



# CONSTITUTION AND RITUAL

REVISED AND AMENDED BY AUTHORITY OF THE  
**1<sup>ST</sup> SMART GENERAL CONVENTION**

Held in Las Vegas, Nevada | AUGUST 11–15, 2014

INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS  
And Affiliated Local Unions, State, District, Provincial And Regional Councils

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# CONSTITUTION AND RITUAL

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

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

REVISED AND AMENDED BY AUTHORITY OF  
**1st SMART General Convention**  
**Held at Las Vegas, Nevada**  
**August 11-15, 2014**

# Preamble

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

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

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

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

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# CONSTITUTION

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## ARTICLE ONE (1) International Association

### SECTION 1 – NAME AND LOCATION

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

### SECTION 2 – MEMBERSHIP

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

### SECTION 3 – GOVERNMENT

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

### SECTION 4 – GOVERNMENT BETWEEN CONVENTIONS

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

**SECTION 5 – TRADE JURISDICTION**

31  
32 **SEC. 5(a).** This Association has established and claims full jurisdiction over  
33 the estimating, project management, manufacture, fabrication, downloading/  
34 uploading/inputting electronic information for fabrication, erection or installation,  
35 assembling, handling, erection, hanging, application, adjusting, alteration, repair-  
36 ing, dismantling, reconditioning, commissioning, testing, servicing and maintenance  
37 of all Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR) and  
38 sheet metal work, all working drawings, cutsheets or sketches (including those taken  
39 from original architectural and engineering drawings and sketches) used in fabrica-  
40 tion and erection including any and all related future technological advancements  
41 that may enhance, replace or compete with the scope of work provided herein that  
42 serves the same or similar purpose; said jurisdiction to include all flat, formed in  
43 brake or press, corrugated or ribbed sheets and all rolled, drawn, pressed, extruded,  
44 stamped or spun tubing, shapes and forms of plain or protected steel, iron, tin, cop-  
45 per, brass, bronze, aluminum, zinc, lead, German silver, Monel metal, stainless or  
46 chrome steel or any and all other alloy metals, ferrous and non-ferrous, together  
47 with all necessary or specified reinforcements, brackets, hangers, straps, plates,  
48 tees, angles, beams, channels, furring, supports, anchors, rods, chains, clips, frames,  
49 ornaments, trimmings, grilles, registers, castings, hardware and equipment, mechan-  
50 ical or otherwise, regardless of gauge, weight or material when necessary or speci-  
51 fied for use in direct connection with or incidental to the manufacture, fabrication,  
52 assembling, handling, erection, hanging, application, adjusting, alteration, repair-  
53 ing, dismantling, reconditioning, testing and maintenance of all sheet metal work;  
54 said jurisdiction to also include the fastening of any and all materials and equipment  
55 specified in this jurisdictional claim, whether same be applied to wood, steel, stone,  
56 brick, concrete or other types of structure, base or materials, with full jurisdiction  
57 over the making of all connections, attachments, seams and joints, whether nailed,  
58 screwed, bolted, riveted, cemented, poured, wiped, soldered, brazed, welded or oth-  
59 erwise fastened and attached, and all drilling and tapping in connection with or inci-  
60 dental thereto.

61 **SEC. 5(b).** Any and all types of sheet metal foundation forms, wall forms, col-  
62 umn forms, casings, molding, plain or corrugated domes, slab forms, flat, ribbed  
63 or corrugated sheet forms used in connection with concrete or cement construction,  
64 including sheet metal inserts to provide specified openings, also permanent col-  
65 umn guards.

66 **SEC. 5(c).** Any metal roofing, including underlayment regardless of mate-  
67 rial, and any and all types of sheets, flat, formed in brake, corrugated or oth-  
68 erwise formed or reinforced, and all rolled, drawn, pressed, extruded, stamped  
69 or spun sheets, shapes and forms of plain or protected metal specified for use in

connection with or incidental to roofing, decking, flooring, expansion joints, siding, waterproofing, weatherproofing, fireproofing, soundproofing, for base and support of other materials, or for ornamental or other purposes.

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

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

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

109       **SEC. 5(g).** Any and all types of sheet metal marquees, vestibule and storm  
110 door enclosures, window frames, molding, cornices, pilasters, mullions, pan-  
111 els, sills, heads, awning covers, corner posts, stops, light troughs reflectors  
112 and deflectors, bulletin boards and any and all types of sheet metal signs  
113 specified for use in connection with or incidental to display windows, build-  
114 ing fronts, store fronts, and theater fronts, for fireproofing, weatherproofing,  
115 waterproofing, ornamental or display advertising purposes.

116       **SEC. 5(h).** Sign Work. Any and all work in connection with the manufac-  
117 ture, fabrication, assembly, erection, installation, dismantling, re-condition-  
118 ing, adjustment, alteration, repairing, servicing and maintenance of all interior  
119 and exterior/outdoor industry related products, used in the manufacture  
120 and erection of all electrical, plastic, fiberglass, vinyl and neon signs, com-  
121 mercial signs, storefronts, awnings, marquee signs, soffits, display showcases,  
122 LED modules, road signs, bulletin boards, scoreboards and billboards for  
123 indoor and outdoor advertising including but not limited to any and all sign  
124 support structure, billboard panels, sign cabinets or the like in kind serving  
125 the same purpose, the layout, fabrication and installation of any base plate,  
126 gusset plates, companion flanges and attachment of these sections to any sup-  
127 port member, such as pipe, angle iron, channel and/or wide flange beams,  
128 tube steel and/or other similar shapes, the preparation of all shop and field  
129 sketches whether manually drawn or computer assisted used in fabrication  
130 and erection, including those taken from original architectural and engineer-  
131 ing drawings or sketches. This work also includes the layout, fabrication and  
132 installation of upper support structures used to support the sign face(s) includ-  
133 ing catwalks, ladders, rails and any and all substitute signage or materials used  
134 in lieu thereof and any other identification system whether interior or exte-  
135 rior/outdoor advertising included in the jurisdictional claims of the SMART,  
136 including any and all related future technological advancements that  
137 may enhance, replace or compete with the scope of work provided herein that  
138 serves the same or similar purpose and shall include installation and fabrica-  
139 tion of cell site and green products including but not limited to wind and solar.

140       **SEC. 5(i).** Any and all sheet metal work used in connection with or inci-  
141 dental to the equipment and operation of grain elevators, mills, factories,  
142 warehouses, manufacturing plants and commercial buildings, including ele-  
143 vator legs and enclosures, chutes, hoppers, carriers, spirals, automatic and  
144 other conveyors, package chutes, fire apparatus and enclosures for same,  
145 pipes and fittings, dampers, machine guards, cyclones, fans, blowers, dust col-  
146 lecting systems, walk-in boxes, environmentally-controlled chambers, ovens  
147 and driers, heating, ventilation and air conditioning, and all other types of

sheet metal work and equipment, mechanical or otherwise, in connection with 148  
or incidental to the operation thereof. 149

**SEC. 5(j).** Any and all types of sheet metal window frames, sash, bucks, 150  
doors, frames, trim, picture molding, freeze molding, wire molding, chair 151  
rail and base panels, wainscoting, mullions, pilasters, sills, permanent vesti- 152  
bule partitions, smoke and fire screens, portable and permanent screens and 153  
partitions for hospitals, office, commercial and factory use, toilet, shower and 154  
dressing room partitions, elevator and other types of enclosures specified for 155  
use as equipment and interior trim. 156

**SEC. 5(k).** Any and all types of sheet metal ceilings with cornices and 157  
molding of plain, ornamental, enameled, glazed, or acoustic type, and any 158  
and all types of side walls, wainscoting of plain, ornamental, enameled, or 159  
glazed types, including sheet metal tile, and the application of all necessary 160  
wood or metal furring, plastic or other materials, to which they are directly 161  
applied and the interior application of manufactured metal or ACM panels, 162  
column covers and appurtenances. 163

**SEC. 5(l).** Any and all moving picture booths and any and all sheet metal 164  
work in connection with indirect lighting systems, including side lights and 165  
foot lights in theaters, auditoriums, schools, etc. 166

**SEC. 5(m).** Any and all types of sheet metal work, Heating, Ventilating, 167  
Air Conditioning and/or Refrigeration (HVACR), design, detailing, build- 168  
ing information modeling (BIM), fabrication, erection, installation, service, 169  
maintenance, performance verification and operation in connection with or 170  
incidental to direct, indirect or other types of HVACR, regardless of mate- 171  
rials used. Building environmental systems, risers, under floor air distribu- 172  
tion systems, stacks, ducts, fittings, testing and sealing of all air distribution 173  
systems including ducts, plenums and/or building cavities utilized for the 174  
distribution of ventilation or conditioned air, variable air volume boxes 175  
(VAV), constant air volume boxes (CAV), chilled beams, convectors, refriger- 176  
erant piping, roof top units (RTU), heat recovery wheels, system econo- 177  
mizers, electrical and acoustical sound attenuation equipment, dampers, 178  
louvers, hoods, casings, recess boxes, outlets, radiator enclosures, exhausts, 179  
ventilators, frames, grilles, registers, diffusers, chilled beams, cabinets, ple- 180  
numms, fans and motors, air washers, filters, air brushes, housings, air condi- 181  
tioning chambers, all setting, hanging and start-up of air conditioning units, 182  
unit heaters, or air-veyor systems and condensing units, evaporator coils, 183  
heat pumps, evaporative cooling units, variable refrigerant flow (VRF) sys- 184  
tems, refrigeration piping, direct digital controls, fault detection controls, 185  
building environmental sensor systems, air handling and air treating systems, 186

187 natural ventilation systems and controls, including all equipment and/or rein-  
188 forcements and support systems in connection therewith. Any and all types  
189 of testing, adjusting and balancing, system acceptance testing, functional per-  
190 formance testing, commissioning and retro-commissioning performed in con-  
191 junction with HVACR and/or other building environmental systems including  
192 fire life safety systems validation and verification including fire damper, fire/  
193 smoke damper, stairwell pressurization and smoke evacuation systems.

194 Design, installation, detailing, BIM, commissioning, retro-commission-  
195 ing, functional performance testing, acceptance testing, service, opera-  
196 tion and maintenance of all smog control, filtration and cleaning of air  
197 systems and equipment, air pollution and recovery systems and component  
198 parts thereof, including setting of same by any method, any and all work in  
199 connection with and/or incidental to the manufacture, fabrication, handling,  
200 erection, installation, maintenance and repair of solar energy systems, includ-  
201 ing but not limited to residential, commercial, institutional and industrial  
202 installation and any and all other sheet metal work and equipment, mechanical,  
203 service, or otherwise, in connection with or incidental to the proper instal-  
204 lation, servicing and operation of said systems, and all duct and mechanical  
205 connections to and from same including all equipment and/or reinforcements  
206 and support systems in connection therewith.

