



CONSTITUTION AND RITUAL

REVISED AND AMENDED BY AUTHORITY OF THE

1st SMART GENERAL CONVENTION

HELD IN LAS VEGAS, NEVADA – AUGUST 11-15, 2014

International Association of Sheet Metal, Air,
Rail and Transportation Workers

and Affiliated Local Unions, State, District, Provincial and Regional Councils



Constitution & Ritual

OF THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS

Affiliated with American Federation of Labor and Congress of Industrial Organizations, Building and Construction Trades Department, Metal Trades Department, Maritime Trades Department, Union Label and Service Trades Department, Transportation Trades Department, Public Employee Department, and Railway Labor Executives' Association, and the Canadian Labour Congress.

Realizing the advantage and necessity of cooperative effort properly and legally directed to fully develop and demonstrate the possibilities of our trade in the various fields of industry and to protect our rights in connection therewith, we hereby pledge our united efforts and support as members of the International Association of Sheet Metal, Air, Rail and Transportation Workers to the accomplishment of said purpose.

In this age of organized effort, it is essential that those engaged at our trade must likewise organize in order to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every good citizen is entitled in return for his or her labor from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay.

For reasons stated herewith, we adopt this Constitution and Ritual and pledge our support and allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers of the United States and Canada, and as members thereof, we agree to be governed by the provisions, requirements, purpose and intent of this Constitution and all subsequent amendments thereto.

Article Twenty-One B (21B) sets forth the political structure and functioning of the Transportation Division including the selection, authority, duties and responsibilities of its officers. Other parts of the Constitution govern the operation of the association as a whole, including the Transportation Division. Where application of other parts of the Constitution to the Transportation Division would negate the provisions of Article Twenty-One B (21B), it is presumed that this is not the intent of the Constitution. Some provisions of the Constitution plainly apply to sheet metal workers and are to be interpreted as applying only to sheet metal workers unless there is no conflict between such provisions and Article Twenty-One B (21B) and application is necessary to address questions not answered in Article Twenty-One B (21B) or to provide uniformity in the administration of the association.

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ARTICLE ONE (1)

ARTICLE ONE (1)

International Association

SECTION 1 – NAME AND LOCATION

SEC. 1. This organization shall be known as International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and its principal office shall be located in the Washington, D.C. metropolitan area. The Transpiration Division (TD) is located in the Cleveland, Ohio area. Divisions of the International Association, or functions thereof, may be located elsewhere, if the General President, subject to approval of the General Executive Council, determines such action is necessary. The General Executive Council shall have the authority to amend the name of the organization between conventions to any other name so long as the words “Sheet Metal” and “Transportation” remain in the name.

SECTION 2 – MEMBERSHIP

SEC. 2. This Association shall consist of duly chartered local unions and state, provincial and district councils whose officers and members subscribe to and observe the provisions of this Constitution and Ritual and such rules, policies and regulations as may be established by this Association. This Association is committed to representing all workers in our industries to ensure the future of our union and its members.

SECTION 3 – GOVERNMENT

SEC. 3. The final jurisdiction over subjects pertaining to this Association and the ultimate government, supervision and superintendence of all local unions, state, provincial and district councils and the officers and members thereof shall be vested in the duly elected, qualified and seated delegates in the regular or special Convention of this Association. No executive or judicial authority or jurisdiction herein conferred upon local unions, state, provincial or district councils or the officers or members thereof shall supersede that exercised by such Conventions whether such authority is exercised by such Conventions initially or upon appeal.

SECTION 4 – GOVERNMENT BETWEEN CONVENTIONS

SEC. 4. Between Conventions, all general executive, administrative and judicial powers of this Association shall be vested in the General Executive Council set forth in this Constitution.

SECTION 5 – TRADE JURISDICTION

SEC. 5(a). This Association has established and claims full jurisdiction over the estimating, project management, manufacture, fabrication, downloading/uploading/inputting electronic information for fabrication, erection or installation, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, commissioning, testing, servicing and maintenance of all Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR) and sheet metal work, all working drawings, cutsheets or sketches

ARTICLE ONE (1)

35 (including those taken from original architectural and engineering drawings and sketches) used in
36 fabrication and erection including any and all related future technological advancements that may
37 enhance, replace or compete with the scope of work provided herein that serves the same or similar
38 purpose; said jurisdiction to include all flat, formed in brake or press, corrugated or ribbed sheets
39 and all rolled, drawn, pressed, extruded, stamped or spun tubing, shapes and forms of plain or
40 protected steel, iron, tin, copper, brass, bronze, aluminum, zinc, lead, German silver, Monel metal,
41 stainless or chrome steel or any and all other alloy metals, ferrous and non-ferrous, together with
42 all necessary or specified reinforcements, brackets, hangers, straps, plates, tees, angles, beams,
43 channels, furring, supports, anchors, rods, chains, clips, frames, ornaments, trimmings, grilles,
44 registers, castings, hardware and equipment, mechanical or otherwise, regardless of gauge, weight
45 or material when necessary or specified for use in direct connection with or incidental to the
46 manufacture, fabrication, assembling, handling, erection, hanging, application, adjusting,
47 alteration, repairing, dismantling, reconditioning, testing and maintenance of all sheet metal work;
48 said jurisdiction to also include the fastening of any and all materials and equipment specified in
49 this jurisdictional claim, whether same be applied to wood, steel, stone, brick, concrete or other
50 types of structure, base or materials, with full jurisdiction over the making of all connections,
51 attachments, seams and joints, whether nailed, screwed, bolted, riveted, cemented, poured, wiped,
52 soldered, brazed, welded or otherwise fastened and attached, and all drilling and tapping in
53 connection with or incidental thereto.

54 **SEC. 5(b).** Any and all types of sheet metal foundation forms, wall forms, column forms,
55 casings, molding, plain or corrugated domes, slab forms, flat, ribbed or corrugated sheet forms
56 used in connection with concrete or cement construction, including sheet metal inserts to provide
57 specified openings, also permanent column guards.

58 **SEC. 5(c).** Any metal roofing, including under layment regardless of material, and any and
59 all types of sheets, flat, formed in brake, corrugated or otherwise formed or reinforced, and all
60 rolled, drawn, pressed, extruded, stamped or spun sheets, shapes and forms of plain or protected
61 metal specified for use in connection with or incidental to roofing, decking, flooring, expansion
62 joints, siding, waterproofing, weatherproofing, fireproofing, soundproofing, for base and support
63 of other materials, or for ornamental or other purposes.

64 **SEC. 5(d).** Any and all types of formed, rolled, drawn, stamped, pressed sheet metal
65 shingles, sheet metal tile, sheet metal brick, sheet metal stone and sheet metal lumber, when
66 specified for use as roofing, siding, waterproofing, weatherproofing, fireproofing, soundproofing
67 or for ornamental or any other purpose; the installation of aluminum composite material (ACM),
68 fascia trim moldings and appurtenances required for complete installation; the installation of all
69 forms of nailable substrates (e.g. plywood, pressboard, chipboard, drywall or other laminates) on
70 the roof deck wherever such materials are used as an integral thermal insulation component or
71 support of the roofing system thereto; all laying of felt, paper, membranes, ice shields, vapor
72 barriers or similar underlayment on sloped or flat roof structures and siding systems regardless of
73 type or material or manufacture; all forms of insulation used as a part of or in connection with
74 roofing, siding and curtain wall; the installation of all extruded, rolled or fabricated metals or any
75 materials that replace same, such as plastics, metal tubes and shapes used as operable or inoperable
76 sun screens, mullions, porcelain, plastic panels, terra cotta panels (Terra Clad or similar) and any
77 product used as a rain screen, including glass panels in any or all the buildings related to store

ARTICLE ONE (1)

78 fronts, window wall and curtain wall construction, including welding of attachments to building
79 structure.

80 **SEC. 5(e).** Any and all sheet metal work regardless of material specified for use in
81 connection with or incidental to steeples, domes, minarets, lookouts, dormers, louvers, ridges,
82 coping, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashing, gravel stops, leader
83 heads, down spouts, mansards, balustrades, skylights, metal siding and composite panels including
84 supports, studs, sheathing, drywall and related materials, solar shingle panels, PVC metal and all
85 other types of coated metal or materials used in place thereof, cornice molding, columns, capitals,
86 panels, pilasters, mullions, spandrels and any and all other shapes, forms and design of sheet metal
87 work specified for use for waterproofing, weatherproofing, fireproofing, soundproofing,
88 ornamental, decorative or display purposes, or as trim on exterior of buildings.

89 **SEC. 5(f).** Any and all types of sheet metal buildings including hangars, garages, service
90 stations, commercial or storage buildings of permanent or portable design, whether manufactured,
91 fabricated, or erected to meet specific requirements or whether constructed of standard patented
92 units of flat, formed in brake, corrugated, rolled, drawn, or stamped sheets, shapes and forms of
93 plain, protected or ornamental design.

94 **SEC. 5(g).** Any and all types of sheet metal marquees, vestibule and storm door enclosures,
95 window frames, molding, cornices, pilasters, mullions, panels, sills, heads, awning covers, corner
96 posts, stops, light troughs reflectors and deflectors, bulletin boards and any and all types of sheet
97 metal signs specified for use in connection with or incidental to display windows, building fronts,
98 store fronts, and theater fronts, for fireproofing, weatherproofing, waterproofing, ornamental or
99 display advertising purposes.

100 **SEC. 5(h). Sign Work.** Any and all work in connection with the manufacture, fabrication,
101 assembly, erection, installation, dismantling, re-conditioning, adjustment, alteration, repairing,
102 servicing and maintenance of all interior and exterior/outdoor industry related products, used in
103 the manufacture and erection of all electrical, plastic, fiberglass, vinyl and neon signs, commercial
104 signs, storefronts, awnings, marquee signs, soffits, display showcases, LED modules, road signs,
105 bulletin boards, scoreboards and billboards for indoor and outdoor advertising including but not
106 limited to any and all sign support structure, billboard panels, sign cabinets or the like in kind
107 serving the same purpose, the layout, fabrication and installation of any base plate, gusset plates,
108 companion flanges and attachment of these sections to any support member, such as pipe, angle
109 iron, channel and/or wide flange beams, tube steel and/or other similar shapes, the preparation of
110 all shop and field sketches whether manually drawn or computer assisted used in fabrication and
111 erection, including those taken from original architectural and engineering drawings or sketches.
112 This work also includes the layout, fabrication and installation of upper support structures used to
113 support the sign face(s) including catwalks, ladders, rails and any and all substitute signage or
114 materials used in lieu thereof and any other identification system whether interior or
115 exterior/outdoor advertising included in the jurisdictional claims of the SMART, including any
116 and all related future technological advancements that may enhance, replace or compete with the
117 scope of work provided herein that serves the same or similar purpose and shall include installation
118 and fabrication of cell site and green products including but not limited to wind and solar.

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119 **SEC. 5(i).** Any and all sheet metal work used in connection with or incidental to the
120 equipment and operation of grain elevators, mills, factories, warehouses, manufacturing plants and
121 commercial buildings, including elevator legs and enclosures, chutes, hoppers, carriers, spirals,
122 automatic and other conveyors, package chutes, fire apparatus and enclosures for same, pipes and
123 fittings, dampers, machine guards, cyclones, fans, blowers, dust collecting systems, walk-in boxes,
124 environmentally-controlled chambers, ovens and driers, heating, ventilation and air conditioning,
125 and all other types of sheet metal work and equipment, mechanical or otherwise, in connection
126 with or incidental to the operation thereof.

127 **SEC. 5(j).** Any and all types of sheet metal window frames, sash, bucks, doors, frames,
128 trim, picture molding, freeze molding, wire molding, chair rail and base panels, wainscoting,
129 mullions, pilasters, sills, permanent vestibule partitions, smoke and fire screens, portable and
130 permanent screens and partitions for hospitals, office, commercial and factory use, toilet, shower
131 and dressing room partitions, elevator and other types of enclosures specified for use as equipment
132 and interior trim.

133 **SEC. 5(k).** Any and all types of sheet metal ceilings with cornices and molding of plain,
134 ornamental, enameled, glazed, or acoustic type, and any and all types of side walls, wainscoting
135 of plain, ornamental, enameled, or glazed types, including sheet metal tile, and the application of
136 all necessary wood or metal furring, plastic or other materials, to which they are directly applied
137 and the interior application of manufactured metal or ACM panels, column covers and
138 appurtenances.

139 **SEC. 5(l).** Any and all moving picture booths and any and all sheet metal work in
140 connection with indirect lighting systems, including side lights and foot lights in theaters,
141 auditoriums, schools, etc.

142 **SEC. 5(m).** Any and all types of sheet metal work, Heating, Ventilating, Air Conditioning
143 and/or Refrigeration (HVACR), design, detailing, building information modeling (BIM),
144 fabrication, erection, installation, service, maintenance, performance verification and operation in
145 connection with or incidental to direct, indirect or other types of HVACR, regardless of materials
146 used. Building environmental systems, risers, under floor air distribution systems, stacks, ducts,
147 fittings, testing and sealing of all air distribution systems including ducts, plenums and/or building
148 cavities utilized for the distribution of ventilation or conditioned air, variable air volume boxes
149 (VAV), constant air volume boxes (CAV), chilled beams, convectors, refrigerant piping, roof top
150 units (RTU), heat recovery wheels, system economizers, electrical and acoustical sound
151 attenuation equipment, dampers, louvers, hoods, casings, recess boxes, outlets, radiator enclosures,
152 exhausts, ventilators, frames, grilles, registers, diffusers, chilled beams, cabinets, plenums, fans
153 and motors, air washers, filters, air brushes, housings, air conditioning chambers, all setting,
154 hanging and start-up of air conditioning units, unit heaters, or air-veyor systems and condensing
155 units, evaporator coils, heat pumps, evaporative cooling units, variable refrigerant flow (VRF)
156 systems, refrigeration piping, direct digital controls, fault detection controls, building
157 environmental sensor systems, air handling and air treating systems, natural ventilation systems
158 and controls, including all equipment and/or reinforcements and support systems in connection
159 therewith. Any and all types of testing, adjusting and balancing, system acceptance testing,
160 functional performance testing, commissioning and retro-commissioning performed in

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161 conjunction with HVACR and/or other building environmental systems including fire life safety
162 systems validation and verification including fire damper, fire/smoke damper, stairwell
163 pressurization and smoke evacuation systems.

164 Design, installation, detailing, BIM, commissioning, retro-commissioning, functional
165 performance testing, acceptance testing, service, operation and maintenance of all smog control,
166 filtration and cleaning of air systems and equipment, air pollution and recovery systems and
167 component parts thereof, including setting of same by any method, any and all work in connection
168 with and/or incidental to the manufacture, fabrication, handling, erection, installation, maintenance
169 and repair of solar energy systems, including but not limited to residential, commercial,
170 institutional and industrial installation and any and all other sheet metal work and equipment,
171 mechanical, service, or otherwise, in connection with or incidental to the proper installation,
172 servicing and operation of said systems, and all duct and mechanical connections to and from same
173 including all equipment and/or reinforcement and support systems in connection therewith.

174 Any and all installation and removal of lagging, all lagging over insulation, combined
175 insulated siding panels utilized for personnel protection and/or insulation of industrial ventilation
176 systems, steam pipes, bag houses, precipitators, turbines, ball mills and all duct lining utilized in
177 commercial HVACR air distribution systems, duct wrap of any type or material, including but not
178 limited to rigid board insulation, fire stop, and the fabrication and installation of reflective metal
179 insulation.

180 **SEC. 5(n).** Any and all types of energy and indoor environmental quality auditing (IEQ)
181 used in connection with or incidental to energy management and commissioning of buildings
182 including analyzing utility rates, weather data, energy consumption records, contract drawings and
183 specifications, as-built drawings, operating logs; surveying building site and envelope;
184 investigating space utilization and operating practices; observing and testing lighting, power,
185 heating, ventilating, air conditioning, humidification, automatic control, food service,
186 transportation, heat recovery solar and process systems; performing operation and maintenance
187 energy conservation measures; monitoring results of energy management retrofit measures;
188 servicing energized systems after retrofit.

189 **SEC. 5(o).** Any and all types of sheet metal work in connection with or incidental to
190 residential work, including metal roofing and siding, gutters, downspouts, kitchen vents, bathroom
191 vents, prefabricated fireplaces, shower enclosures, heating and air conditioning equipment,
192 controls and service incidental to the proper installation and operation of same.

193 Any and all types of warm air furnaces, including assembling and setting-up of all cast iron
194 parts, all stoker, gas and oil burner equipment and all gas piping used in connection with warm air
195 heating, all sheet metal hoods, casing, wall stacks, smoke pipes, trunk lines, cold air intake, air
196 chambers, vent pipes, frames, registers, dampers and regulating devices, and all other sheet metal
197 work and equipment, mechanical or otherwise, in connection with or incidental to the proper
198 installation, servicing and operation of same.

199 **SEC. 5(p).** Any and all types of sheet metal work in connection with industrial work
200 including but not limited to industrial, generating, steel and aluminum, oil refining, chemical,

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201 coking, nuclear, power and similar type plants and all other work in connection therewith including
202 exhaust, smog control, air pollution and recovery systems, air-veyor systems and component parts
203 thereof, regardless of material used, including setting of same by any method, imbedments,
204 installation and drawings for unistruts and erection of support steel.

205 Any and all types of sheet metal smoke pipe, elbows, fittings and breeching for boilers,
206 heaters and furnaces. All sheet metal lagging and jackets on engines. Any and all sheet metal drip
207 pans, exhaust pipes, heads, safety flues, and other appliances in connection with or incidental to
208 boilers, heaters, furnaces, engines, machinery, etc.

209 **SEC. 5(q).** Any and all types of sheet metal furniture and equipment, lockers, shelving,
210 library stacks, warehouse, factory and storage stacks, bins, sinks, drainboards, laboratory
211 equipment, etc., specified for use as equipment or incidental to the operation of offices, factories,
212 libraries, hotels, hospitals, apartments, schools, banks, public and semi-public buildings, and for
213 general commercial use, and any and all types of caskets and coffins.

214 **SEC. 5(r).** Any and all sheet metal work in connection with or incidental to the equipment
215 and operation of kitchens in hotels, restaurants, hospitals, lunch rooms, drug stores, banks, dining
216 cars, public and semi-public buildings, including ranges, canopies, steam tables, work tables,
217 dishwashers, coffee urns, soda fountains, warming closets, sink drainboards, garbage chutes and
218 incinerators, refrigerators and other sheet metal work in connection with kitchen equipment or
219 refrigerating plants.

220 **SEC. 5(s).** Any and all types of sheet metal work in connection with or incidental to laundry
221 equipment and machinery, washers, clothes dryers and laundry chutes.

222 **SEC. 5(t).** Any and all types of sheet metal work, coppersmith work and mechanical work
223 in connection with or incidental to the manufacture, fabrication, assembling, maintenance and
224 repair of automobiles, buses, trucks, airplanes, pontoons, dirigibles, blimps and other type of
225 aircraft and equipment, and any and all types of aircraft hangars.

226 **SEC. 5(u).** Any and all types of sheet metal chandeliers, lamps and lighting fixtures,
227 ornaments, decorations, household ware, and miscellaneous articles for use in factories and mills;
228 any and all types of sheet metal switch boxes, cut-out boxes, panel boards, cabinets and speaking
229 tubes.

230 **SEC. 5(v).** Any and all types of sheet metal badges, buttons and novelties with all hard or
231 soft soldering in connection with same by flame or other method.

232 **SEC. 5(w).** Any and all types of sheets, tubing, pipes and fittings, used in connection with
233 or incidental to coppersmith work, regardless of gauge or material. The manufacture, fabrication,
234 assembling, erection, maintenance, repair and dismantling of all said coppersmith work, including
235 the bending of tubes, pipes and coils and all pipe fitting in connection with or incidental thereto,
236 and the testing of equipment when installed to insure proper operation.

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237 **SEC. 5(x). Boats and Ships, Definition and Duties.** Manufacture, fabrication,
238 assembling, erection, hanging, application, adjusting, alteration, repairing, dismantling,
239 reconditioning, testing and maintenance of all sheet metal work and coppersmithing work in
240 connection with or incidental to building, maintenance and repair of ships and boats, including
241 smoke stacks, life rafts, life buoys, crow's nests, bulkheads, telegraph and speaking tubes, switch
242 and cut-out boxes, lagging on boilers and engines, lining of all partitions, paint and lamp lockers,
243 refrigerating compartments, battery compartments, galleys and shower baths, ventilation and
244 kitchen equipment, ventilation piping and fittings, sheet metal lockers, sheet metal doors, sheet
245 metal windows, steel and non-ferrous metal sheathing, sheet metal casings for housing cable, gong
246 pull and mechanical telegraph leads, and metal lagging for machinery, boilers, pipelines, etc., sheet
247 metal structural partitions and enclosures including pilasters, wire mesh and incidental fittings,
248 launch and boat canopies, galley ranges, and their smoke pipes, sheet metal dresser tops, sheet
249 metal ventilator cowls, air tanks, fuel oil tanks, battery lockers, metal furniture, sheet metal
250 containers for handling and storing foods, paints, water and other materials, cooking utensils,
251 funnels, measures and similar miscellaneous articles made of sheet metal; covers with sheet lead,
252 such articles as battery boxes, battery shelves, iceboxes and other wooden and steel parts, and
253 items subject to corrosion; measures, marks and cuts sheet lead to size; fits and forms it about
254 surface to be covered by heating and hammering about the edges and into corners until snug fit is
255 obtained; making templates, forms, developing, laying out and cutting patterns, shearing, flanging,
256 forming, bumping, rolling, spinning, punching, stamping, riveting, soldering and all resistance
257 welding (including, but not limited to, spot and seam welding) performed on machines designed
258 for that purpose in connection with fabrication, assembly and repair of all sheet metal and all
259 reinforcements in connection with the above specified work.

260 **SEC. 5(y). Roofing, Damp and Waterproofing.** The right to apply and install (i) Slate,
261 tile, asbestos and asphalt roofing shingles and all cementing, laying of felt, paper, insulation or
262 other underlayment, dressing, punching, cutting either by hand or by machinery in connection with
263 slate, tile, asbestos and asphalt shingles and any and all substitute materials taking the place of
264 slate, tile, asbestos and asphalt shingles and the removal of slate and tile when the same is to be
265 re-laid.

266 (ii) Above deck roof vapor barriers of all kinds, roof insulation of all kinds, composition
267 and built-up roofing of all kinds including hot and cold applied, single ply application, prepared,
268 plastic, fluid applied, sheet applied and mastic roofing, all associated roof surfacing including
269 aggregates, coating, traffic planks, and decorative finishes. Any materials used as a substitute or
270 taking the place of metal and all forms of elastomeric and/or plastic (elastoplastic) roofing systems,
271 both sheet and liquid, whether single-ply or multi-ply such as bituminous, vinyl, PVC, tile, slate,
272 shingles or similar substitute products.

273 (iii) Any and all materials used for damp proofing, waterproofing and/or weatherproofing
274 regardless of location in building system or method of application of all laying of tile, brick, wood
275 block, mastic or composition decks or floor when laid in pitch, tar, mastic or any other form of
276 bitumen, all pre-formed waterproofing, compressed paper, chemically prepared paper, burlap and
277 substitute waterproofing products.

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278 (iv) All slabs of precast concrete, composition, mineral or other such materials placed over
279 roofing or waterproofing.

280 (v) Unloading, handling and hoisting of all tools and materials to be used in connection
281 with the work described above except where cranes or other heavy equipment is required.
282 Employees shall operate their own job site equipment including but not limited to pumps, kettles,
283 burners, hoists, spray guns, conveyors, mixers and all gasoline, propane or electrically powered
284 equipment used in composition roofing system installations.

285 (vi) Any and all materials used in connection with the Environmentally Friendly Green
286 Roofing Systems, including roofing, damp proofing, waterproofing and weatherproofing
287 regardless of location and maintenance thereof.

288 **SEC. 5(z). Green Work.** Any and all selection and layout of HVACR equipment, system,
289 and control requirements, any and all sheet metal work, and the planning, design, implementation
290 of workflow of any and all HVACR and sheet metal components, materials and subassemblies in
291 conjunction with the design, development, layout, implementation, construction and
292 documentation performed as any part of a building rating method, process, procedure or system
293 either for new construction or renovations or retrofits of HVACR systems and sheet metal work
294 falling under said rating method, process, procedure or system. This applies but is not limited to
295 building rating method, process, procedure or system such as the U.S. Green Building Council's
296 (USGBC) Leadership in Energy and Environmental Design (LEED™) Green Building Rating
297 System, Green Globes™ certification by The Green Building Initiative (GBI) or the Building
298 Research Establishment Assessment Method (BREAM) Canada as adopted by the Canadian
299 Standards Association (CSA).

300 Any and all auditing, commissioning, testing, servicing and maintenance of all HVACR
301 and sheet metal work in connection with a building rating method, process, procedure or system
302 either for new construction or renovations or retrofits of HVACR systems and sheet metal work
303 falling in part or whole under said rating method, process, procedure or system as described above.

304 **SEC. 5(aa).** Railroad shopmen shall include sheet metal workers (tanners), coppersmiths
305 and pipefitters employed in shops, yards, buildings, on passenger coaches, work equipment,
306 refrigeration, etc., and on engines of all kinds, skilled in the building, erecting, assembling,
307 installing, dismantling and maintaining parts made of sheet copper, brass, tin, zinc, white metal
308 and lead, black planished, galvanized and pickled iron, aluminum, stainless and chrome steel,
309 Monel metal, German silver, and any other base or alloyed sheet metal. This shall include all flat,
310 formed in brake or press, corrugated or ribbed sheets on rolled, drawn, pressed, extruded, stamped
311 or spun shapes, tubing or forms of any sheet metal together with all necessary or specified
312 reinforcements, hangars, brackets, hardware and fittings, mechanical or otherwise, regardless of
313 gauge or weight of metal when part of the operation or fabrication of parts; brazing, soft or hard
314 solder, torch spray or hand-soldering, tinning, leading, babbiting, bending, fitting, cutting,
315 threading, brazing, clamping, testing, connecting and disconnecting of air, water, sand, gas, oil and
316 steam pipes and the operating of babbit fires and pipe threading machines, oxyacetylene, Thermit
317 electric welding on work generally recognized as sheet metal workers' work. This jurisdiction

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318 includes the work performed in the Maintenance of Equipment, Maintenance of Way and all other
319 departments of the railroad.

320 **SEC. 5(bb).** Any and all work on structures and systems involving sheathing,
321 encapsulating, neutralizing, decontaminating, ducting, vending, removing, bagging, boxing,
322 wrapping, transporting otherwise disposing of matter in solid, liquid or gaseous form that is, or
323 may be, toxic, noxious, noisome, poisonous, infectious, or otherwise hazardous to health including,
324 but not limited to, radon or other harmful gas, fibrous glass, asbestos or other friable or particulate
325 matter, and material contaminated by chemical, bacterial, microbiological, or radioactive
326 substances.

327 **SEC. 5(cc).** The manual, mechanical and chemical cleaning of all interior and exterior duct
328 and HVACR systems and equipment, including but not limited to: duct cleaning and cleaning in
329 connection with building environmental heating, ventilating, air conditioning and cooling systems
330 including risers, stacks, ducts, fittings, dampers, louvers, frames, grills, registers, diffusers, outlets,
331 radiators, coils, washers, filters, kitchen exhaust systems and enclosures, plenums, fans and
332 motors, under floor systems and all building environmental systems, and all work in connection
333 with indoor air quality including post-cleaning reports, as well as all work specified in this Article.

334 **SEC. 5(dd).** All drawings and sketches by computer-aided design (CAD), hand,
335 backgrounds, as-builts, coordination, (including collision detection), MEP coordination, used in
336 shop fabrication and/or field erection, computer-aided manufacturing and pick off/take off (cut
337 sheets) – the transformation, manual or electronic, from shop drawings to shop fabrication of
338 ductwork and all related items, including any and all related future technological advancements
339 that may enhance, replace or compete with the scope of work provided herein that serves the same
340 or similar purpose.

341 **SEC. 5(ee).** All project management, estimation, detailing, shop fabrication, field
342 installation, performance-oriented tasks such as testing and balancing performed by or with the
343 iTi's Construction Coordination Software (CCS) or similar software, which includes, but is not
344 limited to the tasks of: scheduling, tracking, reporting, purchasing and ordering of materials; pick-
345 offs, take-off and drawing creation; shop drawing creation, as-built drawing creation and batch
346 creation for fabrication; downloading/uploading/inputting of all electronic information used for
347 fabrication and erection, scheduling, inventory control, batch creation for fabrication and tracking;
348 updating status of project completion, hanger placement using a total station, batch creation for
349 fabrication and scheduling TAB reporting, energy audits, commissioning and retro-
350 commissioning; user account creation, networking and standard creation.

351 **SEC. 5(ff).** All computer room, clean room and dry room air systems including but not
352 limited to floors, walls, fume hoods, ceilings, HEPA filters, any other filtration systems and other
353 appurtenances thereof and other architectural sheet metal work and metal wall protection systems.

354 All fabrication, handling and installation of semiconductor and nanotechnology industry-
355 related air systems, including but not limited to, vacuum pump and/or tool exhaust systems,
356 scrubber pipe/duct (regardless of material used), headers and exhaust to atmosphere, exhaust fans,
357 dry scrubbers, exhaust, vent lines from gas, tool and vacuum pump cabinets, exhaust lines from

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358 wet benches and burn boxes, all dampers and/or air valves associated with exhaust/vent lines listed
359 in this Section.

360 **SEC. 5(gg).** Milling, fashioning, joining, assembling, erection, fastening or dismantling of
361 all material of wood, plastic, metal, fiber, cork and composition, and all other materials as well as
362 the handling, cleaning, erecting, installing, repair, renovation, maintenance, and dismantling of all
363 machinery and equipment.

364 **SEC. 5(hh).** Any and all work with and on robotics, including but not limited to, rigging,
365 handling, installing, maintaining, programming, and use of all stationary and/or portable robots,
366 including the use of all robots used in any industry, including the nuclear field.

367 **SEC. 5(ii).** All items of work described in Sections (a) to (hh) in which plastics or other
368 materials are used in lieu of sheet metal, or the operation of any equipment, methods, processes or
369 new technology used as a substitute, replacement or change of traditional HVACR and sheet metal
370 jobs, methods or procedures.

371 **SEC. 5(jj).** Any and all welding, rigging and hoisting in connection with the work specified
372 in this Article.

373 **SEC. 5(kk).** Each local union and council of this Association and all officers,
374 representatives and members thereof are obligated to recognize, protect and to be governed by the
375 jurisdictional rights as set forth herein, and no local union, council, officer, representative, or
376 member thereof shall waive or relinquish claim to any such work or submit same to arbitration
377 except with the approval and authority of the General President.

378 **SEC. 5(ll).** Nothing contained in this Section 5 shall be construed as any limitation on the
379 jurisdictional claims of the Association to production work.

380 **SECTION 6 – REVENUE AND FUNDS**

381 **SEC. 6(a).** The revenue of this Association shall be derived from the charter fees, initiation
382 fees, reinitiation fees, reinstatement fees, per capita dues, dues, assessments, sale of supplies, fees
383 for services rendered, interest on deposits, income and capital gains on investments, and grants.
384 Pursuant to the provisions of the Labor Management Relations Act, it is the duty of every officer,
385 agent, employee and other representative of this Association, taking into account the special
386 problems and functions of a labor organization, to hold its money and property solely for the
387 benefit of this Association and its members and to manage, invest, and expend the same in
388 accordance with this Constitution and by-laws and any resolutions of the governing bodies adopted
389 thereunder, to refrain from dealing with this Association as an adverse party in any matter
390 connected with his or her duties and from holding or acquiring any pecuniary or personal interest
391 which conflicts with the interest of this Association, and to account to this Association for any
392 profit received by him or her in whatever capacity in connection with transactions conducted by
393 him or her or under his or her direction on its behalf. Since the general executive, administrative
394 and judicial powers of this Association are vested in the General Executive Council in the interim
395 between Conventions, the General President and General Secretary-Treasurer shall manage, invest

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396 and expend the funds and property of this Association in accordance with all applicable provisions
397 of this Constitution and any resolution adopted by General Executive Council not inconsistent
398 therewith.

399 **SEC. 6(b).** Except as otherwise provided in this Constitution the revenue of this
400 Association shall be divided into nine (9) funds; namely, the General Fund, the Strike/Defense
401 Fund, the Disaster Relief Fund, the General Convention and Business Managers and Business
402 Representatives Conference Fund, Transportation Convention Fund, Maintenance of Membership
403 Fund, Public Relations Fund, Transportation Strike Fund and the Education and Training Fund.

404 **SEC. 6(c).** While the revenue of this Association, including revenue received through the
405 SMART TD Account as long as it is needed, will be divided into the funds specified in Article 1,
406 Section 6(b), the General Secretary-Treasurer, with approval of the General Executive Council,
407 may combine or consolidate any of the listed funds. The General Executive council may authorize
408 the consolidation of all the funds specified in Article 1, Section 6(b) into a single general fund with
409 separate accounts for the same purposes as the specified funds. If a consolidated general fund is
410 established, all references in this Constitution to the specified funds shall be deemed to be two
411 accounts for the same purposes. The General Secretary-Treasurer shall maintain a system of
412 accounting where the revenues and disbursements of the Association and any or all Divisions are
413 recorded and listed within the annual budget and financial statements. The General Executive
414 Council may make temporary or permanent transfers between funds upon the recommendation of
415 the General Secretary-Treasurer.

416 **SEC. 6(d).** The Strike/Defense Fund and Transportation Strike Fund shall be maintained
417 and disbursed in accordance with the provisions of Articles Thirty (30) and Twenty-One B (21B)
418 of this Constitution.

419 **SEC. 6(e).** The SMART Disaster Relief Fund shall be maintained and disbursed in
420 accordance with Article Ten (10), Section 16 of this Constitution. The General Executive Council
421 shall have the ability between conventions to eliminate this fund and establish a similar fund that
422 is exempt under Internal Revenue Code 501(c)(3).

423 **SEC. 6(f).** The General Convention and Business Managers and Business Representatives
424 Conference Fund and the Transportation Convention Fund shall be maintained and disbursed in
425 accordance with Articles Thirty-Two (32) and Twenty-One B (21B) of this Constitution.

426 **SEC. 6(g).** All revenue of this Association not allocated to the Strike/Defense Fund or the
427 General Convention and Business Managers and Business Representatives Conference Fund or
428 the SMART Disaster Relief Fund, the Transportation Convention Fund, the Maintenance of
429 Membership Fund, the Public Relations Fund, the Transportation Strike Fund or the Education and
430 Training Fund, shall be placed in the General Fund from which there shall be paid the general
431 operating expenses of the Association, the contributions to the National Pension Fund on behalf
432 of Staff who participate in that Fund, the Sheet Metal Workers' International Association Staff
433 Pension Plan, the SMART Local Unions and Councils Pension Fund and the National
434 Supplemental Savings Fund on behalf of Staff who participate in these Funds established pursuant
435 to and in accordance with the provisions of Section 13 of Article Two (2), the payment of

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436 premiums for insurance benefits for members provided pursuant to an d in accordance with Section
437 9 of Article One (1), and such other necessary or proper expenses in connection with, or incidental
438 to the promotion of the general good, defense, protection and operation of this Association.

439 **SEC. 6(h).** Except as hereinafter otherwise provided, all funds of this Association not held
440 in cash or on deposit in commercial bank accounts shall be deposited in the name of the
441 International Association of Sheet Metal, Air, Rail and Transportation Workers pursuant to the
442 following guidelines:

- 443 1. In dollar-denominated obligations of the United States Government, its agencies and
444 instrumentalities (includes both nominal and inflation-linked bonds); but not to exceed
445 eighty-five percent (85%) of the total assets of the Association.
- 446 2. In federally-insured banks that pay competitive rates of interest on such deposits in the
447 United States and Canada selected by the General Secretary-Treasurer and approved
448 by the General President.
- 449 3. In savings accounts selected by the General Secretary-Treasurer and approved by the
450 General President that are fully guaranteed against loss of principal by the United States
451 Government or one of its agencies; but not to exceed ten percent (10%) of the total
452 assets of this Association.
- 453 4. In fixed income investments including: (i) dollar-denominated obligations of the U.S.
454 corporations; (ii) mortgage-backed securities, including collateralized mortgage
455 obligations (CMOs); (iii) commercial mortgage-backed securities; (iv) asset-backed
456 securities (ABSs); (v) municipal bonds; (vi) short-term securities; (vii) securities of
457 foreign companies or foreign countries (sovereigns and supranationals) denominated
458 in U.S. dollars, trading in U.S. markets (Yankee bonds); and (viii) dollar-denominated
459 obligations of U.S. companies or foreign companies trading outside the U.S.
460 (Eurobonds). Except for investments that are held by pooled investment vehicles
461 described in subsection 5, below, the investment in any one company is restricted to
462 five percent (5%) of the total fixed income investment of this Association.
- 463 5. In mutual funds and other pooled investment vehicles, such as limited liability
464 partnerships, bank collective trusts, insurance company separate accounts, or
465 commingled funds.
- 466 6. In corporate common stocks listed on the New York, American, or NASDAQ Stock
467 Exchanges; but not to exceed seventy five percent (75%) of the total assets of this
468 Association.
- 469 7. In commercial paper for short terms of no more than ninety (90) days, and preferably
470 in multiples of One Hundred Thousand Dollars (\$100,000.00), provided the
471 corporations issuing the commercial paper have been approved by the General
472 President and General Secretary-Treasurer, and further that these temporary
473 investments do not exceed forty percent (40%) of the total assets of this Association.

ARTICLE ONE (1)

- 474 8. In broker or custodial cash accounts with reputable firms pending further investment
475 or in money market accounts of investment grade banks or financial institutions.
- 476 9. With the approval of the General Executive Council, (a) for the purchase, lease, rental,
477 or construction of buildings or the purchase, lease, or rental of property upon which
478 such buildings may be constructed, or both, or (b) for the purchase, lease or rental of
479 buildings or real property or an interest therein which will be used, in whole or in part,
480 for the General Office of this Association or branches thereof and/or to provide suitable
481 furnished living quarters or allowance for such within the metropolitan Washington
482 D.C. area for the General President and General Secretary-Treasurer during their
483 respective terms of office.
- 484 10. With the approval of the General Executive Council, for the purchase, lease, or rental
485 of vehicular transportation equipment and facilities and the employment of qualified
486 professional drivers to operate the same.
- 487 11. In types of investment instruments not identified above, but only if they are held by
488 mutual funds or other pooled investment vehicles.

489 Unless they are held in a pooled investment vehicle, fixed income investments that are
490 rated below “investment grade” by Standard and Poor’s and Moody’s investment services shall be
491 made only upon the written recommendation of a recognized and qualified investment authority
492 who has been approved by the General Executive Council.

493 All securities or certificates of value shall be kept in a safety deposit box or boxes in a bank
494 or banks in the Washington D.C. metropolitan area, registered in the name of the International
495 Association of Sheet Metal, Air, Rail and Transportation Workers except that securities or
496 certificates of value may be registered in the street names of reliable investment banks or securities
497 investment firms, and, if so registered, may be deposited with such banks or firms. All
498 disbursements made from the funds of this Association shall be on order or check properly signed
499 by the General Secretary-Treasurer and countersigned by the General President or made
500 electronically within the requirements of Article Five (5), Section 1(a).

501 **SEC. 6(i).** A uniform system of bookkeeping and records shall be established at the
502 General Office by the General Secretary-Treasurer and all divisions, local unions, councils,
503 officers, representatives, and members thereof shall conform to said uniform system of
504 bookkeeping and records in submitting reports in correspondence, and in all other relations with
505 the General Office, and in all matters affecting the record or standing or obligations of local unions,
506 councils, officers, representatives, and members thereof, all subject to approval by the General
507 Executive Council.

508 **SEC. 6(j).** All monies sent to the General Office must be in the form of money order, bank
509 draft, check, direct deposit, wire transfer or automated clearinghouse (ACH) network made
510 payable to International Association of Sheet Metal, Air, Rail and Transpiration Workers.

ARTICLE ONE (1)

511 **SEC. 6(k).** The fiscal quarters of each year shall begin January 1, April 1, July 1 and
512 October 1.

513 **SECTION 7 – DISSOLUTION**

514 **SEC. 7.** The Association shall not be dissolved so long as five (5) or more local unions in
515 good standing acknowledge its authority and comply with all the provisions of this Constitution.

516 **SECTION 8 – ASSESSMENTS**

517 **SEC. 8(a).** Whenever the amount of money in the General Fund, or the separately
518 accounted General Fund account of any division, falls below six months' operating expenses for
519 the Association or any division, based on the previous year's audit of expenses, the General
520 President or President of the Division shall submit to the General Executive Council a plan for
521 maintain the assets at the six-month level. If the assets fall below three months' operating expenses,
522 an assessment shall be levied by this Association and said assessment shall be paid by all applicable
523 members in such amounts and in such manner as may be necessary to restore and maintain the
524 sum of a minimum of six months' operating expenses in the General Fund. The amount of each
525 assessment imposed on members and the manner and time limit for payment shall be determined
526 by the General President with approval of a majority of the General Executive Council.

527 **SEC. 8(b).** Whenever the General President deems it necessary to call for an assessment
528 other than that provided for in Section 8(a) of this Article, he shall authorize the General Secretary-
529 Treasurer to notify the General Executive Council of same. If the General Executive Council
530 approves the recommendation of the General President, by majority vote, the General Secretary-
531 Treasurer shall then send a circular and ballots to all local unions of this Association calling for a
532 vote of their membership by secret ballot, and specifying the reason for said assessment. The
533 voting shall take place at a regular or special meeting of each local union after notice to the
534 membership that such vote will be taken and only those members who are present shall be entitled
535 to vote. Local unions shall be required to make complete returns of their vote to the General
536 Secretary-Treasurer within thirty (30) days after they have received their ballots from the General
537 Secretary-Treasurer and the president, financial secretary-treasurer, and tellers, if any, shall certify
538 as to the correctness of the result. All ballots sent to the local union shall be returned to the General
539 Secretary-Treasurer after the vote whether they were voted or not. If a majority of all valid votes
540 cast, pursuant to the call of the General Secretary-Treasurer, are in favor of the assessment, the
541 prior action of the General Executive Council in approving it shall become effective provided that
542 such assessment shall be effective only until the next regular Convention of this Association.
543 Ballots must be returned to the office of the General Secretary-Treasurer within forty-eight (48)
544 hours after the vote of the local union has been completed.

545 **SEC. 8(c).** No per capita dues shall be accepted by the General Secretary-Treasurer or
546 credited by him on the record of any member, following the date or dates any assessments provided
547 for in this Section become due, until the assessments due from such member are actually received
548 by the General Secretary-Treasurer.

ARTICLE ONE (1)

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SECTION 9 – INSURANCE BENEFITS

550 **SEC. 9(a).** The General Executive Council is authorized to consummate a contract with
551 such insurance company and/or self-insure as it may select to provide insurance benefits covering
552 accidental death, dismemberment and loss of vision for those members of this Association, other
553 than those covered under Article Twenty-One B (21B), who meet the qualifications set forth in
554 Section 9(b) of this Article. Such benefits shall not exceed the sum of Seven Thousand Five
555 Hundred Dollars (\$7,500.00) per member, except that in the event that General Executive Council
556 determines that the cost of an increased benefit is feasible, it may, without further Convention
557 action, authorize such increase to an amount not exceeding Twenty Thousand Dollars
558 (\$20,000.00).

559 **SEC. 9(b).** In order to be eligible to receive any of the benefits for which provision is made
560 in this Section, a member must have paid his or her dues in advance for the month in which his or
561 her claim to benefits accrued and no member whose dues have not been paid on or before the first
562 day of any month shall be entitled to any benefits during that month. Members on withdrawal card,
563 limited members, special limited members and associate members are not eligible for this
564 insurance benefit.

565 **SEC. 9(c).** The General Executive Council is also authorized, to purchase life or other
566 types of insurance policies, with the International as the principal beneficiary, insuring the life of
567 the General President in such amount as it may consider appropriate to protect this International
568 Association against the loss that would be incurred from the untimely death of said General Officer
569 during his term of office.

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SECTION 10 – RESPONSIBILITY

571 **SEC. 10.** It is the obligation and responsibility of every officer, member, local union and
572 council of this Association, to comply with the provisions of this Constitution and the valid
573 decisions of the officers of this Association in conformity therewith and they shall refrain from
574 any conduct which interferes with the performance by the Association or its subordinate units of
575 their obligations under law or contract or from any conduct which defeats or is designed to defeat
576 or subvert the lawfully declared and established policies and objectives of this Association, or
577 which may defame it or any of its officers, members or subordinate units.

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SECTION 11 – SERVICE BY MAIL

579 **SEC. 11.** For purposes of Articles Two (2), Eighteen (18), and Nineteen (19) of this
580 Constitution, where mailing is required, a document shall be deemed received by the party to
581 whom it is addressed at the time such document is mailed by certified, registered, or overnight
582 mail, the date on the postmark or overnight receipt being determinative. When calculating time
583 limits, the reference to “days” shall mean calendar days.

ARTICLE TWO (2)

ARTICLE TWO (2)

General Officers

SECTION 1 – NUMBERS AND TITLES

SEC. 1. The General Officers of this Association shall be the General President, the General Secretary-Treasurer, eleven General Vice Presidents who hold membership in Sheet Metal affiliated local unions who shall be designated as the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh General Vice Presidents and six General Vice Presidents duly elected by the Transportation Division who shall be designated as President Transportation Division/General Vice President, National Legislative Director/General Vice President and the four senior Vice President-International Representatives/General Vice Presidents. At least one of such General Vice Presidents from Sheet Metal affiliated locals shall be a member of Canadian Local Union and at least one shall be a member of a Production Local Union.

SECTION 1(a) – FINANCIAL SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any nonmember, or associate or honorary member; nor may an owner-member, lawyer or employer volunteer personal time in support of such a prospective candidate.

SECTION 2 – QUALIFICATIONS

SEC. 2(a). Candidates for a General Office must be members in good standing of a local union for a period of at least two (2) consecutive years immediately preceding their nomination and election or appointment and otherwise meet the qualifications of Article Twelve (12) of this Constitution.

SEC. 2(b). They must also at the time of their nomination and election or appointment either (i) be working at the trade for at least two (2) years immediately prior thereto, (ii) be eligible under Article Twenty-One B (21B), Section 7, (iii) be salaried officers or representatives of this Association, (iv) be salaried officers or representatives of a local union or council, or (v) be salaried officers or representatives of the AFL-CIO or an affiliate or subordinate unit of thereof.

SECTION 3 – AUTOMATIC CONVENTION DELEGATES

SEC. 3. The General President, the General Secretary-Treasurer and General Vice Presidents shall be delegates to the SMART General and Special Conventions by virtue of their offices and shall have a voice and vote in the deliberations and discussions but shall not be entitled to vote in the election of General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

ARTICLE TWO (2)

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SECTION 4 – MANDATORY TENDER OF RESIGNATION

35 **SEC. 4.** Any officer of this Association when not employed at the trade, no longer meeting
36 the conditions under Article Twenty-One B (21B), not a salaried officer or representative of a local
37 union or council, not a salaried officer or representative of the AFL-CIO or an affiliate or
38 subordinate unit thereof, or not in the full time service of this Association or who is a recipient of
39 a pension from the industry as an annuity or a lump sum, shall immediately tender his or her
40 resignation as a General Officer, which must be accepted, and the vacancy filled as provided for
41 in this Constitution.

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SECTION 5 – TIME OF ELECTION

43 **SEC. 5.** The General Officers from the Transportation Division shall be nominated and
44 elected as provided in Article Twenty-One B (21B), Sections 2 and 8. All other General Officers
45 shall be nominated and elected by the General Convention at a session commencing on the third
46 (3rd) day of the Convention which shall continue in session until the nominations and elections of
47 officers have been completed, unless otherwise ordered by the Convention. The General President
48 and General Secretary-Treasurer shall be elected by all delegates to the SMART General
49 Convention and the General Vice Presidents shall be elected by the delegates who are from
50 affiliates not within the Transportation Division.

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SECTION 6 – METHOD OF ELECTION

52 **SEC. 6.** No member shall be nominated for more than one (1) General Office and
53 nomination and election for each General Office shall be held separately. If there are two (2) or
54 more nominations for any General Office, the vote for such contested office shall be by roll call
55 vote of the delegates and each local union and council having seated delegates present shall be
56 entitled to the number of votes accorded it under Section 2(a) of Article Seven (7) of this
57 Constitution. In the event that the delegates from a local union are unable to agree on the candidate
58 for whom the votes of the local union shall be cast, each delegate of such local union shall be
59 entitled to cast an equal pro rata share of the votes to which each local union is entitled. In the
60 event there are contests for one or more General Offices, a single roll call shall be conducted for
61 all such contested General Offices which shall be conducted at the conclusion of the votes on all
62 General Offices for which there is no contest. Each delegate desiring to cast votes on the roll call
63 shall identify his or her local union and state the number of votes he or she wishes to cast for a
64 candidate for each such contested General Office.

65 The presiding officer shall appoint three (3) clerks who shall record the votes cast by the
66 delegates for each local union and council and prepare and sign a report of the number of votes
67 cast for each candidate. The candidate for each office receiving the highest number of votes shall
68 be declared elected.

69 Incumbents of the offices of the First (1st) General Vice President to and including Eleventh
70 (11th) General Vice President shall rank in the order of their length of service and at the conclusion
71 of the election of General Officers the member last elected to one of said offices at such

ARTICLE TWO (2)

72 Convention shall become Eleventh (11th) Vice President and said other General Vice Presidents
73 advanced in numerical order.

74 **SECTION 7 – ELECTION PROTEST**

75 **SEC. 7.** Any protest to the election must be received by the General Secretary-Treasurer
76 within seven (7) days from the date of the closing of the Convention, provided, however, that any
77 member having knowledge of an alleged irregularity in the election but fails to notify the Chairman
78 of the Rules Committee of the same shall not be entitled to file a protest of such irregularity. Such
79 protest shall be in writing, setting forth the specific grounds, and signed by the complaining
80 member or members. The General Executive Council shall hold a hearing on the protest(s) within
81 fifteen (15) days after receipt of the same and shall make a final decision within (7) days after the
82 conclusion of the hearing.

83 **SECTION 8 – TERM OF OFFICE**

84 **SEC. 8.** All General Officers shall hold office until the end of the quarter in which the
85 General Convention is held or until their successors are duly selected and installed, whichever
86 occurs last, provided, however, that all General Officers elected at Conventions, shall be obligated
87 immediately after the election.

88 **SECTION 9 – FILLING VACANCY IN OFFICE OF GENERAL PRESIDENT**

89 **SEC. 9.** Should a vacancy occur in the office of General President as a result of death,
90 incapacity, resignation or any other cause, the General Secretary-Treasurer shall immediately
91 notify the General Executive Council of the vacancy which shall, by a majority vote at a duly-
92 scheduled or special-called session of the General Executive Council within thirty (30) days, elect
93 a General President for the unexpired term. In the event the office of General Secretary-Treasurer
94 shall also be vacant, such notice shall be provided by the First General President or the next
95 General Vice President in descending order if the First General Vice President is not available.

96 **SECTION 10 – FILLING VACANCY IN OFFICE OF**
97 **GENERAL SECRETARY-TREASURER**

98 **SEC. 10.** Should a vacancy occur in the office of General Secretary-Treasurer as a result
99 of death or incapacity, resignation or any other cause, the General President shall immediately
100 notify the General Executive Council of the vacancy which shall, by a majority vote at a duly-
101 scheduled or special-called session of the General Executive Council within thirty (30) days, elect
102 a General Secretary-Treasurer for the unexpired term. In the event the office of General President
103 shall also be vacant, such notice shall be provided by the First General Vice President or the next
104 General Vice President in descending order if the First General Vice President is not available.

105 **SECTION 11 – FILLING VACANCIES IN OTHER GENERAL OFFICES**

106 **SEC. 11(a).** In case of a vacancy in the offices of First General Vice President to and
107 including Eleventh General Vice President, the General President shall propose to the General

ARTICLE TWO (2)

108 Executive Council, as soon as practicable, the name of any eligible member and with the consent
109 of a majority of the General Executive Council such member shall become a member of the
110 General Executive Council. The member last appointed to the General Executive Council as
111 provided in this Section shall become Eleventh General Vice President, the ranking members of
112 the General Executive Council advancing in numerical order. Such appointee shall be obligated
113 by the General President.

114 **SEC. 11(b).** Should a vacancy occur whereby no General Vice President who is a member
115 of a Production Local Union remains on the General Executive Council as a result of death,
116 incapacity, resignation or any other cause, the General President shall within ninety (90) days from
117 the date of vacancy propose to the General Executive Council the name of any eligible Production
118 Local Union member and with the consent of a majority of the General Executive Council such
119 member shall become the successor to that General Vice President for the unexpired term. Such
120 appointee shall be obligated by the General President.

121 **SEC. 11(c).** Should a vacancy occur whereby no Canadian Vice President remains on the
122 General Executive Council as a result of death, incapacity, resignation or any other cause, the
123 General President shall within ninety (90) days from the date of vacancy propose to the General
124 Executive Council the name of an eligible Canadian member after first consulting with and
125 obtaining the approval of the Canadian Council of Sheet Metal Workers and Roofers. Such
126 member, with the consent of a majority of the General Executive Council, shall become the
127 General Vice President for Canada for the remaining unexpired term. Such appointee shall be
128 obligated by the General President.

129 **SECTION 12 – COMPENSATION AND EXPENSES**

130 **SEC. 12.** The salaries of the officers of the Transportation Division shall be determined as
131 provided in Article Twenty-One B (21B), Section 29. The compensation and expenses of the other
132 General Officers and the method of determining same shall be as established by the 1990
133 Convention action and shall continue thereafter with the adjustments set forth under Article Eight
134 (8), Section 5 until changed by action of a subsequent Convention.

135 **SECTION 13 – PENSIONS**

136 **SEC. 13(a).** Except officers elected by the Transportation Division and Administrative
137 Staff whose wages and salaries are allocated to the Transportation Division, General Officers,
138 International Representatives, Organizers and Administrative Staff shall be covered by the “Sheet
139 Metal Workers’ International Association Staff Pension Plan.” The Trustees of the Sheet Metal
140 Workers’ International Association Staff Pension Fund shall be appointed by the General President
141 with the approval of the General Executive Council. The General Secretary-Treasurer is directed
142 to transmit up to Three Dollars (\$3.00) per member per month (except members within the
143 Transportation Division) for the purpose of assuring the continued operation of said Plan. The
144 amounts transmitted shall be allocated to the “Sheet Metal Workers’ International Association
145 Staff Pension Fund” to meet the cost of the Plan as determined by the Plans’ Enrolled Actuary.

ARTICLE TWO (2)

146 **SEC. 13(b).** The General Executive Council may in its discretion authorize the payment
147 of an annuity to be paid from the General Fund of this Association upon such terms and conditions
148 as it may decide to any full time General Officer, International Representative, Organizer or
149 Administrative Staff Assistant of this Association who retires from such office or position either
150 before having completed twenty (20) years of full time service or before having attained the age
151 of sixty-five (65) years, or both, if in its judgment such General Officer, International
152 Representative, Organizer or Administrative Staff Assistant is unable to perform his or her duties
153 in an efficient or satisfactory manner because of age, illness or physical incapacity, or whose
154 pension under the Sheet Metal Workers' International Association Staff Pension Plan shall be less
155 than that accorded other persons pursuant to the provisions of this Section.

156 **SEC. 13(c).** Any annuity provided for in Subsection 13(b) of this Article may be terminated
157 if, after hearing before the General Executive Council, the recipient thereof is found guilty of
158 violating the laws, policies and principles of this Association, subject to appeal to a General
159 Convention.

160 **SEC. 13(d).** Notwithstanding the provisions of this Section, the General Executive Council
161 or the General Convention, by resolution, may increase the amount of the pensions provided for
162 in Section 13(b) of this Article.

163 **SEC. 13(e).** There shall be established and maintained by the International Association the
164 National Supplemental Savings Fund in which all General Officers, International Representatives
165 and Organizers, and Administrative Staff in the United States, except officers elected by the
166 Transportation Division and Administrative Staff whose wages and salaries are allocated to the
167 Transportation Division, may participate. There shall be established a comparable savings or
168 alternate compensation plan on behalf of all General Officers, International Representatives and
169 Organizers, and Administrative Staff in Canada.

