

CONSTITUTION AND BY-LAWS  
of  
LOCAL 3 CALIFORNIA  
of the  
INTERNATIONAL UNION  
of  
BRICKLAYERS AND ALLIED CRAFTWORKERS

June 1993

Edited 12/98

## TABLE OF CONTENTS

### ARTICLE

Article I	Name
Article II	Jurisdiction
Article III	Objects and Principles
Article IV	Membership
Article V	Apprentices
Article VI	Rights and Duties of Members
Article VII	Financial Obligations of Membership
Article VIII	Officers
Article IX	Committees
Article X	Delegates
Article XI	Nomination and Election of Officers
Article XII	Working Rules
Article XIII	Charges and Trials
Article XIV	Meetings
Article XV	Amendments
Article XVI	Construction
Article XVII	Dissolution
<i>Appendix 1</i>	<i>Code 5, Code of International Offenses</i>
<i>Appendix 2</i>	<i>Code 6, Trial and Appeal</i>
<i>Appendix 3</i>	<i>Code 8, Rule Governing Disputes Concerning Nomination and Election of Officers in Affiliates</i>
<i>Appendix 4</i>	<i>Procedures for Mail Referendum</i>

ARTICLE I  
NAME

1. Name: This organization shall be known as Local 3 California (hereafter referred to in this Constitution as "Local Union" or "Local") of the International Union of Bricklayers and Allied Craftworkers, AFL-CIO, (hereafter referred to in this Constitution as "International Union," "IU", or "BAC".)

ARTICLE II  
JURISDICTION

1. Trade Jurisdiction: The trade jurisdiction of this Local Union shall encompass all the trades represented by the International Union of Bricklayers and Allied Craftworkers, as defined in Article II, Section B and Code 1 of the International Union Constitution.

2. Territorial jurisdiction: The jurisdiction of this Local Union shall encompass the following counties: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehema, Trinity, Tuolumne, Yolo and Yuba.

3. The jurisdiction of this Local Union shall be extended to include any additional jurisdiction, whether territorial or trade, approved by the International Union which this Local may in the future acquire by cession, merger, grant, award, or in any manner whatsoever.

4. This Local Union shall be sub-divided into subordinate bodies, which shall be known as sub-locals. Composition of the sub-locals shall be determined by the Management Committee and may be changed from time to time as the Committee sees fit. The membership of each sub-local shall include all crafts represented by this Local Union.

ARTICLE III  
OBJECTS AND PRINCIPLES

1. The objects and purpose of this Local Union are to provide for, protect and improve the general welfare of its members and the employees represented by it, both directly and indirectly by all lawful means and methods, and, more particularly but without limitation of the foregoing:

- A. To organize all persons engaged in work within its jurisdiction for their mutual benefit, aid and protection.
- B. To promote or establish wages, hours and other working conditions for all such workers.
- C. To promote or establish programs to meet the costs of health care, retirement, unemployment and similar needs of all such workers and their families.

- D. To promote the health, welfare and safety of all such workers and their families.
- E. To promote, foster and develop programs to increase employment opportunities or such workers
- F. To secure recognition by employers and in the public of the right to engage in collective bargaining.
- G. To promote, foster and develop apprentice programs, training programs and other means to advance skills, efficiency, and working knowledge of its members.
- H. To promote, foster and develop industrial peace and harmonious relations between employees and employers.
- I. To promote, foster and develop harmonious relations with community organizations and with other organizations in the labor movement.
- J. To promote, foster and develop programs which advance the social utility and efficiency of the industries employing its members.
- K. To promote, foster and develop a better understanding by government of the labor movement.
- L. To engage in legislative activity to promote, foster and develop the physical, economic and social welfare of its members and their families.
- M. To promote, foster and develop the interests of this Local and its members as workers by means of registration, voting, political education and citizenship activities involving its members and their families.
- N. To engage in such educational and research activity as may be appropriate.
- O. To engage in legal activities appropriate for the defense and advancement of the interest of this Local and its members.
- P. To promote, foster and develop the trade jurisdiction of this Local and the International.
- Q. To fulfill and require observance of this Local's bargaining agreements.
- R. To take such other actions as may tend to protect and promote the welfare and interest of this Local and its members.

2. The officers of this Local Union shall dedicate themselves to achieving these objects by taking the following officers' pledge: "I, \_\_\_\_\_, do hereby solemnly pledge that I will faithfully discharge the duties of my office as \_\_\_\_\_ of this Local Union during the term for which I have been elected, or until my successor is duly elected and installed, that I will support the Constitution and laws of the International Union, and the Constitution and laws of this Local, and that I will enforce the laws thereof to the best of my ability without prejudice or partiality."

ARTICLE IV  
MEMBERSHIP

1. Applicants:
  - A. Any person who is working in a trade classification covered by the charter of this organization within its territorial jurisdiction and any person selected as an apprentice or an improver apprentice by the Joint Apprentice and Training Committee may apply for membership upon forms provided by the International Union and through the office of the Local Union or from the President.
  - B. An applicant shall be eligible for membership in this Local Union if he/she:
    - (1) Has permanent residence or is ordinarily employed or intends to be employed in the territorial jurisdiction of this local:
    - (2) Follows one or more branches of the trade encompassed in the Charter of this Local or is working in some other category approved by the Executive Board of the International Union:
    - (3) Is able to command the Local's negotiated scale of wages as demonstrated by the Local; or, has been accepted as an apprentice or improver apprentice by the Joint Apprenticeship and Training Committee; and:
    - (4) Tenders the dues and fees stated in Article VII of this Constitution.
  - C. No application shall be approved if:
    - (1) The applicant is already a member of another Local Union chartered by the International Union, except in conformity with the Transfer Rules contained in Code 4 of the IU Constitution. Members of other BAC Locals will be permitted to transfer their membership into this Local Union if the requirements of IU Code 4 are otherwise met and they are currently employed within the jurisdiction of this Local, unless the Local by majority vote provides that for a stated time period such members must be continuously so employed for one (1) month before their application for transferring their membership into this Local can be approved; or
    - (2) The applicant has been expelled by any Local or by the International Union, or is a Runaway Apprentice within the meaning of Article V, Section E of the IU Constitution, unless the IU Executive Board does not object to his membership, and subject to such conditions as the IU Executive Board may impose.
  - D. No applicant shall be denied membership on the basis of race, creed, color, sex, age or national origin.
  - E. Transfers
    - (1) Members of other BAC Locals will be permitted to transfer their membership into this Local Union if the Transfer Rules set forth in IU Code 4 are otherwise met and they are currently employed within the jurisdiction of this

Local, provided, however, that the Local may by majority vote require that such members be employed within the jurisdiction of the Local for at least one (1) month before their applications for transferring their membership into this Local can be approved.

- (2) Any member of another Local who has worked in the jurisdiction of this Local as a traveling member for more than three (3) months in the previous four (4) will be required to transfer his/her membership to this Local, unless the traveling member's home Local provides hospitalization, insurance, pensions, mortuary or other benefits for its members.

## 2. Application Procedure

- A. Applicants must complete the application form, pay all applicable initiation and registration fees, and agree to abide by the Constitution, laws, rules, regulations, agreements, policies, lawful orders and decisions of this Local and of the International Union as evidenced by signing the following pledge:

"I hereby solemnly and sincerely pledge that I will not reveal any private business or proceedings of this Union or any individual actions of its members; that I will without equivocation or evasion, and to the best of my ability, so long as I remain a member thereof, abide by the Constitution and By-Laws and collective bargaining agreements of this Union; that I will acquiesce in the will of the majority and that I will at all times, by every honorable and lawful means within my power procure employment for members of the International Union of Bricklayers and Allied Craftworkers."

- B. Applications for membership shall be reviewed by the Management Committee of the Local Union at the next Management Committee meeting after the application is completed. The Management Committee shall determine whether an applicant has met the requirements for membership and shall be admitted. If an objection is made to the competence of an applicant for membership as a journeyman, the Management Committee shall, if it finds the objection has a reasonable basis, investigate the complaint, if it determines that the individual is not sufficiently acquainted with the branch of the trade, or the type of work in which he/she is engaged, to earn or command the established wages, the Management Committee shall refer the applicant to the Joint Apprenticeship Committee for evaluation and admission as an improver apprentice.
- C. The Management Committee shall post at the regular meeting of the sub-locals the applicants accepted since the last meeting.
- D. An applicant shall become a member on the date of the meeting at which the Management Committee accepts his application, except that an applicant previously expelled, or a Runaway Apprentice within the meaning of Article V, Section E of the IU Constitution, shall not become a member until the day his application is approved by the IU Executive Board.

### 3. Resignations

- A. Members shall have the right to resign from membership subject to the following conditions:
  - (1) A resignation from membership must be communicated in writing to BAC Local #3 CA.
  - (2) The resignation shall be effective when notice of the resignation is actually received at the Local Union's office.
  - (3) A return from a certified or registered letter shall be proof that the resignation notice was actually received.
- B. Resignations shall terminate all rights and obligations under the International Union Constitution and the constitutions and by-laws of all affiliates, except that:
  - (1) Disciplinary charges may be initiated, processed, heard, and determined pursuant to the IU Constitution and the constitution of any affiliate for any conduct by a member engaged in before the effective date of any resignation. Any decision on such charges shall be binding on the resigned member. Where this section is applicable, all provisions of the IU Constitution and Codes and of the constitution and by-laws of any affiliate that concern the procedure for imposing discipline on a member shall be understood to cover discipline of a former member for conduct engaged in while a member.
  - (2) A resigned member who within six months of resigning from membership works for an employer against whom the IU or any affiliate has called a strike shall not be permitted to rejoin or retain membership in any Local Union unless the IU Executive Board does not object to his membership, and subject to such conditions as the IU Executive Board may impose.

