

# CONSTITUTION

of the  
**TRANSPORT WORKERS UNION  
OF AMERICA**



Founded April, 1934

*Chartered by*

Congress of Industrial Organizations

May 14, 1937



This is the complete text of the Constitution as originally adopted at the First National Convention, held October 4-8, 1937; and as amended at the Second Biennial Convention, September 20-23, 1939; at the Third Biennial Convention, September 24-27 1941, at the Fourth Biennial Convention, October 20-23, 1943 at the Fifth Biennial Convention, September 25-28, 1946; at the Sixth Biennial Convention, December 6-9, 1948, at the Seventh Biennial Convention, December 5-9, 1950; at the Eighth Biennial Convention, December 9-13, 1952; at the Ninth Biennial Convention, February 14-19, 1955, at the Tenth Biennial Convention, October 21-25, 1957; at the Eleventh Constitutional Convention October 2-6 1961, at the Twelfth Constitutional Convention October 11-15, 1965; by Direct Membership Referendum, May 10, 1966, at the Thirteenth Constitutional Convention, September 8-12, 1969 by the Fourteenth Constitutional Convention, October 9-12, 1973, by the Fifteenth Constitutional Convention, September 19-23, 1977, by the Sixteenth Constitutional Convention, September 28-October 2, 1981; by the Seventeenth Constitutional Convention, September 23-27, 1985; by the Eighteenth Constitutional Convention, October 2-6, 1989; by the 20th Constitutional Convention, September 29-October 2, 1997; by the 21st Constitutional Convention, October 15-18, 2001; by the 22nd Constitutional Convention, September 19-22, 2005, and by the 23rd Constitutional Convention, September 14-18, 2009.

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## **ARTICLE I.**

### **Name and Affiliation**

This Organization shall be known as the Transport Workers Union of America, hereinafter also referred to as the International Union.

The International Union may affiliate with such national or international organizations as the International Executive Council may determine.

## **ARTICLE II.**

### **Objects**

The objects of this organization shall be:

- (a) To unite in this industrial union, regardless of race, creed, color, sex, sexual orientation or nationality, all workers eligible for membership.
- (b) To establish through collective bargaining adequate wage standards and retirement benefits, shorter hours of work and improvements in the conditions of employment for the workers in the industry.
- (c) To promote legislation advancing the interests of the Union and its members at the local, state and national levels, to engage in political education of the membership, and to engage in such other activity (specifically including sponsoring and supporting grassroots programs at the International and Local levels, using our resources and the voting strength of our members to gain the

support of the public and of legislators for our views, and supporting political candidates who share our views), as may be necessary or advisable to safeguard the economic security and social welfare of working people and to protect and extend our democratic institutions, civil rights and liberties, and to perpetuate the cherished traditions of our democracy.

- (d) To organize unorganized employees in the transportation and other industries.

### **ARTICLE III.**

#### **Eligibility**

SECTION 1. - All working men and women, regardless of race, creed, color or nationality, employed in, on or about any and all passenger or other transportation facilities, or public utilities and allied industries, and in any other employment which the International Executive Council decides is appropriately within the jurisdiction of the International Union, and officers, staff representatives, and employees of the International Union and of any Local Union are eligible for membership.

SECTION 2. Persons having supervisory power shall be eligible for membership subject to the approval of the Local Union and the International Executive Council.

## **ARTICLE IV.**

### **International Officers**

SECTION 1. The officers of the International Union shall be the International President, the International Secretary-Treasurer, the International Executive Vice President and fifteen (15) International Vice Presidents, of whom two (2) shall be designated Administrative Vice-Presidents, and shall be elected as such.

SECTION 2. The International President, the International Secretary-Treasurer, the Executive Vice President and the two Administrative Vice Presidents shall constitute the International Administrative Committee.

SECTION 3. The International Executive Council shall consist of the International officers and such members at large, not more than nine (9) in number, who may be designated from among the members of the International Executive Board by the International Executive Council to represent areas, or divisions or other groups in the Union, which, in the opinion of the International Executive Council are not otherwise adequately represented on the International Executive Council. Once so designated, such members at large shall serve until the next International Convention.

SECTION 4. The International Executive Board shall consist of the International officers and forty (40) International Executive Board members except that the number of International Executive Board

members may be increased pursuant to SECTION 5 of this ARTICLE.

SECTION 5. The International officers and the members of the International Executive Board shall be elected at each regular International Convention, shall be obligated and installed at the Convention at which they are elected, and their term of office shall run until their successors are obligated and installed at the next regular International Convention; except that the number of International Executive Board members may be increased, when between regular conventions, the International Executive Council determines that an increase is necessary to give representation to any newly affiliated or organized group. Such additional members shall be appointed by the International Executive Council from such newly affiliated or organized group.

SECTION 6. No member shall be eligible for nomination or election to any International office, or to the International Executive Board, unless he/she shall have been in continuous good standing in the International Union for at least two (2) years immediately preceding his/her nomination. This section shall not apply to a member of a Local Union which has been chartered by the International Union less than two (2) years prior to such nomination; in such case, a member to be eligible for nomination and election shall have been in continuous good standing in his/her Local Union from the date of its charter.

SECTION 7. No member shall be eligible for nomination or election to any International office for three years after being found at trial, or admitting, to either (1) having worked in the interest of or accepted membership in any organization dual to the International Union or (2) having advocated or attempted to bring about the withdrawal or disaffiliation from the International Union of any Local Union or any member or group of members. Such ineligibility shall cease to apply if the trial determination is later reversed.

SECTION 8. No member may hold more than one position in the International Union by virtue of which he/she is entitled to membership on the International Executive Board.

SECTION 9. When an International Officer or Member of the International Executive Council or of the International Executive Board is on the payroll of a Local Union, the Local Union shall continue to pay his/her regular salary while he/she is attending International Executive Council Meetings, International Executive Board Meetings, Conventions and other functions of the International Union. Expenses incurred in conjunction with same shall be paid by the International Union.

## **ARTICLE V.**

### **Powers and Duties of the International President**

SECTION 1. The International President shall be the

chief Executive Officer of the International Union. He/she shall enforce the Constitution and be responsible for the proper and effective direction of the affairs and business of the International Union and shall have the full power necessary therefore subject to review by the International Executive Council. He/she shall interpret the meaning and application of the provisions of this Constitution. Any such interpretation or application may be appealed by any member or by any Local Union adversely affected to the International Executive Council, and thereafter, to the Convention. Unless and until any such interpretation or application of this Constitution, heretofore or hereafter made by the International President, is changed by the Council or by the Convention, the interpretation and application made by him/her shall be deemed true and proper and shall be given full force and effect. He/she shall have the authority to appoint, direct, suspend or remove such organizers and representatives as he/she may deem necessary, and fix their compensation, subject to review by the International Executive Council.

He/she shall appoint a Director of Organizing and shall establish an Organizing Department in the International Union. The Organizing Director will be responsible for coordinating and directing the organizing activities of the International Union, and will report directly to the International President.

SECTION 2. He/she shall attend and preside at all

International Conventions and at all sessions of the International Executive Council and of the International Executive Board. He/she shall call special meetings of the International Executive Board whenever he/she deems necessary or when requested in writing by a majority of the members of the Council or of the Board, respectively.

SECTION 3. He/she shall have the power, either in person or by a designated representative, to inquire into, examine and inspect all books and records of the International Union, of its Local Unions, and of any division, department or other body within the International Union, including but not limited to the books and records of welfare funds, defense funds, building funds, emergency funds, educational funds, mutual benefit funds, political action funds, welfare trusts, credit union funds, and all other funds of any sort whatsoever, in the negotiation, control, collection or expenditure of which the International Union, or any Local Union, or group of Local Unions or any branch or section of a Local Union, participates in any way, or in which any officer or member of the Union has any interest or power of decision by virtue of his/her office or his/her membership. The fact that such funds may be held in the name of a corporation shall not limit or restrict this power.

SECTION 4. In the event the International President shall have reason to believe that any Local Union is failing to comply with any provision of the Constitu-

tion or conducts its affairs in a manner which is detrimental to the interests of the Union, he/she may institute proceedings against the Local Union, with due notice of hearing in writing delivered to the Local President and to the Local Financial Secretary-Treasurer, specifying the section or sections of the Constitution violated or the nature of conduct, before the International Executive Council, or a subcommittee thereof, designated either by the Council or by the International Administrative Committee. Upon the basis of the hearing the International Executive Council is authorized to render a decision, dismissing the charges, suspending or revoking the charter of any such Local Union, or directing such other action as may be necessary to secure compliance with the Constitution, or otherwise to protect and preserve the effectiveness and the best interests of the Union. The decision of the International Executive Council shall be subject to review by the International Convention.

SECTION 5. In the event the International President shall have reason to believe that any officer or member is failing to comply with any provision of the Constitution, or conducts himself/herself in a manner which is detrimental to the best interest of the Union, or otherwise engages in conduct unbecoming a member of the Union, he/ she may institute proceedings against him/her with due notice of hearing, specifying the section or sections of the Constitution

violated or the nature of the conduct, before the International Executive Council, or a subcommittee thereof designated either by the Council or by the International Administrative Committee. Upon the basis of the hearing, the International Executive Council is authorized to render a decision, dismissing the charges, suspending, expelling or otherwise penalizing such officer or member, or directing such other action as may be necessary to secure compliance with the Constitution or otherwise to protect and preserve the effectiveness and best interests of the Union. The decision of the International Executive Council shall be subject to review by the International Convention.

SECTION 6. Where the International President invokes the provisions of Section 4 or 5 of This Article, the President may, if in his/her judgment the circumstances warrant it, suspend any officer pending the decision of the International Executive Council, provided that prior to, or simultaneously with the notice of suspension, he/she serve a copy of the charges upon which the suspension is based on the suspended officer and provided further that the International Executive Council or a subcommittee thereof designated by the Council or by the International Administrative Committee holds a hearing on the charges within twenty (20) days from the date of the suspension.

SECTION 7. The International President shall make

full report of the Administration of his/her office and the affairs of the International Union to the International Convention. He/she shall be ex officio delegate to all conventions of organizations to which the International Union may be affiliated.

SECTION 8. The International President shall have the power to appoint from among the International Vice Presidents an Administrative Assistant and to delegate to him/her such duties and powers as the International President may determine; and he/she shall have the power to appoint a Director of COPE and define his/her duties.

He/she shall establish a Department of Legislative and Political Affairs in the International Union.

He/she shall also have the power to assign such staff to the Department of Legislative and Political Affairs as to him/her may appear appropriate.

SECTION 9. Should the International President find himself/herself unable by reason of health to perform the duties of his/her office, he/she may so certify, whereupon the duties and powers of his/her office shall attach to the International Executive Vice President until such time as the International President certifies his/her return to duty.

