

INTERNATIONAL CONVENTION 2011

**LiUNA!**

*Feel the Power*

# CONSTITUTIONS

AS AMENDED BY THE

24TH CONVENTION

SEPTEMBER 12-15, 2011

**LiUNA!**

*Feel the Power*

Laborers' International Union of North America, AFL-CIO

905 16th Street NW, Washington, DC 20006-1765



INTERNATIONAL UNION • LOCAL UNION • DISTRICT COUNCILS

CONSTITUTIONS  
of the  
Laborers' International Union  
of  
NORTH AMERICA

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As Amended by the 24th Convention  
September 12-15, 2011



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CONTENTS

	<i>Section</i>
International Union Constitution.....	WHITE
Uniform Local Union Constitution .....	GREY
Uniform District Council Constitution .....	GREY

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## PREAMBLE

*We, the members of the Laborers' International Union of North America, believing that we are endowed with the inalienable natural right to provide for our existence and that of our families, and further believing that we have the right to band with others who have a common or mutual interest in the protection of these natural rights, in a proper and lawful manner, do hereby adopt this as the Constitution of the Laborers' International Union of North America.*

## ARTICLE I

**Title and Authority**

Section 1. This Organization shall be known as Laborers' International Union of North America, and shall consist of the members of Local Unions affiliated with, and subject to the laws, rules, regulations, policies, practices and lawful orders and decisions of the said International Union, and shall not be dissolved while there are five good-standing affiliated Local Unions objecting to its dissolution.

Section 2. The supreme authority of the International Union shall reside in the members in Convention assembled through representatives of their own choosing, by election of delegates as hereinafter provided. In the interim period between Conventions, this authority shall reside in the General Executive Board.

## ARTICLE II

**Objects and Powers**

## Section 1. OBJECTS:

It shall be the object of the International Union:

(a) To unite under its banner all persons engaged in work within its jurisdiction as hereinafter defined, for their mutual benefit, aid and protection;

(b) To promote or establish appropriate wages, fringe benefits, training, hours of employment and working conditions for all such workers;

(c) To secure recognition by employers and the public of the workers' right to engage in collective bargaining;

(d) To promote the development and maintenance of health, welfare and on-the-job safety practices and such educational and staff training programs among its affiliates and members as would best effect a full knowledge of their rights, responsibilities, welfare and interest;

(e) To promote, foster, develop and advance the skills, efficiency, and working knowledge necessary, of such workers;

(f) To promote, foster and develop programs which advance the social utility and efficiency of the industries employing its members;

(g) To promote industrial peace and develop a more harmonious relationship between employees and employers;

(h) To promote a harmonious relationship between this Organization and other organizations in the Labor Movement, as would best effectuate the welfare and interest of the members;

(i) To strive for effective programs which would improve, advance, and increase the opportunities for employment;

(j) To promote a better understanding by government and the public of the aims and objects of this Organization and the Labor Movement as a whole;

(k) To engage in legislative and other activities to promote, protect and advance the physical, economic and social welfare of the workers and all people;

(l) To effectuate the philosophy of Samuel Gompers, of supporting our friends and defeating our enemies through such means as registration, voting, political education and citizenship activities involving the members, their families, and their friends;

(m) To engage in such research and educational activities as may be appropriate or necessary;

(n) To engage in legal activities appropriate for the defense and advancement of the interests of the International Union, its affiliates and their officers and membership;

(o) To promote and protect the trade jurisdiction of this International Union;

(p) To promote better understanding and improve the conditions of life of the laboring peoples of all countries;

(q) To establish a retirement program to maintain solidarity and to provide social and recreational opportunities for retirees; to publish information concerning and soliciting support for the Union's programs and policies; and to bring the special problems of retired members to the attention of the Union;

(r) To organize the unorganized and to take all such other action, including but not limited to donations, contributions and other activities, as may tend to conserve, promote and foster good will and public support for the welfare and interest of this International Union, its affiliates and members.

## Section 2. POWERS:

(a) The powers of this International Union are legislative, executive and judicial;

(b) As the sovereign authority it has the power to issue charters to Local Unions, District Councils, Regional Organizing Funds and other subordinate bodies; and to define their powers and craft or territorial jurisdiction; to revise, amalgamate or revoke existing charters; and to govern, discipline, regulate or supervise these subordinate bodies as hereinafter provided;

## ART. II

(c) It is authorized to decide all questions relating to the rights, privileges and obligations of members and subordinate bodies of this International Union, as such rights, privileges and obligations are hereinafter provided;

(d) It is authorized to establish, declare, decide and enforce all matters of policy for and in behalf of itself, its subordinate bodies and members. It is also authorized to establish, declare and enforce such rules, regulations and orders or decisions that are incident to, or necessary to administer the provisions of this Constitution. Its orders and decisions on all such matters shall be final, binding and conclusive;

(e) When the International Union is not in Convention assembled, its executive and judicial powers are vested in the General Executive Board and the officers as hereinafter provided.

The General Executive Board may exercise legislative power when, in its opinion, it deems it necessary to conform to or comply with law; or when, in its judgment, the exercise of such power is deemed necessary, proper and appropriate. It may exercise this power for the purpose of new legislation or to amend the Constitution of the International Union or the Uniform Constitutions of affiliated Local Unions or District Councils provided that any such new legislation or amendment shall automatically be subject to ratification by the delegates to the next General Convention of the International Union. In the exercise of legislative authority other than as above specified, the General Executive Board may submit any legislative proposal to the membership, by referendum.

If any Article, Section or part thereof of the International Union, Uniform Local Union, or Uniform District Council Constitutions should be held invalid by operation of law, the remainder of such Constitution or the application of such Article, Section, or part thereof to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby;

(f) It shall have the authority to take such action as may be necessary, appropriate and proper to preserve this International Union as an institution;



(g) It shall have the authority to take such action as it may deem necessary, appropriate, and proper to assist the governments of the United States, Canada and elsewhere in the protection and conservation of the general welfare of the peoples of such countries;

(h) It shall have the authority, in behalf of itself, and/or its affiliated Local Unions, District Councils, Regional Organizing Funds and other subordinate bodies, to affiliate or disaffiliate with any federation, or state, area, county or local labor organizations as, in its judgment, it deems proper;

(i) When deemed beneficial or necessary and in the best interests of the International and its subordinate bodies, it shall have the authority to amalgamate or merge with other labor organizations under such terms and conditions which, in its judgment, it deems appropriate, and to make such amendments to the Constitutions as may be necessary to effectuate the merger or amalgamation. Any such amalgamated or merged body is subject to deamalgamation or expulsion after notice and hearing when it shall be deemed beneficial or necessary and in the best interests of the International, its affiliates and its members;

(j) In order to promote and conserve the welfare and interest of the International Union and its subordinate bodies, it shall have the authority to take such action as, in its opinion, it may deem beneficial or necessary to carry out the objects and purposes of the Organization.

## ARTICLE III

### **Jurisdiction**

Section 1. (a) The territorial jurisdiction of the International Union shall include the United States of America and Canada and their Possessions, Territories, Protectorates and Instrumentalities and such other areas as may further the purposes and objects of the International Union;

(b) The trade jurisdiction of this International Union shall include all work recited in the original charter grant from the American Federation of Labor in 1903 and that work subsequently granted by the American Federation of Labor in 1912; and all the jurisdiction ac-

quired by mergers and amalgamations with the Compressed Air and Foundation Workers International Union, the Tunnel and Subway Constructors International Union, the International Union of Pavers, Rammermen, Flag Layers, Bridge and Stone Curb Setters and Sheet Asphalt Pavers, the Journeymen Stone Cutters Association of North America, the National Postal Mail Handlers Union and all work granted by the decisions of the American Federation of Labor and its affiliated Departments and as a result of decisions of public and private tribunals; and as a result of trade or area practice or subsequent mergers; as a result of organization and collective bargaining agreements; as historically and traditionally exercised by the International Union, including the Industrial, Health Care and Public Service Sectors, and as outlined in the Manual of Jurisdiction declared and promulgated by the General Executive Board.

## ARTICLE IV

### **Headquarters, Label and Seal**

Section 1. The headquarters and general office of the International Union shall be located in the City of Washington, District of Columbia; there shall also be established and maintained by the International Union such regional and subregional offices as, in the opinion of the General Executive Board, may be necessary, expedient or advisable for the purpose of carrying out the executive functions of the International Union as well as the service to affiliated subordinate bodies and members.

Section 2. The seal of this International Union shall be:



This seal shall constitute and be the official label of this International Union and all of its affiliated bodies, with such other descriptive language as the General Executive Board may determine.

## ARTICLE V

### **Conventions and Representation**

Section 1. A regular Convention of this International Union shall be held once every five years during the months of September or October of the Convention year.

In order to afford opportunity for proper reservations and arrangements to be made, the opening date and the city in which the Convention shall be held, shall be decided by the General Executive Board.

Section 2. The General Secretary-Treasurer shall, not later than the 30th day of the month of April of the Convention year, mail to each affiliated Local Union and District Council in good standing, a Convention Call, advising them of the opening date of the Convention and the city where the Convention is to be held. The Convention Call shall also specify the number of delegates that each Local Union is entitled to elect as its representatives to the said Convention; such delegates to be elected in accordance with the provisions herein provided.

Section 3. The Convention shall be composed of members of the General Executive Board and the legally elected delegates of such Local Unions and District Councils as are in good standing at the time of the Convention and for a period of at least six months prior thereto. The members of the General Executive Board shall by virtue of their office serve as accredited delegates to the Convention and be entitled to all the privileges of duly elected delegates, but shall not be permitted to vote for officers unless they are permitted by law to do so. The designation of the members of the General Executive Board as delegates shall not affect the number of delegates to which their respective Local Unions shall otherwise be entitled. No delegate shall be entitled to a seat in the Convention unless in good standing when elected and at the time of the Convention.

If a duly elected delegate is unable to attend the Convention, the Local Union or District Council may send a substitute in place of the regular delegate, provided the substitute has been selected and named by the Executive Board of the Local Union or District Council. The Secretary of the Local Union or District Council shall then certify to the Credentials Committee of the Convention such selection, indicating the name and membership card number of the substitute and the date of the meeting when the selection was made. Such substitute shall possess all of the qualifications required of a regular delegate. If the Credentials Committee accredits such substitute as being entitled to a seat at the Convention, such substitute may participate in all of the business of the Convention except in the business of the nomination and election of officers, or as to resolutions pertaining to dues and per capita taxes.

A Local Union or District Council that is not in good standing at the time of the Convention shall have no standing or rights at the Convention.

Section 4. Each Local Union in good standing and having a total membership of at least 300 members, shall be entitled to representation as follows: one delegate for each 300 members, determined by dividing the total membership by 300 and rounding up only for any excess of 0.5 or greater, provided, however, that any Local Union having a total membership of less than 300 shall have its membership combined, for the purpose of election of Convention delegates only, with that of another Local Union designated by the General Executive Board. Local Unions so affected shall be so notified by the General President not later than April 30 of the year in which a regular Convention is to be held. The total membership shall be the average membership for the twelve months ending December 31 of the year immediately preceding the Convention. Each District Council in good standing, and representing 3,000 members or more, shall be entitled to two delegates; all other District Councils in good standing shall be entitled to one delegate.

Delegates selected from the Mail Handlers Division shall be entitled to vote for the nomination and election of candidates for all International Union officers.

The Business Manager of a Local Union elected in conformity with the provisions of Article VI of the Uniform Local Union Constitution shall, by virtue of such election, and subject to the provisions of Article V, Section 4 of the International Union Constitution, serve as a delegate to the regular and special Conventions of the International Union that are convened during the term of office; if a Local Union is entitled to elect more than one (1) Convention delegate, then the Executive Board may, in advance of the nominations of officers, determine that either its President or its Secretary-Treasurer (but not both) shall, by virtue of such election and subject to the provisions of Article V, Section 4 of the International Union Constitution, serve as a delegate to the regular and special Conventions of the International Union that are convened during the term of office. Further, the Business Manager of a District Council elected in conformity with the provisions of Article VI of the Uniform District Council Constitution shall, by virtue of such election, serve as a delegate to the regular and special Conventions of the International Union that are convened during the term of office. If a District Council is entitled to elect more than one (1) Convention delegate, then the Executive Board may, in advance of the nominations of officers, determine that either its President or Secretary-Treasurer (but not both) shall, by virtue of such election serve as a delegate to the regular and special Conventions of the International Union that are convened during the term of office. Should the same individual be elected as Business Manager of both a Local Union and District Council, then such individual shall be deemed a Convention delegate from the Local Union.

The Local President of a Local Union in the Mail Handlers Division, who was elected in conformance with the provisions of the Uniform Local Union Constitution of the Mail Handlers Division providing that Local Presidents will serve as a delegate to the Conventions of the International Union, shall, by virtue of that election, and subject to the provisions of Article V, Section 4 of this International Union Constitution, serve as a delegate to the regular and special Conventions of the International Union that are convened during the term of office. If a Local Union in the Mail Handlers Division is entitled to elect more than one (1) Convention delegate, then the Executive Board may, in advance of the nominations of officers, determine that either its Vice President or its Treasurer (but not both) shall, by virtue of such election and subject to the provisions of Article V, Section 4 of the International Union Constitution, serve as a delegate to the regular and special Con-

ventions of the International Union that are convened during the term of office. This paragraph shall not apply to any Local Union in the Mail Handlers Division having a total membership of less than 300, in which case its membership shall be combined for the purpose of election of Convention delegates with another Mail Handlers Local Union as designated by the General Executive Board upon the recommendation of the National President of the Mail Handlers Division. If a Local is not combined with another and is only entitled to one Convention Delegate, then the Local President shall serve as that delegate and no separate election is required.

Section 5. The Credentials Committee shall, prior to and during the Convention, be authorized to examine, pass upon and determine the validity of the credentials of the various delegates, as submitted by their Local Unions or District Councils. The Committee shall report its findings to the Convention and recommend the seating of those delegates that it has accredited. The findings of the Credentials Committee shall be subject to review by the Elections Officer, pursuant to Article VII, Section 8 of the International Union Constitution.

Section 6. Any member aggrieved by the nominations process in that member's Local Union Convention delegate election or any District Council delegates aggrieved with the nominations process in that delegate's District Council Convention delegate election must mail the protest directly to the General Secretary-Treasurer of the International Union at LiUNA Headquarters within seventy-two (72) hours of the nominations meeting. Any member aggrieved by the conduct of the election of Convention delegate(s) from that member's Local Union or any District Council delegate aggrieved by the conduct of the election of delegate(s) from that delegate's District Council must mail the protest to the General Secretary-Treasurer of the International Union at Headquarters not later than seventy-two (72) hours after the election. In the event that nominations and elections have been combined pursuant to Article V, Section 9(e) herein, protests of the nominations or elections must be mailed within seventy-two (72) hours of the election. The General Secretary-Treasurer shall acknowledge such protest and refer the protest to the Credentials Committee for review and decision.

Section 7. If, after a member has been duly elected as a delegate to a Convention, such member is convicted of dishonesty, dual union-

ism, having worked in violation of established Union wages, hours and conditions, attempted secession, or other similar offenses, after filing of charges, due notice and proper hearing before a Trial Board, such conviction shall invalidate and deprive such member of the right to be seated as a delegate to the Convention.

Section 8. A majority of the delegates accredited and seated shall constitute a quorum.

Section 9. (a) Any member of a Local Union is eligible to be a delegate of the Local Union provided such member shall have been a member in good standing for at least two years in the International Union and for at least two years in the Local Union immediately prior to nomination and is current in the payment of dues and possesses such other qualifications as are required by Article V of the Uniform Local Union Constitution for the election of Local Union officers. However, in a Local Union chartered less than two years before the Convention, any member is eligible to be a delegate provided such member shall have been in good standing for at least six months in the International Union and for at least six months in the Local Union immediately prior to the Convention and is current in the payment of dues and possesses such other qualifications as are required by Article V of the Uniform Local Union Constitution for the election of Local Union officers. No newly-chartered Local Union or District Council shall be entitled to representation at the Convention if that Local Union or District Council has not held its charter for a period of at least six months immediately prior to the Convention;

(b) Each Local Union shall nominate and elect delegates to the Convention of the International Union by secret ballot, after receipt of the Convention Call from the General Secretary-Treasurer, in such number as is specified in the Convention Call, not earlier than the month of May nor later than the 30th day of June of the Convention year; self-nominations shall not be allowed.

(c) After receipt of the Convention Call from the General Secretary-Treasurer, each Local Union shall arrange for the conduct of a nomination meeting. No less than fifteen days prior to said nomination meeting notice thereof shall be mailed by the Secretary-Treasurer of the Local Union to each good standing member at his last-known address and such notice shall list the number of

delegate positions to be filled and the time and place of such meeting. If, following the close of nominations and prior to the election, it is discovered that one or more of the nominees is unqualified to run, that person shall be disqualified. Further nominations to fill the position of the disqualified nominee shall be accepted if, but only if, the disqualification brings the number of nominees below the number of delegates allocated to the Local Union. If, at said nomination meeting candidates for the position of delegate are unopposed, the nominees shall be declared duly elected.

(d) In the event there are more candidates than delegate positions to be filled, a secret ballot election shall be conducted and the membership shall determine and fix the date on which the election shall be held and the place and hours during which the polls shall remain open. The Secretary-Treasurer of the Local Union shall mail a written notice to the last-known address of each member in good standing, informing the member of the date, place and time of election and the number of delegates to be elected; such notice to be mailed not less than fifteen days prior to the date of election.

(e) Except as provided herein, the Executive Board of a Local Union may determine to conduct the nomination and election of delegates to the Convention at the same meeting, unlike the nomination and election of local union officers, which cannot be combined. The said nomination and election of Convention delegates may be held at the same meeting provided that a written notice is mailed to each member in good standing at his last-known address at least fifteen days before said nomination and election meeting, indicating the number of delegate positions to be filled and the date, time and place of the nomination and election meeting. The conduct of the election itself shall be as provided for in Article VI, Sections 3 and 4 of the Uniform Local Union Constitution. A Local Union shall not be allowed to combine the nomination and election of delegates to the Convention in the event that, with the General President's approval, it will combine the election of Local Union officers with the election of Convention delegates.

(f) The nomination and election of International Union delegates may be combined with the nomination and election of Local Union officers at the discretion of the General President.



(g) The delegate(s) to the International Union Convention shall be elected by the District Council in accordance with the provisions of Article VI of the Uniform District Council Constitution from among its Local Union delegates who have been elected thereto.

Section 10. The General Secretary-Treasurer shall furnish to each Local Union and District Council blank original and duplicate credentials in such number as hereinabove provided.

After receipt of said credentials, the Recording Secretary shall fill in the names of the duly elected delegates to the Convention and shall sign both the original and duplicate credentials; the President shall countersign said credentials.

The duplicate credentials shall then be forwarded to the General Secretary-Treasurer by the Secretary-Treasurer of the Local Union not later than the 30th day of June of the Convention year or seven (7) days after the election or re-run election of Convention delegate(s) and by District Councils not later than the 30th day of August of the Convention year or seven (7) days after the election or re-run election of Convention delegate(s).

The original credential shall then be delivered to each duly elected delegate. Each delegate shall register with the Credentials Committee in order to be duly accredited and entitled to a seat in the Convention and as such delegate, shall be entitled to cast one vote.

Section 11. A per diem allowance and transportation to duly elected delegates who are accredited and seated and who attend all sessions of the regular Convention shall be in such amount as is established by the General Executive Board of the International Union and shall be paid out of the Convention Fund.

Section 12. The Order of Business and Rules of a Convention shall be considered by the Convention Committee on Order of Business and Rules, after which it shall prepare its report and submit same to the Convention, at the opening thereof, for adoption.

Section 13. All resolutions submitted for consideration of a Convention must be sent to and be received by the General Secretary-Treasurer at the Headquarters of the International Union in Washington, D.C., not later than thirty days immediately preceding the opening date of said Convention.

All resolutions must be filed in duplicate and must be signed by a duly elected delegate to the Convention.

Section 14. The Committees of the Convention, except as herein otherwise provided, shall be composed of nine members, or such greater number as determined by the General President, and shall be as follows:

Committee on Credentials and Audit

Committee on Order of Business and Rules

Committee on Organizing and Capital Strategies

Committee on General President's Report (the Committee on the General President's Report, in addition to those matters historically assigned to the Committee, shall be assigned matters previously assigned to the Committee on the General Executive Board's Report).

Committee on General Secretary-Treasurer's Report

Committee on Constitution and Law

Committee on Resolutions

Committee on Organization and the Future

Committee on Grievances, Adjustments and Appeals

Committee on Tri-Funds

Committee on Welfare and Pension

Committee on Legislation and Political Action

Committee on Canadian Affairs

Committee on Apprenticeship

Section 15. The General President shall, before the opening of the Convention, appoint the Committee on Credentials and Audit, the Committee on Order of Business and Rules, the Committee on Constitution and Law and the Committee on Resolutions. Committee appointments shall be made at such time as the General President may deem necessary.

Section 16. The Committee on Credentials and Audit shall consist of three Convention delegates. After appointment and upon notice from

the General President, this Committee shall go to the Headquarters of the International Union and examine the financial records and securities of the International Union and prepare its audit report for submission to the Convention.

Section 17. SPECIAL CONVENTIONS:

(a) A Special Convention may be held upon order of the General Executive Board of the International Union when, in its opinion, it deems it necessary, advisable and expedient to hold such Convention;

(b) If and when a Special Convention is ordered by the General Executive Board, such Special Convention may deal only with such matter or matters as are stated by the General Executive Board as the purpose for holding the Special Convention;

(c) In the event a Special Convention is ordered, then the General Executive Board is authorized to set and fix all dates dealing with and relative to the holding of such Convention and the city in which the Convention shall be held;

(d) The provisions under this Article dealing with Convention matters shall apply to Special Conventions insofar as they are applicable;

(e) When such a Special Convention is to be held, the General Executive Board shall determine the number of Committees necessary to properly handle the matter or matters to be considered and acted upon by said Special Convention;

(f) The General Executive Board shall also fix and determine the number of delegates to be appointed by the General President to function as members of such Committee, or Committees.

## ARTICLE VI

### Officers

Section 1. The officers of this International Union shall be a General President, a General Secretary-Treasurer, four Vice Presidents at Large and one District Vice President from each of the nine Electoral Districts created by the General Executive Board pursuant to Article VIII, Section 2(a-ix) of this Constitution and, on an ex-officio basis, the President of the Mail Handlers Division, also known as the National Postal Mail

Handlers Union.\* The President of the Mail Handlers Division shall serve as a member the General Executive Board solely by virtue of that office and shall not be subject to the provisions of Article VII of this International Union Constitution. In the period between Conventions, the General Executive Board shall have the power and authority to increase or decrease the number of Vice Presidents beyond those provided for herein if such action is taken to further a legitimate and proper object of the International Union. In the event such action is taken, the General Executive Board shall fill the position by appointment and shall select a member who possesses all of the qualifications required of an officer of the International Union. All Vice Presidents shall have the same duties, powers, authority and responsibility as described in Article X of this Constitution.

Section 2. Except in the case of a filling of a vacancy by death, resignation or otherwise, these officers shall be elected in accordance with terms of Article VII of the International Union Constitution; and upon election shall serve for a term of five years, beginning upon their election at said Convention and until their successors have been duly installed.

Section 3. These officers shall constitute and be members of the General Executive Board.

Section 4. A candidate for office shall be required to be and have been in good standing in the International Union for a period of at least three years; to be a lawful permanent resident and shall be lawfully employable under the laws of the United States or Canada, and to be a duly accredited delegate to the Convention.

Section 5. In the case of a vacancy occurring by reason of death, resignation or otherwise, the vacancy shall be filled by action of the General Executive Board of the International Union. In the event of a

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**\* Upon commencement of the 2016 Convention, this sentence shall read and provide: "The officers of this International Union shall be a General President, a General Secretary-Treasurer, thirteen Vice Presidents at Large and, on an ex-officio basis, the President of the Mail Handlers Division, also known as the National Postal Mail Handlers Union."**

vacancy in the office of General President, the General Secretary-Treasurer shall inform the members of the General Executive Board that a vacancy in the office of General President exists, and shall convene a meeting of the General Executive Board for the purpose of filling the vacancy. The General Executive Board shall select one of the then members of the General Executive Board to serve as General President of the International Union for the unexpired term.

In the event of a vacancy in any other office, the General President shall inform the members of the General Executive Board of such vacancy and convene a meeting of the General Executive Board for the purpose of filling the vacancy. The General Executive Board shall select a member who possesses all of the qualifications required of an officer of the International Union to fill the vacancy and to serve for the unexpired term.

All officers to fill vacancies as herein provided shall serve as provisional officers until the next regular election at a Convention and until their successors have been duly installed.

Section 6. The officers and provisional officers of the International Union shall, by virtue of such office, be delegates at large to all Conventions and shall be entitled to all the rights of a delegate to the Convention, except the right to vote for officers unless they are permitted by law to do so.

#### Section 7. SALARIES:

The salary of the General President shall be four hundred forty-thousand, nine hundred ninety-five dollars (\$440,995.00) a year; the salary of the General Secretary-Treasurer shall be four hundred twenty-three thousand, seven hundred eighty-four dollars (\$423,784.00) a year; the annual salary of each Vice President and the salary of the President of the Mail Handlers Division as an ex-officio member of the General Executive Board shall be set at fifty thousand dollars (\$50,000.00) a year. The General President, with the concurrence of the General Secretary-Treasurer, between Conventions is authorized to increase the aforesaid fifty thousand dollars (\$50,000.00) in annual salary for Vice Presidents to account for the increase in the cost-of-living, such adjustment not to exceed the percentage of increase in the National Consumer Price Index

published by the Bureau of Labor Statistics, United States Department of Labor or based upon other factors deemed appropriate by the General President.

The General President and General Secretary-Treasurer shall each be provided with the use of accommodations purchased or leased by the Union when such officers are in the City of Washington, District of Columbia, in connection with the performance of their duties and responsibilities.

The General Executive Board, between Conventions, is authorized to increase the salaries, benefits or other compensation of the General President or General Secretary-Treasurer to account for the increase in the cost-of-living, said adjustment not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor or based upon other factors deemed appropriate by the Board.

The officers shall receive such benefits and compensation, other than salary, as are provided other staff personnel of the International Union or are authorized for such officers by the General Executive Board and shall be entitled to receive awards for their services. The officers shall be reimbursed for all expenses incurred in connection with the performance of their duties and responsibilities.

Travel expenses may also be provided for an officer's spouse who accompanies the officer when the officer travels in connection with the performance of official duties and responsibilities.

Section 8. If a Local Union of which an officer of the International Union is a member becomes suspended for any reason, such officer shall then have the right to transfer membership into any other good-standing Local Union of the International Union.

## ARTICLE VII

### **Election**

Section 1. Except in the case of a filling of a vacancy caused by death, resignation or otherwise, the officers except as otherwise provided, shall be elected as set forth herein.

Section 2. No later than the second Monday in July in any year in which a regular Convention is to be held, members wishing to seek the office of General President, General Secretary-Treasurer, or Vice President, shall declare their intention in writing to the General Counsel or to such other official designated by the General President, indicating the office sought. The declaration must be received in writing at LIUNA Headquarters in Washington, D.C. no later than 4:15 p.m. Eastern Daylight Time. The General Counsel or such other official designated by the General President shall determine the qualifications of such individual to hold such office pursuant to Article VI, Section 4 of the International Union Constitution as of July 30 of such year. No person may declare the intention to seek more than one of the above offices. Once the General Counsel or such other official designated by the General President has declared the individual to be qualified to hold office, no such individual shall be stricken from the ballot for any reason, including the unavailability or unwillingness of the individual to seek office unless the General Counsel or such other official designated by the General President shall approve such request to withdraw.

Section 3. No later than August 5 in any year in which a regular Convention is to be held, the General Counsel or such other official designated by the General President shall furnish to each person appearing to hold the necessary qualifications the names, addresses, and telephone numbers of all relevant delegates.

Section 4. In order to stand for election, a candidate must be nominated by two duly elected delegates at the Convention, one delegate to make the initial nomination and another to second the nomination.

Section 5. The members of the General Executive Board shall be elected by secret ballot of the delegates to the Convention, with the exception of the President of the Mail Handlers Division, who is an ex-officio member of the Board. The election will be held prior to the close of the regular Convention.

In the event that there is no contest for any particular office, the Secretary of the Convention may declare the candidate to be elected upon motion duly made and adopted to do so.

Section 6. Any protest regarding the nomination and election of any International Union officer must be made prior to the induction of such officer.