## ARTICLE V APPRENTICES

- 1. The Local Union shall establish an Apprenticeship and Training Committee, consisting of the President, who shall serve as Chairman, the Vice Chairmen, and the Secretary-Treasurer. The Committee may establish Apprenticeship and Training Committees within the sub-locals for each craft represented by the Local Union.
- 2. Application, selection and admission of apprentices shall be governed by the Joint Apprenticeship and Training Committee which shall have full power regarding the application, eligibility, screening, selection, instruction and training of apprentices except as provided in this Constitution. The Joint Apprenticeship and Training Committee shall furnish the Management Committee monthly with a list of all eligible applicants .
- 3. The wage and fringe benefit rates for apprentices shall be negotiated and consummated by the Negotiating Committee as provided in Article IX. The provisions negotiated shall provide for percentage step wage increases on a progressive basis for each apprentice grade. Apprentices

shall progress from grade to grade upon the successful completion of designated periods of apprentice training.

4. The Joint Apprenticeship and Training Committee shall establish standards consistent with any standards promulgated by the International Union pursuant to Article XVI, Section E of the IU Constitution, for accepting as apprentices applicants, including persons who are over the age at which a new apprentice ordinarily will be admitted, if such persons have attained some skill in the trade but cannot meet the standards set in Article IV, Section 1B(3) of this Constitution for admission to journeyman membership. Such persons shall be referred to the Joint Apprenticeship and Training Committee for improver apprentice status. The Joint Apprenticeship and Training Committee shall assign each improver apprentice accepted to the apprentice grade commensurate with his/her ability, and shall have the power to require each improver apprentice to attend such apprentice classes and programs as it deems appropriate.

5. Applicants to apprenticeship must meet the applicable financial requirements stated in Article VII of this Constitution.

6. The term "member" in this Constitution shall include those members who are apprentices, except as otherwise provided.

7. Apprentices may attend meetings of this local, and shall be entitled to vote on questions coming before the body. They may nominate candidates and vote in elections for the Local Union officers, provided that they have been members for one year. Apprentices may not be a candidate for or hold office or hold position in this Local or the position of delegate to the IU or State Conference Convention.

8. An apprentice shall serve his complete term of apprenticeship as provided by the Joint Apprenticeship and Training Committee. Any apprentice who leaves employment covered by the terms of a collective bargaining agreement of any BAC affiliate without the approval of the Joint Apprenticeship and Training Committee or violates the rules and regulations established by the Committee shall be subject to appropriate discipline under the provisions of Article XIII of this Constitution. If any apprentice refuses to work for an employer as assigned or approved by the Joint Apprenticeship and Training Committee and accepts employment in any other job or work classification covered in any collective agreement of any BAC affiliate, the Financial Secretary shall on behalf of the Joint Apprenticeship and Training Committee forward his name to the International Union on the Local's regular monthly report to the International Union and he/she shall be listed on the IU's records as a "Runaway Apprentice."

## ARTICLE VI RIGHTS AND DUTIES OF MEMBERS

1. All members shall enjoy the rights and respect the obligation stated in this Constitution, the State Conference Constitution, and the IU Constitution, and any applicable collective bargaining agreements, and all laws and rulings promulgated thereunder.

2. No member shall be disciplined for non-payment of dues unless he/she is first served with written specific charges, given a reasonable time to prepare his defense and provided a full

and fair hearing in conformance with the procedure of Code 6 of the IU Constitution, appended hereto as Appendix 2.

3. No member shall discriminate or advocate discrimination against any other member on the basis of race, creed, color, sex, age or national origin.

4. No member shall publicly make or publish slanderous statements concerning any other member as a member or officer, knowing the statement to be false or in reckless disregard of the truth.

5. No member shall bring any action against this Local Union, or against the International Union or an affiliate, or any officer thereof, with respect to any matter arising out of the affairs of the organization or organizations, unless he has exhausted all procedures available under this Constitution, the International Constitution and the State Conference Constitution or laws promulgated thereunder. Any member who files suit in violation of this provision may, in addition to other penalties, be ordered to reimburse the organization or officers sued for the cost of attorney fees expended, or a portion thereof.

6. Only members in good standing shall enjoy any of the rights stated in this Constitution and laws promulgated thereunder. A member shall be in good standing as long as he/she is less than two (2) months in arrears in any portion of his dues and has met all other financial obligations to this Union, including payment of any fines or other obligations assessed after a hearing as provided in Article VI, Section 2 of this Constitution.

7. All members in good standing shall have the right to vote and to be candidates for International Union office and the position of delegate except as provided in the IU Constitution and laws promulgated thereunder. All members in good standing shall have the right to speak and vote at union meetings, to vote in elections for Local Union officers, and to be candidates for office except as otherwise provided in this Constitution.

8. Contractor and Supervisory Members

A. No member who becomes an individual contractor, member of a contracting partnership, or executive officer of a contracting corporation, hiring one or more individuals, shall be permitted to retain membership in the International Union unless the employees of such organization working at any branch of the trade within the jurisdiction of the IU are covered by a collective bargaining agreement negotiated by the IU or by the Local Union within whose jurisdiction the work is performed or the employees of such organizations have voted otherwise in a valid representation election.

- B. No member who becomes a supervisory employee with the effective authority to hire, fire or impose substantial discipline for any individual contractor or contracting firm hiring one or more individuals shall be permitted to retain membership in the International Union unless the employees of such organization working at any branch of the trade within the jurisdiction of the IU are covered by a collective bargaining agreement negotiated by the IU or by the Local Union within whose jurisdiction the work is performed.
  - C. Any member found in violation of Section 8A or Section 8B, above, through procedures conducted pursuant to Code 6 of the IU Constitution, shall be expelled from membership in this International Union.
  - D. A member becoming a contractor or a supervisory employee with the effective authority to hire, fire or impose substantial discipline shall register as such with the President /Secretary Treasurer of the Local Union within seven (7) days of the date on which he/she his/her partnership or his/her corporation employs one or more individuals at any branch of the trade, or he/she is given the effective authority to hire, fire or impose substantial discipline. A contractor or supervisory member ceasing to be a contractor, or to exercise supervisory authority, shall file written notice to that effect with the President /Secretary Treasurer of the Local Union.
  - E. A Contractor member, as defined above, or a supervisory member with the effective authority to hire, fire and impose substantial discipline who is employed in such position on a continuous and ongoing rather than project-by-project basis, shall lose the right to vote in elections, to speak and vote at union meetings, and to be a candidate for union office or the position of delegate to the IU or State Conference Conventions until six (6) months after the first day of the month in which such member ceased to be a contractor or to exercise such supervisory authority.
9. A member of another Local of the International Union of Bricklayers and Allied Craftsmen who is working in the jurisdiction of the Local in compliance with Code 4, Section 1 of the IU Constitution shall be permitted to attend meetings and functions of this Local while he/she is paying travel service dues to this Local, but shall not be permitted to vote at meetings or in elections and may not be a candidate for office or for delegate or hold any position, elected or appointed, in this Local. Such a member shall have the rights and obligations stated in this Constitution, except as otherwise provided.

## ARTICLE VII FINANCIAL OBLIGATIONS OF MEMBERSHIP

- 1. Initiation Fees
  - A. The journeyman initiation fee shall be established by the Management Committee and approved by the IU Executive Board. Twenty percent of the initiation fee of fifteen dollars (\$15.00), whichever is greater, shall be forwarded to the IU as the IU registration fee, plus the State Conference registration fee.

- B. The apprentice initiation fee shall be established by the Management Committee and approved by the IU Executive Board. Twenty percent of the initiation fee or eight dollars (\$8.00), whichever is greater shall be forwarded to the IU as the IU registration fee, plus the State Conference registration fee.
- F. The improver initiation fee shall be established by the Management Committee and approved by the IU executive Board. Twenty percent of the initiation fee or eight dollars (\$8.00), whichever is greater, shall be forwarded to the IU as the IU registration fee, plus the State Conference registration fee.
- G. Apprentices who have completed the program established by the Joint Apprenticeship and Training Committee shall be initiated as journeymen members of this Local Union upon completion of such forms as are required by the IU and payment of an initiation fee established by the Management Committee and approved by the IU Executive Board. Twenty percent of the initiation fee or seven dollars (\$7.00), whichever is greater, shall be forwarded to the IU as the IU registration fee, plus the State Conference registration fee.
- H. Applicants shall have the option of paying the initiation fee in full or of making a deposit of 50%, however, the balance must be paid in full within thirty (30) ) days of his/her date of application, or the application shall lapse and all monies paid toward the initiation fee shall be forfeited.
- I. A person who has forfeited membership in this or any other BAC Local Union solely for the non-payment of his/her financial obligations, or who has properly resigned pursuant to Article IV, Section 9 of this Constitution, shall be permitted to join or rejoin this Local Union if, and only if:
  - (1) He/she makes a new application, pays the initiation fee charged new members, and pays any dues and assessments he/she owes to any BAC Local Union which shall, if necessary, be forwarded to that Local Union: or,
  - (2) He/she is a former member of this Local Union and within twelve (12) months of the date on which he/she ceased to be a member, he/she applies for reinstatement to this Local Union and pays, for each six (6) month period or fraction thereof since he/she ceased to be a member, twenty percent (20%) of the initiation fee charged new members, plus the dues and assessments which he/she would have been required to pay during that period if he/she had remained a member, plus an IU reinstatement fee in the amount of twenty percent (20%) of the reinstatement fee charged by the Local Union or fifteen dollars (\$15.00), whichever is greater. A member reinstated under the provisions of this Section shall be treated for all purposes under this Constitution and the IU Constitution as having been a member continuously except for the purpose of determining eligibility to be a candidate for office or the position of delegate, provided that members who are reinstated more than one time shall accrue years of continuous membership for purposes of their death benefit beginning on the date of their most recent previous reinstatement, forfeiting all years of membership credit accrued prior to that date.