SECTION 10. The International President shall perform all such other duties as pertain to his/her office. He/she shall receive Seventy-Two Thousand Five Hundred Dollars (\$72,500) per annum, payable weekly in equal amounts, and when performing

duties away from the International Office he/she shall receive his/her expenses, which shall be subject to the approval of the International Executive Council.

The salary of the International President shall be adjusted as of the first day of January 1983 and on the first day of each January by the weighted average percentage increase in wages or salaries received by the Union membership during the fiscal year ending on the preceding August 31st in bargaining units of Five Hundred (500) or more.

## **ARTICLE VI.**

### **Power and Duties of International Secretary-Treasurer**

SECTION 1. The International Secretary-Treasurer shall be the Chief Fiscal officer of the International Union. He/she shall cause to be recorded the proceedings of all International Conventions and all sessions of the International Executive Council and of the International Executive Board. He/she shall have charge of and preserve all books, documents and effects of the International Office, except such records as properly belong to the office of the International President. The Seal of the International Union shall be held in trust by the International Secretary-Treasurer.

SECTION 2. He/she shall administer the business of his/her office in accordance with the rules and regulations, practices and procedures established by the

International Administrative Committee and, in accordance therewith, he/she shall have the authority to employ, with compensation, such assistants as may be necessary to conduct the affairs of his/her office; and also, in accordance therewith, he/she shall receive, receipt, deposit and account for all monies and pay all bills of the International Union. He/she shall invest all such funds as may be deemed by the International Administrative Committee to be in excess of current need in such securities as the Committee may decide. He/she shall give a bond in the amount determined by the International Executive Council and the cost thereof shall be paid out of the funds of the International Union.

SECTION 3. He/she shall pay all bills and current expenses unless otherwise ordered by the International President. He/she shall keep copies of all important correspondence sent out and received by his/her office.

SECTION 4. He/she shall have the power to inspect and audit the financial records of each Local Union. He/she shall have the power to establish the rules and standards for any inspection and audit of the financial records of a Local Union, including one conducted pursuant to Article XVI Section 4.

SECTION 5. The International Secretary-Treasurer shall perform such other duties as pertain to his/her office or may be assigned to him/her by the International Administrative Committee. He/she shall make

a full report of the finances of the International to the International Convention; he/ she shall be ex officio a delegate to all conventions of organizations to which the International Union may be affiliated. The International Secretary-Treasurer shall receive Seventy Thousand Five Hundred Dollars (\$70,500) per annum, payable weekly in equal amounts, and when performing duties away from the International Office, he/she shall receive his/her expenses, which shall be subject to the approval of the International Executive Council.

The salary of the International Secretary-Treasurer shall be adjusted as of the first day of January 1983 and on the first day of each January by the weighted average percentage increase in wages or salaries received by the Union membership during the fiscal year ending on the preceding August 31st in bargaining units of Five Hundred (500) or more.

## **ARTICLE VII.**

### **Duties and Powers of International Executive Vice President & Vice Presidents**

SECTION 1. The International Executive Vice President shall succeed to the office of International President for the unexpired term in the event that such office becomes vacant. He/she shall also succeed temporarily to the power and duties of the International President whenever the latter certifies that he/she finds himself/herself unable, by reason of health, to

perform the duties of his/ her office. He/she shall receive the same annual compensation as the International Secretary-Treasurer, payable weekly in equal amounts, and when performing duties away from the International Office, he/she shall receive his/her expenses, which shall be subject to the approval of the International Executive Council.

SECTION 2. The International Vice-Presidents shall assist the International President in the performance of his/her duties and shall work under his/her direction. Each Vice-President, when assigned to duty in the International Union, shall be compensated at the rate fixed by the International Executive Council, and he/she shall be reimbursed for his/her expenses, subject to the approval of the International Executive Council.

## **ARTICLE VIII.**

### **Duties and Powers of the International Executive Council**

SECTION 1. The International Executive Council shall meet not less than four times a year at the call of the International President. The International President shall call a meeting of the International Executive Council within thirty (30) days of the receipt by him/her of a written request for such meeting signed by a majority of the members of the International Executive Council.

SECTION 2. When in session, except during an

International Convention, the International Executive Council shall be the supreme authority in the International Union.

SECTION 3. The International Executive Council shall have the power to remove any of the officers enumerated in SECTION 1 of ARTICLE IV who, after due trial upon written charges, of which a copy shall be given to the accused at least fifteen (15) days before trial, is found guilty of dishonesty, malfeasance or maladministration, and removal is approved in a referendum by a majority of the members of the International Union. Any officer so removed shall be ineligible to hold any office or appointive position in the International Union or in any Local for a period of three years.

SECTION 4. The International Executive Council shall have the power to fill a vacancy in the office of International Executive Vice-President by appointing one (1) of the International Vice Presidents to be the International Executive Vice President to serve until the next regular Convention. The International Executive Council shall have the power to fill a vacancy in any International office or position on the International Executive Council, other than the office of International Executive Vice-President, by appointing from among its members, an acting holder of the vacant office to hold such office until the next regular Convention. An appointment made pursuant to this section shall carry with it all the rights, powers,

duties and obligations of the office and such salary and expenses as pertain thereto.

SECTION 5. A quorum of the International Executive Council shall be a majority of the members. Questions coming before the Executive Council Shall be decided by a majority vote of its members present at a quorum, except as otherwise provided in this Constitution. Any member may demand a roll-call vote on any question.

SECTION 6. The International Executive Council shall maintain in effect an actuarially sound pension plan, paid for in full by the International Union, covering the officers and such full-time representatives of the International Union and such other full-time employees of the International Union as the International Executive Council shall decide to cover as a group. Any member holding an elective position who retires on pension pursuant to such plan, or who elects to take severance benefits under such plan, shall be deemed to have vacated his/her position.

SECTION 7. The International Executive Council shall consider the adoption of an actuarially sound benefit system as a right of membership and may institute same subject to such changes as any Convention may make therein.

SECTION 8. (a) Should the number of good standing members in any Local Union become reduced to the point that, in the opinion of the International Executive Council, the Local can no longer properly

perform its functions, the International Executive Council may revoke the charter of such Local, or require it to merge with another Local, or take such other action as it deems advisable.

(b) Where, in the judgment of the International Administrative Committee, merger with another Local is impractical, it may with the approval in writing of a majority of the individual members of the International Executive Council suspend the charter of the Local and constitute its members as a section of the International Union with a status similar to a section of a Local Union. The section may be known, solely for purposes of identification, as an administrative Local with the former Local number. Its members' dues and initiation fees shall be paid into and commingled with the funds of the International Union. The cost and expense of maintaining an administrative Local shall be borne by the International Union. An International representative shall be assigned to be responsible for the business of an administrative Local, including collective bargaining and grievance handling, assisted by a chairman and a recording secretary elected by its members. The International Executive Council may, at any time, either reinstate an administrative Local to its previous status as a Local Union or transfer its members into another Local, or take such other action as it deems advisable. A newly organized group may, under similar circumstances be constituted as an administrative Local.

SECTION 9. Any Local Union which is dishonest, or culpably negligent or wasteful in its supervision, collection, expenditure, or control of any assets or funds shall be subject to the revocation of its charter or to such other action by the International Executive Council as the Council deems adequate and appropriate under the circumstances. Such conduct on the part of a Local Union is also subject to proceedings instituted by the International President pursuant to SECTION 4 of ARTICLE V.

## **ARTICLE IX.**

### **Duties and Powers of the International Administrative Committee**

SECTION 1. The International Administrative Committee shall assist the International President in carrying out the duties and responsibilities of his/her office and shall perform such other duties as may be imposed upon it by this Constitution.

SECTION 2. It shall be entrusted with the specific responsibility of determining efficient and effective practices and procedures for the proper policing, safeguarding and administration of all assets and funds of the International Union, of all Local Unions, and of any and all other bodies within or subject to the control of the International Union, or of any Local Union or of any group of Local Unions. It shall prescribe proper and efficient methods of bookkeeping,

receipt, disbursements, accounting and auditing of all such funds and assets. It shall prescribe rules, regulations and procedures for the administration and policing of all welfare funds, building funds, emergency funds, mutual benefit funds, and all other funds of any sort whatsoever, in the negotiation, control, collection, or expenditures of or group of Local Unions, participates in any way, or in which any officer or member of the Union which the International Union, or any Local Union has any voice or power of decision by virtue of his/her office or his/her membership.

SECTION 3. It shall cause the books of the International Secretary-Treasurer to be audited by a Certified Public Accountant semi-annually, and shall transmit a copy of the audit to all Local Unions on the completion thereof.

SECTION 4. Such real property as the International Administrative Committee may consider necessary or convenient for the conduct of the business of the Union may be acquired, held, leased, mortgaged, or disposed of by action of the Committee and title to such property may be taken and held in the names of the International President and International Secretary-Treasurer as Trustees for the International Union, or may be taken and held in such other manner as the Committee may determine, provided that the interests of the Union are adequately protected.

SECTION 5. Whenever the President or the Finan-

cial Secretary-Treasurer of a Local Union is not a full-time union official and is required by the nature of his/her employment to journey from his/her home base, the International Administrative Committee shall have the power to authorize the Executive Board of such Local to designate one of the members of the Executive Board as an additional authorized signature on checks issued against the accounts of the Local Union, and, provided such additional signatory is duly bonded, the signatures of any two, from among the President, Financial Secretary-Treasurer and such additional authorized signatory, on such checks shall meet the check signatory requirements of this Constitution.

SECTION 6. Any action or decision of the International Administrative Committee, and any practice or procedure established or prescribed by the International Administrative Committee, may be reversed or modified by the International Executive Committee or by the International Convention.

## **ARTICLE X.**

### **International Executive Board**

SECTION 1. The International Executive Board shall meet at least once a year, and at the call of the International President. The International President shall be required to call a meeting of the International Executive Board within thirty (30) days of receipt by him/her of a written request for such meeting signed

by a majority of the members of the International Executive Council.

SECTION 2. At each meeting of the International Executive Board each International officer and International representative shall report to the Board on the performance of his/her duties since the last prior meeting of the Board.

SECTION 3. It shall be the primary concern and function of the International Executive Board to consider and adopt such program and policies as in its sound judgment are best designed to promote the welfare of the Union and its members.

## **ARTICLE XI.**

### **Conventions**

SECTION 1. The regular International Convention shall be the supreme authority in the International Union. The regular International Convention shall be held not less than three (3) years and nine (9) months nor more than four (4) years after the date of the last preceding regular Convention; provided that the date of holding such Convention may be advanced or postponed by not more than six (6) months, upon resolution to that effect adopted by the International Executive Council.