170 **SECTION 14 – CHARGES AND TRIALS OF GENERAL OFFICERS**

171 **SEC. 14(a).** All charges preferred against General Officers of this Association for
172 violation of the duties or obligations of their General Office shall be in the form of a written
173 affidavit and shall contain a detailed statement of the facts out of which such charges originated,
174 specified reference to the provisions of the Articles, Sections and Paragraphs of this Constitution
175 or the policies, decisions, laws, rules or regulations which it is alleged have been or are being
176 violated. Such charges may be filed against a General Officer by another General Officer, by any
177 local union, or by an individual member in good standing, provided, however, that the filing of
178 charges by an individual member other than a General Officer must first be approved by the local
179 union of which such individual member is a member and such charges shall be accompanied by a
180 written statement signed by the president of such local union that approval was obtained by a
181 majority vote at a regular or special meeting of the local union.

182 **SEC. 14(b).** Such charges shall be mailed in duplicate by registered, certified, or overnight
183 mail to the General Secretary-Treasurer by the president of the local union which preferred the
184 charges or which approved the filing of the same at the request of a good standing member thereof;
185 except that if the charges are filed by a General Officer they may be filed by such General Officer

ARTICLE TWO (2)

186 directly with the General Secretary-Treasurer. Should charges be preferred against the General
187 Secretary-Treasurer, they shall be filed in the manner specified herein with the General President.

188 **SEC. 14(c).** When charges have been properly filed, as provided herein, a copy thereof
189 shall be furnished the accused by the General Secretary-Treasurer, or the General President as the
190 case may be; and notice of the fact that such charges were filed shall be sent to all local unions in
191 the International Association. The accused shall, within fifteen (15) days from the date of receipt
192 of a copy of such charges, file an answer with the General Secretary-Treasurer or General President
193 as the case may be.

194 **SEC. 14(d).** Upon receipt of an answer from the accused, or in the event no answer is
195 received, within the time prescribed in Section 14(c) of this Article, each member of the General
196 Executive Council shall be furnished copies of the charges, answer and other documents filed by
197 the parties in connection with such charges.

198 **SEC. 14(e).** After having been furnished with copies of the charges and other documents
199 in connection therewith, the General Executive Council shall set a time and place for hearing or
200 trial before the General Executive Council and notify the accused and the party or parties preferring
201 the charges, by registered, certified or overnight mail, of the time and place of such hearing or
202 trial.

203 **SEC. 14(f).** All parties shall be given full opportunity to present all relevant evidence and
204 exhibits which they deem necessary to the proper presentation of their case and shall be entitled to
205 cross-examine witnesses of the other party or parties.

206 **SEC. 14(g).** Upon the completion of the presentation of all evidence the General Executive
207 Council, without the participation of any member or members thereof by whom or against whom
208 the charges under consideration have been preferred, shall decide what disposition shall be made
209 of such charges and fix the penalty, if any, to be assessed. Notice of the outcome of such charges
210 shall be sent to all local unions in the International Association.

211 **SEC. 14(h).** Either party shall have the right to appeal to the General Convention from the
212 decision of the general Executive Council but pending such appeal the action of the General
213 Executive Council shall stand.

214 **SEC. 14(i).** Appeals to the General Convention from decisions of the General Executive
215 Council, on charges preferred against General Officers, shall be filed with the General Secretary-
216 Treasurer within sixty (60) days of notice of the decision of the General Executive Council, and
217 such appeals shall be submitted to the General Convention on the basis of findings of the facts and
218 decision of the General Executive Council. The General Convention shall vote without debate
219 solely on the question of whether to accept or reject the decision of the General Executive Council.
220 A majority vote of the General Convention shall be final.

ARTICLE TWO (2) – ARTICLE THREE (3)

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SECTION 15 – SURRENDER OF PROPERTY

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SEC. 15. All General Officers, at the expiration of their incumbency in office and when their successors have been duly qualified, shall deliver to them all books, records, papers, monies and other property in their possession, belonging to this Association.

ARTICLE THREE (3)

General President

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SECTION 1 – GENERAL DUTIES AND AUTHORITY

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SEC. 1. The General President, by virtue of his office, shall be a delegate to the SMART General and Special Conventions of the International Association and shall have a voice and a vote in the deliberations and discussions but shall not be entitled to vote in the elections of General Officers unless elected as a delegate by secret ballot of the membership of his local union and shall preside at all meetings and Conventions of this Association and at meetings of the General Executive Council. He shall preserve order and in all cases where the vote is equally divided in a Convention or meeting of the General Executive Council he shall cast the deciding vote. He shall enforce all laws of the Association, decide all questions of order and usage, interpret and decide all points of law and controversies and decide all constitutional questions. Between Conventions he shall have general supervision of this Association and shall sign all charters and all other documents which require his signature for authentication, subject to the approval of the General Executive Council.

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He shall submit monthly to the General Secretary-Treasurer an itemized account of all monies expended by him on behalf of this Association, which account shall be paid by the General Secretary-Treasurer.

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Subject to the approval of the General Executive Council, he shall have authority to form alliances where in his opinion it would be for the best interests of the trade, and to negotiate and enter into treaties and agreements with any national or international unions including agreements to merge other national or international labor organizations into this International on such terms and conditions as may be deemed appropriate and in the best interests of this International Association and the members thereof. With respect to any merger in which SMART is subsumed by a larger International, said merger must first be ratified by a SMART General or Special Convention for that specific purpose. The President Transportation Division and the General President shall appoint delegates to the Conventions of the American Federation of Labor and Congress of Industrial Organizations in proportion to the number of members in the Transportation Division and the rest of the Association, respectively. The General President shall appoint delegates to the departments of the AFL-CIO except that the President Transportation Division shall appoint delegates to those departments to which only the Transportation Division is affiliated. The General President shall appoint and compensate all special committees.

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Where circumstances warrant, additional compensation and expense allowances, including reasonable cost of lodging, may be made by the General President.

ARTICLE THREE (3)

33 He shall preserve all important documents, papers, accounts and letters sent and received
34 by him on the business of this Association for period of at least five (5) years.

35 **SECTION 2 – SUPERVISION OF LOCAL UNIONS,**
36 **COUNCILS AND OFFICERS THEREOF**

37 **SEC. 2(a). Supervision.** The General President shall have direction and supervision of all
38 local unions, state, provincial, and district councils and all of the officers thereof. He shall have
39 full authority to suspend the charter of any local union or council for failure of its officers or
40 members to comply with the provisions of this Constitution or with the policies of this Association;
41 for conducting its affairs in a manner which is detrimental to the members thereof or to the best
42 interests of this Association; for impairing the standing of such local union or council or the
43 standing of this Association with other trades; for condoning internal strife which is detrimental to
44 the best interests of such local union or council, the members thereof or this Association; for
45 conducting its affairs in such manner as to bring such local union or council into disrepute with
46 the public or employers or for disregarding the instructions, decisions, or orders properly issued
47 by any officer or tribunal of this Association and to remove from office any officer or
48 representative of any local union or council for incompetence, negligence, insubordination, failure
49 or refusal to obey any valid decision or order of the General President, General Secretary-Treasurer
50 or the General Executive Council or for violation of this Constitution or the policies of this
51 Association or for any other neglect or failure of duty. Such suspension of charter or removal from
52 office shall continue until the conditions causing the same have been corrected or until after trial
53 and appeal the charter of such local union or the removed officer has been ordered reinstated,
54 whichever has been ordered first.

55 Any order of suspension of the charter of a local union or council or of removal from office
56 of any officer or representative thereof, issued by the General President, shall be mailed or
57 otherwise delivered to the affected union or officer or representative together with a full statement
58 of the charges upon which such action is based. Said charges shall also contain a notice of the right
59 of such local union, council, officer or representative to a hearing on such charges in accordance
60 with the provisions of Article Eighteen (18) of this Constitution.

61 Should a local union charter be suspended as provided herein, the members thereof who
62 are not directly involved in or parties to the controversy or causes leading to the suspension of
63 such charter, shall be accorded the right to maintain their good standing and the General President
64 and General Secretary-Treasurer shall make such arrangements as may be necessary to preserve
65 such right.

66 **SEC. 2(b). Filling Vacancy of Removed Officer.** The General President shall have
67 authority to direct any local union or council to temporarily fill the office or position of any officer
68 or representative of such local union or council removed in accordance with Section 2 of this
69 Article pending the disposition of the charges on which such removal was based. In the event any
70 local union or council fails or refuses to temporarily fill such vacancy within such reasonable time
71 as may be specified by the General President, he shall have authority to designate a member of
72 such local union or council to fill the same pending the disposition of such charges.

ARTICLE THREE (3)

73 **SEC. 2(c). Trusteeship of Local Unions and Councils.** Whenever there are reasonable
74 grounds to believe that the officers or members of a local union or council are failing to comply
75 with the provisions of this Constitution or with the policies of this Association; conducting the
76 affairs of such local union or council in a manner which is detrimental to the best interests of such
77 local union or council, or its members or this Association; engaging in acts of corruption or
78 financial malpractice; failing to properly discharge the duties of a collective bargaining
79 representative; acting in a manner which brings such local union or council into disrepute with the
80 public or with employers; or disregarding the valid instructions, decisions or orders issued by any
81 officer or tribunal of this Association, the General President shall have authority to place such
82 local union or council under Trusteeship, provided that a Trusteeship that is to be continued for a
83 period of more than sixty (60) days shall be subject to ratification by the General Executive Council
84 or Subcommittee thereof after a hearing. During Trusteeship such local union or council shall
85 take no official action without the approval of the General President or a representative designated
86 by him to supervise and direct the Trusteeship. Such Trusteeship shall continue until (a) the causes
87 thereof have ceased, (b) the charter of such local union has been revoked, withdrawn or transferred
88 under procedures prescribed in the Constitution, or (c) restoration of autonomy is directed as the
89 result of a decision made upon appeal under this Constitution.

90 During Trusteeship of any local union or council, the General President or his designated
91 representative shall have authority to take such action as he deems necessary to protect the interest
92 and welfare of such local union, council and this Association, and the funds, property and
93 membership thereof, including, but not limited to, the authority to suspend from office for the
94 duration of the Trusteeship, or permanently remove from office, in either case with or without pay,
95 and with or without cause, local union or council officers, business manager, or business
96 representatives; fill vacancies in such offices with any representative of this Association or
97 members of such local union by appointment, or call elections for that purpose, or leave some or
98 all of the offices vacant; combine one or more offices and positions; and impound the books,
99 records, funds and property of any such local union or council.

100 Notwithstanding that they have been elected to fixed terms of office, the officers, business
101 manager and business representatives of a local union or council under Trusteeship shall serve in
102 office throughout the period of the Trusteeship at the pleasure of General President or his
103 representative. They shall act in accordance with his instructions and faithfully implement the
104 programs, policies and directives promulgated by him so that the conditions that necessitated
105 imposition of the Trusteeship may be corrected and autonomy restored to the local union as soon
106 as possible.

107 During Trusteeship, no votes of delegates from such local union or council shall be counted
108 in a Convention of this Association unless such delegates have been chosen by secret ballot in a
109 local union or council election in which all members in good standing are eligible to participate.

110 **SEC. 2(d). Revocation of Charters.** With the approval of the General Executive Council,
111 the General President may revoke the charter of any local union or council found guilty after trial
112 of any violation of the provisions of this Constitution or of failure to comply with valid orders,
113 decisions or policies of this Association.

ARTICLE THREE (3)

114 Should it be necessary to revoke a local union charter, provision shall be made for the
115 transfer of all local good standing members to other affiliated local unions.

116 **SEC. 2(e). Review of Decisions of Local Unions and Councils.** The General President
117 shall have full authority to approve, modify, revise, defer, suspend or reverse any decision of a
118 local union or council or any officer thereof, or of a trial committee of a local union or council, or
119 any action taken by any local union or council in connection therewith, if such decision or action
120 is contrary to the provisions of this Constitution or the established policies of this Association, is
121 contrary to the evidence, or the penalty imposed is deemed inadequate or excessive, subject to
122 appeal as provided in Article Nineteen (19).

123 **SEC. 2(f). Call of Special Meetings of Local Unions and Councils.** Local unions, state,
124 provincial, and district councils shall, upon call of the General President or a duly authorized
125 representative of this Association after official notice to the duly authorized officers of said local
126 unions, state, provincial, and district councils, assemble and convene in meeting at such time and
127 place and for such purpose as may be designated in the call and official notice issued; and said
128 meeting shall not adjourn without the approval and consent of the General President or the duly
129 authorized representative of this Association calling said meeting.

130 **SEC. 2(g). Jurisdiction of Local Unions and District Councils.** The General President
131 shall have full authority to specify; designate or change the specific territory; project or projects
132 and classes of work over which each local union or district council shall exercise jurisdiction; to
133 organize and charter additional local unions or district councils in accordance with this
134 Constitution and to determine the specific territory and classes of work over which newly chartered
135 locals or district councils shall have jurisdiction; to separate and divide membership of any local
136 union or district council into two or more local unions or district councils; to amalgamate or merge
137 two or more local unions or district councils when it is advisable or necessary in the best interests
138 of this Association and the members thereof and; except as otherwise provided in this Section, to
139 establish the terms and conditions under which such separations, amalgamations and mergers shall
140 be consummated including where necessary the establishment of additional locations within the
141 jurisdiction of the local union which will afford the members an adequate opportunity to nominate
142 candidates and vote in elections and to classify and separate members and applicants for
143 membership into such local unions or district councils as will best protect the interests of this
144 Association and the members thereof subject to appeal as provided in Article Nineteen (19).
145 Whenever the membership of one local union or district council is separated into two or more local
146 unions or district councils pursuant to this Section, the funds, assets and liabilities of such local
147 union or district council may be pro-rated among the involved unions or district councils as
148 equitably as possible by the General President.

149 Any distribution or attempted distribution of funds or property of a local union or council
150 in anticipation of an amalgamation, merger or separation without the consent of the General
151 President shall be a violation of this Constitution and of the authority of any officer or officers of
152 a local union or council and the members thereof.

153 **SEC. 2(h). Audits.** The General President shall have authority to order an audit of the
154 books and accounts of any local union or council of this Association. A report of such audit shall

ARTICLE THREE (3)

155 be made to the General President, General Secretary-Treasurer and the General Executive Council.
156 The books and accounts of any local union or council shall be at all times open to inspection of
157 auditors appointed and authorized by the General President under this Section.

158 **SECTION 3 – SUPERVISION OF INDIVIDUAL MEMBERS**

159 **SEC. 3(a). Suspension.** The General President shall have authority to suspend any member
160 of this Association or of any local union affiliated therewith who, after charges and trial, has been
161 found guilty of insubordination, treasonable conduct, violation of any provision of this
162 Constitution, failure to comply with any valid order or decision of this Association or the officers
163 thereof or any established policy of this Association.

164 **SEC. 3(b). Penalties.** Any member who is found guilty of any violation of the provisions
165 of this Constitution after charges and trial may be reprimanded, fined, suspended or expelled from
166 membership by the General President.

167 **SECTION 4 – MEETINGS OF BUSINESS MANAGERS AND BUSINESS**
168 **REPRESENTATIVES**

169 **SEC. 4.** The General President shall arrange for local business managers and business
170 representatives to assemble in conference at such times and places as in his judgment are advisable.
171 Action taken at such conferences shall be subject to approval of the General Executive Council.

172 **SECTION 5 – ATTORNEYS**

173 **SEC. 5.** The General President shall have authority to employ an attorney or attorneys to
174 represent and protect the interests of this Association.

175 **SECTION 6 – REPORTS**

176 **SEC. 6.** It shall be the duty of the General President to have printed reports prepared and
177 distributed among the delegates on the opening day of each General Convention. The report of the
178 General President and the General Executive Council may be combined.

179 **SECTION 7**

180 **SEC. 7.** The General President shall devote all of his time to the interests of this
181 Association, and its affiliated and related entities and organizations, and to the performances of his
182 duties as General President as specified in this Constitution, and to the performance of his duties
183 to this Association’s affiliated and related entities and organizations.

184 **SECTION 8**

185 **SEC. 8.** The General President and the General Secretary-Treasurer or their designees shall
186 be entitled to attend and participate in all local union and council meetings throughout the United
187 States and Canada including general and special membership and Executive Board meetings.

ARTICLE THREE (3) – ARTICLE FOUR (4) – ARTICLE FIVE (5)

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SECTION 9 – GENERAL PRESIDENT EMERITUS

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SEC. 9. The General Executive Council may appoint one or more retired past General Presidents as General President Emeritus. This appointment may be made at any time and need not occur immediately at the end of that General President’s term in office. The General Executive Council shall determine how long the term of General President Emeritus shall last. The General President may assign duties and responsibilities to a General President Emeritus and defray his reasonable expenses.

ARTICLE FOUR (4)

General Vice Presidents

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SECTION 1 – GENERAL DUTIES

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SEC. 1. The General Vice Presidents by virtue of their office shall be delegates to the SMART General and Special Conventions and shall have a voice and vote in all deliberations and discussions at the SMART Conventions, but shall not be entitled to vote in the elections of SMART General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

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It shall be the duty of the General Vice Presidents to render such assistance to the General President as he may require or direct. They shall neither assume authority to represent or act for or in the name of this Association, nor shall they incur or assume any liability, obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This Association shall not be responsible or liable for acts of the General Vice Presidents unless authorized in the manner provided herein.

ARTICLE FIVE (5)

General Secretary-Treasurer

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SECTION 1 – GENERAL DUTIES

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SEC. 1(a). The General Secretary-Treasurer shall serve as Executive Secretary of the General Executive Council and shall, by virtue of his office, be a delegate to the SMART General and Special Conventions and shall have a voice and vote in all deliberations and discussions, but shall not be entitled to vote in the election of General Officers unless elected as a delegate to the SMART General or Special Convention by secret ballot of the membership of his or her local union.

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He shall issue the official call for the SMART Conventions at least ninety (90) days prior to the opening date thereof. He shall keep a correct record of the proceedings of the SMART Conventions and all other meetings of this Association; preserve credentials of delegates for at least one (1) year, preserve all important documents, papers, accounts, letters sent and received by

ARTICLE FIVE (5)

12 him on business of this Association for a period of at least five (5) years; employ the necessary
13 clerical force to efficiently conduct the affairs of his office; conduct all correspondence pertaining
14 to his office between this Association and its affiliated local unions and councils; keep a correct
15 record and account of the standing of each local union and council and all officers, representatives
16 and members thereof; cause to be published at least once each year a directory showing the names
17 and addresses of local union officers, business managers, and business representatives; receive all
18 applications for charters and issue and sign the same when so authorized by the General President;
19 have charge of the seal of this Association and affix it as required to official documents; receive
20 all communications or appeals intended for or requiring consideration by the General President or
21 General Executive Council; transmit decisions rendered by the General President or General
22 Executive Council to members or local unions involved and file copies of such decisions for the
23 records; assesses local unions interest at a uniform rate for per capita dues delinquencies of thirty
24 (30) or more days unless otherwise determined by the General Executive Council; keep a correct
25 record of all members suspended and expelled and of all legal obligations due from such suspended
26 or expelled members; receive all monies paid to this Association and deposit same in accordance
27 with the requirements of Section 6(g) of Article One (1); hold in his or her possession not more
28 than the sum of Three Hundred Dollars (\$300.00) and deposit all sums in excess of that amount
29 within twenty-four (24) hours after receipt of same; and pay all legitimate bills and other
30 obligations authorized in accordance with this Constitution, by official checks drawn against the
31 accounts of this Association over his or her signature as General Secretary-Treasurer and
32 countersigned by the General President or by an electronic disbursement provided that the process
33 is consistent with the requirement of two signatures and requires proper segregation of duties
34 between the two General Officers that can be verified by an audit trail.

35 All original official receipts surrendered to the General Office in accordance with Section
36 4 of Article Thirteen (13) will be properly applied to the record of those involved when corrected
37 or declared void as circumstances may warrant and notice of correction or invalidity shall be given
38 to the financial secretary-treasurer by the General Secretary-Treasurer. The General Secretary-
39 Treasurer may issue official receipts, or give permission to local unions to issue official receipts
40 out of date, to members if deemed appropriate or necessary.

41 **SEC. 1(b).** The General Secretary-Treasurer shall require compliance with Section 10 of
42 Article Ten (10) of this Constitution and should any affected local union or the officers thereof fail
43 to return the charter, seal, books, records, funds and other property, as provided therein, within
44 fifteen (15) days after mailing by certified, registered or overnight mail of notice to do so by the
45 General Secretary-Treasurer, he shall take such steps as may be necessary to enforce compliance.

46 **SEC. 1(c). Bonding.** The General Secretary-Treasurer shall arrange bonding by a reliable
47 bonding company for such amount as may be necessary to protect this Association against loss of
48 funds directly under his control and subject to his order on banks. The premium on such bond shall
49 be paid by this Association.

50 In January of each year, the General Secretary-Treasurer shall execute a bond in a reliable
51 bonding company to cover the financial secretary-treasurers, business managers, business
52 representatives and other officers of local unions and councils who may be authorized or obligated
53 in the performance of their duties to receive or disburse any funds of such local unions or councils.

ARTICLE FIVE (5)

54 The amount of the bond in each case shall be determined by the General Secretary-
55 Treasurer, after consideration of the amount of the funds involved, but in no case shall it be less
56 than Five Hundred Dollars (\$500.00). Premiums on bonds for officers, representatives, business
57 managers and business representatives of the local unions or councils shall be charged to the
58 account of and be paid by such local unions or councils.

59 Notwithstanding any other provisions of this Section, all bonds provided for herein shall
60 be in such form and in such amount and placed with such surety company as may be required by
61 applicable law.

62 **SEC. 1(d). Reports.** The General Secretary-Treasurer shall submit to the General
63 President, the General Executive Council, local unions and councils, an annual report of revenue,
64 expenses and fund balances, and balance sheet, and shall have available for examination on
65 demand of the General President, the General Executive Council, or its Finance Committee all
66 books, papers and records in connection therewith.

67 On the opening day of the SMART General Convention, the General Secretary-Treasurer
68 shall submit to the General President, the General Executive Council and the delegates a printed
69 report containing a statement of revenue, expenses and fund balances audited and approved by a
70 certified public accountant. He shall have available at the Convention all necessary documents and
71 records in connection with this report.

72 **SEC. 1(e).** The General Secretary-Treasurer shall devote all of his time to the interests of
73 this Association and its affiliated and related entities and organizations and to the performance of
74 his duties as specified in this Constitution.

75 **SEC. 1(f).** The General Secretary-Treasurer shall have authority to order an audit of the
76 books and accounts of any local union or council of this Association. Report of such audit shall be
77 made to the General President and the General Executive Council. The books and accounts of any
78 local union or council shall be at all times open to inspection of auditors appointed and authorized
79 by the General Secretary-Treasurer under this Section.

80 **SEC. 1(g).** The General Secretary-Treasurer is authorized to develop and implement
81 electronic forms and communication for any or all of the functions of his or her office, and affiliates
82 are authorized to use these electronic modes in conjunction with or as substitutes for written or
83 printed modes.

ARTICLE SIX (6)

ARTICLE SIX (6)

General Executive Council

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SECTION 1

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SEC. 1(a). The General Executive Council shall be composed of eighteen (18) members, the General President and seventeen (17) General Vice Presidents, and shall meet in regular session at such time and place as may be designated by the General President. Special meetings of the General Executive Council may be called by the General President whenever in his opinion such special meetings are deemed necessary or by a majority of the members of the General Executive Council. Any General Executive Council or Think Tank meetings shall be held in the confines of the geographical jurisdiction of this Association.

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SEC. 1(b). The General President shall be the Chairman, and the General Secretary-Treasurer shall be the Executive Secretary.

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SECTION 2 – GENERAL DUTIES

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SEC. 2. Between Conventions the general executive, administrative and judicial powers of this Association shall be vested in the General Executive Council set forth in this Constitution. It shall consider and decide all appeals and other matters properly presented to it.

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It shall see that the General Secretary-Treasurer is bonded in accordance with the provisions of Section 1(c) of Article Five (5); shall have a certified public accountant make an annual audit of the accounts and inspect the books of the General Secretary-Treasurer; shall convene at least one week prior to the Convention, and shall perform such other duties as this Constitution may require.

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Except as otherwise specified in this Constitution, decisions of the General Executive Council shall be made by a majority vote of those voting.

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SECTION 3 – FINANCE COMMITTEE

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SEC. 3(a). A General Executive Council Finance Committee shall be established consisting of the first four (4) General Vice Presidents, the President Transportation Division and one other Transportation Division General Vice President who shall be designated by the President Transportation Division. The General Secretary-Treasurer shall be an unofficial, nonvoting member of the Finance Committee.

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SEC. 3(b). The First General Vice President shall be the Chairperson. Another member shall be elected as Secretary.

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SEC. 3(c). The Finance Committee shall have general oversight authority with respect to the financial condition of the International Association. It shall also have the authority to examine any and all of the International Association's books of account and other financial records. Any

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ARTICLE SIX (6)

33 concerns the Finance Committee may have with respect to the financial condition of the
34 International Association may be brought by the Chairperson to the attention of the General
35 Executive Council for review and any action to be taken must be by vote of the General Executive
36 Council.

37 **SEC. 3(d).** In connection with its oversight responsibilities, the Finance Committee shall
38 have the authority to call before it the General President; the General Secretary-Treasurer; the
39 Comptroller or any members of the Comptroller’s staff; the General Counsel or any member of
40 the General Counsel’s staff; any other officer, agent or employee of the International Association;
41 the International Association’s outside independent auditors; and any individual (or representative
42 of a firm) whose expenditures are being examined or questioned.

43 **SEC. 3(e).** The Finance Committee shall have authority to employ outside independent
44 legal counsel and/or outside independent auditors to assist the members in connection with their
45 oversight duties provided, however, that the terms and tenure of employment of such outside,
46 independent experts or specialists shall be subject to approval by the General Executive Council.

47 **SEC. 3(f).** The Finance Committee shall meet quarterly at such times and places as shall
48 be designated by the Chairperson, or more often in additional meetings are requested by a majority
49 of the members.

50 **SEC. 3(g).** The Finance Committee shall endeavor to cooperate with and assist the General
51 President and the General Secretary-Treasurer in the performance of their respective constitutional
52 duties. It shall furnish copies of the minutes of its meetings to the General President, the General
53 Secretary-Treasurer, and all other General Vice Presidents as soon as may be practicable after each
54 meeting is concluded.

55 **SECTION 4 – PROCEDURE WHEN NOT IN SESSION**

56 **SEC. 4.** The General Executive Council shall be empowered to transact business by
57 correspondence when it is not in session.

58 **SECTION 5 – REPORTS**

59 **SEC. 5.** It shall be the duty of the general Executive Council to have reports prepared,
60 either in printed or electronic format, and distributed among the delegates on the opening day of
61 the Convention. The reports of the General President and the General Executive Council may be
62 combined.

ARTICLE SEVEN (7)

ARTICLE SEVEN (7)

General Conventions

1 SECTION 1 – TIME AND PLACE

2 SEC. 1. This Association shall meet in a regular quinquennial (5-year) SMART General
3 Convention at the time and in the city designated either by the last preceding SMART General
4 Convention or by the General Executive Council, and the designated Convention city shall not be
5 changed nor shall the Convention be postponed unless holding of the Convention at the designated
6 time or place has become impossible or impracticable as a result of events and/or conditions
7 occurring thereafter, in which event a new Convention city or Convention date or both shall be
8 rescheduled by the General Executive Council as soon as possible. In no event shall such
9 Convention be postponed for more than one year.

10 SECTION 2 – REPRESENTATION AND VOTE

11 SEC. 2(a). Local Unions. Each local union shall be entitled to one (1) vote for the first
12 fifty (50) good standing members or less and one (1) additional vote for each additional fifty (50)
13 good standing members or majority fraction thereof. Each local union shall be entitled to its full
14 vote and where but one delegate is present, he or she can cast the full vote to which his or her local
15 union is entitled. No delegate shall cast a vote for any local union except the one of which he or
16 she is in good standing.

17 Credentials of delegates shall be mailed, or processed electronically in format supported
18 by the General Secretary-Treasurer and approved by the General Executive Council, to the General
19 Secretary-Treasurer not later than the fifteenth (15th) day of the month preceding the month in
20 which the Convention is held.

21 The number of votes to which each local union is entitled shall be based upon its good
22 standing membership on the first day of the second month preceding the month in which the
23 Convention is held.

24 SEC. 2(b). Except as provided herein, each local union shall be entitled to one (1) delegate
25 for the first one hundred (100) members or less and one (1) delegate for each additional one
26 hundred (100) members or majority fraction thereof, provided, however, that in no event shall a
27 local union be entitled to more than twenty (20) delegates or to more delegates than it pays full
28 transportation costs plus all ordinary living expenses, none of which shall be refunded to the local
29 union. The above requirement for payment of transportation costs and living expenses as a
30 condition for being a delegate shall not apply to paid officials or paid representatives of this
31 International Association.

32 SEC. 2(c). Councils. Each state, provincial and district council shall be entitled to one (1)
33 vote, except that district councils comprised of only one local union shall not be entitled to
34 delegates and votes from both the local union and the district council. The vote of the council shall

ARTICLE SEVEN (7)

35 be cast only by the delegate regularly elected by his or her council and cannot be cast by delegates
36 from local unions and no council delegate may cast the vote or votes of a local union.

37 **SEC. 2(d). Transportation Division Associations.** The Association of General
38 Chairpersons (District 1), Association of General Chairpersons (District 3), and the National
39 Association of State Directors shall be entitled to a combined total of seventeen (17) delegates,
40 each with one (1) vote. The delegates shall be apportioned by the General President upon the
41 recommendation of the President Transportation Division to the associations according to their
42 respective number of members. Each member of the General Executive Council from the
43 Transportation Division shall be counted as being one of these delegates and the apportionment to
44 the associations shall be adjusted according to the sector of the Transportation Division to which
45 the members belong.

46 **SECTION 3 – QUALIFICATIONS AND ELECTION OF DELEGATES**

47 **SEC. 3(a).** All delegates to the SMART General or Special Conventions of this Association
48 shall meet the qualifications prescribed in Section 3 of Article Twelve (12) of this Constitution.

49 **SEC. 3(b).** All delegates shall be elected by eligible local unions in the same manner and
50 under the same rules as in elections of local union officers and in accordance with Sections 4, 5,
51 and 6 of Article Twelve (12) of this Constitution except that nomination and election of members
52 other than those who are automatic delegates by virtue of their office or position may be elected
53 in the calendar year in which the Convention is held or, at the option of the local union, at the local
54 union’s general election in the year closest in time to the year in which the SMART General
55 Convention is held.

56 **SEC. 3(c).** Delegates from state, provincial and district councils and Transportation
57 Division associations shall be elected in accordance with their constitutions and by-laws unless
58 otherwise provided in this Constitution.

59 **SEC. 3(d).** (1) Any delegate from a local union in order to be entitled to vote for officers
60 at the General Convention must have been elected by a secret ballot of the membership of such
61 local union. (2) Any delegate from a state, provincial or district council or Transportation Division
62 association in order to be entitled to vote for officers at the General Convention must have been
63 elected by a secret ballot of the membership of the constituent units of the said state, provincial or
64 district council or Transportation Division association. (3) Any Convention delegate who is not
65 elected in accordance with the provisions of subsections (1) or (2) hereof shall not be entitled to
66 vote for officers at the General Convention.

67 **SEC. 3(e).** The General President Emeritus by virtue of his position shall be an automatic
68 delegate to each SMART General or Special Convention with a voice and vote in all deliberations
69 and discussions but shall not be entitled to vote in the election of General Officers.

70 **SEC. 3(f).** Unless otherwise determined by the Convention, no local union or council shall
71 be eligible to representation or vote in Convention unless all dues, fees and other obligations due
72 this Association are paid in full in accordance with the provisions of this Constitution.

ARTICLE SEVEN (7)

73 **SECTION 4 – COMMITTEE ON CREDENTIALS AND GENERAL SECRETARY-**
74 **TREASURER’S REPORT**

75 **SEC. 4.** The General President shall select from the credentials of accredited delegates a
76 Credentials Committee, which shall perform such duties as required for all SMART and
77 Transportation Division Conventions and shall also act as Committee on General Secretary-
78 Treasurer’s Report, and the members thereof shall assemble at the General Office at least six (6)
79 days prior to the opening of the Conventions. It shall be the duty of this Committee to examine the
80 records and accounts of the General Secretary-Treasurer and audit report submitted by the certified
81 public accountant. It shall examine all duplicate credentials received at the General Office and
82 shall determine from the records at the General Office the standing of the chartered and affiliated
83 local unions and councils and the elected delegates thereof. It shall receive all original credentials
84 presented by delegates and be ready to submit its report at the opening of the Convention.

85 **SECTION 5 – DELEGATE CREDENTIALS**

86 **SEC. 5.** Each elected delegate shall establish his or her identity and right to a seat in
87 Convention by presenting to the Credentials committee the original form of official credential
88 signed by the president and the recording secretary of the local union or council from which he or
89 she is a delegate. Said credential shall bear the official seal of the local union or council. The
90 General Secretary-Treasurer may establish an electronic format for the processing of official
91 credentials if the necessary verifications as required by this constitution are met and such system
92 is approved by the General Executive Council. Each delegate shall also present an official dues
93 receipt, properly issued in accordance with this Constitution, showing actual payment of all dues
94 and obligations to his or her local union for a period extending, at least, to the end of the month in
95 which the Convention is held.

96 None but duly accredited delegates shall be admitted to sessions of the Convention except
97 by majority vote of the Convention.

98 **SECTION 6 – DELEGATE COMPENSATION**

99 **SEC. 6.** Each local union, state, provincial and district council or Transportation Division
100 association shall pay its delegates full transportation costs plus ordinary living expenses for the
101 specified convention dates plus allowable associated travel days, none of which shall be refunded
102 to the local union. Under no circumstances will travel days be duplicated. Each delegate not
103 assigned to a committee scheduled to meet during the Convention shall receive Fourteen Hundred
104 Dollars (\$1,400.00) as compensation for attending the Convention, none of which shall be
105 refunded to the local union. Delegates appointed as Conductors, Wardens or Escorts, in addition
106 to delegate compensation, shall receive Three Hundred Fifty Dollars (\$350.00) for each day of
107 service, none of which shall be refunded to the local union. All compensation herein shall be paid
108 by the International Association and shall continue thereafter until changed by action of a
109 subsequent Convention. This Section shall not apply to paid officials or paid representatives of
110 this Association.

ARTICLE SEVEN (7)

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**SECTION 7 – CONSTITUTION COMMITTEE:
APPOINTMENT AND GENERAL DUTIES**

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SEC. 7. The General President shall select, from the credentials of accredited delegates, a Constitution Committee, the members of which shall assemble at the designated Convention city at least six (6) days prior to the opening of the Convection. It shall be the duty of said Constitution Committee to consider all recommendations and proposed amendments to the Constitution properly submitted by General Officers, local unions, councils and delegates and to hold hearings and report their recommendations to the Convention for consideration and action. The Constitution Committee shall also have authority to initiate and recommend new legislation including amendments to this Constitution and submit the same to the Convention for consideration and action.

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SECTION 8 – COMMITTEES GENERAL

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SEC. 8. Not later than the opening day of the SMART Convention, the General President shall appoint the following other committees, including such Special Committees as needed to address the business of the International at convention:

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General President’s and
General Executive Council’s Reports
Rules
Grievance and Appeals
Political Action
Resolutions

Union Label
Compensation
Apprentice
Special
Production
Roofing

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The committees provided for in this Section shall consist of not less than five (5) delegates each.

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SECTION 9 – COMMITTEE COMPENSATION

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SEC. 9. Each member of the committees provided for in this Article shall be paid Three Hundred Fifty Dollars (\$350.00) plus a sum equivalent to the negotiated rate and tax for the Committee member’s room at the Convention hotel per day, as compensation for each day spent on committee business prior to, during or after the Convention and for each day of attendance while the committee is in session, including days en route to and from such Convention. This compensation shall be in addition to delegate compensation except for members of committees scheduled to meet during the Convention, who shall receive only the compensation provided in this section.

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The Committee on Credentials and General Secretary-Treasurer’s Report and the Constitution Committee if called into session at the General Offices before the Convention shall receive Two Hundred and Fifty Dollars’ (\$250.00) compensation per day and One Hundred Dollars (\$100.00) per day for expenses including days traveling to and from their homes to the General Office, in addition to the cost of lodging and air fare.

ARTICLE SEVEN (7)

148

SECTION 10 – QUORUM

149 **SEC. 10.** A quorum for the transaction of business shall be a majority of the delegates
150 attending the Convention.

151

SECTION 11 – ORDER OF BUSINESS

152 **SEC. 11.** The following order of business shall govern the Convention proceedings:

- 153 1. Call to order;
154 2. Receive credentials;
155 3. Reports of Committees on Credentials and Rules;
156 4. Roll call;
157 5. Selection of special committees;
158 6. Reports of Officers;
159 7. Resolutions, memorials and petitions;
160 8. Communications and bills;
161 9. Reports of committees;
162 10. Election of Officers;
163 11. Obligation of Officers;
164 12. Grievances and appeals;
165 13. Unfinished business;
166 14. New business;
167 15. Reports of delegates;
168 16. Adjournment.

169

SECTION 12 – ATTENDANCE OF GENERAL OFFICERS

170 **SEC. 12.** The General Officers shall be required to attend all Conventions, general or
171 special, of this Association, and their salaries and expenses shall be paid from the funds of the
172 Association at the established rate.

173

SECTION 13 – CONVENTION GUESTS

174 **SEC. 13.** The General President with the approval of the General Executive Council shall
175 have the authority to invite and compensate such Convention guests as he may deem proper.

176

SECTION 14 – SPECIAL CONVENTIONS

177 **SEC. 14.** The General President with the approval of the General Executive Council may
178 call a Special Convention of the Association for the purpose of considering special subjects which
179 in his opinion may require Convention action between Regular Conventions. The call for such
180 Special Convention shall be issued by the General Secretary-Treasurer and such call shall specify
181 the time and place thereof and the special subjects to be considered. No subjects other than those
182 designated on the Convention call shall be considered at any Special Convention. The provisions
183 of this Constitution which relate to General Conventions shall govern the procedure of Special

ARTICLE SEVEN (7) – ARTICLE EIGHT (8)

184 Conventions insofar as they may be required to effectuate the business designated in the call for
185 such Special Convention.

186 **SECTION 15 – RESOLUTIONS**

187 **SEC. 15.** Resolutions, other than those to amend the Constitution, may be submitted by
188 any local union or council, the General President, General Secretary-Treasurer, President
189 Transportation Division, the General Executive Council or by the Resolutions Committee.
190 Resolutions submitted by local unions or councils, General Committees and State Legislative
191 Boards must be submitted separately by subject matter in resolution form and filed in triplicate
192 with the General Secretary-Treasurer at the General Office at least sixty (60) days prior to the
193 opening of the Convention at which such resolutions are to be considered, unless the requirements
194 of this paragraph are waived by a two-thirds (2/3) vote of the delegates at the Convention. All
195 resolutions proposed by any member of a local union shall be submitted to the local union
196 Executive Board at least thirty (30) days prior to the submission thereof to the local union for
197 consideration. All resolutions passed by local unions or councils must bear the signature of the
198 president and recording secretary and the seal of the local union or council. All resolutions passed
199 by General Committees or State Legislative Boards must bear the signature of the Chairman or
200 Director and Secretary of the Committee or Board.

201 **SECTION 16**

202 **SEC. 16.** Resolutions relating to constitutional changes shall be submitted in accordance
203 with Article Thirty-Three (33) of this Constitution.

ARTICLE EIGHT (8)

International Staff

1 **SECTION 1 – APPOINTMENT**

2 **SEC. 1.** The General President shall have the authority to appoint a staff consisting of a
3 sufficient number of International Representatives, International Organizers, Regional Directors,
4 a Director of Canadian Affairs and other Directors as he may deem advisable to carry on the
5 necessary organizing and related work of this Association and may increase or reduce members of
6 such staff from time to time as circumstances and the requirements of the Association may justify
7 or warrant and remove any members of such staff for cause, all subject to the approval of the
8 General Executive Council.

9 **SECTION 2 – QUALIFICATIONS**

10 **SEC. 2.** Any member in good standing is eligible to appointment to a position on the staff
11 referred to in Section 1 of this Article if he or she is or becomes a member in good standing upon
12 his or her appointment and is free from delinquencies of any nature to this Association or any local
13 union or council thereof, including all dues and obligations to and for the month in which he or
14 she is appointed.

ARTICLE EIGHT (8)

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SECTION 3 – DUTIES

16

SEC. 3. Members of the staff referred to in this Article shall be assigned by the General President in such manner and in such territory as, in his opinion, will best serve the needs and requirements of this Association. They shall report to the General President or his designated representative at the General Office of the International Association.

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They shall perform such services as the General President may require or direct and shall not incur or assume any financial obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This Association shall not be responsible or liable for any such financial obligations or expenses unless authorized in the manner provided herein.

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SECTION 4 – DIRECTORS’ OFFICES

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SEC. 4. All Directors, except the Canadian Director, shall maintain offices in the General Office of the International, except that their offices may be located elsewhere, if the General President, subject to approval of the General Executive Council, determines such relocation is prudent.

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SECTION 5 – COMPENSATION

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SEC. 5. Except as otherwise provided in this Section 5, the salary and expenses of the Directors, Regional Directors, International Representatives and International Organizers and the method of determining same shall be that established by Convention action and shall continue thereafter until changed by action of a subsequent Convention. Notwithstanding the previous sentence, the General President, with the approval of the General Executive Council, shall have the right to raise or lower the compensation and expenses of the above named individuals and the International Staff members depending upon their performance of their duties and responsibilities.

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International Representatives and International Organizers shall be paid the average of the thirty (30) highest paid Business Managers in the United States and Canada, salary adjustments to be made on January first of each year, and, whatever percentage increase in salary the International Representatives and International Organizers receive, the same percentage increase shall be granted to all General Officers and International staff personnel.

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Should the above formula’s implementation be inconsistent with budgetary considerations, it shall be implemented over a time frame as determined by the General President and the Finance Committee and with the approval of the General Executive Council.

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ARTICLE NINE (9)

ARTICLE NINE (9)

State, Provincial, District and Regional Councils

SECTION 1 – ORGANIZATION

2 **SEC. 1(a). State or Provincial Councils.** A state or provincial council may be formed and
3 chartered in any state in the United States or province in Canada when approved by the General
4 President, provided at least two-thirds (2/3) of the local unions in the particular state or province
5 approve of the formation of such council and join in making application to this Association for a
6 state or provincial council charter.

7 **SEC. 1(b). District Councils.** When approved by the General President, a district council,
8 other than a railroad district council, may be formed and chartered by a two-thirds (2/3) majority
9 of the local unions within a specified territory in more than one (1) state or province, provided that
10 no district council, other than a railroad district council, shall be formed or chartered within a state
11 or province where a chartered state or provincial council already exists.

12 A railroad district council, covered under Article Twenty-One A (21A), may be established
13 on such railroad or railroads as may be determined by the General President.

SECTION 2 – CHARTER APPLICATION

15 **SEC. 2.** Application for a state, provincial, or district council charter must be filed with the
16 General Secretary-Treasurer and each application for state, provincial, or district council charter
17 shall bear the signatures of the president and secretary and the seal of each local union which is a
18 party to the application.

SECTION 3 – GOVERNMENT

20 **SEC. 3.** State, provincial, and district councils shall not adopt any rules, regulations or
21 policies which in any way conflict with the provisions and intent of this Constitution; nor shall any
22 additional rules or regulations, not included in this Constitution, be adopted until they are first
23 submitted to the General Secretary-Treasurer for consideration and official notice of approval
24 received from the General Secretary-Treasurer.

25 All of the provisions and requirements of this Constitution, governing the administration
26 and operation of local unions and the duties and obligations of officers, representatives, and members
27 thereof, shall apply to all state, provincial and district councils and the officers, representatives,
28 and members of said councils, insofar as they are adaptable.

SECTION 4 – PENSIONS

30 **SEC. 4.** Pension plan for full-time salaried officers and employees shall be that provided
31 in Article Twelve (12), Section 10.

ARTICLE NINE (9) – ARTICLE TEN (10)

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SECTION 5 – REGIONAL COUNCILS

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SEC. 5. The General President, with approval of the General Executive Council, may establish a regional council, which may be made up of any number of local unions from one or more states or provinces, except locals in the Transportation Division. The General President may, with approval of the General Executive Council, increase or decrease the number of participating local unions within the jurisdiction of the regional council.

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SECTION 6 – CHARTER APPLICATION

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SEC. 6. Each regional council shall be issued a charter by the International Association which shall bear the numbers of the local unions who are within the jurisdiction of the regional council. The regional council shall also be issued an official seal by the International Association.

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SECTION 7 – GOVERNMENT

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SEC. 7(a). All local unions within the territorial jurisdiction of the regional council shall be fully affiliated with the regional council and shall come under its jurisdiction.

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SEC. 7(b). All of the provisions and requirements of work jurisdiction, governing, administration and operation of the regional council shall be established by and approved by the General Executive Council insofar as they are not in conflict with this Constitution. The chief executive officer of a regional council shall be a delegate to the General Convention by virtue of office, unless he or she is a delegate because of an office or position held in a local union.

ARTICLE TEN (10)

Local Unions

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SECTION 1 – CHARTERS

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SEC. 1(a). Except as otherwise provided in this Constitution, twenty-five (25) or more persons located where no chartered local union in the same branch of the trade exists, who qualify for membership in accordance with the provisions of Article Sixteen (16) of this Constitution, may make application for membership and for local union charter.

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SEC. 1(b). Upon request, the General Secretary-Treasurer shall furnish official forms of application for each of the twenty-five (25) or more qualified applicants. Upon receipt of the required number of application forms, properly filled out and signed by the applicants, and accompanied by the payment of three (3) months’ dues plus the International initiation fee per applicant from each applicant, the General Secretary-Treasurer, after approval by the General President, shall issue a charter for the new local union with a designated number and official seal. He shall forward the charter and seal to said local union, together with necessary supplies, a complete set of books with proper entry and credit for the amount paid by each applicant and recorded on official receipts in either printed or electronic form as approved by the General Secretary-Treasurer and maintained in the official receipt book of the new local union.

ARTICLE TEN (10)

16 **SEC. 1(c).** From the total amount forwarded to the General Secretary-Treasurer by
17 applicants for a charter, he or she shall retain forty-five percent (45%) per applicant of the
18 International initiation fee and the International per capita dues for each applicant for three (3)
19 months in advance. The balance of the money received from applicants shall be refunded to the
20 financial secretary-treasurer of the newly chartered local union and each applicant shall receive
21 official receipt crediting him or her with his or her initiation fee and per capita dues received by
22 the General Office as herein provided.

23 **SEC. 1(d).** After receipt of the required number of application forms, properly filled out
24 and signed by the Regional Council, the General Secretary-Treasurer, after approval by the
25 General President, shall issue a charter for the new regional council with a designated number and
26 official seal. He shall forward the charter and seal to said regional council.

27 **SECTION 2 – REVENUES, FEES AND DUES**

28 **SEC. 2(a).** After a local union charter has been issued, each additional applicant for
29 membership therein, shall be required to a local initiation fee of Fifteen Dollars (\$15.00) plus
30 dues in advance beginning with the month in which initiation is properly recorded. Said Fifteen
31 Dollars (\$15.00) local initiation fee shall be effective for a period of ninety (90) days from date of
32 issuance of charter and shall include forty-five percent (45%) International initiation fee.

33 **SEC. 2(b).** From the ninety-first (91st) day after the issuance of a charter, each local union
34 shall establish and collect a local initiation fee of not less than Fifty Dollars (\$50.00) and not more
35 than Five Hundred Dollars (\$500.00) plus dues in advance beginning in the month in which such
36 initiation is properly recorded. Forty-five percent (45%) of any initiation or reinitiation fee
37 collected by a local union shall constitute the International initiation or reinitiation fee and be paid
38 to the International Association.

39 At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid
40 to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the
41 General Executive Council between the SMART Local Unions and Councils Pension Fund
42 (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the
43 Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal
44 Workers' International Staff Pension Fund.

45 **SEC. 2(c).** Each payment on initiation, reinitiation or reinstatement fee, collected by a local
46 union, including payments by apprentices, shall be recorded on an official receipt, in either printed
47 or in electronic form as approved by the General Secretary-Treasurer. Electronic receipts, or
48 receipts purchased from the General Office shall have recorded thereon, in the space provided
49 therefore, the applicable percentage of such payment as described in Section 2(b) of this Article
50 Ten (10) on initiation, reinitiation or reinstatement fees due this Association. Electronic receipts
51 or the white duplicate (copy) of such official paper receipt, together with the money shown thereon
52 to be due this Association, shall be forwarded by the financial secretary-treasurer with his or her
53 monthly report for the month in which such initiation, reinitiation, or reinstatement fees or
54 payments thereon were recorded on such official receipts.

ARTICLE TEN (10)

55 The General Secretary-Treasurer, with the approval of the General Executive Council, is
56 authorized to change from time to time the method, procedure, reports, receipts and other forms
57 for the collection, receipt and transmittal of funds by local unions and the duties and obligations
58 of local union officers in connection therewith, notwithstanding any other provisions of this
59 Constitution.

60 All funds received by this Association as payments on initiation, reinitiation or
61 reinstatement fees shall belong to and remain the property of this Association whether or not the
62 applicant for membership completes payment on his or her full initiation, reinitiation or
63 reinstatement fee.

64 **SEC. 2(d).** The provisions of Section 2(c) of this Article shall not apply to payments for
65 reinstatement of suspended members pursuant to the provisions of Article Sixteen (16), Section
66 12(b).

67 **SEC. 2(e).** Notwithstanding any other provision of this Article, the General President is
68 authorized to waive or reduce the amount of local union dues or local or International
69 reinstatement, initiation or reinitiation fee for a specified amount of time for a specified purpose
70 such as in conjunction with a recruitment or organizing drive, or when a local union requests a
71 waiver or reduction in writing, or when peculiar conditions so justify.

72 **SEC. 2(f).** Each local union shall establish and maintain a monthly or quarterly rate of dues
73 sufficient to carry on the affairs of such local union on a sound financial basis, where for the
74 purposes of this section a minimal threshold shall be considered as three (3) months' operating
75 expenses for the local union, based on the previous year's audit of expenses, having in mind its
76 current and prospective needs and requirements and its obligations due this Association, including
77 monthly per capita dues. If the assets of the local union should fall below the six (6)-month level,
78 the local union financial secretary-treasurer shall submit to the General Secretary-Treasurer a plan
79 for restoring the assets of the local union to a sound financial basis. The amount of said dues in no
80 case shall be less than those prescribed in this Constitution. The dues of all members of local
81 unions shall be paid monthly or quarterly, but always in advance. A late fee may be charged for
82 dues payments not made in advance of the current month if approved by the local union. A member
83 may not work unless his or her dues are paid up as provided in this Section. Failure to pay dues
84 within two (2) months shall result in automatic suspension from membership. In the event of death,
85 dues paid in advance of the month of death shall be refunded to the legally designated beneficiary
86 of the deceased by the local union which will receive a credit for the per capita dues.

87 **SEC. 2(g).**

88 1. The minimum monthly dues for each member engaged in the building and construction
89 industry in a building and construction trades local union shall be as follows:

- 90 (a) In local unions, the membership of which is five hundred (500) or less, the equivalent
91 of three and one-half (3½) hours' pay, plus full per capita dues;
92 (b) In local unions, the membership of which is between five hundred and one (501) to one
93 thousand (1,000), the equivalent of three (3) hours' pay, plus full per capita dues;

ARTICLE TEN (10)

94 (c) In local unions, the membership of which exceeds one thousand (1,000), the equivalent
95 of two and one-half (2½) hours' pay, plus full per capita dues;

96 (d) In determining the number of members for the foregoing purposes, all members
97 engaged in the building and construction industry of the local union shall be included.

98 2. The minimum monthly dues for other workers in a building and construction trades local
99 union shall be the equivalent of two and one-half (2½) hours' pay, plus full per capita dues. The
100 local shall determine how to set the average, but in no case shall the minimum monthly dues be less
101 than Seventeen Dollars (\$17.00) per month.

102 3. The minimum monthly dues for members of all other local unions shall be the equivalent
103 of two and one-half (2½) hours' pay plus full per capita dues. The local shall determine how to set
104 the average, but in no case shall the minimum dues be less than Seventeen Dollars (\$17.00) per
105 month.

106 4. (a) For building trades members, the term "hours' pay" as used herein shall mean the
107 wage/fringe package, but shall not include zone rates, special project rates, or similar increments
108 over the basic rates.

109 (b) For production worker members, the term "hours' pay" as used herein shall mean the
110 basic taxable hourly contract rates, including all lump sum payments made by an
111 employer in lieu of increases in employees' basic hourly rate, but shall not include
112 fringe benefits, zone rates, special project rates, incentive rates or similar increments
113 over the basic rate.

114 5. The number of members of each local union on which the minimum rate of dues will be
115 based shall be the average number of members of each local union during the previous calendar
116 year.

117 6. In applying the formula in this Section, incremental increases which may result from
118 adjustments in the hourly rates of pay shall be due on January 1 of the year following such
119 adjustments.

120 7. In determining the rate of monthly dues payable, the amount shall be rounded out to the
121 nearest Twenty-Five Cents (\$.25).

122 8. Notwithstanding any other provisions of this Section, (a) retired members who are not
123 limited members shall pay dues at the rate their local union may establish but in no event less than
124 Sixteen Dollars (\$16.00), or greater than Twenty-Two Dollars (\$22.00) per month which includes
125 full per capita dues and (b) disabled members shall pay dues at the rate their local union may
126 establish for such status but in no event less than Sixteen Dollars (\$16.00), per month which
127 includes full per capita dues. The appropriate per capita dues for retired and disabled members
128 shall be that established for production worker members.

129 9. In the event a local union can demonstrate to the General Executive Council that it has
130 and can maintain financial reserves sufficient to meet normal operating expenses for a six month

ARTICLE TEN (10)

131 period and, further, that the local union has by secret ballot vote authorized the local union to seek
132 such relief, the General Executive Council may approve a reduction in the rate of minimum dues
133 to such local union in an amount deemed appropriate, provided, however, that the rate of dues for
134 an active member shall not be lower than the rate set forth in Paragraph 3 of this Section.

135 **SEC. 2(h).** The monthly per capita dues shall be increased in the following manner:

136 The monthly per capita dues shall be as follows:

137 January 1, 2015

138	Railroad Members	\$31.00
139	Production Members	\$16.00
140	Shipyards Members	\$16.00
141	Government Members	\$16.00
142	Retired & Disabled Members	\$16.00

143 July 1, 2015

144 The monthly per capita working dues shall increase Three Cents (\$.03) an hour.

145	Building Trades Members	\$26.00 + \$.14 an hour
146	Residential & Industrial Members	\$18.00 + \$.14 an hour
147	(who earn 75% or less of the journeymen wage package)	
148	Shinglers	\$19.00 + .15% gross wage
149	Classified Workers (SFUA)	\$15.00 + \$.14 an hour
150	Apprentice Members	\$13.00 + \$.14 an hour
151	Pre-apprentice Members	\$10.00 + \$.14 an hour

152 January 1, 2016

153	Railroad Members	\$31.00
154	Production Members	\$16.00
155	Shipyards Members	\$16.00
156	Government Members	\$16.00
157	Retired & Disabled Members	\$16.00

158 July 1, 2016

159 The monthly per capita working dues shall increase Three Cents (\$.03) an hour.

160	Building Trades Members	\$26.00 + \$.17 an hour
161	Residential & Industrial Members	\$18.00 + \$.17 an hour
162	(who earn 75% or less of the journeymen wage package)	
163	Shinglers	\$19.00 + .15% gross wage
164	Classified Workers (SFUA)	\$15.00 + \$.17 an hour

ARTICLE TEN (10)

165 Apprentice Members \$13.00 + \$.17 an hour
 166 Pre-apprentice Members \$10.00 + \$.17 an hour

167 January 1, 2017

168 Railroad Members \$32.00
 169 Production members \$16.00
 170 Shipyard Members \$16.00
 171 Government Members \$16.00
 172 Retired & Disabled Members \$16.00

173 July 1, 2017

174 The monthly per capita working dues shall increase One Cent (\$.01) an hour.

175 Building Trades Members \$26.00 + \$.18 an hour
 176 Residential & Industrial Members \$18.00 + \$.18 an hour
 177 (who earn 75% or less of the journeymen wage package)
 178 Shinglers \$19.00 + .15% gross wage
 179 Classified Workers (SFUA) \$15.00 + \$.18 an hour
 180 Apprentice Members \$13.00 + \$.18 an hour
 181 Pre-apprentice Members \$10.00 + \$.18 an hour

182 January 1, 2018

183 Railroad Members \$32.00
 184 Production Members \$16.00
 185 Shipyard Members \$16.00
 186 Government Members \$16.00
 187 Retired & Disabled Members \$16.00

188 July 1, 2018

189 The monthly per capita working dues shall increase One Cent (\$.01) an hour.

190 Building Trades Members \$26.00 + \$.19 an hour
 191 Residential & Industrial Members \$18.00 + \$.19 an hour
 192 (who earn 75% or less of the journeymen wage package)
 193 Shinglers \$19.00 + .15% gross wage
 194 Classified Workers (SFUA) \$15.00 + \$.19 an hour
 195 Apprentice members \$13.00 + \$.19 an hour
 196 Pre-apprentice Members \$10.00 + \$.19 an hour

197 January 1, 2019

198 Railroad Members \$33.00

ARTICLE TEN (10)

199	Production Members	\$16.00
200	Shipyard Members	\$16.00
201	Government Members	\$16.00
202	Retired & Disabled Members	\$16.00

203 July 19, 2019

204 The monthly per capita working dues shall increase One Cent (\$.01) an hour.

205	Building Trades Members	\$26.00 + \$.20 an hour
206	Residential & Industrial Members	\$18.00 + \$.20 an hour
207	(who earn 75% or less of the journeymen wage package)	
208	Shinglers	\$19.00 + .15% gross wage
209	Classified Workers (SFUA)	\$15.00 + \$.20 an hour
210	Apprentice Members	\$13.00 + \$.20 an hour
211	Pre-apprentice Members	\$10.00 + \$.20 an hour

212 Notwithstanding any other language herein, the General President, with the approval of the
213 General Executive Council, may reduce, postpone or cancel the per capita dues or any increase for
214 members in certain and specific work classifications of the entire industry, provided that such
215 action is deemed advisable or necessary in the best interests of this Association and the members
216 thereof. The General Secretary-Treasurer with the approval of the General Executive Council may
217 add member classifications to the foregoing list.

