malice or a desire to harass the defendant or charged party.

Costs, Fees Chargeable

Sec. 311. When any member, officer or subordinate body, or the International Union, the General Executive Board, or a General Officer is obliged to bear the expense or costs of defending against a suit, charges, or complaints improperly brought within the meaning of Sections 309-310, the costs, expenses, and attorney fees incurred in such defense, shall be chargeable to the member, officer or body responsible for such improper action.

UNION LABEL

Sec. 312. The distribution and use of all Union Labels in the jurisdiction of the International Union shall be governed by rules and regulations adopted by the General Executive Board.

INTERNATIONAL UNION BENEFITS AND PROGRAMS

ACCIDENTAL DEATH BENEFITS

Sec. 313. The International Union shall maintain a program of Accidental Death Benefits in an amount of at least \$10,000.00 covering members in good standing in accordance with Section 119, where death results from a job site accident. The General Executive Board shall be empowered to establish rules governing the payment of this benefit and to review and, if appropriate and in the interests of the International Union and its membership, modify this benefit.

DEATH BENEFIT FUND

Sec. 314. The International Union shall maintain a Death Benefit Fund to provide a benefit upon death in an amount not less than \$2,500.00 for every member in good standing, subject to such exceptions, conditions, terms and procedures as are set forth in Sections 287, 288 and 289 of the General Constitution issued January 1, 1975, and rules and regulations developed, amended from time to time, and published by the General Executive Board pursuant to and consistent with said Constitutional provisions.

DEATH AND DISABILITY FUND

Sec. 315. Provisions governing the Death and Disability Fund, which currently applies only to a specific class of membership, may be found in Sections 290 through 313 of the General Constitution issued January 1, 1975.

PUBLICATION

Sec. 316. The General Executive Board shall publish in a separate pamphlet, and distribute to the Local Unions, the applicable provisions of the January 1, 1975 General Constitution and rules and regulations issued by the General Executive

Board governing the Death Benefit Fund and the Death and Disability Fund. The pamphlet shall be made available to the members at each respective Local Union office.

IUPAT LOCAL UNION AND DISTRICT COUNCIL PENSION FUND

Sec. 317. (a) Contribution by United States District Council and Local Unions to the IUPAT Industry Pension Fund:

(1) Each affiliated District Council and Local Union in the United States shall pay each month to the Trustees of the IUPAT Industry Pension Fund, pursuant to a Participation Agreement if required by such fund, an amount equal to ten percent (10%) [or such amount as determined by the General Executive Board as set forth herein] of the gross monthly compensation for each covered full-time salaried Business Representative, Officer and Employee (who are eligible for coverage under such Pension Fund) which shall be a standing appropriation and shall not require a vote of the District Council or Local Union. The General Executive Board shall be empowered, between Conventions, to adjust the contribution rate(s) to the Fund when such action is consistent with the actuarial integrity of the Fund and the interests of Fund participants.

The contribution rate set forth above, or such rate(s) as may from time to time be determined by the General Executive Board, shall be separate and apart from and over and above any other amounts that may be contributed to the Fund or to the other pension funds on behalf of such employees pursuant to District Council or Local Union collective bargaining agreements or as otherwise permitted pursuant to District Council and/or Local Union Bylaws.

(2) Each affiliated District Council and Local Union in the United States hereby designates as its representatives on the Board of Trustees on the IUPAT Industry Pension Fund the

Trustees duly appointed and empowered pursuant to provisions set forth in the Restated Agreement and Declaration of Trust of such Fund.

(3) Each affiliated District Council and Local Union in the United States hereby agrees to be bound by, and fully comply with, any and all provisions set forth in the Restated Agreement and Declaration of Trust, as amended from time to time, the Plan Document(s) adopted by the Board of Trustees and any and all rules and regulations that may, from time to time, be adopted and approved by the Board of Trustees of the IUPAT Industry Pension Fund.

(b) Contributions by Canadian District Councils and Local Unions to the IUPAT Local Union and District Council Pension Fund (Canada).

(1) The International Union shall maintain a pension fund to be known as the "IUPAT Local Union and District Council Pension Fund (Canada)" for such full-time Business Representatives, officer and employees of all affiliated District Councils and Local Unions in Canada who are eligible for coverage under such Pension Fund.