## ART. VII

## ARTICLE VIII

**General Executive Board**

Section 1. The General Executive Board of this International Union shall be composed of the General President, the General Secretary-Treasurer, the four Vice Presidents at Large, and nine District Vice Presidents and, on an ex-officio basis, the President of the Mail Handlers Division, also known as the National Postal Mail Handlers Union.\* By virtue of election to such office, each District Vice President shall serve as a representative to any Regional Organizing Fund within the District. \*\*

## Section 2. POWERS:

(a) Subject to review by the Convention it shall have authority and control over all of the executive and judicial powers of the International Union;

(b) The General Executive Board may exercise legislative power when, in its opinion, it deems it necessary to conform to or comply with the law; or when, in its judgment, the exercise of such power is deemed necessary, proper and appropriate. It may exercise this power for the purpose of new legislation or to amend the Constitution of the International Union or the Uniform Constitutions of affiliated Local Unions and District Councils provided that any such new legislation or amendment shall automatically be subject to ratification by the delegates to the next general Convention of the International Union. In the exercise of legislative authority other than as above specified, the General Executive Board may submit any legislative proposal to the membership, by referendum;

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**\* Upon commencement of the 2016 Convention, this sentence shall read and provide: “The General Executive Board of this International Union shall be composed of the General President, the General Secretary-Treasurer, the thirteen Vice Presidents at Large and, on an ex-officio basis, the President of the Mail Handlers Division, also known as the National Postal Mail Handlers Union.”**

**\*\* This sentence is to be deleted effective September 30, 2016.**



(c) It shall have authority and power to establish and promulgate such rules and regulations as, in its opinion, it believes or deems necessary to implement and carry out the intent of any provision of the International Union Constitution, the Uniform Local Union Constitution and the Uniform District Council Constitution. It may provide reasonable limitations, variances, tolerances and exemptions from the requirements of said rules and regulations as, in its judgment, it would deem appropriate and proper;

(d) It shall have the authority to interpret the provisions of said Constitutions and to review and pass upon interpretations of said Constitutions as may be made by the General President of the International Union, as hereinafter provided;

(e) It shall have the authority to review and pass upon the executive and judicial functions and acts of the Officers of the International Union;

(f) It shall have the authority to order the issuance of provisional or other charters to Local Unions, District Councils, Regional Organizing Funds or other subordinate bodies, specifying the territorial and craft jurisdiction to be allotted, when and where, in its opinion, the issuance of such provisional or other charter would tend to accomplish, promote, enhance and conserve the welfare and interest of this International Union, its affiliates and members. Where a provisional charter is in effect, the General President is authorized to appoint, at his discretion, an officer or member of the Executive Board, delegate or representative at any time without notice or hearing and to revoke, amend, merge, consolidate, or otherwise amend such provisional charter without notice or hearing;

(g) Upon notice and after hearing, it shall have the authority to revoke, consolidate or amalgamate the charters of Local Unions, District Councils, Regional Organizing Funds or other subordinate bodies and to define or revise their craft or territorial jurisdiction;

(h) It may for good cause, illness or disability, make such financial provision for an officer or employee of the International Union as it deems is warranted by the length and character of the service rendered to the International Union by the individual;

(i) It shall have the authority to submit or decline to submit referenda to the membership;

## ART. VIII

(j) It shall have the authority to levy such assessments as, in its opinion, it may deem necessary and adequate and each such levy shall be valid no longer than the next succeeding regular Convention;

(k) It shall have the authority and the right to formulate proposals, resolutions, etc., for submission and consideration of a Convention, at any time;

(l) It shall have the authority to designate the depositories for the funds of the International Union and to regulate the method of withdrawal by the General President and the General Secretary-Treasurer, and shall have the power and authority to establish the investment policy of the funds of the International Union and regulate the manner and method in which these investments shall be made;

(m) The General Executive Board and the officers of the International Union shall be empowered and authorized to make such expenditures and payments out of the various funds of the International Union as, in their judgment, they deem proper and necessary to carry out the objects, purposes and policies of the International Union and to fulfill their duties and responsibilities as required by this Constitution;

(n) In order to promote and conserve the welfare and interest of the International Union, it shall have the authority to take such action as, in its opinion, it may deem beneficial or necessary to carry out the objects and purposes of this organization;

(o) It shall have the authority to require all officers, officials and members of the International Union and all its affiliates, to exercise every possible effort in the protection of the jurisdiction of the International Union, entrusted to their care;

(p) In the event of recurrence of national disputes with other labor organizations, the General Executive Board is authorized, either directly or through executive officers, or a committee appointed for such purpose, to meet and consider such disputes and adjust same in such manner as in its opinion, is deemed fitting and proper;

(q) It shall be authorized to prepare a Manual of Jurisdiction in which it shall outline and specify the craft jurisdiction of the International Union and promulgate same among the affiliates and members of the International Union for their information and guidance. It may, from time to time, revise said Manual;

(r) It shall have the authority to merge or amalgamate other national or international labor organizations into this International Union if, in its opinion, such merger or amalgamation would tend to conserve and protect the welfare and interest of this Organization, its affiliates and members and to establish the terms and conditions upon which this may be accomplished. After notice and hearing, it shall have the authority to deamalgamate or expel any such amalgamated or merged labor organization if, in its opinion, such deamalgamation or expulsion would serve and protect the welfare and interest of this Organization, its affiliates and members;

(s) It shall have the power to authorize the General President and General Secretary-Treasurer to enter into national, regional or area agreements with employers or employer associations and the General President is vested with authority to enforce observance of such agreements by affiliated subordinate bodies and members and to issue such directions or orders as may be necessary to accomplish such purpose, subject to review by the General Executive Board;

(t) The General Executive Board, after investigation of areas where work is not organized, which could and should otherwise be organized, shall have the authority to take such action and steps and to regulate the procedure to be followed by affiliates and members, necessary to accomplish the goal of organizing the unorganized;

(u) It may, within the minimum and maximum initiation fee fixed herein or without regard thereto, waive or regulate the initiation fee an applicant for membership shall pay to join a particular Local Union, and it may regulate the payment in installments of initiation fees to Local Unions by applicants for membership and to fix the membership privileges of such applicants, pending payment in full thereof;

(v) It shall hold a regular meeting at least once each year at such time and place as it may decide; the General President may call special meetings from time to time as may be deemed necessary in the General President's judgment. It may also consider and decide matters brought to its attention, through the medium of a referendum by mail, telegram or telephone;

(w) It may establish and maintain regional and subregional offices in such areas within the jurisdiction of the International Union as, in its

opinion, it deems necessary, expedient or advisable; such offices shall be under the supervision of the General President who shall have authority to appoint a manager over each of said offices and such staff and additional personnel as may be required;

(x) It shall have the authority to establish and maintain Departments, Divisions, Bureaus, National Councils or Conferences of the International Union, when, in its opinion, it deems it necessary, expedient, or advisable to do so and to fix and promulgate regulations and rules to accomplish this purpose and to govern their operation;

(y) It shall have the power to authorize the publication of an official journal, to be known as "The Laborer" and to issue such other releases, pamphlets, bulletins or manuals as it may deem necessary;

(z) It may, from time to time, authorize research, surveys or actuarial studies to be made in conjunction with any or all of the operations or business of the International Union;

(a-i) It shall have the power to authorize the purchase or sale of property, both personal and real;

(a-ii) It may, after consideration and study of a particular matter or situation and when it believes it necessary to fully accomplish an object or purpose of the International Union or of its affiliates and members, grant limited variances, tolerances or exemptions from specific provisions of the Constitutions, established policies, practices, lawful orders and decisions, for a limited period of time and specify the conditions under which such grant is made;

(a-iii) It shall have the authority to take such action as it may deem necessary to accomplish the purpose of all of the objects hereinabove outlined;

(a-iv) It may, when in its opinion, the need for the preservation of records is no longer existent, order the disposition of same after a period of five years;

(a-v) It shall have the authority to delegate any of its powers to any member or members thereof and may revoke such delegation at any time;

(a-vi) In the interim periods between regular Conventions of the International Union, all judicial authority not otherwise vested in the

Independent Hearing Officer(s) or Appellate Officer shall reside in the General Executive Board of the International Union; in pursuance of such authority it may impose such judgment or take such action as it deems warranted or appropriate over any circumstance concerning which such action is taken.

However, all charges and trials within affiliated Local Unions and District Councils must be processed at the Local Union or District Council level in the first instance unless the General President exercises the International Union's original jurisdiction pursuant to Uniform Local Union Constitution Article XI, Section 3 or Uniform District Council Constitution Article XII, Section 3. Any interested party aggrieved by a resulting decision at the local level may then appeal therefrom to the General Executive Board.

(a-vii) Delegation of Judicial Powers: The judicial power of the General Executive Board may be delegated by the General President to one or more of its members, with authority to hold hearings on appeals, protests, trusteeships, petitions, charges, or any other matter properly filed with the General Executive Board; when so delegated, such member or members of the General Executive Board shall be known as a Hearings Panel. Said Hearings Panel shall, after due notice, hold hearings and from the evidence adduced, make such Findings of Fact and Recommendations as, in its judgment, it deems proper, which Findings of Fact and Recommendations must then be reported and submitted to the General Executive Board as a whole for determination and decision;

(a-viii) Any member or subordinate body aggrieved by a decision, direction, ruling or order of the General Executive Board shall have the right to appeal therefrom to the Convention of the International Union, provided, within thirty days from the date of notice of said decision, direction, ruling or order, from the General Secretary-Treasurer, the aggrieved member or subordinate body shall file an appeal in writing with the International Union, addressed to the General Secretary-Treasurer at Headquarters.

A decision, direction, ruling, or order by the General Executive Board on any matter is final and binding until and unless it is reversed or modified by the following regular Convention.

## ART. VIII

(a-ix)\* Electoral District 1 shall consist of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; and the state of New York except for the Mason Tenders' District Council of Greater New York and its affiliates.

Electoral District 2 shall consist of the states of New Jersey and Delaware; and in New York City the Mason Tenders' District Council of Greater New York and its affiliates.

Electoral District 3 shall consist of the Canadian provinces of Ontario, Nova Scotia, New Brunswick, Newfoundland, Labrador, Quebec, and Prince Edward Island.

Electoral District 4 shall consist of the states of Missouri, Kansas, Iowa, Indiana, Nebraska, South Dakota, Arkansas, Oklahoma, and Texas except that, as the result of a prior merger of former Local Union 417, El Paso, Texas into Local Union 16, Albuquerque, New Mexico, the jurisdiction of former Local Union 417 shall be assigned to Electoral District 9; in the state of Kentucky the counties of Crittenden, Henderson, Union and Webster; and all of Illinois except the counties of Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will.

Electoral District 5 shall consist of the states of North Dakota, Minnesota, Michigan, and Wisconsin; and in the state of Illinois the counties of Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will.

Electoral District 6 shall consist of the states of Alaska, Oregon, Washington, Montana, Idaho, Wyoming, Utah, Colorado, and Nevada; the Canadian provinces of British Columbia, Alberta, Saskatchewan, Manitoba, and the Yukon Territory and the Northwest Territory.

Electoral District 7 shall consist of the states of Pennsylvania, Maryland North Carolina, and Virginia; West Virginia except for the counties of Brook and Hancock; in Ohio the county of Belmont; and the District of Columbia.

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**\* To be deleted upon the commencement of the 2016 LIUNA Convention.**

Electoral District 8 shall consist of the states of Alabama, South Carolina, Georgia, Florida, Tennessee, Arkansas, Louisiana, Mississippi, Kentucky except for the counties of Crittenden, Henderson, Union and Webster; in West Virginia the counties of Brook and Hancock; Ohio except for the county of Belmont; the Commonwealth of Puerto Rico, and the U.S. Territory of the Virgin Islands.

Electoral District 9 shall consist of the states of Arizona, California, Hawaii, New Mexico, the jurisdiction of former Local Union 417, and the U.S. Territory of Guam.

## ARTICLE IX

### **The General President**

#### Section 1. GENERAL POWERS:

(a) The General President, as the chief executive officer, shall have executive, administrative and judicial authority over the affairs and business of the International Union;

(b) The General President shall have the authority to see to it that the affairs and business of Local Unions, District Councils, Regional Organizing Funds or other subordinate bodies are being properly conducted in accordance with the International Union Constitution, the Uniform Local Union Constitution, the Uniform District Council Constitution and with all rules, regulations, policies, practices and lawful orders and decisions.

#### Section 2. CONVENTIONS:

(a) The General President shall be the Chairperson and preside over all Conventions of the International Union;

(b) The General President shall prepare and submit to each regular Convention a written report of the activities of the General President since the last regular Convention;

(c) The General President shall appoint an Assistant Secretary and other necessary clerical assistants and a Sergeant-at-Arms and assistants and such other Convention personnel as may be necessary to carry on the business of all Conventions;

(d) The General President shall, for each Convention, from the list of delegates, appoint all Committee members to function as members of all Convention Committees and advise the General Executive Board of all such appointments; the General President shall, ex-officio, be a member of all such Committees.

### Section 3. GENERAL EXECUTIVE BOARD:

(a) The General President shall call and preside over all sessions of the General Executive Board, as its Chairperson;

(b) The General President may submit to the General Executive Board any matter within the authority of the General President.

Section 4. In order to administer the business of the International Union and to fulfill the duties and obligations required of the office, the General President shall have the authority to interpret the provisions of the International Union Constitution, the Uniform Constitutions of Local Unions and District Councils and the rules, regulations, policies, practices and lawful orders and decisions of the International Union and to decide grievances and disputes submitted by affiliated subordinate bodies and members. The General President's judgment or decision thereon shall be effective and binding until and unless reversed or modified by the General Executive Board.

Section 5. When any subordinate body, officer or member thereof fails, neglects or refuses to conform to or comply with a decision or order of the General Executive Board or of the General President, the General President may request, for such failure or refusal to conform and comply, a hearing before the General Executive Board, by filing such request with the General Secretary-Treasurer of the International Union. Upon receipt of such a request, the General Secretary-Treasurer shall issue an order to show cause why the decision or order of the General Executive Board or of the General President, as the case may be, was not complied with and shall convene the General Executive Board for the purpose of holding a hearing thereon. If after hearing all concerned, the General Executive Board finds (a) that there has been a failure to show compliance and (b) that there has been a failure to show good and sufficient reason for non-compliance, the General Executive Board may: (1) in the case of a subordinate body, revoke, recall and cancel its charter or impose such other discipline as, in its judgment,



it deems just and proper, or (2) in the case of an officer or member, suspend such officer or member or impose such other discipline as, in its judgment, it deems just and proper.

Section 6. The General President shall have the authority and power to investigate the affairs of a subordinate body when, upon information or complaint or when, in the General President's opinion, it is necessary to determine whether the affairs of a subordinate body or the activities of any of its officers or members are being conducted in violation of the Constitution or of any other code, policy, rule, regulation, practice or procedure adopted in accordance with the Constitution, or of external law.

Pursuant to said authority, the General President shall have the power, either personally or through a designated representative to investigate and inquire into the manner in which the affairs are administered by the subordinate bodies, their officers or members and to examine the books, records, papers, accounts, securities, purported agreements or understandings or any other documents in the custody of said subordinate bodies or any officer, official, employee or member thereof and require personal appearance of any officer, official, employee or member as, in the General President's judgment, may be deemed necessary to such investigation or inquiry.

In connection therewith, the General President may employ the services of a Certified Public Accountant or other services as the General President may deem advisable or necessary. After such investigation or inquiry, the General President shall take such action as the General President may deem necessary or appropriate, including the temporary suspension of an officer or employee pending a hearing to be conducted within thirty (30) days before the General Executive Board on charges filed by the General President or by the Special Counsel upon assignment by the General President. Any such charges may be assigned by the General President for hearing and decision to an Independent Hearings Officer or to a hearings panel of the General Executive Board.

#### Section 7. TRUSTEESHIP; CHARGES

When in the opinion of the General President, action is necessary for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of

a bargaining representative, restoring democratic procedures or otherwise carrying out the legitimate objects of such subordinate body or the International Union, or to protect the organization as an institution, the General President may file charges against any officer or member with the General Secretary-Treasurer for hearing before the General Executive Board, or appoint a temporary trustee or, in the General President's sole discretion, a supervisor to take charge and control of the affairs of such subordinate body; provided, however, that prior to the appointment of such trustee or supervisor the General President shall cause to be issued a notice setting a time and place for hearing for the purpose of determining whether such temporary trustee or supervisor shall be appointed, but provided further, however, that where, in the judgment of the General President, an emergency situation exists within the subordinate body, a temporary trustee or supervisor may be appointed prior to such hearing, but such hearing shall then commence within 30 days and a decision made within 60 days after the appointment of such temporary trustee or supervisor; and further provided in all cases the subordinate body shall be advised of the reasons for the proposed or actual appointment of a trustee or supervisor, and that adequate notice of a hearing thereon at least 10 days prior to the date of the hearing shall be given to the subordinate body involved. During the period of trusteeship, all the officers and delegates of the subordinate body are relieved of their particular trust. In the case of supervision, one or more of the officers or delegates may be removed from office at the direction of the General President. The subordinate body and the officers and members thereof shall cooperate with the trustee or supervisor designated by the General President, in order that the purposes of the trusteeship or supervision may be accomplished as soon as possible. The trustee or supervisor shall be authorized to take full charge of the affairs of the subordinate body, to appoint temporary officers or employees at any time during the trusteeship or supervision, and to take such other action as, in the trustee's or supervisor's judgment, is necessary for the preservation of the subordinate body and its interests. The trustee or supervisor shall, from time to time, report on the affairs and transactions of the subordinate body to the General President. The General President may remove trustees or supervisors at any time and appoint successor trustees or supervisors.

The trustee or supervisor, temporary officers and persons employed to carry on the affairs of said subordinate body, during the period of

trusteeship or supervision, shall give bond in such form and amount as may be necessary to indemnify against possible financial loss.

The trustee or supervisor shall take possession of all such funds, books, records and papers of the Local Union or subordinate body and tender receipt for same. The trustee or supervisor shall pay all outstanding claims, properly proved, if funds are sufficient.

The International Union shall not be responsible for any actions or activities of the Local Union or subordinate body unless such actions or activities have been directed or authorized by the trustee or supervisor and unless such actions or activities were undertaken in the trustee's or supervisor's capacity as a representative of the International Union and not in such official's capacity as a fiduciary of the subordinate body. Actions undertaken by the trustee or supervisor in the capacity of fiduciary of the subordinate body shall not be the responsibility of the International Union unless such actions have been directed or authorized by the International Union.

When it is determined by the General President or the General Executive Board that self-government should be restored, in the case of trusteeship, the trustee shall conduct an election at such time as the trustee shall designate, in conformity with the provisions of the Uniform Local Union Constitution as far as practical and, upon the installation of officers, the trusteeship shall terminate and the trustee shall return all remaining funds, books, records and papers to the Local Union or other subordinate body. In the case of supervision, full autonomy shall be restored upon direction of the General President terminating the supervision. Officers of the Local Union who were not removed from office during supervision and whose term of office has not expired or who were re-elected to office during supervision, shall continue in office upon the termination of supervision.

#### Section 8. THE GENERAL PRESIDENT SHALL HAVE THE AUTHORITY:

(a) To appoint such personnel as the General President may deem necessary to assist in carrying out all of the duties and functions of the office;

(b) To appoint managers of regional and subregional offices of the International Union and to appoint such organizers and representatives

as may be necessary to the function and purposes of said regional or subregional offices;

(c) To direct the activities of all Departments of the International Union and appoint such personnel as may be necessary to carry out such activities;

(d) To fix the salaries and other compensation of persons appointed pursuant to this section and reimburse them for expenses incurred by them in connection with the performance of their duties and responsibilities.

Section 9. (a) The General President shall have the authority to retain the services of a Certified Public Accountant for the purpose of auditing the financial books and records of the International Union;

(b) The General President and General Secretary-Treasurer, jointly, shall have the authority to employ auditors for the purpose of rendering assistance to affiliates and their officers in complying with their legal and constitutional obligations and in connection therewith, they may examine such books, records, accounts and any other documents relating to the financial standing of subordinate bodies and render such other assistance at such times and for such purpose as they, in their judgment, may deem necessary and appropriate to conserve the integrity and welfare of the International Union, its affiliates, officers and members.

Section 10. The General President shall have the authority to appoint delegates or representatives of this International Union to conventions, meetings or conferences of all bodies with which this International Union is affiliated or in the activities in which it participates or in which, in the General President's opinion, it has an interest, and to reimburse them for expenses incurred by them in connection with the performance of their duties and responsibilities.

Section 11. (a) Whenever the General President deems it to be in the best interests of the International Union, the General President may waive or regulate the initiation fee or readmission fee, or any part thereof, payable to the International Union. The General President may also waive or regulate the initiation fee an applicant for membership shall pay to join a particular Local Union, and may regulate the payment in installments of initiation fees to Local Unions by applicants for mem-

bership, and fix the membership privileges of such applicants, pending payment in full thereof;

(b) The General President may, after consideration and study of a particular matter or situation and when believed necessary to fully accomplish an object or purpose of the International Union or of its affiliates and members, grant variances, tolerances or exemptions from specific provisions of the Constitutions, established policies, practices, lawful orders and decisions, for a period of time and specify the conditions under which such grant is made.

Section 12. The General President and the General Secretary-Treasurer are jointly vested with authority to enter into National, Regional, and Area agreements with employers or employer associations. The General President, subject to review by the General Executive Board, is vested with full authority to enforce observance of such agreements and to enforce observance of other lawful agreements made by Local Unions and other subordinate bodies; and to enforce observance of other lawful orders pertaining thereto, by Local Unions, other subordinate bodies, and members.

Section 13. The General President and the General Secretary-Treasurer are jointly authorized to order the issuance of Local Union and District Council charters, specifying the territorial and trade jurisdiction to be allotted, when and where, in their opinion, the issuance of such charter would tend to accomplish, promote, enhance and conserve the welfare and interest of this International Union, its affiliates and members.

Section 14. The General President and the General Secretary-Treasurer shall make all expenditures of the International Union out of the funds of the International Union as hereinafter provided, on order drawn on the various accounts of the International Union.

All checks for expenditures of less than \$5,000.00 may be signed by either the General President or General Secretary-Treasurer; all checks in amounts of \$5,000.00 or more shall require the signatures of both the General President and the General Secretary-Treasurer.

Section 15. The General President shall be authorized to institute or defend and resolve such suits or proceedings as may be necessary to protect and conserve the property, welfare and interest of this International Union and its subordinate bodies.

Section 16. The General President shall furnish bond in such sum as the General Executive Board may determine, to indemnify against possible financial loss to the International Union. The premium for such bond shall be paid by the International Union.

Section 17. The General President shall, upon the expiration of the term of said office, surrender and turn over to the International Union all books, monies or other property in the General President's custody, possession or control.

Section 18. The General President shall have the authority to dismiss or resolve administratively a charge, objection, protest or appeal where the General President finds that the charge, objection, protest or appeal would not warrant action by the International Union General Executive Board or Local Union or District Council Trial Board even if the facts recited in the charge, objection, protest or appeal were true or where the General President finds that the charge raises matters not properly the subject of the disciplinary process. An administrative determination by the General President of a charge, objection, protest or appeal is final and binding unless modified or reversed on appeal to the General Executive Board or to the International Union Convention.

### **Legal Department—General Counsel**

Section 19. The General President, with the approval of the General Executive Board, shall retain the services of a General Counsel and such Associate General Counsel as may be deemed necessary and proper.

The General Counsel shall perform the duties of said office under the supervision and direction of the General President with the approval of the General Executive Board.

The General Counsel shall have the general surveillance of the Legal Department of the International Union in all legal matters.

The General Counsel shall meet with and advise the General Executive Board on all matters dealing with the legislative and judicial functions of the International Union, matters of International policy, and at all hearings on appeals filed with the General Executive Board.

The General Counsel shall maintain said office at the Headquarters of the International Union, in order to advise and consult with the

General President and General Secretary-Treasurer and all other officials of the International Union, on general and routine business of the Organization.

Unless excused by the General President or the General Executive Board, the General Counsel shall, without vote, be present and have a voice at all conventions, conferences and meetings of the General Executive Board or of the International Union.

The General Counsel shall fulfill all assignments received from the General Executive Board or the General President.

The General Counsel shall receive for such services an annual salary or retainer, payable monthly, as is fixed by the General President, with the approval of the General Executive Board, and may receive such other compensation, allowances and expenses as the General President deems fitting and proper.

## ARTICLE X

### **Vice Presidents**

Section 1. Each Vice President, as a member of the General Executive Board, shall attend all meetings of the said General Executive Board.

Section 2. Each Vice President shall, when assigned by the General President, act as the General President's personal representative and in such matters as may be deemed of such importance as to require the attention of an officer of the International Union.

Section 3. When designated and assigned by the General President, a Vice President shall be authorized to investigate a dispute between Local Unions or between Local Unions and District Councils or between District Councils, regarding their territorial or craft jurisdiction. The Vice President shall, after due notice, hold hearings or conduct such investigation as the Vice President deems appropriate and from the evidence adduced, make Findings of Fact and Recommendations, which Findings of Fact and Recommendations must then be reported and submitted to the General Executive Board as a whole for determination and decision. The decision, ruling, or order of the General Executive Board is final and binding until and unless it is appealed to the General

Secretary-Treasurer within thirty days and reversed or modified by the following regular Convention.

Section 4. Each Vice President shall be authorized to act on any matter delegated by the General Executive Board, as an officer or member of said Board, including the authority to officiate as a Hearings Panel, either singly or jointly with other Vice Presidents, as hereinabove provided.

## ARTICLE XI

### **General Secretary-Treasurer**

Section 1. The General Secretary-Treasurer shall receive all monies due and owing to the International Union, including per capita tax, initiation fees, readmission fees and all other lawful fees and assessments payable by affiliated Local Unions and other subordinate bodies. The General Secretary-Treasurer shall give proper receipt for such monies collected.

Section 2. The General Secretary-Treasurer shall be authorized to pay all financial obligations of the International Union in amounts up to \$5,000.00; payments of amounts of \$5,000.00 and over, shall be made jointly with the General President.

Section 3. The General Secretary-Treasurer shall deposit all monies received in such bank or depositories as may be designated by the General Executive Board, in the name of the International Union.

Section 4. The General Secretary-Treasurer shall keep a true and accurate record of all such financial transactions and shall be authorized to hire and engage the services of such personnel as may be necessary to carry out all of the duties and responsibilities of said office and to purchase and maintain such equipment and supplies as may be available, for the proper and efficient keeping of records.

Section 5. The General Secretary-Treasurer shall be authorized to issue such instructions and orders to affiliated Local Unions, District Councils, Regional Organizing Funds or other subordinate bodies and members thereof, as may be deemed necessary in carrying out the duties of said office.



Section 6. The General Secretary-Treasurer shall be the custodian of all books, records, documents and property of the International Union.

Section 7. The General Secretary-Treasurer shall prepare and distribute to the members of the General Executive Board, to each affiliated Local Union and District Council, an annual financial report of the receipts and disbursements of the International Union.

Section 8. The General Secretary-Treasurer shall, together with the General President, negotiate agreements as provided for in Article IX, Section 12 of this Constitution.

Section 9. The General Secretary-Treasurer shall, together with the General President, issue charters to Local Unions, District Councils, Regional Organizing Funds and other subordinate bodies, as provided for in this Constitution.

Section 10. The General Secretary-Treasurer shall, upon receipt of the per capita tax, initiation fees and readmission fees, allocate to the various Funds of the International Union, the proportion hereinafter provided.

Section 11. The General Secretary-Treasurer shall perform the duties of Secretary at all Conventions of the International Union.

Section 12. The General Secretary-Treasurer shall perform the duties of Secretary at all meetings of the General Executive Board.

Section 13. The General Secretary-Treasurer shall, when requested by the General President, perform such duties as are outlined in Article IX, Section 5 of this Constitution.

Section 14. The General Secretary-Treasurer shall furnish bond in such sum as the General Executive Board may determine to indemnify against possible financial loss to the International Union. The premium for such bond shall be paid by the International Union.

Section 15. The General Secretary-Treasurer shall, upon the expiration of said term of office, surrender and turn over to the International Union all books, monies or other property in the General Secretary-Treasurer's custody, possession or control.

Section 16. The General President and General Secretary-Treasurer, jointly, shall have the authority to employ auditors for the purpose of

rendering assistance to affiliates and their officers in complying with their legal and constitutional obligations and in connection therewith, they may examine such books, records, accounts and any other documents relating to the financial standing of subordinate bodies and render such other assistance at such times and for such purpose as they, in their judgment, may deem necessary and appropriate to conserve the integrity and welfare of the International Union, its affiliates, officers and members.

## ARTICLE XII

### **Limitation of Powers**

Section 1. The powers of all Officers shall be those as specifically provided for in this Constitution.

Section 2. The powers and acts of representatives or employees of the International Union, shall be as authorized by the General Executive Board, General President or General Secretary-Treasurer or as herein otherwise provided.

Section 3. The International Union shall not be held responsible for any act by any of the above, which act is not in accordance with the powers specifically provided for either in the Constitution or as specifically granted, unless:

(a) such unauthorized act or acts were ordered or approved by the International Union, or

(b) such unauthorized act was ratified by the International Union after written notice thereof.

Section 4. Local Unions, District Councils, and Divisions affiliated with the International Union are not agents of the International Union and are not authorized to act for, or to otherwise bind, the International Union except where prior approval, authorization, or direction is given in writing by the International Union, or where the International Union ratifies acts performed by affiliated Local Unions, District Councils or Divisions after written notice thereof. However, in no case is the International Union liable or responsible for autonomous acts of its affiliated Local Unions, District Councils, or Divisions.

ARTICLE XIII

Revenue

Section 1. The revenue of this International Union from affiliated Local Unions shall be as follows:

(a) Charter and Initial Supplies .....\$35.00

Monthly Per Capita Tax (including apprentice members and agency fee payers):

Effective January 1, 2012 .....	\$ 16.50
Effective January 1, 2013 .....	\$ 17.00
Effective January 1, 2014 .....	\$ 17.50
Effective January 1, 2015 .....	\$ 18.00

Any affiliate which receives income or revenue from bargaining unit members who do not become members or apprentice members, shall pay a monthly assessment on such unit members to the International Union in an amount equal to the then-applicable per capita for members.

(b) Initiation Fee

Effective January 1, 2012 .....\$ 65.00

Readmission Fee

Effective January 1, 2012 .....\$ 30.00

(c) Assessments, supplies and all other lawful payments from affiliated Local Unions, District Councils and other subordinate bodies or other income from sources not specified in this section.

Section 2. The revenue of the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND shall be derived by payment directly thereto, by the International Union and by each affiliated Local Union and District Council, monthly, of an amount equal to twenty-six percent (26%) of the gross salary paid to each of its full-time officers and employees covered by the Fund. The minimum salary requiring contributions to the Fund shall be ten thousand dollars (\$10,000.00) per year except that said minimum salary shall continue to be six thousand dollars (\$6,000.00) per year for full-time employees and officers who were

participants in the Fund as of December 31, 1996. Additional revenue shall be derived from contributions from training trust funds and other entities obligated to contribute to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND pursuant to and at the rate set forth in agreements with its trustees. All contributions, obligations and participation in the Fund shall be subject to the Fund's rules and regulations adopted by the Board of Trustees.

## ARTICLE XIV

### Funds

Section 1. There shall be maintained a General Fund, a Regular Convention Fund, and such other special funds as may be duly established in accordance with the International Union Constitution, by order of the General Executive Board.

Section 2. These Funds and their assets shall be kept separate and distinct from each other and the proceeds of one Fund shall not be used to meet the obligations of another Fund. Each Fund shall be liable for its particular obligations, except that the General Executive Board, from time to time upon the recommendation of the General President and the General Secretary-Treasurer, may transfer assets by and between the General Fund and the Convention Fund if the General Executive Board determines the transfer to be reasonable in the circumstances. Notwithstanding this or any other provision of this Constitution to the contrary, a portion of the payments and contributions described herein may be applied to finance a supplemental, excess benefit retirement program that may be established and maintained by the General Executive Board for the benefit of participants and beneficiaries in the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, and the revenue of the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND shall then consist of such payments and contributions less the amounts applied first to finance such supplemental program.

Section 3. If these Funds are to be administered by the officers of the International Union through their facilities, then an administration charge to each Fund shall be made in such amount as is fixed by the General Executive Board; such administration charge shall be paid to the General Fund.

Section 4. The LIUNA STAFF AND AFFILIATES PENSION FUND, established and maintained pursuant to an Agreement and Declaration of Trust as a separate and distinct entity and formerly known as the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND, shall be maintained to provide retirement and related benefits for officers and employees of Local Unions and District Councils affiliated with the Laborers' International Union of North America, of the International Union, and of related organizations. The Board of Trustees of the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND shall consist of all of those persons who occupy positions on the General Executive Board; and such trust agreement shall be substantially consistent with the draft form submitted to and discussed by the Resolutions Committee of the Fourteenth Convention, and in conformity with the Convention Resolution adopted by the aforesaid Fourteenth Convention. The General Executive Board may establish and maintain a supplemental, excess benefit retirement program for the benefit of participants and beneficiaries of the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, and may direct that a portion of the payments and contributions payable to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND by Local Unions, District Councils, and other bodies be applied first to finance such supplemental program, with the balance constituting revenues of said Pension Fund, provided that the Pension Fund remains soundly funded.

## ARTICLE XV

### **Apportionment and Distribution of Revenue**

Section 1. The apportionment, distribution and allocation from initiation fees, readmission fees and per capita tax received by the International Union to each of the various Funds shall be as follows:

**INITIATION FEES:** One hundred percent (100%) thereof shall belong to the General Fund.

**READMISSION FEES:** One hundred percent (100%) thereof shall belong to the General Fund.

**PER CAPITA TAX:** Effective January 1, 2012, sixteen dollars (\$16.00) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2013, sixteen dollars and fifty cents (\$16.50) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2014, seventeen dollars (\$17.00) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2015, seventeen dollars and fifty cents (\$17.50) shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

With respect to the per capita tax charged for retirees, five dollars (\$5.00) thereof shall belong to the General Fund.

Section 2. All other income, unless expressly otherwise provided, shall belong to the General Fund.

## ARTICLE XVI

### **Membership**

Section 1. The qualifications, rights and obligations of members shall be as specifically provided for in Article III, Sections 1, 2, and 3, Article VIII, Section 5 and Article VIII, Section 7 of the Uniform Local Union Constitution.

Section 2. No member shall bring or cause to be brought in any court, whether in law or equity, any action against a Local Union, District Council or the International Union or their officers, representatives or employees, in any matter involving an issue arising out of or related to the member's membership, which is remediable within the framework of the International Union, Local Union or District Council Constitution without having first exhausted all of the remedies available under the aforesaid Constitutions.

Section 3. No member, Local Union, District Council or other subordinate body or officer thereof, shall bring or cause to be brought in any court, whether in law or equity, any action against a Local Union, District Council or the International Union or their officers, representatives or employees, asserting rights set forth in the International Union Constitution, the Uniform Local Union Constitution, or the Uniform

District Council Constitution as a matter of contract. The sole and exclusive remedy for the enforcement of rights found in this Constitution shall be through procedures contained herein, including provisions relating to charges, trials and appeals. Decisions of the General President or the General Executive Board regarding such constitutional rights or, upon any appeal, of the International Union Convention, deciding any such rights are final and binding and not subject to further judicial review.

Section 4. Venue to litigate any action arising out of contractual rights allegedly premised upon the International Union Constitution, the Uniform Local Union Constitution or the Uniform District Council Constitution, including any cause seeking to challenge or restrict the application of the foregoing Section shall exist only in the Federal District Court for the District of Columbia.