207 Any and all installation and removal of lagging, all lagging over insula-  
208 tion, combined insulated siding panels utilized for personnel protection and/or  
209 insulation of industrial ventilation systems, steam pipes, bag houses, precipi-  
210 tators, turbines, ball mills and all duct lining utilized in commercial HVACR  
211 air distribution systems, duct wrap of any type or material, including but not  
212 limited to rigid board insulation, fire stop, and the fabrication and installation  
213 of reflective metal insulation.

214 **SEC. 5(n).** Any and all types of energy and indoor environmental qual-  
215 ity auditing (IEQ) used in connection with or incidental to energy manage-  
216 ment and commissioning of buildings including analyzing utility rates,  
217 weather data, energy consumption records, contract drawings and specifica-  
218 tions, as-built drawings, operating logs; surveying building site and enve-  
219 lope; investigating space utilization and operating practices; observing and  
220 testing lighting, power, heating, ventilating, air conditioning, humidifica-  
221 tion, automatic control, food service, transportation, heat recovery solar and  
222 process systems; performing operation and maintenance energy conserva-  
223 tion measures; monitoring results of energy management retrofit measures;  
224 servicing energized systems after retrofit.

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

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

**SEC. 5(p).** Any and all types of sheet metal work in connection with industrial work including but not limited to industrial, generating, steel and aluminum, oil refining, chemical, coking, nuclear, power and similar type plants and all other work in connection therewith including exhaust, smog control, air pollution and recovery systems, air-veyor systems and component parts thereof, regardless of material used, including setting of same by any method, imbedments, installation and drawings for unistruts and erection of support steel.

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

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

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

263 **SEC. 5(s).** Any and all types of sheet metal work in connection with or inci-  
264 dental to laundry equipment and machinery, washers, clothes dryers and laun-  
265 dry chutes.

266 **SEC. 5(t).** Any and all types of sheet metal work, coppersmith work and  
267 mechanical work in connection with or incidental to the manufacture, fabrica-  
268 tion, assembling, maintenance and repair of automobiles, buses, trucks, air-  
269 planes, pontoons, dirigibles, blimps and other type of aircraft and equipment,  
270 and any and all types of aircraft hangars.

271 **SEC. 5(u).** Any and all types of sheet metal chandeliers, lamps and light-  
272 ing fixtures, ornaments, decorations, household ware, and miscellaneous arti-  
273 cles for use in factories and mills; any and all types of sheet metal switch boxes,  
274 cut-out boxes, panel boards, cabinets and speaking tubes.

275 **SEC. 5(v).** Any and all types of sheet metal badges, buttons and novel-  
276 ties with all hard or soft soldering in connection with same by flame or  
277 other method.

278 **SEC. 5(w).** Any and all types of sheets, tubing, pipes and fittings, used  
279 in connection with or incidental to coppersmith work, regardless of gauge  
280 or material. The manufacture, fabrication, assembling, erection, main-  
281 tenance, repair and dismantling of all said coppersmith work, including  
282 the bending of tubes, pipes and coils and all pipe fitting in connection with  
283 or incidental thereto, and the testing of equipment when installed to insure  
284 proper operation.

285 **SEC. 5(x). BOATS AND SHIPS, DEFINITION AND DUTIES.** Manufacture, fabrica-  
286 tion, assembling, erection, hanging, application, adjusting, alteration, repair-  
287 ing, dismantling, reconditioning, testing and maintenance of all sheet metal  
288 work and coppersmithing work in connection with or incidental to building,  
289 maintenance and repair of ships and boats, including smoke stacks, life rafts,  
290 life buoys, crow's nests, bulkheads, telegraph and speaking tubes, switch  
291 and cut-out boxes, lagging on boilers and engines, lining of all partitions,  
292 paint and lamp lockers, refrigerating compartments, battery compartments,  
293 galleys and shower baths, ventilation and kitchen equipment, ventilation pip-  
294 ing and fittings, sheet metal lockers, sheet metal doors, sheet metal windows,  
295 steel and non-ferrous metal sheathing, sheet metal casings for housing cable,  
296 gong pull and mechanical telegraph leads, and metal lagging for machin-  
297 ery, boilers, pipelines, etc., sheet metal structural partitions and enclosures  
298 including pilasters, wire mesh and incidental fittings, launch and boat cano-  
299 pies, galley ranges, and their smoke pipes, sheet metal dresser tops, sheet  
300 metal ventilator cowls, air tanks, fuel oil tanks, battery lockers, metal fur-  
301 niture, sheet metal containers for handling and storing foods, paints, water



and other materials, cooking utensils, funnels, measures and similar miscellaneous articles made of sheet metal; covers with sheet lead, such articles as battery boxes, battery shelves, iceboxes and other wooden and steel parts, and items subject to corrosion; measures, marks and cuts sheet lead to size; fits and forms it about surface to be covered by heating and hammering about the edges and into corners until snug fit is obtained; making templates, forms, developing, laying out and cutting patterns, shearing, flanging, forming, bumping, rolling, spinning, punching, stamping, riveting, soldering and all resistance welding (including, but not limited to, spot and seam welding) performed on machines designed for that purpose in connection with fabrication, assembly and repair of all sheet metal and all reinforcements in connection with the above specified work.

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

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

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

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

(v) Unloading, handling and hoisting of all tools and materials to be used in connection with the work described above except where cranes or other heavy equipment is required. Employees shall operate their own job site equipment including but not limited to pumps, kettles, burners, hoists, spray guns,

341 conveyors, mixers and all gasoline, propane or electrically powered equipment  
342 used in composition roofing system installations.

343 (vi) Any and all materials used in connection with the Environmentally  
344 Friendly Green Roofing Systems, including roofing, damp proofing, water-  
345 proofing and weatherproofing regardless of location and maintenance thereof.

346 **SEC. 5(z). GREEN WORK.** Any and all selection and layout of HVACR equip-  
347 ment, system, and control requirements, any and all sheet metal work, and  
348 the planning, design, implementation of workflow of any and all HVACR  
349 and sheet metal components, materials and subassemblies in conjunction with  
350 the design, development, layout, implementation, construction and documenta-  
351 tion performed as any part of a building rating method, process, procedure  
352 or system either for new construction or renovations or retrofits of HVACR  
353 systems and sheet metal work falling under said rating method, process, pro-  
354 cedure or system. This applies but is not limited to building rating method,  
355 process, procedure or system such as the U.S. Green Building Council's  
356 (USGBC) Leadership in Energy and Environmental Design (LEEDTM)  
357 Green Building Rating System, Green Globes™ certification by The Green  
358 Building Initiative (GBI) or the Building Research Establishment Assessment  
359 Method (BREAM) Canada as adopted by the Canadian Standards Associa-  
360 tion (CSA).

361 Any and all auditing, commissioning, testing, servicing and mainte-  
362 nance of all HVACR and sheet metal work in connection with a building  
363 rating method, process, procedure or system either for new construction or  
364 renovations or retrofits of HVACR systems and sheet metal work falling  
365 in part or whole under said rating method, process, procedure or system as  
366 described above.

367 **SEC. 5(aa).** Railroad shopmen shall include sheet metal workers (tin-  
368 ners), coppersmiths and pipefitters employed in shops, yards, buildings,  
369 on passenger coaches, work equipment, refrigeration, etc., and on engines  
370 of all kinds, skilled in the building, erecting, assembling, installing, disman-  
371 tling and maintaining parts made of sheet copper, brass, tin, zinc, white  
372 metal and lead, black planished, galvanized and pickled iron, aluminum,  
373 stainless and chrome steel, Monel metal, German silver, and any other base  
374 or alloyed sheet metal. This shall include all flat, formed in brake or press,  
375 corrugated or ribbed sheets on rolled, drawn, pressed, extruded, stamped  
376 or spun shapes, tubing or forms of any sheet metal together with all neces-  
377 sary or specified reinforcements, hangars, brackets, hardware and fittings,  
378 mechanical or otherwise, regardless of gauge or weight of metal when part  
379 of the operation or fabrication of parts; brazing, soft or hard solder, torch

spray or hand-soldering, tinning, leading, babbiting, bending, fitting, cutting, 380  
threading, brazing, clamping, testing, connecting and disconnecting of air, 381  
water, sand, gas, oil and steam pipes and the operating of babbitt fires and pipe 382  
threading machines, oxyacetylene, Thermit electric welding on work generally 383  
recognized as sheet metal workers' work. This jurisdiction includes the work 384  
performed in the Maintenance of Equipment, Maintenance of Way and all 385  
other departments of the railroad. 386

**SEC. 5(bb).** Any and all work on structures and systems involving sheathing, 387  
encapsulating, neutralizing, decontaminating, ducting, vending, removing, 388  
bagging, boxing, wrapping, transporting or otherwise disposing of matter 389  
in solid, liquid or gaseous form that is, or may be, toxic, noxious, noisome, 390  
poisonous, infectious, or otherwise hazardous to health including, but not limited 391  
to, radon or other harmful gas, fibrous glass, asbestos or other friable or 392  
particulate matter, and material contaminated by chemical, bacterial, micro- 393  
biological, or radioactive substances. 394

**SEC. 5(cc).** The manual, mechanical and chemical cleaning of all interior 395  
and exterior duct and HVACR systems and equipment, including but not limited 396  
to: duct cleaning and cleaning in connection with building environmental 397  
heating, ventilating, air conditioning and cooling systems including risers, 398  
stacks, ducts, fittings, dampers, louvers, frames, grills, registers, diffusers, outlets, 399  
radiators, coils, washers, filters, kitchen exhaust systems and enclosures, 400  
plenums, fans and motors, under floor systems and all building environmental 401  
systems, and all work in connection with indoor air quality including post- 402  
cleaning reports, as well as all work specified in this Article. 403

**SEC. 5(dd).** All drawings and sketches by computer-aided design (CAD), 404  
hand, backgrounds, as-builts, coordination, (including collision detection), 405  
MEP coordination, used in shop fabrication and/or field erection, computer- 406  
aided manufacturing and pick off/take off (cut sheets) – the transformation, 407  
manual or electronic, from shop drawings to shop fabrication of ductwork 408  
and all related items, including any and all related future technological 409  
advancements that may enhance, replace or compete with the scope of work 410  
provided herein that serves the same or similar purpose. 411

**SEC. 5(ee).** All project management, estimation, detailing, shop fabrication, 412  
field installation, performance-oriented tasks such as testing and balancing 413  
performed by or with the iTi's Construction Coordination Software 414  
(CCS) or similar software, which includes, but is not limited to the tasks of: 415  
scheduling, tracking, reporting, purchasing and ordering of materials; pick- 416  
offs, take-off and drawing creation; shop drawing creation, as-built drawing 417  
creation and batch creation for fabrication; downloading/uploading/inputting 418

419 of all electronic information used for fabrication and erection, scheduling,  
420 inventory control, batch creation for fabrication and tracking; updating status  
421 of project completion, hanger placement using a total station, batch creation  
422 for fabrication and scheduling TAB reporting, energy audits, commission-  
423 ing and retro-commissioning; user account creation, networking and stan-  
424 dard creation.