218 **SEC. 2(i).** Local union dues and initiation fees may be increased by local unions only by a
219 majority vote of good standing members voting by secret ballot at a regular or special meeting
220 after reasonable notice to the membership of intention to vote on such question, provided however,
221 that when the International per capita dues is increased by action of the delegates at an International
222 Convention, the then prevailing rate of dues of each local union shall be automatically increased
223 in like amount on the effective date of the per capita dues increase plus such additional amount, if
224 any, as may be required to maintain the minimum rate of dues established by this Constitution.

225 **SECTION 3 – ASSESSMENTS**

226 **SEC. 3(a).** No local assessments shall be levied or collected by any local union until all
227 members have been notified by written or printed notice of the proposed assessment and the
228 purpose thereof, with a specified date, time and place of regular or special meeting to consider,
229 discuss and vote on said proposed assessment. It shall require a majority vote by secret ballot of
230 all members present to authorize the adoption of the proposed assessment. No such assessment
231 shall be proposed, adopted, levied or collected from any member except to provide funds for the
232 recognized and necessary operating and organizing expense of the local union and dues, fees and
233 other obligations due this Association. Notice of the approval of any local assessment shall be
234 given to the General Secretary-Treasurer forthwith and all payments thereof by local union
235 members shall be recorded on official receipts.

ARTICLE TEN (10)

236 **SEC. 3(b).** No dues shall be accepted from and no official receipt issued to any member,
237 following the date or dates any proper International or local union assessments become due from
238 such member, until such assessments are paid.

239 **SECTION 4 – GOVERNMENT**

240 **SEC. 4.** Each local union, its officers, representatives and members shall recognize,
241 observe and be bound by the provisions and requirements of this Constitution, by any amendments
242 thereto, and by all decisions, orders and interpretations properly rendered and the policies
243 established by the General Officers of this Association.

244 **SECTION 5 – LOCAL RULES, REGULATIONS AND POLICIES**

245 **SEC. 5.** Local unions shall not adopt any local rules, regulations, or policies which in any
246 way conflict with the provisions of this Constitution.

247 The provisions of this Constitution relating to local unions and the members thereof shall
248 constitute the by-laws of those local unions which do not adopt by-laws of their own. Local union
249 by-laws shall be filed with the General Secretary-Treasurer and no provisions thereof which are
250 objected to by him as being inconsistent with this Constitution, the policies of this Association or
251 the requirements of law shall be made effective or continued in effect. Any finding made by the
252 General Secretary-Treasurer that a provision of the by-laws of the local union is objectionable may
253 be appealed as provided in Article Nineteen (19).

254 **SECTION 6 – MEETINGS**

255 **SEC. 6(a).** Each local union shall determine the times and places for the holding of its
256 regular meetings, which must be held at least quarterly, and determine how many of its members
257 shall constitute a quorum. Special meetings shall be called by the local union president upon the
258 request of two-thirds (2/3) of the members of the local union Executive Board or upon the request
259 of at least ten (10) members in good standing or twenty percent (20%) of the members in good
260 standing, whichever is greater. The call for such special meeting shall specify the time, place and
261 purposes thereof, and no subjects other than those specified in the call shall be considered at such
262 meeting.

263 A special order of business may be placed on the agenda by the local union president or
264 business manager or by motion adopted by a two-thirds (2/3) vote at a previous regular meeting.
265 The membership shall be notified of the subject of the special order of business which shall be
266 brought to the floor at the next regular meeting.

267 **SEC. 6(b). Order of Business.** The following order of business shall govern proceedings
268 of local unions:

- 269 1. Call the meeting to order;
- 270 2. Warden, take charge of the door;
- 271 3. Conductor, examine dues receipts;

ARTICLE TEN (10)

- 272 4. Roll call of officers;
- 273 5. Roll call of members;
- 274 6. Reading of minutes;
- 275 7. Installation of officers when applicable;
- 276 8. Applications for membership;
- 277 9. Initiations;
- 278 10. Communications and bills;
- 279 11. Reading of receipts from General Office;
- 280 12. Financial secretary-treasurer's report;
- 281 13. Special orders of business when applicable;
- 282 14. Reports of the business manager, business representatives, organizers, other
- 283 officers and shop stewards;
- 284 15. Reports of delegates and committees;
- 285 16. Unfinished business;
- 286 17. Trade instruction;
- 287 18. New business for good of the Union;
- 288 19. Good and welfare;
- 289 20. Adjournment

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291 **SEC. 6(c).** Except for live video conferencing of membership or other official local union
292 meetings to satellite locations, no mechanical recording by any means of the proceedings at any
293 official meetings of the local union shall be permitted by any member at any time. A member
294 responsible for so recording such union meetings will be subject to charges.

295 **SECTION 7 – MERGER OR SEPARATION**

296 **SEC. 7.** No local union or unions shall amalgamate or merge with any other local union or
297 unions nor shall any local union separate its membership into two or more local unions, except by
298 express authorization from the General President pursuant to the authority granted to him by
299 Article Three (3), Section 2(g), of this Constitution.

300 **SECTION 8 – VOLUNTARY DISSOLUTION**

301 **SEC. 8(a).** No local union shall be dissolved or withdrawn from this Association so long
302 as fifteen (15) or more members of such local union, in good standing, vote to retain the local
303 union charter.

304 **SEC. 8(b).** Before the members of a local union may be permitted or required to vote
305 on the question of dissolving or surrendering its charter, three (3) months' notice, in writing, shall
306 be given to the General Secretary-Treasurer, which notice shall be accompanied by the names and
307 addresses of all members of such local union in good standing.

308 **SEC. 8(c).** No vote shall be taken on the question of dissolution or voluntary surrender of
309 a charter of a local union except at a meeting specially called for that purpose after thirty (30) days'
310 notice in writing, to every member of such local union, designating the time and place of such
311 meeting and the purposes for which it is called.

ARTICLE TEN (10)

312 **SEC. 8(d).** If, at a meeting properly called in accordance with the provisions of this
313 Section, less than fifteen (15) members vote to retain the charter of the local union, the officers of
314 such local union shall immediately notify the General Secretary-Treasurer of such action, furnish
315 him with a record of the votes cast and comply with the provisions of Section 10 of this Article.

316 **SEC. 8(e).** In the event of a voluntary dissolution all eligible members shall maintain their
317 good standing by becoming members of the local union to which the jurisdiction of their former
318 local union was assigned.

319 **SECTION 9 – AUTOMATIC SUSPENSION AND FORFEITURE OF CHARTER**

320 **SEC. 9(a).** Whenever a local union fails to hold regular meetings for a period of three (3)
321 consecutive months, or whenever the officers thereof refuse, fail, or neglect to forward monthly
322 reports and duplicate (copies) of official receipts with dues and fees due this Association for a
323 period of three (3) consecutive months, the charter of said local union may be suspended or
324 forfeited by the General Executive Council; and the officers, representatives, and members of said
325 suspended local union shall comply with all requirements of Section 10 of this Article.

326 **SEC. 9(b).** Whenever the records at the General Office, determined by duplicates
327 (copies) of official receipts filed by a local union, show that there are less than fifteen (15)
328 members in good standing, the charter of said local union shall be declared suspended and
329 forfeited; and the officers, representatives, and members of said suspended local union shall
330 comply with all requirements of Section 10 of this Article. In the event of the forfeiture of a local
331 union charter as provided in this Section, all eligible members shall maintain their good standing
332 by becoming members of the local union to which the jurisdiction of their former local union was
333 assigned.

334 **SECTION 10 – SURRENDER OF PROPERTY**

335 **SEC. 10.** In case of the suspension, revocation of charter, voluntary dissolution, lapsing or
336 disbanding of any local union for any cause or reason whatsoever or withdrawal from this
337 Association, it shall be the duty of the officers of such local union to immediately send the charter,
338 seal, books, records, papers, funds and all other property of said local union to the office of the
339 General Secretary-Treasurer, together with a proper accounting of all the financial and other affairs
340 of such local union. Any distribution or attempted distribution of the funds, property or assets of a
341 local union, in anticipation of withdrawal from this Association, suspension, revocation of charter,
342 voluntary dissolution, lapsing or disbanding of any local union, to the members thereof or to
343 anyone other than the General Secretary-Treasurer shall be contrary to this Constitution and exceed
344 the authority of any officer or officers of such local union and the members thereof.

345 The General Secretary-Treasurer shall hold the charter, seal, books, records, papers, funds
346 and other property sent to him in accordance with this Section for a period to be determined by the
347 General Executive Council which in no instance, except as provided in the next succeeding
348 paragraph, shall be less than one (1) year, or pending any appeal which may have been taken in
349 accordance with this Constitution from any suspension, revocation of charter, voluntary
350 dissolution, lapsing or disbanding of such local union, whichever time is the greater.

ARTICLE TEN (10)

351 If within any period provided for in the preceding paragraph of this Section (a) as a result
352 of appeal, the said local union is re-established; (b) a new local union is established to take over
353 the jurisdiction of said local union; or (c) the jurisdiction and membership of said local union is
354 transferred to another local union; the General Secretary-Treasurer shall forthwith surrender the
355 funds and property then in his or her hands to such local union. In the event the funds and property
356 are not surrendered to a local union by the General Secretary-Treasurer as provided in this Section,
357 they shall become the property of this Association.

358 SECTION 11 – REPORTS

359 **SEC. 11(a).** A report of all receipts, disbursements and balance on hand, determined by
360 examination and proper audit of the books and records of the financial secretary-treasurer, properly
361 signed and certified to by the trustees, shall be prepared and forwarded to the General Secretary-
362 Treasurer not later than ninety (90) days after the close of each quarter ending March 31, June 30,
363 September 30, and December 31 of each year. If a quarterly certified audit of the books and records
364 of the local union is made, the forwarding of same by the trustees to the General Secretary-
365 Treasurer shall constitute compliance with this Section. Such audits shall be accepted with the
366 signature of the local union financial secretary-treasurer and at least three (3) trustees.

367 At the close of the fiscal year, the trustees shall have all financial books and records for
368 that year audited by an independent certified public accountant, or chartered accountant in
369 Canada, who shall submit a copy of the audit to the local union and a copy to the General
370 Secretary-Treasurer along with the management letter if applicable, not later than ninety (90) days
371 after the close of the fiscal year. The General Secretary-Treasurer may waive or modify this
372 requirement for good cause with respect to local unions with less than three hundred (300)
373 members. The trustees once a year shall physically verify or confirm directly with the custodian
374 or broker the existence of all securities deposited in the name of the local union or in the street
375 name with any securities firm.

376 **SEC. 11(b).** Each local union shall file with the General Secretary-Treasurer a record of
377 the established local initiation, reinitiation, and reinstatement fees and the established local union
378 monthly dues and wage scale, and notice of all changes thereto shall be sent to the General
379 Secretary-Treasurer within sixty (60) days of the effective date of such changes.

380 SECTION 12 – OFFICIAL SUPPLIES

381 **SEC. 12.** All Constitutions and Rituals, official receipts, application and report forms,
382 cards, books and all other supplies necessary to the proper conduct and operation of local unions,
383 shall be purchased from the General Office and shall be forwarded to local unions in good standing
384 on receipt of orders from the duly authorized officers of said local union at list price; money order,
385 check or bank draft for the amount due to accompany each order. Copies of the Constitution, as
386 amended, shall be forwarded, free of charge, to local unions in good standing for distribution to
387 their members in good standing on a one time basis subsequent to the conclusion of each General
388 Convention. Fifteen (15), Twenty-Five (25), Forty (40), Fifty (50) and Sixty (60) year pins shall
389 be furnished to local unions free of charge. A special presentation shall be provided to honor
390 Seventy (70)-year members.

ARTICLE TEN (10)

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SECTION 13 – LOCAL UNION FUNDS

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SEC. 13. Local union funds shall be derived from sources specified in this Constitution and shall not be appropriated, loaned, donated, or disbursed for any purpose except the recognized and necessary operating and organizing expenses, including capital transactions, of the local union and dues, fees, and other obligations due this Association except as provided in Section 2(g) of Article Three (3) and Sections 2(b) and 2(c) of Article Ten (10) and no monies received from members for the payment of International per capita dues shall be diverted to any use or purpose other than the payment of per capita dues to the International Association.

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The money and property of a local union shall be used solely for the benefit of the local union and only for such purposes as are permitted or required by this Constitution. The officers, agents, representatives and employees of local unions who handle its funds and property shall be held to the standard of conduct prescribed for General Officers, agents and employees, in Article One (1), Section 6, of this Constitution and accountable for any breach thereof under this Constitution. The officers of each local union shall manage, invest, and expend its funds in accordance with the applicable provisions of this Constitution, and any action taken by the membership of the local union not inconsistent with this Constitution or the approved by-laws of the local union.

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SECTION 14 – DISBURSEMENTS

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SEC. 14. Except for per capita dues, fees and obligations due this Association, no bills or obligations shall be paid from the funds of local unions except by vote of the membership and on checks with at least two signatures, that of the financial secretary-treasurer and the other of the president or another officer duly authorized by the local union except a trustee, provided, however, that initial approval of commitments for salaries, rent, telephones and similar recurring expenditures required in the normal and regular operation of the union shall be sufficient compliance with this Section, but such expenditures shall be itemized in the report of the financial secretary-treasurer and read at the meeting. In lieu of issuing checks, the local union may make electronic disbursements provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the financial secretary-treasurer and the president or other duly authorized officer which can and shall be verified by an audit trail.

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SECTION 15 – COMMITTEES

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SEC. 15. All local union committees shall perform the duties assigned to them within the time specified. No person shall be exempt from serving on a committee unless he or she is a member of some other committee. Committees holding monies, securities, or certificates of value, which are the property of the local union, shall at the first opportunity and not later than the next regular meeting deliver same to the financial secretary-treasurer with a complete itemized statement and record of all vouchers; and in no case shall any committee or any members thereof be discharged or relieved from responsibility or liability to the local union until all of said requirements have been complied with. The committee shall receive reimbursement for expenses or lost time if such arrangements were originally approved by the local union when the committee was appointed.

ARTICLE TEN (10) – ARTICLE ELEVEN (11)

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SECTION 16 – APPEALS FOR AID

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SEC. 16. There shall be established, maintained, and promoted by the International Association a fund to be known as the SMART Disaster Relief Fund for the purposes of providing financial assistance to SMART members who incur extraordinary losses due to disasters. This Fund will be dependent on voluntary contributions received from members, local unions, and councils, and when warranted, grants from the General Fund as determined by the General Executive Council. The Disaster Relief Committee, composed of the General President, General Secretary-Treasurer and First Vice President, will review applications from local unions for disaster relief and decide whether and how much financial relief should be approved.

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No appeal for aid from any local union of this Association shall be recognized by any other local union unless it has been approved by the General President and General Executive Council and all local unions responding to such an appeal must notify the General Secretary-Treasurer, stating amount of donation. Like action must be taken by the local union receiving said donation.

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SECTION 17 – GENERAL OBLIGATIONS

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SEC. 17. Each local union with building trades members shall affiliate with building trades councils, and all local unions shall affiliate with AFL-CIO state federations, unless exempted by the General President. Each local union may maintain labor bureaus and encourage trade education; join bona fide central labor unions and trade assemblies, where such exist; maintain contact and proper relations with other trade unions and do all in its power to strengthen and promote the interests of the bona fide labor movement.

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All local unions of this Association shall maintain an organizing program. It shall be funded pursuant to Article Twenty-Four (24) of this Constitution.

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All local unions of this Association shall affiliate with bona fide state, district and provincial councils chartered by this Association.

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Each local union having Taft-Hartley trust funds are encouraged to join the National Coordinating Committee of Multiemployer Plans (NCCMP) in order to support the advocacy and protection of multiemployer plans and their participants.

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ARTICLE ELEVEN (11)

Local Union or Council Benefit Plans

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SECTION 1 – RESPONSIBILITY

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SEC. 1. Whenever a local union or council establishes and operates any local, district or state plan to provide sick, out of work, or death benefits or any other form of benefit or relief for the members thereof, said local unions and councils assume full responsibility for the operation and likewise full liability for the payment of all financial obligations in accordance with the established rules and regulations governing said local benefit or relief plan and likewise in

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ARTICLE ELEVEN (11) – ARTICLE TWELVE (12)

7 accordance with the laws of the respective states or territories. This Association shall not be in any
8 way financially or otherwise connected, involved, responsible or liable for the payment of any
9 claims or judgments filed or rendered against any local union or council in connection with said
10 local sick, out of work, or death benefit or other local benefit or relief plans.

11 Local union funds derived from sources specified in this Constitution shall not be
12 appropriated, loaned or donated to support or otherwise finance, any of the benefit or relief plans
13 referred to in this Article, or to otherwise provide relief or to maintain the good standing of
14 members. Participation in the above-mentioned local, district or state plans shall be purely optional
15 and no member shall be required as a condition of membership to participate in said plans or to
16 contribute to the support and maintenance thereof.

17 This Section shall not apply to health, welfare or pension plans negotiated through the
18 process of collective bargaining.

ARTICLE TWELVE (12)

Local Union Officers, Business Managers, and Business Representatives

1 **SECTION 1 – NUMBER OF OFFICERS AND TITLES**

2 **SEC. 1.** The officers of each local union shall be a president, vice president, recording
3 secretary, financial secretary-treasurer, conductor, warden, the members of the local union
4 Executive Board and at least three (3) trustees. Except as provided in Section 3 of this Article, any
5 offices and positions, the duties of which are not inconsistent, may be combined, or offices and
6 positions previously combined may be separated by action of the local union at a special called
7 meeting or as a special order of business at a regular meeting held not less than sixty (60) days
8 prior to the next regular election. The positions of conductor and warden may be combined at any
9 time a vacancy in either position occurs with a thirty (30) day notice to the membership of the
10 intent to combine such positions prior to appointment or election as a special order of business at
11 a regular union meeting.

12 **SECTION 1(a) – FINANCIAL SUPPORT OF CAMPAIGN**

13 **SEC. 1(a).** No candidate, including a prospective candidate for any position set forth in
14 Article Twelve (12), Sections 1 of 2, and supporter of a candidate, may solicit or accept financial
15 support, or any other direct or indirect support of any kind, except an individual’s own volunteered
16 personal time, from any non-member, or associate or honorary member; nor may an owner-
17 member, lawyer or employer volunteer personal time in support of such a prospective candidate.

18 **SECTION 2 – NUMBER OF BUSINESS MANAGERS**
19 **AND BUSINESS REPRESENTATIVES**

20 **SEC. 2.** Each local union shall have one (1) business manager and may have additional
21 business representatives all of whom shall be elected by the local union at the same time and in
22 the same manner and for the same term as local union officers, provided that if, during the regular

ARTICLE TWELVE (12)

23 term of office of local union officers, a local union shall approve the election of additional business
24 representatives they shall be elected during such term of service until the next regular election of
25 officers, business manager and business representatives.

26 **SECTION 3 – QUALIFICATIONS**

27 **SEC. 3.** Under no circumstances shall the offices of president and financial secretary-
28 treasurer be combined, nor shall the president, vice president, financial secretary-treasurer or
29 recording secretary be eligible or permitted to act or serve as trustee of the local union, nor may
30 the business manager or business representatives or trustees be eligible or permitted to act or serve
31 as members of the Executive Board except where the offices of the business manager or business
32 representative have been combined with those of president, vice president or recording secretary,
33 in accordance with this Section.

34 No member shall be nominated for or elected to two (2) local union offices or positions at
35 the same time unless prior to said nominations such offices had been combined by action of the
36 local union. No member shall be eligible to nomination, election or appointment, nor shall he or
37 she be permitted to continue to serve as an officer, business manager, business representative,
38 delegate, trustee or other representative of any affiliated local union unless (a) he or she is paying
39 the rate that keeps him or her a member in good standing in such local union, (b) such dues and
40 other obligations due the local union and this Association must be paid before the first day of the
41 current month and are properly recorded on official receipts in his or her possession, and (c) he or
42 she has established a record of continuous good standing in the local union in which he or she is a
43 candidate for a period of not less than two (2) consecutive years, which may include years as an
44 apprentice-member but no longer serving an apprenticeship, immediately preceding his or her
45 nomination, appointment or election, except where a new local union has not been in existence, or
46 where no one willing to accept nomination or appointment to a particular office or position has a
47 record of continuous good standing, for such period, in which cases a shorter period for eligibility
48 may be prescribed with the prior approval of the General President; nor shall he or she be eligible
49 for nomination, election or appointment or permitted to continue to serve if he or she is retired on
50 pension under the provisions of the Social Security Act or Railroad Retirement Act or on a pension
51 from this Association or any local union or council thereof or from any pension plan negotiated
52 with employers unless said retiree has returned to active service and has worked at the trade for
53 not less than one (1) year immediately prior to date of nomination. A new local union as used in
54 this paragraph shall not include a new local union resulting from a merger, amalgamation or
55 separation of other local unions which have been in existence for two (2) years or more.

56 The foregoing qualifications shall be require of members of local unions which have
57 resulted from amalgamation, merger or separation of local unions except that if good standing has
58 been continuous or unbroken then good standing membership in all local unions involved in the
59 amalgamation, merger or separation shall be counted; however, the local union good standing of
60 members who transfer from one local union to another after the amalgamation, merger or
61 separation has been completed, or following transfer time limits prescribed in connection with the
62 amalgamation, merger or separation, shall commence with the date of transfer.

ARTICLE TWELVE (12)

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SECTION 4 – NOMINATION

64 **SEC. 4.** Unless otherwise authorized by the General President all nominations for local
65 union officers, business manager and business representatives shall be made at a regular or special
66 meeting held either in the month of May or early in the month of June and all nominations shall
67 be closed at said regular or special meeting. The president or presiding officer shall appoint a judge
68 and at least two (2) tellers to conduct an election with respect to such officers. Such election shall
69 be conducted only by such duly appointed judge and tellers. No member may be nominated for or
70 elected to more than one (1) office or position in any local union.

71 Any member who is nominated for local union office and who is not present at the meeting
72 at which nominations are made shall be dropped from the list of nominees unless within five (5)
73 days after such nomination he or she notifies the recording secretary in writing of his or her
74 willingness to run for such office.

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SECTION 5 – NOTICE

76 **SEC. 5.** Only good standing members, who are not owner-members are eligible to
77 participate and vote and all good standing members of affiliated local unions shall be notified in
78 advance, by written notice, or by notice printed in a publication customarily mailed to all members
79 regarding the date, time, place and purpose of meeting for nomination and also regarding the dates,
80 times and places of elections. Notice of election shall be mailed to the last known home address
81 of each member not less than fifteen (15) days prior to such election.

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SECTION 6 – ELECTIONS

83 **SEC. 6(a).** Elections may be held under such rules as are not inconsistent with this
84 Constitution and at such times and places following the nominations as the local union may decide,
85 provided (a) that the selection of the times and places shall afford the membership a reasonable
86 opportunity to vote, including the notice provided for Section 5 of this Article, (b) that the election
87 shall be held in the month of June, (c) that officers, business manager and business representatives
88 shall be elected from duly nominated candidates and not by “write-in ballots,” and (d) that absentee
89 ballots shall not be used or accepted.

90 Elections shall be conducted by secret ballot except in those instances where there is only
91 one (1) nominee for the office. The nominee receiving the highest number of votes for each office
92 shall be declared elected.

93 For extraordinary elections, a mail ballot or an electronic method for election may be
94 conducted if (a) the membership approves use of either a mail ballot or electronic method by a
95 two-thirds (2/3) vote at a special meeting, and (b) the General President approves use of the mail
96 ballot, or (c) the General President recommends the use of an electronic method to the General
97 Executive Council for its approval. Procedures shall be used to ensure the secret ballot.

98 **SEC. 6(b).** A “secret ballot” vote shall mean the expression by ballot, voting machine or
99 other electronic means approved by the General Executive Council, of a choice by the member

ARTICLE TWELVE (12)

100 cast in such manner that such member cannot be identified with his or her vote. All election
101 records, including ballots, shall be preserved for one (1) year by an officer designated by the local
102 union or by the recording secretary if no other officer is designated.

103 **SEC. 6(c). Tellers & Judge.** The tellers and judge shall make arrangements for and
104 conduct the election at the times and places specified by the local union in accordance with this
105 Constitution; examine and count all tallies from voting machines or other electronic methods and
106 legal ballots cast; prepare a written report of all tallies and ballots cast for each candidate and the
107 number of void ballots; sign said report in presence of each other and submit the same to the
108 recording secretary.

109 Whenever the local union shall provide for the casting of ballots at times and places other
110 than at a meeting of the local union, all tallies and ballots received by the judge and tellers shall
111 be sealed and shall be counted officially at one (1) time and place to be fixed by the local union
112 for the count of all ballots cast in the local union elections.

113 The tellers and judge shall submit their report at the first meeting of the local union
114 following the election.

115 Each candidate for office shall be entitled, upon request, to appoint one good standing
116 member, but not himself or another candidate, as an observer at each polling site who shall be
117 permitted to witness the manner of distribution, casting and tabulation of ballots.

118 **SEC. 6(d). Report to General Secretary-Treasurer.** After the report of the tellers and
119 judge has been submitted to the recording secretary, he/she shall immediately file through the
120 approved electronic means approved by the General Executive Council with the General
121 Secretary-Treasurer the names and addresses of the newly elected officers, business manager and
122 business representatives and thereafter notice of any change in same. Such report shall contain the
123 number of the dues receipts of each elected officer showing payment to and for the month(s) in
124 which nominations and election occurred and a complete tally sheet showing the exact vote for
125 each office.

126 **SEC. 6(e). Contesting Elections.** Complaints as to the violation of this Constitution or
127 applicable law in the conduct of a local union election shall be filed with the General President
128 within seven (7) days from the date of the election report of the recording secretary, provided,
129 however, that any member having knowledge of an alleged irregularity in an election during the
130 time it is being conducted who fails to notify the judge of election of same immediately upon
131 acquiring such knowledge shall not be entitled to an appeal to the General President upon such
132 irregularity. The decision of the General President shall be final and not subject to further appeal.

133 **SECTION 7 – TERM OF OFFICE**

134 **SEC. 7.** Local union officers, business manager and business representatives shall be
135 installed at the first regular meeting in the month of July following their election. All local union
136 officers, business manager and business representatives shall be elected to serve a term of three
137 (3) years. Whenever there is a change in the business manager or the financial secretary-treasurer,

ARTICLE TWELVE (12)

138 the local union shall have the financial books and records audited by an independent certified
139 public accountant or chartered accountant in Canada, from the beginning of the fiscal year until
140 the date the new business manager or financial secretary-treasurer is installed. The General
141 Secretary-Treasurer may waive or modify this requirement for good cause.

142 SECTION 8 – VACANCIES

143 **SEC. 8(a).** When a permanent vacancy occurs in any office or position the local union shall
144 promptly fill the same for the unexpired term by nomination at a regular or special meeting and by
145 election held in the same manner and under the same rules as those governing regular elections,
146 provided that if a vacancy occurs within the twelve (12) month period prior to the next regular
147 election such office may be filled by appointment by the local union Executive Board.

148 No incumbent of any office or position in a local union shall be eligible for nomination,
149 election or appointment to fill a permanent vacancy in accordance with the provisions of this
150 Section 8(a) unless prior thereto he or she resigns irrevocably in writing from the office or position
151 of which he or she is the incumbent. While such resignation shall be submitted in advance of
152 nomination or appointment, the effective date shall be no later than the date that the newly elected
153 or appointed officer(s) takes office.

154 **SEC. 8(b).** When a temporary vacancy occurs, the local union shall fill such office or
155 position pro tem by election or appointment by the local union Executive Board as the local union
156 may decide. The term of such pro tem officer shall continue until the resumption of office by the
157 officer who vacated it or until the next regular election, whichever occurs first.

158 In the event a pro tem officer is elected or appointed while he or she is an incumbent of
159 another local union office or position, he or she shall be entitled to resume his or her former office
160 or position if he or she is displaced from the pro tem office by the return of the regular incumbent
161 prior to the next regular election.

162 **SEC. 8(c).** In the event an election is to be held, the vacant office or position may be filled
163 by appointment by the local union Executive Board pending the holding of such election which
164 shall be held within ninety (90) days of the occurrence of vacancy.

165 **SEC. 8(d).** Notwithstanding any other provision of this Section, a local union may elect
166 not to fill vacancies in office or positions which are not essential to the temporary operation of the
167 local union if the cost of holding an election or the length of time remaining in the term justify
168 such action.

169 SECTION 9 – SALARIES

170 **SEC. 9.** Each local union shall have authority to pay such salaries as it may determine for
171 services rendered by the local union officers, business manager, business representatives,
172 delegates, representatives and members. Such salaries shall be properly recorded. In no case,
173 however, shall any local union officer, business manager, business representative, delegate,
174 representative or member be exempted from his or her obligation to pay dues at the established

ARTICLE TWELVE (12)

175 rate in advance, and no officer, business manager, business representative, delegate, representative
176 or member shall receive credit for dues in return for any services rendered.

177 Remuneration or salary due officers, business manager, business representatives,
178 delegates, representatives, or members for services or expenses shall be paid to them from the local
179 union treasury by check or electronic transfer.

180 **SECTION 10 – PENSIONS**

181 **SEC. 10(a).** There shall be established and maintained by the International Association
182 Pension Funds to be known as SMART Local Unions and Councils Pension Fund (United States)
183 and the SMART Local Unions and Councils Pension Fund (Canada) for such full-time salaried
184 officials and employees of all local unions, state, provincial, district councils, officers elected by
185 the Transportation Division and Administrative Staff whose wages and salaries are allocated to the
186 Transportation Division, the officers and staff in General Committees and State Legislative Boards
187 within the Transportation Division which choose to participate, and related organizations who are
188 eligible for coverage under the rules and regulations of such Pension Funds.

189 Employees of related organizations, however, shall be eligible for coverage under either of
190 the said SMART Local Unions and Councils Pension Funds if permitted under its Trust Agreement
191 and/ or Plan, and if such coverage does not adversely affect either said Fund’s tax exempt status
192 or its financial integrity.

193 **SEC. 10(b).** The trustees of the Pension Funds shall be appointed by the General President
194 with the approval of the General Executive Council.

195 **SEC. 10(c).** Each U.S. Local union and council shall pay each month to the SMART Local
196 Unions and Councils Pension Fund (United States) an amount equal to fourteen percent (14%) of
197 the gross monthly compensation of each covered salaried official and eligible employee in the
198 Transportation Division and an amount equal to seventeen percent (17%) of the gross monthly
199 compensation of each other covered full-time salaried official and eligible employee, and such
200 additional percentage or amount that is (1) required to satisfy the minimum funding requirements
201 imposed by the Internal Revenue Service and ERISA applicable to the Fund, (2) required under
202 the default schedule(s) published by the Fund, or (3) otherwise required by federal law, which shall
203 be a standing appropriation and shall not require a vote of the local union or council, or such lower
204 percentage or amount as the trustees of the Fund determine by applying the foregoing criteria.
205 Each Canadian local union and council shall pay to the SMART Local Unions and Councils
206 Pension Fund (Canada) up to seventeen percent (17%) of the gross monthly compensation of each
207 covered full-time salaried official as determined by the trustees of the SMART Local Unions and
208 Councils Pension Fund (Canada) or such greater percentage as is required to satisfy the minimum
209 funding requirements imposed by the provisions of the Income Tax Act (Canada) and the Pension
210 Benefits Act of Ontario applicable to the Fund (Canada) or which otherwise shall be in compliance
211 with applicable laws and shall be considered a standing appropriation and shall not require a vote
212 of the local union or council.

ARTICLE TWELVE (12)

213 **SEC. 10(d).** To the extent permitted by federal and provincial laws, and notwithstanding
214 any other provisions of this Section to the contrary, each Canadian local union and council shall
215 pay to the Canadian Dues Defense Fund, herein established and maintained by the International
216 Association, an assessment in an amount to be determined by the trustees of the SMART Local
217 Unions and Councils Pension Fund (Canada) which is based on a percentage of the gross monthly
218 compensation paid to all full-time salaried officials who participate in the SMART Local Unions
219 and Councils Pension Fund (Canada) provided that the combined contributions to the SMART
220 Local Unions and Councils Pension Fund (Canada) authorized in Section 10(c) and the Canadian
221 Dues Defense Fund shall not exceed seventeen percent (17%) or such greater percentage as may
222 be required under Section 10(c) in the aggregate. The Canadian Dues Defense Fund shall be used
223 for the purpose of dealing with uniquely Canadian problems that require particularized attention.
224 The assessment in question shall be a standing appropriation and shall not require a vote of the
225 local union or council.

226 **SECTION 11 – REMOVAL**

227 **SEC. 11(a). Automatic Removal.** If any local union officer, business manager, or business
228 representative shall fail to attend three (3) consecutive local union meetings without reasonable
229 excuse, his or her office shall become vacant automatically and should any member of a local
230 union Executive Board fail to attend three (3) consecutive meetings of the Executive Board without
231 reasonable excuse, his or her office shall become vacant automatically.

232 **SEC. 11(b). Removal for Cause.** Local union officers, business manager or business
233 representatives may be suspended or removed from office, for cause, in the manner and on the
234 grounds specified in this Constitution, except that it shall be mandatory to remove from office any
235 officer, business manager, or business representative who pleads guilty to, or is , after trial, found
236 guilty of charges of falsifying office receipts, any act of fraud, embezzlement, misappropriation or
237 deception in receiving, recording, applying, handling or accounting of any monies, property or
238 other things of value belonging to this Association or any local union or council thereof, or of
239 refusal, failure or neglect to deliver at specified periods or on demand in accordance with this
240 Constitution, a full and accurate accounting, with payment in full, and delivery of all monies,
241 property and things of value, together with all books and records for examination and audit.

242 When any local union officer, business manager, or business representative is charge with
243 any act of fraud, deception, embezzlement or misappropriation of monies, property, or things of
244 value belonging to this Association or any local union or council thereof, he or she may be
245 temporarily suspended from office with or without pay by the General President pending trial on
246 such charges and a full report, together with all information in connection therewith, shall be sent
247 to the General Secretary-Treasurer for handling with the bonding company in such manner as may
248 be required by existing bonding agreements.

249 Charges and trial of local union officers, business manager, and business representatives
250 shall be conducted in accordance with the provisions of Article Eighteen (18) of this Constitution.

ARTICLE TWELVE (12) – ARTICLE THIRTEEN (13)

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SECTION 12 – TRAINING

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SEC. 12. All full-time officers and agents are required to take the following courses offered by, or recognized by the Association: the new business agents’ class during the first year of their first term in office, the basic organization class in the first term in office, and two (2) classes of their choosing in their second term. Financial secretary-treasurers shall be required to take the financial secretary-treasurer class training in the first year after taking office. Credit shall be given for courses taken before election.

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ARTICLE THIRTEEN (13)

Duties of Local Union Officers, Business Manager, and Business Representatives

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SECTION 1 – DUTIES OF LOCAL UNION PRESIDENT

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SEC. 1. The president shall preside at all meetings; rule on all questions of law, procedure and points of order; have the deciding vote in case of tie; review and consent to the payment of bills and other obligations approved by the local union; require ineligible persons to leave the hall; appoint all committees unless otherwise directed by the local union and except as provided in Section 8(a) of this Article; call special meetings as provided in Article Ten (10), Section 6; appoint such assistants to the conductor or other officers as may be necessary to preserve order and to facilitate the proper conduct of meetings; act as chairman of the local union Executive Board; and perform such other duties as may be required of him or her by the local union consistent with the provisions of this Constitution and the policies of this Association.

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SECTION 2 – DUTIES OF LOCAL UNION VICE PRESIDENT

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SEC. 2. The vice president shall assist the president in the performance of his or her official duties; perform the duties of the president when the president is absent from meetings and perform such to her official duties as may be assigned to him or her by the local union, consistent with the provisions of this Constitution and the policies of the Association.

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SECTION 3 – DUTIES OF RECORDING SECRETARY

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SEC. 3. The recording secretary shall keep correct minutes of each meeting and read the same at the opening of the next meeting; read all official communications, documents, bills and expenses received by the local union except those coming within the jurisdiction of the financial secretary-treasurer; act as secretary of the local union Executive Board; keep a correct record of the names and addresses of all good standing members; issue all notices for meetings; keep a record of all registered apprentices and applications for membership; have charge of the official seal and affix same to all official correspondence and documents; review all bills and other obligations approved by the local union; notify the General Secretary-Treasurer of any change in any officers, business manager or business representatives of the local union and any changes in the addresses thereof; furnish the General Secretary- Treasurer with information about trials of, and discipline imposed against, members for misconduct; in the absence of both the local president and local vice president, call meetings to order and direct the local union to select a presiding

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ARTICLE THIRTEEN (13)

29 officer pro tem; and perform such other duties as may be assigned to him or her by the local union
30 consistent with this Constitution and the policies of this Association.

31 **SECTION 4 – DUTIES OF FINANCIAL SECRETARY-TREASURER**

32 **SEC. 4(A). General.** The financial secretary-treasurer shall:

33 (a). Receive and record on official receipts all monies paid to the local union. Keep a
34 correct record in the membership dues ledger of the account, obligations and payments of each
35 applicant for membership and member, issue official receipts in either electronic format approved
36 by the General Secretary –Treasurer, or in printed triplicate form. In each instance when payments
37 are made to him or her by applicants or members and no other form of a receipt shall be issued.

38 (b). Deposit all monies received by him or her in the name of the local union in a bank
39 selected and approved by the local union.

40 (c). Assume full responsibility and liability to the local union and this Association for the
41 money received and recorded. Except obligations due this Association, make no disbursement
42 from local union funds without the consent of the president, without approval or ratification by the
43 local union, and without signing a check along with the signature of the president or another officer
44 duly authorized by the local union except a trustee, or by electronic disbursement provided there
45 is a process consistent with the requirement of two signatures and the proper segregation of duties
46 between him or her and the president or any other duly authorized officer. Separate from all monies
47 received the per capita dues due the International Association to ensure that said money is sent
48 directly to the General Office and is not used or disbursed for any purpose other than the payment
49 of same to the International Association.

50 (d). Close the official receipt book on the last day of each month and immediately record
51 all members who are more than two (2) months in arrears as suspended. Notice shall not be
52 necessary.

53 (e). Forward to the General Secretary-Treasurer in either electronic format approved by the
54 General Secretary-Treasurer, or when in print form the white duplicates of all receipts issued by
55 him or her or by any other authorized officer or representative of the local union, including those
56 issued on the last day of the month, together with his or her monthly or quarterly report and money
57 order, bank draft, check, direct deposit, electronic transfer or automated clearinghouse,(ACH)
58 network for the per capita dues and fees due this Association in time to reach the General Office
59 not later than the tenth (10th) day of the following month.

60 The quarterly report shall include a statement showing all of the net assets of the local
61 union including but not limited to the general fund, organizing fund, wage equalization or other
62 such purposed funds, building fund and all other separated funds, the value of all properties real
63 and personal of the local union and the reconciliation of outstanding obligations of the previous
64 quarterly report. Whenever in the judgment of the General Secretary-Treasurer it is deemed
65 impractical to require a local union to report on a monthly basis, he or she may upon the request
66 of the local union extend such time to a quarterly basis. The financial secretary-treasurer of local

ARTICLE THIRTEEN (13)

67 unions reporting on a quarterly basis shall submit estimated per capita dues on a monthly basis and
68 send his or her quarterly report and per capita dues or fees due this Association to the General
69 Secretary-Treasurer not later than the tenth (10th) day following the end of the quarter reported.

70 If, notwithstanding the provisions of this Section, the local union per capita dues is not
71 timely remitted to the General Secretary-Treasurer, whenever the account is thirty (30) or more
72 days late, the local union shall be charged interest pursuant to Article Five (5), Section 1(a) which
73 the financial secretary-treasurer shall remit in addition to the per capita dues. The provisions of
74 this Article are modified for railroad local unions as set forth in Article Twenty-One A (21A),
75 Section 11.

76 (f). Included in the monthly report to the General Secretary-Treasurer a record of all
77 initiations, reinitiations, suspensions, reinstatements, transfer cards issued and accepted,
78 withdrawal cards issued and accepted, members expelled and deceased and all legal obligations
79 due from suspended and expelled members to and including date of suspension or expulsion.

80 (g). Receive and conduct all correspondence between his or her local union and the General
81 Office and with other local unions or councils pertaining to the records of standing and financial
82 obligations of members.

83 (h). Keep a correct record of the name, membership number and address of each member
84 and conduct all correspondence with members pertaining to their record and standing and financial
85 obligations.

86 (i). On March 31, June 30, September 30 and December 31 of each year, or at any time he
87 or she is called upon to do so by the trustees of the local union, submit to the trustees for inspection
88 and audit a complete report of all monies received and disbursed by him or her, together with all
89 of his or her books and records, including a listing of total assets and properties of the local union.

90 (j). Notify the General Secretary-Treasurer in case the trustees fail or neglect to conduct an
91 inspection and audit after reasonable notice.

92 (k). Notify the General Secretary-Treasurer of all fines against members and institute
93 lawsuits pursuant to Article Seventeen (17), Section 3, when necessary to collect fines.

94 (l). Perform such other duties as may be assigned to him or her by the local union which
95 are consistent with the provisions of this Constitution and policies of this Association.

96 **4(B). Official Receipts.** Each and every official receipt issued in either electronic form or
97 if printed in triplicate form shall clearly record the name of the applicant or the name and
98 membership number of the member, the local union number, the actual date of payment and the
99 actual amount of money paid by applicant or member, properly checked and applied in spaces
100 provided therein, and the amount recorded paid on official receipts either in electronic or in
101 triplicate form shall in no case be less than the actual amount due for obligations checked and
102 recorded thereon. Each official electronic or printed in triplicate receipt issued shall bear the

ARTICLE THIRTEEN (13)

103 signature or the authorized printed or facsimile signature in the case of computer issued receipts
104 of the financial secretary-treasurer or other duly authorized officer of the local union issuing same.

105 All official receipts shall be issued consecutively according to serial numbers and
106 consecutively according to date of payments actually made and issued at the time that monies are
107 actually received.

108 Electronic or pointed white duplicate and yellow triplicate (copies) of official receipts must
109 be issued at the same time that original official receipts are issued and must in each instance be
110 exact copies of the original official receipt issued.

111 Should an error be made in issuing official receipts, the original electronic or printed
112 receipt, white duplicate and yellow triplicate (copies) of said receipts shall be immediately marked
113 void and another official receipt in electronic or printed in triplicate form shall be issued to properly
114 record any payment actually made by applicants or members.

115 An electronic copy or if printed the white duplicate (copies) of all spoiled and void receipts
116 must be forwarded to the General Secretary-Treasurer with each monthly remittance.

117 Whenever officers or representatives other than the financial secretary-treasurer are duly
118 authorized by local unions to collect dues, fees and other obligations from applicants or members,
119 said officers or representatives shall acknowledge and record all payments made to them by
120 applicants or members on official receipts in an electronic or triplicate form, and no other form of
121 receipt shall be issued or recognized, and they shall turn over to the financial secretary-treasurer
122 of the local union at each regular meeting all electronic or printed white duplicate (copies) of
123 official receipts issued by them between meetings with the total amount of monies collected and
124 recorded on electronic or printed white duplicate (copies) of official receipts so that the financial
125 secretary-treasurer shall enter proper credit to the account of those involved.

126 Electronic or printed white duplicate official receipts filed at the General Office by local
127 unions that are not actual copies of original official receipts, or that have not been issued
128 consecutively according to serial number and according to dates or which show erasures, change
129 in name, change in amount, change in date or any other alteration or that record any money not
130 actually paid shall not be accepted or applied to the credit of the member or person involved; nor
131 shall any International fees or dues be accepted on said receipts. The original copy of all said
132 receipts issued contrary to the requirements of this Constitution shall be taken up by the local
133 financial secretary-treasurer and surrendered to the General Secretary-Treasurer to be properly
134 corrected or concealed and declared void as the fact in the case may warrant.

135 Notwithstanding the above and providing the technology comes into existence, the General
136 Secretary-Treasurer, with the approval of the General Executive Council, has the authority to
137 implement an electronic means of issuing, receiving, filing and storing official receipts so long as
138 adequate safeguards are in place.

ARTICLE THIRTEEN (13)

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SECTION 5 – DUTIES OF TRUSTEES

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SEC. 5. The trustees shall have supervision over all funds and property of the local union, subject to the provisions of this Constitution and any instructions from the local union not inconsistent therewith. They shall require the financial secretary-treasurer to deposit all monies, securities, and certificates of value in the name of the local union in such bank as the local union may designate; shall arrange with the proper officers of said bank that no funds, securities or certificates of value shall be drawn from the account of the local union except on check or draft signed by the financial secretary-treasurer and one or more other officers duly authorized by the local union or by electronic disbursement in compliance with Article Ten (10), Section 14; examine the financial statements and all books and records of the financial secretary-treasurer at the end of each quarter ending March 31, June 30, September 30, and December 31, and conduct a proper audit of such accounts; submit a certified report of this examination and audit to the local union and a duplicate original thereof to the General Secretary-Treasurer; have authority to demand and examine all books and records of the financial secretary-treasurer for the purpose of an audit at any time and notify the General Secretary of any refusal or failure of the financial secretary-treasurer to surrender his or her books and records for examination and audit either at the end of each quarter or upon demand of the trustees. They shall require an independent audit by a certified public accountant on an annual basis in accordance with the requirements of Article Ten (10), Section 11(a), of this Constitution.

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SECTION 6 – DUTIES OF CONDUCTOR

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SEC. 6. It shall be the duty of the conductor to examine official receipts of all members attending meetings and report to the president or presiding officer at the opening of the meeting the name of anyone who is not in good standing or is ineligible to participate in the meeting; obtain the names of all applicants awaiting initiation and report the same to the presiding officer; conduct qualified applicants through the initiation ceremony and perform such other duties as may be assigned to him or her by the local union consistent with the provision of this Constitution.

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SECTION 7 – DUTIES OF WARDEN

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SEC. 7. The warden shall take charge of the door at each meeting and see to it that none but members in good standing and entitled to participate in the meeting are admitted. A member who applies for admission without his or her official receipt shall be announced by name and membership number, and, if the records of the financial secretary-treasurer show him or her to be in good standing and he or she is properly identified, he or she shall be admitted. The warden shall allow no members to retire without permission of the president or presiding officer, and shall perform such other duties as may be assigned to him or her by the local union consistent with the provision of this Constitution.

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SECTION 8 – DUTIES OF BUSINESS MANAGER AND BUSINESS REPRESENTATIVES

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SEC. 8(a). Business Manager. The business manager shall have authority to direct and supervise all business representatives and shall serve as chairman of the committee which

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ARTICLE THIRTEEN (13)

178 negotiates wage, hours', and conditions of employment. He or she shall appoint all committees for
179 which provision are made in collective bargaining agreements as well as appoint all labor trustees
180 of jointly administered trust funds unless otherwise provided in the respective trust fund
181 documents. The business manager by virtue of his or her office shall serve as trustee on all
182 negotiated trust funds although he or she may appoint a business representative in his or her place
183 instead without the need for executive board approval. The Business Manager shall have authority
184 to implement the provision of Resolution 78. The text of which is printed as an appendix to this
185 document.

186 **SEC. 8(b). Business Manager and Business Representatives.** Business managers and
187 business representatives shall represent their local unions and members thereof in matters
188 pertaining to organizing the unorganized, collective bargaining agreements and enforcement
189 thereof, wagers, hours, conditions of employment and jurisdictional matters and supervise the
190 conduct and activities of members in connection therewith to the end that provisions of this
191 Constitution and the policies of this Association are complied with; assist and cooperate with the
192 officers of local unions, and the members thereof in carrying-out the provisions of this
193 Constitution; use their best efforts to adjust and settle such controversies as may arise in connection
194 with complaints of members, consistent with the rights of those involved in accordance with the
195 provisions of the Constitution and policies of this Association.

196 In all matters involving jurisdiction of work, business managers and business
197 representatives shall recognize, protect and be governed by the jurisdictional claims and rights of
198 this Association as set forth in Article One (1), Section 5, of this Constitution and shall not waive
199 or relinquish claim to any work specified therein.

200 All newly elected business managers and business representatives are required to attend
201 the new business agents' class conducted by the Education Department within one (1) year of
202 election.

203 **SEC. 8(c).** Each local union, after due notice to the membership and approval at a special
204 meeting called for the purpose or as a special order of business at a regular membership meeting,
205 may establish a position of local organizer(s) for the purpose of assisting the business manager and
206 business representatives in organizing the unorganized in the jurisdiction of the local union.

207 In the event the local union does establish such a position, the business manager may
208 appoint such local organizer who will serve at the discretion of the business manager. Such
209 organizer must meet the qualifications of Article Twelve (12), Section 3, of this Constitution.

210 **SECTION 9 – CONVENTION DELEGATES**

211 **SEC. 9. Automatic Delegates.** Subject to the provisions of Article Seven (7), Section 3,
212 by virtue of their offices and as part of their duties as such, the elected full-time salaried officers,
213 business manager and business representatives of each local union, and the president and/or
214 business manager of a production, federal or shipyard local without full-time salaried officers,
215 shall serve as delegates of the local union to the General Convention of this Association, provided
216 that this Section shall not be applied in such manner as to entitle any local union to more delegates

ARTICLE THIRTEEN (13) – ARTICLE FOURTEEN (14) – ARTICLE FIFTEEN (15)

217 than are provided for in Article Seven (7) of this Constitution nor shall this Section be constructed
218 to require a local union to send more delegates than it desires to represent it.

ARTICLE FOURTEEN (14)

Local Union Executive Board

1 **SECTION 1 – MEMBERSHIP**

2 **SEC. 1.** The local union Executive Board shall consist of the president, vice president,
3 recording secretary and such additional members as may be decided by the local union, who shall
4 be nominated and elected in accordance with the provisions of Article Twelve (12) of this
5 Constitution. The president shall act as chairman and the recording secretary shall act as secretary
6 of such board.

7 **SECTION 2 – MEETINGS**

8 **SEC. 2.** The local union Executive Board shall meet in regular session at such time and
9 place as may be designated by the local union. Special meetings of the Executive Board shall be
10 called by the president of the local union when in his or her opinion it is necessary or at the request
11 of the business manager or a majority of the members of the Executive Board.

12 **SECTION 3 – DUTIES**

13 **SEC. 3.** The local union Executive Board shall require the members, officers and
14 representatives of the local union to comply with the provisions of this Constitution; shall
15 cooperate at all times with other officers in the performance and execution of their duties and
16 obligations; shall assist and advise the business manager or business representatives in matters
17 requiring immediate attention between meetings; and shall perform such other duties as the local
18 union may direct which are consistent with the provisions of this Constitution.

19 All actions and decisions of the local union Executive Board except those taken pursuant
20 to Section 8 of Article Twelve (12) shall be subject to approval by the local union.

ARTICLE FIFTEEN (15)

Stewards

1 **SECTION 1 – APPOINTMENT**

2 **SEC. 1.** The business manager shall appoint such stewards as may be necessary to properly
3 perform the functions and duties described in Section 2 of this Article.

ARTICLE FIFTEEN (15) – ARTICLE SIXTEEN (16)

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SECTION 2 – DUTIES

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SEC. 2(a). It shall be the duty of a steward to observe conditions of employment and the conduct of members to the end that the duties and obligations of members and provisions of existing union agreements shall be complied with; to assist whenever possible in adjusting differences or misunderstandings which arise out of the interpretations or applications of the provisions of existing union agreements in connection with the employment of members in shops or on jobs; to advise eligible applicants for membership regarding the requirements of membership and refer said applicants to the financial secretary-treasurer or the business representatives of the local union; to direct traveling members of other local unions who are seeking employment to report to the financial secretary-treasurer, business manager or business representative and to comply with the provisions of this Constitution regarding the deposit of transfer cards; and to submit regular reports to the local union and to immediately report to the president, business manager or business representative any matter which warrants or requires their attention.

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SEC. 2(b). Shop stewards shall require absolute compliance with all provisions and requirements of this Constitution regarding the issuance and use of union labels, and all rules and regulations governing wages and conditions of employment, and immediately report any violation or evasion to the president, financial secretary-treasurer, business manager or business representative of the local union.

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ARTICLE SIXTEEN (16)

Membership

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SECTION 1 – QUALIFICATIONS

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SEC. 1(a). Each applicant for membership must be of good moral character and must be a worker in one or more industries covered by the jurisdictional claims of this International Association and agree to be bound by the provisions of this Constitution and any amendments thereto and by the policies and regulations established by this International Association.

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SEC. 1(b). Foremen and Superintendents. Foremen and superintendents who supervise the work of members of this Association or who work for contractors signatory with this Association and who meet and comply with all provisions and requirements of this Constitution and the established and recognized wage scales and working conditions of affiliated local unions shall, except for the provisions of Section 1(c) of this Article, be eligible for membership in this Association or any local union affiliated therewith.

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SEC. 1(c). Owners or Partners in Business. Except as otherwise provided in Section 1(d) hereof no owner, partner, agent, contractor, subcontractor, jobber, or any other person who is directly or indirectly financially interested in or who is an officer of or otherwise involved in the management of a sheet metal shop, business or job shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person’s membership shall be discontinued upon knowledge of such status. No person compensated on a lump sum, piece work or other basis, that is not in accordance with the

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ARTICLE SIXTEEN (16)

19 wage scales and working conditions established by this Association and the local unions and
20 councils affiliated therewith, except when the person is subject to a union organizing campaign,
21 shall be eligible to make application for membership or be accepted as a member of this
22 Association or of any local union or council thereof and any such person's membership shall be
23 discontinued upon knowledge of such status. Financial interests within the meaning of this Section
24 shall not include ownership of stocks and securities listed on the New York, American, or
25 NASDAQ stock exchanges, or stock ownership in a signatory employer pursuant to an Employee
26 Stock Ownership Plan (ESOP) negotiated with the members' local union.

27 **SEC. 1(d). Owner-Members.** An owner, employer, contractor, jobber, or anyone who
28 otherwise participates as management in the sheet metal industry shall be eligible to retain or apply
29 for membership in this International Association or any local union thereof as an owner-member
30 with the same rights and duties as other members except as provided below:

31 (1). The sheet metal shop or business with which he or she is connected is in signed
32 agreement with the local union or local unions having jurisdiction over the shop and the shop or
33 business must employ at least one journeyman sheet metal workers who is a member of this
34 Association.

35 (2). An owner-members shall not be entitled to attend any meetings or be permitted to vote
36 for election of local union officers or on any question pertaining to wages, hours, benefits, or other
37 terms or conditions of employment or on the acceptance or rejection of a collective bargaining
38 agreement, and further, shall not be permitted to serve in a representative capacity or hold any
39 office or position in the local union. An owner-member who returns to any classification
40 represented by this Association shall not be permitted to run for local union office in any local
41 union affiliated with SMART for a period of one (1) year. Such period starts from the date that his
42 for her classification is changed on an official dues receipt issued by the financial secretary-
43 treasurer of the local union.