The call for each regular International Convention shall be mailed by the International Secretary-Treasurer to each Local Union at least sixty (60) days prior to the convening of the Convention.

SECTION 2. (a) Each Local Union shall be entitled to the number of delegates to the International Convention as follows: One delegate for the first 300 members or less in the Local Union and one additional delegate for each additional 300 members or majority fraction thereof.

(b) In any Local Union, the Local Executive Board may decide for good cause to send fewer than its full quota of delegates to an International Convention, but such decision must be made and have the approval of the International Administrative Committee not less than fifty days prior to date for convening the Convention.

(c) Each delegate to the International Convention shall have one vote for the first 100 members or less which he/she represents and one additional vote for each additional 100 members or majority fraction thereof, but no delegate shall have more than ten (10) votes.

SECTION 3. Representation shall be based upon the average of the paid and exonerated membership of the Local Union for the last three months calculated and closed the month prior to the issuance of the call for the Convention. Such membership shall be determined from the records of the International Secretary-Treasurer. A Local Union which has been chartered for less than three months preceding the month in which the call for an International Convention is issued shall be entitled to send only fraternal delegates to such International Convention.

SECTION 4. (a) In any Local Union with one Vice President, and such Vice President has succeeded temporarily or permanently to the office of Local President, he/she shall be ex officio a delegate from such Local Union to any Convention held during the period of such succession.

(b) Should a Local Union of less than 300 members decide that it cannot reasonably finance the attendance of its president as its delegate at a Convention, it may, with the approval of the International Administrative Committee, elect by secret ballot, as its alternate delegate, a member of another Local who is otherwise eligible to serve as delegate and who agrees so to serve without cost or expense to the Local which elects him/her as its alternate.

Section 5. Any Local Union which on the seventh day prior to the opening of the Convention is in arrears to the International Union for per capita or assessment shall not be entitled to representation in the Convention unless exonerated for good causes by the International Executive Council.

SECTION 6. Any Local Union becoming delinquent must comply with SECTION 6 of ARTICLE XVII before it will be entitled to representation unless exonerated for good cause by the International Executive Council.

SECTION 7. The eligibility requirements for election as delegate to the Convention shall be the same as the requirements for election to Local Union office, as set forth in SECTION 3 of ARTICLE XV of this Constitution.

SECTION 8. All International Executive Board members who are not elected as delegates shall be ex-officio delegates to the Convention with all the rights and privileges of elected delegates, but without vote in any election of International Officers, or on any matter before the Convention, except that they may vote as members of any Convention Committee on which they serve.

SECTION 9. Except as provided in SECTION 8 of this Article, each Local Union shall pay the reasonable cost of Convention attendance for its President and each other duly elected delegate. In the event of its failure so to do, the International Administrative Committee may hold the Local to be delinquent within the meaning of SECTION 6 of this Article, or take such other action as the Committee considers warranted under all the circumstances. Any action taken by the Committee may be appealed to the International Convention.

SECTION 10. The International Secretary-Treasurer shall furnish each Local Union with credential blanks for delegates and alternates in triplicate, which must be attested as required on the blanks. One duplicate shall be retained by the delegate and the other filed with the Local Union. The original shall be delivered to the Local Financial Secretary-Treasurer and by him/her forwarded to the International Secretary-Treasurer, and no credential shall be accepted by him/her later than twenty (20) days prior to the date for

convening the Convention except with the approval of the International Executive Council. Each credential must be signed by the Local President and Financial Secretary-Treasurer and must bear the Seal of the Local Union.

SECTION 11. A Local Union which is entitled to more than one (1) convention delegate may provide in its by-laws that, in addition to the Local President, one or more other officers be convention delegates, ex-officio. Any such by-law provision, however, shall be applicable only to officers elected by secret ballot vote of the membership subsequent to its adoption and approval by the International Administrative Committee. Convention delegates, other than ex-officio delegates, shall be elected by secret ballot after the members of the Local Union have had a reasonable opportunity to nominate candidates. No less than fifteen (15) days prior to such election, notice of the election shall be mailed to each member of the Local Union at his/her last known home address. Delegates elected in violation of these requirements shall not be seated at the Convention.

SECTION 12. When any delegate's credentials are to be contested, notice of such contest shall be sent to the International Secretary-Treasurer not later than fifteen (15) days prior to the date of convening the International Convention. Any delegates whose credentials are contested may be unseated at any time during the International Convention. Nothing herein

shall preclude the Convention from rejecting, on its own motion, and for good cause, the credentials of any delegate.

SECTION 13. All resolutions to be considered by the International Convention shall be sent to the International Secretary-Treasurer and be in his/her hands not later than three (3) weeks prior to the convening of the Convention. Resolutions from Local Unions, or a member or members of a Local Union to be considered by the Convention, shall require approval by the Executive Board or by the membership of the Local Union before delivery to the International Secretary-Treasurer. The International Secretary-Treasurer shall submit all resolutions to the chairman of the appropriate committee.

SECTION 14. A Convention shall have the power, either on its own initiative or on the request of any member, to reinstate to good standing membership any member or former member who has been suspended, expelled, or otherwise disciplined. Unless a Convention directs otherwise, such authority shall also be vested in the International Executive Council.

SECTION 15. On questions coming before the International Convention a roll-call vote shall be taken upon a request of thirty (30) per cent of the delegates. The Secretary-Treasurer shall have a roll of accredited delegates prepared and make such other arrangements as will expedite and facilitate the calling of the roll.

SECTION 16. Upon the request of at least one-third

of the Local Unions representing at least thirty-five (35) percent of the membership, for a Special Convention, a referendum shall be held and in the event that a Special Convention is voted for by a majority of the members of the International Union in good standing, the International Executive Council shall, within ninety (90) days of the conclusion of said referendum, issue a Call for such Special Convention fixing the place and the time. The date shall be not later than ninety (90) days from the date of the Call.

SECTION 17. The specific purpose of such Special Convention as requested shall be set forth on the referendum ballot and in the Call.

SECTION 18. Whenever in the opinion of the International Executive Council an emergency exists which necessitates the calling of a Special Convention, the International Executive Council may call such a Convention by giving at least ninety (90) days' notice to all Local Unions.

SECTION 19. No business other than that specified in the Call shall be transacted at a Special Convention.

SECTION 20. A majority of the delegates seated shall constitute a quorum.

SECTION 21. Prior to the opening of any Convention, the International President shall appoint a Credentials Committee from among the members of the International Executive Board, and he/she shall appoint from the credentials of the delegates presented a Committee on Rules and the several other

committees necessary to successfully promote and execute the efficient operation of the Convention. He/she shall have the power to convene any of such committees in advance of the Convention when, in his/her judgment, the work of the Convention would be thereby expedited. The Convention shall not be constituted for business until the Credentials Committee shall have examined and reported on the credentials of all delegates present at the scheduled time of opening. Appeals from decisions of the Credentials Committee may be made to the Convention.

SECTION 22. An alternate delegate shall have neither voice nor vote unless formally accredited and seated by the Credentials Committee as the replacement for a regular delegate.

## **ARTICLE XII.**

### **Structure**

SECTION 1. The membership of the Transport Workers Union of America shall function through Local Unions. A Local Union shall consist of the members within a city or other area specified by the International Executive Council, organized under a charter granted by the Transport Workers Union of America.

SECTION 2. Subject to the provisions of the International Constitution and the by-laws of the Local Union and to all delegations of authority and assignment of responsibility to the Local Officers and to the Local Executive Board as provided in the Inter-

national Constitution and Local by-laws, the supreme authority in the Local Union shall be the membership of the Local Union, acting through duly called regular meetings of the Local Union or through duly called regular meetings of the respective sections or divisions of the Local meeting separately, as the Local by-laws may provide. Between such meetings, the Local Executive Board shall have the power and authority to administer the affairs of the Local Union.

SECTION 3. The International Executive Council may establish Divisions, each of which shall consist of a group of Local Unions with particular common interests and concerns. Each Division shall be administered by a director appointed by the International President with the approval of the International Executive Council.

SECTION 4. Except where otherwise specifically provided for herein or in the by-laws of any Local Union, majority rule shall prevail through-out the International Union.

SECTION 5. Voting by proxy shall not be permitted in the Transport Workers Union of America, or in any subdivision thereof.

SECTION 6. Whenever there is an unopposed candidate duly nominated for any office or elective position in the International Union or in any Local Union, including the position of Convention Delegate, such candidate shall be considered elected without the necessity of an election.

SECTION 7. In any election in the International Union or in any Local Union, no votes shall be counted except those cast for duly nominated candidates. 'Write-in' votes shall not be counted.

SECTION 8. Political conferences shall be established by the Union on a statewide basis, for the purpose of promoting cooperation and concerted action in the field of political education, legislation, public relations and political action. All Local Unions within the state in which a political conference has been established shall maintain membership therein. Such conferences shall establish by-laws, subject to the approval of the International Administrative Committee, and shall coordinate their activities and publications with the International Administrative Committee.

## **ARTICLE XIII.**

### **Membership**

SECTION 1. Any person seeking membership shall be required to file, with the Financial Secretary-Treasurer of the Local Union, an application for membership.

SECTION 2. An applicant shall not be accepted for membership until the initiation fee and other requirements specified in the Local's by-laws shall have been complied with.

SECTION 3. Membership dues are due and payable on the first working day in each calendar month. Any member who fails to pay his/her dues for a particular

month on or before the fifteenth day of each month shall be in bad standing. Any member to whom dues check-off is available and who signs and delivers to the Local Financial Secretary-Treasurer, or other authorized person, a check-off authorization shall be considered in good standing regardless of when in a particular month the employer deducts his/her dues for such month or when the employer pays his/her dues over to the Union. Where for any reason the dues of a member who pays his/her dues by check-off authorization are not checked off by the employer for any month or months, said member shall remain in good standing until thirty days after the mailing to him/her by registered mail of a notice informing him/her of his/her indebtedness. Failure to pay within said thirty day period shall cause said member to become in bad standing. Any member, or group of members, to which dues check-off is not available may, on the application of the Local Union to the International Administrative Committee, and for good cause shown, secure an extension of the grace period beyond the month covered by the dues payment for not more than one further month during which the member will not lose his/her good standing.

SECTION 4. Any member in bad standing shall be ineligible to attend Union meetings, to be a candidate for or hold any Union Office or position, or to vote in any Union election or referendum, or otherwise to participate in Union affairs. He/she shall not

be restored to good standing until he/she has met all his/her financial obligations to the Union.

SECTION 5. It shall be the duty of each member to pay his/her assessments, fines, and other financially obligations when due, and, except for dues payments, failure to pay a financial obligation within one (1) month after the due date shall cause him/her to lose his/her good standing.