425 **SEC. 5(ff).** All computer room, clean room and dry room air systems  
426 including but not limited to floors, walls, fume hoods, ceilings, HEPA filters,  
427 any other filtration systems and other appurtenances thereof and other archi-  
428 tectural sheet metal work and metal wall protection systems.

429 All fabrication, handling and installation of semiconductor and nanotech-  
430 nology industry-related air systems, including but not limited to, vacuum  
431 pump and/or tool exhaust systems, scrubber pipe/duct (regardless of mate-  
432 rial used), headers and exhaust to atmosphere, exhaust fans, dry scrubbers,  
433 exhaust, vent lines from gas, tool and vacuum pump cabinets, exhaust lines  
434 from wet benches and burn boxes, all dampers and/or air valves associated  
435 with exhaust/vent lines listed in this Section.

436 **SEC. 5(gg).** Milling, fashioning, joining, assembling, erection, fastening  
437 or dismantling of all material of wood, plastic, metal, fiber, cork and com-  
438 position, and all other materials as well as the handling, cleaning, erecting,  
439 installing, repair, renovation, maintenance, and dismantling of all machinery  
440 and equipment.

441 **SEC. 5(hh).** Any and all work with and on robotics, including but not lim-  
442 ited to, rigging, handling, installing, maintaining, programming, and use of  
443 all stationary and/or portable robots, including the use of all robots used in  
444 any industry, including the nuclear field.

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

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

452 **SEC. 5(kk).** Each local union and council of this Association and all offi-  
453 cers, representatives and members thereof are obligated to recognize, pro-  
454 tect and to be governed by the jurisdictional rights as set forth herein, and no  
455 local union, council, officer, representative, or member thereof shall waive or  
456 relinquish claim to any such work or submit same to arbitration except with  
457 the approval and authority of the General President.

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

### **SECTION 6 – REVENUE AND FUNDS**

**SEC. 6(a).** The revenue of this Association shall be derived from the charter fees, initiation fees, reinitiation fees, reinstatement fees, per capita dues, dues, assessments, sale of supplies, fees for services rendered, interest on deposits, income and capital gains on investments, and grants. Pursuant to the provisions of the Labor Management Relations Act, it is the duty of every officer, agent, employee and other representative of this Association, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of this Association and its members and to manage, invest, and expend the same in accordance with this Constitution and by-laws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with this Association as an adverse party in any matter connected with his or her duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interest of this Association, and to account to this Association for any profit received by him or her in whatever capacity in connection with transactions conducted by him or her or under his or her direction on its behalf. Since the general executive, administrative and judicial powers of this Association are vested in the General Executive Council in the interim between Conventions, the General President and General Secretary-Treasurer shall manage, invest and expend the funds and property of this Association in accordance with all applicable provisions of this Constitution and any resolution adopted by the General Executive Council not inconsistent therewith.

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

**SEC. 6(c).** While the revenue of this Association, including revenue received through the SMART TD Account as long as it is needed, will be divided into the funds specified in Article 1, Section 6(b), the General Secretary-Treasurer, with approval of the General Executive Council, may combine or consolidate any of the listed funds. The General Executive Council may authorize the consolidation of all the funds specified in Article 1, Section 6(b) into a

496 single general fund with separate accounts for the same purposes as the speci-  
497 fied funds. If a consolidated general fund is established, all references in this  
498 Constitution to the specified funds shall be deemed to be two accounts for  
499 the same purposes. The General Secretary-Treasurer shall maintain a sys-  
500 tem of accounting where the revenues and disbursements of the Association  
501 and any or all Divisions are recorded and listed within the annual budget and  
502 financial statements. The General Executive Council may make temporary  
503 or permanent transfers between funds upon the recommendation of the Gen-  
504 eral Secretary-Treasurer.

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

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

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

517 **SEC. 6(g).** All revenue of this Association not allocated to the Strike/  
518 Defense Fund or the General Convention and Business Managers and Busi-  
519 ness Representatives Conference Fund or the SMART Disaster Relief Fund,  
520 the Transportation Convention Fund, the Maintenance of Membership Fund,  
521 the Public Relations Fund, the Transportation Strike Fund or the Education  
522 and Training Fund, shall be placed in the General Fund from which there  
523 shall be paid the general operating expenses of the Association, the contri-  
524 butions to the National Pension Fund on behalf of Staff who participate in  
525 that Fund, the Sheet Metal Workers' International Association Staff Pen-  
526 sion Plan, the SMART Local Unions and Councils Pension Fund and the  
527 National Supplemental Savings Fund on behalf of Staff who participate in  
528 these Funds established pursuant to and in accordance with the provisions of  
529 Section 13 of Article Two (2), the payment of premiums for insurance benefits  
530 for members provided pursuant to and in accordance with Section 9 of Article  
531 One (1), and such other necessary or proper expenses in connection with, or  
532 incidental to the promotion of the general good, defense, protection and oper-  
533 ation of this Association.

- SEC. 6(h).** Except as hereinafter otherwise provided, all funds of this Association not held in cash or on deposit in commercial bank accounts shall be deposited in the name of the International Association of Sheet Metal, Air, Rail and Transportation Workers pursuant to the following guidelines:
1. In dollar-denominated obligations of the United States Government, its agencies and instrumentalities (includes both nominal and inflation-linked bonds); but not to exceed eighty-five percent (85%) of the total assets of the Association.
  2. In federally-insured banks that pay competitive rates of interest on such deposits in the United States and Canada selected by the General Secretary-Treasurer and approved by the General President.
  3. In savings accounts selected by the General Secretary-Treasurer and approved by the General President that are fully guaranteed against loss of principal by the United States Government or one of its agencies; but not to exceed ten percent (10%) of the total assets of this Association.
  4. In fixed income investments including: (i) dollar-denominated obligations of the U.S. corporations; (ii) mortgage-backed securities, including collateralized mortgage obligations (CMOs); (iii) commercial mortgage-backed securities; (iv) asset-backed securities (ABSs); (v) municipal bonds; (vi) short-term securities; (vii) securities of foreign companies or foreign countries (sovereigns and supranationals) denominated in U.S. dollars, trading in U.S. markets (Yankee bonds); and (viii) dollar-denominated obligations of U.S. companies or foreign companies trading outside the U.S. (Eurobonds). Except for investments that are held by pooled investment vehicles described in subsection 5, below, the investment in any one company is restricted to five percent (5%) of the total fixed income investment of this Association.
  5. In mutual funds and other pooled investment vehicles, such as limited liability partnerships, bank collective trusts, insurance company separate accounts, or commingled funds.
  6. In corporate common stocks listed on the New York, American, or NASDAQ Stock Exchanges; but not to exceed seventy five percent (75%) of the total assets of this Association.
  7. In commercial paper for short terms of no more than ninety (90) days, and preferably in multiples of One Hundred Thousand Dollars (\$100,000.00), provided the corporations issuing the commercial paper have been approved by the General President and General Secretary-Treasurer, and further that these temporary investments do not exceed forty percent (40%) of the total assets of this Association.
  8. In broker or custodial cash accounts with reputable firms pending

- 574 further investment or in money market accounts of investment grade  
575 banks or financial institutions.
- 576 9. With the approval of the General Executive Council, (a) for the pur-  
577 chase, lease, rental, or construction of buildings or the purchase, lease,  
578 or rental of property upon which such buildings may be constructed,  
579 or both, or (b) for the purchase, lease or rental of buildings or real prop-  
580 erty or an interest therein which will be used, in whole or in part, for  
581 the General Office of this Association or branches thereof and/or to pro-  
582 vide suitable furnished living quarters or allowance for such within the  
583 metropolitan Washington D.C. area for the General President and General  
584 Secretary-Treasurer during their respective terms of office.
- 585 10. With the approval of the General Executive Council, for the purchase,  
586 lease, or rental of vehicular transportation equipment and facilities and  
587 the employment of qualified professional drivers to operate the same.
- 588 11. In types of investment instruments not identified above, but only if they  
589 are held by mutual funds or other pooled investment vehicles.

590 Unless they are held in a pooled investment vehicle, fixed income invest-  
591 ments that are rated below “investment grade” by Standard and Poor’s  
592 and Moody’s investment services shall be made only upon the written recom-  
593 mendation of a recognized and qualified investment authority who has been  
594 approved by the General Executive Council.

595 All securities or certificates of value shall be kept in a safety deposit box or  
596 boxes in a bank or banks in the Washington D.C. metropolitan area, regis-  
597 tered in the name of the International Association of Sheet Metal, Air, Rail  
598 and Transportation Workers except that securities or certificates of value  
599 may be registered in the street names of reliable investment banks or securi-  
600 ties investment firms, and, if so registered, may be deposited with such banks  
601 or firms. All disbursements made from the funds of this Association shall be  
602 on order or check properly signed by the General Secretary-Treasurer and  
603 countersigned by the General President or made electronically within the  
604 requirements of Article Five (5), Section 1(a).

605 **SEC. 6(i).** A uniform system of bookkeeping and records shall be estab-  
606 lished at the General Office by the General Secretary-Treasurer and all divi-  
607 sions, local unions, councils, officers, representatives, and members thereof  
608 shall conform to said uniform system of bookkeeping and records in sub-  
609 mitting reports in correspondence, and in all other relations with the Gen-  
610 eral Office, and in all matters affecting the record or standing or obligations  
611 of local unions, councils, officers, representatives, and members thereof, all  
612 subject to approval by the General Executive Council.



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

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

### SECTION 7 – DISSOLUTION

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

### SECTION 8 – ASSESSMENTS

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

**SEC. 8(b).** Whenever the General President deems it necessary to call for an assessment other than that provided for in Section 8(a) of this Article, he shall authorize the General Secretary-Treasurer to notify the General Executive Council of same. If the General Executive Council approves the recommendation of the General President, by majority vote, the General Secretary-Treasurer shall then send a circular and ballots to all local unions of this Association calling for a vote of their membership by secret ballot, and specifying the reason for said assessment. The voting shall take place at a regular or special meeting of each local union after notice to the membership that such vote will be taken and only those members who are present shall be entitled to vote. Local unions shall be required to make complete returns of their vote to the General Secretary-Treasurer within thirty (30) days after they have received their ballots from the General Secretary-Treasurer and the president, financial secretary-treasurer, and tellers, if any, shall certify as to the

651 correctness of the result. All ballots sent to the local union shall be returned  
652 to the General Secretary-Treasurer after the vote whether they were voted  
653 or not. If a majority of all valid votes cast, pursuant to the call of the General  
654 Secretary-Treasurer, are in favor of the assessment, the prior action of  
655 the General Executive Council in approving it shall become effective provided  
656 that such assessment shall be effective only until the next regular Convention  
657 of this Association. Ballots must be returned to the office of the General Sec-  
658 retary-Treasurer within forty-eight (48) hours after the vote of the local union  
659 has been completed.