(2) Each affiliated District Council and Local Union shall pay each month to the Trustees of the "IUPAT Local Union and District Council Pension Fund (Canada)" an amount equal to ten percent (10%) [or such amount as determined by the General Executive Board as set forth herein] of the gross monthly compensation for each covered full-time salaried Business Representative, officer and employee which shall be a standing appropriation and shall not require a vote of the District Council or Local Union. The General Executive Board shall be empowered between Conventions, to adjust the contribution rate(s) to the Fund when such action is consistent with the actuarial integrity of the Fund and the interests of Fund participants. The contribution rate set forth above, or such rate(s) as may from time to time be determined by the General Executive

Board, shall be separate and apart from and over and above any other amounts that may be contributed to the Fund or to other pension funds on behalf of such employees pursuant to District Council and Local Union collective bargaining agreements or as otherwise permitted pursuant to District Council and/or Local Union Bylaws.

(3) The Trustees of the Pension Fund shall be appointed by the General President with the approval of the General Executive Board.

(4) The Trustees of the Pension Fund shall be empowered to merge and/or consolidate the Pension Fund with an IUPAT Industry Pension Fund (Canada) if, in their discretion, such action will be in the interests of Fund participants.”

ORGANIZING FUND

Sec. 318. (a) The General Secretary-Treasurer shall establish an Organizing Fund, and operate such fund in accordance with this section.

(b) The International Union shall contribute to the Organizing Fund in such amounts as the General Executive Board shall determine are necessary to adequately fund the Union’s organizing efforts.

(c) All monies in the Organizing Fund shall be maintained in liquid, interest bearing accounts or instruments.

(d) A District Council or unaffiliated Local Union shall be eligible to receive assistance from the Organizing Fund if it satisfies the following conditions:

(i) In the judgment of the General Executive Board, a substantial majority of the members of the District Council or Local Union work under collective bargaining agreements maintained by the District Council or Local Union that require that employer contributions of at least \$.05 per hour worked to be made directly from the signatory employers to the Finishing

Trades Institute and the Labor-Management Cooperation Initiative, and require that such payments be made pursuant to the Central Collection process maintained by the International Union and its affiliated funds and organizations; and

(ii) In the judgment of the General Executive Board, a substantial majority of the members of the District Council or the Local Union work under collective bargaining agreements maintained by the District Council or Local Union that provide for voluntary employee contributions to the IUPAT Political Action Together Fund-Political Committee at the rate of at least \$.05 per hour and a substantial majority of the members of the District Council or Local Union contribute to the IUPAT Political Action Together Fund-Political Committee at the rate of at least \$.05 per hour, or alternatively, (a) for United States subordinate bodies, the Bylaws of the District Council or Local Union provide that the District Council or Local Union shall contribute, from dues received by the District Council or Local Union, \$.05 per hour worked by each member to the IUPAT Political Action Together Fund-Legislative and Educational Committee, or (b) for Canadian subordinate bodies, the Bylaws of the Canadian Regional Conference provide that the District Council or Local Union shall contribute, from dues received by the District Council or Local Union, \$.05 per hour worked by each member to the IUPAT Canadian Political Action Together Fund, and

(e) Beginning January 2005, each eligible District Council or Local Union will receive an annual payment from the Organizing Fund equal to \$.05 times the hours on which contributions of at least \$.05 per hour were made to (A) the Finishing Trades Institute, (B) the IUPAT Labor-Management Cooperation Initiative, and (C) to either the IUPAT Political Action Together Fund-Political Committee, the IUPAT Political Action Together Fund-Legislative and Educational Committee, or the IUPAT Canadian Political Action Together Fund during the preceding

year. These amounts will be paid in twelve (12) equal installments on the last day of each month.

(f) The monies distributed pursuant to subsection (e) may only be used as permitted by the Organizing Fund Agreement between the International Union and the District Council or Local Union. The General Secretary-Treasurer or his representative may audit District Councils or Local Unions to insure compliance with this subsection, and the General Executive Board may, in its sole discretion, halt funding to any District Council or Local Union that it determines has not devoted sufficient effort to, or has not achieved sufficient results in, organizing.

(g) The General President shall have authority to use any undistributed monies in the Organizing Fund for organizing efforts conducted by the International Union or its affiliates.

PARLIAMENTARY RULES AND RITUAL

Rule 1. All questions of a parliamentary nature not provided for in these rules shall be decided by Roberts' Rules of Order.