SECTION 6. For good cause shown, the International Executive Council may reasonably extend the time limitations established in this Article.

SECTION 7. A member shall be required to advise the Local Financial Secretary-Treasurer promptly of change of address.

SECTION 8. Good standing members shall be entitled to free transfer from one Local to another.

SECTION 9. (a) A member in good standing who leaves the industry or who is furloughed for more than 90 consecutive days shall receive upon application made through and certified by his/her Local Financial Secretary-Treasurer a withdrawal card from the International Union and he/she shall be reinstated to membership without the payment of a fee upon his/her becoming eligible again.

(b) A member in good standing who retires because of age or because of disability may elect to continue his/her good standing membership status by continuing to pay the required dues or to apply for honorary membership in the International Union for

the rest of his/her lifetime. Where a member who receives an honorary membership card because of disability returns to regular full-time employment, he/she shall be reinstated to membership without payment of fee, if such employment would otherwise make him/ her eligible for membership in this Union. If such employment would not make him/her eligible for membership in this Union, his/her honorary membership shall be subject to cancellation by action of his/her Local Union. A retired member who continues his/her good standing membership shall have neither voice nor vote on any collective bargaining issue.

SECTION 10. A member whose membership is terminated shall have no right or interest in any property of the Local Union or of the International Union, including any dues, assessments or other financial obligations paid by him/her in advance of the effective date of such termination.

SECTION 11. The International Union and the Local Union to which the member belongs shall be his/her exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment, and for the negotiation and execution of contracts with employers covering all such matters including contracts requiring his/her membership or the continuance of his/her membership in the Union as a condition of his/her employment, and contracts requiring

the employer to deduct, collect, or assist in collecting from his/her wages any dues, fees, assessments, fines or other contribution payable to the International Union or his/her Local Union.

SECTION 12. (a) A member in good standing who retires because of age or disability and who has not continued his/her good standing membership status shall be eligible to become an Associate Member in the International Union for the purpose of participating in Associated Member Organizations (see (d) below) and in the programs established for the members of such Associate Member Organizations. An Associate Member under this Section 12(a) who returns to regular employment shall be reinstated to membership without payment of fee, if such employment would otherwise make him/her eligible for membership in this Union.

(b) An individual who is not employed within a collective bargaining unit represented by the International or any of its locals and is not covered by a collective bargaining agreement to which the International or any of its locals is a party, but is within any category of employees defined by the International Administrative Committee and designated by the International Administrative Committee as appropriate for Associate membership, shall be eligible to become an Associate Member of the International Union for the purpose of participating in Associate Member Organizations and in the programs estab-

lished for the members of Associate Member Organizations.

(c) An individual who is eligible to be an Associate Member shall become an Associate Member by joining one of the Associate Member Organizations created pursuant to (d) below. The International Administrative Committee shall assign any eligible individual who wishes to apply to become an Associate Member to the appropriate Associate Member Organization. Any eligible individual may join the appropriate Associate Member Organization by filling out an application provided by the International Secretary Treasurer or the Associate Member Organization. An eligible individual who has applied for Associate Membership may maintain that status by paying dues of \$50 per year to be paid annually. The International Executive Council shall have the power to change the dues requirements for Associate Members, provided that any increase in dues for Associate Members approved by the International Executive Council shall be effective only until the next International Convention.

(d) The International Administrative Committee may issue charters for Associate Member Organizations based on a geographic, industry or any other basis, which charters shall contain such provisions as the International Administrative Committee may require. The International Administrative Committee may revoke a charter issued for an Associate

Member Organization. Each Associate Member Organization shall be governed by its charter and the Organization's By-Laws, as approved by the International Administrative Committee. The By-Laws shall provide for the election of the Associate Member Organization's principal officers every three years by the Organization's Associate Members. An Associate Member shall be allowed to: (a) vote in any election for any elective office in the Associate Member Organization to which he/she was assigned, (b) be nominated for and elected to any such elective office or to hold any office (if appointed) in such Associate Member Organization, and (c) participate in member meetings in such Associate Member Organization, subject to the provisions of the By-Laws and charter. Only Associate members who are members of an Associate Member Organization may hold office in or vote in that Organization. An Associate Member Organization shall not become or function as the collective bargaining representative of any group of Associate Members or employees, nor deal with or attempt to deal with any employer concerning grievances, labor disputes, wages, rates of pay, hours or other terms of employment.

(e) Except as provided in Section 12(d), an Associate Member (1) shall have no vote in any election for any office in the International Union or any Local union, (2) shall not be eligible for nomination or election to any office in the International Union or any

Local Union, nor may he/she hold any such office, and (3) shall have neither voice nor vote on any collective bargaining or other issue or any referendum of the International Union or any Local Union. An Associate Member is entitled to attend membership meetings sponsored by the International Union or held by the Local Union of which he/she was a member when he/she retired, provided that the International Administrative Committee may vote to exclude Associate Members from a membership meeting sponsored by the International Union and the Local Union Executive Board may vote to exclude Associate Members from Local Union meetings. Each Associate Member Organization shall be entitled to send one non-voting observer to the convention of the International Union.

## **ARTICLE XIV.**

### **Local Unions**

SECTION 1. Ten or more persons eligible for membership in the International Union shall constitute a Local Union upon receipt of a charter from the International Secretary-Treasurer under the terms herein provided.

SECTION 2. Upon approval of the charter application by the International Administrative Committee, the International Secretary-Treasurer shall issue to the applicants a Local Union charter which shall contain such provisions as the International Union may

require; he/she shall also deliver to said applicants one Local seal and such other initial supplies as may be necessary to conduct the affairs of the Local Union. The grant of such charter shall be subject to the subsequent approval of the International Executive Council.

SECTION 3. No Local Union shall be dissolved, except with the approval of the International Executive Council.

The funds or property of a Local Union cannot be divided gratuitously among the members, but shall remain intact for the use of the Local Union for its legitimate purposes. Whenever the Local Union disbands or discontinues its affiliation or its charter is revoked, the charter, books, and records, and all funds, properties and assets of the Local Union shall be delivered forthwith, through the office of the International Secretary-Treasurer, to the International Administrative Committee as trustees for such Local Union, and it shall be the duty and responsibility of the Local Union officers to transmit all monies and books and other properties of the Local Union to the International Secretary-Treasurer, as Secretary-Treasurer of the trustees, or to his/her accredited representative upon demand. The International Administrative Committee, as trustees, shall discharge the liabilities of the Local Union to the extent possible, out of the funds, properties and assets so received, and in the event of a surplus shall apply such surplus

to advance the interests of the members of the Division of which the Local Union was a part. In no event shall any such surplus become part of the assets of the International Union, nor shall the International Union be responsible for the debts and liabilities of such Local Union.

SECTION 4. Each Local Union shall be charged with the duty of enforcing this Constitution as affecting its membership.

SECTION 5. Each Local Union shall adopt by-laws which shall prescribe its structure and procedures and embody the rules which shall govern the operation of the Local and the conduct of its members. The by-laws shall conform to the provisions and the principles of this Constitution and to the established policies of the International Union, and shall be effective only when approved by the International Administrative Committee. No amendment to the by-laws shall be effective until so approved.

SECTION 6. Where reasonably possible, each Local Union shall hold monthly regular membership meetings. In Local Unions where general membership meetings are impractical, the Local Union shall provide in its by-laws for the establishment of sections or divisions, each to consist of members included on the basis of similarity of work, classification, divisional, or other logical grouping. Each such section or division should meet monthly. Local Unions in which general membership meetings are practical

may also establish sections or divisions. The by-laws of each such Local shall set up proper procedures for the election of section or division officers.

SECTION 7. The officers of the Local Union shall be President, one or more Vice-Presidents as the Local by-laws may provide, a Recording Secretary and a Financial Secretary-Treasurer.

With the prior approval of the International Administrative Committee, the office and duties of Recording Secretary may be merged into the single office of Financial Secretary-Treasurer.

SECTION 8. The Local Executive Board shall consist of the Local officers and such members at large as are provided for in the Local's by-laws, within the limits fixed in this Section. Local Unions with less than three hundred (300) members shall have one (1) Executive Board Member at large; Local Unions with three hundred (300) or more members, but less than five hundred (500) members, shall have two (2) Executive Board Members at large. Local Unions with five hundred (500) or more but less than fifteen hundred (1,500) members shall have three (3) Executive Board Members at large; and Local Unions with fifteen hundred (1,500) members or more shall have one (1) additional Executive Board Member at large for every one thousand (1,000) members, or major fraction thereof, in excess of the first one thousand (1,000). With the approval of the International Administrative Committee, a Local Union with less

than five hundred (500) members may have up to three (3) Executive Board Members at large. Local Executive Board members shall be elected at the same election as are the Local officers and pursuant to the same procedures. Where the Local by-laws provide for the election of Local Executive Board members other than at large, the by-law allocation shall be such as to ensure reasonably proportionate representation. The Local Executive Board shall meet at least once a month. A majority of the members of the Board shall constitute a quorum.

SECTION 9. In Local Unions whose members are employed by different employers, the Local Union may in its by-laws establish branches, each to consist of members employed by the same employer. Where the number of members employed by one or more employer is small, such members should be combined in a single branch. In Local Unions where branches are established, the Local by-laws may provide for the allocation and election of Executive Board members by branches, except that in no case shall the number of Local Executive Board members, as calculated pursuant to SECTION 8 above, be exceeded.

SECTION 10. In Local Unions, where there are two (2) or more branches or three (3) or more sections, there may be established a Joint Executive Committee to consist of the officers of the Local Union, the members of the Local Executive Board, the officers

of the Sections and of such additional delegates as the Local by-laws may provide.

SECTION 11. No Local Union shall ever be incorporated.

SECTION 12. The Executive Board of a Local Union shall have the power to rent, hire and/or lease such property as it may from time to time consider convenient or necessary for the proper functioning of the Local Union. The Local Executive Board shall have the power, subject to the prior approval of the International Administrative Committee, to purchase, either in the name of the Local Union, or in the name of a corporation formed for that purpose whose stock is held in the name of the officers of the Local as trustees for the Local Union, such real property as may be convenient or necessary for the proper functioning of the Local Union. The Local Executive Board shall have the power to rent out any portion of such property not needed for the use of the Local Union.

SECTION 13. The International Executive Council shall determine the policy on affiliations of Local Unions, and shall have the power to require any Local Union to comply with such policy. No Local Union shall enter into any affiliation outside such policy, except with the prior approval of the International Executive Council.

SECTION 14. No Local Union shall create a fund or

trust, separate and distinct from the funds of the Local Union, without the prior written approval of the International Administrative Committee.