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

#### 665 **SECTION 9 – INSURANCE BENEFITS**

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

676 **SEC. 9(b).** In order to be eligible to receive any of the benefits for which  
677 provision is made in this Section, a member must have paid his or her dues  
678 in advance for the month in which his or her claim to benefits accrued and  
679 no member whose dues have not been paid on or before the first day of any  
680 month shall be entitled to any benefits during that month. Members on with-  
681 drawal card, limited members, special limited members and associate mem-  
682 bers are not eligible for this insurance benefit.

683 **SEC. 9(c).** The General Executive Council is also authorized, to purchase  
684 life or other types of insurance policies, with the International as the princi-  
685 pal beneficiary, insuring the life of the General President in such amount as it  
686 may consider appropriate to protect this International Association against the  
687 loss that would be incurred from the untimely death of said General Officer  
688 during his term of office.

**SECTION 10 – RESPONSIBILITY**

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

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**SECTION 11 – SERVICE BY MAIL**

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

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**ARTICLE TWO (2)  
General Officers**

**SECTION 1 – NUMBERS AND TITLES**

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

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**SECTION 1(a) – FINANCIAL SUPPORT FOR CAMPAIGN**

**SEC. 1(a).** No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual’s own volunteered personal time, from

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19 any nonmember, or associate or honorary member; nor may an owner-mem-  
20 ber, lawyer or employer volunteer personal time in support of such a prospec-  
21 tive candidate.

### 22 **SECTION 2 – QUALIFICATIONS**

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

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

### 33 **SECTION 3 – AUTOMATIC CONVENTION DELEGATES**

34 **SEC. 3.** The General President, the General Secretary-Treasurer and General  
35 Vice Presidents shall be delegates to the SMART General and Special Conven-  
36 tions by virtue of their offices and shall have a voice and vote in the delibera-  
37 tions and discussions but shall not be entitled to vote in the election of General  
38 Officers unless elected as a delegate by secret ballot of the membership of their  
39 respective local unions.

### 40 **SECTION 4 – MANDATORY TENDER OF RESIGNATION**

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

### 49 **SECTION 5 – TIME OF ELECTION**

50 **SEC. 5.** The General Officers from the Transportation Division shall be  
51 nominated and elected as provided in Article Twenty-One B (21B), Sections 2  
52 and 8. All other General Officers shall be nominated and elected by the General  
53 Convention at a session commencing on the third (3rd) day of the Convention  
54 which shall continue in session until the nominations and elections of officers  
55 have been completed, unless otherwise ordered by the Convention. The General

President and General Secretary-Treasurer shall be elected by all delegates to the SMART General Convention and the General Vice Presidents shall be elected by the delegates who are from affiliates not within the Transportation Division.

**SECTION 6 – METHOD OF ELECTION**

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

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

Incumbents of the offices of the First (1st) General Vice President to and including Eleventh (11th) General Vice President shall rank in the order of their length of service and at the conclusion of the election of General Officers the member last elected to one of said offices at such Convention shall become Eleventh (11th) Vice President and said other General Vice Presidents advanced in numerical order.

**SECTION 7 – ELECTION PROTEST**

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

**SECTION 8 – TERM OF OFFICE**

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

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

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101 **SEC. 9.** Should a vacancy occur in the office of General President as a  
102 result of death, incapacity, resignation or any other cause, the General Secre-  
103 tary-Treasurer shall immediately notify the General Executive Council of the  
104 vacancy which shall, by a majority vote at a duly-scheduled or special-called  
105 session of the General Executive Council within thirty (30) days, elect a Gen-  
106 eral President for the unexpired term. In the event the office of General Secre-  
107 tary-Treasurer shall also be vacant, such notice shall be provided by the First  
108 General Vice President or the next General Vice President in descending order  
109 if the First General Vice President is not available.

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

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112 **SEC. 10.** Should a vacancy occur in the office of General Secretary-Trea-  
113 surer as a result of death or incapacity, resignation or any other cause, the  
114 General President shall immediately notify the General Executive Council  
115 of the vacancy which shall, by a majority vote at a duly-scheduled or special-  
116 called session of the General Executive Council within thirty (30) days, elect  
117 a General Secretary-Treasurer for the unexpired term. In the event the office  
118 of General President shall also be vacant, such notice shall be provided by the  
119 First General Vice President or the next General Vice President in descending  
120 order if the First General Vice President is not available.

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

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122 **SEC. 11(a).** In case of a vacancy in the offices of First General Vice Presi-  
123 dent and including Eleventh General Vice President, the General President  
124 shall propose to the General Executive Council, as soon as practicable, the  
125 name of any eligible member and with the consent of a majority of the General  
126 Executive Council such member shall become a member of the General Exec-  
127 utive Council. The member last appointed to the General Executive Council  
128 as provided in this Section shall become Eleventh General Vice President,  
129 the ranking members of the General Executive Council advancing in numeri-  
130 cal order. Such appointee shall be obligated by the General President.

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

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

### **SECTION 12 – COMPENSATION AND EXPENSES**

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

### **SECTION 13 – PENSIONS**

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

169 **SEC. 13(b).** The General Executive Council may in its discretion authorize  
170 the payment of an annuity to be paid from the General Fund of this Association  
171 upon such terms and conditions as it may decide to any full time General Offi-  
172 cer, International Representative, Organizer or Administrative Staff Assistant  
173 of this Association who retires from such office or position either before having  
174 completed twenty (20) years of full time service or before having attained the age  
175 of sixty-five (65) years, or both, if in its judgment such General Officer, Interna-  
176 tional Representative, Organizer or Administrative Staff Assistant is unable to  
177 perform his or her duties in an efficient or satisfactory manner because of age,  
178 illness or physical incapacity, or whose pension under the Sheet Metal Workers'  
179 International Association Staff Pension Plan shall be less than that accorded  
180 other persons pursuant to the provisions of this Section.

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

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

188 **SEC. 13(e).** There shall be established and maintained by the International  
189 Association the National Supplemental Savings Fund in which all General Offi-  
190 cers, International Representatives and Organizers, and Administrative Staff  
191 in the United States, except officers elected by the Transportation Division and  
192 Administrative Staff whose wages and salaries are allocated to the Transporta-  
193 tion Division, may participate. There shall be established a comparable savings  
194 or alternate compensation plan on behalf of all General Officers, International  
195 Representatives and Organizers, and Administrative Staff in Canada.

#### 196 **SECTION 14 – CHARGES AND TRIALS OF GENERAL OFFICERS**

197 **SEC. 14(a).** All charges preferred against General Officers of this Associ-  
198 ation for violation of the duties or obligations of their General Office shall  
199 be in the form of a written affidavit and shall contain a detailed statement  
200 of the facts out of which such charges originated, specified reference to the  
201 provisions of the Articles, Sections and Paragraphs of this Constitution or  
202 the policies, decisions, laws, rules or regulations which it is alleged have been  
203 or are being violated. Such charges may be filed against a General Officer by  
204 another General Officer, by any local union, or by an individual member in  
205 good standing, provided, however, that the filing of charges by an individual  
206 member other than a General Officer must first be approved by the local



union of which such individual member is a member and such charges shall be accompanied by a written statement signed by the president of such local union that approval was obtained by a majority vote at a regular or special meeting of the local union.

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

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

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

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

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

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

**SEC. 14(h).** Either party shall have the right to appeal to the General

246 Convention from the decision of the General Executive Council but pending  
 247 such appeal the action of the General Executive Council shall stand.

248 **SEC. 14(i).** Appeals to the General Convention from decisions of the Gen-  
 249 eral Executive Council, on charges preferred against General Officers, shall  
 250 be filed with the General Secretary-Treasurer within sixty (60) days of notice  
 251 of the decision of the General Executive Council, and such appeals shall be  
 252 submitted to the General Convention on the basis of findings of the facts and  
 253 decision of the General Executive Council. The General Convention shall vote  
 254 without debate solely on the question of whether to accept or reject the deci-  
 255 sion of the General Executive Council. A majority vote of the General Con-  
 256 vention shall be final.

### 257 **SECTION 15 – SURRENDER OF PROPERTY**

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

## **ARTICLE THREE (3)** **General President**

### **SECTION 1 – GENERAL DUTIES AND AUTHORITY**

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

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

19 Subject to the approval of the General Executive Council, he shall have

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

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

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

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

**SEC. 2(a). SUPERVISION.** The General President shall have direction and supervision of all local unions, state, provincial, and district councils and all of the officers thereof. He shall have full authority to suspend the charter of any local union or council for failure of its officers or members to comply with the provisions of this Constitution or with the policies of this Association; for conducting its affairs in a manner which is detrimental to the members thereof or to the best interests of this Association; for impairing the standing of such local union or council or the standing of this Association with other trades; for condoning internal strife which is detrimental to the best interests of such local union or council, the members thereof or this Association; for conducting its affairs in such manner as to bring such local union or council into disrepute with the public or employers or for disregarding the instructions, decisions, or orders properly issued by any officer or tribunal of this Association and to

58 remove from office any officer or representative of any local union or council  
59 for incompetence, negligence, insubordination, failure or refusal to obey any  
60 valid decision or order of the General President, General Secretary-Treasurer  
61 or the General Executive Council or for violation of this Constitution or the  
62 policies of this Association or for any other neglect or failure of duty. Such  
63 suspension of charter or removal from office shall continue until the condi-  
64 tions causing the same have been corrected or until after trial and appeal the  
65 charter of such local union or the removed officer has been ordered reinstated,  
66 whichever has been ordered first.

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

75 Should a local union charter be suspended as provided herein, the mem-  
76 bers thereof who are not directly involved in or parties to the controversy or  
77 causes leading to the suspension of such charter, shall be accorded the right to  
78 maintain their good standing and the General President and General Secre-  
79 tary-Treasurer shall make such arrangements as may be necessary to preserve  
80 such right.

81 **SEC. 2(b). FILLING VACANCY OF REMOVED OFFICER.** The General President shall  
82 have authority to direct any local union or council to temporarily fill the office  
83 or position of any officer or representative of such local union or council  
84 removed in accordance with Section 2 of this Article pending the disposition  
85 of the charges on which such removal was based. In the event any local union  
86 or council fails or refuses to temporarily fill such vacancy within such reason-  
87 able time as may be specified by the General President, he shall have authority  
88 to designate a member of such local union or council to fill the same pending  
89 the disposition of such charges.

90 **SEC. 2(c). TRUSTEESHIP OF LOCAL UNIONS AND COUNCILS.** Whenever there are  
91 reasonable grounds to believe that the officers or members of a local union  
92 or council are failing to comply with the provisions of this Constitution or  
93 with the policies of this Association; conducting the affairs of such local union  
94 or council in a manner which is detrimental to the best interests of such local  
95 union or council, or its members or this Association; engaging in acts of cor-  
96 ruption or financial malpractice; failing to properly discharge the duties of

a collective bargaining representative; acting in a manner which brings such local union or council into disrepute with the public or with employers; or disregarding the valid instructions, decisions or orders issued by any officer or tribunal of this Association, the General President shall have authority to place such local union or council under Trusteeship, provided that a Trusteeship that is to be continued for a period of more than sixty (60) days shall be subject to ratification by the General Executive Council or Subcommittee thereof after a hearing. During Trusteeship such local union or council shall take no official action without the approval of the General President or a representative designated by him to supervise and direct the Trusteeship. Such Trusteeship shall continue until (a) the causes thereof have ceased, (b) the charter of such local union has been revoked, withdrawn or transferred under procedures prescribed in this Constitution, or (c) restoration of autonomy is directed as the result of a decision made upon appeal under this Constitution.