## ARTICLE XVII

### **Charters**

Section 1. Charters to Local Unions, District Councils, Regional Organizing Funds and other subordinate bodies shall be issued in accordance with this Constitution, as hereinabove provided.

Section 2. The General Executive Board shall fix and determine the form of application for charter and the form of the charter.

Section 3. The charter fee and the initiation fee and per capita tax for each member to be registered must accompany the application.

Section 4. Every charter, when issued, shall be deemed to have been issued in accordance with and subject to the International Union Constitution and every provision now a part of said Constitution or hereafter duly adopted shall be binding upon Local Unions, District Councils, Regional Organizing Funds or other subordinate bodies, their officers and members, as binding provisions as if they had been specifically included in said charter. Each Local Union and each District Council shall be bound by and comply with all of the provisions of the International Union Constitution, the Uniform Local Union Constitution and Uniform District Council Constitution, respectively.

## ARTICLE XVIII

**Obligations of Affiliates**

Section 1. Each affiliated Local Union and each affiliated District Council and the officers thereof, shall conform to and comply with all of the obligations as provided for in the Uniform Local Union Constitution, Uniform District Council Constitution, and the International Union Constitution, respectively.

Section 2. Any Local Union, District Council or other subordinate body or the officers thereof, which attempts to cause secession by a Local Union, District Council or other subordinate body from the International Union, or seeks the division of funds, or affiliates with or joins an entity not created by or specifically approved by the International Union, may be fined, suspended, expelled or placed in trusteeship, after notice, hearing and decision by the General Executive Board.

Section 3. Each Local Union shall, through its Secretary-Treasurer, pay to the International Union a per capita tax of \$16.50 effective January 1, 2012, \$17.00 effective January 1, 2013, \$17.50 effective January 1, 2014, and \$18.00 effective January 1, 2015, payable for the current month on each member in the Local Union and, effective January 1, 2012, pay an initiation fee of \$65.00 for each member registered with the International Union and \$30.00 for each member readmitted; each initiation fee and each readmission fee must be accompanied by the per capita tax for the month in which the member is registered or readmitted. For retirees each Local Union shall pay to the International Union a per capita tax of \$5.00 per retired member each month.

Section 4. If a Local Union fails, neglects or refuses to pay to the International Union the per capita tax, initiation fees, readmission fees or other lawful payments within the time prescribed, it may be deemed suspended without further notice.

Section 5. Upon a complaint, hearing, and finding by the General Executive Board that a Local Union has falsified or been delinquent in its payments and/or its reports to the International Union, or has failed, neglected, or refused to pay to the District Council with which it is affiliated the per capita tax, initiation fees, readmission fees, or other lawful payments within the time prescribed, it may be suspended from, or may be placed in trusteeship by, the International Union or it may be



assessed the cost of investigation and audit, in addition to the amount involved in the falsification and/or delinquency of its reports.

Section 6. If a Local Union is suspended, dissolved or ceases to exist, all of its property, funds, books, papers and paraphernalia shall immediately revert to and become the property of the International Union and the General President may forthwith, either personally or by deputy, take possession thereof for the International Union. Alternatively, in the General President's sole discretion, the International Union may refrain from taking any or all of the former Local Union's property, funds, books, papers, or paraphernalia.

The officers and members of said Local Union shall be severally and jointly responsible for such property, funds, books, papers, and paraphernalia until the same are turned over to the General President or authorized representative.

This section shall apply to affiliated District Councils and all other subordinate bodies chartered by the International Union.

Section 7. No Local Union or officer thereof shall bring or cause to be brought in any court, whether in law or in equity, any action against another Local Union, District Council or the International Union, or their officers, representatives or employees, in any matter involving an issue arising out of or related to their charter or to their rights or obligations, which is remediable within the framework of the International Union, Local Union or District Council Constitution, without first having exhausted all of the remedies available under the aforesaid Constitutions. Any Local Union which violates this reasonable obligation may, if found guilty, after notice and hearing in accordance with the provisions of the aforesaid Constitutions, have its charter revoked and be fined, and may in addition thereto, be assessed the amount which such litigation caused to be expended on the Local Union, the District Council or the International Union. Any officer who violates this reasonable obligation, after notice and hearing in accordance with the provisions of the aforesaid Constitutions, if found guilty, may be removed from office and fined, and may, in addition thereto, be assessed the amount which such litigation caused to be expended by the Local Union, the District Council or the International Union.

This section shall apply to affiliated District Councils and all other subordinate bodies chartered by the International Union.

Section 8. (a) Effective January 1, 2012, Local Unions shall charge not less than sixty-five dollars (\$65.00) nor directly or indirectly more than eight hundred dollars (\$800.00), as an initiation fee.

(b) Local Unions shall charge, as readmission fee, amounts as provided for in Article VIII, Section 6 of the Uniform Local Union Constitution;

(c) Each Local Union shall fix and regulate the dues payable by its members in such amount as is lawful and necessary to carry out its objects, purposes and obligations; except for apprentice members, such amount shall not be less than thirty-one dollars (\$31.00) as of January 1, 2012, thirty-two dollars (\$32.00) as of January 1, 2013, thirty-three dollars (\$33.00) as of January 1, 2014, thirty-four dollars (\$34.00) as of January 1, 2015, and thirty-five dollars (\$35.00) as of January 1, 2016. In areas where District Councils exist, said dues shall be fixed and regulated as provided for in Article II, Section 2(e) and Article VIII, Section 2 of the Uniform District Council Constitution. Affiliates shall have the authority upon the recommendation of the Executive Board and approval by the membership to set a lesser schedule of minimum dues for apprentice members. Regular monthly dues for apprentices may be reduced but not eliminated. A member who has held continuous membership for 50 years or more shall receive a gold membership card and shall be excused from the payment of any further dues obligation, and the member's Local Union shall not owe per capita tax for such member, in tribute to their years of service and devotion to the Laborers' International Union.

(d) All dues, whether below, at, or above the minimum shall be increased by no less than two dollars (\$2.00) per month no later than January 1, 2012, by an additional one dollar (\$1.00) no later than January 1, 2013, by an additional one dollar (\$1.00) on January 1, 2014, by an additional one dollar (\$1.00) on January 1, 2015, and by an additional one dollar (\$1.00) on January 1, 2016.

Section 9. (a) Effective January 1, 2010, each Local Union and District Council, through its Secretary-Treasurer, shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, payable by the last day of the following month for which said salary is paid, an amount equal to twenty-six percent (26%) of the gross salary paid to each of its full-time officers and employees covered by the Fund.

The minimum salary requiring contribution to the Fund shall be ten thousand dollars (\$10,000.00) per year with respect to full-time officers and employees who were not participants in the Fund prior to January 1, 1997, but shall remain at six thousand dollars (\$6,000.00) per year for full-time officers and employees who were participants in the Fund as of December 31, 1996.

(b) If a Local Union or District Council fails, neglects or refuses to pay the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND the payment herein specified within the time prescribed above, but not later than the last day of the month following the month in which it is due, the Local Union or District Council may be deemed suspended without further notice.

(c) The provisions of the Agreement and Declaration of Trust (10/25/61), as amended, for the L.I.U.N.A. Local Union and District Council Pension Trust are hereby incorporated into this Constitution as if specifically set forth, provided however that nothing in this Constitution shall require the Pension Fund to exhaust constitutional remedies before invoking available legal remedies.

## ARTICLE XIX

### **District Councils**

Section 1. The General Executive Board, or the General President and General Secretary-Treasurer, shall authorize the issuance of District Council charters in such areas as, in their judgment, the best interests of the International Union, Local Unions and members thereof, demand.

Section 2. SUCH CHARTERS MAY BE ISSUED:

(a) Upon application of a number of affiliated Local Unions in an area when it is deemed advantageous and beneficial to said Local Unions to combine their economic power, effort and strength into a unit which would tend to enhance, promote and conserve their welfare and interest and that of their members; or

(b) When the General Executive Board, or the General President and General Secretary-Treasurer, upon examination of conditions as they may exist in a given area, believe that the welfare and interest of a group of Local Unions and their members would be

enhanced, promoted and conserved by the issuance of a District Council charter.

Section 3. When a District Council charter is issued, all Local Unions within its territorial and/or craft jurisdiction shall affiliate and remain affiliated with said District Council.

Section 4. The form of the application and the form of the charter of District Councils shall be as is prescribed by the General Executive Board.

Section 5. The membership of the District Council shall consist of the delegates from affiliated Local Unions who have been properly and lawfully elected as such delegates and each affiliated Local Union shall be entitled to representation as provided for in Article IV, Section 3 of the Uniform District Council Constitution.

Section 6. Suspension of Local Unions from this International Union automatically suspends them from the District Council.

Section 7. The objects and powers of a District Council shall be as provided for and fully outlined in Article II of the Uniform District Council Constitution.

Section 8. The obligations of a District Council, its officers and members thereof, shall be those as outlined in Article III of the Uniform District Council Constitution.

Section 9. The District Council shall hold meetings in accordance with the requirements of Article X of the Uniform District Council Constitution.

## ARTICLE XX

### **Mail Handlers Division**

Section 1. Effective January 1, 2005, the per capita tax payable by the Mail Handlers Division to the International Union shall be six dollars (\$6.00) per regular member per month. Four dollars and twenty-five cents (\$4.25) thereof shall belong to the General Fund; twenty five cents (\$.25) thereof shall belong to the Regular Convention Fund; and one dollar and fifty cents (\$1.50) thereof shall belong to a bargaining and administration fund.

Section 2. Effective January 1, 2012 the per capita tax payable by the Mail Handlers Division to the International Union shall be four dollars and eighty-five cents (\$4.85), per associate member per year, which shall belong to the General Fund and which, effective January 1, 2013, shall increase to five dollars (\$5.00), effective January 1, 2014, shall increase to five dollars and fifteen cents (\$5.15), and, effective January 1, 2015, shall increase to five dollars and thirty cents (\$5.30).

Section 3. Consistent with the provisions of Article XX of the Constitution of the Mail Handlers Division, amendments to the Mail Handlers Division Constitution shall not become effective until their approval by the General Executive Board.

Section 4. In accordance with the provisions of Articles I and II of the International Union Constitution, the provisions of this Article shall preempt and supersede any and all conflicting provisions contained in the Constitutions of the Mail Handlers Division and/or its Local Unions.

## ARTICLE XXI

### **Transfers**

Section 1. A member of a Local Union shall have the right to transfer membership from the Local Union into another Local Union affiliated with the International Union, provided that at the time of requesting such transfer, the member is in good standing with the Local Union. Transfers between Local Unions affiliated with a District Council in a metropolitan area shall not be required.

Section 2. In addition to being in good standing, the member shall pay dues up to and including the month in which the transfer is sought and obtained.

Section 3. If at the time that a transfer is requested, there are charges pending against the member awaiting trial, or there are assessments or other fees or fines properly and lawfully imposed which remain unpaid, then such member shall not be entitled to a transfer.

Section 4. A member shall not be entitled to the right of transfer until after six months from the date of the member's initiation.

Section 5. A member shall, upon transferring as aforesaid, become a member of the Local Union to which the transferee has transferred and entitled to all the rights and privileges of a member, except that the transferee shall not have the right to vote until three months of membership have been completed and shall not be eligible to be a candidate for or hold any office or represent the Local Union as a delegate or in any other elective capacity, until achieving continuous good standing therein for at least two years.

Section 6. The transfer shall be deposited by the transferee with the Secretary-Treasurer or some other official of the Local Union in whose area the transferee wishes to deposit said transfer, within one month from the date of issuance.

Section 7. A transferee who does not deposit the transfer within one month from the date of issuance and who desires to maintain membership, may return the transfer to the Secretary-Treasurer of the Local Union that issued the transfer, within the second month; failure to do so will forfeit the transferee's membership in the organization.

Section 8. A transferee, who has been a member of the International Union continuously for at least five years prior thereto, shall not be required to pay any initiation fee or admission charge by the Local Union to which the transfer is made. But, if the transferee has not been a member for the said period and the initiation fee in the accepting Local Union is more than the existing initiation fee in the originating Local Union, the transferee shall pay the accepting Local Union the difference in the initiation fees.

Section 9. When a good-standing member of a Local Union is working within the territorial jurisdiction of another Local Union outside of the same metropolitan area, for a period of more than thirty days, the Local Union in whose area the member is working may demand a transfer from that member.

Section 10. The form of transfer shall be as determined and prescribed by the General Secretary-Treasurer.

## ARTICLE XXII

**Charges, Trials and Appeals**

The procedure with respect to Charges, Trials and Appeals in Local Unions and in District Councils shall be, as provided for in Article XI of the Uniform Local Union Constitution and Article XII of the Uniform District Council Constitution, respectively.

## ARTICLE XXIII

**Miscellaneous Provisions**

Section 1. No Local Union, District Council or other subordinate body, officer or member thereof, shall sell or grant permission to sell or solicit any advertising, or to issue souvenirs or booklets of any kind with advertising matter contained therein.

Section 2. Every Amendment to this Constitution, unless otherwise provided, shall go into effect immediately upon its adoption.

Section 3.(a) Members in good-standing who enter active military service shall continue their good-standing for a period of up to four consecutive years prior to military service, provided they report to their Local Union on their return from active military service, within ninety days from deactivation and pay the current month's dues. Such members shall be deemed to have been regularly working at the calling during the period of active military service within the meaning of Article V, Section 4 of the Uniform Local Union Constitution unless they receive a less than honorable discharge from military service.

(b) The General Executive Board may also provide that non-member Veterans may be admitted as members, provided they apply for membership within four months of the date of discharge from military service and pay as an initiation fee an amount fixed by the General Executive Board, in addition to the current month's dues; member Veterans who do not avail themselves of the privilege referred to in (a), shall be entitled to the privilege provided in this section.

Section 4. The official language of the Union shall be English and all its affairs shall be conducted in English unless otherwise prescribed by law.

## ARTICLE XXIV

**Oath of Office**

Each officer or person assuming an elective position shall, in response to the recitation of the following oath, publicly affirm his or her acceptance of its obligations and responsibilities by saying "I do" or otherwise indicating assent prior to being installed and assuming the duties of that office or position:

"By assuming office, you hereby accept both the honor and the responsibility of faithfully representing the proud men and women of the Laborers' International Union of North America. To the utmost of your abilities, you promise to pursue steadfastly the cause of justice, dignity, respect and equality for all working people. You promise to labor relentlessly to grow and strengthen this Union so that it may be in the next 100 years Strong, Proud and United. You pledge to recognize and comply with all of the provisions of the Laborers' Constitutions and with all of the policies, practices and decisions adopted and maintained in the furtherance thereof. All this you solemnly promise, so help you God."

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Governance of the Laborers' International Union of North America is supplemented by the Code of Best Practices.



	Art.	Sec.	Page
<b>Advertising</b>			
unlawful solicitation.....	XXIII	1	54
<b>Agreements</b>			
assuring the performance.....	IX	7	32
enforce observance and other lawful agreements.....	IX	12	36
enter into.....	IX	12	36
national, regional and area.....	VIII	2 (s)	26
negotiate.....	IX	12	36
.....	IX	8	40
pension fund.....	XIII	2	43
power vested in officers and.....	VII	2 (s)	26
.....	XI	6	32
trade jurisdiction.....	III	1 (b)	8
<b>Amalgamations.....</b>	<b>III</b>	<b>1 (b)</b>	<b>9</b>
<b>Appeals, <i>See also</i> Charges, Trials and Appeals.....</b>	<b>XXII</b>		<b>54</b>
authority to hold hearings on.....	VIII	2 (a-vii)	28
Convention committee on.....	V	14	17
general counsel duties.....	IX	19	37
General President authority.....	IX	18	37
sole and exclusive remedy.....	XVI	3	46
to the General Executive Board.....	VIII	2 (a-vi)	28
to the Convention.....	VIII	2 (a-viii)	28
<b>Apportionment and Distribution of Revenue.....</b>	<b>XV</b>	<b>1-2</b>	<b>44-45</b>
<b>Assessments, <i>See also</i> Revenue</b>			
levied by the General Executive Board.....	VIII	2 (j)	25
received by the General Secretary-Treasurer.....	XI	1	39
transfers.....	XXI	3	52
<b>Audit</b>			
Convention committee on.....	V	14-16	17
of delinquent Local Unions.....	XVIII	5	47
retain the services for.....	IX	9 (a)	35
<b>Authority.....</b>	<b>I</b>	<b>2</b>	<b>4</b>
<b>Bonding</b>			
of the General President.....	IX	16	37
of the General Secretary-Treasurer.....	XI	14	40
under trusteeship.....	IX	7	33
<b>Charges, Trials and Appeals.....</b>	<b>XXII</b>		<b>54</b>
sole authority.....	XVI	3	46
<b>Charters.....</b>	<b>XVII</b>	<b>1-4</b>	<b>46</b>
General Executive Board powers.....	VIII	2 (f-g)	24
General President/General Secretary-Treasurer.....	IX	12	36
.....	XI	9	40
issuance, amalgamate or revoke.....	II	2 (b)	6
issued in accordance with the Constitution.....	XVII	1-4	46
issued to District Councils.....	XIX	1-4	50
<b>Constitution</b>			
adopted by LiUNA.....	Preamble	4	
amendments effective date.....	XXIII	2	54

	Art.	Sec.	Page
amendments necessary for mergers.....	II	2 (i)	8
appointment to committee.....	V	15	17
authority to enforce.....	IX	1 (b)	30
authority to grant variances, tolerances or exemptions.....	IX	11 (b)	36
.....	VIII	2 (c)	24
authority to interpret.....	IX	4	31
authority to investigate.....	IX	6	32
binding on affiliates.....	XVII	4	46
charges, trials and appeals.....	XXII		54
committee on Constitution and law.....	V	14	17
exhaustion of remedies.....	XVI	2	45
General Executive Board's power to amend.....	II	2(e)	7
oath of office.....	XXIV		55
obligations of affiliates.....	XVIII	1-9	47-50
parts held invalid.....	II	2(e)	7
power to administer the provisions.....	II	2(d)	7
sole and exclusive remedy.....	XVI	3	46
<b>Conventions and Representation.....</b>	<b>V</b>	<b>1-17</b>	<b>10-18</b>
appointment of committees.....	V	15	17
authority between Conventions.....	I	2	4
authority when not in.....	II	2 (e)	7
call for.....	V	2	10
committees.....	V	14	17
composed of.....	V	3	10
credentials.....	V	10	16
credentials and audit committee.....	V	16	17-18
credential committee.....	V	5	13
delegate by virtue of office.....	V	4	11-12
member aggrieved by delegate election.....	V	6	13
member eligible to be delegate.....	V	9 (a)	14
nomination and election of delegates.....	V	9 (a-g)	14-16
number of delegates.....	V	4	11
order of business and rules.....	V	12	16
per diem and allowance.....	V	11	16
ratification of General Executive Board actions.....	II	2 (e)	7
regular Convention timing.....	V	1	10
resolutions to be considered.....	V	13	16
special Conventions.....	V	17 (a-f)	18
supreme authority.....	I	2	4
<b>Dissolution.....</b>	<b>I</b>	<b>1</b>	<b>4</b>
<b>District Council.....</b>	<b>XIX</b>	<b>1-9</b>	<b>50-51</b>
all Local Unions within territorial and/ or craft jurisdiction shall affiliate.....	XIX	3	51
attempts to cause secession.....	XVIII	2	47
authority to dismiss or resolve a charge objection, protest or appeal.....	IX	18	37
authority to interpret the provisions.....	IX	4	31
authorized to investigate disputes between Local Unions and District Councils or District Councils....	X	3	38
authority to see to it affairs properly conducted.....	IX	1 (b)	30

	Art.	Sec.	Page
bring or cause to be brought any action.....	XVIII	7	48
charges and trials .....	VIII	2 (a-vi)	28
charges, trials and appeals trusteeships.....	IX	7	32-34
charters to District Councils.....	XVII	1	46
charters, powers to issue.....	II	2 (b)	6
.....	VIII	2 (f)	24
.....	IX	13	36
.....	XI	9	40
.....	XIX	1	50
delegate aggrieved by delegate election .....	V	6	13
delegate by virtue of office.....	V	4	11-12
dues to .....	XVIII	8 (c)	49
exhaustion of remedies.....	XVI	2-4	45-46
failure to make payments to.....	XVIII	5	47
failure to make payments to the LiUNA staff and affiliates pension fund .....	XVIII	9 (b)	50
General Executive Board amendment of .....	II	2 (e)	7
.....	VIII	2 (b)	23
General Executive Board authority and power.....	VIII	2 (b-g)	23-24
issued charter binding upon .....	XVII	4	46
LiUNA staff and affiliates pension fund.....	XIII	2	42
.....	XVIII	9 (a)	49
meetings of.....	XIX	9	51
membership of.....	XIX	5	51
nomination and election of delegates to Convention.....	V	9 (a-g)	14-16
not authorized to act for or otherwise bind.....	XII	4	41
number of delegates to Convention .....	V	4	11
objects and powers of.....	XIX	7	51
obligations of .....	XVIII	1-6	47-48
obligations of officers.....	XIX	8	51
retirement and related benefits for officers and employees .....	XIV	4	44
suspension of Local Unions .....	XIX	6	51
transfers between Local Unions within a District Council .....	XXI	1	52
<b>Dues</b>			
50 year member .....	XVIII	8 (c)	49
current in the payment of .....	V	9 (a)	14
Local Unions shall fix and regulate .....	XVIII	8 (c)	49
military service and .....	XXIII	3	54
minimum.....	XVIII	8 (d)	49
non-member veterans .....	XXIII	3 (b)	54
regular monthly dues for apprentices .....	XVIII	8 (c)	49
required for transfer .....	XXI	2	52
voting at Conventions on per capita taxes and dues .....	V	3	11
<b>Election</b> .....			
after trusteeship.....	IX	7	34
as delegate by virtue of office .....	V	4	12
as delegate by virtue of office – mail handler .....	V	4	12-13
by virtue of, vice presidents shall serve as representatives to any regional organizing fund .....	VIII	1	23
combination of Local Union and Convention.....	V	9 (e)	15

	Art.	Sec.	Page
executive board of Local Union conduct .....	V	9 (e)	15
fix the date of Convention delegate .....	V	9 (d)	15
for Convention for mail handler Local Unions less than 300 members .....	V	4	13
General Executive Board secret ballot .....	VII	5	22
General President's approval of combination of.....	V	9 (e-f)	15
if unqualified to run as Convention delegate.....	V	9 (c)	15
mail handler delegates voting rights.....	V	4	11
member aggrieved by Convention delegate election....	V	6	13
member eligible for Convention delegate .....	V	9 (a)	14
notice of Convention delegate .....	V	9 (d)	15
number of delegates to Convention .....	V	4	11
of delegates to the Convention.....	V	4	11
of delegates, supreme authority .....	I	2	4
of general officers and vice presidents, notification.....	VII	2	22
protest regarding nomination and election of officers ..	VII	6	22
provisional officers until next regular .....	VI	6	20
secret ballot for Convention delegate .....	V	9 (d)	15
substitute delegate voting at Convention except for ....	V	3	11
term of office, LiUNA officers.....	VI	2	19
to stand for, a candidate must be nominated by .....	VII	4	22
<b>Elections Officer</b>			
findings of the Convention credential committee subject to review by the .....	V	5	13
<b>Electoral Districts</b>			
district vice presidents from.....	VI	1	18
shall consist of.....	VIII	2 (a-ix)*	29
<b>Funds .....</b>	<b>XIV</b>	<b>1-4</b>	<b>43-44</b>
apportionment and distribution of revenue to .....	XV	1	44
authority to see to it that the affairs and business of regional organizing funds .....	IX	1 (b)	30
contributions from training trusts and other entities to the LiUNA staff and affiliates pension fund .....	XIII	2	43
General Executive Board authority to designate the depositories for the .....	VIII	2 (l)	25
General Executive Board empowered and authorized to make expenditures and payments from.....	VIII	2 (m)	25
General President and General Secretary-Treasurer shall make all expenditures out of .....	IX	14	36
General Secretary-Treasurer allocate all receipts to .....	XI	10	40
general, regular Convention and other special.....	XIV	1	43
investment policy of the .....	VIII	2 (l)	25
Local Union officers and members responsible for.....	XVIII	6	48
of defunct Local Unions.....	XVIII	6	48
separate and distinct.....	XIV	2	43
trustee or supervisor shall take possession of such.....	IX	7	34
trustee shall return all remaining.....	IX	7	34
<b>General Counsel</b>			
General President shall retain the services of.....	IX	19	37

\* To be deleted upon the commencement of the 2016 LIUNA Convention.

	Art.	Sec.	Page
maintain an office .....	IX	19	37
members seeking General Executive Board office .....	VII	2	22
perform the duties and responsibilities .....	IX	19	37
shall determine the qualifications of such individual .....	VII	2	22
shall provide to all persons appearing to hold the necessary qualifications .....	VII	3	22
shall, without vote, be present and have a voice .....	IX	19	38
<i>See also</i> Legal Department			
<b>General Executive Board.....</b>	<b>VIII</b>	<b>1-2(a-ix)</b>	<b>23-30</b>
any member or subordinate body aggrieved by the .....	VIII	2 (a-viii)	28
approval of annual salary or retainer of general counsel .....	IX	19	38
approval for retention of general counsel .....	IX	19	37
authority .....	I	2	4
combination of Local Unions for Convention delegates designated by the .....	V	4	12
combination of mail handler Local Unions for Convention delegates designated by the .....	V	4	12
complaint, hearing and finding by the .....	XVIII	5	47
composition of .....	VIII	1	23
Convention composed of .....	V	3	10
Convention date and city decided by .....	V	1	10
Convention per diem and allowance established by .....	V	11	16
decision, direction, ruling, order is final and binding unless reversed or modified by Convention .....	VIII	2 (a-viii)	28
delegates by virtue of office .....	V	3	10
establish and maintain regional/subregional offices .....	IV	1	9
executive and judicial powers vested in the .....	II	2 (e)	7
findings of facts and recommendations reported and submitted to the .....	X	3	38
final and binding decision, ruling or order of the .....	X	3	38
.....	XVI	3	46
form of the application and the form of the charter of District Councils .....	XIX	4	51
General President shall call and preside over all sessions of the .....	IX	3 (a)	31
General President's judgment or decision shall be effective and binding unless reversed/modified .....	IX	4	31
.....	IX	18	37
hearing before the .....	IX	5-6	31-32
.....	IX	7	33
hearings panel of the .....	VIII	2 (a-vii)	28
increase the salary, benefits or other compensation .....	VI	7	21
issuance of District Council charters .....	XIX	1	50
judicial authority not otherwise vested shall reside .....	VIII	2 (a-vi)	27-28
judicial power of the .....	VIII	2 (a-vii)	28
limitations of powers .....	XII	2	41
manual of jurisdiction declared and promulgated by .....	III	1 (b)	9
.....	VIII	2 (q)	25
may exercise legislative power .....	VIII	2 (b)	23
meet and consider disputes and adjust same .....	VIII	2 (p)	25
members of the .....	VI	1	18

	Art.	Sec.	Page
.....	VI	3	19
.....	X	1	38
party aggrieved by a decision at the Local Union level may appeal to the.....	VIII	2 (a-vi)	28
president of the mail handlers shall serve as a member.....	VI	1	19
powers between Conventions.....	VI	1	19
powers of.....	VIII	2 (b-a-viii)	23-28
review of national, regional or area agreements.....	VIII	2 (s)	26
.....	IX	12	36
salaries of.....	VI	7	20
seal and official label.....	IV	2	10
serve as board of trustees of the LiUNA staff and affiliates pension fund.....	XIV	4	44
shall be elected by secret ballot of the delegates to the Convention.....	VII	5	22
shall be empowered and authorized to make expenditures and payments.....	VIII	2 (m)	25
shall fix and determine the form of application for charter and the form of the charter.....	XVII	2	46
shall not affect the numbers of delegates from their Local Union.....	V	3	10
shall receive such benefits and compensation as are provided other staff personnel.....	VI	7	21
special Convention held upon the order of the.....	V	17 (a-f)	18
take actions and steps to organize.....	VIII	2 (t)	26
transfers from/to funds.....	XIV	1-4	43-44
vacancy filled by action of the.....	VI	5	19

**General Fund. See Funds**

<b>General President.....</b>	<b>IX</b>	<b>1-19</b>	<b>30-38</b>
appoint a temporary trustee or supervisor.....	IX	7	33
appoint a trustee or supervisor in an emergency.....	IX	7	33
assign for hearing and decision.....	IX	7	32
authority and power to investigate the affairs of a subordinate body.....	IX	6	32
authority to appoint delegates/representatives to all affiliate bodies.....	IX	10	35
authority to appoint organizers and representatives.....	IX	8 (b)	34-35
authority to appoint personnel to carry out the duties and functions of office.....	IX	8 (a)	34
authority to appoint regional/subregional managers.....	IX	8 (b)	34
authority to appoint when provisional charter is in effect.....	VIII	2 (f)	24
authority to direct activities of all departments and appoint personnel.....	IX	8 (c)	35
authority to dismiss or resolve a charge, objection, protest or appeal.....	IX	18	37
authority to employ auditors.....	IX	9 (b)	35
authority to enforce observance of agreements/ order made by Local Unions and subordinate bodies.....	IX	12	36
authority to enter into national, regional or area agreements.....	IX	12	36

	Art.	Sec.	Page
authority to fix salaries and other compensation.....	IX	8 (c)	35
.....	IX	19	38
authority to grant variances, tolerances or exemptions.....	IX	11 (b)	36
authority to increase salaries of vice presidents.....	VI	7	20-21
authority to institute or defend and resolve such suits.....	IX	15	36
authority to issue charters.....	IX	13	36
.....	XI	9	40
.....	XIX	1	50
authority to make all expenditures.....	IX	14	36
authority to make assignments to vice presidents.....	X	2	38
authority to retain certified public accountants.....	IX	9 (a)	35
authority to take possession of, or refrain from taking, Local Union assets upon suspension or dissolution ..	XVII	6	48
authority to waive or regulate fees.....	IX	11 (a)	35-36
call special meetings of the General Executive Board ..	VIII	2 (v)	26
Convention, appointment and notice to committee on credentials and audit.....	V	16	17-18
Convention, appointment of committee on credentials and audit, committee on order and business and rules, the committee on Constitution and law and the committee on resolutions ..	V	15	17
Convention, appointment of Convention committees ..	V	14	17
Convention call issuance.....	V	4	11
Convention, combination of Convention delegate elections with Local Union elections.....	V	9 (e-f)	15
Convention, committee on the General President's report ..	V	14	17
Convention – special, appointment of special Convention committees.....	V	17	18
decide grievance and disputes.....	IX	4	31
delegation of judicial power.....	VIII	2 (a-vii)	28
designate election officer or other official ..	VII	2	22
employ the services during an investigation ..	IX	6	32
exercise the right for original jurisdiction with charges and trial.....	VIII	2 (a-vi)	28
file charges ..	IX	6	32
final and binding decisions by the.....	XVI	3	45-46
.....	VI	7	21
furnish bond ..	IX	16	37
inform the General Executive Board of other vacancies ..	VI	5	20
issue a notice of hearing for determination of appointment of trustee or supervisor.....	IX	7	33
judgement or decision shall be effective and binding.....	IX	4	31
member of the General Executive Board.....	VIII	1	23
members seeking the office of ..	VII	2	22
officer of the International Union ..	VI	1	19
officers of the International Union.....	VI	1	18
provided with the use of accommodations.....	VI	7	21
power to authorize the ..	VIII	2 (s)	26
power to call and preside over all sessions of the General Executive Board ..	IX	3 (a)	31