SECTION 15. No Local Union shall disaffiliate from the International Union. No Local Union, or its officers or Executive Board, shall take any steps to cause or attempt to bring about the disaffiliation or withdrawal of the Local Union or of any members or group of members from the International Union (including through a decertification effort), including by holding or planning to hold a vote connected to a disaffiliation or withdrawal effort, by spending or planning to spend monies of the Local Union on a disaffiliation or withdrawal effort, or by transferring or planning to transfer property or assets of the Local Union to a union not affiliated with the International Union or to any other third-party in connection with a disaffiliation or withdrawal effort. Notwithstanding the foregoing in this SECTION 15, the International Executive Council may, through written resolution, permit a Local Union to disaffiliate from the International Union and/or permit a Local Union, or its officers or Executive Board to take steps to cause or attempt to bring about the disaffiliation or withdrawal of the Local Union or of any members or group of members from the International Union.

## **ARTICLE XV.**

### **Local Union Elections**

SECTION 1. The term of office of Local officers and Executive Board members shall be three (3) years except that the International Administrative Committee shall have the authority to approve a by-law provision establishing, or maintaining, a two-year term for the officers and Executive Board members of any Local which petitions and submits satisfactory reasons for such approval, and except further such term may be extended for good cause shown to four (4) years where the law permits. Elections under this section shall be by a plurality of the secret ballot votes cast.

SECTION 2. Members of the Local Executive Board may be elected either at large or through branches, sections or divisions, or on such other basis set forth in the Local's by-laws as will ensure equitable representation.

SECTION 3. No member shall be eligible for nomination or election to any office unless he/ she shall have been in continuous good standing in his/her Local Union for a period of twelve (12) months immediately preceding nomination. No member of a Local Union that has been in existence for less than twelve (12) months shall be eligible for nomination or election to office unless he/she shall have been in continuous good standing from the date of his/her admission to membership in said Local Union.

SECTION 4. No member shall be eligible for nomination or election to any office for three years after being found at trial, or admitting, to either (1) having worked in the interest of or accepted membership in any organization dual to the International Union or (2) having advocated or attempted to bring about the withdrawal or disaffiliation from the International Union of any Local Union or any member or group of members. Such ineligibility shall cease to apply if the trial determination is later reversed.

SECTION 5. Branch, section, and division officers in Local Unions shall be elected pursuant to the procedure set forth in the Local's by-laws.

SECTION 6. All ballots and such other records as pertain to the election of Local officers and of Convention delegates shall be preserved for at least twelve (12) months. Primary responsibility for their preservation shall be vested in the Financial Secretary-Treasurer, but it shall be the obligation of each member of the Local Executive Board to insure their preservation.

Not less than fifteen (15) days prior to the election of local officers, notice of such election shall be mailed to each member of the Local Union at his/her last known home address. The members of the Local Union shall also be given a reasonable opportunity to nominate candidates for Local office. Failure to meet either of the requirements of this Section shall invalidate the election.

SECTION 7. The failure of a member, otherwise in good standing, to attend a reasonable number of the meetings of his/her Local Union, or of the division, section or other unit thereof to which he/she belongs, may not be made the basis for disqualifying such member as a nominee for any elective position except Branch, section or division officer or officer of a Local Union whose membership is comprised entirely of public-sector employees. Any meeting attendance requirement permitted by this provision shall be effective only if incorporated in the Local's by-laws and the by-law provision may not be given retroactive effect. This section shall not be construed to preclude a Local Union from establishing in its by-laws any other reasonable penalty for a member's failure to attend Union meetings. The failure of a member to attend a meeting because of the requirement of his/her job or any other adequate reason shall not affect his/her eligibility to run for or hold any elective position, provided that within thirty (30) days after such non-attendance he/she files a written statement with the Local Recording Secretary of the reasons for his/her non-attendance. If the officers administering the Local Union in accordance with this Constitution, or their designee, do not within 30 days of the receipt of such statement, challenge the truth or adequacy of the stated reasons, the member shall, for the purposes of this section, be deemed to have attended such meeting. Should the officers challenge

the stated reasons, the member may appeal that determination to the Local Executive Board, which shall decide the appeal based on documents and other writings submitted to it by the Local officers and the member appealing their decision. The decision of the Executive Board may be appealed in accordance with Article XXII of the TWU Constitution. No member shall be regarded, for the purposes of eligibility for nomination to a given office, as having missed a given meeting where he is engaged in this process unless and until the Local Executive Board has rendered a decision rejecting his statement of reasons for missing the meeting in question.

SECTION 8. Any member in good standing who believes that he/she has been improperly denied the opportunity to be a candidate for an elective office or position may file a complaint with his/her Local Executive Board no later than fifteen (15) days after receiving notice of the denial. Any member in good standing who believes that an election in which he/she was a candidate was improperly conducted, may file a complaint with his/her Local Executive Board no later than fifteen (15) days after the results of the election have been made known. If he/she is dissatisfied with the action of the Local Executive Board on his/her complaint, he/she may, within 15 days thereafter, or within 30 days after filing his/her complaint with the Local Executive Board if the Board has not taken final action thereon within that time, file an

appeal to the International Union pursuant to Article XXII of this Constitution.

## **ARTICLE XVI.**

### **Duties of Local Officers**

SECTION 1. The President shall preside at all meetings of the Local Union, the Local Executive Board and Joint Executive Committee. He/ she shall sign all orders on the Financial Secretary-Treasurer authorized by the Local Executive Board and shall countersign all checks issued by the Financial Secretary-Treasurer against the accounts of the Local Union on authorization of the Local Executive Board. He/she shall enforce the provisions of this Constitution. He/she shall appoint all committees not otherwise provided for. He/she shall perform such other duties as the Local Union, or the Local Executive Board may assign to him/her; and except as to powers and duties specifically conferred on him/her by the Constitution, he/she shall adhere to all decisions and directions of, and be subject to, the Local Executive Board. He/she shall be, ex officio, a delegate to Convention of the International Union and of all organizations to which the Local is affiliated. He/she shall be responsible for the proper conduct of the affairs of the Local Union, and the compliance by his/her fellow officers with their obligations under the International Constitution and the Local by-laws. He/she shall be chairman of the Local's Committee on

Political Education. He/she shall be chairperson of the Local's Organizing Committee.

SECTION 2. The Vice President shall assist the President in the discharge of his/her duties, and during his/her absence shall perform the duties of the President. In the event that a vacancy occurs in the office of President, the Vice President shall act as President for the unexpired term. Where the Local by-laws provide for more than one (1) Local Vice President and where the bylaws are silent as to which of the Vice Presidents shall perform the duties of an absent President or shall succeed to the Presidency in the event of a vacancy, the Local Executive Board may make such a designation. A president so designated shall not be ex officio a delegate to an International Convention, unless all of the Vice Presidents of the Local are ex officio delegates under the Local by-laws.

SECTION 3. The Recording Secretary shall keep correct minutes of all meetings of the Local Executive Board and of the Joint Executive Committee. He/she shall issue the Call for all meetings of the Local Union, of the Local Executive Board and of the Joint Executive Committee, as directed by the Local Executive Board. He/she shall perform such other duties as are prescribed by this Constitution or by the Local Executive Board. In a Local Union where the office of Recording Secretary is merged with the office of Local Financial Secretary-Treasurer, the

powers and duties of the Recording Secretary shall vest in the office of the Financial Secretary-Treasurer.

SECTION 4. The Financial Secretary-Treasurer shall receive all monies paid into the Local Union, including monies received for welfare or special funds, and give official receipts for all such monies received using the triplicate receipt book supplied by the International Union or a form approved by the International Administrative Committee.

He/she shall deliver the original receipt to the payer, a triplicate thereof to the International Secretary-Treasurer and shall retain the duplicate in the files of the Local Union. He/she shall deposit all monies received in the name and number of the Local Union in such bank or banks as the Local Executive Board may direct. He/she shall sign all checks.

He/she shall make no payments by cash, check or otherwise, unless such payment is supported by a voucher duly completed pursuant to the rules and regulations established by the International Administrative Committee. Such vouchers shall be preserved by him/her and his/her successor for at least five (5) years.

He/she shall keep regular books and records of the Local's finances pursuant to the rules and regulations established by the International Administrative Committee.

He/she shall report monthly to the Local Executive Board and to the International Secretary-Treasurer on the forms approved by the International

Union. He/she shall submit, at least once each year, such books, records, vouchers and other supporting data for inspection and audit to a Certified Public Accountant, the cost of the audit to be borne by the Local Union. Should the audit report fail to comply with the requirements and specifications established by the International Secretary-Treasurer, the latter shall have the power to designate another Certified Public Accountant to make a further audit at the cost and expense of the Local Union. Not less than thirty (30) days before the start of any audit arranged for by a Local Union, the Local Financial Secretary-Treasurer shall forward to the International Secretary-Treasurer the name and address of the Certified Public Accountant who is to conduct the audit.

At the request of a Local Union, the International Administrative Committee shall have the power to waive the requirement that the audit be conducted by a Certified Public Accountant and substitute another form of audit satisfactory to the International Administrative Committee.

He/she shall be the custodian of the Seal of the Local Union.

He/she shall keep and supply to the International Secretary-Treasurer a correct record of the full names and addresses of all members, and promptly notify the International Secretary-Treasurer of the names and addresses of all members who leave the Local or who are suspended or expelled.

Before entering upon his/her duties, the Financial Secretary-Treasurer shall deliver a bond as required by the International Union and in an amount to be determined by the International Secretary-Treasurer based on the audit report of the Certified Public Accountant, but not less than Five Hundred Dollars (\$500). The premium on said bond shall be paid out of the funds of the Local Union.

He/she shall deliver to his/her successor all monies and other property of the Local Union. On demand of the International Union, he/she shall make available all books and records including the records of any welfare or special fund for examination and audit.

SECTION 5. The officers of the Local Union shall be the Trustees of the property of the Local Union, subject to the direction of the Local Executive Board, and deliver such bond as required by law.

## **ARTICLE XVII.**

### **Finances**

SECTION 1. (a) Effective January 1, 1978, the minimum monthly dues for membership in the Transport Workers Union shall be two times the hourly wage rate on the first day of the dues month, or \$10.50, whichever is greater. For members on a monthly pay base, the hourly wage rate shall be arrived at by dividing the monthly pay by 173.3.

(b) The hourly wage rate and the monthly pay shall include cost-of-living allowances and longev-

ity pay, but shall exclude overtime and shift differentials.

(c) No member shall be required by the provisions of paragraph (a) above to pay a monthly dues rate during any one calendar year more than Four Dollars above his/her monthly dues date in effect on December 31, of the previous year, except to the extent that the increase above Four Dollars results from promotional, or longevity increases, or from a step-up in a wage scale. The International Executive Council shall have the authority to grant the petition of a Local Union to retain the Two Dollar limitation where, in the judgment of the Council, the good of the Union requires it.