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

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

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

135       **SEC. 2(d). REVOCATION OF CHARTERS.** With the approval of the General  
136 Executive Council, the General President may revoke the charter of any local  
137 union or council found guilty after trial of any violation of the provisions of  
138 this Constitution or of failure to comply with valid orders, decisions or poli-  
139 cies of this Association.

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

143       **SEC. 2(e). REVIEW OF DECISIONS OF LOCAL UNIONS AND COUNCILS.** The General  
144 President shall have full authority to approve, modify, revise, defer, suspend  
145 or reverse any decision of a local union or council or any officer thereof, or  
146 of a trial committee of a local union or council, or any action taken by any  
147 local union or council in connection therewith, if such decision or action is  
148 contrary to the provisions of this Constitution or the established policies of  
149 this Association, is contrary to the evidence, or the penalty imposed is deemed  
150 inadequate or excessive, subject to appeal as provided in Article Nineteen (19).

151       **SEC. 2(f). CALL OF SPECIAL MEETINGS OF LOCAL UNIONS AND COUNCILS.** Local unions,  
152 state, provincial, and district councils shall, upon call of the General President  
153 or a duly authorized representative of this Association after official notice to  
154 the duly authorized officers of said local unions, state, provincial, and dis-  
155 trict councils, assemble and convene in meeting at such time and place and for  
156 such purpose as may be designated in the call and official notice issued; and  
157 said meeting shall not adjourn without the approval and consent of the Gen-  
158 eral President or the duly authorized representative of this Association calling  
159 said meeting.

160       **SEC. 2(g). JURISDICTION OF LOCAL UNIONS AND DISTRICT COUNCILS.** The Gen-  
161 eral President shall have full authority to specify; designate or change the spe-  
162 cific territory; project or projects and classes of work over which each local  
163 union or district council shall exercise jurisdiction; to organize and charter  
164 additional local unions or district councils in accordance with this Constitu-  
165 tion and to determine the specific territory and classes of work over which  
166 newly chartered locals or district councils shall have jurisdiction; to separate  
167 and divide membership of any local union or district council into two or more  
168 local unions or district councils; to amalgamate or merge two or more local  
169 unions or district councils when it is advisable or necessary in the best interests  
170 of this Association and the members thereof and; except as otherwise provided  
171 in this Section, to establish the terms and conditions under which such separa-  
172 tions, amalgamations and mergers shall be consummated including where nec-  
173 essary the establishment of additional locations within the jurisdiction of the

local union which will afford the members an adequate opportunity to nominate candidates and vote in elections and to classify and separate members and applicants for membership into such local unions or district councils as will best protect the interests of this Association and the members thereof subject to appeal as provided in Article Nineteen (19). Whenever the membership of one local union or district council is separated into two or more local unions or district councils pursuant to this Section, the funds, assets and liabilities of such local union or district council may be pro-rated among the involved unions or district councils as equitably as possible by the General President.

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

**SEC. 2(h). AUDITS.** The General President shall have authority to order an audit of the books and accounts of any local union or council of this Association. A report of such audit shall be made to the General President, General Secretary-Treasurer and the General Executive Council. The books and accounts of any local union or council shall be at all times open to inspection of auditors appointed and authorized by the General President under this Section.

### SECTION 3 – SUPERVISION OF INDIVIDUAL MEMBERS

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

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

### SECTION 4 – MEETINGS OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

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

**SECTION 5 – ATTORNEYS**

210  
211 **SEC. 5.** The General President shall have authority to employ an attorney or  
212 attorneys to represent and protect the interests of this Association.

**SECTION 6 – REPORTS**

213  
214 **SEC. 6.** It shall be the duty of the General President to have printed reports  
215 prepared and distributed among the delegates on the opening day of each General  
216 Convention. The report of the General President and the General Executive  
217 Council may be combined.

**SECTION 7**

218  
219 **SEC. 7.** The General President shall devote all of his time to the interests of  
220 this Association, and its affiliated and related entities and organizations, and to  
221 the performance of his duties as General President as specified in this Consti-  
222 tution, and to the performance of his duties to this Association's affiliated and  
223 related entities and organizations.

**SECTION 8**

224  
225 **SEC. 8.** The General President and the General Secretary-Treasurer or their  
226 designees shall be entitled to attend and participate in all local union and council  
227 meetings throughout the United States and Canada including general and special  
228 membership and Executive Board meetings.

**SECTION 9 – GENERAL PRESIDENT EMERITUS**

229  
230 **SEC. 9.** The General Executive Council may appoint one or more retired past  
231 General Presidents as General President Emeritus. This appointment may be  
232 made at any time and need not occur immediately at the end of that General Presi-  
233 dent's term in office. The General Executive Council shall determine how long the  
234 term of a General President Emeritus shall last. The General President may assign  
235 duties and responsibilities to a General President Emeritus and defray his reason-  
236 able expenses.

**ARTICLE FOUR (4)  
General Vice Presidents****SECTION 1 – GENERAL DUTIES**

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



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

## **ARTICLE FIVE (5)**

### **General Secretary-Treasurer**

#### **SECTION 1 – GENERAL DUTIES**

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

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

him on business of this Association for a period of at least five (5) years; employ the necessary clerical force to efficiently conduct the affairs of his office; conduct all correspondence pertaining to his office between this Association and its affiliated local unions and councils; keep a correct record and account of the standing of each local union and council and all officers, representatives and members thereof; cause to be published at least once each year a directory showing the names and addresses of local union officers, business managers, and business representatives; receive all applications for charters and issue and sign the same when so authorized by the General President; have charge of the seal of this Association and affix it as required to official documents; receive all communications or appeals intended for or requiring consideration by the General President or General Executive Council; transmit decisions rendered by the General President or General Executive Council to members or local unions involved and file copies of such

28 decisions for the records; assesses local unions interest at a uniform rate  
29 for per capita dues delinquencies of thirty (30) or more days unless other-  
30 wise determined by the General Executive Council; keep a correct record  
31 of all members suspended and expelled and of all legal obligations due  
32 from such suspended or expelled members; receive all monies paid to this  
33 Association and deposit same in accordance with the requirements of Section  
34 6(g) of Article One (1); hold in his or her possession not more than the  
35 sum of Three Hundred Dollars (\$300.00) and deposit all sums in excess  
36 of that amount within twenty-four (24) hours after receipt of same; and  
37 pay all legitimate bills and other obligations authorized in accordance with  
38 this Constitution, by official checks drawn against the accounts of this  
39 Association over his or her signature as General Secretary-Treasurer and  
40 countersigned by the General President or by an electronic disbursement  
41 provided that the process is consistent with the requirement of two signa-  
42 tures and requires proper segregation of duties between the two General  
43 Officers that can be verified by an audit trail.

44 All original official receipts surrendered to the General Office in accor-  
45 dance with Section 4 of Article Thirteen (13) will be properly applied to  
46 the record of those involved when corrected or declared void as circum-  
47 stances may warrant and notice of correction or invalidity shall be given to  
48 the financial secretary-treasurer by the General Secretary-Treasurer. The  
49 General Secretary-Treasurer may issue official receipts, or give permission  
50 to local unions to issue official receipts out of date, to members if deemed  
51 appropriate or necessary.

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

59 **SEC. 1(c). BONDING.** The General Secretary-Treasurer shall arrange  
60 bonding by a reliable bonding company for such amount as may be nec-  
61 essary to protect this Association against loss of funds directly under his  
62 control and subject to his order on banks. The premium on such bond shall  
63 be paid by this Association.

64 In January of each year, the General Secretary-Treasurer shall execute  
65 a bond in a reliable bonding company to cover the financial secretary-  
66 treasurers, business managers, business representatives and other officers

of local unions and councils who may be authorized or obligated in the performance of their duties to receive or disburse any funds of such local unions or councils.

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

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

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

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

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

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

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

## **ARTICLE SIX (6)**

### **General Executive Council**

#### **SECTION 1**

1           **SEC. 1(a).** The General Executive Council shall be composed of eighteen  
2 (18) members, the General President and seventeen (17) General Vice Presi-  
3 dents, and shall meet in regular session at such time and place as may be  
4 designated by the General President. Special meetings of the General Execu-  
5 tive Council may be called by the General President whenever in his opinion  
6 such special meetings are deemed necessary or by a majority of the members  
7 of the General Executive Council. Any General Executive Council or Think  
8 Tank meetings shall be held in the confines of the geographical jurisdiction of  
9 this Association.

10           **SEC. 1(b).** The General President shall be the Chairman, and the Gen-  
11 eral Secretary-Treasurer shall be the Executive Secretary.

#### **SECTION 2 – GENERAL DUTIES**

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

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

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

#### **SECTION 3 – FINANCE COMMITTEE**

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

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

32           **SEC. 3(c).** The Finance Committee shall have general oversight authority  
33  
34  
35

with respect to the financial condition of the International Association. It shall also have the authority to examine any and all of the International Association's books of account and other financial records. Any concerns the Finance Committee may have with respect to the financial condition of the International Association may be brought by the Chairperson to the attention of the General Executive Council for review and any action to be taken must be by vote of the General Executive Council.

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

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

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

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

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

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

#### **SECTION 5 – REPORTS**

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

## ARTICLE SEVEN (7) General Conventions

### SECTION 1 – TIME AND PLACE

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

### SECTION 2 – REPRESENTATION AND VOTE

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

20 Credentials of delegates shall be mailed, or processed electronically in a for-  
21 mat supported by the General Secretary-Treasurer and approved by the Gen-  
22 eral Executive Council, to the General Secretary-Treasurer not later than the  
23 fifteenth (15th) day of the month preceding the month in which the Conven-  
24 tion is held.

25 The number of votes to which each local union is entitled shall be based  
26 upon its good standing membership on the first day of the second month pre-  
27 ceding the month in which the Convention is held.