Rule 2. All resolutions and resignations must be submitted in writing.

Rule 3. Any conversation which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed in violation of order.

Rule 4. On motion, the regular order of business (see page 2 of cover) may be suspended by a majority vote of the meeting at any time to dispose of any urgent business.

Motions

Rule 5. A motion to be entertained by the Presiding Officer must be seconded and the mover and seconder must rise and be recognized by the Chair.

Rule 6. 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 has been stated by the Chair.

Rule 7. A member who has made a motion can withdraw it by consent of his second, providing it has not been debated. A motion once debated can be withdrawn only by unanimous consent.

Rule 8. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 9. Any member may call for a division of a question when the sense will admit thereof.

Debate

Rule 10. A motion shall not be subject to debate until it has been stated by the Chair.

Rule 11. When a member wishes the floor the member shall rise and respectfully address the Chair, and, if recognized by the Chair, the member shall be entitled to the floor.

Rule 12. If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

Rule 13. Each member when speaking shall confine him or herself to the question under debate and avoid all personal, indecorous or sarcastic language.

Rule 14. No member shall interrupt another while speaking, except to a point of order and the member shall definitely state the point and the Chair shall decide the same without debate.

Rule 15. If a member while speaking is called to order the member shall take his or her seat until the point is decided, when, if decided in order, the member may proceed.

Rule 16. If any member shall feel himself or herself personally aggrieved by a decision of the Chair, the member may appeal to the District Council, Local Union or other subordinate body from the decision.

Rule 17. When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member will then have the right to state the grounds of the appeal, and the Chair will give the reason for his or her decision; thereupon the District Council, Local Union or other subordinate body shall proceed to vote on the appeal without further debate.

Rule 18. No member shall speak more than once on the same subject until all members desiring the floor shall have spoken, or more than twice without unanimous consent, nor more than five minutes at any one time.

Rule 19. The presiding officer shall vacate the chair when desiring to speak on any subject and the Vice President shall take the chair.

Privileged Questions

Rule 20. When a question is before the meeting no motion shall be in order except: (1) To adjourn; (2) to lay on the table;

(3) For the previous question; (4) To postpone to a given time; (5) To refer or recommit; (6) To amend; and these motions shall have precedence in the order herein arranged.

Rule 21. The following motions are not debatable: (1) To adjourn; (2) To lay on the table; (3) To read a paper or document.

Rule 22. When the previous question is moved and seconded it shall be put in this form: "Shall the main question now be put?" If this is carried, all further motions, amendments and debate shall be excluded and the question put without delay.

Rule 23. If a question has been amended, 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 the amendment; (2) Amendment; (3) Original proposition.

Rule 24. When a question is postponed indefinitely, it shall come up again only by unanimous consent.

Rule 25. A motion to adjourn shall always be in order except (1) When a motion is before the house; (2) When a member has the floor; (3) When the members are voting; (4) When it has been decided to take the previous question.

Taking the Vote

Rule 26. Before putting a question to a vote, the Presiding Officer shall ask: "Is the Union ready for the question?" Then it shall be open for debate. If no member rises to speak, the Presiding Officer shall then put the question. After the vote has been taken the Presiding Officer shall immediately announce the result.

Rule 27. 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 commence taking the vote.

Rule 28. Before the Presiding Officer declares the vote on a question, any member may ask for a division of the house; then

the Chair is duty bound to comply with the request, and a standing vote shall be taken.

Rule 29. Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union.

Rule 30. When a blank is to be filled, the question shall be taken first upon the largest sum or number, or the longest or latest time.

Rule 31. When a question has been decided it can be reconsidered only at the same meeting or on the next regular meeting night.

Rule 32. A motion to reconsider must be made and seconded by two members who voted with the majority.

RITUAL

1. OPENING CEREMONY

(Immediately upon arrival of the hour of meeting, a quorum being present, the President shall call the meeting to order and a general silence be enforced.)

President—(One rap of the gavel)—“Brothers and Sisters, we are about to open this Local Union for the purpose of considering such measures as will tend to perpetuate our International Union, spread its principles, elevate our trade and advance our interests, individually and collectively. All non members will please retire to the ante-room.”

Pledge to the Flag:

President—Three raps on the gavel—“Please join me in the salute to the Flag”—(or “Canadian Salute”)

(After the salute is finished.)