The International Administrative Committee is authorized and empowered to substitute, for the individual hourly rate of each member, the average or the weighted average or other reasonable equivalent of the hourly rates of any group of members in a bargaining unit, or Local Union unit, or any other appropriate unit basis.

Such action of the Committee shall be effective as of the date fixed by the Committee but shall be subject to review by the International Executive Council at its next succeeding meeting.

SECTION 2. An initiation fee or rate of dues / in excess of the minimums specified in SECTION 1 above may be established only by a by-law provision.

SECTION 3. Effective January 1, 1982, the per capita

tax payable for each calendar month, by each Local to the International Union shall be thirty (30%) percent of the total of dues and agency shop fees received by the Local in each such month, and shall be forwarded to the International Secretary-Treasurer on or before the tenth (10th) day of the following month. Where implementation of this Section would require an increase, in any calendar year, of more than two percentage points in the per capita payments in the previous calendar year, such increase shall be limited to two percentage points.

SECTION 4. (a) Any member who is prevented by illness, injury, or lay-off from earning any wages in a calendar month shall be excused from paying dues for such month and such nonpayment shall not affect his good standing. For the purposes of this paragraph, the word "Wages" shall be construed to include any monetary compensation, totaling seventy-five (75%) percent or more of the member's regular monthly income from his/her employment, payable to an ill or injured worker under applicable law, and/or pursuant to a collective bargaining agreement. In order to be excused, such member shall be required to file with his/her Local Financial Secretary-Treasurer a request for exoneration on the official form supplied by the International Secretary-Treasurer.

The exoneration shall not be effective unless and until approved and countersigned by the Local Financial Secretary-Treasurer, and approved by the

Local Executive Board. A substitute exoneration procedure may be adopted in any Local whose method of collecting and crediting dues payment makes a substitute procedure more practical or more efficient, provided that the substitute procedure is approved by the International Administrative Committee.

(b) After three consecutive months' approved exoneration because of lay-off, a laid-off member shall be required to pay his/her dues to retain his/her good standing membership, or to accept an honorary withdrawal card. After twelve consecutive months' approved exoneration because of illness or injury, any such ill or injured member shall be required to pay his/her dues to retain his/her good standing membership, or to accept an honorary withdrawal card. A member shall not be considered to be in good standing during any period for which he/she holds an honorary withdrawal card.

(c) Each exonerated member shall be listed by name, together with the reason for the exoneration on the monthly report of the Local Financial Secretary-Treasurer to the International Secretary-Treasurer.

SECTION 5. When any Local Union fails to report and remit to the International Secretary-Treasurer the full amount of initiation fees and dues and International assessments as provided for herein, the International Secretary-Treasurer shall notify the Local President and the Local Recording Secretary of the fact, and failing to receive a

satisfactory response within thirty (30) days thereafter, the International Administrative Committee may suspend such Local Union. The International Secretary-Treasurer may publish and distribute a delinquent list of all such Local Unions so suspended.

SECTION 6. Local Unions placed on the delinquent list shall not be reinstated until they have filed all delinquent reports and have complied with any penalties prescribed by the International Executive Council.

SECTION 7. Should any Local Union fall more than sixty (60) days in arrears in the payment of its per capita tax, the International Administrative Committee shall have the authority to, and may require, those employers which deduct and forward employee dues and agency shop fees to such Local, to pay over the monies so deducted to the International Secretary-Treasurer. The International Secretary-Treasurer shall retain the per capita tax payable on such monies and all or part of the balance at his/her discretion until the Local's indebtedness to the International has been satisfied. Thereafter, the International Secretary-Treasurer shall pay over to the Local the amount periodically received from the employers, less the applicable per capita tax. The International Administrative Committee may restore the payment of the dues and agency shop fees by the employers directly to the Local upon receipt of satisfactory assurances that the Local will meet its per capita obligations as they fall due.

SECTION 8. The International Executive Council shall have the power to relieve a Local Union or its members from the obligations or any of them imposed by this Article where the Council considers such relief necessary or advisable for the good of the Union.

## **ARTICLE XVIII.**

### **Non-Compliance with Constitution — Special Provisions**

SECTION 1. In the event of a suspension of a Local Union, the members thereof and the Local Union shall not be deemed to be in good standing during the period of suspension.

SECTION 2. After the charter of a Local Union has been revoked, the International Administrative Committee may charter a new Local Union having the same jurisdiction as the Local Union whose charter was revoked. The members of the Local Union whose charter was revoked may be readmitted only by action of the International Administrative Committee.

SECTION 3. Should any Local Union, its officers, or members, engage in activities in violation of this Constitution, or of the principles or objects set forth herein, the International Administrative Committee may, in an emergency, with approval in writing or by telegram of a majority of the individual members of the International Executive Council, appoint an Administrator of the affairs of such Local Union, who shall forthwith take over and conserve the assets of such Local

Union and shall have sole and exclusive authority to speak and act for such Local Union and to administer its affairs pending conclusion of the procedure set forth in SECTION 4 or SECTION 5 of ARTICLE V.

## **ARTICLE XIX.**

### **Discipline**

SECTION 1. A charge by a member or members in good standing that a member or members have violated this Constitution or engaged in conduct unbecoming a member of the Union must be specifically set forth in writing and signed by the member or members making the charge. The charge must state the exact nature of the alleged offense or offenses and, if possible, the period of time during which the offense or offenses allegedly took place. Two (2) or more members may be jointly charged with having participated in the same act or acts charged as an offense or with having acted jointly in commission of such an offense and may be jointly tried.

SECTION 2. Charges must be submitted to the Recording Secretary of the Local Union within sixty (60) days of the time the complainant first became aware, or reasonably should have been aware, of the alleged offense, provided, that if the charges are against the Recording Secretary, they shall be submitted to the President of the Local Union, and provided further that charges preferred against one for acts or conduct detrimental to the interest of the Union or its members, committed while he/she was

out of the Union on withdrawal card, shall be submitted within sixty (60) days from the time of the deposit of his/her withdrawal card. Notwithstanding the foregoing, charges alleging conduct under Sections 5(c) and 5(e) of this Article must be submitted within four (4) years of the time the complainant first became aware, or reasonably should have been aware, of the alleged offense.

SECTION 3. Upon charges being submitted, it is mandatory that a trial be held unless the charges are withdrawn by the accuser or considered by the Local Executive Board to be improper under this Article. Prior to the notification to a member that charges have been filed against him/her, the Local Executive Board shall review the charges and consider them improper if:

(a) The charges do not state the exact nature of the alleged offense as required by SECTION 1 of this Article;

(b) The charges are untimely under SECTION 2 of this Article;

(c) The act complained of does not sustain a charge of a violation of the Constitution or conduct unbecoming a member of the Union;

(d) The charges involve a question which should be decided by the membership at a membership meeting and not by the trial procedure.

If, pursuant to the above, the charges are determined to be improper, the charging member shall be so notified in writing. The Local Executive Board's

decision may be appealed to the Committee on Appeals.

SECTION 4. A member against whom charges have been filed may be suspended pending trial from any elective or appointive office or position he/she may hold in his/her Local Union by a two-thirds (2/3) vote of the Local Executive Board.

SECTION 5. The following enumerated acts are set forth as typifying conduct unbecoming a member of the Union. This enumeration shall not be construed to exclude from disciplinary action other forms of unbecoming conduct.

(a) Violation of any of the provisions of this Constitution, any collective bargaining agreement, or working rule of the Local Union;

(b) Obtaining membership through fraudulent means or by misrepresentation;

(c) Advocating or attempting to bring about the withdrawal or disaffiliation from the International Union of any Local Union or any member or group of members;

(d) Maliciously publishing or circulating among the membership false reports or misrepresentations;

(e) Working in the interest of or accepting membership in any organization dual to the International Union;

(f) Wilfully wronging a member of the International Union;

(g) Using abusive language or disturbing the peace or harmony of any meeting in or around any office

or meeting place of the International Union or Local Union;

(h) Fraudulently receiving any money due the organization or misappropriating the monies of the organization;

(i) Charging interest directly or indirectly in excess of the legal rate of interest to fellow employees;

(j) Using the name of the Local Union or of the International Union, or its emblem, for any unauthorized purpose;

(k) Furnishing a complete or partial list of the membership of the International Union or of any Local Union to any person or persons other than those whose official position entitles them to have such a list;

(l) Deliberately interfering with any official of the International Union in the discharge of his/ her duties;

(m) Being a member, consistent supporter of or active participant in the activities of the Communist Party, or of any Fascist, Totalitarian or other subversive organization which opposes the democratic principles to which our Nation and our Union are dedicated;

(n) By act, omission or conduct prejudicing or damaging the interests and welfare of the International Union or of his/her Local Union.

## **ARTICLE XX.**

### **Trial of Members**

SECTION 1. In the event that the Local Executive

Board decides that the charges warrant a trial, the Local Executive Board shall elect a Trial Committee of three members in good standing and shall designate a member in good standing to present the charges before the Trial Committee. The members of the Trial Committee shall be selected by the Executive Board specifically for the trial of such charges and no officer or member who is a party or directly interested in such charges shall act as member of the Trial Committee.

SECTION 2. Promptly after the selection of the Trial Committee, the Recording Secretary shall mail a copy of the charge, by registered mail, to the accused member at his/her last known address, together with a statement containing the names of the Trial Committee and the time and place of the hearing, which shall be not less than one (1) week nor more than four (4) weeks after the mailing of the notice. Such information shall also be given to the member or members who prefer charges.

SECTION 3. The accused may challenge any member of the Trial Committee on the ground that he/she is a party to or directly interested in such charges. The challenge must be made to the Local Executive Board within one (1) week after notification to the accused of the names of the Trial Committee. If the challenge is sustained, the Local Executive Board shall replace the challenged member of the Trial Com-

mittee and a new trial date set if necessary to afford the accused reasonable notice.

SECTION 4. The accused shall have the right to be represented before the Trial Committee by any member of the Local Union in good standing. In the event that the accused fails to appear at the hearing at the time and place provided in the notice served upon him/her, and presents no acceptable excuse for absence, the hearing shall proceed with the same force and effect as if he/she were present.

SECTION 5. Within seven (7) days after the conclusion of the hearing, the Trial Committee shall report its findings and recommendations to the Local Recording Secretary.

SECTION 6. The Local Executive Board shall take such action on the report of the Trial Committee as it may deem proper, and, in the event the accused is found guilty of the charges preferred against him/her, shall impose such uniformly applied penalties as in its judgment it may deem fitting and proper and including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding three years.