44 (3). An owner-member shall not be permitted to work in any capacity in the sheet metal
45 industry for another employer.

46 (4). Any owner-member who fails to fulfill his or her financial obligations by making
47 proper payment to his or her employees for work performed or to contribute the contractual
48 obligations to fringe benefit funds shall be subject to charges and penalties as prescribed in Article
49 Seventeen (17) of this Constitution.

50 (5). Any owner-member working with the tools of the trade shall pay to all fringe benefit
51 programs for the actual hours worked in accordance with the respective collective bargaining
52 agreement, unless that collective bargaining agreement provides for a different requirement.

53 (6). Nothing herein shall be construed to confer eligibility for benefits to an owner-member
54 from any particular employee or fringe benefit plan, nor supersede any minimum hours or
55 participation requirements of such plans.

ARTICLE SIXTEEN (16)

56 **SEC. 1(e). Membership in One Local Union.** Except as otherwise provided in this
57 Constitution no member shall be permitted or required to hold membership in more than one (1)
58 affiliated local union at the same time, nor shall any member be required to pay dues or assessments
59 into any other affiliated local union or building trades council as a condition of membership or
60 employment, except the local union in which he or she is properly recorded as a member and the
61 building trades council with which his or her local union is affiliated.

62 The member in question shall provide immediate proof of local union membership when
63 he or she is challenged by any other member of SMART who displays a dues receipt as proof of
64 membership and good standing in his or her local union. Along with this, a second form of pictured
65 identification may also be required, such as, pictured driver's license or similar form of
66 identification.

67 **SEC. 1(f). Associate Membership.** Each applicant for Associate Membership must be of
68 good moral character and concerned with the issues affecting members and this Association.

69 Applicants for Associate Membership shall file an application with the General Secretary-
70 Treasurer. If the applicant is found to be eligible, he or she shall be granted membership. The
71 General Executive Council will be notified periodically of all new Associate Members.

72 An Associate Member shall not be entitled to attend local union meetings or be permitted
73 to vote for election of local union officers.

74 Associate Members shall pay dues at the rate of Twelve Dollars (12.00) per year. The
75 General Executive Council shall establish and change the dues as it deems appropriate. Dues shall
76 be paid directly to the General Secretary-Treasurer, and shall be acknowledged on official receipts.
77 Standing of Associate Members shall be determined by duplicate copies of official receipts
78 properly issued recording payments actually made in the manner specified in this Constitution.

79 When an Associate Member becomes delinquent in the payment of Associate Membership
80 dues, he or she shall be recorded suspended by the General Secretary-Treasurer without notice.

81 **SECTION 2 – APPLICATION FOR MEMBERSHIP**

82 **SEC. 2. Form of Application.** Each qualified applicant for membership shall fill out the
83 standard form of application or approved electronic digital version prepared by this Association,
84 which shall be accompanied by a deposit of not less than Fifty Dollars (\$50.00) toward the payment
85 of initiation fee and be filed with the financial secretary-treasurer, who shall accept the application
86 and notify the applicant.

87 The financial secretary-treasurer shall report a list of new members to the executive board
88 or to the next regular meeting of the local union. Anyone who shall certify to any false statement
89 or answer on official form of application for membership or who shall otherwise by false pretense,
90 misrepresentation or fraud attempt to secure membership in this Association or any local union or
91 council thereof, shall immediately have his or her application rescinded and forfeit all monies paid
92 by him or her toward initiation fees.

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93

SECTION 3 – INITIATION AND REINITIATION

94 **SEC. 3(a).** Every applicant shall be initiated upon receipt by the local union of the deposit
95 toward initiation fee and one month’s dues which payment must be paid within eight (8) days after
96 the beginning of his or her employment or as soon as the local union is permitted by law to require
97 payment. He or she shall be notified to appear at a meeting of the local union to take the obligation
98 of membership, or complete the standard official form of application in the presence of two (2)
99 members, and acknowledge that he or she (1) has been furnished with a copy of the Constitution
100 and Ritual of this Association and shall be responsible to examine and subscribe to same; (2) agrees
101 to be governed by the principles and policies of this Association and this Constitution thereof as
102 they then exist or as they may be changed or amended thereafter; and (3) will further abide by the
103 valid by-laws, rules, and decisions of the local union. An applicant for initiation or reinitiation
104 shall be recognized as a member by this Association unless the application is subsequently
105 disapproved by the General Secretary-Treasurer or unless all initiation fees and per capita dues
106 required by this Constitution are not timely paid by him or her.

107 **SEC. 3(b).** The amount of credit for initiation or reinitiation fee certified to on the original
108 copy of the standard official form of application and obligation must in each instance be verified
109 by either electronic format or white duplicate copies of official receipts filed at the General Office
110 by the local union, recording actual payments made for initiation or reinitiation fee and dues
111 beginning with the month in which initiation or reinitiation is properly recorded.

112 **SEC. 3(c).** No applicant for membership is entitled to credit for a greater amount of
113 initiation or reinitiation fee than he or she has actually paid and is recorded on either electronic
114 format or white duplicate copies of official receipts filed at the General Office, and no local union
115 or officer thereof shall certify to or allow credit to any applicant or member for a greater amount
116 of initiation or reinitiation fee than he or she has actually paid.

117 **SEC. 3(d).** Any qualified applicant who has filed application for membership in a local
118 union and who has actually paid Fifty Dollars (\$50.00) or more to apply on the established
119 initiation or reinitiation fee of the local union in which application for membership has been filed,
120 and who then leaves the jurisdiction of said local union, shall, provided he or she complies with
121 all other requirements of this Constitution, be accepted and obligated as a member of the local
122 union with which he or she has filed application, with credit for a special initiation fee after which
123 he or she shall, subject to the provisions of Section 9 of Article Sixteen (16), be entitled to a transfer
124 card with credit only for the amount of Fifty Dollars (\$50.00) or more, special initiation fee actually
125 paid. In the event such member fails to deposit the transfer card provided for in this paragraph, his
126 or her initiation shall be void and he or she shall be restored to his or her status as an applicant for
127 membership with credit on initiation fee of the amount actually paid.

128 **SEC. 3(e).** Any qualified applicant who has filed application for membership in a local
129 union and who has actually paid less than Fifty Dollars (50.00) to apply on the established
130 initiation or reinitiation fee of the local union in which application for membership has been filed,
131 and who then leaves the jurisdiction of said local union, shall immediately on entering the
132 jurisdiction of another local union, present to or the financial secretary-treasurer, business manager
133 or business representative of said local union official receipts acknowledging and recording

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134 payments actually made on initiation or reinitiation fee to date, file a new application for
135 membership in said local union, and if accepted as an applicant shall be allowed credit on initiation
136 or reinitiation fee for the amount actually paid and recorded on official receipts presented, provided
137 he or she shall comply with all requirements of this Constitution. On failure of the applicant to
138 present official receipts for credit and to file new application for initiation or reinitiation with
139 another chartered and affiliated local union within ninety (90) days, he or she shall forfeit his or
140 her right to credit for all monies paid.

141 **SECTION 4 – FORFEITURE OF INITIATION FEE**

142 **SEC. 4.** In the event an applicant is initiated for membership, except on serving an
143 apprenticeship, but fails to pay his or her full initiation fee within six (6) months from the date of
144 his or her application for membership, he or she shall be automatically suspended from
145 membership and forfeit all monies paid by him or her toward initiation fee, unless the time is
146 extended by action of the local union.

147 **SECTION 5 – UNAUTHORIZED FEES**

148 **SEC. 5.** No applicant for membership shall be permitted or required to pay any permit fees
149 under any circumstances or to pay any assessments until he or she has complied with all
150 requirements of this Constitution governing initiation, reinitiation or reinstatement and has been
151 duly obligated and properly recorded as a member.

152 **SECTION 6 – WITHDRAWAL CARDS**

153 **SEC. 6(a). General.** Except as otherwise provided in this Section, any member in good
154 standing who leaves covered employment and accepts employment in other industries or in other
155 trades shall, subject to the provisions of this Constitution, immediately make application for and
156 be issued a withdrawal card. No member in good standing against who charges are pending or not
157 disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer shall invalidate
158 a withdrawal card upon receiving notice that a member on withdrawal card is performing work
159 covered by the claimed jurisdiction of this Association.

160 **SEC. 6(b). Application.** Application for withdrawal cards shall be made to the financial
161 secretary-treasurer of the local union of which the applicant is a member. Such applications shall
162 be accompanied by payment of all dues, fees, and other financial obligations due the local union
163 and this Association to and for the month in which the withdrawal card is issued plus Fifty Dollars
164 (\$50.00) except as provided in Section 13 of Article Twenty-Two (22) of this Constitution. The
165 General Secretary-Treasurer may reduce or waive the withdrawal fee for a local union, upon
166 request.

167 **SEC. 6(c). Owners or Partners in Business.** Good standing members who become
168 owners, partners, agents, contractors, or subcontractors or who become directly or indirectly
169 financially interested or involved in the management of a sheet metal shop or business as officers
170 or otherwise shall be eligible to receive and retain withdrawal cards only if, (1) such sheet metal
171 shop or business in which they are interested continues to operate under a Union Agreement with

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172 the local union in whose jurisdiction such business is conducted, (2) not more than one (1) person
173 connected or associated with the management of the sheet metal shop or business in which they
174 are interested, whether such persons hold withdrawal cards or not, works with the tools of the trade
175 and then in the shop only, and (3) at least one (1) member of this Association is employed on all
176 work covered by Article One (1), Section 5 of this Constitution. A member who acquires stock
177 ownership with a signatory employer pursuant to an ESOP negotiated with the members' local
178 union shall be prohibited from receiving a withdrawal card.

179 **SEC. (d). Rights and Privileges.** Members on withdrawal card, subject to the provisions
180 of Section 1(d)(2) of this Article and excluding railroad supervisors, shall have the right to attend
181 meetings but shall not be eligible to actively participate in any meeting of a local union or council
182 of this Association, nor shall any such member be eligible for nomination, election or appointment,
183 or be permitted to serve, as officer, representative, delegate, business manager, business
184 representative or committeeman unless he or she returns to active service and is available for work
185 or has worked at the trade for not less than two (2) years immediately prior to the date of
186 nomination or appointment.

187 **SEC. 6(e). Reinstatement.** A member on withdrawal card who is eligible for membership,
188 who desires to return to covered employment and becomes reinstated to membership, shall have
189 the right to deposit his or her withdrawal card with the local union which issued the same and
190 apply for reinstatement. Such deposit of withdrawal card for purposes of reinstatement and request
191 for transfer card, if any, may be made by mail or by other method of delivery.

192 Each applicant for reinstatement on withdrawal card is entitled to credit for the actual
193 amount of initiation or reinitiation fee paid prior to the issuance of his or her withdrawal card, and
194 shall be required to pay the difference between the amount of last initiation or reinitiation fee
195 actually paid and the established initiation fee of the local union at the time that the withdrawal
196 card is presented for reinstatement, except that a member who deposits his or her withdrawal card
197 solely for the purpose of obtaining a transfer card shall pay the difference of initiation fee, if any,
198 to the local union in which he or she deposits his or her transfer card and not to the local union that
199 issued the withdrawal card.

200 Except as otherwise provided in Section 13 of Article Twenty-Two (22), the International
201 reinstatement fee shall be Fifty Dollars (\$50.00) plus forty-five percent (45%) of any fee collected
202 by the local union for difference in initiation fee for reinstatement on withdrawal card. The General
203 Secretary-Treasurer may reduce or waive the reinstatement fee upon request from the local union.
204 At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the
205 General Fund and five percent (5%) shall be apportioned on a basis determined by the General
206 Executive Council between the SMART Local Unions and Councils Pension Fund (United States)
207 and the SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues
208 Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International
209 Staff Pension Fund. The applicant shall also pay dues in advance and other obligations beginning
210 with the month in which reinstatement is properly recorded but shall not be assessed any local
211 union reinstatement fee.

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212 **SEC. 6(f). Dues.** Members on withdrawal card shall pay dues at the rate of Sixty-Dollars
213 (\$60.00) per year; said dues to be paid in advance on or before the first (1st) day of January of
214 each year. Members on withdrawal card shall be subject to the provisions of Article Sixteen (16),
215 Sections 11 and 12(a), concerning suspensions and reinstatements.

216 **SEC. 6(g). Penalties.** A member on withdrawal card will be subject to the provisions of
217 Article Seventeen (17) of this Constitution. A member on withdrawal card who, as an employer,
218 fails or is the person responsible for the failure of an employer to fulfill his or her financial
219 obligations to the fringe benefit funds or to his or her employees shall forfeit his or her withdrawal
220 card and the same shall be canceled. Notice of any cancellation of withdrawal card shall be sent to
221 the individual involved and to the General Secretary-Treasurer.

222 **SECTION 7 – LIMITED MEMBERSHIP**

223 **SEC. 7(a). Eligibility.** Limited Membership may be granted to good standing members
224 over sixty (60) years of age whose earning capacity has been substantially reduced because of age,
225 retirement or disability and who have maintained a continuous good standing record of twenty-
226 five (25) or more consecutive years; provided however, that in Canada only, Limited Membership
227 may be granted to Canadian members over fifty-five (55) years of age if all other conditions of
228 eligibility of this Section 7(a) are met.

229 **SEC. 7(b). Application.** Applicants for Limited Membership shall file an application in
230 the local union of which they are members and if such application is approved by the local union
231 it shall be submitted to the General Secretary-Treasurer for check as to eligibility. If the applicant
232 is found to be eligible by the General Secretary-Treasurer, he or she shall be granted Limited
233 Membership subject to the conditions prescribed in this Section.

234 **SEC. 7(c). Rights and Privileges.** Limited Members may attend meetings, but Limited
235 Members shall not be eligible to actively participate in any meeting of a local union or council of
236 this Association, nor shall they be eligible to nomination, election or appointment or be permitted
237 to serve as officers, representatives, delegates, business manager, business representatives or
238 committeemen.

239 **SEC. 7(d). Dues.** Limited Members shall pay dues at the rate of Forty-Eight Dollars
240 (\$48.00) per year, said dues to be paid quarterly in advance on or before the first (1st) day of
241 January, April, July, and October of each year. Said Limited Membership dues shall be paid
242 directly to the financial secretary-treasurer of the local union with which the member is affiliated
243 or to the General Secretary-Treasurer, and shall be acknowledged and recorded on official receipts.
244 Standing of Limited Members shall be determined by either electronic format or duplicate (copies)
245 of official receipts properly issued recording payments actually made in the manner specified in
246 this Constitution.

247 **SEC. 7(e). Forfeiture.** When a Limited Member becomes two (2) consecutive months
248 delinquent in the payment of Limited Membership dues, he or she shall be recorded suspended by
249 the local financial secretary-treasurer or by the General Secretary-Treasurer without notice and

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250 shall thereby forfeit his or her privilege of Limited Membership. The privilege of Limited
251 Membership thus forfeited shall not thereafter be reinstated or restored.

252 **SECTION 8 – MEMBERS ENTERING THE ARMED FORCES**

253 **SEC. 8(a).** Members whose dues per capita dues and other obligations due the local union
254 and this Association are paid to and for the month in which they enter the armed forces of the
255 United States or Canada may, notwithstanding any provisions of this Constitution to the contrary,
256 either make application for a special withdrawal card or for Special Limited Membership in
257 accordance with and subject to the condition hereafter provided. Members on a regular withdrawal
258 care are not eligible to make application for a special withdrawal card or for Special Limited
259 Membership.

260 **SEC. 8(b).** Special Limited Memberships provided for in this Article may be issued to
261 members entering the armed forces upon the furnishing to the General Secretary-Treasurer of the
262 actual date of entry into active service accompanied by Special Limited Membership dues of One
263 Dollar and Twenty-Five Cents (\$1.25) per month, paid for on quarter in advance. Thereafter
264 Special Limited Membership dues shall be paid at the rate of One Dollar and Twenty-Five Cents
265 (\$1.25) per month, quarterly in advance to and including the date of payment of membership dues
266 at the regular established rate of the local union, which payment shall be made not later than ninety
267 (90) days immediately following the month in which he or she is released from active service.
268 Photostatic copy of Honorable Discharge or other official evidence of release from the active
269 service shall be furnished to the General Secretary-Treasurer.

270 Any member of the National Guard or Reserves, activated by the Armed Forces, shall
271 immediately be issued Special Limited Membership after his or her regular dues are paid to and
272 for the month in which he or she was activated. The dues of One Dollar and Twenty-Five Cents
273 (\$1.25) per month, paid quarterly in advance, shall be paid by the local union, not by the member.

274 Holders of Special Limited Membership who comply with the provisions of this Section
275 shall be reinstated to full membership, without payment of reinstatement fee, and full credit for
276 continuous good standing to and including actual date of entry into active service, plus continuous
277 good standing thereafter established under said Special Limited Membership during the period of
278 active service.

279 Any local union is authorized to pay the Special Limited Membership dues provided for in
280 this Article at the rate of One Dollar and Twenty-Five (\$1.25) per month either out of its general
281 fund or relief fund.

282 Special Limited Membership dues shall be paid quarterly in advance to the financial
283 secretary-treasurer of the local union with which the member is affiliated. The provisions of this
284 Section shall not apply to members who voluntarily re-enlist in the armed forces.

285 **SEC. 8(c).** Special withdrawal cards issued to members entering the armed forces shall be
286 effective as of the date of actual entry into active service and shall continue in effect until three (3)
287 months after the actual date of discharge. If, within said three (3) month period, the holder of such

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288 special withdrawal card shall have filed application for reinstatement in the local union issuing
289 such special withdrawal card accompanied by dues at the regular rate of such local union beginning
290 with the date of application for reinstatement and photostatic copy of the Honorable Discharge or
291 other official evidence of release from active service which shall be forwarded to the General
292 Secretary-Treasurer, he or she shall be reinstated to membership without payment of reinstatement
293 fee or the difference between initiation fee paid and initiation fee at the time of such reinstatement.

294 The holder of such special withdrawal card shall be entitled to none of the rights, privileges
295 and benefits of membership; but on reinstatement to membership in accordance with the provisions
296 of this Section, his or her record of continuous good standing previously established to and
297 including the month of actual entry into service shall be restored, but without credit for the period
298 during which said special withdrawal card was effective.

299 SECTION 9 – TRANSFER CARDS

300 **SEC. 9(a).** Any good standing member of an affiliated local union who desires to travel or
301 accept employment in the jurisdiction of another local union, in the event such employment
302 involves a transfer of permanent address, shall apply to the financial secretary-treasurer of his local
303 union for an official transfer card.

304 **SEC. 9(b).** No member against whom any charges are pending or who has been notified to
305 appear for any hearing or trial as defendant or complainant, in connection with charges already
306 filed in accordance with this Constitution, shall be entitled to a transfer card until the hearing or
307 trial is concluded and all duties and all obligations, financial and otherwise, in connection with
308 said charges or trial have been fully discharged.

309 **SEC. 9(c).** No member shall be entitled to a transfer card unless all local union and
310 Association obligations are paid in full, including dues in advance to and including the month in
311 which the transfer card expires, plus One Dollar (\$1.00) transfer fee. Any dues paid beyond the
312 month in which the transfer card expires, will be paid by the issuing local union to the admitting
313 local union, less the per capita dues. Of these dues, if the dues structure is higher in the admitting
314 local union, the member will be required to pay the difference to the admitting local union, less
315 the per capita dues which was previously paid to the International by the issuing local union.

316 **SEC. 9(d).** The financial secretary-treasurer of each local union is obligated to issue
317 transfer cards to good standing members in the manner specified in the Constitution without action
318 or approval of the members of the local union.

319 **SEC. 9(e).** When a transfer card is issued by a local union it shall bear the signature of the
320 president and financial secretary-treasurer and the seal of the local union and shall be endorsed by
321 the member receiving the same in the presence of the financial secretary-treasurer. When a transfer
322 card is issued by the General Secretary-Treasurer it shall be signed by him and bear the seal of this
323 Association.

324 **SEC. 9(f).** When a member enters the jurisdiction of another local union he or she shall
325 immediately report to the financial secretary-treasurer, business manager, business representative,

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326 president or recording secretary and present his or her official dues receipt and transfer card, for
327 deposit, before seeking or accepting employment in the jurisdiction of such other local union.

328 **SEC. 9(g).** When depositing a transfer card, the member shall record thereon his or her
329 local address and shall keep the local union informed of any change in the local address.

330 **SEC. 9(h).** Except as otherwise provided in Section 9(s) of this Article, if for any reason
331 an official transfer card issued to any good standing member is not deposited with or accepted by
332 another local union within thirty (30) days from date of issue, said transfer card expires by
333 limitation and becomes void; and should the member still desire to travel to seek or accept
334 employment in the jurisdiction of another local union, he or she shall apply to the financial
335 secretary-treasurer of the local union that issued the expired and void transfer card and of which
336 he or she is still a member for a new transfer card which, like the previous one, shall be issued
337 only on payment of all obligations, including dues in advance to and including the month in which
338 the new transfer card expires by limitation.

339 **SEC. 9(i).** Until such time as a traveling member deposits his or her transfer card with and
340 it is accepted by another local union, he or she shall pay dues and all other obligations directly to
341 the local union which issued the same and of which he or she is still a member, and he or she shall
342 not pay dues in any other local union until his transfer card is properly deposited and accepted
343 therein. Should he or she fail to pay dues and all other obligations directly to the local union of
344 which he or she is still a member, pending proper deposit and acceptance of his or her transfer card
345 in another local union, or should he or she fail to pay dues to another local union, after his or her
346 transfer card has been properly deposited and accepted therein, he or she shall be recorded
347 suspended without notice, in accordance with this Constitution, when two (2) months in arrears.

348 **SEC. 9(j).** Except as provided in Section 9(k) of this Article, any member who accepts
349 employment in the jurisdiction of another local union after the deposit and acceptance of his or her
350 transfer card shall pay to said local union the difference, if any, between the amount of initiation
351 fee actually paid prior to his or her transfer as recorded in the General Office and the established
352 initiation fee of the local union in which his or her transfer card was deposited and accepted,
353 provided that no local union shall be required to admit any member on transfer card who has less
354 than five (5) years of continuous good standing with this Association, other than a member who
355 has completed a qualifying apprentice training program, unless after appearance before the local
356 union examining board, such member demonstrates that he or she is capable of performing the
357 work coming within the jurisdiction of such local union, in accordance with the standards of
358 workmanship established by such local union.

359 **SEC. 9(k).** Any member who has established a record of continuous good standing of five
360 (5) years or more to and including date of issuance of transfer card (and including time as an
361 apprentice-member) shall be admitted by transfer card into any local union of this Association in
362 accordance with the requirements of this Constitution, and without payment of any difference in
363 initiation fee.

364 **SEC. 9(l).** Any member who desires to leave the jurisdiction of a local union with which
365 his or her transfer card is properly deposited and accepted before the difference between the actual

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366 amount of initiation fee paid by the member prior to his transfer and the established initiation fee
367 of the local union is paid in full shall be granted a transfer card with credit for the actual amount
368 of initiation fee paid prior to transfer, plus any difference paid subsequent to transfer, provided he
369 or she shall pay all dues and obligations including dues in advance to and for the month in which
370 transfer card expires, plus One Dollar (\$1.00) transfer fee.

371 **SEC. 9(m).** Each transfer card shall have attached thereto a form which shall be detached
372 by the financial secretary-treasurer of the local union with which the transfer card is deposited.
373 Said form shall be filled out over the signature of the financial secretary-treasurer and the seal of
374 the local union and forwarded to the General Secretary-Treasurer, and when all requirements of
375 this Constitution have been complied with, the transfer card shall be cleared and recorded at the
376 General Office.

377 **SEC. 9(n).** The transfer card of any good standing member when properly issued and
378 presented for deposit with proper identification shall be accepted by any local union in accordance
379 with this Constitution, except in localities where strikes, lockouts, disputes or controversies
380 regarding wages or working conditions exist, or where negotiations for wages or working
381 conditions are pending or unsettled, provided, however, that this exception shall apply only to
382 strikes involving an entire segment of the industry and shall not apply in those cases where
383 negotiations have resulted in an agreement under which members continue in or return to
384 employment.

385 **SEC. 9(o).** No member shall be recorded at the General Office as transferred from one
386 local union to another until all requirements of this Constitution have been complied with and the
387 record of transfer properly certified and acknowledged by the General Secretary-Treasurer.

388 **SEC. 9(p).** No transfer cards issued or accepted by local unions contrary to this
389 Constitution shall be recognized or cleared by the General Secretary-Treasurer but shall be
390 declared void. Members involved shall assume full responsibility and liability for any loss of
391 standing resulting from such transactions.

392 **SEC. 9(q).** In all cases where members procure and attempt to deposit transfer cards in
393 violation of the provisions of this Constitution, said transfer cards shall be void, and the members
394 attempting to deposit such transfer cards for the purpose of evading the provisions of this
395 Constitution shall be subject to fine, suspension or expulsion by the local union issuing the transfer
396 cards.

397 **SEC. 9(r).** Any member who accepts employment in the jurisdiction of another local union
398 and fails to comply with the provisions of this Article relating to the obtaining and deposit of
399 transfer cards shall be subject to charges and trial and, except as provided in Section 9(q) of this
400 Article, shall be tried in the local union in whose jurisdiction the offense was committed. Any
401 penalty properly imposed by such local union shall be recognized and complied with by any such
402 member found guilty of such charges, subject to appeal as provided in Article Nineteen (19) of
403 this Constitution.

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404 **SEC. 9(s).** Notwithstanding any other provisions of this Article, a good standing member
405 shall obtain a transfer card in order to work within the jurisdiction of another local union in the
406 event he or she changes his permanent residence to a location within the territorial jurisdiction of
407 the local union in which he or she intends to perform work.

408 **SECTION 10 – PORTABILITY OF LABOR/TRAVELERS**

409 **SEC. 10(a).** Members sent by their employers from the jurisdiction of one local union into
410 the jurisdiction of another local union shall report to the office or to the financial secretary-
411 treasurer, business manager, business representative, president or recording secretary of the local
412 union in whose jurisdiction they are located. Such report shall be made before starting to work and
413 may be made in person, by telephone, by facsimile, by regular mail or by email. Said members
414 shall receive from their employers at least the established wage scale of the local union of which
415 they are members and in no case less than the established wage scale of the local union in whose
416 jurisdiction they are employed, plus all necessary expenses while employed in the jurisdiction of
417 another local union, and shall otherwise comply with the established working rules and conditions
418 of the local union in whose jurisdiction they are located. Said members shall not be required to
419 transfer their membership to the local union in whose jurisdiction they are temporarily employed.

420 In the event qualified members are available in the jurisdiction of the local union in which
421 the work is to be performed, not more than two (2) members per job shall, at the request of the
422 employer, leave the jurisdiction of the local union where the shop of the employer is located and
423 enter the jurisdiction of the local union in which the work is to be performed for the purpose of
424 performing such work.

425 **SEC. 10(b).** Except as otherwise provided in Section 10(d) of this Article, where the shop
426 of an employer is located in the jurisdiction of one local union and such employer has a contract
427 for work within the jurisdiction of another local union, he may employ members of the local union
428 having jurisdiction over the territory where the work is to be performed, and such members shall
429 retain their membership in the local union having jurisdiction over the territory where the work is
430 to be performed. Should the employment of such members be continued by such employer and in
431 the course of such employment it becomes necessary for them to work within the jurisdiction of
432 other local unions, they may retain their membership in the same local union in which they were
433 members when the period of continuous employment began or secure transfer cards and deposit
434 same with the local union having jurisdiction over the territory in which the shop of the employer
435 is located and comply with the requirements of Section 10(a) of this Article.

436 **SEC. 10(c).** Any member who accepts employment in the jurisdiction of another local
437 union and fails to comply with the provisions of Section 10(a) of this Article shall be subject to
438 charges and trial and shall he tried in the local union in whose jurisdiction the offense was
439 committed. Any penalty properly imposed by such local union shall be recognized and complied
440 with by any such member found guilty of such charges, subject to appeal as provided in Article
441 Nineteen (19) of this Constitution.

442 **SEC. 10(d).** Members accepting employment outside of the jurisdiction of the local union
443 of which they are members, without having been issued a transfer card, shall report immediately

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444 to the financial secretary-treasurer, business manager, business representative, president or
445 recording secretary of the local union in whose jurisdiction they intend to perform work and
446 present their official dues receipts before accepting employment. That local union in turn shall
447 notify any employee benefit funds to which contributions are required to be made under the local
448 union's collective bargaining agreement, so that any such fund who is party to the International
449 Association of Sheet Metal, Air, Rail and Transportation Workers (formerly the Sheet Metal
450 Workers' International Association) Master Reciprocal Agreement will know that any
451 contributions made on behalf of the traveling member may be intended for, and may need to be
452 forwarded to, the fund(s) of the member's home local union. Each local union shall insert language
453 consistent with this requirement into its collective bargaining agreement(s). Such members shall
454 abide by all working rules, regulations, by-laws and collective bargaining agreements in effect in
455 the jurisdiction in which they are working. To help defray the administrative and collective
456 bargaining expenses of the local union, and to promote work opportunities within the local union,
457 travelers shall pay to said local union all working assessments in effect in said local union or the
458 sum of Twenty-Five Dollars (\$25.00) per week, whichever is imposed by the local union.

459 **SECTION 11 – SUSPENSION OF DELINQUENT MEMBERS**

460 **SEC. 11.** Any member who becomes two (2) months in arrears shall be recorded suspended
461 by the local financial secretary-treasurer and by the General Secretary-Treasurer. Under no
462 circumstances shall any extension of time be granted. Notice is not necessary. No back dues shall
463 be accepted from any member suspended in accordance with this Section and no official receipt
464 shall be issued to record such dues after the expiration of the two (2) month limit or predated to
465 avoid suspension.

466 A member suspended in accordance with this Section shall forfeit all rights, privileges, and
467 benefits of membership. He or she shall not be permitted to participate in any meetings or in any
468 affairs of this Association or of any local union or council affiliated therewith during the period of
469 suspension nor shall any local union or this Association accept or record any dues or per capita
470 dues from such member either during or after such suspension to be applied to the period of
471 suspension.

472 **SECTION 12 – REINSTATEMENT**

473 **SEC. 12(a). Reinstatement of Suspended Members.** Any member or any apprentice-
474 member who is suspended in accordance with Section 11 of this Article, who is otherwise eligible
475 to membership, shall, within two (2) months from the date of such suspension, be reinstated upon
476 the payment of a local reinstatement fee of not less than Fifty Dollars (\$50.00), plus dues in
477 advance beginning with the month of reinstatement, provided such reinstatement fee and dues are
478 actually paid and properly recorded on official receipts within two (2) months from the date of
479 suspension. Such reinstatement shall not restore to such member any membership rights
480 established prior to suspension.

481 Reinstatement of suspended members shall not be recorded at the General Office until
482 either electronic or white duplicate (copies) of official receipts recording and verifying the actual
483 payment of a local reinstatement fee of not less than Fifty Dollars (\$50.00), plus dues in advance

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484 beginning with the month in which reinstatement is properly recorded are filed with the General
485 Secretary-Treasurer, accompanied by forty-five percent (45%) of the local reinstatement fee, as
486 described in Section 2(b) of Article Ten (10) and International per capita dues beginning with the
487 month in which reinstatement is properly recorded, and have been accepted and acknowledged by
488 the General Secretary-Treasurer.

489 Any member who is suspended in accordance with Section 11 of this Article, who is
490 otherwise eligible to membership, who does not comply with the requirements of reinstatement
491 within two (2) months from date of suspension forfeits his or her right to reinstatement and should
492 he or she desire to again become a member he or she shall reinitiate in accordance with Section 2
493 of this Article although the standard form of application does not need to be completed again.

494 **SEC. 12(b). Reinstatement of Members Suspended for Cause or Expelled.** Any
495 member suspended for cause or expelled after trial and appeal, or opportunity for trial or appeal as
496 provided in Articles Eighteen (18) and Nineteen (19) may be reinstated to membership only by (1)
497 reinitiating and following the procedure prescribed in Section 2 of this Article, although the
498 standard form of application does not need to be completed again, (2) paying in full all financial
499 obligations due this Association, and any local union or council thereof, at the time of his or her
500 expulsion or suspension, provided, however, that the payment of such financial obligations due
501 any local union shall be waived if they have not been reported to the General Secretary-Treasurer
502 as provided in Section 4 of Article Thirteen (13), and (3) obtaining the written consent of the local
503 union from which he or she was suspended or expelled (provided such local union has complied
504 with the provisions of Section 4 of Article Thirteen (13) of this Constitution regarding notice to
505 the General Secretary-Treasurer of obligations due from suspended or expelled members),
506 provided, in addition, however, that if such expulsion or suspension was occasioned by any act of
507 fraud, deception, embezzlement, misappropriation, or appropriating to his or her own use any
508 monies, properties or things of value belonging to this Association or any local union or council
509 thereof, such former member shall be eligible for reinitiation only with the consent of the General
510 President and the local union and council of which he or she was formerly a member and only on
511 condition that he or she has complied with all requirements of this Constitution, including the
512 payment in full of all money due and the surrender of all property and things of value belonging
513 to this Association and any local union or council thereof, and upon the further condition that he
514 or she shall not be eligible for or be permitted thereafter to hold any office or position in this
515 Association or local union or council thereof.

516 Notwithstanding any other provisions of this Section, the General President, the General
517 Executive Council or the General Convention may permit, order, or deny reinstatement of a
518 suspended or expelled member if such action is deemed to be in the best interests of a local union
519 or this Association.

520 **SECTION 13 – MAINTENANCE OF GOOD STANDING**

521 **SEC. 13(a).** Responsibility for establishing and maintaining good standing in accordance
522 with this Constitution rests entirely with each individual member. The actual payment of dues, per
523 capita dues, initiation fees, reinitiation fees, reinstatement fees and other obligations by each
524 member, when properly acknowledged and recorded on official receipts in either electronic or in

ARTICLE SIXTEEN (16)

525 triplicate form, with white duplicate (copies) of official receipts filed at the General Office, for
526 which dues and fees due this Association have been paid in accordance with this Constitution, is
527 the only recognized and acceptable evidence of the standing of any member unless said obligations
528 have been withheld from the employee's wages by his or her employer pursuant to a valid check-
529 off authorization.

530 **SEC. 13(b).** Each applicant for membership and each member, when making payments on
531 initiation fees, dues, assessments, reinstatement fees, reinitiation fees or other obligations affecting
532 their standing, shall demand and receive the original copy of official receipt issued in either
533 electronic or in triplicate form and shall accept no other form of receipt, nor shall any local union
534 or officer or representative thereof issue any other form of receipt.

535 **SEC. 13(c).** The record of continuous good standing shall be recorded broken without
536 notice in each instance when either electronic or duplicate (copies) of official receipts establish the
537 fact that dues and other obligations, including International per capita dues and fees, were not paid
538 within the two (2) month limit. The record of continuous good standing shall likewise be forfeited
539 in each instance where the member has been recorded suspended or expelled or has been issued a
540 withdrawal card, and the record of continuous good standing thus broken cannot be reinstated or
541 restored.

542 **SEC. 13(d).** The record of continuous good standing of reinstated or reinitiated members
543 begins with date of reinstatement or reinitiation properly accepted, recorded and acknowledged by
544 the General Secretary-Treasurer, and the record of continuous good standing of reinstated or
545 reinitiated members shall be recorded broken in the same manner and under the same conditions
546 specified in Section 13(c) of this Article, and the record of continuous good standing thus broken
547 cannot be reinstated or restored.

548 **SECTION 14 – RESIGNATION**

549 **SEC. 14.** Any member may resign from membership. Resignations shall be effective upon
550 receipt of written notification by mail or hand delivery to any full-time officer or business
551 representative at his or her local union. In Canada, no resignation shall be accepted if offered in
552 anticipation of charges being preferred against him, during the pendency of any such charges or
553 during a strike or lockout.

554 The General Secretary-Treasurer shall have the authority to issue a certificate of honorable
555 resignation to individuals who have established a record of membership in good standing for a
556 period of twenty-five (25) years or more in SMART, and whose names have been submitted by
557 the local union for this certificate.

558 **SECTION 15 – HONORARY MEMBER**

559 **SEC. 15.** From time to time the International may wish to honor an individual who has a
560 sustained record of supporting the labor movement and exemplifies dedicated public service by
561 granting him or her an honorary membership of this Association. Any local union may submit a
562 request to the International for an individual to be granted an honorary membership. Honorary

ARTICLE SIXTEEN (16) – ARTICLE SEVENTEEN (17)

563 memberships shall be granted by the General President at conferences, conventions or other
564 significant functions of this Association or functions at which the General President or his designee
565 is attending and participating. An honorary member is welcome to attend Association events as a
566 guest, but the membership itself provides none of the usual rights of union membership and does
567 not require the payment of dues.

ARTICLE SEVENTEEN (17)

Misconduct and Penalties

1 **SECTION 1 – OFFICERS, MEMBERS AND REPRESENTATIVES**

2 **SEC. 1(a).** Except as otherwise provided in this Constitution, after trial and conviction of
3 any of the offenses described in this Article, any officer or member of this Association may be
4 disciplined by imposition of one or more of the following penalties: reprimand, fine, suspension
5 or removal from office, suspension or expulsion from membership, or other appropriate
6 disciplinary measures.

7 **SEC. 1(b).** Refusal or failure to perform any duty or obligation imposed by this
8 Constitution, the policies of this Association, the valid decision of any Officer or Officers thereof
9 or the valid decisions of the General Executive Council or Convention or the valid rules and
10 regulations of any local union or council.

11 **SEC. 1(c).** Engaging in conduct at union or council meetings, or at other locations, that
12 tends to or does interfere with, diminish, or destroy the ability of an officer, business manager,
13 business representative, or member to perform legal, contractual or constitutional obligations on
14 behalf of a local union or council or to discharge the duties of the office to which such individual
15 was elected or appointed.

16 **SEC. 1(d).** Filing frivolous charges against any officer or member of this Association or
17 of any local union or council thereof or failing, refusing or neglecting to appear as prosecuting
18 witness after filing charges, or to present all facts and evidence to support any charges so filed
19 against such officer or officers or member or members.

20 **SEC. 1(e).** Violating the established union collective bargaining agreements and rules and
21 regulations of any local union relating to rates of pay, rules and working conditions.

22 **SEC. 1(f).** Attempting, inaugurating or encouraging secession from this Association or any
23 local union or council thereof or advocating, encouraging or participating in any rival unionism or
24 division within SMART.

25 **SEC. 1(g).** Accepting employment in any shop or on any job where a strike or lockout, as
26 recognized under this Constitution, exists, or performing any work covered by the claimed
27 jurisdiction of this Association for any employer or becoming an employer that is not signatory to
28 or bound by a collective bargaining agreement with an affiliated local union of this International
29 Association, unless authorized by the local union.

ARTICLE SEVENTEEN (17)

30 **SEC. 1(h).** Agreeing to perform or performing any work covered by the claimed
31 jurisdiction of this Association on a piecework basis, unless permitted in the relevant collective
32 bargaining agreement approved by this Association, a lump sum basis, or any other basis except
33 that provided and specified by this Constitution and by the established and recognized union
34 agreements, rules and regulations of affiliate local unions and councils governing the employment
35 of members.

36 **SEC. 1(i).** Committing any act of fraud, embezzlement, misappropriation, or appropriating
37 to his or her own use any money, property, or thing of value belonging to this Association or any
38 local union or council thereof, or to any fund or committee administered or trusted in whole or in
39 part by a local union, or refusing, failing or neglecting to deliver at specified periods or on demand,
40 in accordance with this Constitution a full and accurate accounting, all monies, properties, books
41 and records for examination and audit.

42 **SEC. 1(j).** Acquiring or maintaining membership by false pretense, misrepresentation or
43 fraud including, but not limited to, fraudulent use of membership cards or dues receipts or being a
44 party to misrepresentation as to the identity or membership status of the bearer of such card or
45 receipt.

46 **SEC. 1(k).** Failure or refusal to abide by the rules of order and parliamentary procedure in
47 the meetings of a local union or council or creating any disturbance therein, or recording by any
48 means the proceedings of any official meetings of the local union.

49 **SEC. 1(l).** Committing or attempting or threatening to commit any physical assault upon
50 any officer or member of this Association, or of any subordinate unit thereof, while in the
51 performance of his or her duties.

52 **SEC. 1(m).** Engaging in any conduct which is detrimental to the best interests of this
53 Association or any subordinate unit thereof or which will bring said unions into disrepute.

54 **SECTION 2 – LOCAL UNIONS AND COUNCILS**

55 **SEC. 2.** Any local union or council which authorizes, approves or condones any of the acts
56 described in Section 1 of this Article or fails or refuses to abide by the provisions of this
57 Constitution, the policies of this Association, the valid decisions of any General Officer or Officers
58 or the valid decisions of the General Executive Council or Convention or its own valid rules and
59 regulations shall be subject to suspension or revocation of its charter.

60 **SECTION 3 – FINES**

61 **SEC. 3.** All fines levied in accordance with the provisions of this Constitution shall be paid
62 within the time limit specified and, in Canada no dues shall be accepted from any member who
63 refuses, fails or neglects to pay such fines, except that if the fine exceeds Fifty Dollars (\$50.00),
64 payment of the sum of Fifty Dollars (\$50.00) shall be paid as a condition of any proper appeal.
65 Such payment shall stay the effective date of the payment of the total fine only until the date the
66 appeal has been decided by the General Executive Council. Following the decision of the General

ARTICLE SEVENTEEN (17) – ARTICLE EIGHTEEN (18)

67 Executive Council, the fine, if upheld or as modified by the General Executive Council, shall be
68 promptly paid in whole or in part as specified by such decision, unless payment is expressly waived
69 by the General Executive Council.

70 All fines initially shall be paid to the local union in which such member holds membership
71 and if the fine was levied by another local union, notice of such payment shall be sent to such local
72 union by registered, certified or overnight mail. If imposition of the fine is not appealed, or upon
73 final disposition of the case, the fine is upheld, the amount to be paid shall be remitted to the
74 financial secretary-treasurer of the local union which imposed the fine.

75 When fines are not paid in accordance with the provisions of this Section, collection thereof
76 in the United States shall be effected by the financial secretary-treasurer of the local union which
77 imposed the fine by suit in any court of competent jurisdiction and the member shall be liable for
78 the costs of such suit including payment of reasonable attorney fees.

ARTICLE EIGHTEEN (18)

Charges and Trials

**SECTION 1 – OFFICERS, REPRESENTATIVES OR
MEMBERS OF LOCAL UNIONS OR COUNCILS**

3 **SEC. 1(a).** Charges against officers, representatives or members of any local union or
4 council may be preferred in the manner provided in this Article by any member or members, local
5 union or council or any officer or representative thereof or by any General Officer or International
6 Representative of this Association.

7 Notwithstanding any language to the contrary in Article Sixteen (16), a suspended member
8 and, also, a former member who has been expelled, or has resigned in accordance with Section 14
9 of Article Sixteen (16), shall be permitted to appear before a local union trial committee or an
10 International Trial Board to defend against charges preferred against him or her and to exercise to
11 the extent practicable such rights as are conferred on an accused party pursuant to Sections 2 and
12 3 of this Article including the right to select as his or her counsel in the trial proceedings any good
13 standing member of his or her or any other local union, and to appeal from any adverse trial
14 committee or Trial Board decision in accordance with the provisions of Article Nineteen (19)
15 hereof. Moreover, if such member desires to challenge the selection of the local union trial
16 committee, he or she shall be permitted to attend only that portion of the union meeting at which
17 the trial committee is selected.

18 **SEC. 1(b).** All charges provided for in this Section shall be in writing and filed by the
19 charging party not later than ninety (90) days after his or her knowledge of the alleged offense,
20 except that when the alleged offense occurs during the pendency of a strike supported or
21 participated in by the local union affected, the charges shall be filed within ninety (90) days from
22 the conclusion of such strike, signed by the party preferring them and shall contain a specific
23 statement of the facts out of which the charges arose and the duty or obligation including the
24 sections of this Constitution alleged to have been violated.

ARTICLE EIGHTEEN (18)

25 **SEC. 1(c).** The officer, representative or member preferring such charges, shall send a copy
26 of the same by registered, certified or overnight mail to the accused, to the local union of which
27 the accused is a member, and, if the misconduct occurred in the jurisdiction of another local union,
28 to the local union in which a trial on the charges may properly be held.

29 **SEC. 1(d).** The General President may in his or her discretion order the accused tried by a
30 trial board appointed by him. Such trial boards shall be composed of two (2) or more good standing
31 members, International Representatives or General Officers who are not directly or indirectly
32 involved in the matters which give rise to the charges upon which the accused is to be tried and
33 who are not members of the local union of which the accused is a member or of the local union in
34 whose jurisdiction the offense was alleged to have been committed.

35 Unless otherwise ordered by the General President, trials shall be held in local unions in
36 the manner prescribed in Section 2 of this Article.

37 **SECTION 2 – TRIAL IN LOCAL UNIONS**

38 **SEC. 2(a).** Unless otherwise provided in this Constitution, trials in local unions shall be
39 conducted in the local union in whose jurisdiction the alleged offense was committed by the local
40 union Executive Board or a trial committee consisting of three (3) or more members of such local
41 union selected in accordance with the provisions of Section 2(b) of this Article.

42 **SEC. 2(b).** Whether the trial is to be conducted by the local union's Executive Board, or
43 by a trial committee elected by the local union, the determination shall be made at the first regular
44 meeting held not less than fifteen (15) days after a copy of the charges has been mailed to the
45 accused by registered, certified or overnight mail as provided in this Article or at a special meeting
46 held after fifteen (15) days' notice to the membership including the accused. No member of a local
47 union shall be eligible to serve on a trial committee, whether it consists of a local union Executive
48 Board or is otherwise elected, if he or she is directly or indirectly involved in the matters which
49 gave rise to the charges upon which the accused is to be tried.

50 **SEC. 2(c).** The accused shall have the right to challenge two (2) members of the original
51 trial committee immediately after the election of the entire committee, provided he or she is present
52 at the meeting at which the trial committee is elected, and they shall be declared removed by the
53 presiding officer. The local union shall thereupon, and at the same meeting, elect a member or
54 members to fill any vacancies in the trial committee created by the exercise, by the accused, of the
55 challenges provided for in this paragraph. The election to fill such vacancies shall be held in the
56 same manner as the election of the original trial committee.

57 If the trial is to be conducted by the local union Executive Board, the accused, if present at
58 the meeting at which the Executive Board is directed to conduct the trial, shall have the right to
59 challenge two (2) members of such board at such meeting and such challenged members will not
60 be permitted to participate in such trial. No other member will be elected to take the place of
61 Executive Board members thus challenged. In the event a majority of the local union Executive
62 Board is unable because of challenges, or is otherwise ineligible to participate in such trial, the
63 local union shall elect a trial committee in the manner prescribed in this Section.

ARTICLE EIGHTEEN (18)

64 **SEC. 2(d).** The trial committee shall elect a presiding officer and secretary and fix the time
65 and place of trial. The presiding officer shall notify the accused and those who preferred the
66 charges, by registered, certified or overnight mail, of the time and place of trial and such trial shall
67 be promptly held but shall not be held less than fifteen (15) days after the mailing of such notice.

68 **SEC. 2(e).** A trial may be conducted by a majority of the trial committee, provided the
69 same members of such committee hear all of the evidence presented at such trial. No member of
70 the trial committee who absents himself from any session of a trial may participate in the findings,
71 decision or recommendations of the trial committee or file any concurring or dissenting opinion.

72 All parties shall be given full opportunity to present all relevant evidence and exhibits
73 which they deem necessary to the proper presentation of their case and shall be entitled to cross-
74 examine witnesses of the other party or parties. Each party shall have the privilege of selecting any
75 good standing member of his or her or any other local union to act as his or her counsel in the trial
76 proceedings, except a member of the trial committee or a member of the Executive Board when it
77 is acting as the trial committee.

78 A verbatim transcript of the trial proceedings prepared by a qualified court reporter may
79 be ordered at the local union's discretion and expense or it may be ordered as a matter of right by
80 the charging party or the accused at his or her or their expense after prior notification to the local
81 union in which event copies thereof must be furnished to the secretary of the trial committee and
82 the opposing party; but the proceeding shall not be recorded by tape, wire, electronic or other
83 similar device by any person other than the qualified court reporter.

84 In the event no stenographic transcript is made, the secretary of the trial committee shall
85 reduce the minutes of the trial to writing and include therein the substance of the testimony and all
86 exhibits submitted at the trial. Unless previously furnished he or she shall send to each party by
87 registered, certified or overnight mail a copy of the transcript or minutes, as the case may be, and
88 each party within ten (10) days after receiving same shall submit to the secretary of the trial
89 committee, in writing, any objections thereto. The record thus made shall constitute the record of
90 the trial for the purpose of appeal and in the event any party fails to file objections thereto within
91 the time limit prescribed herein, the transcript or minutes furnished by the secretary of the trial
92 committee, for purposes of appeal, shall be deemed to be a correct record of the trial procedure
93 and of the evidence presented.

94 All matters relating to the procedure of the trial, not otherwise specified in this Section,
95 shall be determined by the trial committee and all parties and their respective counsel shall comply
96 with all orders and directions of the trial committee with respect to such matters.

97 **SEC. 2(f).** At the next regular meeting of the local union, following the conclusion of the
98 trial, the trial committee shall submit to the local union in writing, its findings of the facts, decision
99 and recommendations. The members of the local union there assembled shall vote, without debate,
100 solely on the question of whether to accept or reject the decision and recommendations of the trial
101 committee and a majority vote shall be final, subject only to appeal.

102 No further trial shall be had on the same charges unless directed by a decision on appeal.

ARTICLE EIGHTEEN (18)

103 **SEC. 2(g).** The accused and those who preferred the charges and the local union of which
104 the accused is a member shall be notified by registered, certified or overnight mail of the action of
105 the trial committee and of the local union in connection therewith. Such notice shall advise the
106 parties of their right to appeal to the General President.

107 **SEC. 2(h).** Except as provided in Section 2(i) of this Article, should the accused fail, refuse
108 or neglect to appear for trial after due notice or, after appearing, refuse to comply with orders or
109 directions of the trial committee relating to the conduct of his or her trial or otherwise attempt to
110 obstruct or thwart the trial committee in its conduct of his or her trial, the trial committee shall
111 proceed with his or her trial in his or her absence, hear such evidence as may be presented by
112 witnesses who respond to notice, and render its findings, decision, and recommendations. Nothing
113 contained in this paragraph shall deprive the accused of the privilege of selecting a good standing
114 member of his or her or any other local union to act as his or her counsel during proceedings unless
115 such counsel should refuse to comply with orders or directions of the trial committee relating to
116 the trial or should otherwise attempt to obstruct or thwart the trial committee in its conduct of the
117 trial. Should those who preferred the charges fail to appear after due notice, the accused shall be
118 found not guilty.

119 **SEC. 2(i).** In the event the accused is employed at a point one hundred (100) or more miles
120 distant from the point at which such trial is to be held, such party may submit his or her evidence
121 in written form and shall not be required to attend the trial in person.

122 **SEC. 2(j).** Either party shall be granted a postponement of a trial for a reasonable time by
123 the chairman of the trial committee if valid reasons are presented, or the trial committee may
124 postpone the trial, either on request or on its own motion, for no more than thirty (30) days.

125 **SEC. 2(k).** Either party to the proceedings, provided for in this Section, may appeal from
126 the findings, decision, or recommendations of a trial committee or the action of any local union in
127 connection therewith in the manner prescribed in Article Nineteen (19).

128 **SECTION 3 – TRIAL BY INTERNATIONAL TRIAL BOARD**

129 **SEC. 3(a).** Should the General President order an accused member, officer, or
130 representative of any local union or council to be tried by International Trial Board as provided in
131 Section 1(d) of this Article, he shall, in the event the charges were filed with a local union, notify
132 such local union, the accused and those preferring the charges in writing, by registered, certified
133 or overnight mail, of the time and place of such trial. Should the General President order the trial
134 held at a place other than within the jurisdiction of the local union in which the alleged offense
135 occurred or of which the accused is a member, the parties and their counsel shall be reimbursed
136 for travel expenses and earnings necessarily lost as a result of their attendance at the trial. Expenses
137 and loss of earnings may be allowed to witnesses in the discretion of the General President, but in
138 the event such allowance to witnesses is not made, the Trial Board shall admit in evidence all
139 relevant testimony of witnesses which either party submitted in affidavit form.

ARTICLE EIGHTEEN (18) – ARTICLE NINETEEN (19)

140 If charges were initially filed with the General President as provided in Section 4 of this
141 Article, he shall notify the accused and those preferring the charges, in writing, by registered or
142 certified mail, of the time and place of such trial.

143 **SEC. 3(b).** Except as provided in Section 3(a), all parties shall be given the opportunity to
144 present evidence and exhibits, to cross-examine witnesses and each other, and to be represented
145 by any good standing member as counsel.

146 **SEC. 3(c).** The provisions of Sections 2(e), 2(h), 2(i), and 2(j) of this Article shall be
147 applicable to the extent practicable in trials before an International Trial Board.

148 **SEC. 3(d).** The decision of the International Trial Board shall be final except for the right
149 of appeal to the General Executive Council as provided in Article Nineteen (19) of this
150 Constitution. Such decision shall be in writing and a copy thereof shall be furnished to the General
151 President, the parties, and, if the charges were initially filed in a local union, to the local union.

152 **SEC. 3(e).** Should a member of the General Executive Council be a member of an
153 International Trial Board he or she shall not participate in the decision of any appeal which may
154 be taken from a decision of such International Trial Board.

155 **SECTION 4**

156 **SEC. 4.** Charges preferred against any member, officer or representative, which do not
157 come within the trial jurisdiction of any local union, as provided in this Constitution, shall be filed
158 with the General President in the form and in the manner prescribed in Section 1(b) of this Article.
159 The General President shall order the accused tried in accordance with the provisions of Section 3
160 of this Article, except that the accused may be represented by any good standing member, as
161 counsel, other than a General Officer or a member of the General Executive Council.

ARTICLE NINETEEN (19)

Appeals

1 **SECTION 1 – WHO MAY APPEAL**

2 **SEC. 1.** Any local union, council, committee, board, officer, representative of this
3 Association or any officer, representative, or member of any local union, council, committee or
4 board thereof whose constitutional rights are violated by any decision or order of a local union,
5 council, committee, board or a legally constituted tribunal thereof or by any decision or order of
6 any General Officer or Officers, Representative, or the General Executive Council of this
7 Association shall have the right to appeal as provided in this Article.

8 **SECTION 2 – APPEALS TO THE GENERAL PRESIDENT**

9 **SEC. 2(a).** Except as otherwise provided in this Constitution all original appeals shall be
10 referred to the General President for consideration and decision. The General President, however,

ARTICLE NINETEEN (19)

11 may, in his discretion, decline to rule and refer any appeal directly to the General Executive
12 Council.

13 **SEC. 2(b).** All appeals to the General President shall be

- 14 • In written form and
- 15 • Addressed to and received by the General Secretary-Treasurer
- 16 • With copies mailed to the opposing party or parties, including a charging party where
17 applicable,
- 18 • Within thirty (30) days from the date of the action from which appeal is taken,
- 19 • Unless notice thereof is required by this Constitution, in which event, the appeal must be
20 received by the General Secretary-Treasurer within thirty (30) days of the date of the
21 mailing of such notice.

22 If the appeal is from a decision of a trial committee, the "notice" referred to herein shall
23 date from

- 24 • The mailing to the parties of a copy of the transcript or the minutes of the trial or
- 25 • Action of the local union on the decision, whichever is later.

26 If a fine in excess of Fifty Dollars (\$50.00) has been imposed, the member appealing must
27 provide proof that the sum of Fifty Dollars (\$50.00), as required in Article Seventeen (17), Section
28 3, has been paid to the member's local union within the thirty (30) day period in order for the
29 appeal to be considered timely.

30 The appeal shall be filed by the party or parties seeking the same,

- 31 • Signed by him, her or them and
- 32 • Shall be accompanied by all written evidence in affidavit form and
- 33 • Such exhibits and arguments as are deemed necessary by the appealing party or parties for
34 the proper and complete consideration of his or her or their appeal.

35 Appeals from any decision or order directed to a local union or council shall be made by
36 the involved local union or council and not by an individual member or members thereof and shall
37 require authorization by the local union or council and be signed by the president thereof.