	Art.	Sec.	Page
powers at Convention, appointments .....	IX	2 (c)	30
powers at Convention, appointments of committees.....	IX	2 (d)	31
powers at Convention, as chairperson.....	IX	2 (a)	30
powers at Convention, ex-officio member of all committees.....	IX	2 (d)	31
powers at Convention, prepare and submit a written report.....	IX	2 (b)	30
powers of.....	IX	1-2	30-31
recommend the transfer of assets by and between funds.....	XIV	2	43
regional and subregional offices under the supervision of.....	VIII	2 (w)	26-27
regulate the method of withdrawal of funds by the .....	VIII	2 (l)	25
removal of officers or delegates under supervision .....	IX	7	33
remove trustees or supervisors and appoint successors .....	IX	7	33
request a hearing .....	IX	5	31-32
require personal appearance for investigation or inquiry.....	IX	6	32
restore self-government as determined by the .....	IX	7	34
retain the services of a general counsel .....	IX	19	37
salary increase for the General President authorized by the general executive board interpret the provisions of the Constitutions .....	IX	4	31
salary of.....	VI	7	20
shall have executive, administrative and judicial authority .....	IX	1 (a)	30
shall have the authority to see to it that affairs and business of affiliates are properly conducted .....	IX	1 (b)	30
submit any matter to the General Executive Board .....	IX	3 (b)	31
supervise and direct the general counsel .....	IX	19	37
surrender and turn over all books, monies or other property at expiration of the term of office .....	IX	17	37
take action after an investigation or inquiry .....	IX	6	32
.....	IX	7	32-33
terminating supervision .....	IX	7	34
trustee or supervisor reports to the.....	IX	7	33
vacancy in the office of .....	VI	5	19-20
vested with the authority to enforce observance of national, regional or area agreements.....	VIII	2 (s)	26
.....	IX	12	36
<b>General Secretary-Treasurer .....</b>	<b>XI</b>	<b>1-16</b>	<b>39-41</b>
authority to employ auditors .....	IX	9 (b)	35
.....	XI	16	40-41
authority to enter into national, regional or area agreements.....	IX	12	36
authority to issue charters.....	IX	13	36
.....	XI	9	40
.....	XIX	1	50
authority to make all expenditures.....	IX	14	36
authorized to be the custodian of all books, records, documents and property .....	XI	6	40



	Art.	Sec.	Page
Convention call.....	V	2	10
Convention, committee on General			
Secretary-Treasurer's report .....	V	14	17
Convention delegate elections,			
receive member protest .....	V	6	13
Convention, furnish to each affiliate credentials.....	V	10	16
Convention, perform the duties of secretary .....	XI	11	40
Convention, receive resolutions for consideration.....	V	13	16
determine and prescribe the form of member transfer.....	XXI	10	53
duty to allocate fees to the various funds .....	XI	10	40
duty to deposit all monies.....	XI	3	39
duty to furnish bond.....	XI	14	40
duty to keep a true and accurate record			
of all financial transactions.....	XI	4	39
duty to pay all financial obligations.....	XI	2	39
duty to perform the duties of secretary at meetings.....	XI	12	40
duty to prepare and distribute annual financial report ..	XI	7	40
duty to receive all monies due and owing.....	XI	1	39
inform the General Executive Board of vacancy			
in the office of the General President .....	VI	5	19-20
issue and order to show cause.....	IX	5	31
member of the General Executive Board.....	VIII	1	23
officer of the International Union .....	VI	1	18
provided with the use of accommodations.....	VI	7	21
receive a request for a hearing .....	IX	5	31
receive appeal of aggrieved member			
or subordinate body.....	VIII	2 (a-viii)	28
receive charges against any officer or member			
filed by the General President.....	IX	7	33
recommend the transfer of assets by			
and between funds .....	XIV	2	43
salary of.....	VI	7	20
seeking the office of.....	VII	2	22
surrender and turn over all books, monies or other			
property at expiration of the term of office .....	XI	15	40
<b>Headquarters, Label and Seal .....</b>	<b>IV</b>	<b>1-2</b>	<b>9-10</b>
Convention committee on credentials			
and audit shall go to.....	V	16	17-18
general counsel shall maintain an office at.....	IX	19	37
<b>Hearings(s)/Hearings Panel</b>			
provisional charter actions without hearing .....	VIII	2 (f)	24
authority to hold hearings.....	VIII	2 (a-vii)	28
authority to officiate at.....	X	4	39
authority to revoke, consolidate or amalgamate			
charters upon notice and after .....	VIII	2 (g)	24
before the General Executive Board.....	IX	7	32-33
Convention delegate removal after filing of charge,			
due notice and proper .....	V	7	13-14
deamalgamation or expulsion after notice and .....	II	2 (i)	8
.....	VIII	2 (r)	26
general counsel with all hearings on appeals .....	IX	19	37
General President may request.....	IX	5	31

	Art.	Sec.	Page
Local Union, if found guilty, have charter revoked and be fined after notice and .....	XVIII	7	48
temporary suspension of an officer or employee pending a .....	IX	6	32
subordinate bodies may be fined, suspended, expelled, or placed in trusteeship after notice and .....	XVIII	2	47
.....	XVIII	5	47
vice president's duty to hold .....	X	3	38
<b>Initiation Fees</b>			
amount and effective dates .....	XIII	1 (b)	42
apportionment, distribution and allocation of .....	XV	1	44
General Executive Board may waive or regulate .....	VIII	2 (u)	26
General President may waive or regulate .....	IX	11 (a)	35-36
General Secretary-Treasurer allocation of .....	XI	10	40
General Secretary-Treasurer shall receive all per capita, initiation fees .....	XI	1	39
initiation fee and per capita tax for each member must accompany application for charter .....	XVII	3	46
Local Union charge not less than or more than .....	XVIII	8 (a)	49
Local Union suspension for failure to pay .....	XVIII	4	47
Local Union suspension for failure to pay to the District Council .....	XVIII	5	47-48
non-member veteran .....	XXIII	3 (b)	54
obligation of affiliates, pay initiation fee to LiUNA, amount of .....	XVIII	3	47
right of transfer from the date of member's .....	XXI	4	52
transferee pay .....	XXI	8	53
<b>International Representatives</b>			
General President appointment of .....	IX	8 (b)	34
General President appointment of delegates or .....	IX	10	35
General President authorized to appoint during provisional charter .....	VIII	2 (f)	24
General President to designate to investigate and inquire .....	IX	6	32
no Local Union or officer thereof shall bring or cause any action against .....	XVIII	7	48
no member shall bring or cause any action against .....	XVI	2	45
no member, Local Union, District Council, or other subordinate body shall bring or cause any action against .....	XVI	3	45
powers and acts authorized by the General President, General Secretary-Treasurer or General Executive Board .....	XII	2	41
trustee or supervisor's capacity as a .....	IX	7	34
vice presidents as personal representatives of the General President .....	X	2	38
<b>Investments</b>			
General Executive Board to regulate the manner and method of .....	VIII	2(l)	25
<b>Jurisdiction</b>			
all Local Unions within territorial or craft jurisdiction shall affiliate with the District Council .....	XIX	3	51

	Art.	Sec.	Page
authority to revoke, consolidate or amalgamate charters and to define or revise their craft or territorial.....	VIII	2 (g)	24
disputes regarding territorial or craft .....	X	3	38
establish and maintain regional/subregional offices in such area within the .....	VIII	2 (w)	26-27
issuance of Local Union and District Council charters specifying territorial and trade .....	IX	13	36
issuance of provisional or other charters specifying territorial and craft .....	VIII	2 (f)	24
manual of.....	III	1(b)	9
.....	VIII	2 (q)	25
object of the International Union .....	II	1 (a)	5
promote and protect the trade.....	II	1 (o)	6
protection of.....	VIII	2 (o)	25
sovereign authority to define craft or territorial .....	II	2 (b)	6
territorial.....	III	1 (a)	8
trade.....	III	1 (b)	8-9
transfer of member within the territorial jurisdiction of another Local Union.....	XXI	9	53
<b>International Union.....</b>	<b>preamble</b>		<b>4</b>
Convention of .....	V	1	10
General Executive Board of.....	VIII	1	23
headquarters and general office .....	IV	1	9
merge or amalgamate other national or international labor organizations into .....	VIII	2 (r)	26
oath of office .....	XXIV		55
objects of.....	II	1 (a-r)	5-6
officers of.....	VI	1	18
powers of.....	II	2 (a-j)	6-8
powers and acts of representatives or employee of the .....	XII	2	41
territorial jurisdiction of.....	III	1 (a)	8
title and authority .....	I	1-2	4
trade jurisdiction of .....	III	1 (b)	8-9
seal of.....	IV	2	9-10
shall not be responsible for any action or activities of the Local Union or other subordinate body .....	IX	7	34
shall not be held responsible for any acts of representatives or employees.....	XII	3	41
<b>Limitation of powers .....</b>	<b>XII</b>	<b>1-4</b>	<b>41</b>
<b>Local Union(s)</b>			
active military working at the calling .....	XXIII	3 (a)	54
advertising, sell or grant permission .....	XXIII	1	54
charges and trials .....	VIII	2 (a-vi)	27-28
.....	XXII		
chartering, full, provisional or other .....	II	2(b)	6
.....	VIII	2 (e)	24
.....	IX	13	36
.....	XI	9	40
.....	XVII	1-4	46
charters, General Executive Board power to revoke, consolidate or amalgamate .....	VIII	2(f)	24

	Art.	Sec.	Page
charters issued to District Councils .....	XIX	2 (a-b)	50
Constitution, any part to be held invalid, other parts shall not be affected .....	II	2 (e)	7
Convention call advising of date, city and number of delegates .....	V	2	10
Convention, any member is eligible provided such member is .....	V	9 (a)	14
Convention, arrange for the conduct of a nomination meeting .....	V	9 (c)	14-15
Convention, business manager a delegate by virtue of their office .....	V	4	12
Convention, combined locals .....	V	4	11
Convention, combined locals notified of such by the General President .....	V	4	11
Convention composed of legally elected delegates of ..	V	3	10
Convention, credentials provided to the .....	V	10	16
Convention, delegate and office nomination and elections combined .....	V	9 (f)	15
Convention, entitled to more than one delegate may determine one additional delegate by virtue of their office .....	V	4	12
Convention, mail a written notice for secret ballot election .....	V	9 (d)	15
Convention, member aggrieved by the nominations process .....	V	6	13
Convention, not in good standing shall have no standing or rights at Convention .....	V	3	11
Convention, nominate and elect delegates by secret ballot .....	V	9 (b)	14
Convention, nomination and election of delegate at the same meeting .....	V	9 (e)	15
Convention, number of delegated entitled .....	V	4	11
Convention, number of delegates not affected by .....	V	3	10
Convention, substitute delegate .....	V	3	11
District Council, affiliate with .....	XIX	3	51
District Councils, membership consists of .....	XIX	5	51
dues .....	XVIII	8 (c)	49
General Executive Board power to amend the uniform Constitutions of affiliates .....	II	2 (e)	7
.....	VIII	2 (b)	23
General President's authority to dismiss or resolve a charge, objection, protest or appeal .....	IX	18	37
General President's authority to enforce national, regional, area and lawful agreements .....	IX	12	36
General President's authority to interpret the provisions of the uniform Constitution .....	IX	4	31
General President's authority to see to it that affairs and business are properly conducted .....	IX	1 (b)	30
General Secretary-Treasurer's responsibility to prepare and distribute financial report .....	XI	7	40
initiation fees/readmission fees .....	XVIII	8 (a-b)	49
initiation fee, General Executive Board power to waive or regulate .....	VIII	2 (u)	26

	Art.	Sec.	Page
initiation fee, General President's authority to waive or regulate .....	IX	11 (a)	35-36
International Union shall not be responsible for the actions of .....	IX	7	34
investigation of dispute between Local Unions or Local Unions and District Councils .....	X	3	38
.....	IX	7	32-34
limitation of powers of .....	XII	4	41
LiUNA Local Union and District Council pension fund.....	XIV	4	44
.....	XVIII	9 (c)	50
no Local Union shall bring or cause to be brought any action against .....	XVI	3	45-46
no Local Union, or officer, shall bring or cause to be brought .....	XVIII	7	48
no member shall bring or cause to be brought any action against a.....	XVI	2	45
non member veterans .....	XXIII	3 (b)	54
obligations of affiliates .....	XVIII	1	47
per capita tax .....	XVIII	3	47
per capita tax, fails, neglects or refuses to pay .....	XVIII	4	47
per capita tax, falsified or been delinquent in payment .....	XVIII	5	47-48
qualifications, rights and obligations of members .....	XVI	1	45
revenue from.....	XIII	1 (a-c)	42
revenue to LiUNA staff and affiliates pension fund .....	XIII	2	42-43
.....	XVIII	9 (a)	49-50
revenue to LiUNA staff and affiliates pension fund, fails, neglects/refuses to pay.....	XVIII	9 (b)	50
secession, attempted .....	XVIII	2	47
suspended, right of International Union officer to transfer.....	VI	8	21
suspension, automatically suspends from District Council.....	XIX	6	51
suspension, dissolved, or ceases to exist .....	XVIII	6	48
suspension, dissolved, or ceases to exist, officers and members responsible .....	XVIII	6	48
trusteeship/supervision transfers .....	XXI	1-10	52-53
venue to litigate.....	XVI	4	46
<b>Mail Handlers Division .....</b>	<b>XX</b>	<b>1-4</b>	<b>51-52</b>
amendments to the mail handler Constitution.....	XX	3	52
Convention delegates .....	V	4	11-12
Convention delegate by virtue of office .....	V	4	12
Convention delegates, Local Unions with less than 300 members, combined.....	V	4	13
General Executive Board election with the exception of the president of the.....	VII	5	22
General Executive Board composition.....	VIII	1	23
jurisdiction .....	III	1 (b)	8-9
mail handlers division .....	XX	1-4	51
per capita tax allocation.....	XX	1	51
per capita tax due to the International Union .....	XX	2	52
president as ex-officio officer of LiUNA.....	VI	1	18-19

	Art.	Sec.	Page
president, salary as LiUNA vice president .....	VI	7	20
provisions of article XX preempt and supersede .....	XX	4	52
<b>Manual of Jurisdiction</b>			
General Executive Board authorized to prepare .....	VIII	2 (q)	25
trade jurisdiction .....	III	1 (b)	8-9
<b>Membership</b> .....	<b>XVI</b>	<b>1-4</b>	<b>45-47</b>
Convention delegates, Local Unions with 300 members delegate entitlement .....	V	4	11
Convention delegates, Local Unions with less than 300 members, combined .....	V	4	11
Convention delegate elections, membership shall determine and fix the date .....	V	9 (d)	15
General Executive Board may submit any legislative proposal to the .....	II	2 (e)	7
.....	VIII	2 (b)	23
General Executive Board may submit or decline to submit referenda to the .....	VIII	2 (i)	24
initiation fee, General Executive Board may waive or regulate .....	VIII	2 (u)	26
initiation fee, General President may waive or regulate .....	IX	11 (a)	35
Local Unions set lesser schedule of dues for apprentices after approval by the .....	XVIII	8 (c)	49
member 50 years or more of service shall receive gold membership card .....	XVIII	8 (c)	49
no member shall bring or cause to be brought any action against .....	XVI	2-3	45-46
non member veterans may be admitted as members .....	XXIII	3 (b)	54
purpose, to engage in activities appropriate for the defense/advancement of the .....	II	1 (n)	6
qualifications, rights and obligations of .....	XVI	1	45
right to transfer membership .....	XXI	1-10	52-53
<b>Mergers</b>			
trade jurisdiction .....	III	1 (b)	8-9
<b>Military service</b>			
members who enter active military service, good standing .....	XXIII	3 (a)	54
non member veterans may be admitted as members .....	XXIII	3 (b)	54
<b>Miscellaneous Provisions</b> .....	<b>XXIII</b>	<b>1-4</b>	<b>54</b>
<b>Oath of Office</b> .....	<b>XXIV</b>		<b>55</b>
<b>Objects of the International Union</b> .....	<b>II</b>	<b>1</b>	<b>5-6</b>
<b>Obligations of Affiliates</b> .....	<b>XVIII</b>	<b>1-9 (c)</b>	<b>47-50</b>
<b>Officers of the International Union</b> .....	<b>VI</b>	<b>1-8</b>	<b>18-21</b>
elections of .....	VII	1-6	21-22
empowered and authorized to make expenditures .....	VIII	2 (m)	25
funds administered by the .....	XIV	3	43-44
General Executive Board as officers .....	VIII	2 (e)	24
shall be delegates at large to all Conventions .....	VI	6	20

	Art.	Sec.	Page
<b>Official Language of the International Union .....</b>	<b>XXIII</b>	<b>4</b>	<b>54</b>
<b>Organizing Activities</b>			
organize the unorganized.....	VIII	2 (t)	26
<b>Pension Funds. See also Funds</b>			
contributions from training trust funds and other entities.....	XIII	2	43
established and maintained by the General Executive Board .....	XIV	2	43
LIUNA Local Union and District Council pension trust, incorporated into.....	XVIII	9 (c)	50
obligations of affiliates, payment to.....	XVIII	9 (a)	49-50
obligations of affiliates, fails, neglects or refuses to pay.....	XVIII	9 (b)	50
revenue of the LiUNA staff and affiliate .....	XIII	2	43
shall be maintained to provide retirement and related benefits .....	XIV	4	44
<b>Per Capita Tax</b>			
allocation of.....	XI	10	40
apportionment and distribution of revenue .....	XV	1	44-45
charters, fees and per capita for each member due .....	XVII	3	46
Convention delegate, substitute participate in all business except for .....	V	3	11
mail handlers, per capita due.....	XX	1	51
.....	XX	2	52
member of 50 years or more, no per capita tax owed.....	XVIII	8 (c)	49
obligations of affiliates, pay per capita tax of.....	XVIII	3	47
obligations of affiliates, fails, neglects or refuses to pay.....	XVIII	4	47
obligations of affiliates, falsified or been delinquent in payment .....	XVIII	5	47-48
revenue of LiUNA.....	XIII	1 (a)	42
retiree, due to LiUNA.....	XV	1	45
<b>Powers of the International Union .....</b>	<b>II</b>	<b>2</b>	<b>6-8</b>
limitation of.....	XII	1-4	41
<b>Preamble .....</b>			<b>4</b>
<b>Readmission fees</b>			
allocation of.....	XI	10	40
apportionment and distribution of revenue .....	XV	1	44-45
amount of.....	XVIII	3	47
falsified or been delinquent; failed, neglected or refused to pay .....	XVIII	5	47-48
General Secretary-Treasurer shall receive.....	XI	1	39
<b>Referendums</b>			
General Executive Board submission.....	II	2 (e)	7
.....	VIII	2 (b)	23
<b>Regional Offices.....</b>			
General Executive Board may establish and maintain .....	VIII	1	9
General President authority to appoint managers of.....	IX	2 (w)	26
		8 (b)	34-35

	Art.	Sec.	Page
<b>Regional Organizing Funds</b>			
charters issued.....	XVII	1	46
charters, when issued binding upon all.....	XVII	4	46
charters, power of the International Union.....	II	2 (b)	6
charters, powers of the General Executive Board to issue.....	VIII	2 (f)	24
charters, powers of General Executive Board to revoke, consolidate/amalgamate.....	VIII	2 (g)	24
charters, General President and General Secretary-Treasurer to issue.....	XI	9	40
General President, authority to see the affairs and business are properly conducted.....	IX	1 (b)	30
International Union powers, affiliate or disaffiliate with any organization.....	II	2 (h)	8
<b>Retirees</b>			
Objects and powers of LiUNA, to establish a retirement program.....	II	2 (q)	6
per capita charged for.....	XV	1	44-45
per capita paid to LiUNA for.....	XVIII	3	47
<b>Revenue.....</b>	<b>XIII</b>	<b>1-2</b>	<b>42-43</b>
apportionment and distribution of.....	XV	1-2	44-45
of funds.....	XIII	2	42
of the LiUNA staff and affiliates pension fund.....	XIII	2	42-43
<b>Seal of the International Union.....</b>	<b>IV</b>	<b>2</b>	<b>9-10</b>
<b>Suspension</b>			
of an officer or employee pending a hearing.....	IX	6	32
of Local Unions automatically suspends them from the District Council.....	XIX	6	51
of subordinate bodies.....	XVIII	4-7	47-48
<b>“The Laborer”.....</b>	<b>VIII</b>	<b>2(y)</b>	<b>27</b>
<b>Title and Authority of the International Union.....</b>	<b>I</b>	<b>1</b>	<b>4</b>
<b>Transfers.....</b>	<b>XXI</b>	<b>1-10</b>	<b>52-53</b>
<b>Trials. See Charges, Trials, and Appeals.....</b>	<b>XXII</b>		<b>54</b>
<b>Trusteeship.....</b>			
delegation of judicial powers by General President to hold hearings on.....	VIII	2 (a-vii)	28
Local Union has falsified or been delinquent; failed neglected or refused to pay.....	XVIII	5	47-48
subordinate bodies placed in after notice, hearing and decision.....	XVIII	2	47
<b>Veterans</b>			
admission as members.....	XXIII	3 (b)	54
<b>Vice Presidents.....</b>			
as officers.....	VI	1	18
General Executive Board has the authority to increase or decrease the number.....	VI	1	19
General Executive Boards composed of.....	VIII	1	23
salary of.....	VI	7	20-21





UNIFORM LOCAL UNION  
CONSTITUTION  
of the  
Laborers' International Union  
of North America

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As Amended by the 24th Convention  
September 12-15, 2011

## ARTICLE I

**Affiliation and Jurisdiction**

Section 1. Each affiliated Local Union of the Laborers' International Union of North America is created by the said International Union, having been brought into being as a unit in order to accomplish the goal of gathering under one banner all those that work at the craft and calling of said International Union, in accordance with the craft and territorial jurisdiction allotted to each Local Union by its charter; subject to the Constitution, rules, regulations, policies, practices and lawful orders and decisions of the said International Union and subject to the provisions of the Uniform District Council Constitution and subject to the provisions of the Uniform Local Union Constitution, and rules, regulations, policies, and practices, where the same apply.

Section 2. The headquarters and general office of the Local Union shall be maintained in the city where it is presently located. The headquarters and general offices of the Local Union may be relocated to another city or town within the Local Union's territorial jurisdiction only upon the approval of the General President.

## ARTICLE II

**Objects, Powers and Obligations**

Section 1. OBJECTS:

Each Local Union, having had assigned to it its craft and territorial jurisdiction, by its charter, is charged with the responsibility:

- (a) To carry out the purposes of said assignment;
- (b) To fulfill the objects of the International Union as specified in Article II, Section 1 of the International Union Constitution;
- (c) To conduct its affairs in a manner which would most tend to enhance, conserve and protect the welfare and interest of the International Union, its affiliates and members;
- (d) To perform and carry out its objects and functions in accordance with the provisions of this Constitution, the International Union Constitution and the Uniform District Council Constitution, as hereinafter provided.

(e) To organize the unorganized and to take all such other action, including but not limited to donations, contributions and other activities, as may tend to conserve, promote and foster good will and public support for the welfare and interest of this International Union, its affiliates and members.

## Section 2. POWERS:

In order to effectuate these objects a Local Union shall have the authority:

(a) To establish proper rules, regulations, policies and practices as it deems necessary or appropriate to fulfill the purposes for which the Local Union was chartered, provided such rules, regulations, policies and practices are not in conflict with the International Union Constitution, its rules, regulations, policies, practices and lawful orders and decisions and not in conflict with the Uniform Local Union Constitution or the Uniform District Council Constitution, and rules, regulations, policies and practices, where same apply; such rules, regulations, policies or practices shall be subject to review by the General President; if, after such review, it is the General President's judgment that such rules, regulations, policies or practices are neither proper nor in conformity with the intent, objects or purposes of the Constitutions, regulations, practices, policies and lawful orders and decisions of the International Union, the General President may modify or annul same;

(b) To raise income from dues, initiation fees, readmission fees, assessments and other proper and lawful sources;

(c) To make commitments and disbursements in its discretion from the funds, assets, and property of the Local Union for regular, recurrent, and incidental expenses, organizing, strikes, collective bargaining, contract administration, awards, gifts, donations, charitable contributions, political purposes, education, public relations, employee benefit plans for Local Union personnel and officers, legal expenses, and such other expenses and investments as it deems necessary or proper to carry out the objects and purposes of the Union;

(d) To establish proper wages, conditions and hours of employment through the process of collective bargaining with employers and to fulfill and require observance thereof. Except as otherwise specifically provided in the Constitutions of the Union, each Local Union shall be

autonomous in the exercise of its right to negotiate and consummate agreements with employers and to police and enforce the terms and conditions thereof;

(e) To provide for the well-being and security of members, officers and employees of the Local Union, including but not limited to the establishment of insurance, health and welfare, pension, severance and other employee benefit plans;

(f) To carry out its other duties, responsibilities and functions as provided in the Constitutions of the Union;

(g) To take such other actions as it deems necessary or proper to fulfill the objects listed in Section I herein.

### Section 3. OBLIGATIONS

(a) A Local Union shall carry out, perform and comply with all of the objects and powers as outlined in Article II of this Constitution and the objects of the International Union;

(b) A Local Union shall recognize and be subject to all of the provisions of the International Union Constitution and, if so affiliated, the Uniform District Council Constitution, and shall comply with all such rules, regulations, policies, practices and lawful orders and decisions of the International Union, its officers and General Executive Board, and, if so affiliated, of the District Council and its Executive Board;

(c) Local Unions within the territorial and trade jurisdiction of a District Council shall affiliate with such District Council and shall also affiliate with appropriate Bodies, such as National Construction Alliance Councils, Building and Construction Trades Councils, Metal Trades Councils, Maritime Trades Councils, State Federations of Labor and Central Bodies. In the event that a Local Union is not affiliated with a District Council, then such Local Union shall affiliate with any Regional Organizing Fund that has been established and is operating within its territorial jurisdiction;

(d) The General Executive Board of the International Union may, upon notice and after hearing, suspend or revoke charters or consolidate or amalgamate subordinate bodies and may define or revise their craft or territorial jurisdiction;

## ART. II

(e) A Local Union or any of its officers, employees or members shall submit to the General President or the General President's deputy or authorized representative, all books, records and data, when requested. The General President, or deputy, may require the personal appearance of all officers, employees or members of the Local Union, as part of an investigation or proceeding ordered by the General President or the General Executive Board or in connection with said duties, responsibilities or the exercise of their powers;

(f) A charter of a Local Union shall not be voluntarily surrendered while there are ten members in good standing in said Local Union who object to such surrender. The International Union is not obligated to accept a voluntarily surrendered charter but, in its sole discretion, it may elect to pursue alternative means, including but not limited to trusteeship, to continue the existence of the Local Union;

(g) When the General President, upon investigation, finds that the average good-standing membership of a Local Union, over a period of one year, is less than 300 members and, after investigation finds that the Local Union has not effectuated the purposes for which it was chartered, the General President shall declare the charter of said Local Union suspended. When such declaration of suspension has been made by the General President, or the charter of a Local Union ceases to exist for any reason, the good-standing members of such Local Union shall transfer into such other affiliated Local Unions of the International Union, as designated by the General President, within a period of thirty days from the date of notice of suspension;

(h) When, as hereinafter provided, a Local Union fails to make payment of initiation fees, readmission fees, per capita tax or other lawful fees or assessments to the International Union within the time prescribed, the charter of such Local Union may be deemed suspended without further notice;

(i) When, as hereinafter provided, a Local Union fails to make payments of initiation fees, readmission fees, per capita tax, or other lawful fees or assessments to the District Council with which it is affiliated within the time prescribed, upon a complaint, hearing, and finding by the General Executive Board that the Local Union has falsified its reports or failed to make the aforesaid payments within the prescribed time, the charter of such Local Union may be suspended, the Local

Union may be assessed the cost of investigation and audit in addition to the amount involved in the falsification or delinquency of its reports, and/or other action may be taken as the General Executive Board deems warranted;

(j) When, as hereinafter provided, a Local Union fails to make payment to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND within the time prescribed, the charter of such Local Union may be deemed suspended without further notice;

(k) If a Local Union is suspended, dissolved or ceases to exist, all of its property, funds, books, papers and paraphernalia shall immediately revert to and become the property of the International Union, in accordance with the provisions contained in the International Union Constitution. Alternatively, in the General President's sole discretion, the International Union may refrain from taking any or all of the former Local Union's property, funds, books, papers, or paraphernalia.

(l) All Local Unions are required to exhaust remedies in accordance with Article XVIII, Section 7 of the International Union Constitution;

(m) In carrying out the objects, powers, and obligations herein, affiliated Local Unions of the Laborers' International Union of North America are not agents of the International Union unless specified acts or conduct were ordered or directed by the International Union, or such acts or conduct were ratified by the International Union after written notice thereof. However, in no event shall the International Union be liable or responsible for autonomous acts of its affiliated Local Unions.

## ARTICLE III

### **Membership**

#### Section 1. APPLICANTS:

(a) In order to be eligible for membership a person must be working at the calling within the territory of the Local Union in which the individual applies for membership. This requirement establishes only a requirement for membership eligibility and is not a limitation on the exercise of any right arising under the National Labor Relations Act or any other statute.

(b) An individual shall not be granted membership if that person is a member of, or a sympathizer with, any organization that has for its purpose the overthrow of this Organization or of the Government of the United States of America or of Canada, by force or violence;

(c) Such applicant for membership must agree to abide by the Constitutions, laws, rules, regulations, policies and lawful orders and decisions of this Organization;

(d) Such applicant must agree to refrain from conduct that would interfere with the performance of this Union's lawful and contractual obligations;

(e) Such applicant must tender to the Local Union in which membership is sought, the initiation fee, dues and other lawful fees and assessments that prevail in said Local Union;

(f) Such applicant must recognize the responsibility to preserve the Union as an institution;

(g) No person who has been expelled from one Local Union shall be admitted to membership by the same Local Union or another Local Union, without first obtaining permission from the General Executive Board of the International Union;

(h) No person shall be clothed with or acquire or retain the right of membership unless payment of the initiation fee, readmission fee, per capita tax and monthly dues are received by the International Union or the Local Union, as the case may be, when due, provided, however, that any member who has not been suspended and is current in the payment of dues shall not be deprived, where otherwise qualified, of the right to vote in a regular election of the Local Union;

## Section 2. RIGHTS OF MEMBERS:

In accordance with and subject to all the provisions of the International Union Constitution and the Uniform District Council Constitution and this Constitution, all persons having lawfully acquired membership in the Union, shall be entitled to the following rights:

(a) To be represented by the Union for the purpose of collective bargaining and to work as a member of the Union and enjoy all of the benefits that flow therefrom, in accordance with agreements, un-



standings or conditions properly established by the Local Union or District Council;

(b) To attend and participate in meetings and functions of the Local Union;

(c) To be a candidate for and hold office or position in the Local Union;

(d) To transfer from one affiliated Local Union to another;

(e) To readmission;

(f) To bring to the attention of the member's Local Union any matter of importance to the Organization and its members;

(g) To prefer charges and have a proper hearing and decision on said charges; and, in the case of a member against whom charges have been preferred, to receive proper notice of the charges and a full and fair hearing and decision; and

To appeal therefrom to the General Executive Board of the International Union; and

To appeal to the Convention;

(h) A member of any Local Union may inquire of the General Secretary-Treasurer as to whether the member is in good standing in the International Union.

(i) A member has the right to be free from discrimination based upon age, race, religion, gender, or national origin.

### Section 3. OBLIGATIONS OF MEMBERS:

(a) To recognize that the International Union Constitution, the Uniform Local Union Constitution and the Uniform District Council Constitution, constitute the organic law of the Organization;

(b) To observe, conform and comply with all of the terms and provisions of said Constitutions and all of the rules, regulations, policies, practices and lawful orders and decisions adopted and promulgated in the furtherance and administration of the provisions of the said Constitutions;

(c) To recognize and respect the right of the Union to adopt and enforce reasonable rules as to the responsibility of every member to-

ward the Organization as an institution and to refrain from conduct that would interfere with the performance of its lawful and contractual obligations;

(d) To refrain from interfering with the proper conduct of all the business of the Organization;

(e) To observe proper decorum in attending and participating in meetings and functions of the Organization, in accordance with such reasonable rules established by the Organization and generally accepted parliamentary rules of procedure pertaining to the conduct of meetings and functions;

(f) To refrain from attending a meeting or function under the influence of liquor or conducting oneself in such a manner as to interfere with the proper and orderly conduct of the business of the Local Union; and to comply with and obey all requests or orders by the presiding officer pertaining to the conduct of a meeting or function;

(g) To refrain from attempting to cause secession by the Local Union from the International Union; to refrain from assisting an organization threatening to, or undermining the representational rights of the International Union or any of its affiliates; and to refrain from advocating or seeking the division of the funds of the Local Union;

(h) All members are required to exhaust remedies in accordance with Article XVI, Section 2 of the International Union Constitution;

(i) Each member shall pay to the Local Union such initiation fee, dues, and other lawful fees and assessments as are fixed and established pursuant to constitutional authority.