G. Each member shall be given an IU Dues Book or Card in a form prescribed by the IU Secretary-Treasurer. That book or card shall list the branch or branches of the trade followed by the member. The IU Dues Book or Card shall be distributed by the Local Union. The cost of the book shall be paid by the member to the Local Union and forwarded to the International along with the monthly IU dues and fees payment.

2. Dues

A. On or before the first day of each month:

(1) Each journeyman member, except as otherwise provided in this Constitution, shall pay Local Union monthly base dues of \$26.00, plus an amount equal to the state Conference per capita tax, and his/her International Union base dues.

(2) Each apprentice, except as otherwise provided in this Constitution, shall pay Local Union monthly base dues of \$23.50, plus an amount equal to the state Conference per capita tax, and his/her International Union base dues.

(2a) Each finisher, except as otherwise provided in this Constitution, shall pay Local Union monthly base dues of \$23.50, plus an amount equal to the state Conference per capita tax, and his/her International Union dues.

(3) In addition:

a. Each journeyman or apprentice who has worked for one or more contractors signatory to the Union's collective bargaining agreement during the preceding month shall pay Local Union working dues in the amount of 3% percent of the gross taxable wage earned by the member or apprentice during that month, plus his/her IU working dues.

b. Each journeyman or apprentice who is required to pay working dues shall either sign a check-off authorization form authorizing his/her employer deduct working dues from his/her wages and remit that amount to the Union, or pay that portion of his/her dues directly to the Secretary-Treasurer by the 1st day of the month for the preceding month.

c. Contractor members as defined in Article VI, Section 8, hereof shall pay on or before the first day of the month base dues in the amount of \$35.00 per month.

3. Special Membership Categories

A. Life Members: All members having a continuous membership of fifty (50) years on the IU records, including time served as a duly registered apprentice, may apply for Life Member status, and on approval of such application by the IU Executive Board, shall be provided a Gold Card and a Life Member pin by the International Union, and shall be exempt from payment of all periodic dues and assessments other than working dues.

- B. **Forty-year Members:** All members having a continuous membership of forty (40) years on the IU records, including time served as a duly registered apprentice, may apply for Forty-year Member status and on approval of such application by the IU Executive Board, shall be provided a Forty-year Member pin by the International Union. Forty-year Members, while working at the trade, shall pay the regular Journeyman's Local and IU dues. Forty-year Members who are retired and not working at any branch of the trade shall pay, on or before the first day of each month, Local dues of \$6.00 per month, plus an amount equal to the State Conference per capita tax, and shall be exempt from payment of IU dues.
- C. **Disabled Members:** Any member meeting the requirements for Disabled Member, as defined by the IU Constitution and implemented by rules adopted by the IU, shall, unless eligible for an exemption under another subsection of this Article, pay on or before the first day of each month Local dues of \$4.00 per month and the IU dues established for this category of membership.
- D. **Inactive Members:** Inactive Members are those members who have not worked at the trade for three (3) months or more because of retirement, school attendance or full-time work in another industry. Inactive Members shall pay on before the first day of each month Local Union monthly dues of \$16.00, plus an amount equal to the applicable State Conference per capita tax, and applicable IU dues. Application for classification as an Inactive Member shall be made in writing to the Executive Committee, which shall determine eligibility in accordance with written rules promulgated by the IU Executive Board.
- E. **Traveling Members:**
  - (1) A member of another Local Union of the International Union of Bricklayers and Allied Craftsmen who works within the jurisdiction of this Local shall pay as travel service dues to this Local the same rate of dues to this Local Union as is paid by regular journeymen members of the Local Union, except that:
    - a. Such members shall be exempt from paying to this Local, IU dues other than IU hourly working dues, and the State Conference per capita tax.
    - b. A member who produces a receipt indicating payment of travel service dues paid directly to another BAC Local need not pay direct travel service dues other than IU and local working dues to this Local for the same month.
    - c. If the Management Committee agrees with another BAC Local to waive the payment of travel service dues for their respective members while employed within the jurisdiction of the two Locals, no travel service dues other than IU and local working dues need be paid by members of that Local.
  - (2) As soon as possible, but in no event later than 48 hours after securing employment within the territory of this Local, a traveling member shall

advise the office of this Local or the President of the name of his/her employer and the job location. The travel service dues for the first calendar month in which the traveling member is employed shall be paid to this Local within seven (7) days of the day on which he/she secures such employment. For each month thereafter monthly travel service dues are payable on the same time schedule as Local dues in this Local. A receipt shall be issued by the Local to traveling members for all travel service dues paid directly to the Local 3CA.

4. Dues Delinquency.

- A. Any member in arrears for dues or assessments, or any portion thereof, not including any fines or other obligations assessed after a hearing as provided in Code 6 for two (2) months shall stand suspended automatically, without notice from all rights, benefits and privileges under this Constitution, the IU Constitution and the State Conference Constitution, and the laws promulgated thereunder, and shall not be restored to such rights, benefits and privileges except upon payment of all arrears in full before becoming three (3) months in arrears.
- B. Any member in arrears for dues or assessments, or any portion thereof, for three (3) months shall automatically, without notice, cease to be a member of this Local Union and the International Union.
- C. Any member who fails to comply with an order to pay a fine or other obligation assessed after a hearing as provided for in IU Code 6 within thirty days, or such further time allowed in writing by the trial or appellate body shall automatically, without notice, be expelled from membership on the International Union.

5. The rate of dues specified above shall not be increased or decreased except by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot. The ballots shall be mailed by the Secretary-Treasurer to each member of the Local Union at his/her last known address advising that a vote will be taken on the question of changing the dues or the Special Membership Categories. Completed ballots must be returned by the date set by the Secretary-Treasurer, no less than fifteen (15) days after they are mailed to the membership, in pre-addressed envelopes provided for that purpose.

## ARTICLE VIII OFFICERS

- 1. The elected officers of this Local shall consist of a President, Secretary- Treasurer, and (3) Vice Chairmen. In addition the members of each sub-local shall elect the following sub-local officers: Chairman, Recording Secretary, and Sergeant-at- Arms.
- 2. The elected officers shall be elected for a term of three (3) years commencing on the first day of February in the year following the election.
- 3. No member shall be a candidate for or hold more than one (1) elected office at a time.

4. Qualifications for Office:

- A. To qualify as a candidate for any elected office in this Local Union a member shall be required:
  - (1) To have been a journeyman member continuously in this Local Union and in the International Union for a period of two (2) years immediately prior to nomination; and
  - (2) To be current in the payment of his dues; provided that the Secretary-Treasurer shall accept payment of any dues in arrears at the nomination meeting prior to the opening of nominations.
- B. No person who has been debarred by the International Union or any Local Union after trial from holding office shall be qualified as a candidate or hold office during the period of his/her debarment.
- C. A contractor member, or a supervisory member who works in a supervisory position on a continuous and ongoing rather than project-by-project basis, with the effective authority to hire, fire, or impose substantial discipline, may not be a candidate for or hold office.

5. Local Union Officers

A. President

- (1) The President shall be a member of the Local's Management Committee and preside at all meetings of the Committee as its chairman. He/She shall, in addition, be the principal officer of the Local Union. It shall be the duty of the President to see to it that the affairs and business of the Local Union are being properly conducted according to this Constitution, the IU Constitution, and with all rules, regulations, policies, practices and lawful orders and decisions promulgated thereunder.
- (2) The president shall be a member of the Local's Executive Committee, and Preside at all meetings of the Committee as its chairman.
- (3) The president shall be a member and chairman of the Negotiating Committee and of the Apprenticeship and Training Committee.
- (4) The President, or the Secretary-Treasurer, shall sign all checks or orders of the payment of the monies from the Local Union's accounts and sign all official documents of the Local Union, except as otherwise provided in this Constitution.
- (5) The president shall be a delegate by virtue of his/her office to the Convention and General Board Meetings of the International Union and the Conventions of the State Conference.
- (6) The President shall attend all regular monthly Meetings of the sub-locals in the jurisdiction of the Local Union. He may designate one or more of the Vice Chairmen to attend monthly meetings in his/her place.