38 Parties other than the appellant, including local unions, shall have the right to file an answer
39 to such appeal with the General President which must be received within thirty (30) days after the
40 receipt thereof, which answer shall contain such written rebuttal evidence, exhibits and argument
41 as they deem necessary for the proper and complete consideration of the appeal. Should the party
42 other than the appellant fail to file an answer to an appeal within the above time limit, the General
43 President shall consider the record to be closed, render his decision on the record thus made, and
44 mail a copy to the parties to the appeal. His decision shall be final and binding unless changed on
45 further appeal as provided in this Article.

ARTICLE NINETEEN (19)

46 Should the appeal be predicated upon any action of a local union or council, copies thereof
47 shall be furnished to such local union or council which shall be entitled to file a response thereto
48 in the same manner as an appellee.

49 All appeals and answers or responses thereto and all decisions on appeal shall be mailed
50 by registered or certified mail, return receipt requested, overnight mail or by a courier delivery
51 service that provides a return receipt.

52 **SECTION 3 – APPEALS TO THE GENERAL EXECUTIVE COUNCIL**

53 **SEC. 3(a).** All appeals from decisions or orders of the General President and all original
54 appeals submitted to the General Executive Council shall be in writing and addressed to and
55 received by the General Secretary-Treasurer, and a copy mailed to opposing parties, within sixty
56 (60) days from the date of the decision or action from which appeal is taken, unless notice hereof
57 is required by this Constitution, in which event, the appeal must be received within sixty (60) days
58 from the date of mailing of such notice. The appeal shall be signed by the party or parties seeking
59 appeal and shall be accompanied by all additional testimony in affidavit form and such exhibits
60 and argument as are deemed necessary by the appealing party or parties for the proper and
61 complete consideration of his or her or their appeal. Parties other than the appellant shall have the
62 right to file an answer to such appeal which must be received by the General Secretary-Treasurer
63 within sixty (60) days after receipt thereof, which answer shall contain such written rebuttal
64 evidence in affidavit form, exhibits and argument as they deem necessary for the proper and
65 complete consideration of the appeal.

66 All appeals and answers thereto and all decisions on appeal shall be mailed by registered
67 or certified mail, return receipt requested, overnight mail or by a courier delivery service that
68 provides a return receipt.

69 **SEC. 3(b).** The General Executive Council shall base its decision only upon the evidence
70 and argument submitted in accordance with Section 2(b) and Section 3(a) of this Article, unless
71 one of the parties requests the right to appear personally before the General Executive Council
72 during the consideration thereof. Should such request be made, the General Secretary-Treasurer
73 shall notify all other parties to the proceedings of their right to appear before the General Executive
74 Council in connection with the appeal. Parties who appear before the General Executive Council
75 in connection with any appeal shall be permitted only to present argument on the written record
76 made and shall not be permitted to introduce additional evidence.

77 **SEC. 3(c).** The decision of the General Executive Council shall be by majority vote of
78 those participating and shall be final unless changed upon appeal to the General Convention.

79 **SEC. 3(d).** The General Executive Council may, in its discretion, delegate to a
80 subcommittee composed of no fewer than three (3) members authority to decide any appeal from
81 a decision of the General President or an International Trial Board. In such event, the hearing on
82 the appeal shall be held at a location reasonably convenient to the parties having an interest in the
83 appeal. The decision of the subcommittee shall have the same effect, force and authority as a
84 decision of the full General Executive Council.

ARTICLE NINETEEN (19)

85 **SECTION 4 – APPEALS TO THE GENERAL CONVENTION**

86 **SEC. 4.** Unless otherwise provided in this Constitution, all appeals from decisions of the
87 General Executive Council shall be referred to the Grievances and Appeals Committee of a
88 General Convention which shall render its decision upon the written record made before the
89 General Executive Council. Any party to an appeal to the Grievances and Appeals Committee shall
90 be permitted to appear before said Committee for the purpose of argument, but shall not be
91 permitted to introduce additional evidence. The Grievances and Appeals Committee shall report
92 to the General Convention such recommendations with respect to the disposition of the appeal as
93 it deems fair and proper, which report shall be acted upon by the Convention in the same manner
94 as reports of other Convention committees, except that debate in connection therewith shall not be
95 permitted. The Convention delegates shall vote, without debate, solely on the question of whether
96 to accept or reject the decision and recommendations of the Grievances and Appeals Committee,
97 and a majority vote of the delegates to the Convention shall be final.

98 All such appeals shall be received by the General Secretary-Treasurer within sixty (60)
99 days from the date of the mailing of the decision by the General Executive Council. The General
100 Secretary-Treasurer shall mail notice of such appeal to the other parties involved.

101 If the fine is in excess of Fifty Dollars (\$50.00), the member appealing shall submit proof
102 of payment of the balance of the fine within sixty (60) days after notification of the decision of the
103 General Executive Council, unless such payment shall have been waived by the General Executive
104 Council pursuant to Section 5(b) of this Article. Otherwise the appeal shall be deemed untimely
105 and denied.

106 All appeals and answers thereto and all decisions on appeal shall be mailed by registered
107 or certified mail, return receipt requested, overnight mail or by a courier delivery service that
108 provides a return receipt.

109 **SECTION 5 – COMPLIANCE PENDING APPEAL**

110 **SEC. 5(a).** Except as provided in Section 3 of Article Seventeen (17) and Section 5(b) of
111 this Article, no appeal shall be recognized or considered unless the local union, council, officer,
112 representative, or member thereof filing the appeal has accepted and complied with the decision
113 or order from which such appeal is taken, including the payment of all financial obligations in
114 connection therewith.

115 **SEC. 5(b).** A member who files an appeal to the General President or the General
116 Executive Council and believes compliance with Section 5(a) of this Article or with Section 3 of
117 Article Seventeen (17) would constitute a substantial bar to the exercise of the right to appeal may
118 request a waiver in writing at the time the appeal is filed. In the event the General President or the
119 General Executive Council concludes that compliance would constitute a substantial bar to the
120 right of appeal, compliance therewith may be waived or modified by the General President with
121 respect to appeals submitted to him and by the General Executive Council with respect to appeals
122 submitted to it or to the General Convention, provided, however, that in the event the decision or
123 order appealed from directs suspension or expulsion from membership compliance with such

ARTICLE NINETEEN (19) – ARTICLE TWENTY (20)

124 portion thereof pursuant to Section 5(a) of this Article shall be waived automatically pending
125 disposition of any appeal to the General President or the General Executive Council but not
126 thereafter unless expressly waived by the General Executive Council.

127 **SECTION 6 – DEFERRED APPEALS**

128 **SEC. 6.** The General President, General Executive Council and General Convention are
129 hereby authorized to refuse or defer consideration, or to refuse, defer or withhold decisions in any
130 matter pending in any court of law as circumstances in their opinion and judgment may warrant
131 and justify.

132 **SECTION 7**

133 **SEC. 7.** Appeals not filed within the time limits prescribed in this Article shall be dismissed
134 by the General Secretary-Treasurer and notice of such dismissal sent to the appellant by registered,
135 certified or overnight mail. Unless the appellant submits facts which if established by proof would
136 show the appeal to be timely, the decision of the General Secretary-Treasurer shall be final and
137 not subject to appeal.

138 **SECTION 8**

139 **SEC. 8.** The General President, General Executive Council and General Convention shall
140 have the right to affirm, amend, modify, or reverse any decision which has been submitted to him
141 or to them on appeal, and increase or decrease the penalty, if any, in connection therewith, or order
142 a new trial before the same or a different trial committee.

143 **SECTION 9 – APPEALS TO COURTS**

144 **SEC. 9.** Subject to applicable laws, no subordinate body or officer or member thereof, shall
145 appeal to the civil courts for redress of any alleged grievance or wrong, or to secure any alleged
146 rights until all of the internal remedies provided in this Constitution, including the right of appeal,
147 have been exhausted; provided, that this Section shall not apply to filing of charges with the
148 National Labor Relations Board or with any other state, provincial or federal agency where
149 application of this Section would violate applicable federal or provincial law. Any officer,
150 member, or subordinate body violating the provisions of this Section shall be subject to charges
151 and trial as provided by this Constitution

ARTICLE TWENTY (20)

Official Communications

1 **SECTION 1**

2 **SEC. 1.** The official print publication of SMART, as well as all electronic media and web
3 communications, shall be issued on a regular or as needed basis.

ARTICLE TWENTY (20) – ARTICLE TWENTY-ONE A (21A)

4

SECTION 2

SEC. 2. The International Association’s official publication shall be under the supervision of the General Secretary-Treasurer and issued at a subscription rate established by the General Executive Council which, in the case of members, shall be included in the monthly per capita dues paid to the General Office. The General Secretary-Treasurer may enter such free subscriptions to the official publication for non-member individuals or for such institutions or groups as he may deem desirable for the promotion of the interests of this Association.

11

SECTION 3

SEC. 3. The General Secretary-Treasurer is hereby authorized to employ such assistance and to purchase such facilities as may be necessary to produce a modern and effective publication.

ARTICLE TWENTY-ONE A (21A)

Railroad, Mechanical and Engineering Department

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One B (21B) shall be exempt from the provisions of this Article Twenty-One A (21A). Locals which are covered by this Article Twenty-One A (21A) are exempt from the provisions of Article Twenty-One B (21B).

1

SECTION 1 – JURISDICTION

SEC. 1. The Railroad, Mechanical and Engineering Department will have jurisdiction over General Committees and local unions and the members thereof as may be determined by the General President. The Director shall have jurisdiction over all assignments of General Chairmen and International staff working within the SMART Railroad, Mechanical and Engineering Department.

7

SECTION 2 – GOVERNMENT

SEC. 2. A General Committee shall enact by-laws for the government thereof subject to the approval of the General President provided such by-laws do not conflict with the provisions of this Constitution. A General Committee or Local that is under the jurisdiction of the Railroad, Mechanical and Engineering Department, its officers, representatives and members shall be bound by the provisions of this International Constitution and by all the policies and decisions properly rendered by the General President and the General Executive Council.

14

SECTION 3 – GENERAL COMMITTEE CONVENTION

SEC. 3(a). Time and Place. A General Committee Convention shall be held at such time and place as may be provided in its by-laws provided, however, the General Committee Convention shall be held not less often than every four (4) years.

ARTICLE TWENTY-ONE A (21A)

18 **SEC. 3(b). Number and Qualifications of Delegates.** Each local union shall be entitled
 19 to one (1) delegate to its General Committee Convention for the first fifty (50) good standing
 20 members or less and one (1) additional delegate for each additional fifty (50) members or majority
 21 fraction thereof. The number of delegates shall be based upon the number of members in such
 22 local union over whom each General Committee has jurisdiction. No member shall be eligible for
 23 nomination or election as a delegate unless he or she meets the qualifications described in Section
 24 3 of Article Twelve (12) of this Constitution.

25 **SEC. 3(c). Election of Delegates.** Delegates shall be elected by each local union in
 26 accordance with the provisions of this Constitution, Article Seven (7),

27 **SEC. 3(d). Voting Strength.** Each delegate shall be entitled to one (1) vote on all matters
 28 coming before the General Committee Convention. In the election of General Committee officers,
 29 each local union present shall be entitled to one (1) vote.

30 **SECTION 4 – OFFICERS**

31 **SEC. 4(a). Number, Title, and Term of Office.** Officers of a General Committee shall be
 32 general chairman and financial secretary-treasurer who shall serve for a period of four (4) years.
 33 The offices of general chairman and financial secretary-treasurer may be combined.

34 **SEC. 4(b). Qualifications for Office.** No member shall be eligible for nomination or
 35 election as an officer of a General Committee unless he or she meets the qualifications prescribed
 36 in the second paragraph of Section 3 of Article Twelve (12) of this Constitution.

37 **SEC. 4(c). Election of Officers.** The officers of each General Committee shall be
 38 nominated and elected by the delegates at the General Committee Convention in accordance with
 39 Article Twelve (12), SEC. 4 of this Constitution. Elections shall be held by secret ballot.

40 **SEC. 4(d). Vacancies.** Temporary and permanent vacancies, in any office of the General
 41 Committee, shall be filled by appointment from the Director or election in accordance with the
 42 provisions of the by-laws, provided same are not inconsistent with Article Twelve (12), Section 8
 43 of this Constitution.

44 **SECTION 5 – DUTIES OF GENERAL CHAIRMEN**

45 **SEC. 5.** The Director of Railroad, Mechanical and Engineering Department shall appoint
 46 the members of the various committees. A General Chairman shall represent the Railroad,
 47 Mechanical and Engineering Department members under his or her jurisdiction thereof in matters
 48 pertaining to organizing, collective bargaining agreements, wages, hours, conditions of
 49 employment and jurisdictional matters and supervise the conduct and activities of members in
 50 connection therewith to the end that the provisions of this Constitution and the policies of this
 51 Association are complied with. They shall not participate in negotiations seeking modification or
 52 changes in existing collective bargaining agreements without prior consultation with the General
 53 President or a representative designated by him. They shall assist and cooperate with the officers
 54 of local unions and the members thereof in carrying out the provisions of this Constitution; use

ARTICLE TWENTY-ONE A (21A)

55 their best efforts to adjust and settle such controversies as may arise in connection with the
56 complaints of members consistent with the rights of those involved in accordance with the
57 provisions of this Constitution and the policies of this Association.

58 A General Chairman shall protect the work jurisdiction set forth in Section 5(aa) of Article
59 One (1) of this Constitution and shall not enter into any agreement with representatives of other
60 organizations involving work jurisdiction until such contemplated agreement is submitted to and
61 approved by the General President.

62 By virtue of his or her office and as a part of his or her duties, the Director of the Railroad,
63 Mechanical and Engineering Department shall serve as a delegate to the General Convention. A
64 General Chairman by virtue of his or her office shall be the automatic delegate from his or her
65 home local union to the General Convention.

66 **SECTION 6 – FINANCIAL SECRETARY-TREASURER STATEMENTS**

67 **SEC. 6.** Unless otherwise approved by the General President, the International Association
68 shall receive all monies from all sources paid to the Railroad, Mechanical and Engineering
69 Department. The International Association shall pay all bills when presented with a voucher
70 authorizing same and signed by the General Chairman and approved by the Director. The
71 International Association shall furnish a biannual statement to all affiliated financial secretary-
72 treasurers of the Railroad, Mechanical and Engineering Department.

73 The International Association shall discharge, on behalf of the Railroad, Mechanical and
74 Engineering Department, the execution and filing of any reports to federal or state authorities and
75 maintain such records as the law requires for the period or periods of time for which they are
76 required to be kept.

77 **SECTION 7 – POSITIONS**

78 **SEC. 7.** The Director shall determine how many positions are needed, full time and part
79 time, to represent the members of the Railroad, Mechanical and Engineering Department, with the
80 approval of the General President.

81 **SECTION 8 – FINANCE COMMITTEE**

82 **SEC. 8(a). Members.** The Railroad, Mechanical and Engineering Department Finance
83 Committee shall consist of at least three (3) local officers chosen by the Director. The Director
84 shall be the chairman.

85 **SEC. 8(b). Duties of Finance Committee.** It shall be the duty of the Railroad, Mechanical
86 and Engineering Department Finance Committee to review all expenses of each General
87 Committee at least once a year.

ARTICLE TWENTY-ONE A (21A)

88

SECTION 9 – REVENUE AND FUNDS

89 **SEC. 9(a). Per Capita Dues.** The General Committees shall establish and maintain
90 monthly per capita dues sufficient to carry on the business of the General Committees on a sound
91 financial basis having in mind its current and prospective needs.

92 When the General Committees’ per capita dues are increased by action of the local
93 chairmen/delegates under the jurisdiction of that General Committee, then prevailing rate of dues
94 of each local union shall be automatically increased in like amount on the effective date of the per
95 capita dues increase.

96

SECTION 10 – COLLECTIVE BARGAINING

97 **SEC. 10.** This Association, acting through its duly authorized officers, committees, or
98 representatives, has full and sole authority to represent all employees who are members of this
99 Association or any local union affiliated therewith in the negotiating, interpreting and applying of
100 agreements covering wages, hours, and other conditions of employment.

101 No agreement covering wages, hours and other conditions of employment shall become
102 effective unless and until the same shall be ratified by the members affected thereby who shall be
103 afforded opportunity to vote thereon at special membership meetings in each of the respective
104 affected local unions.

105

SECTION 11 – COMPLIANCE

106 **SEC. 11.** All railroad local unions shall comply strictly with all provisions and
107 requirements of this Constitution with reference to the payment of dues and other obligations and
108 the proper acknowledgement and recording of same on official receipts in triplicate form. Upon
109 written request from a railroad local union, the General Secretary-Treasurer may, by giving written
110 notice to the railroad local union financial secretary-treasurer or president, assume responsibility
111 for receiving dues and issuing dues receipts, creating and processing financial reports reflecting
112 the receipt of dues, and remitting the local portion of the dues to the local; and he or she shall remit
113 the local portion of the dues to the local minus the amount owed to the General Committee having
114 jurisdiction.

115 The General Committees shall not adopt any rules, regulations, or policies which in any
116 way conflict with the provisions and intent of this Constitution; nor shall any additional rules or
117 regulations, not included in this Constitution, be adopted until they are first submitted to the
118 General Secretary-Treasurer for consideration and approval by the General Executive Council and
119 official notice of approval received from the General Secretary-Treasurer.

120 All of the provisions and requirements of this Constitution governing the administration
121 and operation of local unions and the duties and obligations of officers, representatives, and
122 members thereof shall apply to General Committees of the Railroad, Mechanical and Engineering
123 Department and the officers, representatives, and members thereof insofar as they are adaptable
124 and insofar as they are not inconsistent with the provisions of this Article.

ARTICLE TWENTY-ONE A (21A)

125 **SECTION 12 – INITIATION FEE, REINITIATION FEE & REINSTATEMENT FEES**
126 **AND WITHDRAWAL CARDS**

127 **SEC. 12(a).** All railroad local unions of this Association shall after ninety (90) days from
128 date of issuance of charters, close said charters and charge an initiation fee of Two Hundred Dollars
129 (\$200.00) for journeymen, helpers and apprentices. Each new employee shall be required to pay
130 all dues and fees owed SMART from when the carrier notifies the labor organization of his or her
131 hiring and the labor organization conveys this to the new employee by letter with a copy to the
132 financial secretary-treasurer. It is the responsibility of the new employee to ensure that his or her
133 dues are actually being paid. Forty-five percent (45%) of said fee shall be sent to the General
134 Secretary-Treasurer as an International initiation fee. At least thirty-five percent (35%) of the fees
135 collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%)
136 shall be apportioned on a basis determined by the General Executive Council between the SMART
137 Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and
138 Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent
139 (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

140 Dues shall be paid in advance beginning with the month in which initiation is properly
141 recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is
142 authorized or permitted to lower its initiation fee below the amount specified in this Section
143 without permission from the General President.

144 **SEC. 12(b).** All railroad local unions shall charge a reinitiation fee of Four Hundred
145 Dollars (\$400.00) for journeymen, helpers and apprentices. It is the responsibility of the member
146 to notify the financial secretary-treasurer in writing of his or her return to work and to ensure that
147 his dues are actually being paid. He or she shall be required to pay all dues and fees owed to
148 SMART from the time he or she returned to work. Forty-five percent (45%) of said fee shall be
149 sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five
150 percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and
151 up to five percent (5%) shall be apportioned on a basis determined by the General Executive
152 Council between the SMART Local Unions and Councils Pension Fund (United States) and the
153 SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense
154 Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Pension
155 Fund.

156 Dues shall be paid in advance beginning with the month in which reinitiation is properly
157 recorded by the General Secretary-Treasurer.

158 **SEC. 12(c).** All railroad local unions of this Association shall charge a reinstatement fee
159 of Four Hundred Dollars (\$400.00) for journeymen, helpers and apprentices. It is the responsibility
160 of the member to notify the financial secretary-treasurer in writing of his or her return to work and
161 to ensure that his or her dues are actually being paid. He or she shall be required to pay all dues
162 and fees owed to SMART from the time he or she returns to work. If the suspended member does
163 not comply with the above requirements he or she shall be required to pay all dues and fees owed
164 SMART from the time he or she returned to work. Forty-five percent (45%) of said fee shall be
165 sent to the General Secretary-Treasurer as International reinstatement fee. At least thirty-five

ARTICLE TWENTY-ONE A (21A)

166 percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and
167 up to five percent (5%) shall be apportioned on a basis determined by the General Executive
168 Council between the SMART Local Unions and Councils Pension Fund (United States) and the
169 SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense
170 Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff
171 Pension Fund. The reinstatement fee specified herein shall apply to suspended members who
172 comply with the requirements of reinstatement within two (2) months from date of suspension.

173 In each case dues shall be paid in advance beginning with the month in which reinstatement
174 is properly recorded by the General Secretary-Treasurer.

175 **SEC. 12(d).** Any member in good standing who leaves the trade or accepts employment in
176 another trade or is furloughed from the railroad, or goes on medical leave of absence exceeding
177 sixty (60) days shall, subject to the provisions of this Constitution, immediately make application
178 for and be issued a withdrawal card. No member in good standing against whom charges are
179 pending are not disposed of shall be entitled to a withdrawal card. A withdrawal card shall become
180 void immediately upon a member's acceptance of employment with an employer performing work
181 covered by the claimed jurisdiction of this Association.

182 Application for withdrawal cards shall be made to the financial secretary-treasurer of the
183 local union of which the applicant is a member. Such applications shall be accompanied by
184 payment of all dues, fees, and other financial obligations due the local union and this Association
185 to and for the month in which the withdrawal card is issued plus Five Dollars (\$5.00) withdrawal
186 card fee. The General Secretary-Treasurer may establish rules limiting the validity of withdrawal
187 card to ensure that the purposes of this Section are implemented.

188 A member on withdrawal card who is eligible for membership who wishes to return to
189 employment and become reinstated to membership, shall have the right to deposit his or her
190 withdrawal card with the local union which issued the same and apply for reinstatement. The
191 minimum fee for reinstatement on a valid withdrawal card shall be Fifteen Dollars (\$15.00). Six
192 Dollars and Seventy-Five Cents (\$6.75) or forty-five percent (45%) of which shall be sent to the
193 General Secretary-Treasurer as an International reinstatement fee, thirty-five percent (35%) of
194 which shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a
195 basis determined by the General Executive Council between the SMART Local Unions and
196 Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund
197 (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the
198 Sheet Metal Workers' International Staff Pension Fund. The General Secretary-Treasurer may
199 reduce or waive the withdrawal reinstatement fee for a local union, upon request. Deposit of
200 withdrawal card for purpose of reinstatement may be made by mail or by other method of delivery.

201 **SECTION 13 – AFFILIATIONS**

202 **SEC. 13.** At points on a railroad where not enough members are employed to maintain a
203 railroad local union affiliated with this Association, Section 2(g) of Article Three (3) shall apply.

ARTICLE TWENTY-ONE A (21A)

204

SECTION 14 – LOCAL CHAIRMAN

205 **SEC. 14(a). Qualifications.** Each local union may establish a position of local chairman
206 who shall be a journeyman sheet metal worker. If such a position is established, the local chairman
207 shall be elected by the local union in the same manner, at the same time and for the same term as
208 local union officers, provided however, that in joint local unions a local chairman may be elected
209 for each railroad or work location within the jurisdiction of such local union. Candidates for the
210 position of local chairman shall possess the same qualifications as those prescribed in Section 4(b)
211 of this Article.

212 **SEC 14(b). Duties.** A local chairman shall represent the local union and the members
213 thereof in matters pertaining to the application of the controlling agreement, conditions of
214 employment, and shall supervise the conduct and activities of members in connection therewith;
215 assist and cooperate with the officers of the local union and the members thereof in carrying out
216 the provisions of this Constitution; use his or her best efforts at the local level to adjust and settle
217 such controversies as may arise in connection with complaints of members, consistent with the
218 rights of those involved, in accordance with the provisions of this Constitution and the policies of
219 this Association. Subject to the provisions of Article Seven (7), Section 3(d), by virtue of his or
220 her position and as part of his or her duties, a local chairman shall serve as a delegate of the local
221 union to the General Convention of this Association except as provided by Article Twenty-One A
222 (21A), Section 5, and the General Committee Convention provided that no local unions shall be
223 entitled to more delegates than are provided for in Article Seven (7) of this Constitution or the
224 District Council by-laws nor shall this Section be construed to require a local union to send more
225 delegates than it desires to represent it. The local chairman shall protect the work jurisdiction set
226 forth in Section 5(aa) of Article One (1) of this Constitution and shall not enter into any agreements
227 with representatives or other organizations involving work jurisdiction.

228 **SEC. 14(c).** Whenever a local chairman or officer retires, accepts an appointed job or is
229 promoted to supervision or is furloughed for more than sixty (60) days, his or her position shall
230 automatically become vacant and his or her successor shall be elected or appointed in accordance
231 with the provisions of Section 8 of Article Twelve (12).

232 **SEC 14(d).** Each local union shall exert every reasonable effort to encourage the
233 participation of its local chairman in such training program as may be sponsored by this
234 Association.

235 **SEC 14(e).** Notwithstanding any other provision of Article Twenty-One A (21A) of this
236 Constitution, in those instances where a General Committee consists of only one (1) local union,
237 the position of the local chairman shall be eliminated and the duties and obligations of that position
238 described in Section 14(b) hereof in addition to those described in Section 5 of this Article will be
239 assumed by the General Chairman of the General Committee who shall be elected by the local
240 union for the same term and in the same manner as other officers of the local union. In this instance,
241 the General Chairman would be an automatic delegate.

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SECTION 15 – LIMITATIONS

SEC. 15. The special rules specified in this Article shall apply only to railroad local unions and General Committees composed of members employed in the railroad industry and shall not apply to any other local union or council or the members thereof, and shall only apply to railroad local unions and General Committees and members thereof to the extent specified herein.

ARTICLE TWENTY-ONE B (21B)

Transportation Division

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One A (21A) shall be exempt from the provisions of this Article Twenty-One B (21B). Locals which are covered by this Article Twenty-One B (21B) are exempt from the provisions of Article Twenty-One A (21A).

SECTION 1 – NAME OF DIVISION

SEC. 1. This division shall be known as the Transportation Division of SMART and shall consist of the Transportation Division and a number of Transportation Division Locals.

SECTION 2 – TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS

SEC. 2. The Transportation Division shall consist of the following Officers, Boards and Members:

- (A) Officers:
 - President Transportation Division
 - National Legislative Director
 - Alternate National Legislative Director
 - Eight (8) Transportation Division Vice President-International Representatives, of which Two (2) Transportation Division Vice President-International Representatives shall be from the Bus Department
 - Six (6) Alternate Transportation Division Vice President-International Representatives of whom:
 - One (1) shall be from the Bus Department from the Western Territory (West of the Mississippi River) and
 - One (1) shall be from the Bus Department from the Eastern Territory (East of the Mississippi River)
- Vacancies occurring in positions not subject to attrition shall be filled as follows:
 - President Transportation Division – By a two-thirds (2/3) vote of the Board of Directors
 - National Legislative Director – By the Alternate Legislative Director
 - Vice President-International Representatives:

ARTICLE TWENTY-ONE B (21B) SECTION 2

22 The Senior Transportation Division Alternate Vice President-International
23 Representative from the Bus Department shall fill a Bus Vice President-
24 International Representative vacancy.

25 Other Transportation Division Vice President-International Representative
26 vacancies by a two thirds (2/3) vote of the Board of Directors from amongst
27 the Alternate Vice Presidents other than those from the Bus Department.

28 Vacancies not otherwise provided for in this Article shall be filled by a two thirds (2/3)
29 vote of the Board of Directors.

30 The President Transportation Division, National Legislative Director and the Four Senior
31 Transportation Division Vice President-International Representatives shall also be
32 General Vice Presidents.

33 (B) Boards:

34 Board of Directors –

35 The Board of Directors shall consist of the President Transportation
36 Division, National Legislative Director, and Eight (8) Transportation
37 Division Vice President-International Representatives, two of whom are
38 elected from the Bus Department.

39 Board of Appeals –

40 (Members must hold seniority in one of the crafts under the jurisdiction of
41 the Board.)

42 Six (6) Members

43 One (1) from Engine Service

44 One (1) from Road Service (Train Service)

45 One (1) from Yard Service (Train Service)

46 One (1) from Commuter Authorities

47 One (1) from Bus Department

48 One (1) from the Aviation Department

49 Executive Boards –

50 Five (5) members

51 One (1) Alternate to Executive Board

52 The Alternate to the Executive Board shall fill a vacancy occurring
53 on the Board.

54 (C) Members:

55 One (1) Delegate from each Local for the Transportation Division Convention

56 (D) Attrition of Positions:

57 A position designated as attritable shall be eliminated when the present incumbent
58 vacates the position for any reason.

59 (E) President Emeritus:

60 The Immediate Past President shall be President Emeritus.

61 (F) Members will vote for the following Officers and Boards:

62 President Transportation Division

63 National Legislative Director

64 Alternate National Legislative Director

65 Eight (8) Transportation Division Vice President-International Representatives,

66 Two (2) of whom shall be from the Bus Department.

67 Six (6) Alternate Vice President-International Representatives –

ARTICLE TWENTY-ONE B (21B) SECTIONS 2-5

68 Two (2) of whom shall be from the Bus Department.
69 Board of Appeals
70 Executive Board

1 **SECTION 3 – REMOVED**

2 **See Article Three (3).**

1 **SECTION 4 – REMOVED**

2 **See Article Five (5).**

1 **SECTION 5 – DELEGATES**

2 **SEC. 5.** Each Local shall elect a Delegate and an Alternate Delegate to the Transportation
3 Division, during the year preceding the quinquennial convention, from the members of each Local
4 who have not voluntarily elected to receive a rebate of dues from any department. The Delegate
5 so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART
6 Convention shall be elected in accordance with Article Seven (7), Section 3.

7 In the event the Delegate is unable to attend the convention, it will be the duty of the
8 Alternate Delegate to attend and represent the Local.

9 If the office of Delegate becomes vacant for any reason, the Alternate Delegate will
10 succeed to that office and the Local will elect another Alternate Delegate.

11 The General Secretary-Treasurer shall furnish each Local in good standing with a
12 credential form which shall be signed by the President and Secretary of the Local. The credential
13 shall bear the seal of the Local and be furnished to the Delegate, which shall be authorization to
14 represent the Local at the convention of the Transportation Division.

15 Delegates to the Transportation Division Convention shall receive Transportation Division
16 Vice President-International Representative's daily rate of pay for their services and per diem at
17 the maximum rate allowed by the Internal Revenue Service for the locality of the convention site,
18 commencing on the travel day prior to the opening day of the convention, the session day(s), and
19 a travel day following the convention.

20 Each Delegate shall receive a travel expense allowance at the maximum automobile
21 mileage rate set by the Internal Revenue Service from the city in which his/her Local is located to
22 the convention city and return by the most direct route, and based on official Rand McNally Road
23 Atlas mileage tables.

24 If a Delegate is absent at roll call or when the yeas and nays are called on any subject, no
25 pay shall be received for that day unless excused by the convention.

ARTICLE TWENTY-ONE B (21B) SECTIONS 5-7

26 A Delegate who becomes ill while attending a convention will, provided evidence of illness
27 is reported to the convention, receive pay as though present.

28 A full time General Chairperson, Legislative Director or Representative, or other
29 committee member or officer, who serves as Delegate to the Transportation Division Convention
30 or some other position of the Transportation Division, will be paid the salary and expense
31 allowance established for the position he/she is filling or his/her regular salary and expense
32 allowance, whichever is the greater. If, under this arrangement, he/she receives his/her regular
33 salary and expense allowance, the salary and expense allowance he/she would otherwise have
34 received as Delegate will be credited to the fund from which his/her regular salary and expense
35 allowance is paid.

36 SMART delegate compensation shall be handled in accordance with Article Seven (7).

37 The President Transportation Division shall have printed in the Transportation Division
38 directory the name, address, Local number and title, if any, of each Delegate and Alternate
39 Delegate. Directories will be mailed to each Delegate and Alternate Delegate no later than one
40 hundred and twenty (120) days prior to the Transportation Division Convention.

1 **SECTION 6 – TRANSPORTATION DIVISION CONVENTION**

2 **SEC. 6.** The Transportation Division shall convene in regular session quinquennially after
3 2014, immediately preceding the SMART Convention and such regular session will not exceed
4 four (4) consecutive calendar days – two (2) session days and two (2) travel days.

5 SMART has jurisdiction over all subordinate bodies and all subjects pertaining to the
6 Transportation Division, except as provided in Section 80.

7 A majority of all Delegates in attendance at the Transportation Division Convention shall
8 constitute a quorum for the transaction of business.

9 The President Transportation Division shall appoint a Committee on Officers’ Reports
10 (listed in Section 2(A)) consisting of not less than one (1) member from each craft represented by
11 the Transportation Division and such other committees, guards, etc., as may be necessary, to assist
12 during the Transportation Division Convention.

13 Officers and Delegates of the Transportation Division will be furnished official badges at
14 the beginning of the Transportation Division Convention. Official badges for the SMART
15 Convention will be handled in accordance with Article Seven (7).

1 **SECTION 7 – ELIGIBILITY FOR TRANSPORTATION DIVISION OFFICE**

2 **SEC. 7.** Unless otherwise provided, any member paying full dues shall be eligible for
3 election to any office in the Transportation Division, except a member who:

- 4 (a) Has attained age 65 or attains age 65 during the year of election;

ARTICLE TWENTY-ONE B (21B) SECTIONS 7-9

- 5 (b) Holds membership in any other union representing transportation employees, other
- 6 fields of employment, trades and industries, whether in public or private employment,
- 7 except when a member is forced by agreement to belong to another union;
- 8 (c) Is serving in an official capacity with a transportation company, other fields of
- 9 employment, trades and industries, whether in public or private employment, except
- 10 as yardmaster where the Transportation Division holds the contract for yardmasters;
- 11 (d) Does not hold seniority rights in transportation service, other fields of employment,
- 12 trades and industries, whether in public or private employment where the
- 13 Transportation Division holds the contract, except this does not apply when a member
- 14 is dismissed from service and his case is being appealed;
- 15 (e) Voluntarily elects to receive a rebate of dues from any department will not be eligible
- 16 to hold office in that department and will not be eligible for the offices of Delegate or
- 17 Alternate Delegate, Legislative Representative, or Alternate Legislative
- 18 Representative;
- 19 (f) Is restricted from holding office by Labor-Management Reporting and Disclosure Act;
- 20 (g) Is an elected officer of the Transportation Division, listed in Section 2(A), shall not be
- 21 eligible to the office of Transportation Division Delegate;
- 22 (h) Is serving as a Local Officer and/or Local Committee of Adjustment Officer who
- 23 serves on a part-time basis need only be members in good standing to retain their
- 24 office.

**SECTION 8 – ELECTION AND INSTALLATION OF
TRANSPORTATION DIVISION OFFICERS**

3 **SEC. 8.** Nominations for candidates shall be made from the floor by any Delegate. Seconds
4 to nominations and nominating speeches will not be required.

5 Any candidate declining nomination shall do so before nominations are closed. The
6 presiding officer shall twice call for withdrawals before accepting a motion to close nominations.

7 Officers shall be elected by a secret ballot during each regular convention of the
8 Transportation Division.

9 Officers elected by a convention will be obligated and installed during the convention
10 session. Officers who succeed to office under the provisions of this Constitution or are appointed
11 by the Board of Directors between conventions will be installed, by the General President or his/her
12 designated representative, before assuming office. The obligation shall be the same as that
13 provided for officers of a Local.

SECTION 9 – TERM OF OFFICE

2 **SEC. 9.** Officers elected at the Transportation Division Convention shall assume their
3 offices on October 1 following their election and shall hold such office until October 1 following
4 the adjournment of the next quinquennial convention, subject to the provisions of the Constitution.

ARTICLE TWENTY-ONE B (21B) SECTIONS 10–12

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SECTION 10 – REPORTS OF OFFICERS

SEC. 10. Vice President-International Representatives and the National Legislative Director shall make a report to the President Transportation Division at the conclusion of each assignment.

All Officers and Boards of the Transportation Division shall submit a report to the President Transportation Division of their official acts and expenses incurred during each year. These reports will be mailed to the Delegates prior to the Convention.

SECTION 11 – DELETED IN ITS ENTIRETY

SECTION 12 – TRANSPORTATION DIVISION DUES AND ASSESSMENTS

SEC. 12. The funds of the Transportation Division shall be acquired by assessments of dues in the amount of \$27.50 per month on all members employed in transportation service, other fields of employment, trades, and industries, whether public or private employers.

Transportation Division dues will be apportioned to the various funds of the Transportation Division as follows:

Convention Fund	\$ 2.00
General Fund	22.50
Maintenance of Membership Fund	1.00
Public Relations Fund	.25
Strike Fund	.75
Education and Training Fund	1.00

Requests for reduced Transportation Division dues must be presented to the Board of Directors for consideration and subsequent referral to the General President with a recommendation. Upon the Board of Directors’ recommendation, the General President, with the approval of the General Executive Council, may grant a reduction of monthly Transportation Division dues in situations where special circumstances exist. Approved reductions shall be subject to review on an annual basis.

All receipts for charter fees, Local supplies, official publications, and other sources not otherwise provided for shall be placed in the General Fund.

Except as otherwise provided in Article Twenty-One B (21B), all disbursements for expenses incidental to conducting the business of the Transportation Division shall be paid from the General Fund. Expenses in connection with the conventions, public relation activities, strikes and maintenance of membership shall be paid from the funds created for such purposes. There shall be no transfer of funds from one account to another except upon approval by a majority vote of the Board of Directors and General Executive Council.

ARTICLE TWENTY-ONE B (21B) SECTIONS 12–16

27 The assessment of dues shall be increased by the following monthly amounts effective on
28 the dates shown and allocated to the General Fund:

29 \$2.00 effective January 1, 2015
30 \$0.00 effective January 1, 2016
31 \$1.00 effective January 1, 2017
32 \$1.00 effective January 1, 2018
33 \$0.00 effective January 1, 2019

34 Notwithstanding any other language herein, the General President, upon the
35 recommendation of the President Transportation Division and with the approval of the General
36 Executive Council, may reduce, postpone or cancel the per capita dues or any increase for members
37 in certain and specific work classifications of the entire industry, provided that such action is
38 deemed advisable or necessary in the best interests of this Association and the members thereof.

39 Fund Trustees shall also be empowered to make agreements with vendors to provide
40 members with disability insurance coverage or other benefits through the Transportation Division,
41 at the members' cost, on an opt-out basis.

42 The President Transportation Division and General Secretary-Treasurer shall be equally
43 responsible for the disbursements of funds.

1 **SECTION 13 – DIVISION OFFICERS AND EMPLOYEES – REMOVED**

2 **See Article Thirty-Three (33).**

1 **SECTION 14 – REMOVED**

2 **See Article Seven (7), Section 14.**

1 **SECTION 15 – BONDING OF TRANSPORTATION**

2 **SEC. 15.** The President Transportation Division in concurrence with the General
3 Secretary-Treasurer shall arrange for the bonding of Transportation Division officers and
4 employees. The President Transportation Division shall be bonded for not less than Five-Hundred
5 Thousand Dollars (\$500,000.00); all other officers and employees, if required, shall be bonded for
6 not less than Twenty-Five Thousand Dollars (\$25,000.00) each, all payable to the International
7 Association of Sheet Metal, Air, Rail and Transportation Workers.

1 **SECTION 16 – PRESIDENT TRANSPORTATION DIVISION**

2 **SEC. 16.** The President Transportation Division shall be the executive head of the
3 Transportation Division, exercise general supervision over its affairs and interests, including all
4 Transportation Division subordinate bodies and shall preside at all sessions of the Transportation
5 Division conventions.

ARTICLE TWENTY-ONE B (21B) SECTIONS 16-18

6 The President Transportation Division may employ sufficient personnel and such other
7 assistance as necessary to properly conduct the business and affairs of the Transportation Division.
8 The President Transportation Division would need approval of the General Executive Council
9 whenever the General President needs approval, but the General Executive Council cannot
10 withhold approval from the President Transportation Division’s request except upon grounds that
11 it would apply equally to a request from the General President.

12 It is the responsibility of the President Transportation Division to interpret Article Twenty-
13 One B (21B), decide all questions arising therefrom, and decide all other controversies not
14 provided for under this Article, subject to the General President’s evaluation to determine whether
15 the questions involve only the interests of the Transportation Division and the members it serves
16 and do not include any matters that affect other members of SMART, such as financial questions
17 that implicate more than the interests of the Transportation Division and actions that pose legal
18 risk to SMART.

19 The President Transportation Division shall, no later than January 31st of each calendar
20 year, prepare an operational budget for the Transportation Division by department, which shall
21 include an annual budget for each fund authorized by the delegates under the provisions of Section
22 12. This budget, which shall be reviewed and approved by the Board of Directors, will be
23 submitted to the SMART Finance Committee, with final approval by the General Executive
24 Council.

25 Upon approval by the General Executive Council, the annual budget will be published in
26 the SMART Transportation Division News not later than the May edition. In the event a budget
27 has not been approved by May 1st, the President Transportation Division will proceed to authorize
28 the printing of the budget as proposed.

29 The General Secretary-Treasurer shall furnish the General Chairperson, State and District
30 Legislative Director a copy of the current billing of each Local under their jurisdiction once each
31 quarter.

32 The President Transportation Division shall perform all duties and responsibilities assigned
33 under Article Twenty-One B (21B) and such other duties and responsibilities as may be necessary
34 for the proper conduct of the affairs of the Transportation Division and the accomplishment of its
35 objectives.

1 **SECTION 17 – REMOVED**

1 **SECTION 18 – DUTIES OF THE VICE PRESIDENT-**
2 **INTERNATIONAL REPRESENTATIVES**

3 **SEC. 18.** The Vice President-International Representatives shall perform such duties as
4 may be assigned by the President Transportation Division or as may be required by Article
5 Twenty-One B (21B).

ARTICLE TWENTY-ONE B (21B) SECTIONS 18–21

6 Vice President-International Representatives shall be assigned a location, and with the
7 approval of the President Transportation Division, and General President and/or General Executive
8 Council where required, may be permitted to provide office space and employ such assistance as
9 may be necessary. The office rent, authorized assistance, telephone service, and supplies to be paid
10 from the General Fund.

1 **SECTION 19 – REMOVED**

2 **See Article Three (3) and Article Twenty-One B (21B), Section 16.**

1 **SECTION 20 – ASSOCIATION OF STATE LEGISLATIVE DIRECTORS**

2 **SEC. 20.** The Legislative Director of each State and the District of Columbia shall form
3 the Association of State Legislative Directors for the purpose of coordinating concerted efforts for
4 securing the enactment of laws and regulations, or the repeal or modification of laws and
5 regulations to ensure the protection and welfare of the members of SMART, to exchange
6 information regarding political and legislative activities affecting Transportation Division
7 members and to recommend a legislative agenda for the Transportation Division.

8 The President Transportation Division will convene the Association during the year 1996,
9 and quadrennially thereafter. State Legislative Directors shall be members of the Association and
10 shall represent their State Legislative Boards at each meeting with salaries and proper expenses to
11 be paid from the General Fund.

12 The Officers of the Association shall be a Chairperson, Vice Chairperson, Secretary and
13 Treasurer to be elected by secret ballot during the 1996 meeting and quadrennially thereafter.

14 Bylaws consistent with the provisions of this constitution will be adopted at the 1996
15 meeting.

16 A majority of Association Members shall constitute a quorum.

1 **SECTION 21 – DUTIES OF NATIONAL LEGISLATIVE DIRECTOR**

2 **SEC. 21.** (a) The National Legislative Director shall devote his/her efforts to secure the
3 enactment, modification, or repeal of laws in accordance with the legislative policy of the
4 organization. He/she shall handle all legislative matters referred to him/her by the President
5 Transportation Division. He/she shall collect and compile statistics on legislation affecting the
6 organization, which shall be included in his/her report to the convention. Copies of this report shall
7 be furnished to State Legislative Boards and to members on request.

8 The National Legislative Director shall handle with the proper agents of the Federal
9 Government all alleged violations of Federal law, as brought to his/her attention, which involve
10 the safety and welfare of our membership covered by such law. He/she will, when authorized by
11 the President Transportation Division, represent the Transportation Division and/or the President

ARTICLE TWENTY-ONE B (21B) SECTIONS 21–23

12 Transportation Division before Federal agencies and Congressional Committees, and in such other
13 capacities as the President Transportation Division may direct.

14 The National Legislative Director shall keep the President Transportation Division advised
15 on all bills and hearings before the Congress and other Federal agencies, which affect the interest
16 of the organization. He/she shall furnish the President Transportation Division copies of all bills
17 introduced to the Congress which may affect the organization, and such information as will enable
18 the President Transportation Division to determine legislative policy on such matters as may affect
19 the Transportation Division in accordance with the law of the organization. He/she shall compile
20 a voting record of the members of Congress on legislation affecting the interests of labor. Such
21 voting record shall be furnished the President Transportation Division, State, and District of
22 Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress.
23 He/she shall submit recommendations to the President Transportation Division for candidates for
24 Congress, based on voting records and other information concerning each candidate. The General
25 President and President Transportation Division shall then confer on the selection of candidates.
26 If there are differences of opinion between the National Legislative Director and a State or District
27 of Columbia Legislative Board, such differences shall be submitted to the President Transportation
28 Division, whose decision shall be final.

29 Headquarters for the United States National Legislative Department shall be maintained in
30 Washington, D.C. The Legislative Director shall remain at the Capitol during sessions of the
31 Congress and such other times as may be necessary to discharge his/her duties, unless otherwise
32 instructed by the President Transportation Division. The Legislative Director may employ
33 sufficient personnel and such assistants as necessary to properly conduct the business of the
34 department, subject to the approval of the President Transportation Division.

1 **SECTION 22 – REMOVED**

2 **SEC. 22.** The duties formerly enumerated in this Section are covered under Article Five
3 (5) General Secretary-Treasurer, Article Six (6) General Executive Council, Section 3, Article
4 Seventeen (17), Article Eighteen (18) and Article Twenty-One B (21B), Section 15.

1 **SECTION 23 – DUTIES OF THE BOARD OF DIRECTORS**

2 **SEC. 23.** The Board of Directors shall meet on the first Tuesday in the months of April
3 and October, and on call of the President Transportation Division, to consider all matters coming
4 before it.

5 In circumstances in which an officer listed in Section 2A of this Article is temporarily
6 unable to perform the duties of his/her office due to illness or absence, the Board of Directors may
7 designate an officer who will assume the duties of the ill or absent officer until he/she is in position
8 to resume the duties of his/her office.

9 A majority of the Board of Directors shall decide matters coming before the Board, except
10 as otherwise provided in Article Twenty-One B (21B). Members of the Board of Directors must
11 attend and participate in all Board meetings, unless prevented by illness or emergency.

ARTICLE TWENTY-ONE B (21B) SECTIONS 23–25

12 A member of the Board of Directors will not be permitted to participate in the Board’s
13 consideration of, or decision on, appeals taken from his/her actions or decisions. Board members
14 will vote on all decisions and actions taken by the Board and will not be allowed to abstain from
15 voting, except as stated herein above concerning his/her actions or decisions. The Annual Report
16 shall show how each Member of the Board of Directors voted on all appeals brought pursuant to
17 Section 75 (II) immediately following the decision.

18 Unification, affiliation, or merger with another labor union shall be governed by Article
19 Three (3), Section 1.

1 **SECTION 24 – EXECUTIVE BOARD**

2 **SEC. 24.** The Executive Board, immediately after its election, shall meet and elect a
3 Chairperson and a Secretary. The Board shall promptly investigate charges preferred against
4 Transportation Division officers listed in Section 2, other than General Officers who shall be
5 covered under the provisions of Article Two (2), Section 14, as provided in Section 25.

6 The Board shall file with the General Secretary-Treasurer a copy of all evidence considered
7 by it and shall present a report of all charges considered, together with its verdict to the
8 quinquennial Transportation Division Convention.

9 The Board shall not consider any charge which is presently pending, has been previously
10 considered, or can properly be made the basis of appeal to the Board of Directors, Board of
11 Appeals, or the Transportation Division Convention.

12 When charges are preferred, said charges come under the purview of the Executive Board
13 to determine the Board’s jurisdiction. After the Executive Board has determined that a charge is
14 under its jurisdiction, no other Board or Officer can interfere with the proceedings of the Executive
15 Board.

1 **SECTION 25 – CHARGES AND TRIALS OF TRANSPORTATION DIVISION**
2 **OFFICERS**

3 **SEC. 25.** Charges may be preferred against Transportation Division officers listed in
4 Section 2, other than General Officers who shall be covered under the provisions of Article Two
5 (2), Section 14, for failure to perform their duties and fulfill their responsibilities in accordance
6 with their obligation of office and as required by this Constitution. Any officer against whom
7 charges have been preferred shall receive a fair and impartial trial.

8 Charges must be submitted in writing and sent by certified mail to the Chairperson of the
9 Executive Board and signed by the member preferring the charges. Said member shall forward a
10 copy of the charges by certified mail to the accused.

11 Charges shall clearly specify the alleged offense(s) together with the article(s) of this
12 Constitution and/or those obligations and responsibilities which it is alleged have been violated.

ARTICLE TWENTY-ONE B (21B) SECTION 25

13 The Chairperson must forward a copy of the charges by certified mail to the accused and
14 other members of the Board. The accused has ten (10) days from the date of said mailing to respond
15 to the charges. The response must be in writing and forwarded by certified mail to the Chairperson
16 and the member preferring the charges.

17 If a majority of the Board considers the evidence submitted sufficient to proceed, the
18 Chairperson shall set a date and time for trial to be held and notify the parties. The Chairperson
19 shall give the accused and the member preferring the charges not less than fifteen (15) days' notice
20 prior to the convening of the Executive Board to try the accused.

21 The Board shall convene at the Transportation Division location on the date appointed and
22 proceed to try the accused. Each party to a trial shall have the privilege of designating any person,
23 except a Board Member or a party involved in the charges or proceedings, to act as his/her
24 counselor or representative in the trial proceedings.

25 Ten (10) days before trial, the member preferring the charges and the accused shall forward
26 by certified mail to the Chairperson of the Board and to the opposing party a list of names of
27 witnesses which they intend to call at the trial in support, or defense, of the charges. The member
28 preferring charges, either in person or through his/her counsel or representative, shall act as
29 prosecutor in the case.

30 Should the accused fail to appear for trial after notice as prescribed in the foregoing, should
31 he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by this
32 Constitution or the Board, or should he/she engage in conduct designed to obstruct his/her trial,
33 the Board shall proceed to conduct the trial in his/her absence. The accused, the member preferring
34 charges, their counsel or representative(s), or any witnesses who are guilty of misconduct before
35 the Board shall be excluded thereafter from the trial proceedings, and the trial shall continue in
36 their absence.

37 The Board shall arrange for a transcript of the trial proceedings. A copy of the transcript
38 shall be furnished to each party without cost.

39 In all trials, the testimony of witnesses shall be taken orally in front of the members of the
40 Board. Both parties to the trial shall be given full opportunity to present any witnesses and all
41 relevant evidence and exhibits which they deem necessary to a proper presentation of their case.
42 They shall also be entitled to cross-examine witnesses of the other party. The Board may, on its
43 own, request such witnesses and documents as it deems necessary.

44 Should a witness be unable to attend any trial session of the Board, because of age,
45 sickness, infirmity or for other good cause shown, the evidence of such witnesses may be taken in
46 deposition form before a notary public or other civil officer authorized to administer oaths. Said
47 deposition shall be admissible evidence to the extent it would be at the trial proceedings, provided
48 the adverse party, his/her counsel or representative is given the opportunity of being present and
49 cross-examining the witness when the deposition is taken.

ARTICLE TWENTY-ONE B (21B) SECTIONS 25–26

50 Before giving testimony, any witnesses who are members of SMART shall be required to
51 make the following affirmation:

52 “Do you solemnly affirm upon your honor as a member of SMART that the
53 evidence to be given by you in this case shall be the truth and nothing but the
54 truth?”

55 Any witness who is not a member of SMART, shall take an oath or solemn affirmation to
56 testify truthfully.

57 All persons shall be excluded from trial sessions except members of the Trial Board, parties
58 to the trial and their counsel or representative, the witness who is testifying, and the reporter or
59 person transcribing the testimony.

60 After all evidence has been presented and arguments made by all parties or their counsel,
61 the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session
62 for consideration of its decision.

63 The Board shall render its decision in writing within thirty (30) days following the date
64 upon which the trial was concluded. If the accused is found not guilty, he/she shall be exonerated.

65 If the accused is found guilty, the Board shall fix the penalty to be assessed which shall be
66 censure, suspension, or removal from office. Such decision shall contain a statement of the
67 pertinent facts involved, the violations charged, and the penalty to be imposed. Such decision and
68 penalty shall be final and binding unless reversed upon appeal as provided in Section 26.

69 The Board shall forward copies of its decision by certified mail to the accused and the party
70 preferring charges. Copies shall also be mailed to the General President, President Transportation
71 Division, General Secretary-Treasurer and all Transportation Division Locals.

1 **SECTION 26 – APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD**

2 **SEC. 26.** An officer censured, suspended, or removed by the Executive Board may appeal
3 to the Transportation Division Convention by submitting his/her appeal in writing to the
4 Chairperson of the Executive Board, with a copy to the General Secretary-Treasurer, at least thirty
5 (30) days prior to the opening of the convention. If the decision being appealed is rendered less
6 than thirty (30) days prior to the opening of the convention, the appellant may appeal his/her case
7 to the convention provided he/she notifies the Board and the General Secretary-Treasurer of his/her
8 intention to appeal within twenty-four (24) hours after having been notified of the Board’s
9 decision.

10 The appeal shall be presented to the Transportation Division Convention by the appellant,
11 or his/her counsel, together with any new evidence developed. The appellant, or his/her counsel,
12 and the Board shall submit their arguments. The question shall then be put, “Shall the decision of
13 the Board be sustained?” The vote shall be taken on this question without debate. A majority vote

ARTICLE TWENTY-ONE B (21B) SECTIONS 26–28

14 in favor of the question shall sustain the decision of the Executive Board. A majority vote against
15 the question shall reverse the decision of the Executive Board.

16 An officer who is removed from office may not again serve in any office of the SMART
17 Transportation Division except upon the approval of the Board of Directors.

1 **SECTION 27 – BOARD OF APPEALS**

2 **SEC. 27.** Immediately after their election, the members of the Board of Appeals shall meet
3 and elect a Chairperson and Secretary. The Secretary shall keep a correct record of the proceedings
4 of the Board. A record shall be taken of all oral testimony for the use of the Board in making its
5 final decisions.

6 The Board of Appeals shall meet semiannually, on the second Monday of January and July,
7 and at such other times as may be necessary, at the Transportation Division locations, to consider
8 and determine all appeals submitted under the provisions of Article Twenty-One B (21B). A
9 majority of a Board shall decide all appeals coming before that Board. It shall have no authority
10 to consider and determine any other matter, nor to refer any case to any other tribunal of the
11 organization for a decision except questions arising as to the application of organization law under
12 Article Twenty-One B (21B) shall be referred to the President Transportation Division.

13 The Board shall give a clear and concise report of each appeal properly submitted to it.
14 Such report shall consist of a statement of all material facts involved in the appeal, the contentions
15 of the parties and the decision of the Board, stating the reasons upon which the decision is based.
16 All decisions shall be released by the Board without delay.

17 In an appeal involving a Board member’s Local, such Board member must disqualify
18 himself/herself and be excused by the Chairperson of the Board. The original decision shall be
19 signed by each member of the Board participating and, following each signature, the word “for”
20 or “against” shall be written indicating his/her vote on the matter. Copies of all decisions shall
21 contain the names of the Board members participating. Decisions of the Board of Appeals shall be
22 final and binding and shall not be appealable to the convention.

23 The Board shall, at the conclusion of each meeting, submit a report properly authenticated
24 to all interested subordinate bodies and Transportation Division Officers.

25 A member of the Board of Appeals shall not represent the Transportation Division in any
26 other capacity while serving as a member of the Board.

1 **SECTION 28 – OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT**
2 **RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE IN**
3 **ACCORDANCE WITH THIS CONSTITUTION**

4 **SEC. 28.** No officer, member, or subordinate body of the Transportation Division shall
5 resort to the civil courts to correct or redress any alleged grievance or wrong, or to secure any
6 alleged rights from or against any officer, member, subordinate body, or the Transportation

ARTICLE TWENTY-ONE B (21B) SECTION 28–31

7 Division until such officer, member, or subordinate body shall have first exhausted all remedy by
8 appeal provided in this Constitution for the settlement and disposition of any such rights,
9 grievances, or wrongs.

