# UNIFORM DISTRICT COUNCIL CONSTITUTION of the Laborers' International Unionof North America

As Amended by the 26th Convention

September 21-22, 2021

## ARTICLE I

### Charters

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

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

Its membership shall consist of the members of each Local Union affiliated with the District Council, who are represented by delegates from each Local Union, elected in the manner and number hereinafter provided.

## ARTICLE II

### Objects and Powers

Section 1. OBJECTS:

Each District Council is charged with the responsibility to unify all of the economic and other forces of the affiliated Local Unions

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Governance of the Laborers' International Union of North America is supplemented by the Policies of the Laborers' International Union of North America.

References in this Constitution to the male gender shall be understood to include the female gender as well.

in its area, as a central representative body of such Local Unions, in order to effectuate the following objects:

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

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

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

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

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

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

(g) To organize the unorganized;

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

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

Section 2. POWERS:

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

(a) To establish proper rules, regulations, policies and practices as it deems necessary or appropriate to fulfill the purposes for which the District Council was chartered, provided such rules, regulations, policies and practices are not in conflict with the International Union Constitution, its rules, regulations, policies, practices and lawful orders and decisions, and not in conflict with the Uniform Local Union Constitution or the Uniform District Council Constitution; such rules, regulations, policies or practices shall be subject to review by the General President; if, after such review, it is the General President's judgment that such rules, regulations, policies or practices are neither proper nor in conformity with the intent, objects or purposes of the Constitution, regulations, practices, policies and lawful orders and decisions of the International Union, the General President may modify or annul same. No notice of any action of a District Council need be given to its affiliated Local Unions except as specifically provided herein. No action of a District Council shall be subject to the approval or disapproval of its affiliated Local Unions. No action of a District Council shall be subject to objection by its affiliated Local Unions except as provided in Article XVIII, Section 7 of the International Union Constitution;

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

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

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

(e) To establish and regulate the amount of initiation fee and dues to be paid by members and apprentice members to its affiliated Local Unions within the limits provided in the International Union Constitution;

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

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

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

(i) To take all such other action, including but not limited to donations, contributions and other activities, as may tend to conserve, promote and foster good will and public support for the welfare and

interest of this International Union, its affiliates and members, as it deems necessary or proper to carry out the objects listed in Section 1 hereof.

## ARTICLE III

### Obligations

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

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

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

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

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

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

## ARTICLE IV

### Membership and Representation

Section 1. Each affiliated Local Union shall be represented by delegates who have been elected to represent the membership pursuant to the provisions dealing with qualifications, nomination and election of officers, as provided for in the Uniform Local Union Constitution, in such numbers as hereinafter provided.

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

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

2 delegates for 500 members or less

3 delegates for 501 to 1,000 members

4 delegates for 1,001 to 2,000 members

5 delegates for 2,001 to 4,000 members

6 delegates for 4,001 to 8,000 members

7 delegates for 8,001 or more members

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

tions 4 and 9 of the International Union Constitution;

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

Section 5. OBLIGATIONS OF DELEGATES:

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

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

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

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

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

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

(g) To refrain from attempting to cause secession by the Dis-

trict Council from the International Union; to refrain from assisting an organization threatening to, or undermining the representational rights of the International Union or any of its affiliates; nor shall a delegate advocate or seek the division of the funds of the District Council;

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

## ARTICLE V

### Officers

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

(b) The Business Manager of the District Council shall, by virtue of election to said office, serve as the District Council delegate to all local labor bodies with which the District Council is affiliated. All other delegates from the District Council to local labor bodies shall be nominated and elected in accordance with all the constitutional provisions dealing with qualifications, nominations, and election except that the Executive Board may, in advance of the nomination of officers, determine that either its President or its Secretary-Treasurer (but not both) shall, by virtue of the elected office, also serve as a delegate. The foregoing provision does not apply to the selection of delegates to the International Union Convention other than to the Business Manager of the District Council or other officer and as provided by Article V, Section 4 of the International Union Constitution.