- (7) The President is authorized to enforce the provisions of all agreements and to require compliance of such agreements by all persons affected thereby. All instances of non-compliance, which are not successfully adjusted by him/her, shall be reported to the Management Committee of the Local Union.
- (8) He /she shall have the power to appoint and supervise Stewards in accordance with the provisions of the collective bargaining agreements of the Local.
- (9) The President shall hire office employees at the terms and conditions he/she shall establish, and direct and supervise such employees. He/she shall be in charge of the office established by the Union, provided that he/she shall permit all officers such access to and use of the office and any office employees as they may require to carry out their responsibilities.
- (10) He/she shall have the authority to make expenditures for items and services reasonably necessary for running the Local Union, including but not limited to office space, furniture and supplies, utilities, telephones, insurance, reproduction and printing and any expenditure required by this Constitution, the IU Constitution, or applicable law. .
- (11) He/she shall endeavor to keep himself 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 through to its conclusion.
- (12) He/she shall have the authority to visit construction projects within the jurisdiction of the Local Union in order to ascertain whether or not work is progressing in accordance with the provisions of the collective bargaining agreement.
- (13) He/she shall endeavor to protect the craft jurisdiction within the territory entrusted to the Local Union by the International Union.
- (14) He/she shall use all proper and lawful means of organizing work coming within the territorial and craft jurisdiction of the Local Union.
- (15) The President shall appoint a number of Field Representatives to aid him/her in the performance of his/her duties, provided that the Field Representatives are appointed from among the members of the Local Union and represent all branches of the trade as set forth in Article II of this Constitution. The President shall determine the number of such Field Representatives to be appointed, and shall establish their terms and conditions of employment, and may discontinue such positions or remove the persons appointed to them. The Field Representatives shall work under the direction and supervision of the President.
- (16) He/she shall make a report on his/her activities and the activities of the Field Representatives to the monthly meeting of the Management Committee.

- (17) The President shall appoint the members of the Election Committee and all special committees, including all trust funds in which members of the Local Union participate, subject to approval by the Management Committee, and fill all vacancies on any such committee or trust fund unless otherwise provided. The President shall also appoint members to fill any special positions which may be created, and fill any vacancies which may occur in such positions. The President shall have the authority to establish suitable rules and regulations, subject to review and approval by the Management Committee, for the removal and replacement of members to these committees and positions.
- (18) For all monies collected by him/her in the field, he/she shall give an official receipt, which monies he/she shall then turn over to the Secretary-Treasurer of the Local Union, as soon as is practical, and obtain a receipt therefor.

B. 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 be a member of the Local's Management Committee, he/she shall in the absence of the President, preside at regular or special meetings of the Management Committee, and perform the functions and duties of the President.
- (3) It shall be the duty of the Secretary-Treasurer to see that a true and accurate record is kept of the minutes of all meetings of the Management Committee.
- (4) The Secretary-Treasurer shall be a member of the Local's Executive Committee.
- (5) He/she shall make and keep a proper record of all monies received, deposited and paid out, and make written financial reports at least monthly to the Management Committee.
- (6) The Secretary-Treasurer, or the President, shall sign all checks or orders for the payment of monies from the Local Union's accounts.
- (7) He/she shall, once every six months, make a written, categorical financial report of the monies received and disbursed during the previous six months, to be read to the semiannual meeting of Local 3.
- (8) He/she shall submit his/her books to the Certified Public Accountant retained by the Local Union for the purpose of auditing the financial records of the Local Union, and to the Local President or a representative appointed by the Local President for such purpose, when requested.
- (9) The Secretary-Treasurer shall pay the per capita tax due to the Conference and the International Union dues and all other lawful payments and

obligations due and owing to the Conference and to the International Union.

- (10) The Secretary-Treasurer is charged with the obligation of registering all applicants for membership with the Conference and the International Union, upon receipt by him/her of the required initiation and registration fees.
- (11) The registration and payment forms required shall be in such form as prescribed by the International Union. He/She shall order from the International Union all books and other supplies prescribed by the International Union.
- (12) The Secretary-Treasurer shall endeavor to keep a current and complete mailing list which contains the last known address of each member of the Local Union, and shall, no later than the first day of October of each year, submit to the IU the current mailing list of members, their addresses, and their Social Security numbers.
- (13) He/she shall promptly report to the International Union on its forms all transfer by members into or out of the Local Union: all members dropped for non-payment of dues or otherwise, or expelled: and all members deceased and the dates of death.
- (14) All records of all financial transactions within the Local Union shall be in the custody of the Secretary-Treasurer, who shall see that a copy of such records is maintained on file at the office of the Local at all times.
- (15) The Secretary-Treasurer shall be a delegate by virtue of his/her office to the Conventions and General Board Meetings of the International Union, and the Conventions of the California State Conference.
- (16) The Secretary-Treasurer shall be a member of the Apprenticeship and Training Committee.
- (17) He/she shall make available to any officer or properly designated representatives of the International Union, on request, any Local Union books, records, or documents in his/her keeping.

C. Vice Chairpersons

- (1) The Vice Chairpersons shall be members of the Local's Management Committee and of the Executive Committee.
- (2) The Vice Chairpersons shall be members of the Apprenticeship and Training Committee.
- (3) The Vice Chairpersons shall be delegates by virtue of their office to the Conventions and General Board Meetings of the International Union and the Conventions of the California State Conference.

D. Compensation of Local Union Officers shall be as follows:

- (1) The President shall be compensated in an amount determined by the Management Committee. In addition, the Local Union shall pay on behalf of the President all fringe benefit contributions called for in the applicable collective bargaining agreement(s), and all contributions required by the Local Union Officers and Employees Pension Fund.
- (2) The Secretary-Treasurer shall be compensated in the amount determined by the Management Committee. In addition, the Local Union shall pay on behalf of the Secretary-Treasurer all fringe benefit contributions called for in the applicable collective bargaining agreement(s), and all contributions required by the Local Officers and Employees Pension Fund.
- (3) Vice Chairpersons shall receive each month an amount equal to their total dues obligation for that month.

## 6. Sub-Local Officers

### A. Chairperson

- (1) He/she shall preside as Chairperson at all meeting of the sub-local and exercise all of the authority and responsibility of the Chairperson.
- (2) He/she shall call special meetings of the sub-local when requested to do so by the Management Committee of the Local Union.
- (3) He/she shall not be permitted to vote at meetings of the sub-local except in case of a tie, and then cast the deciding vote. He/she shall neither make nor second any motion, nor take part in any debate which may arise while he/she is in the chair, except to explain some particular point or to rule on procedural questions. This provision shall not apply to elections of officers.
- (4) He/she shall serve as Chairperson of all Apprenticeship and Training Committees established in the sub-local.

### B. Recording Secretary

- (1) The Recording Secretary shall, in the absence of the Chairperson at any regular or special meetings of the sub-local, perform the functions and duties of the Chairperson at such meeting.
- (2) The Recording Secretary shall keep an accurate record of the minutes of all meetings. He/she shall maintain said minutes as part of the records of the sub-local, and shall see that a duplicate copy is maintained on file at the Local Union's office at all times.
- (3) He/she shall submit the minutes and other records he/she maintains to the President of the Local Union and the IU President when requested.

### C. Sergeant-at-Arms

- (1) It shall be the duty of the Sergeant-at-Arms to allow none but members to enter a meeting except with the consent of the Chairperson. He/she shall

execute such orders given him by the Chairperson for the maintenance of order at such meetings.

7. Bonding: Each officer, employee, or representative of this Local who handles or has authority over funds or any other property thereof shall be bonded for the faithful discharge of his duties according to applicable law and the International Constitution. The cost of such bond shall be paid by this Local Union.

8. A member elected or appointed pursuant to this Constitution to any elected Union office or position shall fully perform all such duties, responsibilities and obligations that attach to such office or position as required by the International Union, Local Union or Conference Constitution, and shall perform all acts and comply with all obligations and responsibilities as required by law.

9. A member elected or appointed pursuant to this Constitution to any elected Union office may be removed and barred from office upon charges brought and proceedings held in accordance with the provisions of Code 6 of the IU Constitution, appended hereto as Appendix 2: provided, however, that if, upon charges being filed against a person elected or appointed to any office, the Management Committee after it investigates the charges determines that there is possible cause to believe they are true, if true that the best interest of this organization would be in serious jeopardy if the person was allowed to continue to serve, it may, by majority vote immediately suspend the person charged from his/her office pending the outcome of the trial proceedings.

10. Vacancy in Office

A. Local Union Officers

(1) In the event the office of Secretary-Treasurer or Vice Chairperson should become vacant due to death, resignation, removal or suspension pursuant to Section 9 above, or loss of membership in the Local Union, the President shall appoint a successor having all the required qualifications for office. If a vacancy occurs in the office of President, the Secretary-Treasurer shall succeed automatically to that office.

B. Sub-Local Officers

(1) In the event the office of Chairperson, Recording Secretary or Sergeant-at-Arms should become vacant due to death, resignation, removal or suspension pursuant to Section 9 above, or loss of membership in the Local Union:

a. When the balance of the term is for more than two (2) years, an election shall be held in the sub-local within sixty (60) days from the date the office was declared vacant, to fill that vacancy, The nomination and election may be held at the same meeting, as long as not less than fifteen (15) days prior to said meeting, a written notice is sent to each member in good standing of the sub-local at his/her last known address, specifying the vacancy or vacancies to be filled and the time and place of such nomination and election

meeting. All other applicable provisions of this Constitution dealing with nomination and election of officers shall apply.

- b. When the balance of the term is for less than two (2) years, the President shall fill the vacancy by appointing a member of said local having all of the required qualifications for office.