10 Any officer, member, or subordinate body of the Transportation Division violating the
11 provisions of this Section shall be subject to charges and trials as provided by Article Twenty-One
12 B (21B).

1 **SECTION 29 – COMPENSATION AND VACATION BENEFITS OF**
2 **TRANSPORTATION DIVISION OFFICERS, BOARD MEMBERS AND STAFF**
3 **MEMBERS WHO HOLD SENIORITY IN A CRAFT ON A PROPERTY WHERE**
4 **SMART HOLDS REPRESENTATION RIGHTS**

5 **SEC. 29.** Adjustments in salaries of Transportation Division officers, Board members and
6 Staff members will be made in the same proportion as increases or decreases in wages received by
7 employees represented by the Transportation Division, subject to final budget approval.

8 All officers, Board members and Staff members, devoting full time to the service of the
9 Transportation Division, shall receive their salary in equal payments bi-weekly.

10 Members of the Board of Appeals, Executive Board, and other appointed committees shall
11 receive their salary not less frequently than bi-weekly while in session, or when the work for which
12 they have been assembled is completed.

13 Transportation Division officers, Board members, and Staff members, and representatives
14 devoting full time to the service of the Transportation Division will be entitled to the same vacation
15 benefits for which they would have qualified with their carrier under the National Vacation
16 Agreement. The method of handling vacations shall be determined by the President Transportation
17 Division.

18 When a member serving the Transportation Division on a part-time basis suffers a loss of
19 earnings from his/her carrier resulting in a reduction or loss of his/her vacation pay from the carrier,
20 he/she shall receive from the department of the Transportation Division in which he served the
21 amount of vacation pay lost as result of his/her services with the Transportation Division.

1 **SECTION 30 – FISCAL YEAR**

2 **SEC. 30.** The fiscal year of the Transportation Division and all its subordinate bodies shall
3 begin on the 1st day of January and end on the 31st day of December of the same year.

1 **SECTION 31 – RETIREMENT OF OFFICERS AND EMPLOYEES**

2 **SEC. 31.** All officers and employees of the Transportation Division shall be retired from
3 the service of the Transportation Division on the last day of the year in which they attain age
4 seventy (70).

SECTION 32 – PRINTING AND SUPPLIES

SEC. 32. The President Transportation Division and the General Secretary-Treasurer shall jointly receive bids and award contracts for printing International and Local supplies, and other necessary printing. All forms provided by such Locals must be submitted for approval before being printed.

All supplies shall be furnished Locals at cost and must bear the imprint of the SMART seal.

All printed matter purchased by the Transportation Division shall bear the union label.

SECTION 33 – OFFICIAL PUBLICATIONS

SEC. 33. Official print publications and all electronic media, web, communications shall be issued regularly by the Transportation Division which shall be under the business management of the President Transportation Division. The President Transportation Division shall be Editor-in-Chief and employ such editorial and other assistance as necessary. The publications shall be furnished to all active members of the Transportation Division and to widows and retired members who make requests for the print publications, and/or electronic media, web, communications, provided they keep the Transportation Division advised as to their correct address. All money for subscriptions shall be paid and credited to the General Fund of the International.

The expense of maintaining the publications shall be paid from the General Fund of the International and the amount paid pro-rated quarterly against the various funds of the International on a percentage basis established by the President Transportation Division. All of the above is in coordination with the General Secretary-Treasurer.

SECTION 34 – ENDORSEMENT OF SOUVENIRS, ETC.

SEC. 34. The Transportation Division or Locals shall not endorse articles of merchandise. Locals shall not sell or grant to any person the right to solicit advertisements or issue souvenirs or like objects in the name of SMART and/or the SMART Transportation Division.

Locals, subject to prior approval of the President Transportation Division, may issue advertising, programs, time books, or other publications of general interest in the name of the Transportation Division for Local purposes, when properly authorized by the Local(s) interested, providing the net proceeds therefrom go to the Locals making such authorization.

Where two (2) or more Locals are located in the same city or sub-section in which such publications are to be issued, all Locals will be given an opportunity to participate in the project.

All of the above is in coordination with the General Secretary-Treasurer.

**SECTION 35 – ORDER OF BUSINESS OF THE
TRANSPORTATION DIVISION CONVENTION**

SEC. 35.

1. Call to order
2. Invocation
3. Roll call of officers
4. Report of Credentials Committee
5. Action on previous day's minutes
6. Communications
7. Reports of officers
8. Reports of committees
9. Unfinished business
10. New business
11. Nominations and elections of officers
12. Installation of officers
13. Closing

SECTION 36 – RULES OF ORDER, TRANSPORTATION DIVISION CONVENTION

SEC. 36. The rules of order for conventions of the Transportation Division shall be Robert's Rules of Order, Revised, except as otherwise provided in the following rules:

1. These rules may be amended at any regular meeting of the Transportation Division by a majority vote of the Delegates present.

2. The daily sessions of the convention shall begin at 9:00 a.m. and adjourn at 2:00 p.m. Evening sessions may be called by a majority vote of the Delegates to begin at 8:00 p.m. Instead of a roll call, appropriate checks shall be collected from the Delegates as a means of recording attendance.

3. The convention shall meet daily excepting Saturdays, Sundays, and legal holidays and, for parliamentary purposes, shall be considered to be in continuous session until adjourned on the last day.

4. The President Transportation Division shall supply each Officer and Delegate with a list of Delegates and standing committees. Proceedings of each day's meeting shall be printed and shall be distributed the following morning.

5. Officers and Delegates shall be admitted upon display of their identification badge and will take their seats without ceremony.

ARTICLE TWENTY-ONE B (21B) SECTION 36

18 6. No person except Officers and Delegates of the International shall be admitted to the
19 floor reserved for Delegates. Other officers and members of SMART may attend the convention
20 as visitors on presentation of a receipt for current dues or membership card.

21 7. The President Transportation Division, or in his/her absence, a Vice President-
22 International Representative designated by the President Transportation Division, shall preside.
23 He/she may speak to points of order in preference to other Officers and Delegates. He/she shall
24 decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate
25 may speak more than once on such appeal.

26 8. No main motion shall be debated until it has been scheduled and stated by the presiding
27 officer who may require the motion to be put in writing before it is stated.

28 9. While in the Committee of the Whole, a Delegate may speak but once on any subject
29 or motion. The maker of a motion may close debate but will not be permitted to speak in excess
30 of five (5) minutes in the exercise of this right.

31 10. After a question has been decided, any two (2) Delegates who voted with the majority
32 may, at any time during the session, move to reconsider the question. No debate will be permitted
33 on such motions. Should the motion to reconsider be carried, the question at issue may then be
34 debated in the same manner as a new motion.

35 11. When a question is put, every Delegate in the assembly must vote on it unless excused
36 by a majority vote of the Delegates.

37 12. Except as provided in Section 6, members of each committee will be appointed by the
38 President Transportation Division. The person named first on a committee shall be the chairperson.

39 13. A yea and nay vote will be taken on any question when called for by one-third (1/3) of
40 the Delegates present.

41 14. The convention is prohibited from considering proposed constitutional amendments
42 not previously presented to the Constitution Committee.

43 15. All constitutional changes recommended by the Constitution Committee and all such
44 proposals printed and distributed to Officers and Delegates will show the current constitutional
45 provision and the proposed change printed on the same sheet in a manner which will permit easy
46 and accurate comparison. Portions of the Constitution which are not involved in amendment
47 proposals will not be read during sessions of the Committee of the Whole and such portions will,
48 therefore, be identified and passed upon by making appropriate references to their number and/or
49 title.

50 16. Affirmative action by the Committee of the Whole in rescinding a former action is not
51 subject to a motion to reconsider. If the motion to rescind in a case of this kind fails to carry, a
52 motion to reconsider would be proper but the matter can be acted upon but once.

ARTICLE TWENTY-ONE B (21B) SECTION 36

53 17. During debate, the presiding officer will recognize the Delegate first in line before each
54 microphone in series beginning with microphone No. 1, and continuing through the number of
55 microphones on the floor before again recognizing microphone No. 1. Recognition shall be
56 alternated between proponents and opponents on all questions, odd number microphones for
57 proponents, and even numbers for opponents. When a Delegate wishes to speak he/she shall
58 proceed to one of the microphones. When recognized by the presiding officer, the Delegate shall
59 give his/her name and Local number. He/she shall confine remarks to the pending question.

60 18. If the report of a committee is adopted, the report shall be recorded as concurrence by
61 the convention. If the report fails of adoption, it shall be recorded as non-concurrence. The full
62 report of the committee showing concurrence or non-concurrence on each amendment shall be
63 forwarded to the SMART Constitution Committee for their consideration.

64 19. The report of the Committee on Transportation Division Officers' Reports will be
65 distributed to Delegates on the first day of the convention. The report will be considered, without
66 reading, as a special order of business on the final day of the convention.

67 20. Documents of interest to the convention shall be printed in the minutes without being
68 read to the convention. This includes resolutions and other matters which direct themselves to
69 appropriate committees for consideration prior to being brought to the floor of the convention.

70 21. Reports of the Sick Committee will be printed in each day's minutes.

71 22. The daily sessions of the convention may be opened with a prayer by a member of the
72 clergy or, in the absence of same, by a Delegate.

73 23. The General Secretary-Treasurer may advance travel allowances and per diem
74 payments to Delegates upon request without approval of the convention.

75 24. While in the Committee of the Whole, a motion to stop debate shall apply only to the
76 specific subject then under debate.

77 25. Election of Transportation Division officers will commence not later than the first order
78 of business on the second day of the convention.

79 When electing Transportation Division officers, the following rules will apply: Where an
80 individual officer or position is involved, and no candidate receives a majority of legal votes cast
81 on the first ballot, and there are more than three (3) candidates on the ballot, all candidates except
82 the top three (3) will be dropped. Thereafter, the candidates receiving the lowest number of vote
83 will be dropped on each ballot, until one of the candidates receives a majority of legal votes cast. In
84 placing the names of candidates on ballots or voting machines, the names of incumbent officers
85 shall appear first, with the names of other candidates following in alphabetical order. When elections
86 are run simultaneously no member may be a candidate for more than one office or position.

87 In addition to the foregoing, the following procedure will govern the election of
88 Transportation Division officers:

ARTICLE TWENTY-ONE B (21B) SECTIONS 36–38

89 After the election of the President Transportation Division, the National Legislative
90 Director will be elected. Nominations will be accepted for Vice Presidential-International
91 Representative positions 1 through 8, until there are four contested positions after which an
92 election shall be conducted. In other words, it is contemplated that contested Vice President-
93 International Representative positions will be elected simultaneously in groups of four (4), until
94 all Vice President-International Representative positions are filled. From among the elected Vice
95 President International-Representatives, an election will be held to select the successor to the
96 President Transportation Division in the event a vacancy occurs between Conventions.

97 The Alternate National Legislative Director shall be elected next. Alternate Vice President-
98 International Representatives shall be elected as follows – the Alternate Bus Vice President
99 International Representative in the Eastern Territory and the Alternate Vice President-International
100 Representative in the Western Territory shall be elected simultaneously. The remaining six (6)
101 Alternate Vice Presidents, positions 1 through 6, shall be elected simultaneously.

102 The Board of Appeals will be elected next – (six members (6)). One (1) member from
103 engine service, position one; one (1) member from road train service, position two; one (1) member
104 from yard train service, position three; one (1) member from Commuter Authorities, position four;
105 one (1) member from the Bus Department, position five; and one (1) member from the Aviation
106 Department.

107 Executive Board – (Five members). Members will be elected simultaneously.

108 Alternate to the Executive Board – One (1) Alternate to the Executive Board to be elected.

109 26. When an election for a particular office or board is commenced, the same must be
110 completed before the convention adjourns for the day.

111 27. Transportation Division officers listed in Section 2(A) may speak but shall have no
112 vote in Transportation Division Convention.

1 **SECTION 37 – PRINTING AND DISTRIBUTION OF CONSTITUTION**

2 **SEC. 37.** Copies of the SMART Constitution shall be furnished to all members of the
3 Transportation Division. The most current SMART Constitution shall be made available to all
4 members via electronic media, the SMART web page.

1 **SECTION 38 – SAVING CLAUSE**

2 **SEC. 38.** The President Transportation Division, with the approval of the Board of
3 Directors and jointly with the General President, may take such action as may be deemed necessary
4 to meet situations not covered in Article 21 B in order to protect the interest of the membership
5 and the Transportation Division.

6 See Article Thirty-Four (34), Section 1 as though contained herein.

1

SECTION 39 – LOCALS

2 **SEC. 39.** Employees in transportation service, other fields of employment, trades and
3 industries, whether public or private employees, desiring to organize a Local shall request an
4 official application from the General Secretary-Treasurer. The application must be accompanied
5 by a fee of Fifty Dollars (\$50.00) to cover the cost of necessary supplies for the Local. Upon
6 receipt, the General Secretary-Treasurer will forward the application to the President
7 Transportation Division for his review and recommendation to the General President.

8 Should the application be favorably considered by the General President, the General
9 Secretary-Treasurer shall issue a charter, properly signed under official seal, and forward to the
10 person designated. Upon notification by the General President, the President Transportation
11 Division will direct an officer of the Transportation Division to organize the Local and install the
12 elected officers in accordance with this Constitution.

13 Bylaws for their special government, which do not conflict with this Constitution, shall be
14 adopted, subject to the approval of the General Secretary-Treasurer.

15 The General President shall assign each Local a number and thereafter it shall be known
16 as “International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)
17 Local Union No. __.”

1

SECTION 40 – JURISDICTION AND AUTHORITY

2 **SEC. 40.** The jurisdiction of Locals shall be that which existed on the date of unification.
3 Changes in jurisdiction may be recommended by the President Transportation Division after
4 giving the interested General Chairperson an opportunity to file recommendations regarding the
5 matter. Changes in jurisdiction are made by the General President subject to the above. The Local
6 shall have jurisdiction over all members of the Transportation Division employed under its
7 jurisdiction.

8 The decision of a Local on all matters within its authority shall be final, unless appealed
9 and reversed.

10 Jurisdiction and authority shall not extend to the transfer of members from one Local to
11 another Local to result in any Local of twenty-five (25) or more members being closed. Henceforth
12 the General President shall not make changes in jurisdiction of Locals which would result in
13 closing a Local whose membership is twenty-five (25) or more members.

14 A Local may discipline its members for misconduct or violation of their obligation.

1

SECTION 41 – MEMBERSHIP

2 **SEC. 41.** Any person of good moral character who is employed in a craft or vocation,
3 whether public or private employment, represented by the Transportation Division is eligible to
4 membership.

ARTICLE TWENTY-ONE B (21B) SECTIONS 41–43

5 To gain admission or readmission, an applicant must execute and file with the Local
6 Treasurer an official application for membership which must be accompanied by cash, check, or
7 money order to cover one month’s dues and assessments.

8 No application for admission or readmission shall be accepted by the Treasurer or
9 considered in any manner until three (3) members of the Local have signed the same certifying that
10 to the best of their belief the applicant is of good moral character and if admitted to membership in
11 SMART will be a worthy member. Upon receipt of a properly executed application accompanied
12 by the required dues and assessment, the Local Treasurer will issue to the applicant an official
13 receipt and will promptly forward to the General Secretary-Treasurer the completed application,
14 together with the required dues and assessments. The Local Treasurer will report at each meeting
15 all admissions and readmissions occurring subsequent to the last meeting of the Local.

16 The official membership application form will include the following statement which will
17 be subscribed to, and signed by, the applicant in the presence of an officer or member of the Local
18 who shall witness the applicant’s signature and certify by signature that he/she has done so:

19 “I pledge my honor to faithfully observe the Constitution and Laws of the International
20 Association of Sheet Metal, Air, Rail and Transportation Workers, including the bylaws of
21 my Local; to comply with the rules and regulations for the government of the International
22 Association of Sheet Metal, Air, Rail and Transportation Workers; not to make known to
23 outsiders any private proceedings of the International Association of Sheet Metal, Air, Rail
24 and Transportation Workers; to faithfully perform all the duties assigned to me to the best
25 of my ability and skill; to so conduct myself at all times as not to bring reproach upon my
26 union and at all times bear true and faithful allegiance to the International Association of
27 Sheet Metal, Air, Rail and Transportation Workers.”

1 **SECTION 42 – CONTINUOUS MEMBERSHIP**

2 **SEC. 42.** Continuous membership in the former Order of Railroad Conductors and
3 Brakemen, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad
4 Trainmen, Switchmen’s Union of North America, or Railroad Yardmasters of America in addition
5 to service in the Merchant Marine during a national emergency and any military service together
6 with continuous membership in the United Transportation Union will be combined to compute
7 total continuous membership in SMART.

1 **SECTION 43 – MEMBERSHIP CARDS**

2 **SEC. 43.** Members of the Transportation Division, upon written request to the Treasurer
3 of their Local during the month of December, will be furnished a membership traveling card for
4 the following year. Such cards shall bear the number and seal of the Local, and the signature of
5 the President and Treasurer of the Local. The title, if any, and the continuous membership record
6 of the member shall also be shown thereon.

7 Members totally disabled or having twenty (20) years’ continuous membership as provided
8 in Section 42 and retired from transportation service will be given a gold embossed card indicating

ARTICLE TWENTY-ONE B (21B) SECTIONS 43–47

9 life membership in the United Transportation Union, now SMART. Such members shall be entitled
10 to attend Local meetings.

1 **SECTION 44 – AUTHORITY TO REPRESENT**

2 **SEC. 44.** Every member of SMART grants complete authority to SMART and any of its
3 constituted representatives to act in said member’s behalf for the purpose of disposing, in any
4 manner, of any and all of said member’s claims, complaints, or grievances against their employer;
5 and to submit such claims, complaints, or grievances for determination to any person, board, or
6 other tribunal provided by law or otherwise as may be deemed to be necessary. The Organization
7 shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent,
8 and act for its members before any person, board, or other tribunal in connection with consideration
9 and determination of claims, complaints, or grievances, subject to the right of appeal in accordance
10 with the provisions of this Constitution, except where the member involved serves reasonable
11 written notice on the Organization to the contrary.

12 Decisions reached disposing of or settling claims, complaints, and grievances referred to
13 herein shall be furnished in writing, within thirty (30) days after such decision, to the Local
14 Chairperson and Secretary of the Local submitting such claims, complaints, and grievances.

1 **SECTION 45 – DUTIES OF MEMBERS**

2 **SEC. 45.** Members of the SMART Transportation Division are obligated to pay all dues
3 and assessments promptly, to attend all meetings of their Local where reasonably possible to do
4 so, to faithfully observe the provisions of the Constitution of the International and the bylaws of
5 the Local, to keep from outsiders the private proceedings of SMART, to faithfully perform all the
6 duties assigned to them to the best of their ability and skill, and to so conduct themselves at all
7 times as not to bring reproach upon SMART. Members who are found to be in violation of these
8 duties are subject to reprimand, suspension, or expulsion, as their Local may determine, following
9 a trial conducted in strict compliance with Section 74 of Article Twenty-One B (21B).

1 **SECTION 46 – VISITING MEMBERS**

2 **SEC. 46.** Visiting members of SMART shall be admitted to Local meetings upon
3 presentation of an official receipt for the current month’s dues or life membership card. In case the
4 identity of the visiting member is not known, further proof of membership may be required.

1 **SECTION 47 – TRANSFER OF MEMBERS**

2 **SEC. 47.** (a) In the event the charter of a Local is revoked or surrendered, the members
3 shall be transferred to a Local having jurisdiction over their current employment. The Local having
4 jurisdiction will be designated by the President Transportation Division, subject to review by the
5 General President, and such members will be transferred on the date such revocation or surrender
6 is effective.

ARTICLE TWENTY-ONE B (21B) SECTIONS 47–48

7 (b) Following the date of unification, members in active service must become members
8 and maintain membership in the Local having jurisdiction over the craft in which assigned on the
9 seniority territory on which employed. Thereafter, if a member is assigned to another craft under
10 the jurisdiction of another Local for a period in excess of ninety (90) days, the Treasurer of the
11 Local with which the member is affiliated shall, upon receipt of written request from the Treasurer
12 of the Local under whose jurisdiction the member is working, issue a transfer certificate for the
13 member.

14 Nothing in this section shall prohibit a member from voluntarily transferring to another
15 Local in less than (90) days provided he/she is working under the jurisdiction of that Local.

16 (c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals
17 have identical jurisdiction, a member may, upon written request, transfer his/her membership from
18 one such Local to the other.

19 (d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Chairpersons,
20 First Vice Local Chairpersons, Secretary and Treasurers, and Legislative Representative, shall not
21 be subject to the aforementioned transfer requirements.

22 (e) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer
23 and completed in quadruplicate by the Local Treasurer, forwarding the original to the Local
24 requesting the transfer, the second copy to the General Secretary-Treasurer, the third copy to the
25 member being transferred, and retaining the fourth copy for his/her records. Upon the completion
26 of this transaction, the member will be obliged to pay dues and assessments, effective on the first
27 day of the following month, to the Local to which transferred.

28 (f) Members required to transfer from one Local to another Local in the application of this
29 Section may continue to participate in any benefit program in which they were participating at the
30 time of said transfer, provided such member continues to remit the necessary payment for said
31 benefits.

1 **SECTION 48 – LOCAL FUNDS**

2 **SEC. 48.** Each Local shall maintain a Local fund to pay the expenses of the Local, by
3 levying Local dues on all in-service members. The amount of Local dues shall be established by
4 the members present, voting by secret ballot, when the Local is organized.

5 No change in Local dues, the daily rate or salary established for Local officers or
6 Legislative Representatives, or the levying of a special assessment, may be considered by a Local
7 until notice of such proposition has been read at one (1) regular or special meeting and all members
8 have been notified of the proposition and date on which the proposition will be considered. Any
9 proposition to change Local dues, the daily rate, or salary established for Local officers or
10 Legislative Representatives, or the levying of a special assessment, must be approved by a majority
11 vote of the members, voting by secret ballot, in attendance when the proposition is considered.

ARTICLE TWENTY-ONE B (21B) SECTIONS 48–49

12 Each Local shall maintain a Local Committee fund to pay the cost of representation by the
13 Local Committee of Adjustment by levying Local Committee dues, as established by the members
14 present under its jurisdiction, voting by secret ballot, when the committee is established.

15 No change in Local Committee dues, the daily rate or salary established for Local
16 Committeepersons, or the levying of a special assessment may be considered until such proposition
17 has been read at one (1) regular or special meeting and all members working under the jurisdiction
18 of the Local Committee have been notified of the proposition and date on which the proposition
19 will be considered. Any proposition to change Local Committee dues, daily rate or salary of Local
20 Committeepersons, or to levy a special assessment must be approved by a majority vote of the
21 members working under the jurisdiction of the Local Committee involved, voting by secret ballot,
22 who are in attendance when the proposition is considered.

23 The effective date of any increase in Local, Local Committee of Adjustment dues, or
24 special assessments must coincide with the requirements of any check off of Union Dues Agreement
25 in effect.

1 **SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS**

2 **SEC. 49.** The dues and assessments of members shall be paid in advance, before the first
3 day of the month in which they are due. Any member who fails to pay his/her dues and assessments
4 within the time provided shall be suspended without notice or further action.

5 No member shall be considered in arrears for dues and assessments when his/her employer
6 has withheld from their pay money for such dues and assessments, pursuant to a dues check-off
7 agreement, and the employer has delayed or defaulted payment to the Local.

8 A member who for any reasons, including sickness and disability, is not engaged in
9 transportation service, other fields of employment, trades, and industries, whether in public or
10 private employment where the United Transportation Union, now SMART, holds the contract, or
11 in the service of the Transportation Division for a full calendar month (excluding his/her vacation)
12 shall, upon submitting to the General Secretary-Treasurer and the Local Treasurer written request
13 on the prescribed form, be relieved from the payment of all dues and assessments for subsequent
14 calendar months until he/she again returns to transportation service, other fields of employment,
15 trades, and industries, whether in public or private employment where the United Transportation
16 Union, now SMART, hold the contract, or service with the Transportation Division. Such member
17 will promptly report to the Local Treasurer his/her date of return to active service with the employer
18 and will be obligated to pay full dues and assessments beginning with the first month thereafter.

19 During the period in which members request relief and are relieved from the payment of
20 dues and assessments in accordance with this Section, they shall continue to enjoy all privileges
21 of membership, except they shall not be permitted to vote in elections or on any other subject
22 involving grievances, hours or mileage limitation, or other methods of work distribution, unless
23 allowed to vote by virtue of Local bylaws in Local matters only.

ARTICLE TWENTY-ONE B (21B) SECTIONS 49–52

24 The Local Treasurer, in cooperation with the Local President and the Local Chairperson
25 involved, will maintain a close check of the roster of members who are relieved from the payment
26 of full dues and assessments under the provisions of this Section with a view towards avoiding the
27 abuse of this privilege. In addition, the Local Treasurer will, at each regular meeting of the Local,
28 read for the benefit of members present the roster of members who have been excused from the
29 payment of full dues and assessments.

30 Where the reason for a member not being engaged in transportation service, other fields of
31 employment, trades, and industries, whether in public or private employment where the United
32 Transportation Union, now SMART, holds the contract, or in the service of the Transportation
33 Division is sickness or disability, the Local, upon receipt of written request from the member, may
34 by majority vote of the members present at any regular meeting, authorize the Local Treasurer to
35 pay the member’s remaining dues and assessments for such period as the Local might determine.
36 The written request shall be a condition precedent to the member’s rights under this paragraph.

37 Dues and assessments advanced for the benefit of sick or disabled members under the
38 foregoing paragraph represent a loan to the member. The Local shall designate a date on or before
39 which the amount advanced should be repaid. If repayment is not made within the time specified,
40 the member shall be suspended for non-payment of dues.

41 It shall be the duty of the members to keep the Local Secretary and Treasurer advised of
42 their current home address.

1 **SECTION 50 – SUSPENSIONS**

2 **SEC. 50.** A member suspended for improper conduct shall, at the expiration of the time for
3 which the member was suspended, be reinstated but shall not be required to pay dues and
4 assessments accrued during the suspension. Should the member be accused of improper conduct
5 during the suspension, the member shall be liable to charges.

1 **SECTION 51 – READMISSION**

2 **SEC. 51.** A member, as defined under Section 41, who has been suspended for non-
3 payment of dues or assessments may be readmitted upon application on proper form and the
4 payment of all money due up to the date of his/her suspension, plus dues and assessments for the
5 current month and a reinstatement fee of One-Dollar (\$1.00). Where less than one calendar month
6 has elapsed, no reinstatement fee will be required. A member expelled for causes other than non-
7 payment of dues or assessments shall not be readmitted in less than six (6) months. A member
8 expelled upon charges ordered by a convention, or one who was expelled for defrauding a Local,
9 shall secure a dispensation from the President Transportation Division before presenting
10 application for readmission.

1 **SECTION 52 – REGISTERS**

2 **SEC. 52.** Locals shall maintain a register showing the name, address, and employment of
3 their members.

ARTICLE TWENTY-ONE B (21B) SECTIONS 52–55

4 Locals shall also maintain an attendance register and require that every member who
5 attends Local meetings personally register his/her name and Local number therein.

6 Local Secretaries shall be responsible for the maintenance of accurate registers by their
7 Local.

1 **SECTION 53 – RIGHTS AND BENEFITS**

2 **SEC. 53.** Except as otherwise provided in this Constitution, no member shall be entitled to
3 any of the rights or benefits of SMART, unless dues and assessments are paid within the time
4 specified herein.

1 **SECTION 54 – LOCAL MAINTENANCE OF MEMBERSHIP FUND**

2 **SEC. 54.** When authorized by a majority vote of its membership, a Local may establish a
3 Maintenance of Membership fund by levying an assessment of One-Dollar (\$1.00) per member
4 for one month or transferring an equivalent amount from the Local Fund.

5 The purpose of the Maintenance of Membership Fund is to provide a fund from which the
6 Local Treasurer may, without written request from the member or advance approval of the Local,
7 advance the dues and assessments of members who do not pay the same in advance before the first
8 day of the month. The Treasurer will not advance the dues and assessments of a member who
9 submits, before the first day of the month, written request for a termination of membership.

10 When dues and assessments are advanced from the Maintenance of Membership fund, the
11 member involved must reimburse the fund for the amount of the dues and assessments plus a
12 service charge of One-Dollar (\$1.00). Should the member fail to repay this amount during the
13 month for which the advance was made, the Treasurer will make no further advances for benefits
14 until that member has paid the indebtedness. If the member is subsequently suspended for non-
15 payment of dues or discontinues membership in any other manner, the amount of indebtedness to
16 the Maintenance of Membership fund will be deducted from any payment that may be due said
17 member from the International or the Local. If recovery of the amount due the Maintenance of
18 Membership fund is not accomplished in this manner, the suspended member will not be
19 readmitted to membership until the amount due has been paid.

1 **SECTION 55 – TIME AND PLACE OF MEETING**

2 **SEC. 55.** A Local shall hold at least on regular meeting each month at the time and place
3 specified in its bylaws. Upon reasonable notice to the members and the President Transportation
4 Division, a Local may take action to change the place and time of meeting in the same town or city
5 in accordance with its bylaws.

6 Special meetings may be called by the President of the Local and the purpose thereof must
7 be stated. The President shall call a special meeting, upon receipt of written request of five (5)
8 members in good standing, stating the purpose for which the meeting is requested. In the absence
9 of the President, the meeting shall be called by the Vice President or Secretary. Reasonable notice

ARTICLE TWENTY-ONE B (21B) SECTIONS 55–57

10 of special meetings shall be given to all members and no business shall be transacted except that
11 for which the special meeting is called.

12 Five (5) members in good standing shall constitute a quorum for the transaction of business.

1 **SECTION 56 – OFFICERS AND LOCALS**

2 **SEC. 56.** The elective officers of a Local shall consist of a President, Vice President,
3 Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a
4 Local, the office of Secretary and Treasurer may be separated and elections held to fill each office.
5 A Local having fifty (50) or more members may create the office of Collector.

6 The President of the Local may appoint officers consisting of guards, committees, and
7 stewards as necessary to conduct the functions of the Local.

8 Stewards will be responsible for the interchange of information and communication
9 between Local officers and the membership. They shall not be vested to act with any authority
10 reserved to elected officers.

11 The elective and appointed officers shall serve for a period of three (3) years or until their
12 successors assume office. No member may fill more than one (1) of these elective offices at the
13 same time.

1 **SECTION 57 – ELECTIONS IN LOCALS**

2 **SEC. 57.** The election for officers of a local shall be held in November, 1969, and each
3 three (3) years thereafter.

4 An election to fill the offices of Local Committees of Adjustment shall be held in
5 November 1970, and quadrennially thereafter.

6 An election for Legislative Representatives and Alternate Legislative Representatives shall
7 be held in November 1971, and quadrennially thereafter. Candidates for these offices must be
8 qualified voters.

9 Local Committeepersons and Legislative Representatives shall assume their office on
10 January 1, following the year of the Quadrennial election.

11 An election for Delegate and Alternate Delegate to the Transportation Division Convention
12 shall be held in November 2018, and quinquennially thereafter. In Locals having jurisdiction over
13 more than one craft, the Delegate and Alternate Delegate must be elected from different crafts.
14 The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates
15 to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.

16 Officers stipulated in the Section shall be elected by secret ballot at a November meeting
17 of the Local, or by referendum vote, as provided by existing bylaws or procedures of each Local.

ARTICLE TWENTY-ONE B (21B) SECTION 57

18 An electronic voting method may be used if it meets the standards of the Department of Labor for
19 guaranteeing secrecy of the ballot. Nominations must be filed with the Secretary not later than the
20 last regular meeting in October in the year of election. Where nominations are made by nominating
21 petition, at least five (5) members eligible to vote shall sign the petition. The Secretary shall
22 promptly acknowledge receipt of all petitions and read them at the last regular meeting in October.

23 The members present at the last regular meeting in October shall set the date on which the
24 ballots shall be counted and the election held.

25 The Secretary shall prepare ballots showing the names of all candidates and the offices for
26 which they are nominated.

27 Incumbent officers shall appear first with names of other candidates following in
28 alphabetical order.

29 The ballots shall be prepared so as to provide a square opposite each candidate's name in
30 which the voter can mark his/her preference of candidates.

31 In Locals having more than one Local Committee of Adjustment for different crafts, the
32 Secretary will provide a separate ballot for all eligible voters of each craft working under the
33 jurisdiction of the committee involved.

34 When voting by mail referendum, the ballot shall be mailed by government first-class mail
35 to each member eligible to vote in envelopes bearing a return address the same as the Post Office
36 address on the "Ballot" envelopes. Ballots shall be mailed at least fifteen (15) days prior to the
37 date set to tabulate the ballots, together with a leaflet containing voting instructions, an envelope
38 marked "A", and a stamped envelope marked "Ballot" addressed to the Secretary in care of the
39 postmaster for mailing by the voter.

40 The leaflet containing voting instructions shall contain the following:

41 "Instructions for voting by mail: The voter will make a mark in the square of his/her choice,
42 fold, and place the ballot in the envelope marked 'A' and seal. Place sealed envelope 'A' in
43 envelope marked 'Ballot' and seal. Place name and address in upper left-hand corner of envelope
44 marked 'Ballot' and mail. Do not place any mark of identification on the ballot or the envelope
45 marked 'A' that would destroy the secrecy of the ballot."

46 The Secretary shall arrange with the postmaster for a post office box. The key or
47 combination of such box shall remain in possession of the postmaster. Such arrangement shall be
48 confirmed by letter.

49 On the day set for the tabulation of the ballots and election, the President will appoint three
50 (3) Tellers. A copy of the letter confirming the arrangement with the postmaster will be furnished
51 the Tellers which will authorize the postmaster to deliver the content of the box to the Tellers at a
52 given hour.

ARTICLE TWENTY-ONE B (21B) SECTION 57

53 The Tellers shall return to the Local and canvass the ballots. They will check the names on
54 the envelopes marked "Ballot" against the list of eligible voters furnished by the Secretary, open
55 the envelopes marked "Ballot," and remove the envelopes marked "A." After all envelopes marked
56 "Ballot" have been opened, and emptied, the envelopes marked "A" shall be opened, ballots
57 removed, and canvassed by the Tellers. The results shall be reported to the President of the Local
58 in writing.

59 The candidate receiving a majority of the votes cast for a given office shall be declared
60 elected. If no one (1) of the candidates for a given office receives a majority of the votes cast,
61 another ballot shall be submitted to all eligible voters upon which shall appear only the names of
62 the two (2) candidates receiving the highest numbers of votes cast for that office. If any number of
63 the candidates for a given office are tied for the highest number of the votes cast, another ballot
64 shall be submitted to all eligible voters upon which shall appear only the names of the candidates
65 receiving the highest number of votes cast for that office. If one (1) candidate receives the highest
66 number but that number does not constitute a majority of the votes cast for a given office and any
67 number of candidates are tied for the second highest number of votes cast, another ballot shall be
68 submitted to all eligible voters upon which shall appear only the name of the candidate receiving
69 the highest number and the names of the candidates receiving the second highest number of the
70 votes cast for that office.

71 The Board of Trustees shall be elected by a majority of the ballots cast.

72 The Secretary will keep all election records for one (1) year, including used, unused and
73 void ballots, eligibility list, tally sheets, and "ballot" envelopes used to mail in marked ballots.

74 When only one (1) nomination has been received for an office, the member so nominated
75 will be declared elected on the day set for the tabulation of ballots and election.

76 In the event of a permanent vacancy in any office, the Local shall proceed to fill the vacancy
77 in accordance with the bylaws of the Local or as provided in this Section; except the Vice President
78 shall succeed to the office of President, the Alternate Legislative Representative shall succeed to
79 the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of
80 Delegate.

81 In elections of Local Committees of Adjustment, only members in service under the
82 jurisdiction of such committee will be notified of such election and permitted to file or sign
83 nominating petitions and vote.

84 Locals failing to complete their regular elections during the month of November must
85 notify the President Transportation Division the reason therefor and the date set for the completion
86 of the election.

87 Locals must, following each election of officer or succession to office, promptly notify the
88 President Transportation Division, General Secretary-Treasurer, interested General Chairpersons,
89 State and District Legislative Boards of the names and addresses of the new officers.

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1 Local Officers, Committeepersons, Legislative Representatives and Delegates upon
2 leaving office must promptly transfer all property, funds, securities, equipment and other effects
3 of their office to their successor. Any member failing to comply with the provisions of this
4 paragraph shall be suspended from the membership in SMART.

5 Candidates may have observers present during the counting and tallying process, including
6 the tallying of the ballots, totaling, recording and reporting of tally sheets. In a mail ballot election,
7 candidates may have observers present at the preparation and mailing of the ballots, their receipt,
8 opening, and counting.

1 **SECTION 58 – INSTALLATION OF LOCAL OFFICERS**

2 **SEC. 58.** The elective and appointive officers enumerated in Section 56 shall be installed
3 as soon as possible following their election and shall assume their duties on January 1 or as soon
4 thereafter as they are installed.

5 They must present themselves at a regular or special meeting for installation within sixty
6 (60) days following their election or appointment and failing to do so, their office will be declared
7 vacant.

8 Where a vacancy is filled in an interim election, the successful candidate will assume the
9 duties of such office immediately upon installation.

10 The installation ceremony shall be performed by the ranking or the most recent Past
11 President, or if no Past President is available, by a member named by the officer presiding at the
12 meeting. The officers to be installed will be called before the installing officer who will read the
13 following obligation:

14 “Do you hereby pledge on your honor to perform duties of your respective offices
15 as required by the International Association of Sheet Metal, Air, Rail and
16 Transportation Workers’ Constitution; to bear true and faithful allegiance to the
17 International Association of Sheet Metal, Air, Rail and Transportation Workers and
18 with complete good faith to support, advance, and carry out all official policies of
19 the International Association of Sheet Metal, Air, Rail and Transportation Workers;
20 to deliver to your successor all books, papers, and other property of the International
21 Association of Sheet Metal, Air, Rail and Transportation Workers that may be in
22 your possession at the end of your term of office; and at all times conduct yourself
23 as becomes a member of the International Association of Sheet Metal, Air, and
24 Transportation Workers?”

25 The officers being installed shall respond:

26 “I do.”

27 The installing officer shall then say:

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28 “Your duties are defined in the Constitution of the International Association of Sheet
29 Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should an
30 emergency arise which is not covered by these laws, you are expected to exercise good
31 judgment and common sense in order to advance the best interest of the International
32 Association of Sheet Metal, Air, Rail and Transportation Workers. You will now assume
33 your respective stations.”

1 **SECTION 59 – DUTIES OF THE LOCAL PRESIDENT**

2 **SEC. 59.** The President shall preside at all meetings of the Local, enforce the provisions
3 of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs.
4 The President shall decide all questions of law and order, subject to appeal to the Local by any two
5 (2) members. He/she shall appoint a majority of all committees and shall sign all documents that
6 require authentication.

7 The President shall see that the Local officers respond to inquiries from the International
8 and shall, with the Secretary and/or Treasurer, file all reports required of Locals by Federal, State
9 or local laws, and countersign all disbursements issued by check or draft.

10 The President may speak on any subject before the Local but he/she may not vote except,
11 in case of a tie vote, on a matter upon which he/she is otherwise eligible to vote shall case the
12 deciding ballot.

1 **SECTION 60 – DUTIES OF THE LOCAL VICE PRESIDENT**

2 **SEC. 60.** The Vice President shall assist the President in the discharge of his/her duties and
3 preside at meetings in the absence of the President. He/she shall appoint a minority of all
4 committees and, if the President’s office becomes vacant, shall discharge the duties and assume
5 the responsibilities of the President for the remainder of the term.

1 **SECTION 61 – THE LOCAL PAST PRESIDENT**

2 **SEC. 61.** When a Local President has completed his/her term of office and a successor has
3 been installed, he/she shall become the ranking Past President of the Local and shall serve as such
4 until succeeded. He/she shall thereafter be a Past President according to the regular order of
5 succession.

1 **SECTION 62 – DUTIES OF THE LOCAL PAST PRESIDENT**

2 **SEC. 62.** The Past President shall install the officers of the Local and, in the absence of the
3 President and Vice President, shall preside at Local meetings.

1 **SECTION 63 – DUTIES OF THE LOCAL SECRETARY**

2 **SEC. 63.** The Secretary shall keep an accurate record of all proceedings, receive all
3 communications, conduct the correspondence, and shall have charge of the seal and records of the

ARTICLE TWENTY-ONE B (21B) SECTIONS 63–64

4 Local. He/she shall notify all officers of their election or appointment and shall notify other Locals
5 of action taken by his/her Local which might affect, interest, or concern them.

6 The Secretary shall notify the General Secretary-Treasurer of all changes in the time and
7 place of meetings and prepare, sign, and affix the seal to all documents requiring his/her official
8 signature as provided by the Constitution and bylaws of the Local.

9 He/she shall see that all notices required regarding elections and levying of assessments
10 are sent in accordance with Article Twenty-One B (21B). The Secretary shall perform the duties
11 of the Treasurer in Locals that do not provide for the separation of the offices of Secretary and
12 Treasurer and shall, with the President and Treasurer, file all reports required by Federal, State, or
13 local laws.

1 **SECTION 64 – DUTIES OF THE LOCAL TREASURER**

2 **SEC. 64.** The Treasurer shall receive all money due to be collected by the Local and give
3 his/her receipt for the same. Where a Local maintains the office of Collector, the provisions of
4 Section 65 will apply. The Treasurer shall hold and keep secure all Local funds and shall be bonded
5 as provided in Section 71 of Article Twenty-One B (21B). He/she shall sign all papers requiring
6 his/her signature and perform other duties required by Article Twenty-One B (21B) and the bylaws
7 of the Local. He/she shall keep an accurate account for all receipts and expenditures of the Local
8 on forms provided for that purpose. These records shall be open at all times for inspection and
9 audit by officers of the International or their representatives.

10 The Treasurer shall promptly, but not later than the 20th day of each month, remit to the
11 General Secretary-Treasurer all monies due the International. All disbursements issued by check
12 or draft must be countersigned by the President of the Local. Each disbursement shall be reported
13 by the Treasurer at the first meeting of the Local following the disbursement.

14 During the month of January of each year, the Treasurer shall submit to the Board of
15 Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and
16 disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the
17 books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent
18 has been verified, the Board members shall sign and submit the report to the first regular meeting
19 of the Local following the audit. A copy of the signed report shall then be sent to the General
20 Secretary-Treasurer by the Board of Trustees.

21 The Treasurer shall be a member of all Local Committees which receive or disburse money.
22 When Local action is taken approving the disbursement of funds which in the opinion of the
23 Treasurer is in violation of provisions of this Constitution or the Local's bylaws, he/she shall
24 withhold payment for a period not to exceed thirty (30) days and report the matter at once to the
25 President Transportation Division. The Treasurer will then be governed by the President
26 Transportation Division's instructions regarding the expenditure involved, subject to appeal.

27 The Treasurer shall notify the Treasurer of another Local when he/she has knowledge that
28 a member of his/her Local is employed under the jurisdiction of the other Local.

ARTICLE TWENTY-ONE B (21B) SECTIONS 64–67

29 It shall be the responsibility of the Treasurer to credit dues and assessments paid to the
30 appropriate Local Committee of Adjustment and General Committee of Adjustment accounts of
31 his/her Local in accordance with the provisions of Article Twenty-One B (21B).

32 The Treasurer shall, with the President and Secretary, file all reports required by Federal,
33 State, and local laws.

1 **SECTION 65 – DUTIES OF THE LOCAL COLLECTOR**

2 **SEC. 65.** The Collector shall receive all money due the Local and will give receipt
3 therefore. He/she shall, prior to the first day of each month, report to the Local Treasurer on the
4 required forms all money received during the current month and shall pay to the Local Treasurer
5 the amount so collected. His/her records shall be open at all times for inspection and audit by
6 officers of the International or their representatives. He/she shall be bonded as provided in Section
7 71 of Article Twenty-One B (21B).

1 **SECTION 66 – DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES**

2 **SEC. 66.** (a) Local Legislative Representatives shall attend all meetings of their State or
3 District Legislative Board. They shall report to their Locals regarding the handling of all alleged
4 unsafe or unsanitary working conditions found to exist, or reported to them, within their
5 jurisdiction. They shall undertake to correct such conditions through appropriate measures
6 consistent with the local and national policies of the Transportation Division. If they are unable to
7 correct the alleged unsafe or unsanitary working conditions, they will so report to the President
8 Transportation Division and the National Legislative Director regarding Federal matters and to the
9 State or District Legislative Director regarding State or District matters. They shall urge all
10 members of the Transportation Division to qualify and vote in all elections. When called upon,
11 they shall give all possible assistance to the President Transportation Division, National
12 Legislative Director, State or District Legislative Director, and the officers of the State or District
13 Legislative Boards, subject to the supervision of the Local.

1 **SECTION 67 - DUTIES OF THE LOCAL BOARD OF TRUSTEES**

2 **SEC. 67.** The Local Board of Trustees shall supervise the financial affairs of the Local.
3 Upon approval by the Local, the Board shall also have the authority to rent, lease, or purchase
4 property, office equipment, or necessary supplies. Additionally, the Board shall assure that the
5 Treasurer and other Local officers are bonded as required by Section 71.

6 The Board shall meet in the month of January of each year for the purpose of auditing the
7 annual report of the Treasurer and verifying bank balances and cash on hand. If the Treasurer's
8 annual report is found to be correct, the Board members shall endorse the report with their
9 signatures, furnishing copies to the Local and the General Secretary-Treasurer.

1 **SECTION 68 – LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT**

2 **SEC. 68.** If any elected officer, Legislative Representative or Committeeperson of a Local
3 becomes negligent in the performance of his/her duties and responsibilities as a Local
4 representative, the Local may, after due deliberation, take action to notify him/her to appear at a
5 designated meeting and show cause why his/her office or position should not be declared vacant.
6 The notice must be in writing and will fully specify the complaints he/she will be required to
7 answer. If he/she fails to respond to the notice or if the explanations offered for his/her negligence
8 are unsatisfactory, the Local may, by majority vote of the members involved, present at the
9 meeting, declare his/her office or position vacant, unless he/she invokes the trial procedure as set
10 forth in Section 74 within fifteen (15) days from the date of the aforementioned notice.

1 **SECTION 69 – LOCAL APPOINTIVE OFFICE DECLARED VACANT**

2 **SEC. 69.** If any appointed officer or committeeperson is negligent in performing his/her
3 duties as a Local representative, the President of the Local may declare the office vacant and
4 appoint a successor at any regular meeting.

1 **SECTION 70 – VACATIONS-LOCAL OFFICERS AND COMMITTEEPERSONS**

2 **SEC. 70.** Officers and Committeepersons employed by their Locals on a full-time basis
3 shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement,
4 based upon earnings from their Local. Such vacations may be split but will not be carried over
5 from one year to the next.

6 Officers and Committeepersons employed by their Locals on a part-time basis shall be paid
7 the difference between the amount of vacation pay allowed by their carrier and the amount of
8 vacation pay they would have received had their wages with the Local been earned with the carrier.
9 However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation,
10 they shall be allowed a vacation with pay, consistent with the terms of the National Vacation
11 Agreement, based upon their total earnings with the carrier and the Local.

12 Vacation allowances provided herein shall be paid by the Treasurer from the appropriate
13 Local funds within ten (10) days after receipt of the vacation claim. This Section is intended to
14 prevent any loss in vacation time and pay as a result of serving the Local.

1 **SECTION 71 – BONDING OF LOCAL OFFICERS**

2 **SEC. 71.** For bonding see Article Five (5), Section 1(c).

3 If a shortage in Local funds is found to exist or there is evidence that a shortage may exist,
4 immediate notice with details and a statement of the evidence must be sent to the General
5 Secretary-Treasurer by the President, Secretary, or other officers of the Local having such
6 knowledge.

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7 Auditors of the International will audit local records in such cases and attempt to collect
8 any shortage that may exist.

1 **SECTION 72 – SURPLUS ASSETS OF LOCALS**

2 **SEC. 72.** A Local may deposit surplus assets with the International. Locals making such
3 deposits shall be responsible for the pro rata share of expenses incidental thereto.

4 The General Secretary-Treasurer shall be the custodian of such assets deposited. The
5 deposits shall be placed in a suitable safety deposit box. At least two (2) members of the General
6 Executive Council shall be present when assets are deposited or the deposit box is opened.

7 The General Secretary-Treasurer shall maintain a record of the deposits and attend to the
8 collection of any income due thereon and remit same to the Local involved.

9 Assets deposited with the International must be shown by the Treasurer as part of the
10 balance on hand to the credit of the Local. Deposits may be withdrawn at any time upon submitting
11 to the General Secretary-Treasurer a resolution adopted by Local action, signed by the President
12 and Treasurer, and bearing the Local seal.

1 **SECTION 73 – REVOKING OR SURRENDERING LOCAL CHARTERS**

2 **SEC. 73.** The charter of a Local may be revoked by recommendation of the President
3 Transportation Division, with approval of the General President in accordance with Article Three
4 (3), Section 2(d), for any of the following reasons:

- 5 1. Improper conduct.
- 6 2. Neglecting or refusing to conform to the provisions of this Constitution or the Local's
7 bylaws.
- 8 3. Neglecting or refusing to make required returns and reports.
- 9 4. Neglecting or refusing to hold at least one (1) regular meeting each month.
- 10 5. Neglecting or refusing to elect and install a successor to an officer who was removed
11 from office.
- 12 6. Neglecting or refusing to bring an officer or member to trial when directed to do so by
13 the General President and President Transportation Division.

14 No charter can be revoked until the President Transportation Division has given at least
15 thirty (30) days' written notice to the President and Secretary of the Local and the interested
16 General Chairpersons of his intention to revoke the charter and a Transportation Division officer,
17 or International Representative, has attended a designated regular meeting of the Local for the
18 purpose of investigating the matter and giving the officers and members of the Local an
19 opportunity to be heard.

20 A Local whose charter has been revoked shall be known as a defunct Local. All property,
21 funds, and securities of a defunct Local shall automatically be vested in the Local(s) into which its
22 members are transferred, on a pro rata basis, as of the date the charter is revoked. The President

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23 Transportation Division, subject to review by the General President and after consultation with the
24 interested General Chairpersons, State or District Chairpersons, shall designate the Local(s) into
25 which the defunct Local’s members will be transferred consistent with such changes in jurisdiction
26 as might become necessary as a result of closing the Local.

27 The officers of a defunct Local shall deliver to the General Secretary-Treasurer, within
28 thirty (30) days after its charter is revoked, the charter, seal, and other supplies furnished by the
29 International together with all funds, securities, and other effects of the Local. Local officers who
30 fail to comply with the provisions of this paragraph shall be suspended from membership in
31 SMART.

32 An expelled or suspended member whose Local is defunct may file application for
33 admission into the Local then holding jurisdiction over his/her employment. Such application shall
34 be treated and progressed as if it were an application for readmission under the provisions of
35 Section 51 of Article Twenty-One B (21B).

36 Any Local wishing to surrender its charter may do so by majority vote of the members and
37 shall notify the President Transportation Division, who will with approval of the General President,
38 appoint a responsible representative to take full charge of the charter and all property of the Local
39 for disposition in accordance with this Section.

40 **SECTION 74 – CHARGES AND TRIALS - OFFICERS,**
41 **COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL**
42 **COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS**

43 **SEC. 74.** (a) Charges may be preferred against a Local officer, Committeeperson, or
44 member for failure to fulfill the obligations and responsibilities imposed upon them by Article
45 Twenty-One B (21B) and/or the bylaws of the Local. Charges not covered under Article Twenty-
46 One B (21B) will be processed under the provisions of Articles Seventeen (17) and Eighteen (18)
47 of the SMART Constitution.

48 Charges must be made in writing and shall clearly specify the alleged offense(s) together
49 with the section(s) of Article Twenty-One B (21B) and/or those portions of the Local bylaws,
50 which it is alleged have been violated.

51 Charges must be signed by the party preferring them. He/she shall then forward the charges
52 by certified mail to the Secretary of the Local in which the accused holds membership unless the
53 alleged offense was committed under the jurisdiction of another Local, in which case the charges
54 will be sent to the Secretary of that Local.

55 A Local officer or Committeeperson against whom charges have been preferred shall
56 continue in office while under charges unless otherwise voted by the Local.

57 A member shall not be suspended for non-payment of dues while under charges. The Local
58 Treasurer is authorized to pay such membership dues from the Local fund until the charges have
59 been tried and determined. The money involved will be considered as a loan to the member, and

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60 unless repaid on or before a day designated by the Local, the member will be suspended for
61 nonpayment of dues.

62 The Local will consider the charges at its first regular meeting following their receipt by
63 the Secretary of the Local, and unless charges are found to be completely lacking in substance or
64 merit, the Local will accept the charges and authorize a trial.

65 A Trial Board consisting of five (5) members of the Local working in the craft of the
66 accused shall be elected by the Local and the Trial Board shall elect from its members a
67 Chairperson and a Secretary and proceed to try the case. Within three (3) days of their first meeting,
68 the Secretary of the Trial Board shall send to the accused by certified mail a copy of the charges
69 and notice of the date, time, and place of trial. The date selected for the trial must permit not less
70 than fifteen (15) days' advance notice to both parties involved in the trial. The trial shall be held
71 within thirty (30) days from the meeting at which the charges were presented.

72 The Secretary of the Trial Board shall send by certified mail the same information relative
73 to the trial to the party preferring the charges along with instructions to attend the trial for the
74 purpose of submitting evidence and testimony in support of the charges and to participate in cross-
75 examination by or on behalf of the accused.

76 The majority of the Trial Board shall constitute a quorum and, in the absence of a quorum,
77 no trial shall be held and the Trial Board will report the circumstances to the Local at its next
78 meeting. If the Local elects to continue the trial, the Chairperson of the Trial Board will then set
79 another date for the trial and notify all parties involved of the time, place, and date of the
80 rescheduled trial, which shall be held within thirty (30) days.

81 No member of a Trial Board shall be directly or indirectly involved as a party, witness, or
82 otherwise in the conduct giving rise to the charges preferred against the accused. In the event any
83 of the members of a Trial Board are so involved, they shall be disqualified to sit and the Local
84 shall elect a substitute member.

85 Each party to a trial shall have the privilege of designating any party, except a party
86 involved in the charges or proceedings, to act as his/her representative or counsel in the trial
87 proceedings.

88 The party preferring the charges shall deliver in writing to the Chairperson of the Trial
89 Board a list of the names of witnesses which he/she intends to call in support of the charges. He/she
90 shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in
91 person or through his/her counsel or representative.

92 For good cause any party may request a postponement of the date set for trial. Such request
93 shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or
94 rejection within the discretion of the members of the Trial Board. Such postponements shall not
95 exceed ninety (90) days.

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96 Should the accused fail to appear for trial after being notified as prescribed in the foregoing,
97 should he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by
98 Article Twenty-One B (21B), the Local bylaws, or the Trial Board, or should he/she engage in
99 conduct designed to obstruct the trial, the Trial Board shall proceed to conduct the trial in his/her
100 absence. The accused, the party preferring charges, counsel or other representative for either party,
101 or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter
102 from the trial proceedings and the trial shall continue in their absence.

103 The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the
104 transcript shall be furnished to each party without cost.

105 Both parties to the trial shall be given full opportunity to present any witnesses and all
106 relevant evidence and exhibits which they deem necessary to a proper presentation of their case
107 and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to
108 attend any trial session of the Trial Board, the evidence of such witness may be taken in deposition
109 form before a notary public or other civil officer authorized to administer oaths. Said deposition
110 shall be admissible evidence at the trial proceedings provided the adverse party or his/her counsel
111 is given the opportunity of being present and cross-examining the witness when the deposition is
112 taken.

113 Before giving testimony, any witnesses who are members of SMART shall be required to
114 make the following affirmation:

115 “Do you solemnly affirm upon your honor as a member of SMART that the
116 evidence to be given by you in this case shall be the truth and nothing but the truth?”

117 All persons shall be excluded from trial sessions except the members of the Trial Board,
118 parties to the trial and their counsel or representative, the witness who is testifying, and the reporter
119 or person transcribing the testimony.

120 After all evidence has been presented and arguments made by all parties or their counsel,
121 the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session
122 for consideration of its decision.

123 The Trial Board shall render its decision in writing within fifteen (15) days following the
124 date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix
125 the penalty to be assessed which shall be reprimand, removal from office, suspension, or expulsion
126 from membership. Such decision shall contain a statement of the pertinent facts involved, the
127 violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and
128 penalty shall be final and binding unless reversed or modified upon appeal as provided in Section
129 75 of Article Twenty-One B (21B).