SECTION 7. If any officer of the Local Union is found guilty of charges preferred against him/ her, the Local Executive Board may remove him/ her from office in addition to any other uniformly applied penalty it

may impose including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding three years.

SECTION 8. The decision of the Local Executive Board shall be communicated in writing, registered mail, by the Recording Secretary to the accused within seven (7) days after the meeting of the Board.

SECTION 9. A member who has been found guilty of charges preferred against him/her pursuant to this Article shall have the right to appeal to the International Committee on Appeals, provided that he/she files a notice of appeal with the International Secretary-Treasurer within fifteen (15) days after receipt of the decision of the Local Executive Board. The notice of appeal shall consist of:

- (a) a copy of the charges preferred against him/ her;
- (b) a copy of the decision of the Local Executive Board; and
- (c) the appellant's statement of reasons why the decision of the Local Executive Board should be set aside or the penalty modified.

SECTION 10. Any higher body to which an appeal from the decision of the Local Executive Board is made shall have the authority to affirm or reverse the decision, or to modify the decision, or to order a new trial.

SECTION 11. A member who is under suspension from membership, including a temporary suspension

pending hearing or trial, shall be required to pay all dues during the period of suspension.

## **ARTICLE XXI.**

### **Suspension of Local Officers**

SECTION 1. Any officer of a Local Union, or of a branch, section, or division thereof, who fails or refuses to adhere to, or carry out, the instructions, directions, or decisions of the Local Executive Board or of the Local Union or of the International Executive Council, or who acts in violation of the Constitution, may be suspended forthwith by the Local Executive Board, or by the International Executive Council.

Within five days of such suspension, the suspended officer shall be given a written statement of the reasons for his/her suspension, and within fifteen (15) days thereafter, he/she shall be given the opportunity to appear and explain his/her conduct to such Board or Council. He/she shall have the right to call any member of the Local Union as a witness and shall have the right to cross-examine any witness or any member of the Local Union or of the International Executive Council who speaks against him/her. A stenographic record shall be made of the proceedings of such hearing, a copy of which shall be furnished to the suspended officer. Upon the conclusion of such hearing the Board or Council shall decide whether the evidence warrants removal of the officer

and shall either reinstate the accused to his/her office or remove him/her from his/her office, or may take other appropriate action.

The officer thus removed may follow the appellate procedure set forth in ARTICLE XXII.

## **ARTICLE XXII.**

### **Appeals**

SECTION 1. The International Executive Council shall appoint a Committee on Appeals to consist of five (5) members of the Council or the International Executive Board. The Committee on Appeals shall have the power to decide all appeals from Local Unions and their members in any matter relating to the application of this Constitution or the By-Laws of the Local Union. When the decision of the Committee on Appeals is unanimous, such decision may be appealed only to the next International Convention, except only that the Council may, on its motion, decide to review the appeal, and upon such review, may affirm, overrule or modify the decision of the Committee on Appeals. When the decision of the Committee on Appeals is not unanimous, any party to the dispute may, as a matter of right, appeal such decision to the full Council. The decision of the Council may be appealed only to the International Convention.

SECTION 2. Any member in good standing may, after exhausting available remedies in his/her Local

Union, appeal to the International Union (a) from any action or decision of his/her Local Union which he/she believes to be in violation of this Constitution or of the by-laws of his/her Local Union; or (b) from any decision of his/her Local Union pursuant to ARTICLE XX or ARTICLE XXI of this Constitution; or (c) from any other act or decision which, under this Constitution or his/her Local by-laws, is subject to appeal to the International Union.

SECTION 3. Unless otherwise provided in this Constitution or in his/her Local by-laws, the appellant must file his/her appeal in writing with the International Secretary-Treasurer within thirty (30) days after the decision or action from which the appeal is taken, except only that the Committee on Appeals may extend such filing period for good cause.

SECTION 4. An appeal to the International Executive Council shall be filed no later than twenty (20) days after notice of the decision of the Committee on Appeals. An appeal to the International Convention shall be filed no later than thirty (30) days after notice of the decision being appealed.

SECTION 5. When any act or decision of a Local Union is reversed or modified on appeal, the International Executive Council may in its discretion require the Local Union to compensate the appellant for any loss incurred as a result of the reversed or modified decision.

## **ARTICLE XXIII.**

### **Exhaustion of Remedies**

Any member, Local officer or Local Union aggrieved by any action, inaction, ruling, interpretation or decision of the International Union or of any International officer shall exhaust all available remedies provided by this Constitution before filing any legal proceeding concerning the matter in any court or other forum against the International Union or any International Officer. If this Constitution does not provide a specific remedy for challenging the action, inaction, ruling, interpretation or decision, the member, Local officer or Local Union must exhaust the following procedure before filing any legal proceeding concerning the matter against the International Union or any International Officer: The complainant shall file a written complaint concerning the matter with the International Secretary-Treasurer within thirty (30) days after the complainant learned or reasonably should have learned of the action, inaction, ruling, interpretation or decision being challenged. The International Secretary-Treasurer shall refer the matter to the International Executive Council. The International Executive Council, or a subcommittee thereof designated by the International Executive Council or by the International Administrative Committee, may hold a hearing and a subcommittee

so designated may issue a recommended decision to the International Executive Council. The International Executive Council is authorized to render a decision on the matter. The decision of the Council may be appealed only to the International Convention. Any such appeal shall be filed no later than thirty (30) days after notice of the Council's decision.

## **ARTICLE XXIV.**

### **Grievances**

SECTION 1. Filing Complaints: Any member of a Local Union or the section of a Local Union where sections are established, feeling that he/ she has been unjustly dealt with by the employer or the employer's agents, shall file with the Local Union or section or such officer as may be designated, his/her complaint, the form for which shall be furnished by the Local Union. Such complaint shall be referred to the section committee or Local Union representative for determining its merits and the handling of same with the management for adjustment.

SECTION 2. Reports: The officer or officers handling the complaints with the management shall report their conclusions to the Local Union or section as the case may be. In the event the handling with the management is not satisfactory, it shall be the duty of the Local Union or section involved to consider the matter.

SECTION 3. Action: The Local President or his/ her representative shall be called upon to adjust any

grievances that the section is unable to settle satisfactorily. It shall be the policy of the International Union to provide, where it is lawfully possible, for an expedited arbitration procedure with a permanent neutral for the purpose of resolving grievances against management.

SECTION 4. (a) The Local Union to which the member belongs shall act exclusively as his/her agent to represent him/her in the presentation, maintenance, adjustment and settlement of all grievances and other matters relating to terms and conditions of employment or arising out of the employer-employee relationship, unless the International Union is a party to the collective bargaining agreement.

(b) This Section imposes no obligation on the International Union, or on the Local Union, to process every grievance or complaint, or to take any particular grievance to arbitration, or to sue on behalf of, or defend any member in any court proceeding. The obligation is to represent fairly and in good faith free from hostile discrimination.

## **ARTICLE XXV.**

### **Collective Bargaining and Contracts**

SECTION 1. Collective bargaining on behalf of any membership group shall be guided by the collective bargaining program and policy of the previous Convention.

SECTION 2. Any proposed agreement shall be sub-

ject to ratification by the members covered by such proposed agreement.

SECTION 3. No member or members shall negotiate or confer with any management or agents thereof, without due authority, on matters pertaining to wages, hours or working conditions.

SECTION 4. (a) The International President shall be notified of all collective bargaining negotiations; copies of all proposed demands shall be forwarded to him/her in advance of the negotiations; he/she or any representative designated by him/her shall have the right to participate in any negotiations to the extent of having a voice therein, but shall not have a right to vote in any decision of a Local Union in connection with negotiations.

(b) Every collective bargaining agreement shall require the written approval of the International President before becoming a binding obligation on any member or on any Local Union. Such approval may be given in the name of the International President by his/her authorized designee.

SECTION 5. No officer, member, representative or agent of the International Union or of any Local Union or of any subordinate body of the International Union shall have the power or authority to counsel, cause, initiate, participate in or ratify any action which constitutes a breach of any collective bargaining contract duly entered into.

SECTION 6. No Local Union or other subordinate

body, and no officer, agent, representative or member thereof shall have the power or authority to represent, act for, commit or bind the International Union in any matter except upon express authority having been granted therefor by this Constitution or in writing by the International President or the International Executive Council.

## **ARTICLE XXVI.**

### **Strikes**

SECTION 1. A strike of members of this Union shall not be authorized or approved except under the following conditions:

(a) A vote is taken among those members who would be direct participants in the strike and the strike action is approved by a majority of those voting.

(b) The International President has been kept fully informed of the conditions leading up to the strike decision and has approved the calling of the strike.

(a) Where all of the members who would directly participate in the strike are members of a single Local Union, the strike is approved by the Local Executive Board of such Local Union.

(d) Where the members who would directly participate in such strike are members of more than one Local Union, the strike action is approved by the International Administrative Committee.

SECTION 2. Once a strike of members of a single Local Union has been called, it can be declared off

only by the Local Executive Board of the Local Union. Where members of more than one Local Union are direct participants in the strike action, the strike can be called off only by the International Administrative Committee.

SECTION 3. Neither a Local Union nor any member thereof shall receive any strike aid or other strike benefits in any case where the foregoing provisions of this Article have not been complied with

## **ARTICLE XXVII.**

### **General Provisions**

SECTION 1. No member shall draw two (2) salaries from the Transport Workers Union of America and/or any Local or any subdivision thereof.

SECTION 2. All announcements appearing on pages of the official Transport Workers Union publication shall be considered due and proper notice.

## **ARTICLE XXVIII.**

### **Referendum**

SECTION 1. When the International Executive Council decides to submit any matter or question to a referendum of the membership of the International Union, either pursuant to the requirements of this Constitution, or to the requirements of any law, or in the exercise of the Council's judgment, the Council shall decide whether to conduct the referendum directly or through the Local Unions.

SECTION 2. In either event, the Council shall appoint a Referendum Committee, to promulgate the rules and procedures to govern the referendum and to supervise the conduct of the referendum. The referendum shall be conducted in such a manner as to ensure that the member expressing his/her choice with respect to the issue submitted cannot be identified with the choice expressed.

SECTION 3. *Direct Referendum*—Where the Council has decided on a direct referendum, the International Secretary-Treasurer shall promptly require each Local Union to submit to him/her, within fifteen (15) days from receipt of the request, an up-to-date, corrected list of the names and addresses of its members in good standing, certified by the Local President and Financial Secretary-Treasurer. The ballots shall be uniform and shall be mailed within a single twenty-four (24) hour period by the International Secretary-Treasurer to the members of the International Union in good standing. The dates for the returning and for the counting of the ballots shall be fixed by the Referendum Committee, which shall be responsible for the proper counting of the ballots and the certification of the result. The International Secretary-Treasurer shall preserve for at least one (1) year the ballots and all other records of his/her office and of the Referendum Committee pertaining to the referendum.