## ARTICLE IX COMMITTEES

### 1. Management Committee

- A. The Management Committee shall consist of the President, Vice Chairperson, and Secretary-Treasurer. The presence of at least three (3) members of the Management Committee shall constitute a quorum; a majority of those present and voting shall be required for all official acts. No member of the Management Committee shall participate as a member of the Committee or vote on any matter dealing with the propriety of his/her conduct as an officer, or in which he/she has a personal financial interest. The Management Committee, in interim periods between meetings, shall have the power of the Local Union.
- B. The Management Committee shall have general supervision over all property, monies and funds of the Local Union. It shall make such regulations from time to time with respect to the general management of all such assets of the Local as it deems appropriate and shall make provisions for the investment of money in excess of that required for current demands.
- C. The Management Committee shall retain a Certified Public Accountant who shall audit the books and records of the Local annually, or at such more frequent intervals as the Committee deems appropriate. The Certified Public Accountant shall provide the Local with a certified report on the annual audit and file all appropriate and required reports with the United States Department of Labor, the Internal Revenue Service and other government agencies.
  - (1) A summary report on the annual audit shall be presented to the regular meeting of the Local Union following the audit and shall be mailed to the International Union in such form as the International Union may require.
  - (2) An adequate summary of the most recent audit report shall be available for inspection by any member of this Local at the Local's office during regular business hours, and a copy of such a summary report shall be mailed to any Local member making a written request to the Secretary-Treasurer.
- D. The Management committee shall have the right to require the production of books, records and other data from all officers, officials or employees who participate in any financial transaction and to request their appearance for the purpose of making such report or explanation as may be deemed necessary.

- E. The Management Committee shall have the power to engage legal counsel, and to bring suit and assume the costs of any legal actions in which the local becomes involved on behalf of the Local. It may also commit the Local to pay all expenses for investigation services, employment of council and other necessary expenditures in any cause, matter, case or cases where a Local officer, representative, employee, agent or one alleged to have acted on behalf of the Local is charged with any violations of any law or is sued in any civil action with respect to any matter arising out of his/her official duties, except if such officer, representative employee or agent is charged with a breach of his trust to the Local or International or any member or affiliated thereof, in which event he/she may be indemnified only if the action is terminated favorably to him/her.
- F. The Management Committee shall meet at least once a month, and shall also hold such special meetings as, in its judgment, are appropriate. The Management Committee shall submit a report of its activities to each regular meeting of the Local Union.
- G. It shall be the duty of the Management Committee to see to it that the affairs and business of the Local Union are being properly conducted, according to this Constitution, the Conference Constitution, the International Union Constitution and public law.
- H. Actions of the Management Committee authorized under subsection (B), (C) and (E) hereof shall be binding upon the Local Union unless otherwise provided.

2. Executive Committee

- A. The Executive Committee shall consist of the President, Secretary- Treasurer, three (3) Vice Chairpersons, and the Chairperson of each sub-local. The presence of at least eight (8) of the Executive Committee, including at least three members (3) of the Management Committee, shall constitute a quorum; a majority of those present and voting shall be required for all official acts. No member of the Executive Committee shall participate as a member of the Committee or vote on any matter dealing with the propriety of his/her conduct as an officer, or in which he/she has a personal financial interest.
- B. The President shall serve as Chairman of the Executive Committee.
- C. Regular meetings of the Executive Committee shall be held as needed, on such day and at such place as the President may determine. The President may, for good cause shown, cancel any scheduled meeting of the Executive Committee, provided that the meeting is rescheduled within the next thirty (30) days. Special meetings may be called by the President, or by eight (8) members of the Executive Committee, including at least three (3) members of the Management Committee.
- D. The Executive Committee shall have the following duties:
  - (1) To review the general operations of the Local Union and to develop policy recommendations.

- (2) To formulate coordinated strategies for collective bargaining that utilize the combined strength of the sub-local unions and their members to achieve common bargaining goals. To ensure the effective implementation of its bargaining goals and policies, the Executive Committee shall monitor the progress of all negotiations conducted on behalf of the Local Union.
- (3) To review expenditures by the President and/or the Management committee.
- (4) To receive reports from each member of the Committee regarding matters of concern within that member's sub-local.
- (5) To act on any other matter which may be referred to the Executive Committee by the Management Committee.

### 3. Negotiating Committee

- A. The Local Union shall negotiate agreements with employers covering work performed within the trade and geographic jurisdiction of its sub-local union through Negotiating Committees, each of which shall consist of the President, who shall serve as the Committee's Chairperson, and two persons appointed by the President from among the active members on the Executive Committee. Each Committee shall include two representatives from the sub-local or locals covered by the agreement or wage and fringe benefit schedule being negotiated. These representatives shall be elected for a term of three (3) years by a secret ballot vote of the members of the affected sub-local or locals conducted in conjunction with the Nominations and election of the sub-local officers. In addition, if a craft covered by the agreement is not represented on the Negotiating Committee, the President shall appoint a representative from among active members in that craft to serve on the Committee.
- B. The formulation of collective agreements shall be the work of the Negotiating Committee. Each Negotiating Committee, when meeting with like representatives of employers, shall, together with the employer representatives, constitute a Joint Arbitration Board to consider and resolve all matters of mutual interest to employers and employees working under the Local Union agreement in the jurisdiction of that Negotiating Committee. The decisions and findings of the Joint Arbitration Boards shall be final and binding upon all parties concerned.
- C. The Negotiating Committee shall act by majority vote of their members, so that each member shall be required to accede to any action to which the majority agrees. Otherwise, the Negotiating Committee shall be governed by the rules of procedure outlined in the applicable Local Union agreement and the rules of procedure adopted by the applicable Joint Arbitration Board.
- D. Each negotiating Committee shall take such final and binding action as its sole discretion is in the best interest of the membership. The Local Union may inform

the members of the Negotiating Committee of the goals and objectives to be brought in any matter coming before the Joint Arbitration Board.

- E. Each Negotiating Committee shall not enter into negotiations or other dealing with an employer or employer group without previously giving to that employer or employer group a true copy of Article VIII of the IU Constitution. If any employer or employer group requests in writing a copy of the entire IU Constitution, or this Constitution, that too shall be provided.

#### 4. Apprenticeship and Training Committee

- A. The Local Union shall establish an Apprenticeship and Training Committee, consisting of the President, who shall serve as the Committee's chairperson, the Vice Chairpersons, and the Secretary-Treasurer, which when meeting with like representatives of the employers, shall constitute a Joint Apprenticeship and Training Committee which shall consider all matters under its authority as specified in Article V of this Constitution.
- B. The Apprenticeship and Training Committee shall in performance of its duties conform to the National Apprenticeship Standards subscribed to by the International Union, and any code promulgated pursuant to Article XVI, Section E of the IU Constitution.

#### 5. Trial Committee

- A. The Trial Committee shall consist of three (3) members. The members of the Trial Committee shall be appointed by the President and confirmed by a majority of the members voting at the next meeting of the Local Union following the President's appointment. No elected officer shall be eligible to be a member of the Trial Committee. Members shall serve on a Trial Committee for a Three (3) year term, except that when a Trial Committee is originally established, one member shall be appointed for a three (3) year term, one for a two (2) year term, and one for a one (1) year term. The appointment of each original member shall state the length of term. Thereafter, vacancies shall be filled as they occur by the President.
- B. The Trial Committee shall preside over and determine all charges filed with or referred to the Secretary-Treasurer, except as provided in Section D below, pursuant to Code 6 of the International Union Constitution, appended hereto as Appendix 2.
- C. The compensation of the Trial Committee members shall be determined by the Management Committee.
- D. The President may appoint a Trial Committee in a sub-local to preside over and determine charges filed by a member of that sub-local against another member of the sub-local. The Trial Committee shall consist of three (3) members. The members shall be confirmed by a majority of members of the sub-local voting at the next regular meeting of the sub-local following the President's appointment. No elected officer shall be eligible to be a member of the Trial Committee. The

length of service of Trial Committee members shall be the same as set forth in Section A above.

6. Election Committee

A. Local Union Elections

- (1) At the Management Committee meeting immediately prior to the month in which nominations for Local Union office are scheduled, the President shall appoint three (3) members to constitute an Election Committee, subject to approval of Management Committee, none of whom may be a candidate for office in the upcoming nominations and election, and each of whom shall possess all of the qualifications required of candidates for office.
- (2) The Election Committee shall perform the duties specified in Article XI, Section 1A hereof, and shall, in addition, have the authority to promulgate additional rules consistent with this Constitution and the IU Constitution for the nomination and election procedures. Such rules shall be available to any member from the Local Union office at least two (2) days before the nomination meeting and shall be posted at the sites of the nominations and election.

B. Sub-Local Elections

- (1) At the sub-local meeting immediately prior to the month in which nominations for sub-local office are scheduled, the President shall appoint three (3) members to constitute an Election Committee, none of whom may be a candidate for office in the upcoming nominations and elections, and each of whom shall possess all of the qualifications required of candidates for office.
- (2) The Election Committee shall perform the duties specified in Article XI, Section 1B hereof, and shall, in addition, enforce any rules promulgated by the Local Union Election Committee.

C. The compensation of the Election Committee members shall be determined by the Management Committee.

7. Special Committees

- A. The president may establish and appoint members to such special committees as from time to time may be appropriate, subject to approval of the Management Committee, and shall determine the compensation if any, to be paid to committee members.

ARTICLE X

## DELEGATES

1. Delegates to conventions of the International Union shall be nominated and elected at a time, date and place determined by the Management Committee in accordance with the provisions of Code 2 of the IU Constitution, provided that:
  - A. The President, Secretary-Treasurer and Vice Chairpersons shall attend the Convention as delegates by virtue of their offices, and other candidates shall be nominated pursuant to IU Code 2.
  - B. The remaining delegates shall be elected from the sub-locals based on the membership strength of each sub-local.
  - C. The qualifications required to nominate and vote for delegates and to be a candidate for the position of delegate shall be the same as those required in elections for Local Union office.
  - D. Except as provided herein, by IU Code 2, or by guidelines issued by the IU Executive Board under IU Code 2, Section 10, the procedure for nominations and elections of delegates shall be the same as for the nominations and elections of Local Union officers.
2. The President, Secretary-Treasurer, Vice Chairpersons, and the Chairman of each sub-local shall be delegates to the State Conference Convention by virtue of their offices, and other candidates to be elected to the State Conference Convention shall be nominated and elected in accordance with all of the provisions of this Constitution dealing with qualifications, nominations and election of Local Union of officers, except as otherwise provided by the State Conference Constitution.
3. Delegates to all other bodies shall be appointed by the President.