130 The Trial Board shall forward copies of its decision by certified mail to the accused and
131 the party preferring the charges. Copies shall also be mailed to the President Transportation
132 Division, General Secretary-Treasurer, and the Secretary of the Local.

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133 If suspension is the penalty prescribed by the Trial Board, such suspension will be for not
134 more than two (2) months beginning with the first day of the month following the month in which
135 the Trial Board renders its decision.

136 If removal from office and/or expulsion from membership is the penalty, such removal
137 and/or expulsion shall become effective on the date the Trial Board's decision is delivered to the
138 accused by certified mail.

139 If reprimand is the penalty, the accused shall be summoned to attend a regular meeting of
140 the Local to be reprimanded by the President. If he/she fails to attend, the accused shall be
141 suspended from membership until he/she does attend a meeting to receive the reprimand. If the
142 failure to attend continues until the close of the month following the month in which the accused
143 was summoned, he/she shall be expelled.

144 (b) Charges may be preferred against officers and members of General Committees of
145 Adjustment or Legislative Boards for failure to fulfill the obligations and responsibilities imposed
146 upon them by this Constitution and by their General Committee of Adjustment or Legislative
147 Board.

148 Charges must be made in writing and shall clearly specify the alleged offense(s) together
149 with the section(s) of Article Twenty-One B (21B) and/or those obligations and responsibilities
150 which it is alleged have been violated.

151 Charges must be signed by the party preferring them. Said party shall forward copies by
152 certified mail to the accused, the President Transportation Division, and the Secretary of the
153 General Committee of Adjustment or Secretary of the Legislative Board as the case may be. The
154 President Transportation Division shall promptly furnish copies of the charges to all members of
155 the General Committee of Adjustment or Legislative Board involved.

156 If in the opinion of the majority of the members of the General Committee of Adjustment
157 or Legislative Board the charges warrant trying the accused, the President Transportation Division
158 shall give the accused and the party preferring the charges fifteen (15) days' notice prior to the
159 convening of a Trial Board to try the accused. The Trial Board shall consist of not more than five
160 (5) members appointed by the President Transportation Division from among those members of
161 the General Committee of Adjustment or Legislative Board, as the case may be, who are not
162 involved in the charges. The first named shall be chairperson. A majority of the Trial Board shall
163 constitute a quorum. The Trial Board shall meet at the time and place chosen by the President
164 Transportation Division, elect a Secretary, and proceed to try the case.

165 Each party to a trial shall have the privilege of designating any party, except a party
166 involved in the charges or proceedings, to act as his/her counsel or representative in the trial
167 proceedings.

168 The party preferring the charges shall deliver in writing to the Chairperson of the Trial
169 Board a list of names of witnesses which he/she intends to call in support of the charges and shall

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170 furnish a copy to the accused. The accuser shall also act as prosecutor in the case either in person
171 or through his/her counsel or representative.

172 Should the accused fail to appear for trial after notice as prescribed in the foregoing, should
173 he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by Article
174 Twenty-One B (21B) or the Trial Board, or should he/she engage in conduct designed to obstruct
175 his/her trial, the Trial Board shall proceed to conduct the trial in his/her absence. The accused, the
176 party preferring charges, counsel or other representative for either party, or any witnesses who are
177 guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings
178 and the trial shall continue in their absence.

179 The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the
180 transcript shall be furnished to each party without cost.

181 Both parties to the trial shall be given full opportunity to present any witnesses and all
182 relevant evidence and exhibits which they deem necessary to a proper presentation of their case
183 and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to
184 attend any trial session of the Trial Board, the evidence of such witnesses may be taken in
185 deposition form before a notary public or other civil officer authorized to administer oaths. Said
186 deposition shall be admissible evidence at the trial proceedings provided the adverse party or
187 his/her counsel is given the opportunity of being present and cross-examining the witness when
188 the deposition is taken.

189 Before giving testimony, any witnesses who are members of SMART shall be required to
190 make the following affirmations:

191 “Do you solemnly affirm upon your honor as a member of SMART that the
192 evidence to be given by you in this case shall be the truth and nothing but the truth?”

193 All persons shall be excluded from trial sessions except members of the Trial Board, parties
194 to the trial and their counsel or representative, the witness who is testifying, and the reporter or
195 person transcribing the testimony.

196 After all evidence has been presented and arguments made by all parties or their counsel,
197 the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session
198 for consideration of its decision.

199 The Trial Board shall render its decision in writing within fifteen (15) days following the
200 date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix
201 the penalty to be assessed which shall be reprimand or removal from office. Such decision shall
202 contain a statement of the pertinent facts involved, the violations charged, and the penalty to be
203 imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless
204 reversed or modified upon appeal as provided in Section 75 of Article Twenty-One B (21B).

205 The Trial Board shall forward copies of its decision by certified mail to the accused and
206 the party preferring the charges. Copies shall also be mailed to the President Transportation

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207 Division, General Secretary-Treasurer, and members of the General Committee of Adjustment or
208 Legislative Board.

209 If reprimand is the penalty, the President Transportation Division shall issue the reprimand
210 in writing to the accused and furnish all members of the General Committee of Adjustment or
211 Legislative Board a copy of the reprimand.

212 If removal from office is the penalty, such removal shall become effective of the date the
213 Trial Board’s decision is delivered to the accused by certified mail. An officer or member thus
214 removed may not again serve in any office of the Transportation Division except upon
215 recommendation by the President Transportation Division and final approval of the General
216 President.

1 **SECTION 75 – APPEALS**

2 **I – TO THE BOARD OF APPEALS**

3 **SEC. 75.** (a) An officer or member of a Local may appeal from an action or decision of a
4 Local to the Board of Appeals, except as provided in paragraph (c) below. Such appeal shall be
5 filed with the General Secretary-Treasurer within ninety (90) days from the date the action or
6 decision occurred.

7 (b) A subordinate body may appeal an action or decision against it to the Board of Appeals,
8 provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from
9 the date the action or decision occurred.

10 (c) An officer or member of a Local may appeal from an action or decision of a Local
11 Committee of Adjustment to the appropriate General Chairperson, provided such appeal is filed
12 with the General Chairperson within ninety (90) days from the date the action or decision occurred.

13 (d) A Local or member of a Local may appeal from an action or decision of a General
14 Chairperson to the General Committee of Adjustment, provided the appeal is filed within ninety
15 (90) days from the date the action or decision occurred. Appeals to the General Committee of
16 Adjustment must be filed with the Secretary of the General Committee and shall be acted upon not
17 later than the next session of the General Committee of Adjustment.

18 (e) An appeal pending before a General Committee of Adjustment which has not been acted
19 upon within ninety (90) days shall be referred by the Secretary of the General Committee of
20 Adjustment to the Board of Appeals for a decision, provided the appellant makes a request to do
21 so to the Secretary of the General Committee at least thirty (30) days prior to the date the Board
22 of Appeals is scheduled to convene.

23 (f) An appeal from the decision of the General Committee of Adjustment may be made to
24 the Board of Appeals provided the appeal is filed with the General Secretary-Treasurer within
25 ninety (90) days from the date of the decision of the General Committee of Adjustment.

26

II – TO THE BOARD OF DIRECTORS

27 (a) A member or subordinate body may appeal to the Board of Directors from an
28 interpretation of Article Twenty-One B (21B) made by the President Transportation Division,
29 provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from
30 the date the decision by the President Transportation Division was made. Decisions of the Board
31 of Directors under this paragraph are subject to appeal to the General President under Article 19.

32 (b) Actions or decisions of Trial Boards may be appealed to the President Transportation
33 Division, provided such appeal is filed with the General Secretary-Treasurer within ninety (90)
34 days from the date on which the action or decision occurred. The General Secretary-Treasurer shall
35 docket the appeal and present all papers relating to the appeal to the President Transportation
36 Division.

37 The President Transportation Division will promptly render a decision on the appeal which
38 shall be final and binding on all parties unless appealed to and reversed or modified by the General
39 Executive Council. Appeals to the General Executive Council must be filed with the General
40 Secretary-Treasurer within sixty (60) days from the date of the decision by the President
41 Transportation Division. Decisions rendered by the General Executive Council on appeals
42 referable to the Council shall be final unless changed upon appeal to the SMART General
43 Convention in accordance with Article 19.

44

III – PROCEDURES

45 In all appeals as provided herein the party whose action or decision is being appealed shall
46 be allowed sixty (60) days from the date the appeal is filed to reply to the appeal.

47 All appeals must be in writing, contain the pertinent facts involved, and set forth the basis
48 of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply
49 thereto, and all related correspondence. Copies of decisions involving appeals, will be in writing,
50 contain the pertinent facts involved, provide the rationale leading to the decision and be furnished
51 all interested parties.

1

SECTION 76 – LOCAL RULES OF ORDER

2 **SEC. 76.** The Rules of Order of the International shall be used by the Local insofar as they
3 can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will
4 be decided in accordance with the parliamentary principles contained in Robert’s Rules of Order,
5 Revised.

1

SECTION 77 – CONDUCT OF LOCAL MEETINGS

2 **SEC. 77.** Meetings of the Local shall be opened by the President, Vice President, Past
3 President, or in their absence by any other officer or member with the following statement:

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4 “I now declare this meeting of SMART Local No. open for the transaction of such
5 business as may properly come before it.”

6 The following order of business is suggested but Locals may alter the suggested order of
7 business as necessary to suit their requirements:

- 8 1. Roll call of officers
- 9 2. Reading minutes of the previous meeting
- 10 3. Admission of new members
- 11 4. Treasurer’s report
- 12 5. Reports of officers and committees
- 13 6. Communications
- 14 7. Unfinished business
- 15 8. New business
- 16 9. Bills of allowance
- 17 10. Nomination of officers and committee persons
- 18 11. Election and installation of officers
- 19 12. Safety first
- 20 13. Way and means of improving SMART
- 21 14. Closing

1 **SECTION 78**

2 **SEC. 78. NOTE:** The provisions of Section 78 were declared void by the Federal Court
3 ruling in Civil Action No. 97-5732 (NHP) and the Section has been deleted from Article Twenty-
4 One B (21B) per Section 38.

1 **SECTION 79 – CONSIDERATION OF GRIEVANCES**

2 **SEC. 79.** Grievances must be reduced to writing, contain complete information on the
3 subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction.
4 Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall
5 be given prompt handling with local officials of the employer. A report by the committee will be
6 made at the next meeting.

7 When grievances are being considered by a Local, only those members employed in the
8 craft on the territory involved shall be permitted to vote, provided that at least five (5) such
9 members must be present before any action can be taken. If more than one (1) craft is involved,
10 the grievance shall be considered and determined separately by each craft.

11 In the absence of a collective bargaining agreement to the contrary, no grievance involving
12 requests for reinstatement shall be accepted after the expiration of two (2) years from the date of
13 dismissal. Any grievance involving positions and rank on seniority rosters shall be reviewed and
14 corrected when and if factual evidence is presented to show an error in record keeping.

1 **SECTION 80 – PRESERVATION OF CRAFT AUTONOMY**

2 **SEC. 80.** (a) Local working conditions of a craft over which a Local has jurisdiction may
3 not be revised or changed unless authorized to do so by a majority of the votes cast by the members
4 affected and working in the craft. Such a proposal will not be voted upon prior to the first meeting
5 following that in which the proposition was presented. If more than one craft is affected, the issue
6 shall be determined by a majority vote of each and every affected craft, i.e., in the event any one
7 of the crafts affected rejects the issue, the matter shall remain unchanged.

8 (b) In the event twenty-five percent (25%) of the members working in a craft in the territory
9 involved petition the Local to circulate a referendum ballot, on any issue to be voted upon
10 involving a change in local working conditions in the territory over which the Local has
11 jurisdiction, a referendum ballot will be circulated. Only those members assigned in the craft and
12 working in the territory affected shall be permitted to vote. A majority of the votes cast shall
13 determine the issue. An issue decided by referendum vote can be changed only by another
14 referendum vote.

15 (c) General Committees of Adjustment, by a majority vote, may authorize the revision of
16 general or system schedule rules, amend existing rules, or establish new rules, except, General
17 Committees of Adjustment consolidated on or after date of unification with other General
18 Committees of Adjustment and/or officers representing Transportation Division, assisting those
19 General Committees of Adjustment, shall not revise or amend general or system schedule rules of
20 any craft unless authorized to do so by a majority vote of the representatives of that craft on the
21 General Committee.

22 (d) When voting on matters involving wages, rules, working conditions, or elections held
23 in a Local meeting is by craft vote, the craft in which a member is entitled to vote shall be the craft
24 in which he/she is assigned, irrespective of Local affiliation, at the time the vote is taken. In the
25 event referendum procedures are used for such voting, the craft in which a member is entitled to
26 vote shall be the craft in which he/she is assigned on the date prior to the date the ballots are mailed
27 by the Secretary.

28 (e) The provisions of this Section may not be changed by the International Union, except
29 upon the approval of a majority vote of the members of each of the crafts represented by the United
30 Transportation Union, now SMART.

1 **SECTION 81 – LOCAL COMMITTEES OF ADJUSTMENT**

2 **SEC. 81.** Each Local shall elect a Local Committee of Adjustment, consisting of a
3 Chairperson, one or more Vice Chairpersons, and a Secretary. Additional Local Committees of
4 Adjustment may be formed to represent members on a separate seniority district or when employed
5 in a separate craft represented by the SMART Transportation Division. Such committeepersons
6 must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.

7 The President Transportation Division may grant dispensation for the establishment of
8 separate Local Committees of Adjustment for the members of a Local working in one of the

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9 various crafts represented by the SMART Transportation Division. Each Local Committee shall
10 be maintained by dues and/or assessments levied upon the members under the jurisdiction of such
11 committee.

12 When required, it shall be the duty of the Chairperson of the Local Committee of
13 Adjustment to furnish the Treasurer of the Local and the interested General Chairpersons the
14 names of nonmembers and members who have been taken out of service, or who have been
15 returned to service. Additionally, the Chairperson of the Local Committee of Adjustment will
16 assist in furnishing information to the Treasurer as to the names of employees working under the
17 jurisdiction of his/her committee.

18 It shall be the duty of the Chairperson of the Local Committee of Adjustment to promptly
19 handle claims and grievances when presented in accordance with Section 79. He/she shall be
20 authorized to file claims and grievances including those where time has not been claimed, or where
21 claims were incorrectly and/or improperly filed. He/she shall report on the handling of all claims
22 and grievances at the next Local meeting.

23 Should the Local Chairperson fail to satisfactorily adjust any case presented, he/she may
24 refer same to the General Chairperson with the complete facts and history of the case, including
25 copies of correspondence exchanged with local officials.

26 It shall be the duty of the Vice Chairperson to handle matters referred to the Local
27 Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee
28 shall act as Chairperson when the Chairperson is unable to perform his/her duties, and in case of a
29 permanent vacancy in the office, he/she shall act as Chairperson until the office is filled as provided
30 in Section 57. When more than one Vice Chairperson is elected to a Local Committee of
31 Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required
32 by this paragraph.

33 Local Committees shall not take grievances to the general officers of an employer, except
34 through the General Chairperson, and will not be permitted to enter into any agreement or
35 understanding or change an agreement or understanding unless approved and signed by the
36 General Chairperson and the designated carrier representative.

37 Local Committees of Adjustment may consolidate their Committees under such terms and
38 conditions as they deem appropriate, subject to approval by a majority of the members under the
39 jurisdiction of each Committee involved. In the event twenty-five percent (25%) of the members,
40 working in a craft under the jurisdiction of a Local Committee of Adjustment, petition the
41 Secretary of their Local to circulate a referendum ballot on a proposition of discontinuing their
42 Local Committee of Adjustment and to be placed under the jurisdiction of another Committee in
43 the same Local, the Secretary will circulate a ballot on the proposition among the members
44 represented by each respective Local Committee of Adjustment. Upon approval by a majority vote
45 of the members represented by each respective Committee, the Committee to be discontinued will,
46 within fifteen (15) days from the date of such approval, make an orderly transfer of the property,
47 funds, and files to the Committee assuming jurisdiction.

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48 Compensation and expenses for members of the Local Committee shall be determined by
49 the members of the Local under the jurisdiction of the Committee. The Local Committeeperson
50 when authorized by the General Chairperson to perform service in connection with General
51 Committee matters shall be compensated from the General Committee Fund.

1 **SECTION 82 – GENERAL COMMITTEE OF ADJUSTMENT**

2 **SEC. 82.** The Chairperson of each Local Committee of Adjustment under the jurisdiction
3 of a General Committee of Adjustment shall be a member of such General Committee of
4 Adjustment. Local Chairpersons representing yardmasters only, may be members of the General
5 Committee representing yard/switchpersons subject to approval of such General Committee.

6 The officers of a General Committee of Adjustment shall be a General Chairperson, one or
7 more Vice Chairpersons, and a Secretary. The officers of a General Committee must hold seniority
8 rights in one of the crafts under the jurisdiction of such General Committee.

9 Each General Committee of Adjustment shall hold a quadrennial meeting in January of
10 1971. Beginning with this meeting, not more than two (2) officers of a General Committee shall
11 be elected from any one craft when such Committee represents only two crafts, and not more than
12 one officer from any one craft when such Committee represents more than two crafts, except by
13 unanimous consent of the full General Committee.

14 If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the
15 General Committee, the Vice Chairperson of such Committee shall attend the meeting and
16 represent his/her Local, but as such, he/she shall not be eligible for election as an officer of the
17 General Committee, except that of General Chairperson. The absent Local Chairperson shall be
18 eligible for election as an officer of the General Committee of Adjustment.

19 Incumbent officers and members of the General Committee, and any member holding
20 seniority in the craft represented by the General Committee shall be eligible for election to the
21 office of General Chairperson. Only members of the General Committee shall be eligible for
22 election to the office of Vice General Chairperson, or Secretary of the Committee. A General
23 Committee requiring the full-time services of a Vice General Chairperson or Secretary may re-
24 elect such officers, without their being re-elected as Local Chairpersons. In such cases these
25 officers may speak but shall have no vote in the General Committee.

26 The officers of a General Committee shall be elected by secret vote of the members of the
27 General Committee during the quadrennial meeting except as otherwise provided herein.

28 The Chairperson of a General Committee of Adjustment may be elected by referendum
29 vote instead of by General Committee vote as provided for in the preceding paragraph if two-thirds
30 (2/3) of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1
31 preceding the year of the regular quadrennial meeting of the General Committee, vote for and
32 advise the President Transportation Division in writing of their desire to have the Chairperson of
33 that Committee elected by referendum vote.

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34 Upon receipt of such request the President Transportation Division will notify the Locals
35 under the jurisdiction of that General Committee that a referendum election for General
36 Chairperson will be held.

37 Each Local under the jurisdiction of the General Committee, after giving at least fifteen
38 (15) days prior notice thereof, shall schedule a meeting to be held prior to October I, at which
39 nominations for General Chairperson will be accepted.

40 Nominations for General Chairperson will only be accepted when a petition is signed by at
41 least five (5) members holding seniority rights in one of the crafts and holding membership in one
42 of the Locals under the jurisdiction of the General Committee. The petition shall be presented to
43 the Secretary of the Local no later than the meeting scheduled to accept such nominating petitions.

44 The Local Secretary shall certify the names of candidates and forward same to the President
45 Transportation Division by certified mail no later than ten (10) days after the nominating meeting.
46 The President Transportation Division shall have prepared ballots placing the name of the
47 incumbent candidate on the ballot first and the names of the other candidates in alphabetical order.
48 The President Transportation Division shall send a ballot as described in Section 57 to each
49 member entitled to vote no later than October 25. Only members employed under the jurisdiction
50 of a General Committee of Adjustment shall be eligible to vote in the referendum election for the
51 Chairperson of such Committee. The President Transportation Division shall request a list of
52 eligible voters to be prepared by the General Secretary-Treasurer showing the names and addresses
53 of the members paying General Committee assessments to that General Committee for the month
54 of August preceding the election.

55 The President Transportation Division shall arrange for the General Secretary-Treasurer
56 to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be
57 addressed to the General Secretary-Treasurer and shall not be opened prior to the date set for
58 tabulation.

59 The General Secretary-Treasurer will tabulate the ballots between November 10 and
60 November 15 and shall notify the General Chairperson and candidates the date set for tabulating
61 the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own
62 expense.

63 The General Secretary-Treasurer shall immediately notify the President Transportation
64 Division, General Chairperson, candidates, and each Local the results of the election.

65 The candidate receiving a majority of the votes cast shall be declared elected. If no
66 candidate receives a majority on the first ballot, all but the two candidates receiving the largest
67 vote will be dropped from the ballot, and a second election will be held in the same manner. In
68 case of a tie, the General Secretary-Treasurer shall be governed by the applicable provisions of
69 Section 57.

70 A defeated General Chairperson shall not sign system agreements unless they are also
71 signed by the Vice Chairperson and Secretary of the General Committee. A defeated General

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72 Chairperson shall not close out pending cases unless concurred in by the Vice Chairperson and
73 Secretary of the General Committee.

74 The cost of referendum election for General Chairperson shall be considered as General
75 Committee expense under Section 84, and such expense shall be paid by the General Secretary-
76 Treasurer from the appropriate General Committee fund.

77 The Chairperson of each General Committee of Adjustment shall convene the full
78 Committee between January 1 and May 31 following the completion of the quadrennial elections
79 for Local Committees of Adjustment, or as soon thereafter as elections are completed, and
80 quadrennially thereafter. Actions of the General Committee shall be retroactive to January 1 of
81 that year. In the event the Chairperson fails to convene the Committee, the Committee shall be
82 convened by the President Transportation Division on request of one or more Locals.

83 When the Chairperson has been elected by referendum vote, the results of the vote shall be
84 announced on the first day of the quadrennial meeting and the Chairperson elected shall
85 immediately assume the office.

86 A General Chairperson shall have no vote in General Committee meetings except in case
87 of a tie vote on matters other than elections, the Chairperson will cast the deciding vote. In case of
88 a tie vote in a Committee election after five (5) secret ballots the Chairperson shall then be
89 permitted to vote.

90 Each General Committee of Adjustment may adopt its bylaws and procedures, establish
91 salaries, set the amount of General Committee of Adjustment dues, and such other matters
92 necessary for its operation, subject to the provisions of this Constitution.

93 The President Transportation Division may grant dispensation for the establishment of
94 separate General Committees of Adjustment, for the various crafts represented by the SMART
95 Transportation Division. Each such Committee shall be maintained by dues and/or assessments
96 levied upon the members under the jurisdiction of such Committee.

97 If less than three (3) Locals are located on a property, the General Chairperson shall be
98 elected by referendum vote.

99 A General Chairperson may not serve as Local Chairperson, except when there is only one
100 Local Committee of Adjustment on a property, the Local Committee of Adjustment shall constitute
101 the General Committee of Adjustment.

102 In Bus Department Locals where there is one Local on a property, General Committees of
103 Adjustment and/or officers representing the SMART Transportation Division, shall not revise or
104 amend general or system schedule rules unless authorized to do so by a majority of votes cast by
105 the members of the craft under the jurisdiction of the General Committee.

106 The Secretary of the General Committee shall promptly notify the President Transportation
107 Division in the event of a vacancy in the office of Chairperson. The President Transportation

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108 Division shall order an election, to be held in accordance with the provisions of this Section, to fill
109 the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time
110 of his/her election will fill the vacancy.

111 Vacancies in the office of Vice General Chairperson or Secretary of the General Committee
112 shall be filled by a majority vote of the General Committee, while in session, or by secret ballot
113 conducted by mail as follows: The Chairperson will set a period in which any member of the
114 Committee may nominate another member of the Committee to fill the office. When the period for
115 making nominations has expired, the Chairperson shall prepare ballots, placing the names of the
116 candidates in alphabetical order. He/she shall furnish ballots to each member of the Committee,
117 with notification as to the date on which the ballots must be returned for tabulation. On the date
118 specified, the Chairperson, with the assistance of at least two members of the Committee or two
119 officers of the nearest local, shall tabulate the ballots and certify the results to the Secretary of the
120 General Committee. The Secretary of the General Committee shall report the results of the election
121 to the Locals and members of the General Committee.

122 General Chairpersons or Executive Committee of General Committees of Adjustment may
123 voluntarily consolidate their committees under such terms and conditions as they deem appropriate
124 subject to approval by two-thirds (2/3) vote of the members of each General Committee of
125 Adjustment involved and the President Transportation Division.

126 In the event twenty-five percent (25%) of the members working under the jurisdiction of a
127 General Committee of Adjustment petition the Secretary of the General Committee to circulate a
128 referendum ballot on a proposition of discontinuing the officers of their committee and
129 consolidating their committee under the officers of another committee holding similar jurisdiction
130 on the same property, the Secretary will prepare a ballot on the proposition to be circulated among
131 the members involved by the Secretaries of the Locals involved. Upon approval by a majority vote
132 of the membership represented by such committee, a referendum ballot will be circulated among
133 the membership represented by the other General Committee of Adjustment involved in the
134 consolidation. Upon approval by a majority vote of the membership under the jurisdiction of such
135 other committee, the officers of the committee being dissolved will, within sixty (60) days, make
136 an orderly transfer of the property, funds, and files to the committee having jurisdiction.

137 If as a result of the referendum vote it is the desire of the membership represented by the
138 two General Committees to consolidate, a referendum election will be held as provided in this
139 Section to elect a General Chairperson from the two incumbent General Chairpersons. The
140 defeated General Chairperson will become an Assistant General Chairperson of the consolidated
141 General Committee and shall be placed in no worse position with respect to salary or
142 compensation. His/her term of office as Assistant will expire at the same time as the General
143 Chairperson at the next quadrennial meeting.

144 Nothing in this Section shall prevent a General Committee from providing a residence
145 property settlement, moving expense, and transfer allowance for a General Chairperson who is
146 required by the consolidated General Committee to relocate his/her residence as a result of a
147 consolidation of General Committees.

SECTION 83 – RETIRED MEMBERS

SEC. 83. Members of the United Transportation Union, now SMART, retired from service on account of age shall be assessed International dues of Seventy-Five Cents (\$.75) per month, to be collected in a manner prescribed by the President Transportation Division. Retired members paying the Seventy-Five Cents (\$.75) per month assessment shall be members of the United Transportation Union Alumni Association so long as such dues are paid. Provided, however, that the President Transportation Division with the concurrence of the Board of Directors may increase the dues from Seventy-Five Cents (\$.75) per month to One Dollar (\$1.00) per month.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of SMART Transportation Division.

SECTION 84 – GENERAL COMMITTEE FINANCING

SEC. 84. Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

The General Committee fund shall be deposited with the President Transportation Division. The General-Secretary Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary-Treasurer shall furnish each interested Local Treasurer and the General Chairperson a monthly report showing the division of dues and assessments.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of General Committees, and in effect as of the effective date of unification, shall remain in effect, subject to change as provided herein.

Any proposition to establish or abolish full-time salaried officers of a General Committee or to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of General Committees shall be submitted to the members of the General Committee while in session or by mail by the appropriate officer of the General Committee setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the General Committee before being made effective.

All reasonable and proper expenses of a General Committee, officers, or member thereof when in the service of a General Committee shall be allowed as expense of the General Committee. An itemized statement of expenses incurred, with receipts for all items in excess of Twenty-Four Dollars \$24.00, and any amount due for services rendered shall be submitted to the Chairperson of the General Committee. When such statements are approved they shall be submitted to the General Secretary-Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the General Committee.

ARTICLE TWENTY-ONE B (21B) SECTIONS 84–85

26 Where not otherwise provided for, the General Chairperson may rent office space, purchase
27 office equipment, and employ such clerical assistance as necessary, when authorized to do so by a
28 majority vote of the General Committee in session or by mail vote between sessions.

1 **SECTION 85 – DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT**

2 **SEC. 85.** General Committees of Adjustment shall have authority to make and interpret
3 agreements with representatives of transportation companies covering rates of pay, rules, or
4 working conditions – subject to membership ratification in accordance with the provisions of this
5 Article.

6 General Committees shall investigate all matters properly submitted to them and shall have
7 the authority to alter, amend, add to, or strike out any part, or all, of any matter submitted to them.

8 In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request
9 the assistance of the President Transportation Division. Upon receipt of such request, the President
10 Transportation Division or his/her representative shall meet with the General Chairperson, renew
11 efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority
12 held by the General Committee to progress the matter to a conclusion. Any system or local
13 adjustments agreed to by the President Transportation Division or his/her representatives, shall be
14 subject to a majority vote of Local Chairpersons affected.

15 In the event the President Transportation Division or his/her representative and the
16 Committee are unable to reach a satisfactory adjustment of the matter, the President Transportation
17 Division may recommend to the General President who may order a strike on all or any portion of
18 the company involved. Such strike action under this Section must be authorized by a two-thirds
19 (2/3) vote of the members of the General Committee. Such vote may be taken by wire, mail, or
20 personal contact with written confirmation as the General Chairperson may direct.

21 Between sessions of the General Committee of Adjustment, the Chairperson of such
22 Committee shall exercise all rights, privileges, and authority vested in the General Committee,
23 except as otherwise directed by the General Committee while in session, subject to the membership
24 ratification provisions of this Section.

25 The General Chairperson must poll the entire membership holding seniority and working
26 in the craft involved on the property by mail referendum ballot prior to signing any system
27 agreements and be governed by the majority of the votes cast.

28 Upon completion of the balloting for a system agreement, the General Chairperson will
29 prepare a report designating the result of the vote. A copy of the report shall be submitted to each
30 affected Local within thirty (30) days after the close of balloting.

31 The General Chairperson must poll the affected Local Chairpersons prior to signing any
32 local agreement and be governed by the majority of the votes cast.

ARTICLE TWENTY-ONE B (21B) SECTIONS 85–87

33 Upon completion of the balloting for a local agreement, the General Chairperson will
34 prepare a report designating the result of the vote of each Local Committee. A copy of the report
35 shall be submitted to each affected Local within thirty (30) days after the close of the balloting.

36 A General Committee may elect from its members a sub-committee and vest such
37 committee with authority of the General Committee of Adjustment to adjust such matters as may
38 be assigned to it by the General Committee. The Chairperson of the General Committee shall be
39 Chairperson of all such subcommittees.

40 General Committees or subcommittees of General Committees of Adjustment making
41 settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the
42 interested Local Chairpersons and Secretary of the Locals in which the matters originated of the
43 action taken.

44 Actions or decisions of a General Committee shall be binding upon the members and
45 Locals under the jurisdiction of such General Committee unless reversed or modified upon appeal
46 as provided in Section 75 of Article Twenty-One B (21B).

47 (NOTE: Delegates moved that this Section 85 would be interpreted that a SMART
48 Engineer working under another union’s agreement would vote as a fireman on any
49 agreement involving firemen.)

1 **SECTION 86 – VACATIONS – GENERAL COMMITTEEPERSONS**

2 **SEC. 86.** Full-time officers and employees of General Committees of Adjustment shall be
3 granted vacation with pay, consistent with the terms of the National Vacation Agreement, based
4 upon earnings from their Committee. Such vacations may be split if desired but will not be carried
5 over from one year to the next.

6 Officers and members of General Committees employed on a part-time basis shall be paid
7 the difference between the amount of vacation pay allowed by their carrier and the amount of
8 vacation pay they would have received had their wages with the General Committee been earned
9 with the carrier, except, if they do not work a sufficient amount of time with their carrier to qualify
10 for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National
11 Vacation Agreement, based upon their total earnings with the carrier and the General Committee.

12 Vacation allowances provided herein shall be paid by the General Secretary-Treasurer from
13 the General Committee fund upon approval of the vacation claim by the General Chairperson and
14 Secretary of the General Committee. This Section is intended to prevent any loss in vacation time
15 and pay as a result of serving the General Committee.

1 **SECTION 87 – CHAIRPERSON OF GENERAL COMMITTEE**

2 **SEC. 87.** The Chairperson of a General Committee of Adjustment shall be its executive
3 head, preside over all meetings, and exercise general supervision over its affairs and interests.

ARTICLE TWENTY-ONE B (21B) SECTION 87-90

4 The Chairperson shall furnish a quarterly report of his/her activities to all Local
5 Chairpersons and Locals under his/her jurisdiction and use such other means as necessary to keep
6 the membership well informed. He/she shall attach to the report an itemized statement of receipts
7 and disbursements of his/her Committee which shall be furnished by the General Secretary-
8 Treasurer in sufficient number for distribution with this report.

9 The Chairperson shall convene the General Committee upon request of a member of said
10 Committee provided, (1) a two-thirds (2/3) majority of the Committee concurs in such request and
11 (2) sufficient funds are available.

12 The Chairperson shall perform such other duties as may be required by the General
13 Committee and this Constitution.

1 **SECTION 88 – VICE CHAIRPERSONS OF GENERAL COMMITTEE**

2 **SEC. 88.** The Vice Chairpersons of a General Committee of Adjustment shall act for or on
3 behalf of the Chairperson when so directed by the Chairperson. They shall perform such other
4 duties as may be delegated to them by the General Committee of Adjustment.

1 **SECTION 89 – SECRETARY OF GENERAL COMMITTEE**

2 **SEC. 89.** The Secretary of a General Committee of Adjustment shall keep a record of the
3 proceedings of each meeting. He/she shall issue notices of meetings when so directed by the
4 General Chairperson. He/she shall have charge of the books and papers of the Committee
5 pertaining to this office. The Secretary shall prepare and furnish the President Transportation
6 Division, General Secretary-Treasurer, each Local Chairperson and each Local Secretary a copy
7 of the proceedings of the Committee within twenty (20) days of the close of each session. He/she
8 shall notify the President Transportation Division and General Secretary-Treasurer the names and
9 addresses of the General Committee immediately following their election.

10 The Secretary shall perform such other duties as might be required by the General
11 Committee and this Constitution.

1 **SECTION 90 – MERGERS, LEASES, COORDINATIONS, ETC.**

2 **SEC. 90.** When, through lease, purchase, merger, consolidation or other cause, a line or
3 lines of a carrier or a portion thereof is taken over by another carrier or where, because of
4 establishment of a new line by an existing carrier or for other reasons, traffic is permanently
5 diverted from one carrier to another or from one road and/or yard seniority district to another on
6 the same carrier and such affects the seniority rights of employees on such carriers, General
7 Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior
8 seniority rights of employees to service on their former seniority district or territory shall be
9 preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable
10 degree of regularity in excess of thirty (30) days.

ARTICLE TWENTY-ONE B (21B) SECTIONS 90–91

11 General Committees shall give consideration to all factors involved, including but not
12 limited to hours worked, cars and tonnage handled where applicable, and mileage of operations on
13 each seniority district or territory involved prior to the change in operation, consolidation, or the
14 diversion or re-routing of traffic.

15 In circumstances in which a new line is established by a carrier and no seniority rights
16 exist, employees from the line from which traffic is diverted, will be transferred to the new line in
17 equal percentage to the mileage of the traffic diverted from the old line. If the portion of line
18 transferred is insufficient in extent to constitute a separate seniority district, the employees taken
19 over therewith in the merger may be placed on the roster of the proper seniority district to which
20 the merged line is attached with seniority on such roster in their respective classes from a date not
21 later than the date of merger.

22 In applying this Section to bus lines, the Transportation Division and its Legislative
23 Department will intervene with the STB for a reservation of jurisdiction, for the imposition of
24 conditions, for at least three (3) years for employees who may be adversely affected.

25 Disputes arising under this Section which cannot be resolved by the General Committee or
26 General Committees shall be referred to the President Transportation Division. The President
27 Transportation Division shall promptly assign an officer to assist the General Committee or
28 General Committees involved in resolving the dispute. Failing to resolve the dispute the officer
29 shall make a complete report and recommendation to the President Transportation Division who,
30 in turn, shall decide the dispute.

31 Any Local or member of a Local affected by action or decision of a Chairperson, or General
32 Committee, or by the decision of the President Transportation Division with respect to this Section
33 may appeal such action or decision to the Board of Appeals, provided such appeal is filed with the
34 General Secretary-Treasurer within ninety (90) days from the date of the action or decision. The
35 Chairperson, General Committee, or President Transportation Division, as the case may be, shall
36 be allowed thirty (30) days from the date the appeal is filed in which to reply to the appeal. The
37 parties involved in an appeal shall exchange copies of the appeal and reply to the appeal.

1 **SECTION 91 – ASSOCIATION OF GENERAL CHAIRPERSONS**

2 **SEC. 91.** The Chairpersons of the General Committees in each district, as hereinafter set
3 forth, shall form an Association of General Chairpersons, each to function independently of the
4 other, for the purpose of formulating concerted movements relating to wages, rules, and working
5 conditions of transportation service employees in their district.

6 District No. 1 shall include all rail lines in the United States.

7 District No. 3 shall include all bus lines in the United States.

8 All General Chairpersons on properties where the combined membership represented by
9 SMART Transportation Division is one hundred (100) or more, shall be members of the
10 Association of General Chairpersons in their respective districts as outlined above. Where the
11 combined membership represented by SMART Transportation Division on a property is less than

ARTICLE TWENTY-ONE B (21B) SECTION 91

12 one hundred (100) the General Chairpersons on that property shall elect one of their group to be a
13 member of the Association in their respective districts. Members of the Association of General
14 Chairpersons shall attend all meetings of their Association and represent their committees with
15 pay and proper expenses to be paid from the General Fund of the International.

16 The President Transportation Division shall convene the General Chairpersons during the
17 year 1969 for the purpose of organizing the Association in each district. Each district shall elect,
18 by secret ballot, a Chairperson, a Vice Chairperson, and a Secretary to serve as officer of their
19 Association.

20 Following the reorganization of General Committees in 1971, and quadrennially thereafter,
21 the President Transportation Division shall convene the Association of General Chairpersons for
22 the purpose of reorganizing and electing officers.

23 Each Association shall adopt bylaws for its special government consistent with the
24 provisions of this Constitution.

25 The Association will be convened by the President Transportation Division whenever
26 necessary and will be convened by him when a majority of the General Chairpersons within a
27 district of the Association request a special meeting, provided the requests are uniform in object
28 and purpose and the meeting is limited to subjects over which the Association has jurisdiction.

29 In any general or concerted wage-rules movement, members in an Association cannot
30 withdraw support of a movement which has been approved by a two-thirds (2/3) vote of the
31 members of an Association, unless sanction thereto is given by a majority vote of eligible members
32 of the Association and approved by the President Transportation Division. In the event any
33 transportation company refuses to be represented by the conference committee representing the
34 companies in a general or concerted movement, the President Transportation Division may exclude
35 the General Committee on such company from participation in the movement.

36 A strike may be authorized by the President Transportation Division, with approval of the
37 General President, in support of a general or concerted wage-rules movement, provided such action
38 under this Section is approved by a two-thirds (2/3) vote of the members in any Association. Such
39 vote may be taken as the President Transportation Division may direct by mail, wire, or while in
40 session.

41 In any general or concerted wage-rules movement the President Transportation Division
42 shall appoint a negotiating committee representative of each of the former organizations and crafts
43 represented by them, which are involved in the movement. The negotiating committee shall assist
44 in the prosecution of the wage-rules movement as directed by the President Transportation
45 Division.

46 When in the judgment of the President Transportation Division and the negotiating
47 committee a final offer of settlement has been received, the offer with the committee's
48 recommendation shall be submitted by referendum to the Membership of the crafts involved in the
49 movement for their acceptance or rejection. Following receipt of the offer of settlement, each

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50 General Chairperson shall have fifteen (15) days to submit questions pertaining to the offer. The
51 negotiating committee will, consolidate the submitted questions into a single, uniform list. When
52 the answers to these questions are determined by the negotiating committee and the carriers’
53 representatives, the agreed-upon questions and answers will be distributed to the General
54 Chairpersons and made a part of the offer of settlement.

55 A majority of the members voting of each of the crafts to be covered or affected by the
56 terms of the proposed agreement shall be required to ratify the offer of settlement.

57 The terms of the settlement shall be submitted, by the President Transportation Division,
58 to each Local involved in the movement, in sufficient quantity to permit circulation to the
59 membership, and/or the terms may be mailed to each member in a special edition of the SMART
60 Transportation Division News. Recommendations of the President Transportation Division and/or
61 Negotiating Committee may be included along with a digest or summary of the provisions of the
62 settlement.

63 The Board of Directors shall establish and publish procedures for the conduct of
64 referendum elections which shall thereafter be contained as an appendix to this Section;
65 guaranteeing each affected member the right-to-vote on wages, rules and working conditions.

66 Voting and tabulation of the results must be completed within twenty-one (21) days from
67 the date the proposal is dispatched or presented by the President Transportation Division. The final
68 result and tabulation of voting shall be furnished to each Local involved in the movement and shall
69 be printed in the SMART Transportation Division News.

70 APPENDIX: Agreements shall be sent via first-class mail in an envelope
71 marked “Important – Agreement and Ballot Enclosed”. The
72 ballot will be a self-addressed, postage paid postcard that will
73 contain space for the member to print name, Local number and
74 railroad employer, or a telephone electronic voting system
75 supervised by the American Arbitration Association or similar
76 neutral organization.

1 **SECTION 92 – STRIKES**

2 **SEC. 92.** When a strike has been inaugurated by SMART Transportation Division, the
3 President Transportation Division, shall be the recognized leader and shall have authority, in
4 conjunction with the General President, to appropriate from the Strike Fund such money for legal
5 assistance and incidental expenses as may be required for a successful prosecution of the strike.

6 Every member of SMART shall be duty bound to comply with strike orders of SMART. A
7 member who neglects or refuses to do so and who takes the place or performs the duties of a
8 striking member shall be expelled from SMART upon conviction thereof under the trial procedures
9 of Article Twenty-One B (21B).

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10 Any member of SMART who crosses the picket lines of SMART, or the picket lines of
11 any other railroad union(s) that SMART has recognized as on legal authorized strike, for the
12 purpose of assisting the struck carrier(s) by rendering service, consultation, or advice for wages,
13 profit, gain, or gratis, will pay a fine of One Thousand Dollars (\$1,000.00), and in addition to such
14 fine if such member received any wages, compensation, or remuneration for time, expense,
15 consultation, for service rendered to such carrier(s) during the strike that member will also be fined
16 Two Dollars (\$2.00) for every One Dollar (\$1.00) received upon conviction thereof under the trial
17 procedures of Article Twenty-One B (21B).

18 The cost and expense of such trials will be borne solely by the Locals conducting the trials
19 and all fines collected by such Locals will be retained by the Local conducting the trial.

20 Any member of SMART who participates in a strike which has not been legally authorized
21 shall be expelled from SMART upon conviction thereof under the trial procedures of Article
22 Twenty-One B (21B).

23 The President Transportation Division and the General Committee of Adjustment, may
24 terminate a strike. In the event of a difference of opinion between the President Transportation
25 Division and the General Committee of Adjustment as to the advisability of terminating a strike,
26 the matter shall be referred to the General President for a final decision. The discontinuance of
27 strike benefits shall be decided by the General President.

28 Strikes inaugurated by the SMART Transportation Division – Members of crafts
29 represented by the SMART Transportation Division who engage in a strike inaugurated by the
30 SMART Transportation Division, including striking members who were employed under the
31 jurisdiction of another organization, will be paid strike benefits as provided herein beginning with
32 the third day following the day on which the strike was inaugurated.

33 Strikes inaugurated by other recognized Unions – Members of the SMART Transportation
34 Division, who are unemployed due to any recognized union representing employees of the
35 railroads or other transportation companies being on legal strike, shall be allowed strike benefits
36 for a period not to exceed sixty (60) days, as though they were active participants in the strike.
37 However, the sixty (60) day limit may be extended in unusual circumstances determined by the
38 President Transportation Division and General President.

39 Qualifications – In order to qualify for strike benefits, members must withdraw from
40 service at the outset of the strike, register each day, and perform or be available to perform picket
41 duty as required by the Local having jurisdiction. A member must verify his/her correct address
42 and Social Security number with the Local Treasurer for the purpose of mailing benefit checks.

43 Strike benefits will be One Hundred Dollars (\$100.00) per day and will not exceed a
44 maximum of Twelve Hundred Dollars (\$1,200.00) per month.

45 Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days
46 as the result of one strike. However, the one hundred twenty (120) day limit may be extended in

ARTICLE TWENTY-ONE B (21B) SECTION 92

47 unusual circumstances determined by the President Transportation Division and General
48 President, except as specified in lines 25-31.

49 Procedures for claiming benefits – Upon inauguration of a strike by the SMART
50 Transportation Division or upon authorization of strike benefits to SMART Transportation
51 Division members in the case of a recognized Union representing employees of railroads or other
52 transportation companies being on legal strike, the President Transportation Division shall notify
53 the General Secretary-Treasurer accordingly.

54 Upon receipt of such notification, the General Secretary-Treasurer shall prepare a list, in
55 duplicate, and furnish each local involved, showing all members of each local having jurisdiction
56 over striking members or members who may be affected by a legal strike or a recognized union as
57 they appear on monthly billing including home addresses, space for Social Security number or
58 social insurance number, occupation and length of service which shall be identified as Form #1.
59 The President and Treasurer of each Local shall complete Form #1 by filling in the required blanks
60 and return one (1) copy to the General Secretary-Treasurer within ten (10) days. Form #1 must be
61 signed by the President and Treasurer of the Local and notarized by a notary public.

62 Upon receipt of Form #1, the General Secretary-Treasurer shall prepare a strike payroll, in
63 duplicate, from the information contained therein. The strike payroll shall be known as Form #2
64 and shall list striking members in alphabetical order with space provided for number of days for
65 which payment is claimed and amount of payment due. The Local Treasurer will fill in the spaces
66 as indicated noting any changes from Form #1, i.e., additions, deletions, E-49, sick or injured,
67 vacation, death, retired, or members who, for any reason, are not available for picketing or other
68 duties required by the Local. The Treasurer shall return the completed Form #2 on the 15th and the
69 last day of the month. The Local seal must be affixed to all payrolls.

70 Upon receipt of strike payrolls, the General Secretary-Treasurer, when directed by the
71 President Transportation Division, shall issue checks drawn upon the strike fund for payment. The
72 General Secretary-Treasurer will mail strike benefits to all members entitled to receive benefits,
73 whose proper address appears on Form #1. A copy of Form #2 will be mailed to the Local
74 Treasurer.

75 In the event of a general strike by the SMART Transportation Division or by other unions
76 representing employees of railroads or other transportation companies, the General President may
77 suspend all strike benefits if such action becomes necessary for the protection of SMART funds.

78 When a strike of any other nationally recognized labor organization is in effect and danger
79 to the safety of our members exists in or about the area affected by the strike, and/or if there exists
80 any substantial present or potential threat of danger to the members en route to or from their work,
81 and/or to the members' families, it is the policy of SMART to support its members in declining to
82 enter the territory directly affected.

ARTICLE TWENTY-ONE B (21B) SECTION 93

SECTION 93 – LEGISLATIVE DEPARTMENT

SEC. 93. The Legislative Representatives of each Local in each State and in the District of Columbia, shall form a State or District Legislative Board for the purpose of protecting the legislative interests of the members under its jurisdiction.

Officers of a State or District Legislative Board shall be a Chairperson, one or more Vice Chairpersons, Secretary and/or Treasurer where required by state law, and a State or District Legislative Director, an Assistant State Legislative Director where desired by the State Legislative Board. Such officers shall also be the Executive Committee of such State or District Legislative Board.

In states where prior to the first reorganization meeting in 1972 there were salaried State Legislative Directors on a full-time basis, the Board shall retain such positions; provided, any proposition to establish or abolish a salaried State Legislative Director, or Assistant Legislative Director on a full-time basis must be approved by a two-thirds (2/3) majority vote of the members of the Legislative Board.

Beginning in 1972 the Chairperson of each State and District Legislative Board shall convene the full Legislative Board not later than May 31st following the completion of the quadrennial elections for Local Legislative Representatives for reorganizational purposes which shall include the election of officers and adoption of bylaws and procedures.

Beginning with the first reorganization meeting not more than two (2) officers of the Executive Committee shall be elected from any one craft except by a two-thirds (2/3) vote of the Legislative Board.

Incumbent officers and members of the Legislative Board shall be eligible for election to the offices of the Executive Committee.

Nothing in this Section shall prevent a Legislative Board from providing a residence property settlement, moving expenses and transfer allowance for a Legislative Director who is required by the consolidated Legislative Board to relocate his/her residence as a result of a consolidation of State Legislative Boards.

If the Local Legislative Representative is unable to attend a meeting of the full State or District Legislative Board, the Alternate Legislative Representative of such Local shall attend the meeting and represent his/her Local.

The officers of the Executive Committee and Alternate State Legislative Director shall be elected by secret ballot of the members of the Legislative Board during the quadrennial meeting except as otherwise provided herein.

The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two (2) candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner.

ARTICLE TWENTY-ONE B (21B) SECTIONS 93–94

37 Officers of the Executive Committee shall assume the duties of their offices upon election
38 and their term of office shall extend for four (4) years.

39 The Director will cast the deciding vote in case of a tie vote on matters other than elections.
40 In case of a tie vote in elections, after the fifth (5th) secret ballot, the Director shall then be permitted
41 to vote.

42 In states where there is a Legislative Director and an Assistant Legislative Director, a
43 vacancy in the office of Legislative Director shall be filled by the Assistant Legislative Director.
44 A vacancy in the office of Assistant Legislative Director shall be filled by the Alternate Legislative
45 Director. Any other vacancy shall be filled by a majority vote of the Legislative Board in
46 accordance with the Board’s bylaws and procedures.

47 The Chairperson of each State or District Legislative Board shall preside over all meetings.
48 He/she shall, through the Secretary of the Legislative Board, issue the necessary summons to
49 convene the Executive Committee and/or Legislative Board as required by Article Twenty-One B
50 (21B) and at such other times as may be necessary.

51 Each State or District Legislative Board may adopt its bylaws and procedures, including
52 the filling of vacancies, establishing salaries, setting the amount of Legislative Board dues, and
53 such other matters necessary for its operation, subject to the provisions of Article Twenty-One B
54 (21B).

1 **SECTION 94 – STATE OR DISTRICT LEGISLATIVE BOARD FINANCING**

2 **SEC. 94.** Each State or District Legislative Board must maintain a fund sufficient to pay
3 all salaries and expenses necessary for the maintenance of such State or District Legislative Board
4 through assessments levied upon the members under their jurisdiction.

5 The State or District Legislative Board funds shall be deposited with the President
6 Transportation Division. The General Secretary-Treasurer shall use such funds to pay the salaries,
7 expenses, and other allowances necessary for the maintenance of the State or District Legislative
8 Board.

9 Dues, assessments, salaries, expenses, and other allowances established for the
10 maintenance of State or District Legislative Boards and in effect as of January 1, 1969, shall remain
11 in effect subject to change as provided herein.

12 Any proposition to increase or decrease dues, assessments, personal expense, or other
13 allowances established for the maintenance of the State or District Legislative Boards shall be
14 submitted to the members of the State or District Legislative Board while in session or by mail by
15 the Secretary of the State or District Legislative Board setting forth the specific change and
16 effective date of such change. Such proposition must be approved by a majority vote of the
17 members of the State or District Legislative Board before being made effective.

ARTICLE TWENTY-ONE B (21B) SECTIONS 94–95

18 All reasonable and proper expenses of a State or District Legislative Board, Executive
19 Committee, or officer or member thereof when in the service of a Legislative Board shall be
20 allowed as expense of the Legislative Board. An itemized statement of expenses incurred, with
21 receipts for all items in excess of Twenty-Four Dollars (\$24.00), and any amount due for services
22 rendered shall be submitted to the Director of the Legislative Board. When such statements are
23 approved they shall be submitted to the General Secretary-Treasurer for prompt payment. A copy
24 of all such statements shall be furnished to the Secretary of the Legislative Board.

25 The State or District Legislative Director may rent office space, purchase necessary office
26 equipment, and employ such clerical assistance as necessary when authorized to do so by a
27 majority vote of the Board in session or by mail vote between sessions.

1 **SECTION 95 – DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS**

2 **SEC. 95.** The Executive Committee of each State or District Legislative Board may be
3 convened by the Director at least forty-five (45) days, where possible, prior to each primary and
4 general election, for the purpose of endorsing candidates for State offices and to make
5 recommendations for candidates for the U.S. Senate and the House of Representatives and to
6 transact such other business as may be necessary.

7 State Legislative Directors will promptly advise the President Transportation Division and
8 the National Legislative Director of all endorsements of State Candidates and recommendations
9 for Members of Congress made by the Executive Committee.

10 The State or District Legislative Directors may remain in the capital during sessions of the
11 Legislature, when so authorized by the Legislative Board, and shall devote all of his/her time to
12 securing the enactment of such laws, or the repeal or modification of such other laws as directed
13 by the Legislative Board. He/she shall organize opposition to and appear before appropriate
14 agencies to oppose discontinuance of trains and buses. He/she shall urge compliance with all laws
15 which protect the welfare of members of SMART and shall promptly report violations of State
16 laws and regulations to the proper State enforcement agency. Violations of all Federal laws and
17 regulations shall be reported to the National Legislative Director or proper Federal agency.

18 An additional Director or Directors may remain at the capital to assist in legislative matters,
19 when recommended by the Executive Committee and approved by the President Transportation
20 Division. He/she shall perform such duties as may be assigned by the President Transportation
21 Division.

22 The Secretary of the State or District Legislative Board shall keep a record and make a
23 report of the proceedings of all meetings of the Legislative Board and the Executive Committee
24 and shall furnish the Legislative Representative and Secretary of each Local, under the jurisdiction
25 of the Board, and the President Transportation Division with a copy of the report.

ARTICLE TWENTY-ONE B (21B) SECTIONS 95–96

26 Full-time Legislative Directors shall make a quarterly report of their activities to
27 Secretaries and Legislative Representatives of all Locals under their jurisdiction and use such other
28 means as necessary to keep the membership well informed. They shall attach to the report an
29 itemized statement of receipts and disbursements of the Board which shall be furnished to them
30 by the General Secretary-Treasurer. A copy of this report shall be furnished to the President
31 Transportation Division.

32 Part-time State or District Legislative Directors or Assistant Directors may, when
33 recommended by the Executive Committee and approved by the President Transportation
34 Division, visit Locals and appear before commissions or other agencies in SMART’s behalf. They
35 shall be authorized to cooperate with other organizations to this end. They shall perform such other
36 duties as may be required by their Legislative Board by-laws and Article Twenty-One B (21B).

37 All proposed legislation shall be submitted to the President Transportation Division for
38 approval and copies of all bills introduced which may be detrimental to labor shall be forwarded
39 by Legislative Directors to the President Transportation Division.

40 Questions of jurisdiction involving Legislative Boards and General Committees pertaining
41 to laws, abandonments, and/or borderline matters shall be referred to the President Transportation
42 Division for decision.

43 Any Transportation Division member using his/her influence in the name of SMART to
44 defeat any action taken by the National Legislative Director or a State or District Legislative Board
45 shall, upon conviction thereof, be expelled.

46 Officers and members of State and District Legislative Boards shall be under the direction
47 of, and cooperate with, the National Legislative Director on all National Legislative policies and
48 proposed Federal legislation established by the International. They shall cooperate with the
49 Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of
50 SMART Transportation Division.

51 On any legislative issue which involves the discontinuance of engine-service positions on
52 railroads, the Executive Committee will authorize an engine-service officer of the Legislative
53 Boards to handle such issues under the supervision of the Executive Committee.

1 **SECTION 96 – VACATIONS – STATE OR DISTRICT LEGISLATIVE BOARDS**

2 **SEC. 96.** Full-time officers and employees of State or District Legislative Boards shall be
3 granted vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based
4 upon earnings from their Boards. Such vacations may be split but will not be carried over from
5 one year to the next.

6 Officers and members of such Legislative Boards employed on a part-time basis shall be
7 paid the difference between the amount of vacation pay allowed by their carrier and the amount of
8 vacation pay they would have received had their wages with the Legislative Board been earned
9 with the carrier. However, if they do not work a sufficient amount of time with their carrier to

ARTICLE TWENTY-ONE B (21B) SECTIONS 96 – 100

10 qualify for a vacation, they shall be allowed a vacation with pay consistent with the terms of the
11 appropriate Vacation Agreement based upon their total earnings with the carrier and the
12 Legislative Board.

13 Vacation allowances provided herein shall be paid by the General Secretary-Treasurer from
14 the appropriate Legislative Board fund upon approval of the vacation claim by the Chairperson
15 and Secretary of the Legislative Board. This Section is intended to prevent any loss in vacation
16 time and pay as a result of serving the Legislative Board.