28 **SEC. 2(b).** Except as provided herein, each local union shall be entitled to  
29 one (1) delegate for the first one hundred (100) members or less and one (1)  
30 delegate for each additional one hundred (100) members or majority frac-  
31 tion thereof, provided, however, that in no event shall a local union be enti-  
32 tled to more than twenty (20) delegates or to more delegates than it pays full  
33 transportation costs plus all ordinary living expenses, none of which shall be  
34 refunded to the local union. The above requirement for payment of transpor-  
35 tation costs and living expenses as a condition for being a delegate shall not

apply to paid officials or paid representatives of this International Association. 36

**SEC. 2(c). COUNCILS.** Each state, provincial and district council shall be 37  
entitled to one (1) vote, except that district councils comprised of only one local 38  
union shall not be entitled to delegates and votes from both the local union and 39  
the district council. The vote of the council shall be cast only by the delegate 40  
regularly elected by his or her council and cannot be cast by delegates from local 41  
unions and no council delegate may cast the vote or votes of a local union. 42

**SEC. 2(d). TRANSPORTATION DIVISION ASSOCIATIONS.** The Association of General 43  
Chairpersons (District 1), Association of General Chairpersons (Dis- 44  
trict 3), and the National Association of State Directors shall be entitled to 45  
a combined total of seventeen (17) delegates, each with one (1) vote. The del- 46  
egates shall be apportioned by the General President upon the recommenda- 47  
tion of the President Transportation Division to the associations according to 48  
their respective number of members. Each member of the General Executive 49  
Council from the Transportation Division shall be counted as being one of 50  
these delegates and the apportionment to the associations shall be adjusted 51  
according to the sector of the Transportation Division to which the mem- 52  
bers belong. 53

### **SECTION 3 – QUALIFICATIONS AND ELECTION OF DELEGATES** 54

**SEC. 3(a).** All delegates to the SMART General or Special Conventions of 55  
this Association shall meet the qualifications prescribed in Section 3 of Article 56  
Twelve (12) of this Constitution. 57

**SEC. 3(b).** All delegates shall be elected by eligible local unions in the same 58  
manner and under the same rules as in elections of local union officers and in 59  
accordance with Sections 4, 5, and 6 of Article Twelve (12) of this Constitu- 60  
tion except that nomination and election of members other than those who 61  
are automatic delegates by virtue of their office or position may be elected 62  
in the calendar year in which the Convention is held or, at the option of the 63  
local union, at the local union's general election in the year closest in time to 64  
the year in which the SMART General Convention is held. 65

**SEC. 3(c).** Delegates from state, provincial and district councils and Trans- 66  
portation Division associations shall be elected in accordance with their con- 67  
stitutions and by-laws unless otherwise provided in this Constitution. 68

**SEC. 3(d).** (1) Any delegate from a local union in order to be entitled to 69  
vote for officers at the General Convention must have been elected by a secret 70  
ballot of the membership of such local union. (2) Any delegate from a state, 71  
provincial or district council or Transportation Division association in order 72  
to be entitled to vote for officers at the General Convention must have been 73

74 elected by a secret ballot of the membership of the constituent units of the  
75 said state, provincial or district council or Transportation Division associa-  
76 tion. (3) Any Convention delegate who is not elected in accordance with the  
77 provisions of subsections (1) or (2) hereof shall not be entitled to vote for offi-  
78 cers at the General Convention.

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

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

#### 87 **SECTION 4 – COMMITTEE ON CREDENTIALS AND** 88 **GENERAL SECRETARY-TREASURER’S REPORT**

89 **SEC. 4.** The General President shall select from the credentials of accred-  
90 ited delegates a Credentials Committee, which shall perform such duties  
91 as required for all SMART and Transportation Division Conventions and  
92 shall also act as Committee on General Secretary-Treasurer’s Report, and  
93 the members thereof shall assemble at the General Office at least six (6) days  
94 prior to the opening of the Conventions. It shall be the duty of this Committee  
95 to examine the records and accounts of the General Secretary-Treasurer and  
96 audit report submitted by the certified public accountant. It shall examine all  
97 duplicate credentials received at the General Office and shall determine from  
98 the records at the General Office the standing of the chartered and affiliated  
99 local unions and councils and the elected delegates thereof. It shall receive all  
100 original credentials presented by delegates and be ready to submit its report at  
101 the opening of the Convention.

#### 102 **SECTION 5 – DELEGATE CREDENTIALS**

103 **SEC. 5.** Each elected delegate shall establish his or her identity and right to  
104 a seat in Convention by presenting to the Credentials Committee the original  
105 form of official credential signed by the president and the recording secretary of  
106 the local union or council from which he or she is a delegate. Said credential shall  
107 bear the official seal of the local union or council. The General Secretary-Tre-  
108 asurer may establish an electronic format for the processing of official credentials  
109 if the necessary verifications as required by this constitution are met and such sys-  
110 tem is approved by the General Executive Council. Each delegate shall also pres-  
111 ent an official dues receipt, properly issued in accordance with this Constitution,



showing actual payment of all dues and obligations to his or her local union for a period extending, at least, to the end of the month in which the Convention is held.

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

### **SECTION 6 – DELEGATE COMPENSATION**

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

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

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

### **SECTION 8 – COMMITTEES GENERAL**

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

General President's and	Union Label
General Executive Council's Reports	Compensation

149	Rules	Apprentice
150	Grievance and Appeals	Special
151	Political Action	Production
152	Resolutions	Roofing
153	The committees provided for in this Section shall consist of not less than	
154	five (5) delegates each.	

### SECTION 9 – COMMITTEE COMPENSATION

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

165 The Committee on Credentials and General Secretary-Treasurer's  
 166 Report and the Constitution Committee if called into session at the General  
 167 Offices before the Convention shall receive Two Hundred and Fifty Dollars  
 168 (\$250.00) compensation per day and One Hundred Dollars (\$100.00) per day  
 169 for expenses including days traveling to and from their homes to the Gen-  
 170 eral Office, in addition to the cost of lodging and air fare.

### SECTION 10 – QUORUM

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

### SECTION 11 – ORDER OF BUSINESS

175 **SEC. 11.** The following order of business shall govern the Con-  
 176 vention proceedings:

- 177 1. Call to order;
- 178 2. Receive credentials;
- 179 3. Reports of Committees on Credentials and Rules;
- 180 4. Roll call;
- 181 5. Selection of special committees;
- 182 6. Reports of Officers;
- 183 7. Resolutions, memorials and petitions;
- 184 8. Communications and bills;
- 185 9. Reports of committees;

10. Election of Officers;	186
11. Obligation of Officers;	187
12. Grievances and appeals;	188
13. Unfinished business;	189
14. New business;	190
15. Reports of delegates;	191
16. Adjournment.	192

### **SECTION 12 – ATTENDANCE OF GENERAL OFFICERS** 193

**SEC. 12.** The General Officers shall be required to attend all Conventions, 194  
 general or special, of this Association, and their salaries and expenses shall be 195  
 paid from the funds of the Association at the established rate. 196

### **SECTION 13 – CONVENTION GUESTS** 197

**SEC. 13.** The General President with the approval of the General Executive 198  
 Council shall have the authority to invite and compensate such Convention 199  
 guests as he may deem proper. 200

### **SECTION 14 – SPECIAL CONVENTIONS** 201

**SEC. 14.** The General President with the approval of the General Execu- 202  
 tive Council may call a Special Convention of the Association for the purpose 203  
 of considering special subjects which in his opinion may require Convention 204  
 action between Regular Conventions. The call for such Special Convention 205  
 shall be issued by the General Secretary-Treasurer and such call shall specify 206  
 the time and place thereof and the special subjects to be considered. No sub- 207  
 jects other than those designated on the Convention call shall be considered at 208  
 any Special Convention. The provisions of this Constitution which relate to 209  
 General Conventions shall govern the procedure of Special Conventions inso- 210  
 far as they may be required to effectuate the business designated in the call for 211  
 such Special Convention. 212

### **SECTION 15 – RESOLUTIONS** 213

**SEC. 15.** Resolutions, other than those to amend the Constitution, may 214  
 be submitted by any local union or council, the General President, Gener- 215  
 al Secretary-Treasurer, President Transportation Division, the General 216  
 Executive Council or by the Resolutions Committee. Resolutions submitted 217  
 by local unions or councils, General Committees and State Legislative Boards 218  
 must be submitted separately by subject matter in resolution form and filed 219  
 in triplicate with the General Secretary-Treasurer at the General Office at 220  
 least sixty (60) days prior to the opening of the Convention at which such resolu- 221  
 tions are to be considered, unless the requirements of this paragraph are waived 222

223 by a two-thirds (2/3) vote of the delegates at the Convention. All resolutions pro-  
224 posed by any member of a local union shall be submitted to the local union Execu-  
225 tive Board at least thirty (30) days prior to the submission thereof to the local  
226 union for consideration. All resolutions passed by local unions or councils must  
227 bear the signature of the president and recording secretary and the seal of the local  
228 union or council. All resolutions passed by General Committees or State Legisla-  
229 tive Boards must bear the signature of the Chairman or Director and Secretary of  
230 the Committee or Board.

### 231 SECTION 16

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

## ARTICLE EIGHT (8)

### International Staff

#### 1 SECTION 1 – APPOINTMENT

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

#### 10 SECTION 2 – QUALIFICATIONS

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

#### 16 SECTION 3 – DUTIES

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

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

#### **SECTION 4 – DIRECTORS’ OFFICES**

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

#### **SECTION 5 – COMPENSATION**

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

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

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

### **ARTICLE NINE (9)**

#### **State, Provincial, District and Regional Councils**

##### **SECTION 1 – ORGANIZATION**

**SEC. 1(a). STATE OR PROVINCIAL COUNCILS.** A state or provincial council may be formed and chartered in any state in the United States or province in Canada when approved by the General President, provided at least two-thirds (2/3) of

5 the local unions in the particular state or province approve of the formation of  
6 such council and join in making application to this Association for a state or  
7 provincial council charter.

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

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

## 17 **SECTION 2 – CHARTER APPLICATION**

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

## 23 **SECTION 3 – GOVERNMENT**

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

30 All of the provisions and requirements of this Constitution, governing the  
31 administration and operation of local unions and the duties and obligations  
32 of officers, representatives, and members thereof, shall apply to all state, provincial  
33 and district councils and the officers, representatives, and members of  
34 said councils, insofar as they are adaptable.

## 35 **SECTION 4 – PENSIONS**

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

## 38 **SECTION 5 – REGIONAL COUNCILS**

39 **SEC. 5.** The General President, with approval of the General Executive  
40 Council, may establish a regional council, which may be made up of any  
41 number of local unions from one or more states or provinces, except locals in

the Transportation Division. The General President may, with approval of the  
General Executive Council, increase or decrease the number of participating  
local unions within the jurisdiction of the regional council.

**SECTION 6 – CHARTER APPLICATION**

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

**SECTION 7 – GOVERNMENT**

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

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

**ARTICLE TEN (10)**

**Local Unions**

**SECTION 1 – CHARTERS**

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

**SEC. 1(b).** Upon request, the General Secretary-Treasurer shall furnish  
official forms of application for each of the twenty-five (25) or more quali-  
fied applicants. Upon receipt of the required number of application forms,  
properly filled out and signed by the applicants, and accompanied by the pay-  
ment of three (3) months' dues plus the International initiation fee per appli-  
cant from each applicant, the General Secretary-Treasurer, after approval by  
the General President, shall issue a charter for the new local union with a des-  
ignated number and official seal. He shall forward the charter and seal to said  
local union, together with necessary supplies, a complete set of books with  
proper entry and credit for the amount paid by each applicant and recorded

17 on official receipts in either printed or electronic form as approved by the  
18 General Secretary-Treasurer and maintained in the official receipt book of the  
19 new local union.