## ARTICLE XI NOMINATION AND ELECTION OF OFFICERS

1. Nominations
  - A. Local Union Officers
    - (1) The nomination of officers shall be made every three (3) years at the semiannual meeting of the Local Union held in November.
    - (2) No less than fifteen (15) days prior to the Nomination Meeting, notice thereof shall be mailed by the Secretary-Treasurer to each member of the Local Union at his/her last known address, and such notice shall list the offices and positions to be filled and the time, date and place of such meeting. The notice shall state that if an election is necessary, it shall be conducted by mail referendum.
    - (3) At such Nomination Meeting the Secretary-Treasurer shall announce the names of the Election Committee of the Local Union appointed pursuant to Article IX, Section 6A of this Constitution.

- (4) Nominations shall be made from the floor. Any member in good standing may be a candidate for office, subject to the requirements outlined in Article VIII, Section 4 of this Constitution, if he/she is nominated by another member in good standing.
- (5) A member may not be nominated unless he/she is present at the time of the nomination, except if he/she has filed with the Secretary-Treasurer before the Nomination Meeting a written affidavit stating that he/she will serve in a specific office if elected.
- (6) Nominations shall be made in the following order: President, Secretary-Treasurer, and three Vice Chairpersons.
- (7) Before the close of nominations for each office, the Election Committee Chairperson shall inquire of each nominee present whether he/ she will serve if elected. If so, his/her name shall be included on the list of nominees for that office and according to Article VIII, Section 3 his/her name may not be placed in nomination for any other office.
- (8) Upon the completion of nominations for all officers:
  - a. Any nominee may withdraw his/her name.
  - b. The Election Committee shall then examine the names of the nominees against the records of the Secretary-Treasurer in order to determine whether or not each nominee possesses the qualifications herein above provided, and shall announce any disqualifications.
  - c. If any nominee withdraws or is disqualified pursuant to Section 8 (a) and (b) hereof, further nominations will be in order only if no nominee is remaining for that office.
- (9) Any member in good standing wishing to protest the qualifications of any candidate may appear before the Election Committee before the Nomination Meeting is adjourned at the time and place specified. No protest to a candidate's qualifications by a member who has not appeared shall be considered thereafter. Within seven (7) days after the Nomination Meeting the Election Committee shall investigate any protest lodged, determine whether or not each nominee as to whom a protest has been lodged qualifies, and notify in writing of its decision each nominee and the member lodging the protest. The Committee's determination on eligibility shall be final and binding, subject to any appeal filed with the International Union pursuant to the provisions of Code 8 of the IU Constitution, appended hereto as Appendix 3.
- (10) In the event there is no contest for an office and the candidate is found properly qualified, the Election Committee shall certify to the members of the Local Union that there is no need for a mail referendum election as to that office, and declare the nominee duly elected.

- (11) The Election Committee shall prepare the official ballot. In the preparation of the official ballot, the Election Committee shall list the names of the qualified candidates in the order in which they were nominated.
- (12) The Election Committee shall then consult with the Secretary-Treasurer in order to determine the number of official ballots to be printed. Upon being so informed, the Election Committee shall then order the preparation of the required number of official ballots, which shall be in such form as to protect and insure the secrecy of the vote of the members.
- (13) The official ballots, once printed, shall remain in the custody of the printer until the day for mailing to the members. The ballots shall be delivered to the Election Committee together with the printer's certification of the number of ballots printed and received in the presence of the candidates or other observers.

**B. Sub-Local Officers**

- (1) Nominations for sub-local officers and Negotiating Committee representatives shall be made every three (3) years at the regular meeting held during the month of October in each sub-local.
- (2) No less than fifteen (15) days prior to the Nomination Meeting, notice thereof shall be mailed by the Secretary-Treasurer to each member of the sub-local at his/her last known address, and such notice shall list the offices and positions to be filled and the time, date and place of such meeting. The notice shall state that if an election is necessary, it shall be conducted by mail referendum.
- (3) At such Nomination Meeting the Chairman shall announce the names of the Election Committee of the sub-local appointed pursuant to Article IX, Section 6B of this Constitution.
- (4) Nominations shall be made from the floor. Any member in good standing may be a candidate for office, subject to the requirements outlined in Article VIII, Section 4 of this Constitution, if he/she is nominated by another member in good standing.
- (5) A member may not be nominated unless he/she is present at the time of the nomination, except if he has filed with the Chairperson before the Nomination Meeting a written affidavit stating that he/she will serve in a specific office if elected.
- (6) Nominations shall be made in the following order: Chairperson, Recording Secretary, Sergeant-at Arms, two (2) Negotiating Committee representatives.
- (7) Before the close of nominations for each office, the Election Committee Chairperson shall inquire of each nominee present whether he/she will serve if elected. If so, his/her name shall be included on the list of

nominations for that and in accordance with Article VIII, Section 3, his/her name may not be placed in nomination for any other office.

- (8) Upon the completion of nominations for all offices:
  - a. Any nominee may withdraw his/her name.
  - b. The Election Committee shall then examine the names of the nominees against the records of the Chairperson in order to determine whether or not each nominee possesses all of the qualifications herein above provided, and shall announce any disqualifications.
  - c. If any nominee withdraws or is disqualified pursuant to Sections 8(a) and (b) hereof, further nominations will be in order only if no nominee is remaining for that office.
- (9) Any member in good standing wishing to protest the qualifications of any candidate may appear before the Election Committee before the Nomination Meeting is adjourned at the time and place specified. No protest to a candidate's qualifications by a member who has not appeared shall be considered thereafter. Within seven (7) days after the Nomination Meeting the Election Committee shall investigate any protest lodged, determine whether or not each nominee as to whom a protest has been lodged qualifies, and notify in writing of its decision each such nominee and member lodging the protest. The committee's determination on eligibility shall be final and binding, subject to any appeal filed with the International Union pursuant to the provisions of Code 8 of this Constitution, appended hereto as Appendix 3.
- (10) In the event there is no contest for an office and the candidate is found properly qualified, the Election Committee shall certify to the members of the sub-local that there is no need for a mail referendum election as to that office, and declare the nominee duly elected.
- (11) The Election Committee shall transmit the names of the nominees to the Local Union Election Committee, which include the names of all sub-local nominees in the official ballot. In accordance with Section A (11) above the names of the qualified candidates shall be listed in the order in which they were nominated.

## 2. Election

- A. The election of local union and sub-local officers shall be held during the month of December. A plurality of the votes cast for office shall be required for election to that office.
- B. The election shall be conducted by mail referendum. The Election Committee shall send the ballots, by first class mail, to each member at his/her last known address not less than thirty (30) days prior to the date set for counting the ballots.

- C. The mail referendum shall be conducted in accordance with Federal law and with rules promulgated by the Election Committee in accordance with Article IX, Section 6A of this Constitution.
- D. The candidates elected to office shall assume their offices on the first day of February in the year following the election.
- E. The Election Committee shall prepare and submit to the President, at least three (3) days prior to the first meeting of the Management Committee following the election, a written report of its activities and functions dealing with its duties after nominations, the conduct of the election, the official list of candidates containing the results of the election which was signed by them after the tally had been completed, and the status of any protest filed. The written report of the Election Committee shall be read at the next semiannual meeting of the local union following the election.

### 3. Election Protests

- A. Protest to any aspect of the election procedure, after nominations, shall be filed with the Chairperson of the Election Committee within two (2) days after the event occurs as to which a protest is to be raised, if the Election Committee promulgates any rules under Article IX, Section 5(B), protests to any such rules shall be filed within two (2) days after the rule is available to members.
- B. The Election Committee shall investigate any protest filed and shall, within ten (10) days after a protest is received, notify the member protesting and all candidates for any office as to which the protest was filed of its decision upon the protest. If the protest is upheld before the date of the election, the Election Committee shall, if possible, order such changes in the election procedure or other remedies as are necessary to eliminate the defect, including, if necessary, rescheduling the election. As to any protest upheld, but not remedied before the election, the Election Committee shall determine after the election whether the defect found could have affected the outcome of the election. If so, it shall order a rerun election of the office or offices affected.
- C. The decision of the Election Committee upon any protest shall be final and binding unless and until overturned by the International Union upon such appeal as the International Union may provide to the provisions of Code 8 of the IU Constitution.
- D. If a rerun election is ordered either by the Election Committee after protest or by the International Union upon appeal:
  - (1) The candidate with the highest vote total in the official tally for each office as to which a rerun is ordered shall serve in that office until rerun election is completed.
  - (2) The rerun shall be held within sixty (60) days from the date of the order, except that if an order of the Election Committee requiring a rerun election is timely appealed to the International Union, the rerun election

shall be held within sixty (60) days of a final decision by the International Union upholding that order.