SECTION 4. *Referendum by Local Union* —When the

Council decides to conduct the referendum through the Local Unions, the International Secretary-Treasurer shall send by registered mail to each Local Union as many ballots as there are, according to his/her records, members in good standing in each respective Local union. The ballots shall be uniform. The Referendum Committee shall fix the date and manner of voting in each Local Union and shall determine the manner in which the votes shall be counted. The tally of the voting in each Local Union shall be signed and certified by the Local President and the Local Financial Secretary-Treasurer, and all ballots, valid, soiled and unused, shall be delivered to the International Secretary-Treasurer who shall preserve them for at least one (1) year, together with all other records of his/her office and of the Referendum Committee, pertaining to the referendum. The Referendum Committee shall tally and certify the results of the voting.

## **ARTICLE XXIX.**

### **Education**

SECTION 1. Education shall be an integral part of the business of the International Union and of each Local Union, particularly education in labor history, labor problems, the objectives of the International Union, the problems of the International Union, its members and their families and the areas of the welfare of our country on which the welfare of labor has the greatest impact. To this end, and to the devel-

opment of a sound and informed loyalty to the Transport Workers Union of America and the labor movements in general, there shall be maintained an International Education Department.

SECTION 2. The International President shall have the power to appoint an Education Director and fix his/her compensation and expenses subject to the approval of the International Administrative Committee.

SECTION 3. Each Local Union shall set up and maintain an Education Committee under the direction of the International Education Director. The duties of this Committee shall be to promote all branches of education affecting the welfare of the individual members, the Local Union, the International Union, and the labor movement.

It shall be the duty of the International Representatives to see that this provision of the Constitution is carried out in the areas in which they serve.

SECTION 4. Each Local Union shall designate a member whose duty it shall be to report the news and activities of the Local Union to the official International publication.

## **ARTICLE XXX.**

### **Civil and Human Rights Department**

SECTION 1. There is hereby created a department to be known as the Civil and Human Rights Department of the International Union.

SECTION 2. The President shall appoint a Director

and a Committee. The Committee shall be composed of International Executive Board Members and Local Officers to handle the functions of this department. The Committee shall be educated and trained in the field of inter-racial, inter-faith and inter-cultural relations, to assist in the implementation of the policies of the International Union dealing with discrimination based on race, sex, sexual orientation, gender, religion, national origin, age and disability.

SECTION 3. The Department shall be charged with the duty of implementing the policies of the International Union dealing with discrimination, as these policies are set forth in the International Constitution and as they may be evidenced by action of the International Executive Board and of International Conventions, and to give all possible assistance and guidance to Local Unions in the furtherance of their duties as set forth in this Article, and to carry out such further duties as may be assigned to it from time to time by the International President.

SECTION 4. The duties of this Department shall be to promote fair employment practices and endeavor to eliminate discrimination affecting the welfare of the individual members of the Local Unions and the International Union, the labor movement and the AFL-CIO.

SECTION 5. Within the Department there shall be established the TWU Working Women's Committee. The TWU Working Women's Committee shall be

composed of representatives from each division, Airline, Transit, Utility, University & Service, and Railroad. The International President shall appoint the Chairperson of the TWU Working Women's Committee. The TWU Working Women's Committee shall meet at least once a year during the Civil and Human Rights conference to engage and educate the women of the TWU on issues that affect working women today. The Chairperson to the TWU Working Women's Committee, along with the Director of the Civil and Human Rights Department, shall develop the program and agenda for the TWU Working Women's Committee.

SECTION 6. The Director, with the approval of the President, shall create constituency groups and approve all priorities and programs.

SECTION 7. The Civil and Human Rights Department shall meet once a year along with all constituency groups:

- APRI—A. Philip Randolph Institute
- APALA—Asian Pacific American Labor Alliance
- PAW—Pride at Work
- CLUW—Coalition of Labor Union Women
- CBTU—Coalition of Black Trade Unionists
- LCLAA—Labor Council for Latin American Advancement
- ARA—Alliance for Retired Americans
- And other groups if deemed necessary.

## **Article XXXI.**

### **Retiree Organizations**

The International Administrative Committee may charter a retiree organization or organizations consisting of former members of the Union who retired and who at the time of retirement were good standing members of the Union. Each such organization shall adopt appropriate by-laws, subject to the approval of the International Administrative Committee.

## **ARTICLE XXXII**

### **COPE**

SECTION 1. A Local Union with a Local COPE Fund may maintain and continue that COPE Fund only if the Local Union enters a written agreement with the International Administrative Committee regarding the appropriate level of and mechanism for contributions by the Local Union COPE Fund to the TWU Cope Fund. The Local Union must enter into such an agreement within six (6) months of receiving notice from the International Administrative Committee that the Local Union must enter such an agreement. In determining an appropriate level of contributions by the Local COPE fund to the TWU Cope Fund, the International Administrative Committee shall consider among other things (1) the importance to the Local Union members of contributions from the Local COPE Fund to political candidates at the state

or local level, (2) the history of contributions by the Local COPE Fund to the TWU Cope Fund, (3) the amount of funds in the Local COPE Fund and the political contribution needs of the Local Union, and (4) the political contribution needs of the International Union and TWU Cope Fund.

SECTION 2. No Local COPE fund may make a contribution to a candidate for federal office without prior written approval of the International Administrative Committee.

## **ARTICLE XXXIII**

### **Amendments**

SECTION 1. This Constitution may be amended by either of the following methods:

1. By any regular Convention, or by any Special Convention called specifically for such purpose, by a vote of two-thirds (2/3) of the delegates voting on the Amendment.

By a majority of those voting in a referendum of the membership of the International Union. The International Executive Council shall conduct such a referendum on its own motion, or if at least one-third (1/3) of the Local Unions, representing one-third (1/3) of the membership, approve the proposed amendments and request such referendum.

## **LIST OF MOTIONS WITH PECULIAR CHARACTERISTIC**

### **Things You May Do When Another Member Has the Floor**

1. Rise to a point of order, point of information, or question of privilege.
2. Object to the consideration of a question.
3. Move to reconsider.

### **Motions That Cannot Be Amended.**

1. To adjourn (if the motion is to adjourn at a particular time it can be amended).
2. To table, or take from the table.
3. To reconsider.
4. To call for the “previous question.”
5. To suspend the rules.
6. To object to the consideration of a question.
7. To postpone indefinitely.

### **Motions That Cannot Be Debated.**

1. To fix a time to adjourn, or to adjourn.
2. To object to the consideration of a question.
3. To table, or to take from the table.
4. To call for the previous question.
5. To limit or extend debate.

6. To appeal from the decision of the chair (except for chairman and member appealing).

7. To withdraw a motion.

8. To suspend the rules.

### **Motions That Do Not Require a Second.**

1. To object to the considerations of a question.

2. To withdraw a motion.

3. To call for the division of the house on a vote.

4. To nominate a member for office.

### **Motions That Require a Two-Thirds Vote.**

1. To suspend the rules.

2. To sustain an objection to the consideration of a question.

3. To rescind (except as noted in the text).

### **Suggested ORDER OF BUSINESS for the guidance of Local Unions.**

1—Call to order by President.

2—Pledge of allegiance to the flag of the United States. (For *Local Unions in the United States*.)

3—Roll call of officers.

4—Reading of Minutes of previous meeting.

5—Report of Membership Committee.

- 6—Acceptance and obligation of new members.
- 7—Reading of communications.
- 8—Reading of bills or accounts by Secretary or Treasurer.
- 9—Executive Board report.
- 10—Treasurer's report on receipts and expenditures.
- 11—Report of committees.
- 12—Unfinished business.
- 13—New business.
- 14—Good and welfare.
- 15—Adjournment.

**ALL OF THE RULES AT A GLANCE**

Motion	Debatable	Amend-able	Requires a Second	Vote Required	In Order		Can be Recon-sidered	Motions to Which it Applies	Motions Which Apply to It
					When Another Is Speaking	When Speaking			
Time for Next Meeting (when privileged)	No	Yes	Yes	Majority	No	No	No	None	Amend
Adjourn	No	No	Yes	Majority	No	No	No	None	None
Recess	No	Yes	Yes	Majority	No	No	No	None	None
Question of Privilege (treat as Main Motion)	Yes	Yes	Yes	Majority	Yes	Yes	Yes	None	All
Orders of the Day	No	No	No	None; it takes 2/3 to postpone special order	Yes	Yes	No	Any special order	None; except to postpone orders
Appeal	No	No	Yes	Majority	Yes	Yes	Yes	Any decision	Lay on table Close debate Reconsider
Point of Order	No	No	No	None; unless appealed; then Majority	Yes	Yes	No	Any motion or act	None
Objection to Consideration of Question	No	No	No	2/3	Yes	Yes	Yes	Main questions and questions of privilege	Reconsider
Reading Papers	No	No	Yes	Majority	No	No	Yes	None	None
Withdrawal of Motion	No	No	No	Majority	No	No	Yes	Any motion	Reconsidered
Suspension of Rules	No	No	No	2/3	No	No	No	Any motion where needed	None
Lay on the Table	No	No	Yes	Majority	No	No	No	Main questions, appeals, ques. of privilege, reconsider	None

Previous Questions (close debate)	No	No	Yes	2/3	No	Yes	Any debatable motion	Reconsider
Limit or Extend Limits of Debate	No	Yes	Yes	2/3	No	Yes	Any debatable motion	Reconsider
Postpone to a Definite Time	Yes	Yes	Yes	Majority	No	Yes	Main motion, ques. Of privilege	Amend Reconsider, Limit or Close Debate
Refer or Commit	Yes	Yes	Yes	Majority	No	Yes	Main motion, ques. Of privilege	Amend, Reconsider, Limit or Close Debate
Amend	Yes	Yes	Yes	Majority	No	Yes	Main motion, limit debate, refer postpone, fix time of next meeting	Amend, Reconsider, Close debate
Postpone Indefinitely	Yes	No	Yes	Majority	No	Yes	Main motion, ques. of privilege	Limit or Close debate, Reconsider
MAIN MOTION	Yes, if motion to which it applies is debatable	Yes	Yes	Majority	No	Yes	None	All
Reconsideration (treat as Main Motion)	Any motion which it applies is debatable	No	Limit debate Yes	Majority	Yes	No	except adjourn suspend rules lay on table	Lay on table Postpone definitely
Rescind (treat as Main Motion)	Yes	Yes	Yes	2/3 of members present; majority when notice to rescind was given at previous meeting	No	Yes	Main motions, appeals, ques. of privilege	All