President—“I now declare Local Union No. open for the transaction of business as may legally come before it.” (One rap.)

Roll Call of the Officers:

(If any officers are absent, the President shall make such appointments, pro tem, as may be necessary.)

2. INITIATION CEREMONY

President—“Brother (Sister) Recording Secretary, are there any candidates in waiting—If so, report their names.”

(Secretary reports by reading pertinent data from each application and stating whether or not the candidate has completed the application and found to be qualified.)

President—“You have heard the qualifications of the candidates for initiation. I will entertain a motion for acceptance into Local Union No.”

(Upon motion being made and carried, the President continues.)

President—“Brother (Sister) Conductor, lead the candidate(s) in for initiation. Brothers and Sisters, preserve strict order during the ceremony of initiation.”

(The conductor leads in the candidate and halts him or her in front of the President.)

President—(Three raps)—“Fellow workers, previous to your initiation as a member of this International Union, it is necessary that you take an obligation that will bind you to this International and that will, in no wise, conflict with your religious belief or duties as a citizen. Are you willing?”

(Upon satisfactory answer being given.)

President—“The Preceptor will administer the obligation.”

(Conductor escorts candidate to the Preceptor’s station.)

OBLIGATION

Preceptor—“Pay strict attention while I read to you the obligation that we have all taken.”

“Of my own free will and accord, I do now covenant to keep the affairs of this International Union strictly private, unless empowered to reveal the same.”

“I will abide by its laws, both general and local, and will use all honorable means to procure employment for brother or sister members. I will honor and abide our International Union’s commitment to organize the unorganized and will support and participate, in our Union’s efforts and programs relating to organizing, training, education and support for other labor and worker-related causes.”

“I will make all possible effort to attend the meetings, and will pay all dues and assessments levied in accordance with the laws.”

“I further agree that, should it be hereafter discovered that I have made any misstatements as to my qualifications for membership, I be debarred from all benefits provided by this International Union.”

“I will be obedient to authority, orderly in its meetings, respectful in words and actions, charitable in judgment of my brother or sister members and will never, from selfish motives, wrong a brother or sister, or see him or her wronged, if in my power to prevent it.”

“I will render full allegiance to this International Union, and never consent to subordinate its interests to those of any other organization of which I am now or may, hereafter, become a member.”

“I further promise, that whenever and wherever possible, I will purchase only strictly Union made goods, that I will use my best endeavors to influence others to do the same.”

Preceptor—(Addressing the candidate)—“You will now repeat after me: To all of this I promise and pledge, to observe and keep the same as a true and faithful member of the International Union of Painters and Allied Trades.”

Members in Chorus—“We all bear witness.”

(The Conductor escorts the candidate to the President's station.)

President—(Addressing the candidate)—“During the session of the Union one rap of the gavel calls the members to order.”

“Three raps calls all to their feet.”

“When standing, one rap seats the members.”

“The voting sign is made thus:”

“The voting sign is made by raising the right hand, open, and palm forward.”

“You must be ever watchful of all you say and do and, as you value your honor, be ever mindful of the obligation you have taken.”

“The Financial Secretary will now give you further information about your membership, our laws, benefits and dues.”

3. INSTALLATION OF OFFICERS

The President will direct the newly elected officers to take their places in front of the Preceptor.

Preceptor—(Three raps.)

Preceptor: “Brothers and Sisters, raise your right hand and repeat after me the following obligation, using your name where I use mine:”

“I, , do most solemnly promise, before God, upon my honor, that I will truly and faithfully, and to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and Laws of this International Union; and, as an officer of this Union, I will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.”

“I further promise that, at the close of my official term, I will promptly deliver all monies or property of this Union, in my possession, to my successor in office.”

Preceptor—(One rap.)

Preceptor: “Brother and Sister officers, congratulations and best wishes in carrying out the duties of your respective offices.”

4. CLOSING CEREMONY

President—“There being no further business, we will proceed to close.” (Three raps.)

“Brothers and Sisters, you will all bear in mind your obligation. Help one another, strive to strengthen our International Union, and be careful not to divulge the private business of the Union.”

President: “And now, by virtue of my office, I now declare Local Union No. of the IUPAT duly closed until our next session, when I hope to see all present who can possibly attend.” Brothers and Sisters, join me in giving the retiring sign. (One rap.)

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