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

28 **SEC. 1(d).** After receipt of the required number of application forms, prop-  
29 erly filled out and signed by the Regional Council, the General Secretary-  
30 Treasurer, after approval by the General President, shall issue a charter for  
31 the new regional council with a designated number and official seal. He shall  
32 forward the charter and seal to said regional council.

## 33 **SECTION 2 – REVENUES, FEES AND DUES**

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

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

48 At least thirty-five percent (35%) of the fees collected pursuant to this Sec-  
49 tion shall be paid to the General Fund, and up to five percent (5%) shall be  
50 apportioned on a basis determined by the General Executive Council between  
51 the SMART Local Unions and Councils Pension Fund (United States) and  
52 the SMART Local Unions and Councils Pension Fund (Canada) and/or the  
53 Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the  
54 Sheet Metal Workers' International Staff Pension Fund.



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

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

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

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

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

**SEC. 2(f).** Each local union shall establish and maintain a monthly or quarterly rate of dues sufficient to carry on the affairs of such local union on a sound financial basis, where for the purposes of this section a minimal threshold shall be considered as three (3) months' operating expenses for the local union, based on the previous year's audit of expenses, having in mind its current and prospective needs and requirements and its obligations due this Association, including monthly per capita dues. If the assets of the local union should fall below the six (6) month level, the local union financial secretary-treasurer shall submit to the

94 General Secretary-Treasurer a plan for restoring the assets of the local union to a  
95 sound financial basis. The amount of said dues in no case shall be less than those  
96 prescribed in this Constitution. The dues of all members of local unions shall  
97 be paid monthly or quarterly, but always in advance. A late fee may be charged  
98 for dues payments not made in advance of the current month if approved by  
99 the local union. A member may not work unless his or her dues are paid up as  
100 provided in this Section. Failure to pay dues within two (2) months shall result  
101 in automatic suspension from membership. In the event of death, dues paid in  
102 advance of the month of death shall be refunded to the legally designated ben-  
103 eficiary of the deceased by the local union which will receive a credit for the per  
104 capita dues.

105 **SEC. 2(g).**

- 106 1. The minimum monthly dues for each member engaged in the building and  
107 construction industry in a building and construction trades local union shall  
108 be as follows:
- 109 (a) In local unions, the membership of which is five hundred (500) or less, the  
110 equivalent of three and one-half (3½) hours' pay, plus full per capita dues;
  - 111 (b) In local unions, the membership of which is between five hundred and one  
112 (501) to one thousand (1,000), the equivalent of three (3) hours' pay, plus  
113 full per capita dues;
  - 114 (c) In local unions, the membership of which exceeds one thousand (1,000),  
115 the equivalent of two and one-half (2½) hours' pay, plus full per cap-  
116 ita dues;
  - 117 (d) In determining the number of members for the foregoing purposes, all  
118 members engaged in the building and construction industry of the local  
119 union shall be included.
- 120 2. The minimum monthly dues for other workers in a building and construction  
121 trades local union shall be the equivalent of two and one-half (2½) hours'  
122 pay, plus full per capita dues. The local shall determine how to set the aver-  
123 age, but in no case shall the minimum monthly dues be less than Seventeen  
124 Dollars (\$17.00) per month.
- 125 3. The minimum monthly dues for members of all other local unions shall be  
126 the equivalent of two and one-half (2½) hours' pay plus full per capita dues.  
127 The local shall determine how to set the average, but in no case shall the min-  
128 imum dues be less than Seventeen Dollars (\$17.00) per month.
- 129 4. (a) For building trades members, the term "hours' pay" as used herein shall  
130 mean the wage/fringe package, but shall not include zone rates, special  
131 project rates, or similar increments over the basic rate.
- 132 (b) For production worker members, the term "hours' pay" as used herein

shall mean the basic taxable hourly contract rates, including all lump sum payments made by an employer in lieu of increases in employees' basic hourly rate, but shall not include fringe benefits, zone rates, special project rates, incentive rates or similar increments over the basic rate.

5. The number of members of each local union on which the minimum rate of dues will be based shall be the average number of members of each local union during the previous calendar year.
6. In applying the formula in this Section, incremental increases which may result from adjustments in the hourly rates of pay shall be due on January 1 of the year following such adjustments.
7. In determining the rate of monthly dues payable, the amount shall be rounded out to the nearest Twenty-Five Cents (\$.25).
8. Notwithstanding any other provisions of this Section, (a) retired members who are not limited members shall pay dues at the rate their local union may establish but in no event less than Sixteen Dollars (\$16.00), or greater than Twenty-Two Dollars (\$22.00) per month which includes full per capita dues and (b) disabled members shall pay dues at the rate their local union may establish for such status but in no event less than Sixteen Dollars (\$16.00), per month which includes full per capita dues. The appropriate per capita dues for retired and disabled members shall be that established for production worker members.
9. In the event a local union can demonstrate to the General Executive Council that it has and can maintain financial reserves sufficient to meet normal operating expenses for a six month period and, further, that the local union has by secret ballot vote authorized the local union to seek such relief, the General Executive Council may approve a reduction in the rate of minimum dues to such local union in an amount deemed appropriate, provided, however, that the rate of dues for an active member shall not be lower than the rate set forth in Paragraph 3 of this Section.

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

The monthly per capita dues shall be as follows:

January 1, 2015

Railroad Members	\$31.00	166
Production Members	\$16.00	167
Shipyards Members	\$16.00	168
Government Members	\$16.00	169
Retired & Disabled Members	\$16.00	170

171 July 1, 2015

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

173	Building Trades Members	\$26.00 + \$.14 an hour
174	Residential & Industrial Members	\$18.00 + \$.14 an hour
175	(who earn 75% or less of the journeymen wage package)	
176	Shinglers	\$19.00 + .15% gross wage
177	Classified Workers (SFUA)	\$15.00 + \$.14 an hour
178	Apprentice Members	\$13.00 + \$.14 an hour
179	Pre-apprentice Members	\$10.00 + \$.14 an hour

180 January 1, 2016

181	Railroad Members	\$31.00
182	Production Members	\$16.00
183	Shipyards Members	\$16.00
184	Government Members	\$16.00
185	Retired & Disabled Members	\$16.00

186 July 1, 2016

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

188	Building Trades Members	\$26.00 + \$.17 an hour
189	Residential & Industrial Members	\$18.00 + \$.17 an hour
190	(who earn 75% or less of the journeymen wage package)	
191	Shinglers	\$19.00 + .15% gross wage
192	Classified Workers (SFUA)	\$15.00 + \$.17 an hour
193	Apprentice Members	\$13.00 + \$.17 an hour
194	Pre-apprentice Members	\$10.00 + \$.17 an hour

195 January 1, 2017

196	Railroad Members	\$32.00
197	Production Members	\$16.00
198	Shipyards Members	\$16.00
199	Government Members	\$16.00
200	Retired & Disabled Members	\$16.00

201 July 1, 2017

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

203	Building Trades Members	\$26.00 + \$.18 an hour
204	Residential & Industrial Members	\$18.00 + \$.18 an hour
205	(who earn 75% or less of the journeymen wage package)	
206	Shinglers	\$19.00 + .15% gross wage
207	Classified Workers (SFUA)	\$15.00 + \$.18 an hour
208	Apprentice Members	\$13.00 + \$.18 an hour
209	Pre-apprentice Members	\$10.00 + \$.18 an hour

January 1, 2018		210
Railroad Members	\$32.00	211
Production Members	\$16.00	212
Shipyards Members	\$16.00	213
Government Members	\$16.00	214
Retired & Disabled Members	\$16.00	215
July 1, 2018		216
The monthly per capita working dues shall increase One Cent (\$.01) an hour.		217
Building Trades Members	\$26.00 + \$.19 an hour	218
Residential & Industrial Members (who earn 75% or less of the journeymen wage package)	\$18.00 + \$.19 an hour	219
Shinglers	\$19.00 + .15% gross wage	221
Classified Workers (SFUA)	\$15.00 + \$.19 an hour	222
Apprentice Members	\$13.00 + \$.19 an hour	223
Pre-apprentice Members	\$10.00 + \$.19 an hour	224
January 1, 2019		225
Railroad Members	\$33.00	226
Production Members	\$16.00	227
Shipyards Members	\$16.00	228
Government Members	\$16.00	229
Retired & Disabled Members	\$16.00	230
July 19, 2019		231
The monthly per capita working dues shall increase One Cent (\$.01) an hour.		232
Building Trades Members	\$26.00 + \$.20 an hour	233
Residential & Industrial Members (who earn 75% or less of the journeymen wage package)	\$18.00 + \$.20 an hour	234
Shinglers	\$19.00 + .15% gross wage	236
Classified Workers (SFUA)	\$15.00 + \$.20 an hour	237
Apprentice Members	\$13.00 + \$.20 an hour	238
Pre-apprentice Members	\$10.00 + \$.20 an hour	239
Notwithstanding any other language herein, the General President, with the approval of the General Executive Council, may reduce, postpone or cancel the per capita dues or any increase for members in certain and specific work classifications of the entire industry, provided that such action is deemed advisable or necessary in the best interests of this Association and the members thereof. The General Secretary-Treasurer with the approval of the General Executive Council may add member classifications to the foregoing list.		240
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<b>SEC. 2(i).</b> Local union dues and initiation fees may be increased by local unions only by a majority vote of good standing members voting by secret		247
		248

249 ballot at a regular or special meeting after reasonable notice to the membership  
250 of intention to vote on such question, provided however, that when the Inter-  
251 national per capita dues is increased by action of the delegates at an Interna-  
252 tional Convention, the then prevailing rate of dues of each local union shall be  
253 automatically increased in like amount on the effective date of the per capita  
254 dues increase plus such additional amount, if any, as may be required to main-  
255 tain the minimum rate of dues established by this Constitution.

### 256 SECTION 3 – ASSESSMENTS

257 **SEC. 3(a).** No local assessments shall be levied or collected by any local union  
258 until all members have been notified by written or printed notice of the proposed  
259 assessment and the purpose thereof, with a specified date, time and place of reg-  
260 ular or special meeting to consider, discuss and vote on said proposed assess-  
261 ment. It shall require a majority vote by secret ballot of all members present to  
262 authorize the adoption of the proposed assessment. No such assessment shall  
263 be proposed, adopted, levied or collected from any member except to provide  
264 funds for the recognized and necessary operating and organizing expense of the  
265 local union and dues, fees and other obligations due this Association. Notice  
266 of the approval of any local assessment shall be given to the General Secretary-  
267 Treasurer forthwith and all payments thereof by local union members shall be  
268 recorded on official receipts.