## ARTICLE XII WORKING RULES

1. The wages, hours and conditions of employment contained in the collective bargaining contracts of this Local Union shall constitute its working rules and regulations.
2. Each member must report all violations of the working rules and regulations of which he/she is aware to the Steward on the job or to the Field Representative of his/her sub-local, or to the Local Union office.
3. Stewards
  - A. The Steward shall be the on-the-job representative of this Local Union and all employees represented by it. He/she shall be appointed by, and subject to directions of, the President who may replace the Steward for cause.
  - B. It shall be the duty of each member reporting to work to determine whether a Steward has been appointed, and if not, to report such condition to the Field Representative or Local Union office immediately.
  - C. The duties of the Steward at the jobsite shall be as follows:
    - (1) To inspect dues books and receipts for initiation fees and travel service dues, and to report to the Local Union if a payment has not been made as required.
    - (2) To report violations of the working rules or the collective bargaining agreement, unsafe conditions and other jobsite disputes, to the foreman or the employer, and to report to the Field Representative if the condition or violation is not promptly corrected, or if the dispute is not promptly resolved.
    - (3) To assist any injured member in receiving proper and immediate care.
    - (4) To report to the President any work assignments falling within recognized trade jurisdiction of this Local made to employees represented by another labor organization.
  - D. If the Steward is unable to promptly resolve a problem at the job, he/she shall contact the Local Union office as soon as possible. He/she shall not have the authority to order a work stoppage or interruption in the work progress.
4. Any member who wishes the Local Union to process a grievance for him/her against an employer must present his/her grievance in writing to the President of the Local Union within 72

hours of the event about which he/she is complaining or as provided in the Local's applicable bargaining agreement.

5. Foremen having the authority to make effective recommendations concerning hiring and discharging or who exercise similar supervisory functions are recognized as the exclusive representative of management where exercising such functions. No member working in the capacity of foreman may violate or cause or attempt to cause any employee to violate any provision of the bargaining agreement or any provision of this Constitution or the IU Constitution.

### ARTICLE XIII CHARGES AND TRIALS

1. Code of Offenses: Charges may be preferred against any member for commission of any offense enumerated in Code 5 of the International Union Constitution, attached hereto as Appendix 1, or for one or more of the following offenses:

- A. A member who has assisted any person to obtain membership in this Local Union through false statements, misrepresentation, or concealment of facts shall be fined not less than \$50.00 nor more than \$100.00.
- B. A member who knowingly accepts as a part of his/her take-home wages any amounts the employer is required to contribute or pay to fund established under an applicable collective bargaining agreement of the Local shall be fined not less than \$100.00 nor more than \$250.00.
- C. A member who violates, or conspires in the violation of, any provision of a current applicable collective bargaining agreement of the Local shall be fined not less than \$25.00 nor more than \$250.00, except as otherwise provided in this Article, and may, in appropriate circumstances, be removed from office, barred from office or expelled from membership. Fines for a first offense under this Section shall not exceed \$100.00.
- D. A member who violates any provision of this Constitution or the Conference Constitution shall be fined not less than \$10.00 nor more than \$250.00, except as otherwise provided, and may, in appropriate circumstances, be removed from office, barred from office, or expelled from membership.
- E. A member who knowingly violates any authorized order of any officer representative, committee or body of this Local, or who advocates, counsels or conspires at such violation shall be fined not less than \$10.00 and not more than \$250.00.
- F. A member who engages in conduct which interferes with the performance by the Local Union or any member thereof in its or his/her legal or contractual obligations shall be fined not less than \$100.00 nor more than \$250.00, and may

in appropriate circumstances, be removed from office, barred from office or expelled from membership.

- G. A member who fails to appear before a legally appointed committee or before the Local Union when properly notified and without just cause, such as illness or unavoidable absence from the area, shall be fined \$25.00 for the first offense, \$75.00 for the second offense, and \$200.00 for the third offense.
- H. Any member who refuses at any meeting of this Local Union to abide by established and reasonable rules pertaining to the members' conduct shall be fined not more than \$100.00.
- I. Any member who interferes with any officer or other official or employee of this Local Union in the performance of his/her duties shall be fined not more than \$250.00 and may, in appropriate circumstances, be removed from office, barred from office, or expelled from membership.
- J. A member who attempts to bring about the secession or disaffiliation from the Local of any member or group of members shall be fined at least \$100.00 and not more than \$250.00 and if an officer, may in appropriate circumstances be removed from office, barred from office or expelled from membership.
- K. Any member who commits any act which is seriously detrimental to the interests of the Local Union, shall be fined at least \$10.00 and not more than \$250.00 and in appropriate circumstances, may be removed from office, barred from office or expelled from membership.

## 2. Code of Judicial Procedure

- A. Charges, when filed with or referred to the Local Union, shall be filed with the Secretary-Treasurer and tried before the Trial Committee.
- B. The procedure followed for all charges and trials shall be that prescribed by Code 6 of the International Union Constitution, attached hereto as Appendix 2, provided that the President shall be considered the "Chief Executive Officer" for the purposes of Code 6.

## ARTICLE XIV MEETINGS

### 1. Local Union Meetings

- A. Regular meetings of the Local Union shall be held semiannually, at a convenient location to be determined by the Management Committee, during the months of May and November of each year. Said meetings are to be held on Saturday mornings for the convenience of the membership. Except with the prior approval of the IU Executive Board, no business of any nature, other than the completion of an election, done after 11:00 p.m. shall be of any force and effect whatsoever.

The Management Committee may propose or cancel, as it deems appropriate, the semiannual meeting for sufficient cause and upon providing reasonable notice to the membership, but the Committee may not cancel two semiannual meetings in succession.

- B. The President shall preside over the semiannual meetings as chairperson. He/she shall maintain order and decorum at said meetings and shall properly conduct all of the business coming before said meetings. He/she shall see to it that all members present comply with and respect the provisions of the this Constitution dealing with the conduct of members at meetings and he/she shall have the authority to discipline by expelling from any meeting members who improperly obstruct and interfere with the orderly conduct of the business of the meeting.
- C. Special meetings shall be called by the President when requested to do so the Management Committee. A notice of such meeting shall be mailed to all members in good standing, specifying the purpose for the call of the meeting and the time, date, and place of such meeting.
- D. The attendance of twenty (20) members at a meeting shall constitute a quorum for the transaction of business.
- E. Order of business: The order of business to be followed at regular semiannual meetings shall be as follows:
  - 1. Roll call of Officers
  - 2. Reading of Minutes of previous Meetings
  - 3. Communications and Bills
  - 4. Reports
    - a. Financial
    - b. Management Committee
    - c. Executive Committee
    - d. Field Representatives
    - e. Other Committees
  - 5. Unfinished Business
  - 6. New business
  - 7. Good and Welfare of the Union
  - 8. Adjournment
- F. Rules of Order for Meetings.
  - (1) The Chairperson of the meeting, while presiding, shall state every question coming before the meeting before allowing debate thereon, and immediately before putting it to a vote, shall ask: "Are you ready for the Question?" Should no member rise to speak and the membership thereby indicate its readiness, the Chairperson shall proceed to take the vote. After the Chairperson has proceeded no member shall be permitted to speak.
  - (2) When the decision of the Chairperson is appealed from, he/she shall state his/her decision and the reasons therefore from the Chair. The member appealing shall then briefly state the reason for his/her appeal, after which,

without further debate, the question shall be put thus : "Shall the decision of the Chair stand?"

- (3) Every member, while speaking, shall adhere to the question under debate, avoiding indecorous language, as well as any reflection on the International Union, the Local Union or any member thereof unless the Chair shall allow such reflection to the extent necessary to the debate of a pending question properly before the body. Any member misbehaving at a meeting of the Local Union or disturbing its harmony or order either by abusive, disorderly or profane language, or by unbecoming conduct, or by refusing obedience to the presiding officer, shall be duly admonished for his/her offenses by the Chair. For the second offense, such members shall be excluded from the room for the meeting and may otherwise be dealt with at the discretion of the membership.
- (4) If, while any member is speaking, another member raises a question of procedure, the member speaking shall, at the request of the Chair, cease speaking and be seated until the question of procedure is determined.
- (5) No member shall speak more than once on the same question until all members wishing to speak have had an opportunity to do so, nor shall a member speak more than twice on the same question of more than five (5) minutes at one time without permission from the Chair.
- (6) Should the regular order of business not be completed at one meeting, the order shall be resumed at the next meeting where it stopped previously.
- (7) A member may call for a division of a motion only when the sense of the motion will permit it.
- (8) When a question is before the meeting, no additional motion shall be received except for motions:
  - a. To adjourn;
  - b. To take the previous question;
  - c. To lay on the table;
  - d. To postpone to a definite time;
  - e. To refer to a committee; or
  - f. To amend.

Such motions shall have precedence in the above order and motions (a), (b), and (c) shall be decided without debate.

- (9) Debate may be closed on any motion other than a main motion at the call of two (2) members and with the approval of the majority. Debate may be closed on a main motion at the call of any six (6) members and approval of a majority. However, the Chairperson shall have authority to decline to entertain a motion to close debate on a question.
- (10) In any vote, the percentage needed to carry shall be a majority of votes so cast unless otherwise stated in this Constitution.

- (11) When a motion has been declared carried or defeated by voice vote, any member may, before the Chairperson proceeds to other business, call for a head count of members' votes.
- (12) All votes other than procedural votes, votes on amendments to the Local Union Constitution, and elections may be reconsidered at the same or next succeeding regular meeting upon a motion made and seconded by two (2) members who voted in the majority, provided the body assents thereto, but after a motion to reconsider has once been defeated it shall not be renewed.
- (13) If a motion to adjourn is voted upon and defeated, another motion to adjourn shall not be in order until 30 minutes later unless the Chair determines there is no further business before the meeting.