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

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

Section 4. No two members of the Executive Board shall be from the same Local Union if there are at the time of election seven or more Local Unions in good-standing with the District Council, and if there are fewer than seven, each Local Union shall have one of its delegates on the Executive Board, and the remaining may be elected from the delegates of any Local Union or Local Unions. No two officers shall be from the same Local Union if there are at the time of election eleven or more Local Unions in good-standing with the District Council. A delegate standing as a candidate for any position is not eligible for automatic appointment pursuant to this provision.

## ARTICLE VI

## Election of Officers

Section 1. QUALIFICATIONS FOR OFFICE:

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

Section 2. NOMINATIONS AND ELECTION:

(a) The nomination and election shall take place at the first meeting in August of the election year after at least fifteen (15) days written notice to each delegate in good standing addressed to the delegate at his/her last known address the last-known address of

each delegate in good standing advising of the date and time of the election and the list of officers or elected positions to be filled;

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

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

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

This order is subject to combination of offices, when approved, in accordance with constitutional provisions. The announcement of nominations shall reflect that the Business Manager and, at the option of the Executive Board, the President or the Secretary-Treasurer but not both, will be serving as Convention delegates *ex officio*. No member may be a candidate for, nor hold more than one office, except where a combination of offices has been approved, in accordance with the provisions of this Constitution.

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

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

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

Section 3. FILLING OF VACANCIES AND OBLIGATIONS OF OFFICE:

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

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

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

## ARTICLE VII

## Duties of Officers

Section 1. PRESIDENT:

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

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

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

(d) The President shall call special meetings and conventions

of the District Council or meetings of the Executive Board, when requested to do so by the Executive Board of the District Council.

Section 2. VICE PRESIDENT:

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

Section 3. SECRETARY-TREASURER:

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

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

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

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

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

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

(g) For any District Council with total annual receipts of at least $250,000, the Secretary-Treasurer shall submit the books once a year to a CPA (Certified Public Accountant in the United States, Chartered Professional Accountant in Canada) whom the District Council has retained for the purpose of auditing the financial records of the District Council. The audit shall be performed in accordance

with applicable generally accepted auditing standards.

For any District Council with total annual receipts of less than $250,000, the Secretary-Treasurer shall submit the books once a year to a CPA (Certified Public Accountant in the United States, Chartered Professional Accountant in Canada) whom the District Council has retained for the purpose of conducting either an audit or a review of the financial records of the District Council.

If the CPA's audit opinion or review report contains modifications other than (i) a subsidiary not being consolidated or (ii) the financial statements being prepared on a basis of accounting other than full accrual generally accepted accounting principles, a copy of the audit or review shall be sent promptly by the District Council to the Office of the General President.

Furthermore, if a report on internal controls or a management recommendation letter is issued by the CPA, a copy of that report or letter shall be sent promptly by the Secretary-Treasurer of the District Council to the Office of the General President.

The Secretary-Treasurer shall also submit the books to the General President or a deputy or representative appointed by the General President for such purpose, when requested.

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

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

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

International Union Constitution;

(k) Effective January 1, 2022, the Secretary-Treasurer shall pay directly to the L.I.U.N.A. STAFF AND AFFILIATES PENSION FUND each month, an amount equal to twenty-nine percent (29%) of the gross salary paid to each of its full-time officers and employees covered by the Fund, provided that no payment shall be made on behalf of salary which is at a rate lower than ten thousand dollars ($10,000.00) per year for any one person, but shall remain at six thousand dollars ($6,000.00) for full-time officers and employees who were participants in the Fund on December 31, 1996. All contribution obligations and participation in the Fund shall be subject to the Fund's rules and regulations adopted by the Board of Trustees.

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

Section 4. BUSINESS MANAGER:

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

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

(b) Specifically, but not in limitation thereof:

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

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

District Council.

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

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

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

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

Section 5. SERGEANT-AT-ARMS:

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

Section 6. AUDITORS:

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

(b) The Auditors shall have the right to require the production of books, records and other data or memoranda from all officers, offi-

cials or employees who participated in any financial transaction and to request their appearance for the purpose of making such report or explanation as may be deemed necessary by them;

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

Section 7. EXECUTIVE BOARD:

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

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

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

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

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

shall not render the International Union a party to such collective bargaining agreement for any purpose whatsoever.

