# UNIFORM LOCAL UNION CONSTITUTION of the Laborers' International Unionof North America

As Amended by the 26th Convention

September 21-22, 2021

## ARTICLE I

### Affiliation and Jurisdiction

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

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

## ARTICLE II

### Objects, Powers and Obligations

Section 1. OBJECTS:

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

(a) To carry out the purposes of said assignment;

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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.

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

(c) To conduct its affairs in a manner which would most tend to enhance, conserve and protect the welfare and interest of the International Union, its affiliates and members;

(d) To perform and carry out its objects and functions in accordance with the provisions of this Constitution, the International Union Constitution and the Uniform District Council Constitution; and

(e) To organize the unorganized.

Section 2. POWERS:

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

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

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

(c) To make commitments and disbursements in its discretion from the funds, assets, and property of the Local Union for regular, recurrent, and incidental expenses, organizing, strikes, collective bargaining, contract administration, awards, gifts, donations, charitable contributions, political purposes, education, public relations,

employee benefit plans for Local Union personnel and officers, legal expenses, and such other expenses and investments as it deems necessary or proper to carry out the objects and purposes of the Union;

(d) To establish proper wages, conditions and hours of employment through the process of collective bargaining with employers and to fulfill and require observance thereof. Except as otherwise specifically provided in the Constitutions of the Union, each Local Union shall be autonomous in the exercise of its right to negotiate and consummate agreements with employers and to police and enforce the terms and conditions thereof;

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

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

(g) To take 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 fulfill the objects listed in Section 1 herein.

Section 3. OBLIGATIONS:

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

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

(c) Local Unions within the territorial and trade jurisdiction of a

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

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

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

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

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

notice of suspension. The Local Union's assets and jurisdiction may also be transferred into the designated Local Union;

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

(i) When, as hereinafter provided, a Local Union fails to make payments of initiation fees, readmission fees, per capita tax, or other lawful fees or assessments to the District Council with which it is affiliated within the time prescribed, upon a complaint, hearing, and finding by the General Executive Board that the Local Union has falsified its reports or failed to make the aforesaid payments within the prescribed time, the charter of such Local Union may be suspended, the Local Union may be assessed the cost of investigation and audit in addition to the amount involved in the falsification or delinquency of its reports, and/or other action may be taken as the General Executive Board deems warranted;

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

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

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

(m) In carrying out the objects, powers, and obligations herein, affiliated Local Unions of the Laborers' International Union of North America are not agents of the International Union unless specified

acts or conduct were ordered or directed by the International Union, or such acts or conduct were ratified by the International Union after written notice thereof. However, in no event shall the International Union be liable or responsible for autonomous acts of its affiliated Local Unions.

## ARTICLE III

## Membership

Section 1. APPLICANTS:

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

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

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

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

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

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

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

ecutive Board or the General President of the International Union;

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

Section 2. RIGHTS OF MEMBERS:

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

(a) To be represented by the Union for the purpose of collective bargaining and to work as a member of the Union and enjoy all of the benefits that flow therefrom, in accordance with agreements, understandings or conditions properly established by the Local Union or District Council;

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

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

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

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

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

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

To appeal to the Convention;

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

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

Section 3. OBLIGATIONS OF MEMBERS:

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

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

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

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

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

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

(g) To refrain from attempting to cause secession by the Local Union from the International Union; to refrain from assisting an organization threatening to, or undermining the representational rights

of the International Union or any of its affiliates; and to refrain from advocating or seeking the division of the funds of the Local Union;

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

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

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

Section 4. APPRENTICES:

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

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

## ARTICLE IV

## Officers

Section 1. The officers of the Local Union shall consist of President, Vice President, Recording Secretary, Secretary-Treasurer, Busi-

ness Manager-Delegate-Convention Delegate, Sergeant-at-Arms, three Auditors and additional members of the Executive Board.

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

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

Section 4. DUTIES OF OFFICERS: **A—**

**PRESIDENT**

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

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

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

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

**B—VICE PRESIDENT**

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

**C—RECORDING SECRETARY**

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

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

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

**D—SECRETARY-TREASURER**

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

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

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

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

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

(6) For any Local Union 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 Local Union has retained for the purpose of auditing the financial records

of the Local Union. The audit shall be performed in accordance with applicable generally accepted auditing standards.