1 **SECTION 97**

2 **SEC. 97. Deleted in its entirety.**

1 **SECTION 98**

2 **SEC. 98. Deleted in its entirety.**

1 **SECTION 99**

2 **SEC. 99. Deleted in its entirety.**

1 **SECTION 100 – DECLARATION OF POLICY OF THE TRANSPORTATION**
2 **DIVISION REGARDING INTERNATIONAL EMPLOYEES**

3 **SEC. 100.** (1) No officer or other representative of SMART shall deny or in any way
4 question the right of Transportation Division employees to:

5 (a) Join, organize or assist in organizing a labor organization or association of their
6 choice.

7 (b) Determine their bargaining representatives in accordance with applicable Federal or
8 State laws.

9 (c) Bargain collectively through their duly designated bargaining representatives.

10 (2) SMART will as a matter of policy maintain for its Transportation Division non-bargaining
11 unit employees the same wages and working conditions presently enjoyed by such employees,
12 including the practice of increasing or decreasing rates of pay based upon general increase or
13 decreases in the pay of train and yard service employees represented by SMART Transportation
14 Division, subject to final budget approval.

15 (3) Transportation Division employees will receive no preferential treatment based upon
16 membership in SMART or the absence of such membership.

17 (4) For the information and guidance of Transportation Division officers and employees, the
18 President Transportation Division will compile and publish a manual showing the wages and

ARTICLE TWENTY-ONE B (21B) SECTION 100 – ARTICLE TWENTY-TWO (22)

19 working conditions applicable to Transportation Division employees. If and when changes are
20 made appropriate supplements will be issued for inclusion in said manual. All Transportation
21 Division officers and employees will be furnished with copies of this manual and the supplements
22 thereto.

23 (5) If and when Transportation Division employees establish a collective bargaining procedure
24 in accordance with applicable State or Federal laws and through the exercise of that procedure an
25 agreement covering wages and working conditions of Transportation Division employees is
26 consummated, Item 2, hereof, becomes void and of no effect.

ARTICLE TWENTY-TWO (22)

Production Worker Local Unions

1 **SECTION 1 – REPRESENTATION AND BARGAINING**

2 **SEC. 1.** This Association or any local union chartered for such purpose acting through its
3 or their duly authorized officers or representatives shall have authority to represent and bargain
4 collectively for employees performing production work. Production local unions shall file with the
5 General Office copies of all agreements between them and employers of employees represented
6 by them.

7 **SECTION 2**

8 **SEC. 2.** The provisions of Sections 1(c), 2, 3(a), 6, 9(f), 9(j), 9(k), 9(r), 10(a), and 10(b),
9 of Article Sixteen (16) and Article Twenty-Six (26) shall not apply to production worker members
10 of production local unions.

11 The exemption of Article Sixteen (16), Section 10(a), contained in the first sentence of this
12 Section does not apply to such employees of employers engaged in the production or
13 manufacturing field in this industry who are not permitted to work or be sent outside of the shops
14 or plants in which they are employed to perform work except to inspect warranty failure and to
15 supervise the correction of faulty products.

16 **SECTION 3**

17 **SEC. 3.** The special rules specified in this Article shall apply only to production local
18 unions and the members thereof and to production worker members of other local unions and shall
19 not apply to any other local unions or members unless specifically so provided in this Constitution.
20 All of the provisions and requirements of this Constitution governing the administration and
21 operation of local unions and the duties and obligations of officers, representatives, and members
22 thereof except to the extent that they are modified by the provisions of this Article, shall apply to
23 production local unions, the officers, representatives, and members thereof.

ARTICLE TWENTY-TWO (22)

24

SECTION 4 – GOVERNMENT

25 **SEC. 4.** Production local unions shall not adopt any rules, regulations or policies which in
26 any way conflict with the provisions or intent of this Constitution nor shall any additional rules or
27 regulations not included in this Constitution be adopted until they have been first submitted to the
28 General Secretary-Treasurer for consideration and official notice of approval received from the
29 General Secretary-Treasurer.

30

SECTION 5 – REQUIREMENTS FOR LOCAL UNION CHARTER

31 **SEC. 5.** Ten (10) or more persons who qualify for membership in accordance with the
32 provisions of Article Sixteen (16) of this Constitution may make application for membership and
33 for a production local union charter.

34

**SECTION 6 – APPLICATION FOR MEMBERSHIP,
INITIATION AND INITIATION FEE**

35

36 **SEC. 6(a). Initiation.** Production local unions may accept an applicant for membership
37 into the local union if the applicant fulfills the following obligations of membership.

38 The applicant completes, signs and forwards to the financial secretary-treasurer of the local
39 union the standard official form of application for membership into production local union. Said
40 application form shall contain a statement to the effect that he or she agrees to be governed by the
41 principles and policies of this Association and the Constitution thereof as they then exist or as they
42 may be changed or amended thereafter and that he or she will further abide by the valid rules and
43 decisions of the local union.

44 **SEC. 6(b). Initiation Fee.** Each applicant for membership shall be initiated upon receipt
45 by the local union of his or her first month's dues which payment must be made within thirty-one
46 (31) days after he or she files his or her application for membership.

47 All production local unions shall charge an initiation fee of not less than Twenty-Five
48 Dollars (\$25.00). Not less than forty-five percent (45%) of each initiation payment plus the
49 International monthly per capita dues shall be forwarded to the General Office. The International
50 initiation fee shall be Eleven Dollars and Twenty-Five Cents (\$11.25) or forty-five percent (45%)
51 of the local union initiation fee, whichever is greater, and shall be forwarded to the General Office
52 within six (6) months after application for membership.

53 At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid
54 to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the
55 General Executive Council between the SMART Local Unions and Councils Pension Fund
56 (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the
57 Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal
58 Workers' International Staff Pension Fund.

ARTICLE TWENTY-TWO (22)

59 Dues shall be paid in advance beginning with the month in which the initiation is properly
60 recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is
61 authorized or permitted to lower its initiation fee below the amount specified in this Section
62 without permission from the General President.

63 **SEC. 6(c).** The financial secretary-treasurer shall read the names of the applicants for
64 membership at the next regular meeting of the local union following receipt of the application.

65 **SEC. 6(d).** The financial secretary-treasurer shall read the names of all members initiated
66 since the last regular meeting.

67 **SEC. 6(e).** After the applicant is initiated, the financial secretary-treasurer shall so certify
68 over his or her signature on the standard form of application, affix the seal of the local union,
69 endorse thereon the date of initiation and the amount of initiation fee paid and promptly forward
70 the original official application and obligation to the General Secretary-Treasurer.

71 In the event an applicant is initiated and fails to pay his or her full initiation fee in
72 accordance with the provisions of Section 6(b) herein, he or she shall be automatically suspended
73 from membership.

74 Anyone who shall certify to any false statement or answer on the official form of
75 application for membership or who shall otherwise by false pretense, misrepresentation, or fraud
76 attempt to secure membership in this Association or any local or council thereof, shall immediately
77 forfeit all rights and further consideration of his or her application and forfeit all monies paid by
78 him or her toward initiation fee.

79 **SECTION 7 – REINSTATEMENT AND REINITIATION FEE**

80 **SEC. 7(a).** Production local unions shall charge a reinstatement fee of Fifty Dollars
81 (\$50.00), of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an
82 International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to
83 this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on
84 a basis determined by the General Executive Council between the SMART Local Unions and
85 Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund
86 (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the
87 Sheet Metal Workers’ International Staff Pension Fund. In any case such reinstated member shall
88 additionally pay dues in advance beginning with the month in which reinstatement is properly
89 recorded by the General Secretary-Treasurer.

90 **SEC. 7(b).** Production local unions shall charge not less than Fifty Dollars (\$50.00) for
91 reinitiation fee, of which Twenty-Two Dollars and Fifty Cents (\$22.50) or forty-five percent
92 (45%), whichever is greater, shall be sent to the General Secretary-Treasurer as an International
93 reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section
94 shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis
95 determined by the General Executive Council between the SMART Local Unions and Councils
96 Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada)

ARTICLE TWENTY-TWO (22)

97 and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet
98 Metal Workers' International Staff Pension Fund. In any case such reinitiated member shall
99 additionally pay dues in advance beginning with the month in which reinitiation is properly
100 recorded by the General Secretary-Treasurer.

101 **SEC. 7 (c).** The individual reinstating or reinitiating to membership may, at the option of
102 the local union, have a time period of up to twelve (12) months to pay the reinstatement or
103 reinitiation fee.

104 **SECTION 8 – COUNCILS**

105 **SEC. 8.** Production local unions shall be permitted but not required to join any state,
106 provincial, or district council covering the territory in which such production local unions are
107 located.

108 **SECTION 9 – DUES PAYMENT**

109 **SEC. 9.** All production local unions shall comply strictly with all provisions and
110 requirements of this Constitution with regard to the payment of dues and other obligations and the
111 proper acknowledgement and recording of same on official receipts in triplicate form prescribed
112 by the General Secretary-Treasurer.

113 **SECTION 10 – TRANSFER**

114 **SEC. 10(a).** Production worker members shall have the right to transfer from one
115 production worker local union to another or to a mixed local union as a production worker in
116 accordance with the requirements of Section 9 of Article Sixteen (16), but shall not be permitted
117 to transfer to a building and construction trades local union as a building tradesman, except as
118 provided in Section 10(b) of this Article.

119 **SEC. 10(b).** No production worker member shall be entitled to transfer to a building and
120 construction trades local union as a building tradesman unless, after appearance before an
121 examining board of the building and construction trades local union, he or she is able to
122 demonstrate that he or she is capable of performing the type of sheet metal work coming within
123 the jurisdiction of such local building and construction trades union in accordance with the
124 standards of workmanship established by such local union. Any production worker member who
125 is admitted by transfer card to any local union of this Association shall pay to said local union the
126 difference, if any, between the amount of initiation fee actually paid prior to his or her transfer as
127 recorded in the General Office and the established initiation fee of the local union in which his or
128 her transfer card is deposited and accepted.

129 **SECTION 11 – UNION EMPLOYER**

130 **SEC. 11.** No shop, plant, facility or subdivision thereof shall be considered "Union" unless
131 the employer is a party to a collective bargaining agreement with this Association or one of its
132 affiliated local unions which provides that all employees in the collective bargaining unit shall

ARTICLE TWENTY-TWO (22)

133 become and remain members of this Association except that, in those states in which a union shop
134 agreement is contrary to law, the requirements of this Section will be satisfied if all employees
135 within the unit have voluntarily become and remain members of this Association.

136 **SECTION 12 – STEWARDS**

137 **SEC. 12.** Such stewards as may be necessary to properly perform the applicable function
138 and duties as described in Section 2 of Article Fifteen (15) shall be appointed by the business
139 manager, or by the president if there is no business manager. The requirement in Article Twelve
140 (12), Section 3 of two (2) years’ continuous good standing in the local union shall not apply to this
141 Section.

142 **SECTION 13 – WITHDRAWAL CARDS**

143 **SEC. 13(a). Eligibility.** Except as otherwise provided in this Section, any member in good
144 standing who leaves the trade as a sheet metal worker and accepts employment in other industries
145 or in other trades shall, subject to the provisions of this Constitution, immediately make application
146 for and be issued a withdrawal card. No member in good standing against whom charges are
147 pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer
148 shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is
149 performing work covered by the claimed jurisdiction of this Association.

150 **SEC. 13(b). Application.** Application for withdrawal cards shall be made to the financial
151 secretary-treasurer of the local union of which the applicant is a member. Such application shall
152 be accompanied by payment of all dues, fees, and other financial obligations due the local union
153 and this Association to and for the month in which the withdrawal card is issued, plus a Five Dollar
154 (\$5.00) withdrawal card fee.

155 **SEC. 13(c). Employee Stock Ownership Plan (ESOP).** A member who acquires stock
156 ownership with a signatory employer pursuant to an ESOP negotiated with the member’s local
157 union shall be prohibited from receiving a withdrawal card.

158 **SEC. 13(d). Rights and Duties.**

159 **1. Reinstatement.** A member on withdrawal card who is eligible for membership who
160 wishes to return to employment as a sheet metal worker and become reinstated to membership,
161 shall have the right to deposit his or her withdrawal card with the local union which issued the
162 same and apply for reinstatement. The fee for reinstatement on a valid withdrawal card shall be a
163 minimum of Fifteen Dollars (\$15.00), and a maximum of Fifty Dollars (\$50.00) of which forty-
164 five percent (45%) shall be sent to the General Secretary-Treasurer as an International
165 reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section
166 shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis
167 determined by the General Executive Council between the SMART Local Unions and Councils
168 Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada)
169 and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet
170 Metal Workers’ International Staff Pension Fund. The General Secretary-Treasurer may reduce or

ARTICLE TWENTY-TWO (22) – ARTICLE TWENTY-THREE (23)

171 waive the withdrawal reinstatement fee for a local union, upon request. Deposit of withdrawal card
172 for purpose of reinstatement may be made by mail or by other method of delivery.

173 If the local union which issued a withdrawal card has ceased to exist, the holder of such
174 card, if eligible for membership, who desires reinstatement shall deposit same with any local union
175 and apply for reinstatement.

176 **2. Penalties.** Any member who fails or refuses to request and receive a withdrawal card in
177 accordance with the provisions of this Constitution within thirty (30) days from the change of his
178 or her employment status, as provided herein, shall not be permitted to pay any further dues or fees
179 to his or her local union or this Association and at the expiration of two (2) months from the date
180 of this change of employment status shall automatically forfeit his or her membership and all of
181 the rights and privileges in connection therewith. In the event the holder of a withdrawal card fails
182 or refuses to comply with the conditions provided in this Section, the local union issuing the
183 withdrawal card or the General Secretary-Treasurer, shall cancel same and no privileges and
184 benefits in connection therewith shall be reinstated except upon reinitiation in accordance with the
185 provisions of this Constitution.

186 Notice of any cancellation of withdrawal card shall be sent to the individual involved and
187 to the General Secretary-Treasurer.

ARTICLE TWENTY-THREE (23)

Pre-apprentices and Apprentice-Members

1 **SECTION 1**

2 **SEC. 1.** Any person meeting all the requirements and qualifications of the local union
3 apprenticeship standards shall make application of apprentice-membership and immediately be
4 admitted to apprentice-membership in such local union, and begin payment of apprentice-
5 membership dues and per capita dues unless prohibited by law.

6 If the apprenticeship committee cancels the apprenticeship agreement, the apprentice
7 member shall forfeit apprentice-member status.

8 Once an applicant becomes an apprentice-member he or she shall take the verbal oath of
9 obligation of membership either at a local union membership meeting or apprenticeship meeting
10 or class, and shall make the acknowledgements set forth in Article Sixteen (16), Section 3(a). A
11 designated local union officer shall administer the oath. The apprentice-member shall also sign a
12 copy of the oath of obligation, which a union officer shall witness.

13 Upon completion of all requirements of the apprenticeship program, the apprentice shall
14 then fulfill all remaining requirements, if any, of initiation as required by this Constitution and the
15 local union.

ARTICLE TWENTY-THREE (23)

16

SECTION 2

17 **SEC. 2(a).** All apprentice-members shall pay the initiation fee established by the local
18 union for apprentice-members in which they are indentured, forty-five percent (45%) of which
19 shall constitute the International initiation fee. At least thirty-five percent (35%) of the fees
20 collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%)
21 shall be apportioned on a basis determined by the General Executive Council between the SMART
22 Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and
23 Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent
24 (5%) shall be paid to the Sheet Metal Workers' International Association Staff Pension Fund. Such
25 initiation fee shall be paid over the term of and prior to completion of his or her apprenticeship
26 except that the local union may extend the period during which said initiation fee must be paid for
27 a period not to exceed ninety (90) days after completion of his or her apprenticeship.

28 **SEC. 2(b).** Local unions shall establish the dues of apprentice-members but in no case shall
29 the rate be less than minimum dues, payment of which will commence with the beginning of the
30 first year of apprenticeship.

31 **SEC. 2(c).** All monies paid by apprentice-members except for a monthly International per
32 capita dues and a local working assessment, if any, shall be credited to his or her initiation fee,
33 unless that fee is paid in full before the apprentice-member completes his or her apprenticeship in
34 which case such monies shall be treated as union dues.

35 **SEC. 2(d).** Apprentice-members and pre-apprentice members shall be subject to the
36 provisions of Article Sixteen (16), Sections 11 and 12(a), concerning suspensions and
37 reinstatement.

38 **SEC. 2(e).** Within ninety (90) days, all pre-apprentices shall pay the initiation fee
39 established by the local union and begin payment of pre-apprentice membership dues and per
40 capita dues unless prohibited by law. Forty-five percent (45%) of the fee shall be remitted to the
41 International Association. At least thirty-five (35%) of the fees collected pursuant to this Section
42 shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis
43 determined by the General Executive Council between the SMART Local Unions and Councils
44 Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada)
45 and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet
46 Metal Workers' International Staff Pension Fund. All monies paid by the pre-apprentice shall be
47 credited towards his or her initiation fee.

48

SECTION 3

49 **SEC. 3.** All monies accepted from pre-apprentices and apprentice-members, shall be
50 recorded on official SMART receipts designating his or her status as a pre-apprentice or
51 apprentice-member.

ARTICLE TWENTY-THREE (23)

52

SECTION 4

53 **SEC. 4.** Apprentice-members and pre-apprentices shall be entitled to attend all local union
54 meetings with a voice and vote on all matters, with the exception that they shall not be permitted
55 to hold any local union office or represent the local union in any official capacity. They shall be
56 entitled to all constitutional monetary benefits, including strike benefits accorded to other members
57 in good standing under the International Constitution. They shall be eligible to make application
58 for and be issued a withdrawal card in accordance with Article Sixteen (16), Section 6.

59

SECTION 5

60 **SEC. 5.** No pre-apprentice or apprentice-member shall perform work on any job unless he
61 or she is under the direct supervision of a qualified journeyman sheet metal worker, nor shall he
62 or she be assigned by his or her employer to work on a job in the jurisdiction of another local union
63 unless permitted by the relevant collective bargaining agreement, where the work is being
64 performed, approved by this Association.

65

SECTION 6

66 **SEC. 6.** All apprentice-members and/or pre-apprentice members shall be required to attend
67 periodic union orientation meetings which shall be scheduled at least quarterly and be conducted
68 by the local union business manager or his designated representative for the purpose of acquainting
69 them with the history, objectives, benefits and purposes of the labor movement in general, their
70 local union, the International Association of Sheet Metal, Air, Rail and Transportation Workers
71 and to inform them of their rights and obligations under the International Constitution and local
72 union by-laws.

73

SECTION 7

74 **SEC. 7.** The local union financial secretary-treasurer shall immediately notify the General
75 Secretary-Treasurer when an indentured apprentice-member enters military service. Apprentice
76 members who are called to military service may make application for special limited membership
77 or for a special withdrawal card in accordance with the provisions of Article Sixteen (16), Section
78 8. Apprentice-members who are called to military service must be given the opportunity to
79 complete their apprenticeship, provided that they resume their apprenticeship not later than ninety
80 (90) days after their discharge from military service. Apprentice-members who reapply to resume
81 their apprenticeship more than ninety (90) days after their discharge may be subject to discipline
82 for unauthorized absences, unless they are convalescing from an illness or injury that occurred
83 while in the military.

84

SECTION 8

85 **SEC. 8.** An apprentice-member, having been certified by the Local Joint Apprentice
86 Committee as having successfully completed the prescribed apprenticeship program, shall be
87 obligated as a journeyman without further membership application or examination by the local
88 union.

ARTICLE TWENTY-THREE (23) – ARTICLE TWENTY-FOUR (24)

89

SECTION 9

90 **SEC. 9.** The special rules in this Article shall apply only to apprentice-members and shall
91 not apply to any other members unless specifically so provided in this Constitution.

92

SECTION 10

93 **SEC. 10.** This Article shall not apply to the Railroad apprentices covered under Article
94 Twenty-One A (21A) of this Constitution.

ARTICLE TWENTY-FOUR (24)

Organizing, Apprentice/Organizing, and Education

1

SECTION 1

2 **SEC. 1.** All local unions shall establish and maintain a legitimate organizing and
3 educational program and/or continue any ongoing or previously established organizing and
4 educational programs including apprentice organizing. If a local union does not have an organizing
5 program, the International will bill the local union for the cost of assigning an International
6 Organizer. These programs shall be funded by the local union and may be further funded by an
7 approved organizing grant by the General President. The grant is subject to re-approval annually
8 by the General President and may be rescinded if the subsidized organizer or the local union is not
9 following the organizing policy issued by the International. The grant will pay up to one half (1/2)
10 of at least one (1) full time local union organizer’s annual salary. The grant may be expanded by
11 the General President for local unions with members in both building trades and production to pay
12 up to one half (1/2) of the annual salary of a second full-time organizer, from the ranks of the
13 production workers, dedicated to organizing production workers, if warranted by the financial
14 situation of the local union. This salary shall be defined as follows:

15 (1) Wage Rate:

16 (A) As determined by the local union

17 (2) Health and Welfare:

18 (A) Contributions to the local union Health & Welfare Trust Fund, or

19 (B) Contributions to the National Health Fund (whichever is applicable)

20 (3) Pensions-Annuities:

21 (A) Contributions to local union pension trust fund and/or

22 (B) Contributions to local union annuity funds (where applicable)

23 (C) Contributions to the Sheet Metal Workers’ National Pension Fund.

24 (D) Contributions to the Local Unions and Councils Pension Fund.

ARTICLE TWENTY-FOUR (24) – ARTICLE TWENTY-FIVE (25)

25

SECTION 2

26 **SEC. 2.** All new members and apprentice-members shall receive training in organizing and
27 industry promotional skills which shall cover labor union history, theory and methodology
28 including practical experience in organizing techniques.

ARTICLE TWENTY-FIVE (25)

Union Label

1

SECTION 1

2 **SEC. 1.** The General Secretary-Treasurer shall have prepared and registered a trademark
3 label to be known as the Official Union Label, and said union labels shall be for the use of local
4 unions and good standing members thereof, in the manner and within the limitation specified in
5 this Constitution. Union labels shall be of such design, material, or method of application as may
6 be determined by the General Secretary-Treasurer with the approval of the General Executive
7 Council, provided that each union label identify, by serial number or otherwise, the local union to
8 which it was issued.

9

SECTION 2

10 **SEC. 2.** Upon the written request of local unions all union labels shall be issued and
11 distributed by the General Secretary-Treasurer to local unions at list price.

12

SECTION 3

13 **SEC. 3.** Local unions shall require a strict accounting of all union labels issued by them to
14 signatory contractors for use by good standing members thereof and shall require the return of all
15 unused union labels.

16

SECTION 4

17 **SEC. 4.** The use of union labels of this Association is limited to strictly union-made
18 products, manufactured, assembled and fabricated by none but good standing members of a local
19 union affiliated with this International Association and all members must recognize such union
20 label. No union label of this Association shall be applied to any sheet metal work that has not been
21 so manufactured, assembled and fabricated.

22

SECTION 5

23 **SEC. 5.** The union label may be applied by members of a local union to all sheet metal
24 products actually manufactured, assembled and fabricated within the jurisdiction of and by
25 members of said local union, but no local union or member thereof shall apply the union label to
26 any sheet metal products manufactured, assembled and fabricated outside of their own jurisdiction.
27 The SMART union member stamp shall be applied manually to all drawings, sketching, drafting,

ARTICLE TWENTY-FIVE (25) – ARTICLE TWENTY-SIX (26)

28 detailing, design, redesign and coordination by computer (CAD), manual or otherwise. The stamp
29 shall remain the property of the local union or the International Association.

30 **SECTION 6**

31 **SEC. 6.** Union labels shall remain at all times the property of the International Association
32 and in the custody of the local union, and shall at no time be issued or distributed in any manner
33 that will permit or afford opportunity for them to be used by any other than a member in good
34 standing, provided that if the union label is permitted to be used, or if there is a risk that the union
35 label may be used as a means or for the purpose, intentionally or unintentionally, of deceiving
36 purchasers of fabricated products, sheet metal workers on job sites, or members of the public at
37 large as to whether an item has been made by employees of a signatory employer, or in any other
38 manner not authorized by this Constitution, it may be withdrawn at the sole discretion and direction
39 of the General President or by the local union with the approval of the General President.

40 **SECTION 7**

41 **SEC. 7.** Each local union should urge and encourage the use of union labels on all strictly
42 union-made sheet metal products, and should urge and educate the public to demand the union
43 label as a guarantee of first class workmanship performed by union labor.

44 **SECTION 8**

45 **SEC. 8.** Union labels shall be furnished by local unions in sufficient numbers to meet the
46 requirements and conditions specified in this Constitution.

ARTICLE TWENTY-SIX (26)

Union Shop

1 **SECTION 1**

2 **SEC. 1.** A sheet metal shop, manufacturing facility or other business who employs
3 members of this Association shall not be considered a union facility or business unless the owners
4 sign and remain parties to an agreement with the local union of this Association in whose
5 jurisdiction such shop or business is located. No shop, facility or business shall be recognized as
6 union or entitled to the privileges or use of the shop card or label unless it employs workers in
7 good standing and with full membership in this Association on all work covered by Article One
8 (1), Section 5, of this Constitution, and permits not more than one (1) owner, partner or other
9 person directly or indirectly financially interested in the management of such shop or business to
10 work with the tools of the trade and then in the shop only.

ARTICLE TWENTY-SEVEN (27) – ARTICLE TWENTY-NINE (29) –
ARTICLE TWENTY-EIGHT (28)

ARTICLE TWENTY-SEVEN (27)

Union Shop Card

SECTION 1

SEC. 1. The General Secretary-Treasurer shall have prepared, printed and registered a union shop card which shall be issued to local unions at list price.

SECTION 2

SEC. 2. The use of said union shop cards shall be limited to this Association and to local unions in good standing, and through them only to employers who sign and comply with all of the provisions and requirements of a union agreement with this Association or with a local union affiliated therewith.

SECTION 3

SEC. 3. When authority is given to any employer to use and display the union shop card, said union shop card shall bear the signature of the General President and General Secretary-Treasurer of this Association or the president and financial secretary-treasurer and seal of the local union authorizing its use. Union shop cards shall always remain the property of this Association and authority to use and display same shall be immediately revoked, and said shop card taken up from any shop for failure to conform to any of the conditions specified herein under which the use and display of the union shop card was authorized.

ARTICLE TWENTY-EIGHT (28)

Standard Form of Union Agreements

SECTION 1

SEC. 1. The desirability of uniformity in local union agreements, particularly with regard to certain basic conditions of employment being recognized, this Association shall prepare and furnish to each local union a uniform Standard Form of Union Agreement for construction to be used in all negotiations with employers.

SECTION 2

SEC. 2. The General Executive Council shall select the most essential terms of the Standard Form of Union Agreement (SFUA), including any amendments, which shall be the basic minimum provisions required of all subordinate bodies negotiating local versions of the SFUA. The General President shall send the basic minimum provisions to each local union and council as well as shall promptly notify each subordinate body of any SFUA changes. No local union shall put into effect any contract provision in conflict with the basic minimum provisions of the SFUA. Each subordinate body shall supply this Association a list of all collective bargaining agreements,

ARTICLE TWENTY-EIGHT (28)

14 including their durations and expiration dates, and shall update the list promptly after any change
15 occurs. Violation of this Section shall be grounds for disciplinary action under Article Seventeen
16 (17).

17 **SECTION 3**

18 **SEC. 3(a).** No local union or officer, representative or member thereof, shall waive or
19 relinquish claim to any work specified in the jurisdictional claims of this Association as set forth
20 in Section 5 of Article One (1) of this Constitution, or submit same to arbitration except with the
21 approval and written consent of the General President.

22 **SEC. 3(b).** No local union officer or representative shall enter into any agreement with
23 employers which impairs the valid contractual rights of members of other local unions affiliated
24 with this Association or employers with whom such local unions have valid union agreements so
25 long as such contractual rights contained in such local union agreements are not inconsistent with
26 this Constitution and policies of this Association. In the event such agreement is consummated, in
27 addition to other penalties provided in this Constitution, its application shall be confined to the
28 territorial jurisdiction of the signatory local union; and any other local union in whose territorial
29 jurisdiction the signatory employer performs work may, with the approval of the General
30 President, refuse to recognize said employer as a union employer unless he or she signs the
31 collective bargaining agreement of such local union. The General President shall also have the
32 authority to take such action as he deems necessary, after proper notice according to this
33 Constitution.

34 **SEC. 3(c).** It is the policy of this Association to require participation by all United States
35 Building Trades Local Unions in (1) the International Training Institute, a trust fund established
36 in part by this Association for the purpose of assisting in establishing and maintaining programs
37 of apprentice and journeyman training and related purposes, (2) the National Energy Management
38 Institute Committee, a trust fund established in part by this Association for the purpose of
39 stimulating projects that will provide work for our members by applying up-to-date technological
40 methods by making buildings more energy efficient, and (3) the Sheet Metal Occupational Health
41 Institute Trust, a trust fund established in part by this Association for the purpose of promoting
42 medical screening and medical and scientific research related to asbestos and other occupational
43 health hazards in the Sheet Metal Industry. Building trades local unions shall adopt and maintain
44 participation in the designated trust funds at the appropriate contribution rates for building trades
45 journeymen and apprentices at a minimum and additional classifications in the discretion of the
46 General President as a condition of affiliation with this International Association. Any such local
47 union that fails to negotiate into collective bargaining agreements with its employers participation
48 in any of these mandatory trust funds shall become liable individually for the contributions thereto
49 that would have been made by its signatory employers if they were participants therein, and the
50 General Secretary-Treasurer shall be entitled to refuse to accept and record per capita dues
51 forwarded by any such local union unless it also forwards to the trust fund involved a sum of
52 money equivalent to the contributions on behalf of its members which would have been payable
53 by its signatory employers if they were participating therein.

ARTICLE TWENTY-EIGHT (28) – ARTICLE THIRTY (30)

54

SECTION 4

55 **SEC. 4.** Local unions shall file with the General Office in an electronic format approved
56 by the General Secretary-Treasurer signed copies of union agreements with a record of all
57 employers party thereto, in all cases where contractual relations have been established under said
58 agreement.

59

SECTION 5

60 **SEC. 5.** Should the local union and the employers fail to agree upon terms and conditions
61 of employment, the local union shall immediately notify the General Secretary-Treasurer in
62 writing, with a detailed report of negotiations and developments to date. If circumstances warrant,
63 an International Representative may be assigned by the General President to render assistance and
64 help negotiate an agreement.

ARTICLE TWENTY-NINE (29)

**Delegates to AFL-CIO and Members on Special Assignment
from International Association**

1

SECTION 1

2 **SEC. 1.** Delegates to conventions of the American Federation of Labor and Congress of
3 Industrial Organizations and its Departments and all members on special assignment for the
4 International Association, except full-time General Officers under salary, shall receive Two
5 Hundred and Fifty Dollars (\$250.00) per day as compensation and One-Hundred Dollars (\$100.00)
6 per day for expenses and in addition thereto, reasonable cost of lodging and air transportation.

ARTICLE THIRTY (30)

Strikes

1

SECTION 1 – STRIKE/DEFENSE FUND

2 **SEC. 1.** The General Secretary-Treasurer shall set aside from each monthly individual
3 International per capita dues, the sum of Seventy-Five Cents (\$.75), in a fund designated and
4 known as the Strike/Defense Fund and to pay from such fund the benefits provided in this Article.

5 In the event the amount of money in the Strike/Defense Fund exceeds an amount which
6 the General Executive Council deems sufficient to maintain the integrity of the Fund, the General
7 Secretary-Treasurer with the approval of the General Executive Council is authorized to transfer
8 any part of said excess amount to the General Fund.

9

SECTION 2 – NATIONAL JOINT ADJUSTMENT BOARD EXPENSES

10 **SEC. 2.** The expenses of the International Association directly related to the meetings of

ARTICLE THIRTY (30)

11 the National Joint Adjustment Board shall be funded by the Strike/Defense Fund. In addition, this
12 Fund shall reimburse the normal expenses incurred for travel, hotel and meals by one (1)
13 representative from the local union to travel to the appropriate meeting of the National Joint
14 Adjustment Board to present a case brought under Article Ten (10), Section 8, of the Standard
15 Form of Union Agreement.

16 SECTION 3 – STRIKES

17 **SEC. 3(a).** The authority or consent of the International Association shall not be required
18 for a local union to call a strike following the termination or expiration of a collective bargaining
19 agreement.

20 No cessation of work through strike or otherwise shall be permitted or ordered by a local
21 union or any officer or officers thereof unless it is authorized and approved at a special meeting
22 called for the purpose of voting on the question of whether such strike is advisable or desirable.
23 Notice of the time and place and purpose of such meeting shall be given to each member and it
24 shall require two-thirds (2/3) vote by secret ballot of all members present at such meeting to legally
25 declare a strike.

26 In any dispute which does not arise out of a notice to terminate or to reopen an existing
27 collective bargaining agreement, the General President may order and direct the local union and
28 the members thereof to refrain from cessation of work, or in the event of a strike, to direct the
29 members to return to work if, in his judgment, such strike or threatened strike is a violation of an
30 existing collective bargaining agreement or this Constitution or the policies of this International
31 Association.

32 **SEC. 3(b).** When a local union strike has been approved in the manner provided in Section
33 3(a) of this Article, official notice thereof shall be filed with the General Secretary-Treasurer with
34 the record of the effective date of said strike, and the purpose thereof.

35 SECTION 4 – STRIKE BENEFITS

36 **SEC. 4(a).** In the event a local union desires to seek strike benefits, application therefore
37 shall be filed with the General President in sufficient time prior to the strike date to permit him to
38 approve or disapprove such application before the strike occurs. No strike benefits shall be paid if
39 a strike occurs prior to the approval of the payments of such benefits by the General President.

40 **SEC. 4(b).** This Association shall not be under obligation to pay strike benefits in any
41 particular strike. Such benefits shall be paid solely in the discretion of the General President and
42 then only subject to the terms and conditions provided for in this Article, except that the General
43 President may in extenuating circumstances waive the requirements of Section 4(c) of this Article
44 concerning when strike benefits begin and payment of benefits for fractional weeks.

45 **SEC. 4(c).** If the strike is approved by the General President for the purpose of strike
46 benefits, such benefits shall be paid through the local union involved on the basis of not more than
47 One Hundred Fifty Dollars (\$150.00) per week for each good standing member actually

ARTICLE THIRTY (30)

48 participating in the strike. Benefits shall begin at the end of the second full week of the strike and
49 continue thereafter for such period as may be determined by the General President or General
50 Executive Council. No strike benefits shall be paid for any fractional part of a week.

51 **SEC. 4(d).** No member shall be eligible for strike benefits unless prior to the strike his or
52 her dues and other obligations have been actually paid and properly recorded on official receipt,
53 in accordance with the provisions of this Constitution, at least for the current month in which the
54 strike occurs, and in advance, for at least each current month thereafter during the period of strike,
55 unless the member is on dues check off. If dues have been withheld from the employee's wages
56 by his or her employer pursuant to a valid check off authorization, and the company has failed to
57 remit the dues prior to the strike, the member will be eligible for strike benefits if his or her dues
58 are paid for the month prior to the strike. A member on dues check off must then continue to pay
59 his or her dues for each month thereafter during the period of the strike but is not responsible for
60 the month of dues withheld by his or her employer. Members who fail to comply with said
61 requirements shall forfeit all rights to strike benefits.

62 **SEC. 4(e).** When payment of strike benefits has been approved, as provided in this Article,
63 the local union shall file with the General Secretary-Treasurer a record of the effective date of the
64 strike, the names and membership numbers of all members participating in the strike, and the date
65 of his or her current receipt and the period covered by such receipt, together with the names of the
66 employers involved. The local union shall also file with the General Secretary-Treasurer the names
67 of all pre-apprentices who are not yet members and others of a similar status approved by the
68 General President whose participation in support of the strike has been sanctioned by the local
69 union. A like record and report shall be filed with the General Secretary-Treasurer each week
70 thereafter with a record of any settlements reached subsequent to the date of strike. Such reports
71 shall be signed by the president and recording secretary unless one of these officers is not available,
72 then any other elected officer may sign the reports, so as to provide an accurate and complete
73 record of the duration of the strike and the period for which each member was involved.

74 **SEC. 4(f).** Strike benefits and donations for strike purposes, when authorized and approved
75 by the General President, shall be paid by the General Secretary-Treasurer through the financial
76 secretary-treasurer of the affiliated local union involved, who shall, on receipt of said benefits or
77 donations, immediately record receipt of same on official receipt either in electronic format or in
78 triplicate form and immediately forward the original of said official receipt to the General
79 Secretary-Treasurer in acknowledgement of monies thus received. The electronic or white
80 duplicate (copy) of said official receipt shall also be included with the next monthly remittance
81 and report sent to the General Secretary-Treasurer.

82 **SEC. 4(g).** The General President shall not approve or authorize payment of strike benefits
83 in more than one strike at any one time unless circumstances, in his opinion, warrant and justify
84 such approval and authority, to protect the general welfare of members involved in controversies.

85 **SEC. 4(h).** Whenever it is deemed necessary by the General President, he may authorize
86 payments to assist in defraying expenses of a strike committee, whether or not in addition to the
87 strike benefits provided above, in such amounts and by such methods of payment as he may, in his

ARTICLE THIRTY (30) – ARTICLE THIRTY-ONE (31)

88 discretion, decide, provided that no such payment shall exceed the sum of Fifteen Thousand
89 Dollars (\$15,000.00) in any one strike without the approval of the General Executive Council.

90 **SEC. 4(i).** An itemized statement of all monies received and disbursed by local unions, in
91 connection with strikes shall be submitted to the General Secretary-Treasurer each week, and any
92 local union which shall fail or neglect to submit such weekly statements shall forfeit all rights to
93 strike benefits or donations and allowances for strike purposes from this Association.

94 **SEC. 4(j).** The General President shall have authority to discontinue payments of any or
95 all strike benefits or donations and allowances for strike purposes whenever he deems such action
96 advisable.

97 **SEC. 4(k).** Notwithstanding any other provisions of this Article, the General Executive
98 Council shall have the authority to make such adjustments as to the amount of benefits to be paid
99 in specific situations as it may deem necessary, having in mind the need to accumulate a substantial
100 sum in said Fund and the financial conditions of said Fund at the time of such adjustment.

101 **SECTION 5 – LOCKOUTS**

102 **SEC. 5.** In the event of a lockout by the employers the provisions of Section 4 of this
103 Article shall govern insofar as they may be applicable.

104 **SECTION 6 – FINANCIAL ASSISTANCE**

105 **SEC. 6.** When local unions through assessments, voluntary contributions from members,
106 or other appropriate means have established special funds, sometimes known as Defense Funds,
107 to defray the costs of engaging in legally permissible concerted activities including picketing
108 directed at non-union or unorganized employers in the sheet metal industry, they may apply for
109 financial assistance from the Strike/Defense Fund when same is necessary to enable such local
110 unions to engage in effective campaigns against such non-union or unorganized employers. Local
111 union requests for such financial assistance for such purpose or for other appropriate purposes for
112 which assistance is warranted shall be directed to the General President who shall be authorized to
113 grant benefits for such purposes in the same manner and under the same procedures as Strike
114 Benefits under this Article.

115 Payment from the Strike/Defense Fund may also be made to members of local unions or
116 other workers engaging in various types of concerted or individual activities supportive of policies
117 endorsed by this International Association provided that a request therefore is submitted by the
118 business manager of the local union to the General President and approved by him.

ARTICLE THIRTY-ONE (31)

1 **Political Action League (PAL)**

2 **SEC. 1.** Local unions are urged to establish Local PAL Funds which should be created in
3 accordance with provisions of applicable state and local laws, and administered by a Local PAL

ARTICLE THIRTY-ONE (31) – ARTICLE THIRTY-
TWO (32) – ARTICLE THIRTY-THREE (33)

4 Committee appointed by the local union business manager. Local PAL funds shall be used solely
5 to make contributions and expenditures in support of or opposition to candidates for state, county,
6 municipal and other non-federal offices in either primary or general elections and in support of or
7 opposition to state, county, municipal and other non-federal issues and membership education and
8 information purposes.

9 No Local PAL funds shall be used directly or indirectly to make contributions or
10 expenditures in support of or opposition to any candidates for President, Vice President, Senate,
11 House of Representatives or other federal office in either a primary or general election in the
12 United States. All contributions and expenditures in support of or opposition to candidates for
13 federal office shall be made by National PAL. Local unions in Canada are urged to contribute to
14 the SMART Canadian Political Action Fund (PAF) as appropriate under Canadian federal and
15 provincial law, which will make contributions to those candidates for public office who support
16 the aims and goals of SMART locals in Canada. Furthermore, all Local Unions shall establish and
17 maintain a legitimate political action and educational program, and/or continue any ongoing or
18 previously established political action and educational programs consistent with the directives of
19 this International Association.

ARTICLE THIRTY-TWO (32)

**General Convention and Business Managers' and
Business Representatives' Conference Fund**

1 **SEC. 1.** The General Secretary-Treasurer shall set aside the sum of One Dollar (\$1.00)
2 from each monthly individual International per capita dues in a fund designated as the General
3 Convention and Business Managers' and Business Representatives' Conference Fund and to pay
4 from said fund such amount as may be necessary to defray the cost of such International
5 Conventions and Conferences.

ARTICLE THIRTY-THREE (33)

Amendments and New Laws

1 **SECTION 1 – AMENDMENTS**

2 **SEC. 1(a).** Amendments to this Constitution or Ritual may be submitted by any local union
3 or council, the General President, General Secretary-Treasurer, the General Executive Council or
4 by the Constitution Committee.

5 **SEC. 1(b).** Amendments submitted by local unions, councils, Transportation Division
6 State Legislative Boards and Transportation Division General Committees must be submitted
7 separately by subject matter in resolution form and filed in triplicate with the General Secretary-
8 Treasurer at the General Office at least sixty (60) days prior to the opening of the Convention at
9 which such amendments are to be considered unless the requirements of this paragraph are waived
10 by a two-thirds (2/3) vote of the delegates in the Convention.

ARTICLE THIRTY-THREE (33)

11 All resolutions proposed by any member of the local union shall be submitted to the local
12 union Executive Board at least thirty (30) days prior to the submission thereof to the local union
13 for consideration.

14 All resolutions passed by local unions or councils must bear the signature of the president
15 and recording secretary and the seal of the local union or council.

16 **SEC. 1(c).** Amendments submitted by the General President, General Secretary-Treasurer
17 or the General Executive Council may be submitted in the form of resolutions or as
18 recommendations contained in their respective reports.

19 **SEC. 1(d).** Amendments submitted by the Constitution Committee may be submitted in its
20 report to the Convention.

21 **SEC. 1 (e).** It shall require a two-thirds (2/3) vote of the delegates present at the Convention
22 to enact such amendments.

23 **SEC. 1(f).** At any time the General Executive Council, by a majority vote, deems a new
24 law necessary to govern this Association in any matter not provided for in this Constitution, it may
25 recommend and submit same through the General Secretary-Treasurer to local unions for
26 referendum vote, and it shall require a two-thirds (2/3) majority of all members voting in
27 referendum to adopt such new law. The General Secretary-Treasurer shall report the result of
28 referendum to local unions.

29 **SEC. 1(g).** Proposals for new laws when approved and endorsed by ten (10) or more local
30 unions located in ten (10) or more different states, provinces or territories at regular or special
31 called meetings may be submitted to the General Secretary-Treasurer for consideration by the
32 General Executive Council, and if approved by a majority of the General Executive Council said
33 proposed new laws shall be submitted to a referendum vote in accordance with Section 1(f) of this
34 Article.

35 **SEC. 1(h).** New laws when approved and adopted by referendum vote in the manner
36 specified in this Constitution become a part of this Constitution and effective immediately
37 thereafter.

38 **SEC. 1(i).** The General Executive Council shall have authority between Conventions to
39 amend this Constitution in any manner required to remove any conflict between its provisions and
40 those of any federal law without the necessity of the referendum vote required in Section 1(f) of
41 this Article. Notwithstanding any other provision of this Article, the General Executive Council
42 shall have the authority between Conventions to amend Article Twenty-One A (21A) of this
43 Constitution or to amend Article One (1), Section 5 of this Constitution to add (but not delete)
44 work claimed by the Association without the necessity of the referendum vote required in Section
45 1(f) of this Article.

ARTICLE THIRTY-FOUR (34) – RITUAL

ARTICLE THIRTY-FOUR (34)

SECTION 1 – INVALIDITY

SEC. 1. In the event any Article or Section of this Constitution or any portion thereof shall be or become legally invalid or unenforceable, such invalidity or unenforceability shall not affect or invalidate any other Article or Section of this Constitution or any portion thereof.

SECTION 2 – GENDER

SEC. 2. Whenever in this Constitution a masculine noun or pronoun is used it shall include the feminine case as well whenever such interpretation is consistent with sound construction.

ARTICLE RITUAL

INITIATION CEREMONIES

Except as provided in Section 6 of Article Twenty-Two (22), applicants for membership who have complied with all requirements of this Constitution and whose applications have been accepted may be obligated by the president or presiding officer of the local union either at a local union meeting or meeting of the local union Executive Board.

At the appointed time for initiation, the president or presiding officer shall then address the applicants for membership, as follows:

“Your official form of application for membership in this local union chartered by and affiliated with the International Association of Sheet Metal, Air, Rail and Transportation Workers has been accepted by this local union, with the understanding that the answers submitted by you over your signature to questions contained in official form of application are true and accurate in every respect. You have signified in your application that you are familiar with and willingly subscribe to all of the provisions and requirements of the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers. We will now administer the obligation of membership after which you will sign this same obligation as a matter of record. Repeat after me the following obligation of membership, mentioning your name where I mention mine.

“I, _____, hereby certify that I am familiar with and willingly agree to abide by all of the provisions and requirements of the SMART Constitution. In consideration of the acceptance of my application and being obligated as a member, I hereby agree to remain loyal to the principles and policies and to be governed by the SMART Constitution.

“I further agree to respect elected officers, brother and sister members, and to honor all local union rules and regulations not in conflict with this Constitution, to uphold the authority of the president, business manager, business representatives, and other elected officials, and to always conduct myself in a manner which holds the Union in the highest regard. I agree to work faithfully to protect and defend the rights of all of our members, and to display a positive attitude when

RITUAL – INSTALLATION

26 representing the Union in any way. Finally I agree to devote myself to the betterment of the Union
27 and remain steadfast in my support and defense of the working rules, working conditions, wages
28 and fringe benefits negotiated for me by my Local Union, and that by this oath taken I am duly
29 obligated to all articles and sections of the SMART Constitution and Ritual.”

30 After the obligation of membership has been administered orally to the applicant, the
31 president shall rap twice with his or her gavel and request all members to be seated. The applicant
32 shall then affix his or her signature to the obligation of membership and the presiding officer and
33 financial secretary-treasurer shall affix their signatures thereto as attesting witnesses, after which
34 the president or presiding officer shall address the applicant as follows:

35 “I now declare you duly obligated. You are already familiar with your duties, obligations,
36 rights and privileges specified in our Constitution. You will, therefore, be governed accordingly. I
37 now desire to give you the following instructions:

38 “Your official dues receipt recording actual payment of dues in advance in accordance with
39 our Constitution will establish your identity to the conductor prior to the opening of meetings.
40 Should you desire to gain admission to the hall after the meeting has started, present your official
41 dues receipt to the warden and if you are in good standing he or she will admit you. Should you be
42 without official dues receipt, the warden will report your name and membership number to the
43 financial secretary-treasurer and if you are in good standing and entitled to admission, he or she
44 will so inform the president who shall instruct the warden to admit you. Should you desire to retire
45 while the meeting is in session, rise and ask permission of the president. The usual voting sign is
46 made by the elevation of the right hand, and is used in voting in favor of or against all questions.”

47 The president or presiding officer may then introduce the newly obligated member and
48 declare a short recess to provide opportunity for proper introduction and greeting, after which the
49 president or presiding officer will rap once with his or her gavel for order, when the members will
50 be seated, and the newly obligated member escorted to the financial secretary-treasurer’s desk to
51 receive instructions regarding his or her financial obligations.

52 In case there is more than one (1) applicant for initiation, the Ritual can be readily changed
53 from singular to plural.

INSTALLATION CEREMONIES

1 The installing officer shall appoint an assistant and direct the retiring officers to vacate
2 their positions. He or she shall then direct the newly elected officers to be obligated and installed
3 to be seated together. He or she shall then proceed to administer the obligation, and he or she shall
4 direct each newly elected officer to place his or her right hand on his or her left breast and repeat
5 the following obligation.

RITUAL – INSTALLATION – OBLIGATION LU OFFICERS – OBLIGATION GENERAL OFFICERS – PARLIAMENTARY RULES

OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

1 In the presence of the members of this _____ I, _____ certify that I am familiar
2 with the provisions of the SMART Constitution and I do hereby pledge myself to perform the
3 duties of the office to which I have been elected, in the manner specified by the SMART
4 Constitution; that I will be faithful and regular in attendance at meetings unless prevented by cause
5 beyond my control; that in the performance of all of my official duties I will require all members
6 to comply fully with their duties and obligations and will give due consideration to the rights of
7 all members without prejudice and without exception; that I will deliver to my successor all books,
8 papers, monies, or other property of this local union which may be in my possession at the close
9 of my official term all in accordance with this pledge and obligation taken.

1 **OBLIGATION OF GENERAL OFFICERS**

2 In the presence of the delegates of the International Association of Sheet Metal, Air, Rail
3 and Transportation Workers here assembled in Convention, I, _____, do hereby certify that I
4 am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to
5 perform the duties of the office to which I have been elected, during my official term and in the
6 manner specified by the SMART Constitution, and that in the performance of my official duties I
7 will require all members to comply fully with their duties and obligations and will give due
8 consideration to the rights of all members without prejudice and without exception, and that I will
9 deliver to my successor all books, papers, monies, or other property of this Association which may
10 be in my possession at the close of my official term, all in accordance with this pledge and
11 obligation taken.

1 **PARLIAMENTARY RULES**

- 2 **1.** On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of the
3 meeting, and, at any time, to dispose of any urgent business.
- 4 **2.** All resolutions and regulations must be submitted in writing.
- 5 **3.** Any conversation by whispering or otherwise, which is calculated to disturb a member while
6 speaking, or hinder the transaction of business, shall be deemed a violation of order.
- 7 **4.** Sectarian discussion shall not be permitted in the meeting under any circumstances.
- 8 **5.** All questions of a parliamentary nature not provided for in these Rules shall be decided by the
9 most current edition of Robert's Rules of Order, Newly Revised, 10th Edition, currently published
10 by DaCapo Press, Perseus Books Group.
- 11 **6.** A motion to be entertained by the presiding officer must be seconded, and the mover as well as
12 the seconder must arise and be recognized by the Chair. The presiding officer shall entertain all
13 motions properly made and seconded which are not dilatory, frivolous or absurd.

PARLIAMENTARY RULES

- 14 **7.** Any member having made a motion can withdraw it by the consent of his or her second, but a
15 motion once debated cannot be withdrawn except by a two-thirds (2/3) vote.
- 16 **8.** A motion to amend an amendment shall be in order, but no motion to amend an amendment to
17 an amendment shall be permitted.
- 18 **9.** Any member may call for a division of a question when the sense will admit thereof.
- 19 **10.** A motion shall not be subject to debate until it has been stated by the Chair.
- 20 **11.** When a member wishes the floor he or she shall rise and respectfully address the Chair and, if
21 recognized by the Chair, he or she shall be entitled to the floor.
- 22 **12.** If two or more members rise to speak at the same time, the Chair shall decide which is entitled
23 to the floor.
- 24 **13.** Each member, when speaking, shall confine himself or herself to the question under debate
25 and avoid all personal, indecorous and sarcastic language.
- 26 **14.** No member shall interrupt another while speaking except to make a point of order, and he or
27 she shall definitely state the point, and the Chair shall decide the same without debate.
- 28 **15.** If a member has been granted the privilege of the floor and while speaking is called to order,
29 he or she shall take his or her seat until the point of order is decided, when, if decided in order, he
30 or she may proceed.
- 31 **16.** If a member shall feel himself personally aggrieved by the decision of the Chair, he or she may
32 appeal to the Local Union from the decision.
- 33 **17.** When an appeal is made from the decision of the Chair, the said appeal shall then be stated by
34 the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision
35 of the meeting?" The member will then have the right to state the grounds for his or her appeal,
36 and the Chair will give the reasons for his or her decision; the Union will proceed to vote on the
37 appeal without further debate, and it shall require a majority vote to sustain the appeal.
- 38 **18.** No member shall speak more than once on a subject until all members desiring the floor shall
39 have spoken, nor more than twice without unanimous consent, nor more than five minutes at any
40 one time.
- 41 **19.** The presiding officer shall not speak on any subject unless he or she retires from the Chair,
42 except on point of order and appeals from the decision of the Chair, and in case of a tie he or she
43 shall cast the deciding vote.
- 44 **20.** When a question is before the meeting, no motion shall be in order except (1) To adjourn. (2)
45 To lay on the table. (3) For the previous question. (4) To postpone to a given time. (5) To refer or

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46 recommit. (6) To amend. And these motions shall have precedence in the order herein arranged.
47 The first three of these motions are not debatable.

48 **21.** When the previous question is moved and seconded, it shall be put in this form: Shall the main
49 question now be put? If this is carried, all further motions, amendments and debate shall be
50 excluded and the main question put without delay.

51 **22.** If a question has been amended, the question on the amendment shall be put first. If more than
52 one amendment has been offered, the question shall then be put as follows: (1) Amendment to the
53 amendment. (2) Amendment. (3) Original proposition.

54 **23.** When a question is postponed indefinitely, it shall not come up again except by a two-thirds
55 (2/3) vote.

56 **24.** A motion to adjourn shall always be in order, except: (1) When a member has the floor. (2)
57 When members are voting. (3) When it has been decided to take the previous question.

58 **25.** Before putting the question to vote the presiding officer shall ask: "Is the Union ready for the
59 question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall
60 then put the question in this form: All in favor of the motion will give the voting sign, and after
61 the affirmative vote is expressed, those opposed, the same sign. After the vote is taken he or she
62 shall immediately announce the result.

63 **26.** When the presiding officer has commenced taking a vote, no further debate or remarks shall
64 be allowed unless a mistake has been made; in which case the mistake shall be rectified and the
65 presiding officer shall again take the vote.

66 **27.** Before the presiding officer declares the vote on a question, any member may ask a division
67 of the house, then the Chair is duty bound to comply with the request, and a standing vote shall be
68 taken and the Conductor shall count the same.

69 **28.** Every member present shall vote on all questions before the Union, unless personally interested
70 or excused by the Union.

71 **29.** When a blank is to be filled, the question shall be taken, first upon the largest sum or number,
72 or the longest or latest time.

73 **30.** When a question has been decided, it can be reconsidered only at the same meeting or on the
74 next regular meeting night.

75 **31.** A motion to reconsider must be made and seconded by two (2) members who voted with the
76 majority.

77 **32.** All questions, unless otherwise provided, shall be decided by a majority of all votes cast.

RESOLUTION 78

**APPENDIX PASSED AT THE 36TH GENERAL CONVENTION IN
NEW YORK CITY ON FRIDAY, SEPTEMBER 3, 1982**

1 **RESOLUTION #78**

2 **WHEREAS**, Many thousand members of this International Association and millions upon
3 millions of working men and women in the United States and Canada are unemployed today and
4 too many have suffered a discouraging, prolonged period of unemployment brought about by high
5 interest rates and other economic problems besetting both countries; and

6 **WHEREAS**, In addition to high interest rates, the growing encroachment of non-union
7 competition and non-union element created by the popular expansion of double-breasted
8 operations has pushed the unemployment in the construction industry to a shocking percentage
9 above the national average of any other industry; and

10 **WHEREAS**, Viable programs must be established to meet this non-union competition and
11 insure survival of union contractors; and

12 **WHEREAS**, This International Association and its affiliated local unions must, once
13 again, take the initiative in meeting these challenges on behalf of our members and to set an
14 example for all building and construction trades unions; therefore,

15 **BE IT RESOLVED**, That the delegates to this Convention go on record to urge all local
16 unions that wherever it is necessary to combat the non-union element that they adopt the various
17 addendums and Specialty Agreements designed by this International Association to combat the
18 non-union element and to recoup work for our members by making union contractors more
19 competitive; and

20 **BE IT FURTHER RESOLVED**, That Local Union Business Managers be empowered to
21 expand on said addendums and Specialty Agreements or to take whatever steps necessary,
22 including additional flexible conditions on particular jobs sometimes known as “pin-pointing,” to
23 ensure that such work will be captured for our members; and

24 **BE IT FURTHER RESOLVED**, That local unions encourage their signatory contractors
25 to cooperate fully on a local national level to achieve our goal for full employment for all members.

International Association of
SHEET METAL, AIR, RAIL AND
TRANSPORTATION WORKERS, AFL-CIO & CLC

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