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

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

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

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

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

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

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

Section 8. Each officer, Executive Board member and delegate shall attend all meetings of the District Council; and failure to attend two successive meetings or any three meetings in a period of one year, unless excused for just cause by a vote of the Executive Board

or delegates, shall be deemed sufficient ground for hearing and trial before the Executive Board of the District Council why such official should not be removed from said office or position.

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

## ARTICLE VIII

### Taxes, Fees, Assessments and Dues

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

Section 2. When an increase in initiation fees or dues payable by members and apprentice members to affiliated Local Unions is contemplated, the District Council shall convene a special convention to review the dues structure of all affiliated Local Unions and to determine whether an increase is warranted for one or more affiliated Local Unions. Written notice of such special convention shall be mailed to its affiliated Local Unions not less than thirty days from the date on which it proposes to take such action. The notice shall outline the date of the convention when the proposed increase is to be considered and voted upon by the delegates to the District Council, the date on which the contemplated increase is to go into effect and the grounds or reasons for such increase, in order that Local Unions may be informed and consider the matter at a meeting of their membership. The duly elected delegates to the District Council shall be the delegates to this convention. A majority vote of the delegates at such convention of the District Council shall be required, and when so tallied shall be effective for and on behalf of

all affiliated Local Unions.

Section 3. When the territorial and craft jurisdiction of a District Council extends beyond a metropolitan area, where the District Council establishes and regulates the initiation fees and dues payable by members of its affiliated Local Unions, the District Council shall study the economic conditions that may exist in the different sections or area of its territorial and craft jurisdiction; if as a result of such study it finds that variations in economic or other conditions exist, it shall establish and regulate the initiation fees and dues payable by members to its affiliated Local Unions, in accordance with such variations. In conformance with this process, each special convention shall set the initiation fees and dues of every District Council affiliate whether special convention action results in a change or only in an affirmation of the existing initiation fees or dues charged by any particular affiliate.

## ARTICLE IX

### Income and Disbursements

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

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

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

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

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

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

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

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

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

Section 5. When the income to the District Council reduces to a point where such income cannot properly take care of the financial obligations of the District Council, including salaries to officers, officials, and personnel, the District Council may vote to take such action as is necessary, commensurate with the reduced income, includ-

ing reduction in salaries of officers, officials, and personnel; when the contemplated action is to reduce salaries of officers and elected officials, such reduction shall be voted upon by the delegates at a meeting of the District Council only after written notice is given to all of the affiliated Local Unions of the proposal and the meeting at which such proposal shall be voted upon, or the delegates approve such reduction at two consecutive meetings.

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

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

## ARTICLE X

### Meetings and Conventions

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

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

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

Section 4. ORDER OF BUSINESS:

The order of business to be followed at regular meetings of the

District Council shall be as follows:

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

Section 5. The President, as presiding officer of all meetings and conventions, shall maintain order and decorum and shall properly conduct all of the business coming before the District Council; the

President shall see to it that all delegates present comply with and respect the provisions of this Constitution dealing with the attendance of delegates at meetings, and shall have authority to discipline delegates who improperly obstruct and interfere with the orderly conduct of the business of the District Council.

Section 6. Unless otherwise provided either by this Constitution or by rules and regulations established pursuant thereto, generally accepted parliamentary procedure shall prevail at all meetings of the District Council.

## ARTICLE XI

### Bargaining

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

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

all other cases, where the Negotiating Committee has not reached an agreement, strike sanctions can only be authorized by vote of the delegates.

## ARTICLE XII

### Charges, Trials and Appeals

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

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

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

In such cases, the President of the District Council shall appoint a substitute or substitutes from the delegates in good standing. If the President is to be disqualified, then the Vice President shall ap-

point a substitute or substitutes and if the Vice President is also to be disqualified, then the substitute shall be appointed by the remaining Trial Board members.

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

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

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

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

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

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

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

Upon conclusion of the hearings, the Trial Board shall consider

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

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

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

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

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

If an appeal is seasonably taken, it shall have the effect of staying

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

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

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

## ARTICLE XIII

### Oath of Office

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

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

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