(j) To refrain from being a member of another union that competes with LIUNA for work jurisdiction or bargaining rights.

#### Section 4. APPRENTICES:

(a) In addition to regular membership there shall be a special class of membership for Apprentices. Apprentices shall be accorded the same voice and vote as members with respect to the conduct of the business and affairs of the Local Union but shall not be eligible to serve as an officer in, nor as a member of, the Executive Board nor as a delegate to a District Council nor as a delegate to the Convention of the International Union.

(b) Individuals accepted into the apprenticeship program shall fulfill all obligations of the Apprenticeship Standards before being granted recognition as a skilled Construction Craft Laborer and until such time as these obligations are met, the apprentice shall be granted an "apprentice member card" by the International Union. The apprentice will be required to complete the requirements of the Apprenticeship Standards before becoming eligible to claim journeyworker status, be recognized as a journeyworker, and/or enter the journeyworker out-of-work list. Upon successful completion of the apprenticeship program, the individual shall be issued a regular membership card by the International Union.

## ARTICLE IV

### Officers

Section 1. The officers of the Local Union shall consist of President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate, Sergeant-at-Arms, three Auditors and additional members of the Executive Board.

Section 2. A combination of offices may be permitted, provided, however, that such combination has been voted by the membership and provided that it is then submitted to the General President of the International Union for approval; all of said action to be had and taken prior to the nomination meeting.

Section 3. Subject to the approval of the General President, an officer or employee of a Local Union may also hold office in or be employed by another body of the Union and receive the salary and other compensation provided for such position, provided that if the salary or other compensation for such other position does not exceed \$25,000.00 per year, such approval shall not be required.

Section 4. DUTIES OF OFFICERS:

#### A—PRESIDENT

(1) The President shall preside as chairperson at all meetings of the Local Union and exercise all of the authority and responsibility as such chairperson.

(2) The President shall preside at all meetings of the Executive Board of the Local Union as its chairperson and also at all sessions of the Executive Board sitting as a trial board.

(3) The President shall, together with the Secretary-Treasurer, sign all checks or orders for the payment of monies from the Local Union's accounts, and sign all official documents of the Local Union, except as herein otherwise provided.

(4) The President shall call special meetings of the Local Union or of the Executive Board, when requested to do so by the Executive Board of the Local Union.

### **B—VICE PRESIDENT**

The Vice President shall, in the absence of the President at any regular or special meeting of the Local Union or of the Executive Board, perform the functions and duties of the President at such meeting.

### **C—RECORDING SECRETARY**

(1) The Recording Secretary shall prepare and sign minutes of all meetings which shall be turned over to the Secretary-Treasurer as part of the records of the Local Union.

(2) The Recording Secretary shall submit the books to the Auditors of the Local Union for inspection once a year or to a Certified Public Accountant when the Local Union has retained such Accountant for the purpose of auditing the financial records of the Local Union, and to the General President or a deputy or representative appointed by the General President for such purpose, when requested.

(3) The Recording Secretary shall, together with the President, sign all credentials of delegates of the Local Union.

### **D—SECRETARY-TREASURER**

(1) All monies payable to the Local Union shall be turned over to the Secretary-Treasurer, who shall give a proper receipt therefor.

(2) The Secretary-Treasurer shall make and keep a proper record of all such monies received and deposit same in the name of the Local Union, in such banks or depositories as the Executive Board shall determine.

(3) The Secretary-Treasurer shall make disbursements in accordance with the provisions of Article IX herein.

(4) The Secretary-Treasurer shall, once each month, at a meeting of the Local Union, make a written, categorical financial report of the monies received and disbursed since the last report to a meeting.

(5) The Secretary-Treasurer shall, together with the President, sign all checks or orders for the payment of monies from the Local Union's accounts.

(6) The Secretary-Treasurer shall submit the books to the Auditors of the Local Union for inspection once a year or to a Certified Public Accountant when the Local Union has retained such accountant for the purpose of auditing the financial records of the Local Union, and to the General President or a deputy or representative appointed by the General President for such purpose, when requested.

(7) The Secretary-Treasurer, in addition to the monthly per capita tax corresponding to the monthly dues paid to the Local Union by its members, shall pay to the International Union and the District Council with which the Local Union is affiliated each month or more often, initiation fees and readmission fees for those who have paid similar fees to the Local Union, giving the full names, addresses, dates of birth, Social Security numbers, e-mail addresses or such other member information as may be lawfully required of those to be initiated or readmitted. The Secretary-Treasurer shall also make payment, when due, of all other lawful payments and obligations due and owing to the International Union and the District Council with which the Local Union is affiliated.

(8) Effective January 1, 2010, the Secretary-Treasurer shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND each month, an amount equal to twenty-six percent (26%) of the gross salary paid to each of its full-time officers and employees covered by the Fund, provided that no payment shall be made on behalf of salary which is at a rate lower than ten thousand dollars (\$10,000.00) per year for any one person, but shall remain at six thousand dollars (\$6,000.00) per year for full-time officers and staff who were participants in the Fund as of December 31, 1996. All contribution obligations and participation in the Fund shall be subject to the Fund's rules and regulations adopted by the Board of Trustees.

(9) Each Local Union, through its Secretary-Treasurer, is charged with the obligation of registering all applicants for membership with the International Union, upon receipt by it of the initiation fee or of the first \$55.00 paid by the prospective member toward the initiation fee, whichever occurs first; effective January 1, 2012, the foregoing \$55.00 shall be increased to \$65.00. The Local Union shall have the privilege of withholding the membership card received from the International Union for such registration, until the individual has completed payment of the full amount of the initiation fee payable to the Local Union.

(10) The Secretary-Treasurer shall pay the per capita tax due to the International Union for and in behalf of each member who has paid dues to the Local Union, in the second month after such dues were payable but in no event later than 25 days after the last day required for the payment of dues by the member. This 25-day period is allowed to the Secretary-Treasurer for the purpose of preparing and forwarding the per capita tax report to the General Secretary-Treasurer but does not inure to the benefit of the member as an extended time within which the member may pay dues to the Local Union.

(11) Where a Local Union is affiliated with a District Council, the Secretary-Treasurer shall, at the same time the appropriate payments are being made to the International Union, pay to the District Council any per capita tax, initiation fees, readmission or other lawful fees which may be due.

(12) The Secretary-Treasurer shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, the payment as aforesaid by the last day of the following month for which said salary is due, but in no event later than the last day of the month following the month in which the payment is due.

(13) The folios and other forms of registration and payments required to be made, shall be in such form as prescribed by the General Secretary-Treasurer. The Secretary-Treasurer shall order from the International Union all books and other paraphernalia as prescribed by the Constitution.

(14) The Secretary-Treasurer shall promptly report to the General Secretary-Treasurer all newly initiated and readmitted members, all transfers by members into or out of the Local Union; all members to be suspended for nonpayment of dues or otherwise; or expelled; all mem-

bers deceased and the dates of death, and a report of members entering and returning from military service.

(15) All minutes of meetings, property, books, papers, and records of all financial transactions within the Local Union shall be in the custody of the Secretary-Treasurer.

### **E—BUSINESS MANAGER**

(1) The Business Manager shall be the recognized representative of the Local Union.

It shall be the duty of the Business Manager of a Local Union to see to it that the affairs and business of the Local Union are being properly conducted in accordance with the Constitutions and with the rules, regulations, policies, practices and lawful orders and decisions.

(2) Specifically, but not in limitation thereof:

(a) Unless otherwise provided, negotiations with employers shall be through a Negotiating Committee of the Local Union, of which the Business Manager shall be chairperson ex-officio;

(b) It shall be the duty of the Business Manager to see to it that the provisions of all agreements are enforced and respected by all persons affected thereby. All instances of non-compliance which are not amicably adjusted by the Business Manager, shall be reported to the Executive Board of the Local Union.

(3) The Business Manager shall have the authority to appoint and supervise Stewards.

(4) The Business Manager shall be in charge of, direct and supervise the activities of Field Representatives and Organizers. The Business Manager shall have the authority to discharge Field Representatives and Organizers.

(5) The Business Manager shall keep informed of all contemplated work to be done within the jurisdiction of the Local Union and make such pre-job arrangements as may be necessary in order to insure the proper and lawful progress of such work once started and to its conclusion.

(6) The Business Manager shall visit all projects within the jurisdiction of the Local Union in order to ascertain whether or not work is progressing in accordance with established conditions.

(7) The Business Manager shall be charged with the responsibility of protecting the craft jurisdiction within the territory entrusted to the Local Union by the International Union.

(8) The Business Manager shall use all proper and lawful means of organizing the work coming within the territorial and craft jurisdiction of the Local Union.

(9) At each meeting of the Local Union and at such other times as the Executive Board shall require, the Business Manager shall make an activity report which shall include the activities of any assistants and which shall include, but shall not be limited to, organizing, political action and, where applicable, training and apprenticeship.

(10) For all monies collected in the field, the Business Manager shall give an official receipt furnished by the International Union, which monies shall then be turned over to the Secretary-Treasurer of the Local Union, as soon as is practicable, and obtain a receipt therefor.

(11) By virtue of the election to said office, the Business Manager shall serve as a delegate to the District Council as provided by Article V, Section 4 of the International Union Constitution, to any Conventions called by the International Union during the term of office, and all other local labor bodies with which the Local Union is affiliated. In addition, in accordance with Article V, Section 4 of the International Union Constitution, the Executive Board may in advance of the nomination of officers determine that either its President or its Secretary-Treasurer (but not both) shall, by virtue of such election and subject to the provisions of Article V, Section 4 of the International Union Constitution serve as a delegate to the regular and special Conventions of the International Union.

### **F—SERGEANT-AT-ARMS**

The Sergeant-at-Arms shall determine the right of those who shall be permitted to enter the meeting hall; and shall execute such orders received from the President for the maintenance of order and decorum at meetings.

### **G—AUDITORS**

(1) The Auditors shall at the end of the year audit the books of the Secretary-Treasurer and check the entries with bank deposits, state-



ments and other data or memoranda. They shall render a detailed report annually to the Local Union, showing financial transactions and condition of the Local Union for the preceding year.

(2) The Auditors shall have the right to require the production of books, records and other data or memoranda from all officers, officials or employees who participated in any financial transaction and to request their appearance for the purpose of making such report or explanation as may be deemed necessary by them.

(3) When a Local Union has retained a Certified Public Accountant to prepare its annual audit, then the foregoing subsections shall not apply. The Certified Public Accountant shall be retained by the Executive Board. The Auditors shall cooperate with the Certified Public Accountant in the preparation of such audit.

## **H—EXECUTIVE BOARD**

(1) The Executive Board shall be composed of seven members.

(2) It shall consist of the President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager and two other members elected by the membership as members of the Executive Board.

In the event that there is a combination of offices, there shall be elected from among the membership of Local Union such number of Executive Board members as to complete the complement of seven members.

(3) The Executive Board, in interim periods between meetings, shall have the authority of the Local Union except as hereinafter provided.

(4) Actions of the Executive Board, except for commitments and disbursements for the regular, recurrent and incidental expenses of the Local Union, shall be binding until and unless modified by vote of membership at a meeting of the Local Union when the report of the Executive Board is made to it. However, the Executive Board shall have no power or authority to negotiate, approve, ratify or enter any collective bargaining agreement for a unit of employees or staff employed by the Local Union with a union not affiliated with this International Union without the General President first determining whether the provisions of such agreement are consistent with the Constitution, laws and policies of the International Union or with the fiduciary obligations of the Executive Board. Such submission to the General President shall

not constitute ratification, condonation or adoption by the International Union of the provisions of such collective bargaining agreement and shall not render the International Union a party to such collective bargaining agreement for any purpose whatsoever.

(5) The presence of at least four members of the Executive Board shall constitute a quorum; a majority of those present and voting shall be required for all official acts.

(6) The Executive Board shall meet at least once a month and, when possible, prior to the regular meeting of the Local Union; it shall also hold such special meetings as, in its judgment, it may deem appropriate or necessary.

(7) The Executive Board shall submit a report of its activities and its minutes, to each regular meeting of the Local Union.

(8) The Executive Board shall constitute and be the trial board to hear and determine all charges, as hereinafter provided.

(9) It shall be the duty of the Executive Board to see to it that the affairs and business of the Local Union are being properly conducted, in accordance with the Constitution.

(10) When the Local Union has decided that Field Representatives or Organizers are needed, the Executive Board, after recommendation from the Business Manager, shall appoint such Field Representatives or Organizers and it shall determine the salary and other compensation to be paid. Approval shall not be unreasonably withheld. If a recommendation of the Business Manager is rejected, then the Business Manager shall have the right to submit a further recommendation for the Executive Board's consideration.

(11) The Executive Board shall see to it that bond is provided which protects against loss by reason of acts of fraud or dishonesty covering every officer, agent, shop steward, or other representative who handles funds or other property of the Local Union, in an amount not less than the minimum required by the provisions of applicable law, and by any ruling of the General Executive Board.

Section 5. Each Officer, Executive Board Member and Delegate to a District Council, where a Local Union is affiliated with a District Council, shall attend all meetings of the Bodies in which the official

functions; and failure to attend two successive meetings or any three meetings in a period of one year, unless excused for just cause by a vote of the Executive Board or membership of the Local Union, shall be deemed sufficient ground for hearing and trial before the Executive Board of the Local Union, why that official should not be removed from said office or position.

Section 6. Upon the termination of office, each Officer shall turn over the books, papers, records and other property which came into the officer's possession, custody and control, to the organization. This provision shall also apply to all other officials or employees of the Local Union.

## ARTICLE V

### **Qualifications for Office**

In order to qualify as a candidate for any office in a Local Union, a member:

Section 1. Shall be required to have been in good standing in the International Union for a period of two years and in good standing in the Local Union for a period of two years immediately prior to nomination and to be current in the payment of dues; these requirements shall not apply in cases when Local Unions have been chartered for a period of less than two years prior to the date of nomination.

Section 2. Shall be a lawful permanent resident and shall be lawfully employable under the laws of the United States or Canada.

Section 3. Shall be literate.

Section 4. No one shall be eligible to hold any office in the Local Union if the person has not been regularly working at the calling of the International Union during the entire year immediately prior to nomination. "Working at the calling" shall be defined to include:

(a) Employment for which the Union serves, or is actively seeking to serve, as the exclusive collective bargaining representative of employees;

(b) Employment in a full-time official capacity for the Local Union;

(c) Employment by government or the trade union movement in a capacity directly related to the calling and one which would directly

benefit the Local Union and its members except that employment by the Local Union in a clerical or administrative position shall not be deemed to be "working at the calling." Members who are employed in such clerical or administrative positions and are therefore ineligible from being candidates for office shall retain their rights as members to participate in the affairs of the Union, including campaigning activities, to the extent permitted by applicable law;

(d) Periods of unemployment where the member was available for and continuously and actively sought employment at the calling which shall be understood to require full compliance with the lawful rules of the referral service or hiring hall, if any, operated by the Local Union;

(e) Members who can prove they were unable to work because of temporary illness or disability of less than one year so long as that member has a reasonable expectation of returning to work in the foreseeable future.

In examining the circumstances of each particular case, due regard shall be given to the good faith involved.

(f) Periods of employment referred to in paragraphs (b) and (c) while covered by a collective agreement with another union shall not be considered as working at the calling.

Section 5. No person who has been debarred after trial, from holding office, shall be qualified as a candidate during the period of such debarment.

Section 6. A candidate shall not be eligible to run for office if such candidate is a member of, or a sympathizer with, any organization that has for its purpose the overthrow of this Organization or of the Government of the United States of America or of Canada, by force or violence, or who is unable to qualify under this Constitution and in accordance with the provisions of existing law.

Section 7. A candidate must agree to observe, conform and comply with all of the terms and provisions of the International Union Constitution, the Uniform Local Union Constitution and the Uniform District Council Constitution and all of the rules, regulations, policies, practices and lawful orders and decisions adopted and promulgated in the furtherance and administration of the provisions of the said Constitutions.

Section 8. Such candidate must agree to refrain from conduct that would interfere with the proper conduct of all of the business of the Organization.

Section 9. Such candidate must agree to recognize said responsibility toward the preservation of the Union as an institution.

Section 10. All of the qualifications for office must be present at the time of nominations, as well as at the time of election and during the term of office.

Section 11. Any person who receives a pension from a pension or a retirement fund related to the International Union or any affiliate thereof shall be presumed to be a retiree and, therefore, not to be working at the calling of the International Union and not to be qualified as a candidate for office. The burden shall be on such pension recipient to demonstrate affirmatively to the satisfaction of the Judges of Election that such individual nonetheless meets the constitutional qualifications for office.

## ARTICLE VI

### **Nomination and Election of Officers**

#### Section 1. NOMINATIONS:

(a) A special meeting, to be known as the "Nomination Meeting," shall be held not less than ten days nor more than twenty days prior to a regular meeting of the Local Union to be held in the month of May of the election year, at which nominations shall be made for all of the offices or positions, including delegates to the District Council, to be filled;

(b) No less than seven days prior to said Nomination Meeting, notice thereof shall be mailed to each good-standing member of the Local Union at such member's last-known address, and such notice shall list the offices and positions to be filled and the time and place of such meeting;

(c) Three Judges of Election shall be appointed prior to the Nomination Meeting by the Executive Board of the Local Union. They shall not be candidates for office but they shall possess all the qualifications required of candidates for office except that they may be retired;

(d) The salary and compensation to be paid to elected officers or officials shall be fixed at the nominations meeting prior to the nominations; provided that adjustments to salary during the term of office may be effected in accordance with the provisions of Article IX herein;

(e) A member in good standing shall be eligible to be nominated for office in the Local Union. Such member shall meet all of the requirements of qualification hereinabove outlined;

(f) All members properly nominated shall be nominated by two (2) other members in good standing and shall be present at the time of nomination, unless absent from the meeting on business for the Local Union, for the District Council, or for the International Union, or excused for just cause by a vote of the membership of the Local Union and shall indicate immediately upon nomination whether it is accepted or declined. Once a nomination is accepted, and the nominee has been deemed to be qualified by the Judges of Election, the nominee has no right to withdraw such candidacy prior to the election due to unavailability or unwillingness of the nominee to serve in office, unless the candidate has been declared ineligible by protest or appeal, or approval to withdraw such candidacy has been granted by the General President.

(g) Nominations shall be made in the following order: President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate\*, Sergeant-at-Arms, Auditors (3), Executive Board Members, Delegate(s) to the District Council.

This order is subject to combination of offices, when approved, in accordance with constitutional provisions. No member may be a candidate for, nor hold more than one office, except where a combination of offices has been approved, in accordance with the provisions of this Constitution;

(h) All elected officers shall serve for a term of three years, provided, however, that the term shall be four years where the law permits. The newly elected officers shall be deemed to be installed and shall assume the powers, duties and responsibilities of office immediately upon the Judges of Election announcing the results of the election in

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**\* Applies only in an election where the term of office would include a Convention of the International Union.**

accordance with Section 3(i) of this Article. The newly elected officers shall take the oath of office at the first regular meeting after the election.

Section 2. WHEN THE NOMINATIONS HAVE BEEN COMPLETED:

(a) The Chairperson shall state that the Constitution requires all candidates to appear before the Judges of Election, who shall examine them in order to determine whether or not each candidate possesses all of the qualifications hereinabove provided;

(b) The Judges of Election shall then announce the time and place when such examinations will be made;

(c) Candidates are required to appear at such time and place and be examined unless absent on business for the Local Union, for the District Council or for the International Union, or excused for just cause by the Judges of Election. If absent for any of the foregoing reasons, the candidate and the Judges of Election shall promptly schedule an alternate time and place so that the candidate may be examined as to qualifications. Unexcused absence from a nomination meeting shall serve to disqualify such member from any subsequent nomination in the same election;

(d) Any member in good-standing wishing to protest the qualification of any candidate or who may have information or data regarding the qualification of a candidate, may also appear before the Judges of Election at the time and place specified;

(e) After the Judges of Election have completed their examination, they shall pass upon and decide whether or not each candidate qualifies, as provided, and prepare their report, which is to be submitted to the regular meeting of the membership in the month of May following the Nomination Meeting.

In the event there is no contest for any office and the candidates are found properly qualified, the Judges of Election shall certify to the May meeting that there is no need for a secret ballot election, and the nominees shall be declared duly elected;

(f) If the Judges of Election have disqualified any candidate, the Chairperson of the meeting shall then call further nominations if, but only if, the disqualification results in there being no candidate for that

office or position, or, in the case of Executive Board Members, auditors or delegates to the District Council (if applicable), in there being fewer candidates than there are positions to be elected. If any such nominations are made, the Judges of Election shall immediately examine the new nominees and report on same at said meeting.

(g) The Judges of Election shall prepare the official ballot. In the preparation of the official ballot, the Judges of Election shall consult with and obtain from the Recording Secretary the list of candidates for each office or elective position; the official ballot shall then be prepared pursuant to said data, with the names of the candidates listed in the order in which they were nominated.

(h) The Judges of Election shall then contact and consult with the Secretary-Treasurer, in order to determine the number of official ballots to be printed, if ballots are to be used, or the number of voting machines, if the election is to be conducted by voting machines. Upon being so informed, the Judges of Election shall then order the preparation of the required number of official ballots, or to make the necessary arrangements for the number of voting machines, both of which shall be in such form as to protect and insure the secrecy of the vote of the member;

(i) The official ballots, once printed, shall remain in the custody of the Judges of Election until the day of election;

(j) At the May meeting, the membership shall determine and fix the date on which the election shall be held and the place and the hours during which the polls shall remain open.

When this data has been determined, the Secretary-Treasurer shall mail a written notice to the last-known address of each member in good standing, which would inform each member of the date, place and time of election and the list of the offices or elective positions to be filled; such notice to be mailed not less than fifteen days prior to the date of election.

### Section 3. ELECTION:

(a) The voting area shall be located in a hall or room where all of the functions of the election process will be open and visible at all times to the Watchers and the election officials charged with the proper conduct of the election;



(b) Each candidate may, at such candidate's own expense, designate in writing a Watcher who must be a member of the Local Union and who must, no later than the day of election, deposit such written appointment with the Judges of Election;

(c) Those permitted to be in the voting area are the three Judges of Election, the Secretary-Treasurer (who may have an office secretary present if deemed necessary), any duly designated Watchers and such other persons whose presence the Local Union may deem necessary in the process and conduct of the election; provided that a motion to this effect is made and adopted at the May meeting preceding the election; and all the members in good-standing during the period necessary and required for the casting of their votes;

(d) As each member in good-standing appears for the purpose of voting, such member shall report to the Secretary-Treasurer and present identification.

The Secretary-Treasurer, together with a Judge of Election, shall then determine whether such person is current in the payment of dues and otherwise qualified and entitled to vote. Current in payment of dues for purposes of election shall mean that the member is not more than two (2) months in arrears in the payment of dues.

As members are qualified, they shall be required to sign their names and card numbers on a Membership Voting Register, which Register, when the voting has been concluded, shall then be signed, at the end thereof, by the Secretary-Treasurer and the three Judges of Election;

(e) After members have been qualified, they shall each be given an official ballot and permitted:

(1) if a paper ballot is used, to mark the ballot, indicating their choice of candidate for each office and elective position, in a secret manner where such choice cannot be identified with the voter; and thereafter to deposit their ballots in the ballot box, in the presence of a Judge of Election and the Watchers, which box shall be locked during the voting process;

(2) if the vote is by voting machine, to register their votes in a secret manner and in a manner where such choices cannot be identified with the voter;

(f) A member who has completed voting shall leave the voting area;

(g) If a voter requests assistance, such assistance shall be given by a Judge of Election;

(h) No "write-in" vote shall be permitted on the day of election;

(i) When the closing time as prescribed has arrived and all voters present have voted, the Secretary-Treasurer, having fulfilled the duties of said office during the election, shall leave the voting area. The Judges of Election shall take possession of the ballot box, in the case where paper ballots are used, or open the voting machine, if machines are used, and proceed to count and tally the vote for each office or elective position, in the presence of the Watchers. When the count and tally for each office has been completed and the total vote for each candidate has been established, the Judges of Election shall announce the result, after which they shall mark the result of the total vote for each candidate on two blank official ballots or on two official lists of candidates and certify, by their signatures, that such results are the official results of the election, one of which shall be kept by the Judges of Election, for the purpose of preparing their report to the following meeting of the Local Union and the other to be turned over to the Secretary-Treasurer for the purpose of posting same as the result of the election, for the information of all of the members of the Local Union;

(j) In the event of a tie in the votes cast for the candidates for any office, the decision will be made by lot from among those candidates having the tie vote;

(k) All of the ballots cast and all of the remainder of the unused ballots, the tally sheet and the Membership Voting Register, shall be gathered and wrapped in a package which shall be sealed and signed by the three Judges of Election. The Judges of Election shall retain custody of this package until the meeting when they make their report, at which time they shall surrender said records to the newly elected Secretary-Treasurer.

(l) At the meeting following the election, which will be presided over and run by the newly elected officers, the Judges of Election shall submit a written report of their activities and functions dealing with their duties after nominations, and the conduct of the election, and

attach thereto the official list of candidates containing the results of the election which was signed by them after the tally was completed;

(m) Filling of Vacancies: In the filling of a vacancy in an office or elective position, including vacancies arising when a person who is unwilling or unavailable to serve is elected to office, the Executive Board shall fill the vacancy by appointment in a provisional capacity of a member having all the requirements for office;

(n) When a member has been elected to office or to an elective position, the member shall, as such officer or official, fully perform all such duties, responsibilities and obligations that attach to such office or position as required by the International Union, Local Union or District Council Constitutions.

(o) Non-compliance by anyone holding an elective office or position shall be subject to all applicable disciplinary provisions contained in the International Union, Local Union, or District Council Constitutions; anyone holding a non-elective position who does not comply with the above requirements shall be subject to discharge.

#### Section 4. DELEGATES:

(a) All delegates of Local Unions to Conventions of the International Union shall be nominated and elected at the time prescribed in the International Union Constitution. The manner of nominating and electing such delegates to regular Conventions of the International Union, shall be as provided for in Article V, Section 9 of the International Union Constitution;

(b) The Business Manager of a Local Union elected in conformity with the provisions of Article VI of the Uniform Local Union Constitution shall, by virtue of such election, serve as a delegate from the Local Union to the appropriate District Council and all other local labor bodies with which the Local Union is affiliated. All other delegates of a Local Union to a District Council shall be nominated and elected in accordance with all the constitutional provisions dealing with qualifications, nominations and election of officers of Local Unions, except that the Executive Board may, in advance of the nomination of officers, determine that either its President or Secretary-Treasurer (but not both) shall, by virtue of the elected office, also serve as a delegate; The foregoing provi-

sion does not apply to the selection of delegates to the International Union Convention;

(c) Delegates to all other bodies, conventions, meetings or conferences may be either elected by the membership or appointed by the Executive Board of the Local Union, in accordance with the vote of the membership at a meeting or as required by the constitution, rules or regulations of such other body.

Compensation, allowances and reimbursement for expenses may be provided by the Executive Board to such delegates for the performance of their duties and responsibilities.

## ARTICLE VII

### **Meetings**

Section 1. Each Local Union shall hold at least one regular meeting each month on such day, time and place as established by vote of the membership of the Local Union. When regular meetings are not held at a fixed and regular time and place each month, notice of such meetings shall be sent to each member in good-standing of the Local Union.

Section 2. Special meetings shall be called by the President of the Local Union when requested to do so by the Executive Board. A notice of such special meeting shall be mailed to all good-standing members of the Local Union, which notice shall specify the purpose for the call of said meeting.

Section 3. It is the intent of this Constitution that all members should attend all meetings of the Local Union and that the Local Union should take such steps as may tend to encourage attendance of members at meetings.

The attendance of ten members at a meeting shall constitute a quorum for the transaction of business in Local Unions of four hundred members or less; and the attendance of fifteen members shall constitute a quorum in Local Unions of more than four hundred. There is no minimum quorum requirement for nomination and election meetings.

#### Section 4. ORDER OF BUSINESS:

The order of business to be followed at regular meetings of the Local Union shall be as follows:

1. Roll Call of Officers
2. Reading of Minutes of Previous Meetings
3. Communications and Bills
4. Report of Executive Board
5. Report of Business Manager
6. Report of Delegates to District Councils and other Bodies
7. Political Report
8. Organizing Report
9. Report of Other Committees
10. Unfinished Business
11. New Business
12. Financial Reports
13. Good and Welfare
14. Adjournment

Section 5. The President, as presiding officer of all meetings, shall maintain order and decorum at said meetings and shall properly conduct all of the business coming before said meetings; the President shall see to it that all members present comply with and respect the provisions of this Constitution dealing with the attendance of members at meetings and shall have authority to remove from the hall and bring charges against members who improperly obstruct and interfere with the orderly conduct of the business of the meeting.

Section 6. Any member who is not working at the calling or who is engaged in independent enterprise shall not have a voice or vote at meetings of the Local Union. A retired member shall have voice and vote at Local Union meetings only on matters of direct concern or interest to retired members.

Section 7. Unless otherwise provided either by this Constitution or by rules and regulations established pursuant thereto, generally accepted parliamentary procedure shall prevail at all meetings of the Local Union.

## ARTICLE VIII

**Initiation Fees, Readmission Fees, Dues and Assessments**

Section 1. The initiation fees and dues to be paid by members and apprentice members to Local Unions affiliated with a District Council, shall be established and regulated by the District Council, in accordance with the provisions of Article II, Section 2(e) and Article VIII, Section 2 of the Uniform District Council Constitution.

Section 2. Where initiation fees and dues are not established by a District Council, the Local Union shall, by secret ballot vote of the membership, establish the initiation fee and dues to be paid by its members and apprentice members, in accordance with applicable law.

Section 3. Effective January 1, 2012, the initiation fee shall be not less than sixty-five dollars (\$65.00) nor more than eight hundred dollars (\$800.00). The dues shall be not less than thirty-one dollars (\$31.00) as of January 1, 2012, thirty-two dollars (\$32.00) effective January 1, 2013, thirty-three dollars (\$33.00) effective January 1, 2014, thirty-four dollars (\$34.00) effective January 1, 2015, and not less than thirty-five dollars (\$35.00) effective January 1, 2016. All dues whether below, at, or above the minimum shall be increased by no less than two dollars (\$2.00) per month no later than January 1, 2012, by an additional one dollar (\$1.00) on January 1, 2013, by an additional one dollar (\$1.00) effective January 1, 2014, by an additional one dollar (\$1.00) effective January 1, 2015, and by an additional one dollar (\$1.00) no later than January 1, 2016. Affiliates shall have the authority upon the recommendation of the Executive Board and approval by the membership to set a lesser schedule of minimum dues and initiation fees for apprentice members. If a reduced initiation fee is charged to an apprentice member, the balance of the fee may be assessed at the time the apprentice acquires full membership.

Section 4. The monthly dues are due on the first day of the month and unless paid on or before the last day of the following month, the member shall be deemed suspended by the International Union without notice. A member shall not be subject to suspension for an employer's failure to remit that member's dues to the Union where the member has executed a valid voluntary dues checkoff authorization card and where the employer has deducted those dues from the member's wages.

Section 5. A member who has reached the age of sixty-two years and who desires to retire and cease working at the calling, or who is receiving a pension from the Laborers' pension fund shall be entitled to pay minimum dues of eight dollars (\$8.00) per month and thereby continue to maintain good-standing.

Section 6. The readmission fee for persons who are suspended for nonpayment of dues, assessments or fines to the Local Union and who remain suspended for a period of less than one year, shall be the amount of such assessments or fines, plus the current dues, plus the greater of either (1) the amount of the dues during each month of the member's suspension plus \$25.00, or (2) eight percent (8%) of the initiation fee for each month during which the member was suspended. In no case shall the readmission fee be greater than the initiation fee.