## 2. Sub-Local Meetings

- A. Every sub-local of this Local union shall hold a regular monthly meeting, except during the months of May and November. Said meetings are to begin not later than 8:00 p.m. and must be adjourned by 11:00 p.m. Except with the prior approval of the IU Executive Board, no business of any nature, other than the completion of an election, done after 11:00 p.m. shall be of any force and effect whatsoever. The Management Committee may propose or cancel, as it deems appropriate, a regular meeting of the sub-local for sufficient cause and upon providing reasonable notice to the membership, but the Committee may not cancel two regular monthly meetings in succession.
- B. The Chairperson of the sub-local union shall preside over the monthly meeting as Chairperson. He/She shall maintain order and decorum at said meetings and shall properly conduct all of the business coming before said meetings. He/she shall see to it that all members present comply with and respect the provisions of this Constitution dealing with the conduct of members at meetings and he/she shall have the authority to discipline by expelling from meetings members who improperly obstruct and interfere with the orderly conduct of the business of the meeting.
- C. The President shall attend the monthly meeting of each sub-local. The President, in consultation with the Management Committee, shall determine the schedule of monthly meetings to permit his/her attendance at every meeting. If in his/her judgment it is necessary, the President may designate the Secretary-Treasurer or a Vice Chairperson to attend meetings in his/her place.
- D. A special meeting of a sub-local shall be called by the President when requested to do so by the Management Committee. A notice of such special meeting shall be mailed to all members in good standing of the sub-local, and shall specify the purpose for the call of the meeting.
- E. The attendance of seven (7) members at a meeting shall constitute a quorum for the transaction of business.

- F. Order of Business: The order of business to be followed at regular meetings of the sub-locals shall be as follows:
1. Roll Call of Officers
  2. Reading of Minutes of Previous Meetings
  3. Communications
  4. Reports
    - a. Field Representative(s)
    - b. Other Committees
  5. Unfinished Business
  6. New Business
  7. Good and Welfare of the Union
  8. Adjournment

## ARTICLE XV AMENDMENTS

1. A Member or members desiring to present an amendment shall reduce the same to writing, specifying the Article and Section sought to be amended or added, and deliver it to the Secretary-Treasurer.
  - A. The Management Committee shall review the amendment, and if it determines that the amendment does not violate this Constitution, the IU Constitution or Federal law, shall mail a written notice to all members at their last known address setting out the amendment to the Constitution which has been proposed and specifying that a vote upon the proposed amendment shall be conducted by mail referendum. The procedures for conducting a vote by mail referendum are set forth in Appendix 4 of this Constitution.
  - B. To carry, a proposed constitutional amendment shall require two-thirds vote of the members in good standing who cast their ballots.
2. Amendments shall become effective immediately upon their adoption unless otherwise specified in any particular amendment as adopted. In compliance with Article VIII, Section B of the IU Constitution all amendments must be submitted to the IU Secretary-Treasurer within fifteen (15) days of their adoption.
3. The Management Committee shall have the power following adoption of amendments to the Constitution, but prior to printing thereof, to make such typographical, grammatical, and punctuation corrections, rearrangements and renumbering of Articles and Sections, or any other changes, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted.
4. This Constitution and amendments thereto shall be reproduced and available to the membership within six (6) months of their adoption, provided that failure to do so shall not void this Constitution or amendments thereto. Amendments shall be reproduced either as part of a new printing of this Constitution or in such form that they may be attached to printed copies of this Constitution.

ARTICLE XVI  
CONSTRUCTION

1. Any question of interpretation of this Constitution shall be governed by the law of the United States and, in the absence of controlling Federal law, by the State of California.
2. In interpreting this Constitution, time periods shall be calculated as follows: The date of the act or event from which the designated period of time begins to run shall not be included; the last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. Whenever notice or filing by a certain date is required by this Constitution, mailing of the document required, correctly addressed, by that date shall constitute compliance.
3. If the legality of an act by this Local Union, its officers or its affiliates depends upon the interpretation of this Constitution, all questions shall be resolved in favor of making that act lawful.
4. In interpreting this Constitution, all doubts shall be resolved in favor of the validity of the provisions in question.
5. If any provision of this Constitution is declared invalid by operation of law or by any competent authority or tribunal, the remainder of the Constitution or the application of such provisions to persons or circumstances other than those as to which it has been held illegal or invalid shall not be affected thereby.
6. If any provision of this Constitution is declared invalid by operation of law or by any competent authority or tribunal, the Management Committee is empowered to substitute during the period of its invalidity a provision which will meet the objections to its validity and which will be most closely consistent with the intent and purpose of the invalid provision.

ARTICLE XVII  
DISSOLUTION

1. This Local Union shall not dissolve itself as long as any member wishes to continue its existence.
2. Upon consolidation of this Local with any other Local, all of its funds and other assets shall become the property of the consolidated Local. Upon the revocation of this Local's charter where such revocation is not due to a consolidation of Local Unions, its funds or assets shall become the property of the IU Death Benefit Fund. The Local shall not distribute any portion of its funds or other assets to its members.

### Rules for a Mail Referendum

#### A. Preparation for Counting of Ballots

- (1) The Election Committee shall prepare the official ballot in accordance with the procedures set forth in Article XI, Section 1 of this Constitution.
- (2) The Election Committee shall send a ballot, by first class mail, to each member at his or her last known home address not less than thirty (30) days prior to the date by which the ballots must be received in order to be counted.
- (3) The Election Committee shall obtain a post office box for receipt of completed ballots.
- (4) In addition to the ballot, the voting materials sent to the members shall include two envelopes: a plain, unmarked envelope for the ballot when completed; and an outer envelope, pre-addressed in care of the Election Committee with the full address of the post office box to which completed ballots are to be mailed. Space shall be designated in the upper left-hand corner or other prominent place on the outer envelope for the member's name and IU member number, for purposes of verifying the member's eligibility to vote. A list of clear, simple instructions for completing and mailing the ballot shall be included in the mailing.
- (5) As they are returned by the voters, all ballots shall be kept unopened in their pre-Addressed outer envelopes at the post office. No persons other than the members of the Election Committee shall be permitted access to the ballots.

- (6) Each candidate may designate in writing one observer, who must be a member in good Standing of the Local Union. The Election Committee may allow more than one observer for each candidate, as long as each candidate is allowed an equal number of observers.
- (7) The Election Committee may appoint such other Election Clerks and Registrars, none of whom shall be a candidate or an observer, as it deems necessary for the proper conduct of the election.
- (8) The Election Committee, in cooperation with the Secretary-Treasurer, shall prepare a membership voting register.

B. Qualifying the Voting Members

- (1) The Election Committee shall keep a record of all ballots printed (or otherwise prepared), all ballots mailed out to the members, all ballots undeliverable as addressed, and all completed ballots returned by the voters.
- (2) On the date set for counting the ballots, the Election Committee shall retrieve the ballots from the post office box and shall bring them unopened to the place designated for counting the ballots.
- (3) Each voter shall be deemed eligible to vote in the presence of the observers, by comparing the name and IU member number on the outer envelope with the membership voting register. If a member has failed to include his name and member number on the outer envelope, or if the Election Committee determines that the member is not in good standing, his ballot shall be voided and set aside. A record shall be kept of all members who voted, including the number of ballots which were voided.
- (4) Observers shall have the right to challenge any member's vote. If a challenge is made, it shall be referred to the Election Committee which shall rule on the matter immediately.
- (5) If the ruling of the Election Committee is that the voter is eligible and this ruling is accepted by the observer making the challenge, the ballot shall be counted. If the ruling is not accepted by the observer, the unopened ballot shall be set aside as a challenged ballot, with the basis for the challenge written on the outer envelope.
- (6) If a member is determined ineligible to vote, the unopened ballot shall be set aside with the basis for disqualification written on the outer envelope.
- (7) The validity of challenged ballots shall be resolved only if they could affect the outcome of the election.

C. Counting the Ballots

- (1) Only the following persons may be in the counting area during the count of ballots:
  - a. The members of the Election Committee.
  - b. Any clerks or registrars designated by the Election Committee.
  - c. The Secretary-Treasurer of the Local Union.
  - d. Any duly designated observers.
  - e. Nominees, during the counting of the ballots.
- (2) After the Election Committee has qualified all voters, the inner sealed envelopes containing the ballots shall be removed from the outer envelopes, mixed together to assure the secrecy of the vote, then opened and counted by the Election Committee in the presence of the observers.
- (3) Inner envelopes not sealed when the outer envelopes are opened shall be sealed by the Election Committee in the presence of the observers, then added to the remaining ballots to be counted.
- (4) Ballots which identify the voter with the ballot, or from which the voter's choice cannot be ascertained, shall not be counted.
- (5) Challenged ballots shall be counted only where their number is sufficient to affect the outcome of the election. The Election Committee's decision shall be made only after an opportunity has been given to the challenger. If any, or any observer opposing a disqualification, to state his or her position.
- (6) The Election Committee shall complete and sign a final tally sheet showing all the candidates and the final number of votes for each.
- (7) The results of the election shall then be posted.
- (8) All of the ballots cast, including any voided and challenged ballots, along with their double envelopes, the unused ballots, the tally sheet and the membership voting register shall be gathered and wrapped in a package. The package shall be sealed and signed by the Election Committee which shall surrender the package of sealed records to the Secretary-Treasurer for his or her adequate safe-keeping for one (1) year.