For any Local Union 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 Local Union has retained for the purpose of conducting either an audit or a review of the financial records of the Local Union.

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 Local Union 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 Local Union 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.

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

(8) Effective January 1, 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) per year for full-time officers and staff who were participants in the Fund as of December 31, 1996. All contribution obligations and participation in the Fund shall be subject to the Fund's rules and regulations adopted by the Board of Trustees.

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

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

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

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

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

(14) The Secretary-Treasurer shall promptly report to the General Secretary-Treasurer all newly initiated and readmitted members, all transfers by members into or out of the Local Union; all members to be suspended for nonpayment of dues or otherwise; or expelled; all members deceased and the dates of death, and a report of members entering and returning from military service.

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

**E—BUSINESS MANAGER**

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

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

(2) Specifically, but not in limitation thereof:

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

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

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

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

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

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

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

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

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

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

(11) By virtue of the election to said office, the Business Manager shall serve as a delegate to the District Council as provided by Article V, Section 4 of the International Union Constitution, to any Conventions called by the International Union during the term of office, and all other local labor bodies with which the Local Union is affiliated. In addition, in accordance with Article V, Section 4 of

the International Union Constitution, the Executive Board may in advance of the nomination of officers determine that either its President or its Secretary-Treasurer (but not both) shall, by virtue of such election and subject to the provisions of Article V, Section 4 of the International Union Constitution serve as a delegate to the regular and special Conventions of the International Union.

**F—SERGEANT-AT-ARMS**

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

**G—AUDITORS**

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

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

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

**H—EXECUTIVE BOARD**

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Each Officer, Executive Board Member and Delegate to a District Council, where a Local Union is affiliated with a District Council, shall attend all meetings of the Bodies in which the official functions; and failure to attend two successive meetings or any three meetings in a period of one year, unless excused for just cause by a vote of the Executive Board or membership of the Local Union, shall be deemed sufficient ground for hearing and trial before the Executive Board of the Local Union, why that official should not be removed from said office or position.

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

## ARTICLE V

### Qualifications for Office

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

a member:

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

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

Section 3. Shall be literate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE VI

### Nomination and Election of Officers

Section 1. NOMINATIONS:

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

(b) No less than 15 days nor more than 30 days prior to said Nomination Meeting, notice thereof shall be mailed to each good-standing member of the Local Union at such member's last-known address, and such notice shall list the offices and positions to be filled and the date, time and place of such meeting;

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

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

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

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

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

This order is subject to combination of offices, when approved, in accordance with constitutional provisions. 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;

(h) All elected officers shall serve for a term of three years, provided, however, that the term shall be four years where the law permits. The newly elected officers shall be deemed to be installed and shall assume the powers, duties and responsibilities of office immediately upon the Judges of Election announcing the results of the election in accordance with Section 3(i) of this Article. The newly elected officers shall take the oath of office at the first regular meeting after the election.

Section 2. WHEN THE NOMINATIONS HAVE BEEN COMPLETED:

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

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

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

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

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

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

(f) If the Judges of Election have disqualified any candidate, the Chairperson of the meeting shall then call further nominations if, but only if, the disqualification results in there being no candidate for that office or position, or, in the case of Executive Board Members, auditors or delegates to the District Council (if applicable), in

there being fewer candidates than there are positions to be elected. If any such nominations are made, the Judges of Election shall immediately examine the new nominees and report on same at said meeting.

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

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

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

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

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

Section 3. ELECTION:

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

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

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

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

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

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

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

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

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

fied with the voter;

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

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

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

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

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

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

(l) At the meeting following the election, which will be presided over and run by the newly elected officers, the Judges of Election shall submit a written report of their activities and functions dealing with their duties after nominations, and the conduct of the election, and attach thereto the official list of candidates containing the results of the election which was signed by them after the tally was completed;

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

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

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

Section 4. DELEGATES:

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

(b) The Business Manager of a Local Union elected in conformity with the provisions of Article VI of the Uniform Local Union Constitution shall, by virtue of such election, serve as a delegate from the Local Union to the appropriate District Council and all other local labor bodies with which the Local Union is affiliated. All other delegates of a Local Union to a District Council shall be

nominated and elected in accordance with all the constitutional provisions dealing with qualifications, nominations and election of officers of Local Unions, except that the Executive Board may, in advance of the nomination of officers, determine that either its President or Secretary-Treasurer (but not both) shall, by virtue of the elected office, also serve as a delegate;

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

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

## ARTICLE VII

### Meetings

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

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

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

The attendance of ten members at a meeting shall constitute a quorum for the transaction of business in Local Unions of four hun-

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

Section 4. ORDER OF BUSINESS:

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

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

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

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

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

## ARTICLE VIII

### Initiation Fees, Readmission Fees, Dues and Assessments

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

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

Section 3. The initiation fee shall be not less than sixty-five dollars ($65.00) nor more than eight hundred dollars ($800.00). The dues shall be not less than forty dollars ($40.00) as of January 1, 2022, forty-one dollars ($41.00) as of January 1, 2023, forty-two dollars ($42.00) as of January 1, 2024, and forty-three dollars ($43.00) as of January 1, 2025. All dues whether below, at, or above the minimum shall be increased by no less than one dollar ($1.00) per month no later than January 1, 2022, by an additional one dollar ($1.00) as of January 1, 2023, by an additional one dollar ($1.00) as of January 1, 2024 and by an additional one dollar ($1.00) as of January 1, 2025. Affiliates shall have the authority upon the recommendation of the Executive Board and approval by the membership to set a lesser schedule of minimum dues and initiation fees for apprentice members. If a reduced initiation fee is charged to an ap-

prentice member, the balance of the fee may be assessed at the time the apprentice acquires full membership.

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

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

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

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

Section 7. Persons in arrears have no right to attend meetings, nor any other rights.

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

Section 8. ASSESSMENTS:

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

## ARTICLE IX

### Income and Disbursements

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

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

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

Travel expenses may also be provided for an Executive Board

member's spouse who accompanies the Executive Board member when the member travels in connection with the performance of the member's duties and responsibilities;

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

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

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

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

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

Section 5. When the income to the Local Union reduces to a point where such income cannot properly take care of the financial obligations of the Local Union, including salaries and compensation to officers, officials and personnel, the Local Union may vote to take

such action as is necessary, commensurate with the reduced income, including reduction in salaries or compensation of officers, officials and personnel; when the contemplated action is to reduce salaries or compensation of officers and elected officials, such reduction shall be voted upon by the membership at a meeting of the Local Union only after written notice is given to all of the members in good standing, of the proposal and the meeting at which such proposal shall be voted upon, or the membership approves such reduction at two consecutive meetings.

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

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

## ARTICLE X

### Transfers

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

## ARTICLE XI

### Charges, Trials and Appeals

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

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

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

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

Where one or more members of the Executive Board of a Local Union appear to be disqualified, the matter may be referred to the

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

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

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

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

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

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

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

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

Report to the charging party and the accused at their last-known addresses.

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

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

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

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

If an appeal is seasonably taken, it shall have the effect of staying the decision and sentence of the Trial Board and no fine, suspension or expulsion shall be effective pending the outcome of the appeal, provided, however, that where any officer has been found guilty and suspended from office because of negligence, incompetence or dis-

honesty in the performance of such officer's duty, such officer shall remain suspended from holding such office pending the decision of the General Executive Board on the appeal.

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

Any member aggrieved with the nomination process must appeal directly to the General Executive Board within three business days of the time candidate qualifications are determined by the Judges of Election. Any member aggrieved with the conduct of the election must protest 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.

Section 9. In jurisdictions where a District Council exists, all charges for violations of matters falling within the jurisdiction of the District Council, such as violations of agreements, working rules, etc., shall be filed with the Secretary-Treasurer of the District Council, which shall have jurisdiction to hear the charges in accordance with the provisions and procedures set forth in Uniform District Council Constitution Article XII without regard to whether the charging or charged party is an officer or delegate to the District Council.

Section 10. Trial Board procedures are supplemented by the Rules of Procedure for All LIUNA Trial Board Hearings set forth in the LIUNA Policies.

## ARTICLE XII

### Oath of Office

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

"By assuming office, you hereby accept both the honor and the

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

**Oath of Membership**

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

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