Once the member has been suspended for defaulting in the payment of dues, as herein provided, the date of suspension referred to in this Section shall be the first day after the month for which the member's dues were last paid.

Section 7. Persons in arrears have no right to attend meetings, nor any other rights, except the right to be readmitted in accordance with the above Section.

If a member becomes suspended by reason of that member's own conduct, such member can only be readmitted within twelve months of such suspension and only through the Local Union in which membership was held when suspended. Readmitted members shall be considered new members from the date of their readmission.

#### Section 8. ASSESSMENTS:

When an assessment is proposed by the Executive Board or by action at a meeting of the Local Union, where such Local Union is not affiliated with a District Council, a notice shall be mailed to the members in good-standing, at least seven days prior to the next regular meeting of the Local Union, advising them that the proposed assessment will be considered and voted upon at the meeting of the Local Union, by secret ballot. When an assessment has been voted, it shall not be levied until it is first submitted to and approved by the General President.

## ARTICLE IX

**Income and Disbursements**

Section 1. The sources of income to a Local Union shall be from dues, initiation fees, readmission fees, assessments and income from other proper and lawful sources.

Section 2. The income shall be in amounts that are necessary to accomplish and take care of the obligations and requirements of the Local Union and the purposes for which the Local Union was established. The income shall be promptly deposited in such banks or depositories as are determined by the Executive Board of the Local Union.

Section 3. (a) The Executive Board shall have the authority to make commitments and disbursements in its discretion from the funds, assets and property of the Local Union for the regular, recurrent and incidental expenses of the Local Union. The Executive Board shall further have the authority to make commitments and disbursements in its discretion from the funds, assets and property of the Local Union for organizing, strikes, collective bargaining, contract administration, awards, gifts, donations, charitable contributions, political purposes, education, public relations, employee benefit plans for Local Union personnel and officers, legal expenses, and such other expenses and investments as it deems necessary or proper to carry out the objects and purposes of the Union.

Travel expenses may also be provided for an Executive Board member's spouse who accompanies the Executive Board member when the member travels in connection with the performance of the member's duties and responsibilities;

(b) In accordance with the provisions of Article IV, Section 4 herein, the Secretary-Treasurer shall make disbursements from the funds of the Local Union for the regular, recurrent and incidental expenses of the Local Union, such as mortgage, leases, rent, taxes, salaries and other compensation, travel, allowances, reimbursements for expenses, utilities, telephone, maintenance, cleaning, repairs, supplies, office equipment, obligations to the International Union, obligations to the District Council if so affiliated, and obligations to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, and to make such other payments as directed by the Executive Board.



Section 4. (a) The financial obligations of a Local Union shall be fixed and regulated within the income of the Local Union;

(b) A Local Union shall make no disbursements that will preclude it or interfere with its ability to first meet its financial obligations to the International Union and the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND;

(c) A Local Union shall not enter into contractual undertakings for the acquisition of property or the retention of services if, at the time of such proposed undertaking, its current income is insufficient to meet the expenses of such undertaking;

(d) The Local Union shall not make disbursement of salary or other compensation to Local Union officers if the Local Union is delinquent in the payment of its per capita tax to the International Union or in the payment of pension fund contributions to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND unless the Local Union has made arrangements acceptable to the General Secretary-Treasurer and to the Fund for the repayment in a timely fashion of any such delinquency.

Section 5. When the income to the Local Union reduces to a point where such income cannot properly take care of the financial obligations of the Local Union, including salaries and compensation to officers, officials and personnel, the Local Union may vote to take such action as is necessary, commensurate with the reduced income, including reduction in salaries or compensation of officers, officials and personnel; when the contemplated action is to reduce salaries or compensation of officers and elected officials, such reduction shall be voted upon by the membership at a meeting of the Local Union only after written notice is given to all of the members in good standing, of the proposal and the meeting at which such proposal shall be voted upon, or the membership approves such reduction at two consecutive meetings.

Section 6. When an increase in salary or compensation is proposed to be effective during the term of office then current, the increase shall be voted upon by the membership at a meeting of the Local Union only after written notice is given to all of the members in good standing of the proposal and the meeting at which such proposal shall be voted upon, or the membership ap-

proves such increase at two consecutive meetings; provided, that the Executive Board may increase salaries or compensation to reflect the increase in the cost-of-living, said increase not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor; in Canada, the Consumer Price Index published by Statistics Canada; provided further, that no such cost-of-living increase can be effected within one year of any other increase in salary or compensation.

Section 7. No commitment or disbursement of the Local Union shall be considered void or unenforceable where such action was undertaken in substantial compliance with the provisions of this Article.

## ARTICLE X

### **Transfers**

A member in good standing of a Local Union shall have the right to transfer membership from that Local Union into another affiliated Local Union, in accordance with Article XXI, Sections 1 through 10 of the International Union Constitution.

## ARTICLE XI

### **Charges, Trials and Appeals**

Section 1. An officer or member in good-standing may prefer charges against any other officer or member of the Local Union, by filing written charges in duplicate with the Recording Secretary of the Local Union. These charges must be signed by the person preferring the charges and indicate the provisions of the Constitution to be relied upon, or the agreement or rule alleged to have been violated, and must set forth the specific violation or wrong charged and the date on which it allegedly occurred. Except for good cause, charges must be filed within thirty (30) calendar days of the time that the charging party knew or reasonably should have known of the relevant facts and circumstances giving rise to the charge(s); otherwise, charges filed beyond the thirty (30) calendar day period shall be time barred.

Section 2. The Recording Secretary shall promptly notify the members of the Executive Board that charges have been filed, and after a consultation with them, shall promptly set a date for a hearing and trial on said charges. Immediately thereafter, a copy of the charges shall be mailed to the last-known address of the accused. A written notice of the time and place where the hearing and trial will take place before the Trial Board shall be mailed to the accused and to the charging party not less than seven days nor more than twenty-one days from the date of said hearing and trial.

Section 3. The members of the Executive Board of the Local Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

In such cases, the President of the Local Union shall appoint a substitute or substitutes from the members in good-standing. If the President is to be disqualified, then the Vice-President shall appoint a substitute or substitutes; and if the Vice President is also to be disqualified, then the substitute shall be appointed by the remaining Trial Board members.

Where one or more members of the Executive Board of a Local Union appear to be disqualified, the matter may be referred to the General President who shall be entitled to investigate to determine whether such disqualification exists. Upon a finding of disqualification, the General President shall have discretion to assume original jurisdiction over such charges, in which case the matter shall be referred to the Independent Hearing Officer to hear such charges for decision and disposition; or, in the General President's discretion, the charges may be referred to the appropriate District Council for trial.

Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown.

Section 4. The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

The charging party shall first present evidence to substantiate the charges. The accused shall have the right to be present throughout the trial and to cross-examine the charging party and any of the charging party's witnesses upon completion of their testimony.

After the evidence in support of the charges has been received, the accused shall present the defense. The charging party shall have the right to cross-examine the accused and any of the accused's witnesses upon completion of their testimony.

Section 5. The Trial Board shall record minutes of its meetings and proceedings and these minutes, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and argument submitted and proceed to make its findings and decision. It shall prepare a Report of said findings and decision, which shall be signed by all the members of the Trial Board. The Recording Secretary shall forthwith mail a copy of said Report to the charging party and the accused at their last-known addresses.

Section 6. A copy of the Trial Board Report shall be submitted to the next regular meeting of the Local Union. The findings and decision of the Trial Board shall be binding unless and until two-thirds of the members present and voting at said meeting, reverse or modify the findings and decision of the Trial Board. The Recording Secretary shall forthwith mail a copy of said action to the charging party and the accused at their last-known addresses.

Section 7. If either the charging party or the accused is aggrieved, such party may, within thirty days from the date of notice of said action, appeal therefrom to the General Executive Board of the International Union by filing such appeal with the General Secretary-Treasurer in writing at Headquarters. The appeal shall clearly and specifically set forth the grounds in support of said appeal and shall contain a copy of the findings and decision, and action.

After notice of such appeal from the General Secretary-Treasurer, the Local Union shall then submit promptly to the General Secretary-Treasurer, the following:

1. Copy of the charges
2. Copy of the notice of hearing
3. Record of the Trial Board hearing
4. Copy of Report of the Trial Board
5. Copy of the notification of the Trial Board's decision
6. Copy of minutes of regular meeting at which the Trial Board reported to the Local Union
7. Copy of notification of Local Union action

If an appeal is seasonably taken, it shall have the effect of staying the decision and sentence of the Trial Board and no fine, suspension or expulsion shall be effective pending the outcome of the appeal, provided, however, that where any officer has been found guilty and suspended from office because of negligence, incompetence or dishonesty in the performance of such officer's duty, such officer shall remain suspended from holding such office pending the decision of the General Executive Board on the appeal.

Section 8. The matter of conduct of nomination or election of Local Union officers, officials and delegates is not within the jurisdiction of the Local Union Trial Board.

Any member aggrieved with the nomination process must appeal directly to the General Executive Board within seventy-two (72) hours of the time candidate qualifications are determined by the Judges of Election prior to the holding of the election. Any member aggrieved with the conduct of the election must protest directly to the General Executive Board within fifteen days after the election. All such protests must clearly and specifically set forth the grounds upon which the appellant shall rely.

Section 9. In jurisdictions where a District Council exists, all charges for violations of matters falling within the jurisdiction of the District Council, such as violations of agreements, working rules, etc., shall be filed with the Secretary-Treasurer of the District Council, which shall have jurisdiction to hear the charges in accordance with the provisions and procedures set forth in Uniform District Council Constitution Ar-

ticle XII without regard to whether the charging or charged party is an officer or delegate to the District Council.

## ARTICLE XII

### **Oath of Office**

Each officer or person assuming an elective position shall, in response to the recitation of the following oath, publicly affirm his or her acceptance of its obligations and responsibilities by saying "I do" or otherwise indicating assent prior to being installed and assuming the duties of that office or position:

"By assuming office, you hereby accept both the honor and the responsibility of faithfully representing the proud men and women of the Laborers' International Union of North America. To the utmost of your abilities, you promise to pursue steadfastly the cause of justice, dignity, respect and equality for all working people. You promise to labor relentlessly to grow and strengthen this Union so that it may be in the next 100 years Strong, Proud and United. You pledge to recognize and comply with all of the provisions of the Laborers' Constitutions and with all of the policies, practices and decisions adopted and maintained in the furtherance thereof. All this you solemnly promise, so help you God."

### **Oath of Membership**

"As a member of the Laborers' International Union of North America and of this Local Union, you promise to be active in its affairs, loyal to its cause and purpose, and obedient to your constitutional obligations and responsibilities. You promise to fight for the cause of all working men and women in the United States and Canada. On the Union's behalf, you will regularly attend Union meetings and volunteer your time as an organizer, on picket lines, at rallies, in political activities and in local charities or community activities. All this you solemnly promise, so help you God."

	Art.	Sec.	Page
<b>Affiliation and Jurisdiction.....</b>	<b>I</b>	<b>2</b>	<b>74</b>
<b>Agreements</b>			
business manager duty to be enforced			
and respected by all persons.....	IV	4 E (2)(b)	86
Local Unions the right to negotiate and consummate ..	II	2 (d)	76
rights of members under .....	III	2	79
violations of in jurisdictions where			
a District Council exists .....	XI	9	108
<b>Appeals. See Charges, Trials, and Appeals .....</b>	<b>X</b>	<b>1-9</b>	<b>93-97</b>
candidate declared ineligible by protest or appeal .....	V	1(f)	91
nomination process of Local Union officers .....	XI	8	108
rights of members to appeal to the Convention .....	III	2 (g)	80
rights of members to appeal to the			
General Executive Board .....	III	2 (g)	80
.....	XI	7	107-108
<b>Apprentices .....</b>	<b>III</b>	<b>4 (a-b)</b>	<b>82-83</b>
apprentice member card .....	III	4 (b)	82
apprenticeship program .....	III	4 (b)	82
apprenticeship standards .....	III	4 (b)	82
authority by affiliates to set lesser schedule			
of dues and fees .....	VIII	3	101
business manager duties, make an activity report			
to include apprenticeship.....	IV	4 E (9)	86
initiation fees for apprentice members shall			
be established and regulated.....	VIII	1	101
Local Union shall establish initiation fees			
if not established by District Council .....	VIII	2	101
<b>Assessments</b>			
to raise income from.....	II	2 (b)	75
failure to pay to the International Union .....	II	3 (h)	77
failure to pay to the District Council.....	II	3 (i)	77
paid by applicants to the Local Union .....	III	1 (e)	79
each member shall pay .....	III	3 (i)	81
initiation fees, readmission fees, dues and .....	VIII		101
readmission fee .....	VIII	6	102
proposal and approval of.....	VIII	8	102
source of income.....	IX	1	103
<b>Auditors</b>			
books submitted annually from the			
secretary-treasurer to the .....	IV	4 D (6)	84
books submitted annually from the recording			
secretary to the .....	IV	4 C (2)	83
duties .....	IV	4 G (1-3)	87-88
nominations of .....	VI	1 (a-h)	92-93
officers of the Local Union .....	IV	1	82
<b>Audits</b>			
annual by a certified public accountant .....	IV	4 D (6)	84
annual of recording secretary's records .....	IV	4 C (2)	83
annual of secretary-treasurer's records.....	IV	4 D (6)	72
conducted by the auditors at the end of the year.....	IV	4 G (1)	87-88

	Art.	Sec.	Page
Local Union fails to make payments, cost of investigation and.....II		3 (i)	77-78
prepared by a certified public accountant for an annual .....IV		4 G (3)	88
<b>Autonomy, Degree of.....II</b>		<b>2 (a)</b>	<b>75</b>
Right to negotiate and consummate agreements.....II		2 (d)	75-76
<b>Bonding .....IV</b>		<b>4 H (11)</b>	<b>89</b>
<b>Business Manager of the Local Union</b>			
by virtue of offices serve as a delegate .....VI		4 (b)	98-99
duties of the Local Union .....IV		4 E (1-11)	86-87
member of the executive board.....IV		4 H (2)	88
nominations of .....VI		1 (g)	93
officers of the Local Union .....IV		1	82
recommendation to the Local Union executive board.....IV		4 H (10)	77
report of the business manager at Local Union meeting...VII		4	99-100
<b>Charges, Trials and Appeals.....XI</b>			<b>105</b>
General President shall have discretion			
to assume original jurisdiction over.....XI		3	106
heard by the Local Union executive board.....IV		4 H (8)	77
.....XI		4	106
in jurisdiction where a District Council exists .....XI		9	108-109
independent hearing officer to hear such.....XI		3	106
member right to prefer.....III		2 (g)	80
officer or member in good standing may prefer.....XI		1	93
president of the Local Union shall have authority to bring .....VII		5	88
procedure.....XI		1-9	105-109
<b>Constitution(s)</b>			
affiliation and jurisdiction .....I		1	74
applicant for membership must agree to abide by the ....III		1 (c)	79
business manager's duty to see to it that the affairs and business conducted to .....IV		4 E (1)	74
candidate must agree to observe, conform and comply with .....V		7	91
Local Union is charged with the responsibility to perform and carry out.....II		1 (b, d)	75
Local Union to carry out duties, responsibilities and functions as provided for in.....II		2 (f)	77
not in conflict with the International Union .....II		2 (a)	76
non-compliance by anyone holding elective office or positions .....VI		3 (o)	98
oath of office to support.....XII			109
obligations of member.....III		3 (b)	80
officers must fully perform all duties, responsibilities and obligations required by.....VI		3 (n)	98
<b>Councils and Other Bodies,</b>			
obligation to affiliate with .....II		3 (c)	76
report of delegates to .....VII		4	99
<b>Delegates</b>			
business manager and president or secretary-treasurer by virtue of office .....VI		4 (b)	98-99



	Art.	Sec.	Page
compensation, allowance and reimbursements for expenses .....	VI	4 (c)	99
credentials signed by recording secretary and president .....	IV	4 C (3)	83
nomination and election of .....	VI	1-3	92-93
nominations of delegates to the District Council .....	VI	1 (a)	92
report of delegates to the Local Union .....	VII	4	99
to other bodies .....	VI	4 (c)	99
to the International Union Convention .....	VI	4 (a-c)	98-99
<b>Disbursements .....</b>	<b>IX</b>	<b>1-7</b>	<b>103-105</b>
executive board shall have the authority to make commitments and .....	IX	3 (a)	103
no disbursements shall be made that would preclude the ability to pay .....	IX	4 (b)	104
.....	IX	4 (d)	104
power of Local Union to make commitments and .....	II	2 (c)	75
secretary-treasurer to make .....	IV	4 D (3)	83
.....	IX	3 (b)	103
<b>Dissolution .....</b>	<b>II</b>	<b>3 (k)</b>	<b>78</b>
<b>District Council</b>			
affiliation and jurisdiction .....	I	1	74
apprentices not eligible to serve as a delegate to .....	III	4 (a)	81
delegate shall attend all meetings .....	IV	5	89-90
delegate to, Local Union business manager serves by virtue of office .....	IV	4 E (11)	87
disbursements to the .....	IX	3 (b)	103
failure to pay to the .....	II	3 (i)	77
initiation fees, readmission fees, dues and assessments shall be established by .....	VIII	1	101
Local Union shall pay per capita tax to the .....	IV	4 D (7)	84
nomination and election of delegates to the .....	VI	1-4	92-98
obligation of a Local Union to affiliate with .....	II	3 (c)	76
obligation of members to recognize .....	III	3 (a)	76
report of delegates .....	VII	4	99-100
secretary-treasurer shall make payment of other obligations due to the .....	IV	4 D (7)	84
.....	IV	4 D (11)	83
<b>Dues</b>			
acquire or retain the right of membership .....	III	1 (h)	79
applicant for membership must tender .....	III	1 (e)	81
due on .....	VIII	4	101
dues established by a Local Union .....	VIII	2	101
elections, each person current in the payment of .....	VI	3 (d)	96
established and regulated by the District Council .....	VIII	1	101
executive board recommendation for membership approval a schedule of .....	VIII	3	101
initiation fees, readmission fees, dues and assessments .....	VIII	1-7	101-102
member shall pay .....	III	1 (h)	81
minimum .....	VIII	3	101
per capita tax due on behalf of member paying .....	IV	4 D (7)	83

	Art.	Sec.	Page
.....IV		4 D (10)	85
powers of Local Union to raise income from .....	II	2 (b)	75
qualifications for office, current in the payment of.....	V	1	92
readmission fee for suspended or nonpayment of .....	VIII	6	102
retirement and cease working at the calling shall be entitled to pay minimum.....	VIII	5	102
right of membership if current in the payment of .....	III	1 (h)	79
secretary-treasurer shall report all members suspended for nonpayment of .....	IV	4 D (14)	85-86
sources of income to a Local Union .....	IX	1	103
<b>Election of Officers, Nomination and.....</b>	<b>VI</b>	<b>1-3 (o)</b>	<b>92-98</b>
<b>Executive Board of the Local Union</b>			
after recommendation of the business manager shall appoint.....	IV	4 H (10)	89
apprentices not eligible to serve as a member of .....	III	4 (a)	81
banks or depositories, determine such.....	IV	4 D (2)	83
.....	IX	2	102
bonding.....	IV	4 H (11)	88
commitments and disbursements, shall have the authority to make .....	IX	3 (a)	103
composed of .....	IV	4 H (1-2)	88
delegates, provide compensation, allowance and reimbursements.....	VI	4 (c) (1-11)	99-100
delegates to the District Council/other bodies, may determine by virtue of election.....	IV	4 F (11)	85
delegates to other bodies, etc, appoint .....	VI	4 (c)	88
duties .....	IV	4 H (1-6)	88-89
judges of election, appoint .....	VI	1 (c)	92
meet at least once a month .....	IV	4 H (6)	88
meetings, attend all .....	IV	5	89-90
members of .....	IV	1	82
minimum dues and fees, recommend a lesser schedule of.....	VIII	3	101
nomination, order of .....	VI	1 (g)	93
president shall call special meetings of .....	IV	4 A (4)	82
president shall preside at all meetings of the .....	IV	4 A (2)	88
proposed assessment by the .....	VIII	8	102
quorum of.....	IV	4 H (5)	88
retain a certified public accountant .....	IV	4 G (3)	87
report to the regular meeting of the Local Union.....	IV	4 H (7)	89
.....	VII	4	99
salaries and compensation, may increase.....	IX	6	104-105
special meetings, request .....	VII	2	99
subject to .....	II	3 (b)	76
travel expenses for spouse of a member of the .....	IX	3 (a)	103
trial board, notification of charges .....	XI	2	106
trial board, shall constitute and be the .....	IV	4 H (8)	89
.....	XI	3	103
trial board, when one or more members of appear to be disqualified .....	XI	3	103
vacancy in an office or elected position, filling of .....	VI	3 (m)	98

	Art.	Sec.	Page
vice president shall, in the absence of the president, perform their duty .....	IV	4 B	83
<b>Income and Disbursements .....</b>	<b>IX</b>	<b>1-7</b>	<b>103-105</b>
financial obligations shall be fixed and regulated within the .....	IX	4 (a)	104
Local Union may vote to take any action as is necessary if reduced .....	IX	5	104
to be promptly deposited .....	IX	2	103
to raise .....	II	2 (b)	75
<b>Initiation Fees</b>			
apprentice members, lesser schedule of minimum dues and .....	VIII	3	101
authority to raise income from .....	II	2 (b)	75
charter may be suspended for failure to make payments of .....	II	3 (i)	77
established by the District Council .....	VIII	1	101
established by the Local Union .....	VIII	2	101
fails to make payment of .....	II	3 (h)	77
minimum and maximum .....	VIII	3	101
obligation to pay by member .....	III	3(i)	81
paid by applicant .....	III	1 (e)	79
sources of income to a Local Union .....	IX	1	103
submitted to the District Council .....	II	11	73
submitted to the International Union and District Council .....	II	7	72
<b>Jurisdiction, Affiliation and .....</b>	<b>I</b>	<b>1-2</b>	<b>74</b>
affiliated with a regional organizing fund .....	II	3 (c)	76
affiliated with the District Council, Local Unions within the .....	II	3 (c)	76
business manager, charged with protecting the craft .....	IV	4 E (7)	87
business manager, keep informed of all contemplated work within the .....	IV	4 E (5)	86
business manager, organize the work within the territorial and craft .....	IV	4 E (8)	87
business manager, shall visit all projects within the .....	IV	4 E (6)	86
charter, assigned .....	II	1	74
craft and jurisdictional .....	I	1	74
define or revise craft or territorial .....	II	3 (d)	76
District Council, in areas existing, all charges for violations .....	XI	9	108
headquarters and general offices of the Local Union .....	I	2	74
member obligation, refrain from being a member of another union .....	III	3 (j)	81
<b>Meetings</b>			
all members should attend all .....	VII	3	99
call for special .....	IV	4 A (4)	83
delegates to .....	VI	4 (c)	99
each officer, executive board member and delegates shall attend all .....	IV	5	89
executive board shall have the authority of the Local Unions between .....	IV	4 H (3)	88

	Art.	Sec.	Page
executive board shall meet at least once a month			
and/or hold special meetings.....	IV	4 H (6)	89
failure to attend, officers.....	IV	5	89-90
frequency and procedure.....	VII	1-7	99-100
increase of salaries or compensation of officers, officials and personnel.....	IX	6	104-105
maintenance of order and decorum at, sergeant-at-arms.....	IV	4 F	87
member not working at the calling.....	VII	6	100
minutes, in the custody of the secretary-treasurer.....	IV	4 D (15)	86
notice of meetings when not held at fixed and regular time.....	VII	1	99
oath of membership.....	XII		109
obligation of members, observe proper decorum.....	III	3 (e)	81
order of business.....	VII	4	99-100
parliamentary procedures.....	VII	7	100
persons in arrears have no right to attend.....	VIII	7	102
president as presiding officer at all.....	VII	5	100
presiding officer for.....	IV	4 A (1)	82
quorum for.....	VII	3	99
reduction of salaries or compensation of officers, officials and personnel.....	IX	5	104
recording secretary prepare and sign all minutes of all.....	IV	4 C (1)	83
retired member shall have voice and vote only on matters.....	VII	6	100
right of member to attend and participate in.....	III	2 (b)	80
special, called by.....	VII	2	99
trial board record minutes of.....	XI	5	104
<b>Membership.....</b>	<b>III</b>	<b>1-4</b>	<b>78-81</b>
actions of executive board shall be binding until/unless modified by a vote of the.....	IV	4 H (4)	88
applicant must abide by the Constitutions, laws, rules, regulations, policies, etc.....	III	1 (c)	79
applicants.....	III	1(a-h)	78-79
apprentice, special class of.....	III	4	81
apprentice, upon successful completion of the program, issued a regular.....	III	4 (b)	82
combination of offices may be permitted provided has been voted by the.....	IV	2	82
delegates either elected by the.....	VI	4 (c)	99
election, determine and fix the date by the.....	VI	2 (j)	95
establish a lesser schedule of minimum dues and fees for apprentice members by.....	VIII	3	101
establish the initiation fee and dues by secret ballot vote of the.....	VIII	2	101
individual shall not be granted membership.....	III	1 (b)	79
less than 300 in a Local Union.....	II	3 (g)	77
membership voting register.....	VI	3 (d)	96
.....	VI	3 (k)	97
no person who has been expelled from one Local Union shall be admitted to.....	III	1 (g)	109

	Art.	Sec.	Page
oath of.....	XII		97
obligation of members.....	III	3	80-81
of the executive board.....	IV	4 H (2)	76
payment of initiation fee, readmission fee, etc, no person shall acquire.....	III	1 (h)	79
regular meeting day, time and place as established by vote of the.....	VII	1	99
rights of members.....	III	2	79-80
secretary-treasurer's obligation to register all applicant for.....	IV	9	85
transfers.....	X		105
vote upon reduction of salaries or compensation.....	IX	5	104
vote upon increase of salaries or compensation.....	IX	6	104-105
withhold membership card until the applicant has completed payment.....	IV	9	85
working at the calling to be eligible for.....	III	1 (a)	78
<b>Negotiations</b>			
thru a negotiation committee of the Local Union.....	IV	4 E (2) (a)	86
<b>Nomination (s)</b>			
appeal of the process.....	XI	8	108
good standing for two years prior to.....	V	1	90
indication of acceptance of.....	VI	1 (f)	91
judges of election for nomination meeting.....	VI	1 (c)	92
meeting.....	IV	2	82
.....	VI	1 (a)	92
minimum quorum requirement for.....	VI	3	95
notice of nomination meeting.....	VI	1 (b)	92
of officers.....	VI	1 (a-h)	92-93
order of.....	VI	1 (g)	93
prior to nomination of officers, determine delegates by virtue of office.....	IV	4 E (11)	87
qualifications for office must be present at the time of.....	V	10	92
salary and compensation shall be fixed at the nomination meeting prior to.....	VI	1 (d)	93
trial board, matter of conduct of nomination/ election is not within the jurisdiction.....	XI	8	108
two members in good standing to nominate.....	VI	1 (f)	93
when completed.....	VI	2 (a-j)	94-95
working at the calling during the entire year immediately prior to.....	V	4	90
<b>Oath</b>			
of membership.....	XII		109
of office.....	XII		109
of office, first regular meeting after the election.....	VI	1 (h)	93-94
<b>Objects of the Local Union.....</b>	<b>II</b>	<b>1 (a-e)</b>	<b>74-75</b>
<b>Obligations</b>			
Local Unions not agents of the International Union.....	II	3 (m)	78
of apprentice members.....	III	4	81
of Local Unions.....	II	3	76
of members.....	III	3	80-81

	Art.	Sec.	Page
<b>Officers. See also Specific Officers by Title .....</b>	<b>IV</b>	<b>1-6</b>	<b>82-84</b>
Local Union commitments and disbursements			
on behalf of .....	II	2 (c)	75
Local Union provide for the well-being and security of members, employees and .....	II	2 (e)	76
consist of .....	IV	1	82
combining offices .....	IV	2	82
duties of .....	IV	4	82-83
salary and compensation to be paid .....	VI	1 (d)	93
term of .....	VI	1 (h)	93
installed and shall assume the powers of .....	VI	1 (h)	93-94
oath of office at first regular meeting			
after the election .....	VI	1 (h)	98
in advance of the nomination of, by virtue of office .....	VI	4 (b)	98-99
order of business, roll call of .....	VII	4	98-99
Local Union shall not compensate if delinquent			
in the payment of .....	IX	4 (d)	104
reduce salaries and compensation of .....	IX	5	104
increase salaries and compensation of .....	IX	6	104-105
conduct of nomination or election of, not			
within the jurisdiction of trial board .....	XI	8	108
nomination and election of .....	VI	1-3	93-95
filling vacancies .....	VI	3 (m)	98
qualifications for .....	V	1-11	91-92
<b>Pension Fund</b>			
amount due by the last day of the following month .....	IV	4 D (12)	83
amount of contributions to the .....	IV	4 D (8)	84
failure to make payments to the .....	II	3 (j)	77
Local Union shall make no disbursements			
unless it meets obligations to .....	IX	4 (b)	104
.....	IX	4 (d)	104
member receiving a pension from the			
laborer's, minimum dues .....	VIII	5	102
secretary-treasurers shall pay to the .....	IV	4 D (8)	83
secretary-treasurer shall make disbursement to the .....	IX	3 (b)	103
<b>Per Capita Tax</b>			
Local Union fails to make payment of, suspension .....	II	3 (h)	77
.....	II	3 (i)	77-78
Local Union shall not make disbursement			
of salary if delinquent in .....	IX	4 (d)	104
no person shall acquire the right of membership			
without payment of .....	III	1 (h)	79
report .....	IV	4 D (10)	85
secretary-treasurer shall pay to the			
International Union .....	IV	4 D (7)	84
.....	IV	4 D (10)	85
secretary-treasurer shall pay to the District Council .....	IV	4 D (11)	85
<b>Powers of the Local Union .....</b>	<b>II</b>	<b>2</b>	<b>75-76</b>
<b>President of the Local Union</b>			
as presiding officer of all meetings shall			
maintain order and decorum .....	VII	5	100

	Art.	Sec.	Page
by virtue of office may be delegate.....	IV	4 E (11)	87
.....	VI	4 (b)	87
duties .....	IV	4 A	82
executive board shall consist of the .....	IV	4 H (2)	88
nomination order.....	VI	1 (g)	93
officers of the Local Union .....	IV	1	82
shall preside as chairperson at all meetings.....	IV	4 A (1)	82
shall preside at all meetings of the executive board.....	IV	4 A (2)	83
shall sign all checks or order for the payment of monies .....	IV	4 A (3)	83
shall call special meetings .....	IV	4 A (4)	83
.....	VII	2	99
Trial board, shall appoint a substitute or substitutes .....	XI	3	106
<b>Qualifications for Office .....</b>	<b>V</b>	<b>1-11</b>	<b>90-92</b>
judges of election shall possess all the.....	VI	1 (c)	92
judges of election shall examine to determine each candidate has the (a).....	94	VI	2
must be present at the time of nominations.....	V	10	92
protest of.....	VI	2 (d)	93
<b>Quorum(s)</b>			
of the executive board .....	IV	4 H (5)	88
for membership meeting .....	VII	3	99
no minimum requirement for nomination and election meetings .....	VII	3	99
<b>Readmission</b>			
amount of.....	VIII	6	100
failure to make payment of .....	II	3 (h-i)	77-78
no person shall acquire the right of membership unless payment of.....	III	1 (h)	79
readmitted members shall be considered new members from the date of .....	VIII	7	102
rights of members to .....	III	2 (e)	80
secretary-treasurer shall pay to the International Union and District Council .....	IV	4 D (7)	84
.....	IV	4 D (11)	85
sources of income to the Local Union.....	IX	1	103
to raise income from .....	II	2 (b)	74
<b>Recording Secretary</b>			
charges, trials and appeals, filing written charges in duplicate to the.....	XI	1	105
charges, trials and appeals, notify the members of the executive board .....	XI	2	106
charges, trials and appeals, mail a copy of the report of findings and decisions.....	XI	5	107
charges, trials and appeals, mail the action of the Local Union.....	XI	6	107
duties of.....	IV	4 C (1-3)	83
members of the executive board of a Local Union.....	IV	4 H (2)	88
officers of the Local Union .....	IV	1	92
order of nominations .....	VI	1 (g)	93
prepare and sign minutes.....	IV	4 C (1)	83

	Art.	Sec.	Page
submit the books to the auditors or certified public accountant .....	IV	4 C (2)	83
sign all credentials of delegates of the Local Union with the president .....	IV	4 C (3)	83
<b>Records</b>			
auditing of the financial .....	IV	4 C (2)	83
auditors right to require the production of .....	IV	4 G (2)	88
custody of .....	IV	4 D (15)	86
Local Union shall submit to the General President/ representative when requested .....	II	3 (e)	75
minutes of meeting as part of the .....	IV	4 C (1)	83
reversion to the International Union .....	II	3 (k)	78
submission by the secretary-treasurer for audit .....	IV	4 D (6)	84
surrender of records of nomination and election of officers .....	VI	3 (k)	97
upon termination of office, each officer shall turn over all .....	IV	6	84
<b>Regional Organizing Fund</b>			
Local Unions affiliate with .....	II	3 (c)	75
<b>Rights of Members.....</b>	<b>III</b>	<b>2 (a-i)</b>	<b>79-80</b>
<b>Secretary-Treasurer of the Local Union</b>			
delegate by virtue of office .....	IV	4 E (11)	87
.....	VI	4 b	98
duties of .....	IV	4 D (1-15)	83-86
executive board member .....	IV	4 H (2)	88
make and keep a proper record of all monies .....	IV	4 D (2)	83
make disbursements .....	IV	4 D (3)	84
.....	IX	3 (b)	103
make a written categorical financial report .....	IV	4 D (4)	84
make the appropriate payments to the District Council .....	IV	4 D (11)	85
mail written notice of election date, place and time, etc. ....	VI	2 (j)	95
officers of the Local Union .....	IV	1	82
order of nomination .....	VI	1 (g)	93
pay the per capita tax due to the International Union ..	IV	4 D (10)	85
pay to the International Union and the District Council.....	IV	4 D (7)	84
pay to the pension fund .....	IV	4 D (8)	84
.....	IV	4 D (12)	85
permitted in the voting area.....	VI	3 (c)	96
receive records of nomination and election.....	VI	3 (i)	97
register all applicants for membership.....	IV	4 D (9)	83
report all newly initiated and readmitted members, transfer, suspensions, etc. ....	IV	4 D (14)	85-86
retain custody of all records .....	IV	4 D (15)	86
shall order from the International Union all books and other paraphernalia .....	IV	4 D (13)	85
sign all checks and orders with the President.....	IV	4 A (3)	82
.....	IV	4 D (5)	84
submit the books to the auditors and certified public accountant when requested .....	IV	4 D (6)	84



	Art.	Sec.	Page
voting, determine if the member is in good standing ...VI		3 (d)	96
voting, determine the number of ballots to be printed...VI		2 (h)	95
voting, each member in good-standing			
shall report to the .....VI		3 (d)	96
voting, sign the membership voting register .....VI		3 (d)	96
<b>Sergeant-at-Arms</b>			
duties of.....IV		4 F	87
officers of the Local Union .....IV		1	82
order of nomination .....VI		1 (g)	93
<b>Subversive Activities.....III</b>		<b>1 (b)</b>	<b>79</b>
candidate for office.....V		6	91
<b>Suspension. See also Charges, Trials, and Appeals</b>			
all property, funds, etc. shall immediately			
revert to the International Union.....II		3 (k)	78
failure to make payment to the International Union .....II		3 (h)	77
failure to make payment to the District Council .....II		3 (i)	77-78
failure to make payments to the pension fund .....II		3 (j)	78
member suspended by reason of conduct.....VIII		7	102
members.....VIII		4	101-102
no suspension shall be effective pending an appeal.....XI		7	107
of Local Unions .....II		3 (d)	76
of Local Unions with less than 300 members .....II		3 (g)	77
right of a member who is not suspended shall			
not be deprived of a right to vote .....III		1 (h)	79
readmission fee for members suspended.....VIII		6	100
report to the General Secretary-Treasurer			
all members suspended .....IV		4 D (14)	85
<b>Transfers.....X</b>			<b>105</b>
charter of Local Union suspended,			
right to members to transfer .....II		3 (g)	77
right of member to .....III		2 (d)	80
secretary-treasurer report of .....IV		4 D (14)	85
<b>Trials. See also Charges, Trials, and Appeals .....XI</b>		<b>1-9</b>	<b>105-108</b>
<b>Trial Board. See also Charges, Trials, and Appeals.....XI</b>		<b>1-9</b>	<b>105-108</b>
executive board shall constitute and be the .....IV		4 H (8)	89
.....XI		3	106
failure of officers to attend meetings .....IV		5	89-90
no person debarred after trial shall be			
qualified as a candidate.....V		5	91
president shall preside at all sessions			
of the executive board sitting as a .....IV		4 A (2)	83
referred to the appropriate District Council			
by the General President .....XI		3	106
<b>Vice President of the Local Union</b>			
appoint a substitute(s) to a trial board			
if the president is disqualified .....XI		3	106
duties .....IV		4 B	98
executive board consists of .....IV		4 H (2)	88
officers of the Local Union .....IV		1	82
order of nomination .....VI		1 (g)	93

UNIFORM DISTRICT COUNCIL  
CONSTITUTION  
of the  
Laborers' International Union  
of North America

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As Amended by the 24th Convention  
September 12-15, 2011

## ARTICLE I

**Charters**

Section 1. The District Council is an affiliate of the International Union chartered by it, (a) upon application of a number of affiliated Local Unions in an area, that believe and deem it advantageous and beneficial, to combine their economic power, effort and strength into a unit which would tend to enhance, promote and conserve the welfare and interest of themselves and their members, or (b) upon action of the General Executive Board, where, of its own motion, it believes that the welfare and interest of a group of Local Unions and their members in a given area, would be enhanced, promoted and conserved by the issuance of a District Council charter.

Section 2. When a District Council charter is issued, all Local Unions within its territorial and/or craft jurisdiction shall affiliate and remain affiliated with it.

Its membership shall consist of delegates from each Local Union, elected in the manner and number hereinafter provided.

## ARTICLE II

**Objects and Powers**

## Section 1. OBJECTS:

Each District Council is charged with the responsibility to unify all of the economic and other forces of the affiliated Local Unions in its area, as a central representative body of such Local Unions, in order to effectuate the following objects:

(a) To fulfill the objects of the International Union as specified in Article II, Section 1 of the International Union Constitution;

(b) To promote unity of action in dealing with employers;

(c) To coordinate and consolidate the activities of its various affiliated Local Unions that have a common interest;

(d) To foster harmony and united action between its affiliated Local Unions;

(e) To maintain uniformity in the conduct of the business of its affiliated Local Unions located in metropolitan areas, when such uniformity is necessary to establish coordination and avoid competition among its Local Unions; when, however, variation exists in the work involved, such variation must be considered and provided for accordingly. When the territorial jurisdiction of a District Council extends beyond metropolitan areas, then the District Council shall recognize and give due regard to the particular facts, circumstances and conditions as they may vary in the different localities where its affiliates are located;

(f) To protect and conserve the jurisdiction allotted to it and its affiliated Local Unions by the International Union;

(g) To organize the unorganized and to take all such other action, including but not limited to donations, contributions and other activities, as may tend to conserve, promote and foster good will and public support for the welfare and interest of this International Union, its affiliates and members;

(h) To promote and foster respect for and compliance with the Constitution of the International Union, the Uniform Local Union Constitution and this Constitution and all of the rules, regulations, policies, practices and lawful orders and decisions adopted and promulgated in the furtherance and administration of the said Constitutions;

(i) To promote respect for, compliance with and observance of all of the provisions of agreements by it and its affiliated Local Unions and the members thereof.

## Section 2. POWERS:

In order to effectuate these objects, the District Council shall have the authority:

(a) To establish proper rules, regulations, policies and practices as it deems necessary or appropriate to fulfill the purposes for which the District Council was chartered, provided such rules, regulations, policies and practices are not in conflict with the International Union Constitution, its rules, regulations, policies, practices and lawful orders and decisions, and not in conflict with the Uniform Local Union Constitution or the Uniform District Council Constitution; such rules, regulations, policies or practices shall be subject to review by the General

President; if, after such review, it is the General President's judgment that such rules, regulations, policies or practices are neither proper nor in conformity with the intent, objects or purposes of the Constitution, regulations, practices, policies and lawful orders and decisions of the International Union, the General President may modify or annul same. No notice of any action of a District Council need be given to its affiliated Local Unions except as specifically provided herein. No action of a District Council shall be subject to the approval or disapproval of its affiliated Local Unions. No action of a District Council shall be subject to objection by its affiliated Local Unions except as provided in Article XVIII, Section 7 of the International Union Constitution;

(b) To determine and levy a per capita tax, initiation fee, readmission fee, or other lawful fee or assessment on its affiliated Local Unions to defray the expenses of the Council. Due regard shall be had, however, to Section 1, subsection (e) of this Article;

(c) To make commitments and disbursements in its discretion from the funds, assets and property of the District Council for regular, recurrent and incidental expenses, organizing, strikes, collective bargaining, contract administration, awards, gifts, donations, charitable contributions, political purposes, education, public relations, employee benefit plans for personnel and officers of the District Council and its affiliated Local Unions, legal expenses, and such other expenses and investments as it deems necessary or proper to carry out the objects and purposes of the Union;

(d) To negotiate, bargain for and enter into understandings and agreements with employers, for and in behalf of its affiliated Local Unions and to enforce and police the observance thereof by employees and employers, Local Unions and their members and when, after due deliberation, it believes and deems it necessary, to take such proper and lawful economic action as may be required to accomplish and effectuate the welfare of its affiliated Local Unions and members. Except as herein otherwise specifically provided, each District Council shall be autonomous in the exercise of its right to negotiate and consummate agreements with employers and to establish the bases for policing and enforcing the terms and conditions thereof;

(e) To establish and regulate the amount of initiation fee and dues to be paid by members and apprentice members to its affiliated Local

Unions within the limits provided in the International Union Constitution;

(f) To provide for the well-being and security of members, officers and employees of the District Council and its affiliated Local Unions, including but not limited to the establishment of insurance, health and welfare, pension, severance and other employee benefit plans;

(g) To exercise disciplinary authority over all infractions or non-compliance with agreements referred to in subsection (d) herein, after proper notice and hearing as hereinafter provided; in the exercise of disciplinary authority on alleged infractions or other matters within the jurisdiction of the District Council, the District Council may, upon notice and after hearing, make Findings and based on those Findings, prepare Recommendations which it shall submit to the General President for presentation to the General Executive Board for adoption or such other disposition as the General Executive Board deems just and proper;

(h) To carry out its other duties, responsibilities and functions as provided in the Constitutions of the Union;

(i) To take such other action as it deems necessary or proper to carry out the objects listed in Section 1 hereof.

## ARTICLE III

### **Obligations**

Section 1. The District Council shall carry out, perform and comply with all of the objects and powers as outlined in Article II of this Constitution and the objects of the International Union. This obligation shall include, but not be limited to, the exercise of the District Council's authority to bargain on behalf of its affiliated Local Unions. Each District Council shall affiliate with any Regional Organizing Fund that has been established and is operating within its territorial jurisdiction.

Section 2. The District Council shall recognize and be subject to all of the provisions of the International Union Constitution and shall comply with all such rules, regulations, policies, practices and lawful orders and decisions of the International Union, its officers and General Executive Board.

Section 3. The District Council or any of its officers, employees or delegates shall submit to the General President or the General President's deputy or authorized representative all books, records and data, when requested. The General President or said deputy may require the personal appearance of all officers, employees or delegates to the District Council, as part of an investigation or proceeding ordered by the General President or the General Executive Board or in connection with the duties, responsibilities or the exercise of their powers.

Section 4. When, as hereinafter provided, a District Council fails to make payment to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND within the time prescribed, the charter of such District Council may be deemed suspended without further notice.

Section 5. The District Council is required to exhaust remedies in accordance with Article XVIII, Section 7 of the International Union Constitution.

Section 6. In carrying out the objects, powers, and obligations herein, affiliated District Councils of the Laborers' International Union of North America are not agents of the International Union unless specified acts or conduct were ordered or directed by the International Union, or such acts or conduct were ratified by the International Union after written notice thereof. However, in no event shall the International Union be liable or responsible for autonomous acts of its affiliated District Councils.

## ARTICLE IV

### **Membership and Representation**

Section 1. The members of a District Council shall consist of delegates from affiliated Local Unions, who have been elected pursuant to the provisions dealing with qualifications, nomination and election of officers, as provided for in the Uniform Local Union Constitution, in such numbers as hereinafter provided.

Section 2. Such delegates shall present their credentials to the District Council not later than the first meeting of the Council following their election.

Section 3. Each Local Union affiliated with the District Council shall be entitled to delegates to said Council in the following manner:

- 2 delegates for 500 members or less
- 3 delegates for 501 to 1,000 members
- 4 delegates for 1,001 to 2,000 members
- 5 delegates for 2,001 to 4,000 members
- 6 delegates for 4,001 to 8,000 members
- 7 delegates for 8,001 or more members

Section 4. (a) All delegates of District Councils to Conventions of the International Union shall be nominated and elected at the time prescribed in the International Union Constitution. The manner of nominating and electing such delegates to regular Conventions of the International Union shall be as provided for in Article V, Section 9 of the International Union Constitution;

(b) Delegates to all other bodies may be either elected or appointed by the Executive Board of the District Council, in accordance with the vote of the delegates at a meeting or as required by the Constitution, rules, or regulations of such other body.

#### Section 5. OBLIGATIONS OF DELEGATES:

(a) To recognize that the International Union Constitution, the Uniform Local Union Constitution and the Uniform District Council Constitution, constitute the organic law of the District Council;

(b) To observe, conform and comply with all of the terms and provisions of said Constitutions and all of the rules, regulations, policies, practices and lawful orders and decisions adopted and promulgated in the furtherance and administration of the provisions of said Constitutions;

(c) To recognize and respect the right of the Union to adopt and enforce reasonable rules as to the responsibility of every member toward the District Council as an institution and to refrain from conduct that would interfere with the performance of its lawful and contractual obligations;

(d) To refrain from interfering with the proper conduct of all of the business of the District Council;



(e) To observe proper decorum in attending and participating in meetings and functions of the District Council in accordance with such reasonable rules established by the District Council and generally accepted parliamentary rules of procedure pertaining to the conduct of meetings and functions;

(f) To refrain from attending meetings or functions under the influence of liquor or conducting oneself in such a manner as to interfere with the proper and orderly conduct of the business of the District Council; and to comply with and obey all requests or orders by the presiding officer pertaining to the conduct of a meeting or function;

(g) To refrain from attempting to cause secession by the District Council from the International Union; to refrain from assisting an organization threatening to, or undermining the representational rights of the International Union or any of its affiliates; nor shall a delegate advocate or seek the division of the funds of the District Council;

(h) To exhaust remedies in accordance with Article XVIII, Section 7 of the International Union Constitution.

## ARTICLE V

### **Officers**

Section 1. (a) The officers of the District Council shall consist of President, Vice President, Secretary-Treasurer, Business Manager, Sergeant-at-Arms, three Auditors; and an Executive Board which shall consist of the President, Vice President, Secretary-Treasurer, Business Manager, and such additional number of delegates as to complete a complement of seven members;

(b) The Business Manager of the District Council shall, by virtue of election to said office, serve as the District Council delegate to all local labor bodies with which the District Council is affiliated. All other delegates from the District Council to local labor bodies shall be nominated and elected in accordance with all the constitutional provisions dealing with qualifications, nominations, and election except that the Executive Board may, in advance of the nomination of officers, determine that either its President or its Secretary-Treasurer (but not both) shall, by

virtue of the elected office, also serve as a delegate. The foregoing provision does not apply to the selection of delegates to the International Union Convention other than to the Business Manager of the District Council or other officer and as provided by Article V, Section 4 of the International Union Constitution.

Section 2. A combination of offices may be permitted, provided, however, that such combination has been voted by the delegates of the District Council and provided that it is then submitted to the General President of the International Union for approval; all of said action to be had and taken prior to the nomination meeting.

Section 3. Subject to the approval of the General President, an officer or employee of a District Council may also hold office in or be employed by another body of the Union and receive the salary and other compensation provided for such position provided that if the salary or other compensation for such other position does not exceed \$25,000.00 per year, such approval shall not be required.

Section 4. No two officers or members of the Executive Board shall be from the same Local Union if there are at the time of election seven or more Local Unions in good-standing with the District Council, and if there are fewer than seven, each Local Union shall have one of its delegates on the Executive Board, and the remaining may be elected from the delegates of any Local Union or Local Unions.

## ARTICLE VI

### **Election of Officers**

#### Section 1. QUALIFICATIONS FOR OFFICE:

A candidate for office in the District Council shall be a delegate to the District Council and shall have and possess all of the qualifications required of candidates for office by the Uniform Local Union Constitution; provided, however, that a full-time representative of the District Council may retain office and be eligible for reelection even if such representative does not continue to be a delegate from the affiliated Local Union. Except as provided above, all of the qualifications for office must be present at the time of nomination as well as at the time of election and during the term of office.

## Section 2. NOMINATIONS AND ELECTION:

(a) The nomination and election shall take place at the first meeting in August of the election year after at least fifteen (15) days written notice to each delegate in good standing addressed to the delegate at his/her last known address the last-known address of each delegate in good standing advising of the date and time of the election and the list of officers or elected positions to be filled;

(b) The salary and compensation to be paid to elected officers and officials shall ordinarily be fixed at the nominations meeting prior to nominations; provided that adjustments to salary during the term of office may be effected in accordance with the provisions of Article IX herein;

(c) All members nominated shall be present at the nomination and election meeting, unless absent from the meeting on Union business, or excused for just cause by a vote of the membership of the District Council and shall indicate immediately upon nomination whether it is accepted or declined;

(d) Nominations shall be made in the following order: Business Manager-Delegate-Convention Delegate\*, Secretary-Treasurer, President, Vice President, Executive Board Members (3), Sergeant-at-Arms and Auditors (3).

This order is subject to combination of offices, when approved, in accordance with constitutional provisions. No member may be a candidate for, nor hold more than one office, except where a combination of offices has been approved, in accordance with the provisions of this Constitution.

(e) The election of each office will be conducted immediately after nominations for that office. Voting need not be by secret ballot. Only those delegates elected by secret ballot by their Local Union membership shall be eligible to vote. If a secret ballot is used, the provisions of Uniform Local Union Constitution, Article VI, Section 3 shall be used to the extent appropriate;

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**\* Applies only in an election where the term of office would include a Convention of the International Union.**

(f) Each candidate may, at the candidate's own expense, designate in writing a Watcher who must be a member of the District Council;

(g) All officers shall be elected for a term of four years and shall be installed immediately after their election.

### Section 3. FILLING OF VACANCIES AND OBLIGATIONS OF OFFICE:

(a) In the filling of a vacancy in an office or elective position, the Executive Board shall fill the vacancy by appointment in a provisional capacity of a member having all the requirements for office;

(b) When a member has been elected to office or to an elective position, then that member shall, as such officer or official, fully perform all such duties, responsibilities and obligations that attach to such office or position as required by the International Union, Local Union or District Council Constitutions and shall perform all acts and comply with all obligations and responsibilities as required by law.

(c) Non-compliance by anyone holding an elective office or position shall be subject to all applicable disciplinary provisions contained in either the International Union, Local Union, or District Council Constitutions; anyone holding a non-elective position who does not comply with the above requirements shall be subject to discharge.

## ARTICLE VII

### **Duties of Officers**

#### Section 1. PRESIDENT:

(a) The President shall preside as chairperson at all meetings and conventions of the District Council and exercise all of the authority and responsibility of such chairperson;

(b) The President shall preside at all meetings of the Executive Board of the District Council as its chairperson and also at all sessions of the Executive Board sitting as a trial board;

(c) The President shall, together with the Secretary-Treasurer, sign all checks or orders for the payment of monies from the District Council's accounts, and sign all official documents of the District Council;

(d) The President shall call special meetings and conventions of the District Council or meetings of the Executive Board, when requested to do so by the Executive Board of the District Council.

#### Section 2. VICE PRESIDENT:

The Vice President shall, in the absence of the President at any regular or special meeting or convention of the District Council or meeting of the Executive Board, perform the functions and duties of the President at such convention or meeting.

#### Section 3. SECRETARY-TREASURER:

(a) The Secretary-Treasurer shall keep minutes of all meetings and conventions. The Secretary-Treasurer shall have custody of said minutes as part of the records of the District Council;

(b) All monies payable to the District Council shall be turned over to the Secretary-Treasurer, who shall give a proper receipt therefor;

(c) The Secretary-Treasurer shall make and keep a proper record of all such monies received and deposit same in the name of the District Council, in such banks or depositories as the Executive Board shall determine;

(d) The Secretary-Treasurer shall make disbursements in accordance with the provisions of Article IX herein;

(e) The Secretary-Treasurer shall, once each month, at a meeting of the District Council, make a written, categorical financial report of the monies received and disbursed since the last report to a meeting;

(f) The Secretary-Treasurer shall, together with the President, sign all checks or orders for the payment of monies from the District Council's accounts;

(g) The Secretary-Treasurer shall submit the books to the Auditors of the District Council for inspection once a year or to a Certified Public Accountant when the District Council has retained such Accountant for the purpose of auditing the financial records of the District Council, and to the General President or a deputy or representative appointed by the General President for such purpose, when requested;

(h) The Secretary-Treasurer shall order from the International Union all books and other paraphernalia as prescribed by the Constitution;

(i) All records of all financial transactions within the District Council shall be in the custody of the Secretary-Treasurer;

(j) It shall be the duty of the Secretary-Treasurer to see to it that all of the Local Unions affiliated with it pay their lawful obligations to the District Council. The Secretary-Treasurer may inquire of the General Secretary-Treasurer of the International Union regarding the initiation fees, readmission fees and per capita tax reported to the International Union by its affiliated Local Unions. The Secretary-Treasurer, upon determination that the Local Union has falsified its report or failed to pay its lawful obligations within the prescribed time, may submit the matter directly to the General President for processing pursuant to the provisions of Article IX, Section 5 of the International Union Constitution;

(k) Effective January 1, 2010, the Secretary-Treasurer shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND each month, an amount equal to twenty-six percent (26%) of the gross salary paid to each of its full-time officers and employees covered by the Fund, provided that no payment shall be made on behalf of salary which is at a rate lower than ten thousand dollars (\$10,000.00) per year for any one person, but shall remain at six thousand dollars (\$6,000.00) for full-time officers and employees who were participants in the Fund on December 31, 1996. All contribution obligations and participation in the Fund shall be subject to the Fund's rules and regulations adopted by the Board of Trustees.

(l) The Secretary-Treasurer shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND the payment, as aforesaid, by the last day of the following month for which said salary is due, but in no event later than the last day of the month following the month in which the payment is due.

#### Section 4. BUSINESS MANAGER

(a) The Business Manager shall be the recognized representative of the District Council.

It shall be the duty of the Business Manager of the District Council to see to it that the affairs and business of the District Council are being properly conducted in accordance with the Constitution and with the rules, regulations, policies, practices and lawful orders and decisions.

(b) Specifically, but not in limitation thereof:

(1) Unless otherwise provided, negotiations with employers shall be through a Negotiating Committee of the District Council, of which the Business Manager shall be chairperson ex-officio.

(2) It shall be the duty of the Business Manager to see to it that the provisions of all agreements negotiated by the District Council are enforced and respected by all persons affected thereby. All instances of non-compliance which are not amicably adjusted by the Business Manager shall be reported to the Executive Board of the District Council.

(3) The Business Manager shall be charged with the responsibility of protecting the craft jurisdiction within the territory entrusted to the District Council by the International Union.

(4) The Business Manager shall use all proper and lawful means of organizing the work coming within the territorial and craft jurisdiction of the District Council, and to direct and supervise the activities of Assistant Business Managers and Organizers when employed by the District Council. The Business Manager shall have the authority to discharge Assistant Business Managers and Organizers.

(5) At each meeting of the District Council, and at such other times as the Executive Board shall require, the Business Manager shall make an activity report which shall include the activities of any assistants and which shall include, but shall not be limited to, organizing, political action and, where applicable, training and apprenticeship.

(6) By virtue of election, the Business Manager shall serve as a delegate to all other local or regional labor bodies including but not limited to any Regional Organizing Fund with which the District Council is affiliated, and as a delegate to any Conventions called by the International Union.

#### Section 5. SERGEANT-AT-ARMS:

The Sergeant-at-Arms shall determine the right of those who shall be permitted to enter the meeting hall; and shall execute such orders given by the President for the maintenance of order and decorum at conventions and meetings.

## ART. VII

## Section 6. AUDITORS:

(a) The Auditors shall at the end of the year audit the books of the Secretary-Treasurer and check the entries with bank deposits, statements and other data or memoranda. They shall render a detailed report annually to the District Council, showing financial transactions and conditions of the District Council for the preceding year;

(b) The Auditors shall have the right to require the production of books, records and other data or memoranda from all officers, officials or employees who participated in any financial transaction and to request their appearance for the purpose of making such report or explanation as may be deemed necessary by them;

(c) When a District Council has retained a Certified Public Accountant to prepare its annual audit, then the foregoing subsections shall not apply. The Certified Public Accountant shall be retained by the Executive Board. The Auditors shall cooperate with the Certified Public Accountant in the preparation of such audit.

## Section 7. EXECUTIVE BOARD:

(a) The Executive Board shall be composed of seven members;

(b) It shall consist of the President, Vice President, Secretary-Treasurer, Business Manager and such additional number of delegates as to complete a complement of seven members;

In the event that there is a combination of offices, there shall be elected from among the delegates of the District Council such number of Executive Board members as to complete the complement of seven members;

(c) The Executive Board, in interim periods between meetings, shall have the power of the District Council except as hereinafter provided;

(d) Actions of the Executive Board, except for commitments and disbursements for the regular, recurrent and incidental expenses of the District Council, shall be deemed binding until and unless nullified or modified by vote of the delegates at a meeting of the District Council when the report of the Executive Board is made to it; however, the Executive Board shall have no power or authority to negotiate, approve, ratify or enter any collective bargaining agreement for a unit of em-



ployees or staff employed by the District Council with a union not affiliated with this International union without the General President first determining whether the provisions of such agreement are consistent with the Constitution, laws and policies of the International Union or with the fiduciary obligations of the Executive Board. Such submission to the General President shall not constitute ratification, condonation or adoption by the International Union of the provisions of such collective bargaining agreement and shall not render the International Union a party to such collective bargaining agreement for any purpose whatsoever.

(e) The presence of at least four members of the Executive Board shall constitute a quorum; a majority of those present and voting shall be required for all official acts;

(f) The Executive Board shall meet at least once a month and, when possible, prior to the regular meeting of the District Council; it shall also hold such special meetings as, in its judgment, it may deem appropriate or necessary;

(g) The Executive Board shall submit a report of its activities and its minutes to each regular meeting of the District Council;

(h) The Executive Board shall constitute and be the Trial Board to hear and determine all charges, as hereinafter provided;

(i) It shall be the duty of the Executive Board to see to it that the affairs and business of the District Council are being properly conducted, in accordance with the Constitution;

(j) The Executive Board shall see to it that bond is provided which protects against loss by reason of acts of fraud or dishonesty, covering every officer, agent, shop steward or other representative who handles funds or other property of the District Council, in an amount not less than the minimum required by provisions of applicable law, and by any ruling of the General Executive Board;

(k) When the District Council has decided that the Business Manager needs assistants or organizers, the Executive Board, after recommendation from the Business Manager, shall appoint such assistants or organizers and it shall determine the salary and other compensation to be paid. Approval shall not be unreasonably withheld. If a recommendation of the Business Manager is rejected, then the Business Manager

shall have the right to submit a further recommendation for the Executive Board's consideration.

Section 8. Each officer, Executive Board member and delegate shall attend all meetings of the District Council; and failure to attend two successive meetings or any three meetings in a period of one year, unless excused for just cause by a vote of the Executive Board or delegates, shall be deemed sufficient ground for hearing and trial before the Executive Board of the District Council why such official should not be removed from said office or position.

Section 9. Upon the termination of office, each officer shall turn over the books, papers, records and other property which came into the officer's possession, custody and control, to the organization. This provision shall also apply to all other officials or employees of the District Council.

## ARTICLE VIII

### **Taxes, Fees, Assessments and Dues**

Section 1. When an increase in per capita tax, initiation fee, readmission fee or other lawful fee or assessment on its affiliated Local Unions is proposed, the District Council shall mail to its affiliated Local Unions written notice of the proposal and the date of the District Council meeting at which such proposal shall be voted upon not less than thirty days prior to such date. When an assessment has been voted, it shall not be levied until it is first submitted to and approved by the General President.

Section 2. When an increase in initiation fees or dues payable by members and apprentice members to affiliated Local Unions is contemplated, the District Council shall convene a special convention to review the dues structure of all affiliated Local Unions and to determine whether an increase is warranted for one or more affiliated Local Unions. Written notice of such special convention shall be mailed to its affiliated Local Unions not less than thirty days from the date on which it proposes to take such action. The notice shall outline the date of the convention when the proposed increase is to be considered and voted upon by the delegates to the District Council, the date on which the contemplated increase is to go into effect and the grounds or rea-

sons for such increase, in order that Local Unions may be informed and consider the matter at a meeting of their membership. The duly elected delegates to the District Council shall be the delegates to this convention. A majority vote of the delegates at such convention of the District Council shall be required, and when so tallied shall be effective for and on behalf of all affiliated Local Unions.

Section 3. When the territorial and craft jurisdiction of a District Council extends beyond a metropolitan area, where the District Council establishes and regulates the initiation fees and dues payable by members of its affiliated Local Unions, the District Council shall study the economic conditions that may exist in the different sections or area of its territorial and craft jurisdiction; if as a result of such study it finds that variations in economic or other conditions exist, it shall establish and regulate the initiation fees and dues payable by members to its affiliated Local Unions, in accordance with such variations.

## ARTICLE IX

### **Income and Disbursements**

Section 1. The sources of income to a District Council shall be from per capita taxes, initiation fees, readmission fees, other fees, assessments and income from other proper and lawful sources.

Section 2. The income shall be in amounts that are necessary to accomplish and take care of the obligations and requirements of the District Council and the purposes for which the District Council was established. The income shall be promptly deposited in such banks or depositories as are determined by the Executive Board of the District Council.

Section 3. (a) The Executive Board shall have the authority to make commitments and disbursements in its discretion from the funds, assets and property of the District Council for the regular, recurrent and incidental expenses of the District Council. The Executive Board shall further have the authority to make commitments and disbursements in its discretion from the funds, assets and property of the District Council for organizing, strikes, collective bargaining, contract administration, awards, gifts, donations, charitable contributions, political purposes, education, public relations, employee benefit

plans for personnel and officers of the District Council and its affiliated Local Unions, legal expenses, and such other expenses and investments as it deems necessary or proper to carry out the objects and purposes of the Union.

Travel expenses may also be provided for an Executive Board member's spouse who accompanies the Executive Board member during travels in connection with the performance of the member's duties and responsibilities;

(b) In accordance with the provisions of Article VII herein, the Secretary-Treasurer shall make disbursements from the funds of the District Council for the regular, recurrent and incidental expenses of the District Council, such as mortgage, leases, rent, taxes, salaries and other compensation, travel, allowances, reimbursements for expenses, utilities, telephone, maintenance, cleaning, repairs, supplies, office equipment, obligations to the International Union, and obligations to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND, and to make such other payments as directed by the Executive Board.

Section 4. (a) The financial obligations of a District Council shall be fixed and regulated within the income of the District Council;

(b) A District Council shall make no disbursements that will preclude it or interfere with its ability to first meet its financial obligations to the International Union and the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND;

(c) A District Council shall not enter into contractual undertakings for the acquisition of property or the retention of services if, at the time of such proposed undertaking, its current income is insufficient to meet the expenses of such undertaking.

Section 5. When the income to the District Council reduces to a point where such income cannot properly take care of the financial obligations of the District Council, including salaries to officers, officials, and personnel, the District Council may vote to take such action as is necessary, commensurate with the reduced income, including reduction in salaries of officers, officials, and personnel; when the contemplated action is to reduce salaries of officers and elected officials, such reduction shall be voted upon by the delegates at a meeting of the District Council only after written notice is given to all of the affiliated Local

Unions of the proposal and the meeting at which such proposal shall be voted upon, or the delegates approve such reduction at two consecutive meetings.

Section 6. When an increase in salary or compensation is proposed to be effective during the term of office then current, the increase shall be voted upon by the delegates of the District Council only after written notice is given to all of the affiliated Local Unions of the proposal and the meeting at which such proposal shall be voted upon, or the delegates approve such increase at two consecutive meetings; provided, that the Executive Board may increase salaries to reflect the increase in the cost-of-living, said increase not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor; in Canada, the Consumer Price Index published by Statistics Canada; provided further, that no such cost-of-living increase can be effected within one year of any other increase in salary.

Section 7. No commitment or disbursement of the District Council shall be considered void or unenforceable where such action was undertaken in substantial compliance.

## ARTICLE X

### **Meetings and Conventions**

Section 1. A District Council shall hold at least one regular meeting each month, on such day, time and place as established by vote of the delegates.

Section 2. Special meetings and conventions shall be called by the President of the District Council when requested to do so by the Executive Board. A copy of the notice of such special meeting or convention shall be mailed to the delegates to the District Council, and a copy to the Local Unions they represent.

Section 3. It is the intent of this Constitution that all delegates to the District Council should attend all meetings and take such steps as may tend to encourage attendance at said meetings. A number of delegates representing at least a majority of the Local Unions, shall constitute a quorum for the transaction of business at regular or special meetings of the District Council.

#### Section 4. ORDER OF BUSINESS:

The order of business to be followed at regular meetings of the District Council shall be as follows:

1. Roll Call of Officers
2. Roll Call of Delegates
3. Presentation of new credentials
4. Reading of minutes of previous meetings
5. Communications and Bills
6. Report of Business Manager and other officers
7. Report of Executive Board
8. Reports of delegates of affiliated Local Unions
9. Political Report
10. Organizing Report
11. Report of Other Committees
12. Unfinished business
13. New business
14. Financial reports
15. Good and Welfare
16. Adjournment

Section 5. The President, as presiding officer of all meetings and conventions, shall maintain order and decorum and shall properly conduct all of the business coming before the District Council; the President shall see to it that all delegates present comply with and respect the provisions of this Constitution dealing with the attendance of delegates at meetings, and shall have authority to discipline delegates who improperly obstruct and interfere with the orderly conduct of the business of the District Council.

Section 6. Unless otherwise provided either by this Constitution or by rules and regulations established pursuant thereto, generally accept-

ed parliamentary procedure shall prevail at all meetings of the District Council.

## ARTICLE XI

### **Bargaining**

Bargaining shall be conducted by a Negotiating Committee appointed by the District Council. The Business Manager of the Council shall be the chairperson ex-officio. In the composition of the Negotiating Committee, the District Council shall give due regard to representation from the affected Local Unions. Prior to negotiations the Local Unions which shall be affected thereby shall submit to the District Council their bargaining proposals. The Business Manager and the Negotiating Committee of the Council, after consultation with the affected Local Unions, shall cause the preparation of the District Council's agreement proposals. During the course of negotiations the Business Manager shall keep the affected Local Unions advised of the progress of negotiations.

If the delegates to the District Council have given the Negotiating Committee authority to enter into an agreement, when agreement is reached by the Committee no further ratification shall be required. In all other cases if agreement is reached by the Committee, it shall require ratification by a vote of the delegates of the Council. Where a Local Union negotiates an agreement and thereby serves as the District Council's Negotiating Committee, that agreement shall require ratification by a vote of the delegates of the Council like all other agreements negotiated by the Council under this Article. If the delegates to the Council have given the Negotiating Committee the authority to call a strike in the event agreement is not reached, the Negotiating Committee shall be authorized to call a strike. In all other cases, where the Negotiating Committee has not reached an agreement, strike sanctions can only be authorized by vote of the delegates.

## ARTICLE XII

### **Charges, Trials and Appeals**

Section 1. An officer or delegate in good standing may prefer charges against any other officer or delegate of a District Council, by

filing written charges in duplicate with the Secretary-Treasurer of the District Council. These charges must be signed by the person preferring the charges and indicate the provisions of the Constitution to be relied upon, or the agreement or rule alleged to have been violated, and must set forth the specific violation or wrong charged and the date on which it allegedly occurred. Except for good cause, charges must be filed within thirty (30) calendar days of the time that the charging party knew or reasonably should have known of the relevant facts and circumstances giving rise to the charge(s); otherwise, charges filed beyond the thirty (30) calendar day period shall be time barred.

Section 2. The Secretary-Treasurer shall promptly notify the members of the Executive Board that charges have been filed and after consultation with them shall promptly set a date for a hearing and trial on said charges. Immediately thereafter, a copy of the charges shall be mailed to the last-known address of the accused. A written notice of the time and place where the hearing and trial will take place before the Trial Board shall be mailed to the accused and to the charging party not less than seven days nor more than twenty-one days from the date of said hearing and trial.

Section 3. The members of the Executive Board of the District Council shall constitute the Trial Board; except that neither the charging party nor the accused nor any individual directly interested or involved in the charges, may sit as a member of the Trial Board.

In such cases, the President of the District Council shall appoint a substitute or substitutes from the delegates in good standing. If the President is to be disqualified, then the Vice President shall appoint a substitute or substitutes and if the Vice President is also to be disqualified, then the substitute shall be appointed by the remaining Trial Board members.

When one or more members of the Executive Board of a District Council appear to be disqualified, the matter may be referred to the General President who shall be entitled to investigate to determine whether such disqualification exists. Upon a finding of disqualification, the General President shall have discretion to assume original jurisdiction over such charges, in which case the General President shall refer the matter to the Independent Hearing Officer to hear such charges for decision and disposition.



Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown.

Section 4. The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

The charging party shall first present whatever evidence such party possesses to substantiate the charges. The accused shall have the right to be present throughout the trial and to cross-examine the charging party and any of the charging party's witnesses upon completion of their testimony.

After the evidence in support of the charges has been received, the accused shall present the defense. The charging party shall have the right to cross-examine the accused and any of the accused's witnesses upon completion of their testimony.

Section 5. The Trial Board shall record minutes of its meetings and proceedings and these minutes, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and argument submitted and proceed to make its findings and decision. It shall prepare a Report of said findings and decision, which shall be signed by all the members of the Trial Board. The Secretary-Treasurer shall forthwith mail a copy of said Report to the charging party and the accused at their last-known addresses.

Section 6. A copy of the Trial Board Report shall be submitted to the next regular meeting of the District Council. The findings and decision of the Trial Board shall be binding unless and until two-thirds of the delegates present and voting at said meeting reverse or modify the findings and decision of the Trial Board. The Secretary-Treasurer shall forthwith mail a copy of said action to the charging party and the accused at their last-known addresses.

Section 7. If either the charging party or the accused is aggrieved, the party may within thirty days from the date of notice of said action, appeal therefrom to the General Executive Board of the International Union, by filing such appeal with the General Secretary-Treasurer in writing at headquarters. The appeal shall clearly and specifically set forth the grounds in support of said appeal and shall contain a copy of the findings and decision, and action.

After notice of such appeal from the General Secretary-Treasurer, the District Council shall then submit promptly to the General Secretary-Treasurer the following:

1. Copy of the charges
2. Copy of the notice of hearing
3. Record of the Trial Board hearing
4. Copy of Report of the Trial Board
5. Copy of notification of the Trial Board's decision
6. Copy of minutes of regular meeting at which the Trial Board reported to the District Council
7. Copy of notification of District Council action

If an appeal is seasonably taken, it shall have the effect of staying the decision and sentence of the Trial Board and no fine, suspension or expulsion shall be effective pending the outcome of the appeal, provided, however, that where any officer has been found guilty and suspended from office because of negligence, incompetence or dishonesty in the performance of duty, such officer shall remain suspended from holding such office pending the decision of the General Executive Board on the appeal.

Section 8. The matter of conduct of nomination or election of District Council officers, officials, and delegates is not within the jurisdiction of the District Council Trial Board.

Any member aggrieved with the nomination and election process must appeal directly to the General Executive Board within fifteen (15) days after the election. All such protests must clearly and specifically set forth the grounds upon which the appellant shall rely.

## ARTICLE XIII

**Oath of Office**

Each officer or person assuming an elective position shall, in response to the recitation of the following oath, publicly affirm his or her acceptance of its obligations and responsibilities by saying "I do" or otherwise indicating assent prior to being installed and assuming the duties of that office or position:

"By assuming office, you hereby accept both the honor and the responsibility of faithfully representing the proud men and women of the Laborers' International Union of North America. To the utmost of your abilities, you promise to pursue steadfastly the cause of justice, dignity, respect and equality for all working people. You promise to labor relentlessly to grow and strengthen this Union so that it may be in the next 100 years Strong, Proud and United. You pledge to recognize and comply with all of the provisions of the Laborers' Constitutions and with all of the policies, practices and decisions adopted and maintained in the furtherance thereof. All this you solemnly promise, so help you God."

	Art.	Sec.	Page
<b>Affiliations by Local Unions .....</b>	<b>I</b>	<b>2</b>	<b>122</b>
<b>Agreements</b>			
compliance with and observance			
of all provisions of .....	II	1(i)	123
negotiating and enforcing .....	II	2 (d)	124
autonomous to negotiate and consummate .....	II	2 (d)	124
to exercise disciplinary authority over all			
infractions or non-compliance with .....	II	2 (g)	125
business manager's duty to see to it			
that all are enforced and respected .....	VII	4 (b) (2)	134
bargaining of .....	XI		142
<b>Appeals. See Charges, Trials and Appeals</b>			
<b>Assessments .....</b>	<b>VIII</b>	<b>1-3</b>	<b>137-138</b>
sources of income to a District Council .....	IX	1	138
<b>Assistants</b>			
business manager's duty to report			
on the activities of any .....	VII	4 (b) (5)	134
business manager's duty to recommend			
the appointment of .....	VII	7 (k)	135-136
executive board's duty to appoint .....	VII	7 (k)	135-136
<b>Auditors</b>			
officers of the District Council .....	V	1 (a)	128
order of nominations .....	VI	2 (d)	130
secretary-treasurer shall submit the books			
annually to the .....	VII	3 (g)	132
duties of .....	VII	6 (a-c)	135
shall at the end of the year audit the books			
and render a detailed report .....	VII	6 (a)	135
shall have the right to require the production			
of books, records, etc. ....	VII	6 (b)	135
shall cooperate with the certified public accountant .....	VII	6 (c)	135
<b>Audits</b>			
annual .....	VII	6 (a)	135
of the secretary-treasurer's records .....	VII	3 (g)	132
certified public accountant annual .....	VII	6 (c)	132
<b>Autonomy</b>			
degree of .....	III	6	126
<b>Bargaining .....</b>	<b>XI</b>		<b>142</b>
executive board has no authority to negotiate			
with a union not affiliated .....	VII	7 (d)	135
executive board has the authority to make			
commitments and disbursements to .....	IX	3 (a)	138
on behalf of affiliates .....	III	1	125
<b>Bonding .....</b>	<b>VII</b>	<b>7 (j)</b>	<b>135</b>
<b>Business Manager of the District Council</b>			
authority to discharge assistants and organizers .....	VII	4 (b) (4)	134
by virtue of office serve as a delegate			
to all local labor bodies .....	V	1 (b)	128
.....	VII	4 (b) (6)	134

	Art.	Sec.	Page
by virtue of office serve as a delegate			
to the International Union Convention.....	V	1 (b)	128-129
.....	VI	2 (d)	130
.....	VII	5	134
duties of.....	VII	4 (a-b)	133-134
duty to attend all meetings.....	VII	8	137
duty to direct and supervise the activities			
of assistants and organizers.....	VII	4 (b) (4)	134
duty to make an activity report.....	VII	4 (b) (5)	134
duty to organize within the territorial			
and craft jurisdiction.....	VII	4 (b) (4)	134
duty to protect the craft jurisdiction			
within the territory entrusted.....	VII	4 (b) (3)	134
duty to recommend assistants or organizers.....	VII	7 (k)	136-137
duty to report all non-compliance with			
agreements to the executive board.....	VII	4 (b) (2)	134
duty to see all agreements enforced and respected.....	VII	4 (b) (2)	134
duty to see to it the affairs and business			
are being properly conducted.....	VII	4 (a)	133
duty to serve as a delegate to any			
regional organizing fund.....	VII	4 (b) (6)	134
member of the executive board.....	V	1 (a)	128
.....	VII	7 (b)	135
negotiations, shall be the chairperson			
ex-officio of the negotiating committee.....	VII	4 (b) (1)	134
.....	XI		142
officer of the District Council.....	V	1 (a)	128
order of business during District Council			
meeting, report by.....	X	4	141
order of nominations.....	VI	2 (d)	130
recognized representative of the District Council.....	VII	4 (a)	133
<b>Charges, Trials, and Appeals.....</b>	<b>XII</b>	<b>1-8</b>	<b>142-145</b>
executive board serves as the trial board.....	VII	7 (h)	136
matter of conduct of nomination or			
election is not within the jurisdiction.....	XII	8	145
<b>Charters Issued by the International Union.....</b>	<b>I</b>	<b>1-2</b>	<b>122</b>
all Local Unions within territorial and/or			
craft jurisdiction shall affiliate.....	I	2	122
membership of District Council shall consist			
of delegates from each Local Union.....	I	2	122
powers of the District Council.....	II	2 (a)	122
suspension of District Council charter, fails			
to make payment to pension fund.....	III	4	127
<b>Compensation of Officers</b>			
assistants and organizers, executive board			
determine the salary and.....	VII	7 (k)	136-137
fixed at the nominations prior to nomination.....	VI	2 (b)	130
increase in salary or compensation			
during the term of office.....	IX	6	140
secretary-treasurer make disbursements for.....	IX	3 (b)	139
while holding other offices in			
another body of the union.....	V	3	129

	Art.	Sec.	Page
<b>Constitutions</b>			
District Council shall carry out, perform and comply with all objects/powers of.....	III	1	125
District Council shall recognize and be subject to all the provisions of.....	III	2	125
duty of business manager to conduct affairs/ business in accordance with.....	VII	4 (a)	133
duty of the executive board to conduct affairs/ business in accordance with.....	VII	7 (i)	136
duty to attend all meetings, intent of.....	X	3	140
exhaustion of remedies.....	III	5	126
.....	IV	5 (h)	127
oath of office, compliance with all the provisions of the laborers'.....	XIII		146
obligations of the District Council.....	III	1-6	125-126
obligations of the delegates to recognize.....	IV	5 (a-b)	127
to carry out other duties, responsibilities and function provided in the.....	II	2 (h)	123
to establish proper rules, regulations, etc not in conflict with.....	II	2 (a)	123-124
to fulfill the objects of the International Union.....	II	1 (a)	122
to promote and foster respect for and compliance with.....	II	1 (h)	123
<b>Conventions</b>			
by virtue of office, business manager as delegate to.....	V	1 (b)	128-129
.....	VI	2 (d)	130
.....	VII	4 (b) (6)	134
meetings and.....	X	1-6	140-142
nomination and election of delegates as prescribed.....	IV	4 (a)	127
president shall preside as chairpersons of all District Council.....	VII	1 (a)	131
.....	X	5	141
president shall call District Council.....	VII	1 (d)	132
.....	X	2	140
secretary-treasurer shall keep minutes of all District Council.....	VII	3 (a)	132
sergeant-at-arms to keep order and decorum at all District Council.....	VII	5	134
vice president shall preside in the absence of the president at District Council.....	VII	2	132
when an increase in fees/dues is contemplated, the District Council shall convene.....	VIII	2	137-138
<b>Credentials</b>			
order of business, presentation of new.....	X	4	141
presentation of.....	IV	2	126
<b>Delegate(s)</b>			
attend all meetings.....	VII	8	137
.....	X	3	140
business manager as delegate to all local labor bodies by virtue of office.....	V	1 (b)	128
.....	VII	4 (b) (6)	134

	Art.	Sec.	Page
business manager as delegate to the international Convention by virtue of office.....	VII	4 (b) (6)	134
combination of offices may be permitted as long as voted by the .....	V	2	129
each Local Union shall have one delegate on the executive board.....	V	4	129
establish District Council meeting day, time and place, vote of the .....	X	1	140
increase in fees or dues, voted on by the District Council .....	VIII	2	137-138
increase in salary or compensation, voted on by the ..	IX	6	140
Local Union entitlement of .....	IV	3	126-127
matter of conduct of nominations or elections is not within the jurisdiction.....	XII	8	145
may prefer charges against any other officer or delegate of the District Council.....	XII	1	142-143
meetings, order of business, roll call of.....	X	4	141
meetings, order of business, reports of.....	X	4	141
membership of the District Council shall be from each Local Union.....	I	2	122
.....	IV	1	126
negotiating committee, authority to enter into agreement given by the.....	XI		138
nominations and election, written notice to each.....	VI	2 (a)	130
notice of special meeting or Convention shall be mailed to each .....	X	2	140
obligations of .....	IV	5 (a-h)	127-128
of District Councils as delegates to the International Union Convention .....	IV	4 (a)	127
officers to other bodies .....	IV	4 (b)	127
only delegates elected by secret ballot to vote in District Council elections.....	VI	2 (e)	130
order of nominations .....	VI	2 (d)	130
present credentials to the District Council.....	IV	2	126
qualifications for office of the District Council, shall be a .....	VI	1	129
reduction of salary or compensation, voted on by the ..	IX	5	139-140
shall submit to the General President or representative all books, records, etc.....	III	3	126
to other bodies may be either elected or appointed.....	IV	4 (b)	127
trial board, may sit.....	XII	3	143

### Disbursements

District Council shall make no disbursements without making to the pension fund .....	IX	4 (b)	139
executive board shall have the authority to make commitments and .....	IX	3 (a)	138
income and .....	IX	1-7	138-140
powers of the District Council .....	II	2 (c)	124
secretary-treasurer shall make.....	VII	3 (d)	132
.....	IX	3 (b)	139
shall be considered void or unenforceable when taken in substantial compliance .....	IX	7	140

	Art.	Sec.	Page
<b>Disciplinary Actions. See also Charges, Trials, and Appeals</b>			
Non-compliance by anyone holding elective office or position shall be subject to .....	VI	3 (c)	131
suspension of District Council .....	III	4	126
<b>Dues</b>			
taxes, fees, assessments and dues .....	VIII		137-138
to establish and regulate .....	II	2 (e)	124
.....	VIII	3	138
when an increase in fees or .....	VIII	2	137-138
<b>Election of Officers .....</b>			
<b>VI</b>	<b>1-3</b>		<b>109-111</b>
all members nominated shall be present at the nomination and .....	VI	2 (c)	130
conduct of nominations and election is not within the jurisdiction of trial board .....	XII	8	125
nominations and .....	VI	2	130
of officers by delegates .....	IV	1	126
officers shall be installed immediately after their .....	VI	2 (g)	111
qualifications for office .....	VI	1	129
shall take place at the first meeting in August of the election year .....	VI	2 (a)	130
will be conducted immediately after nominations for that office .....	VI	2 (e)	130
<b>Executive Board of the District Council</b>			
call special meetings and Conventions .....	X	2	140
composed of .....	VII	7 (a)	135
delegates to other bodies may be either elected or appointed by the .....	IV	4 (b)	127
.....	V	1 (b)	128-129
determine such banks or depositories for income .....	IX	2	138
duties of .....	VII	7 (a-k)	135-136
duties of, actions shall be deemed binding .....	VII	7 (d)	135-136
duties of, shall appoint assistants or organizers upon recommendation .....	VII	7 (k)	135-136
duties of, shall constitute and be the trial board .....	VII	7 (h)	136
duties of, shall have no authority to negotiate with a union not affiliated .....	VII	7(d)	135-136
duties of, shall have the power of the District Council during interim periods .....	VII	7 (c)	135
duties of, shall meet at least once a month .....	VII	7 (f)	136
duties of, shall see to it that bond is provided .....	VII	7 (j)	136
duties of, shall see to it that the affairs and business are properly conducted .....	VII	7 (i)	136
duties of, shall submit a report of its activities .....	VII	7 (g)	136
filling of vacancies in an office or elective position .....	VI	3 (a)	131
increase in salary or compensation .....	IX	6	140
no two officers or member shall be from the same Local Union .....	V	4	129
officers of the District Council .....	V	1 (a)	128
order of nomination of .....	VI	2 (d)	130
quorum of .....	VII	7 (e)	136
report of the .....	X	4	141
shall attend all meetings .....	VII	8	137



	Art.	Sec.	Page
shall have the authority to make			
commitments and disbursements.....	IX	3 (a)	138-139
shall serve as members of trial boards.....	XII	3	143
travel expenses for spouse of.....	IX	3 (a)	138
<b>Income and Disbursements .....</b>	<b>IX</b>	<b>1-7</b>	<b>138-140</b>
financial obligations of the District Council			
shall be fixed and regulated within.....	IX	4 (a)	139
if current income is insufficient.....	IX	4 (c)	139
if income reduces where income cannot			
take care of financial obligations.....	IX	5	139-140
shall be in amount that are necessary to accomplish.....	IX	2	138
shall be properly deposited.....	IX	2	138
sources of.....	IX	1	138
<b>Initiation Fees</b>			
in accordance with variations in economic			
or other conditions.....	VIII	3	138
power to determine and levy.....	II	2 (b)	122
sources of.....	IX	1	138
taxes, fees, assessments and due.....	VIII	1 - 3	137-138
to establish and regulate.....	II	2 (e)	124-125
when an increase in.....	VIII	2	137-138
<b>Jurisdiction</b>			
affiliate with any regional organizing fund			
established and operating within its.....	III	1	125
affiliation of all Local Unions within its			
territorial and/or craft.....	I	2	122
beyond metropolitan areas.....	II	1 (e)	123
.....	VIII	3	138
conduct of nominations or elections			
of District Council no within the.....	XII	8	145
disciplinary authority on alleged infractions			
or other matter within the.....	II	2 (g)	125
organizing the work within the territorial and craft.....	VII	4 (b) (4)	134
protect and conserve Local Union.....	II	1 (f)	123
protected by the business manager.....	VII	4 (b) (3)	134
<b>Meetings .....</b>	<b>X</b>	<b>1-6</b>	<b>140-142</b>
all delegates shall be present at the nomination.....	VI	2 (c)	130
attend all.....	VII	8	137
.....	X	3	140
business manager shall make an activity			
report at each.....	VII	4 (b) (5)	134
combination of offices prior to nomination.....	V	2	129
executive board shall have the power			
of the District Council between.....	VII	7 (c)	135
executive board shall hold special.....	VII	7 (f)	136
executive board shall meet at least once a month.....	VII	7 (f)	136
executive board shall submit a report			
of its activities and minutes at each.....	VII	7 (g)	136
frequency.....	X	1	140
increase in salary or compensation is proposed.....	IX	6	120
nomination and election shall take place			
at the first meeting in August.....	VI	2 (a)	130

	Art.	Sec.	Page
obligation of delegates, to observe proper decorum at.....	IV	5 (e)	128
.....	IV	5 (f)	128
order of business at regular .....	X	4	141
parliamentary rule of procedure.....	IV	5 (e)	128
.....	X	6	141-142
presentation of credentials of delegates.....	IV	2	126
president shall preside as chairperson at all District Council.....	VII	1 (a)	131
.....	X	5	141
president shall preside as chairperson at all executive board/trial board.....	VII	1 (b)	131
president shall call special/executive board .....	VII	1 (d)	132
quorum for executive board.....	VII	7 (e)	136
quorum of delegate .....	X	3	140
salary and compensation shall be fixed at the nomination .....	VI	2 (b)	130
secretary-treasurer shall keep minutes of all .....	VII	3 (a)	132
secretary-treasurer shall make a written categorical financial report at each .....	VII	3 (e)	132
sergeant-at-arms shall determine the right of those who shall enter the.....	VII	5	134
sergeant-at-arms shall execute orders for the maintenance of order and decorum .....	VII	5	134
special meetings and Conventions called by the president.....	X	2	140
trial board shall record minutes of its .....	XII	5	144
vice president shall preside as chairperson at all District Council/executive board .....	VII	2	132
when an increase in fees to members is proposed .....	VIII	2	137-138
when an increase in fees to the District Council is proposed, written notice of .....	VIII	1	137
when income reduces to a point where income cannot cover financial obligations .....	IX	5	139-140
<b>Membership and Representation .....</b>	<b>IV</b>	<b>1-5</b>	<b>126-127</b>
excused for just cause by a vote of the .....	VI	2 (c)	130
of the District Council.....	I	2	122
only delegates elected by secret ballot are eligible to vote in elections.....	VI	2 (e)	130
<b>Negotiations</b>			
conducted by the business manager.....	VII	4 (b)	134
prior to, Local Unions submit their bargaining proposals.....	XI		142
during the course of, business manager shall advise of the progress .....	XI		142
<b>Oath of Office .....</b>	<b>XIII</b>		<b>146</b>
<b>Objects of the District Council.....</b>	<b>II</b>	<b>1</b>	<b>122-123</b>
<b>Obligations</b>			
of the District Council .....	III	1-6	125-126
of the delegates .....	IV	5	107-108
of office .....	VI	3 (b)	131

	Art.	Sec.	Page
secretary-treasurer's duty to pay the District Councils lawful.....	VII	3 (j)	133
financial obligations, fixed and regulated within the District Council income.....	IX	4 (a)	139
District Council shall make no disbursements unless pension fund paid .....	IX	4 (b)	139
oath of office, acceptance of.....	XIII		146
<b>Officers. See also Specific Officers by Title .....</b>	<b>V</b>	<b>1-4</b>	<b>128-129</b>
combination of offices.....	V	2	129
.....	VI	2(d)	130
.....	VII	7(b)	135
conduct of nomination or election not within the jurisdiction of the trial board .....	XII	8	145
consist of .....	V	1 (a)	128
duties of.....	VII	1-9	131-137
election of.....	VI	1-3	129-131
filling of vacancies.....	VI	3	131
no two officers shall be from the same Local Union....	V	4	129
nomination of.....	VI	2	130-131
oath of office .....	XIII		146
payment to pension fund on behalf of.....	VII	3 (k)	133
powers of, make commitments and disbursement for..	II	2 (c)	124
powers of, to provide for the well-being and security of members, .....	II	2 (f)	125
qualifications for .....	VI	1	129
report of business manager and other .....	X	4	141
roll call of.....	X	4	141
shall submit to the General President or representative all books, records, etc.....	III	3	126
salary and compensation .....	V	3	129
.....	VI	2 (b)	130
.....	IX	5-6	139-140
term of office.....	VI	2 (g)	131
<b>Organize</b>			
Object of the District Council .....	II	1 (g)	123
<b>Organizers</b>			
business manager has the authority to discharge .....	VII	4 (b) (4)	134
business manager recommendation for .....	VII	7 (k)	136
business manager to direct and supervise the activities of.....	VII	4 (b) (4)	134
<b>Pension Funds</b>			
District Council fails to make payment to.....	III	4	126
District Council shall make no disbursements before payment to .....	IX	4 (b)	139
secretary-treasurer shall pay directly to the.....	VII	3 (k)	133
.....	VII	3 (l)	133
.....	IX	3 (b)	139
suspension of charter for not contributing to.....	III	4	126
<b>Per Capita Tax</b>			
secretary-treasurer to see to it that all Local Unions pay the District Council.....	VII	3 (j)	133

	Art.	Sec.	Page
source of income to the District Council.....	IX	1	138
taxes, fees, assessments and dues .....	VIII	1-3	137-138
to determine and levy on affiliated Local Unions.....	II	2 (b)	124
with an increase in.....	VIII	1	137
<b>Powers of the District Council .....</b>	<b>II</b>	<b>2 (a-i)</b>	<b>123-125</b>
International Union not liable or responsible for autonomous acts of the.....	III	6	126
<b>President of the District Council</b>			
officer of the District Council.....	V	1 (a)	128
member of the executive board.....	V	1 (a)	128
.....	VII	7	135
by virtue of their office, may be delegate to all local labor bodies.....	V	1 (b)	128-129
order of nominations .....	VI	2 (d)	130
duties of.....	VII	1	131
give orders for the maintenance of order and decorum at meetings.....	VII	5	134
call special meetings and Conventions.....	X	2	140
shall maintain order and decorum and properly conduct all business at meetings.....	X	5	141
appoint substitutes from the delegates for a trial board.....	XII	3	143
<b>Qualifications of Officers .....</b>	<b>VI</b>	<b>1</b>	<b>129</b>
<b>Quorums</b>			
for District Council executive board meetings.....	VII	7 (e)	136
for District Council meetings.....	X	3	140
<b>Readmission Fees</b>			
power of the District Council to determine and levy....	II	2 (b)	124
secretary-treasurer's duty to make sure all affiliates pay all.....	VII	3 (j)	133
source of income.....	IX	1	138
when an increase in is proposed.....	VIII	1-3	137-138
<b>Records</b>			
annual audit of .....	VII	3 (g)	132
auditor's right to require production of.....	VII	6 (b)	135
District Council shall submit.....	III	3	126
secretary-treasurer shall have custody of .....	VII	3 (a)	132
.....	VII	3 (i)	133
surrender of.....	VII	9	137
<b>Regional Organizing Fund</b>			
business manager of the District Council shall serve as a delegate to .....	VII	4 (b) (6)	134
District Council shall affiliate with any.....	III	1	125
<b>Representation</b>			
District Council shall, all affiliated Local Unions.....	I	2	122
in composing negotiating committee, due regard given to .....	XI		142
membership and .....	IV	1-5	126-127
obligation of delegates to refrain from undermining the rights of.....	IV	5 (g)	128

	Art.	Sec.	Page
<b>Revenue</b>			
all monies turned over to the secretary-treasurer and records kept.....	VII	3 (b-c)	132
<b>Secretary-Treasurer of the District Council</b>			
duties of.....	VII	3	132-133
duties of, keep minutes of all meetings .....	VII	3 (a)	132
duties of, all monies shall be turned over to the.....	VII	3 (b)	132
duties of, shall make and keep a proper record of all monies .....	VII	3 (c)	132
duties of, shall make disbursements .....	VII	3 (d)	132
duties of, shall make a written, categorical financial report at the meeting.....	VII	3 (e)	132
duties of, shall submit the books to the auditors/ certified public accountants.....	VII	3 (g)	132
duties of, shall order all books and other paraphernalia .....	VII	3 (h)	132
duties of, shall be the custodian of all records of all financial transactions.....	VII	3 (i)	133
duties of, shall see to it that all affiliated Local Unions pay .....	VII	3 (j)	133
duties of, shall pay the pension fund.....	VII	3 (k-l)	133
officer of the District Council .....	V	1 (a)	128
may be a delegate to local labor bodies.....	V	1 (b)	128-129
member of the executive board.....	V	1 (a)	128
.....	VII	7 (b)	135
order of nominations .....	VI	2 (d)	130
shall make disbursements from the funds of the District Council .....	IX	3 (b)	139
shall notify all members of the executive board of filed charges .....	XII	2	143
shall send a report of trial board findings to the charging party and accused .....	XII	5-6	144
together with the president shall sign all checks or order for payment .....	VII	1 (c)	131
.....	VII	3 (f)	132
<b>Sergeant-at-Arms of the District Council</b>			
officer of the District Council .....	V	1 (a)	128
order of nominations .....	VI	2 (d)	130
duties of.....	VII	5	134
<b>Suspension</b>			
absence from meeting and.....	VII	8	137
by the Trial Board .....	XII	7	145
failure to contribute to the pension fund and.....	III	4	126
<b>Trial Board. See also Charges, Trials, and Appeals.....</b>			
president as chairperson of executive board sitting as a .....	VII	1 (b)	131
executive board shall constitute and be the .....	VII	7 (h)	136
.....	XII	3	143
report of.....	XII	5-6	144
<b>Vice President of the District Council</b>			
officer of the District Council .....	V	1 (a)	128
order of nominations .....	VI	2 (d)	130
duties of.....	V	2	129