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

### 272 SECTION 4 – GOVERNMENT

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

### 278 SECTION 5 – LOCAL RULES, REGULATIONS AND POLICIES

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

281 The provisions of this Constitution relating to local unions and the mem-  
282 bers thereof shall constitute the by-laws of those local unions which do  
283 not adopt by-laws of their own. Local union by-laws shall be filed with the  
284 General Secretary-Treasurer and no provisions thereof which are objected  
285 to by him as being inconsistent with this Constitution, the policies of this

Association or the requirements of law shall be made effective or continued 286  
 in effect. Any finding made by the General Secretary-Treasurer that a provi- 287  
 sion of the by-laws of the local union is objectionable may be appealed as pro- 288  
 vided in Article Nineteen (19). 289

### SECTION 6 – MEETINGS 290

**SEC. 6(a).** Each local union shall determine the times and places for the 291  
 holding of its regular meetings, which must be held at least quarterly, and 292  
 determine how many of its members shall constitute a quorum. Special meet- 293  
 ings shall be called by the local union president upon the request of two-thirds 294  
 (2/3) of the members of the local union Executive Board or upon the request 295  
 of at least ten (10) members in good standing or twenty percent (20%) of the 296  
 members in good standing, whichever is greater. The call for such special 297  
 meeting shall specify the time, place and purposes thereof, and no subjects 298  
 other than those specified in the call shall be considered at such meeting. 299

A special order of business may be placed on the agenda by the local union 300  
 president or business manager or by motion adopted by a two-thirds (2/3) vote 301  
 at a previous regular meeting. The membership shall be notified of the subject 302  
 of the special order of business which shall be brought to the floor at the next 303  
 regular meeting. 304

**SEC. 6(b). ORDER OF BUSINESS.** The following order of business shall govern 305  
 proceedings of local unions: 306

1. Call the meeting to order; 307
2. Warden, take charge of the door; 308
3. Conductor, examine dues receipts; 309
4. Roll call of officers; 310
5. Roll call of members; 311
6. Reading of minutes; 312
7. Installation of officers when applicable; 313
8. Applications for membership; 314
9. Initiations; 315
10. Communications and bills; 316
11. Reading of receipts from General Office; 317
12. Financial secretary-treasurer's report; 318
13. Special orders of business when applicable; 319
14. Reports of the business manager, business representatives, organizers, 320  
 other officers and shop stewards; 321
15. Reports of delegates and committees; 322
16. Unfinished business; 323
17. Trade instruction; 324

- 325 18. New business for good of the Union;  
326 19. Good and welfare;  
327 20. Adjournment

328 **SEC. 6(c).** Except for live video conferencing of membership or other offi-  
329 cial local union meetings to satellite locations, no mechanical recording by any  
330 means of the proceedings at any official meetings of the local union shall be  
331 permitted by any member at any time. A member responsible for so recording  
332 such union meetings will be subject to charges.

### 333 **SECTION 7 – MERGER OR SEPARATION**

334 **SEC. 7.** No local union or unions shall amalgamate or merge with any  
335 other local union or unions nor shall any local union separate its membership  
336 into two or more local unions, except by express authorization from the Gen-  
337 eral President pursuant to the authority granted to him by Article Three (3),  
338 Section 2(g), of this Constitution.

### 339 **SECTION 8 – VOLUNTARY DISSOLUTION**

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

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

348 **SEC. 8(c).** No vote shall be taken on the question of dissolution or volun-  
349 tary surrender of a charter of a local union except at a meeting specially called  
350 for that purpose after thirty (30) days' notice in writing, to every member of  
351 such local union, designating the time and place of such meeting and the pur-  
352 poses for which it is called.

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

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



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

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

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

**SECTION 10 – SURRENDER OF PROPERTY**

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

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

399 If within any period provided for in the preceding paragraph of this Sec-  
400 tion (a) as a result of appeal, the said local union is re-established; (b) a new  
401 local union is established to take over the jurisdiction of said local union;  
402 or (c) the jurisdiction and membership of said local union is transferred to  
403 another local union; the General Secretary-Treasurer shall forthwith sur-  
404 render the funds and property then in his or her hands to such local union. In  
405 the event the funds and property are not surrendered to a local union by the  
406 General Secretary-Treasurer as provided in this Section, they shall become the  
407 property of this Association.

408

### SECTION 11 – REPORTS

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

419 At the close of the fiscal year, the trustees shall have all financial books and  
420 records for that year audited by an independent certified public accountant, or  
421 chartered accountant in Canada, who shall submit a copy of the audit to the  
422 local union and a copy to the General Secretary-Treasurer along with the man-  
423 agement letter if applicable, not later than ninety (90) days after the close of the  
424 fiscal year. The General Secretary-Treasurer may waive or modify this require-  
425 ment for good cause with respect to local unions with less than three hundred  
426 (300) members. The trustees once a year shall physically verify or confirm  
427 directly with the custodian or broker the existence of all securities deposited in  
428 the name of the local union or in the street name with any securities firm.

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

434

### SECTION 12 – OFFICIAL SUPPLIES

435 **SEC. 12.** All Constitutions and Rituals, official receipts, application  
436 and report forms, cards, books and all other supplies necessary to the

proper conduct and operation of local unions, shall be purchased from the General Office and shall be forwarded to local unions in good standing on receipt of orders from the duly authorized officers of said local union at list price; money order, check or bank draft for the amount due to accompany each order. Copies of the Constitution, as amended, shall be forwarded, free of charge, to local unions in good standing for distribution to their members in good standing on a one time basis subsequent to the conclusion of each General Convention. Fifteen (15), Twenty-Five (25), Forty (40), Fifty (50) and Sixty (60) year pins shall be furnished to local unions free of charge. A special presentation shall be provided to honor Seventy (70)-year members.

### SECTION 13 – LOCAL UNION FUNDS

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

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

### SECTION 14 – DISBURSEMENTS

**SEC. 14.** Except for per capita dues, fees and obligations due this Association, no bills or obligations shall be paid from the funds of local unions except by vote of the membership and on checks with at least two signatures, that of the financial secretary-treasurer and the other of the president or another officer duly authorized by the local union except a trustee, provided, however, that initial approval of commitments for salaries, rent, telephones and similar recurring expenditures required in the normal and regular operation of the union shall be

475 sufficient compliance with this Section, but such expenditures shall be itemized  
476 in the report of the financial secretary-treasurer and read at the meeting. In lieu  
477 of issuing checks, the local union may make electronic disbursements provided  
478 that the process is consistent with the requirement of two signatures and requires  
479 proper segregation of duties between the financial secretary-treasurer and the  
480 president or other duly authorized officer which can and shall be verified by an  
481 audit trail.

### 482 **SECTION 15 – COMMITTEES**

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

### 494 **SECTION 16 – APPEALS FOR AID**

495 **SEC. 16.** There shall be established, maintained, and promoted by the Inter-  
496 national Association a fund to be known as the SMART Disaster Relief Fund  
497 for the purpose of providing financial assistance to SMART members who  
498 incur extraordinary losses due to disasters. This Fund will be dependent on vol-  
499 untary contributions received from members, local unions, and councils, and  
500 when warranted, grants from the General Fund as determined by the General  
501 Executive Council. The Disaster Relief Committee, composed of the Gen-  
502 eral President, General Secretary-Treasurer and First Vice President, will review  
503 applications from local unions for disaster relief and decide whether and how  
504 much financial relief should be approved.

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

**SECTION 17 – GENERAL OBLIGATIONS**

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

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

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

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

**ARTICLE ELEVEN (11)  
Local Union or Council Benefit Plans**

**SECTION 1 – RESPONSIBILITY**

**SEC. 1.** Whenever a local union or council establishes and operates any local, district or state plan to provide sick, out of work, or death benefits or any other form of benefit or relief for the members thereof, said local unions and councils assume full responsibility for the operation and likewise full liability for the payment of all financial obligations in accordance with the established rules and regulations governing said local benefit or relief plan and likewise in accordance with the laws of the respective states or territories. This Association shall not be in any way financially or otherwise connected, involved, responsible or liable for the payment of any claims or judgments filed or rendered against any local union or council in connection with said local sick, out of work, or death benefit or other local benefit or relief plans.

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

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

**ARTICLE TWELVE (12)**  
**Local Union Officers, Business Managers, and Business Representatives**

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

1           **SEC. 1.** The officers of each local union shall be a president, vice president,  
2 recording secretary, financial secretary-treasurer, conductor, warden, the  
3 members of the local union Executive Board and at least three (3) trustees.  
4 Except as provided in Section 3 of this Article, any offices and positions, the  
5 duties of which are not inconsistent, may be combined, or offices and positions  
6 previously combined may be separated by action of the local union at  
7 a special called meeting or as a special order of business at a regular meeting  
8 held not less than sixty (60) days prior to the next regular election. The positions  
9 of conductor and warden may be combined at any time a vacancy in  
10 either position occurs with a thirty (30) day notice to the membership of the  
11 intent to combine such positions prior to appointment or election as a special  
12 order of business at a regular union meeting.  
13

**SECTION 1(a) – FINANCIAL SUPPORT FOR CAMPAIGN**

14           **SEC. 1(a).** No candidate, including a prospective candidate for any position  
15 set forth in Article Twelve (12), Sections 1 or 2, and supporter of a candidate,  
16 may solicit or accept financial support, or any other direct or indirect support  
17 of any kind, except an individual's own volunteered personal time, from  
18 any non-member, or associate or honorary member; nor may an owner-member,  
19 lawyer or employer volunteer personal time in support of such a prospective  
20 candidate.  
21

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

22           **SEC. 2.** Each local union shall have one (1) business manager and may  
23 have additional business representatives all of whom shall be elected by the  
24 local union at the same time and in the same manner and for the same term as  
25 local union officers, provided that if, during the regular term of office of local  
26 union officers, a local union shall approve the election of additional business  
27 representatives they shall be elected during such term to serve until the next  
28 regular election of officers, business manager and business representatives.  
29

**SECTION 3 – QUALIFICATIONS**

30           **SEC. 3.** Under no circumstances shall the offices of president and financial  
31 secretary-treasurer be combined, nor shall the president, vice president,  
32 financial secretary-treasurer or recording secretary be eligible or permitted to  
33

act or serve as trustee of the local union, nor may the business manager or business representatives or trustees be eligible or permitted to act or serve as members of the Executive Board except where the offices of the business manager or business representative have been combined with those of president, vice president or recording secretary, in accordance with this Section.

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

The foregoing qualifications shall be required of members of local unions which have resulted from amalgamation, merger or separation of local unions except that if good standing has been continuous or unbroken then good standing membership in all local unions involved in the amalgamation, merger or separation shall be counted; however, the local union good standing of members who transfer from one local union to another after the amalgamation, merger

73 or separation has been completed, or following transfer time limits prescribed in  
74 connection with the amalgamation, merger or separation, shall commence with  
75 the date of transfer.

#### 76 **SECTION 4 – NOMINATION**

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

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

#### 90 **SECTION 5 – NOTICE**

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

#### 98 **SECTION 6 – ELECTIONS**

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

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



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

**SEC. 6(b).** A “secret ballot” vote shall mean the expression by ballot, voting machine or other electronic means approved by the General Executive Council, of a choice by the member cast in such manner that such member cannot be identified with his or her vote. All election records, including ballots, shall be preserved for one (1) year by an officer designated by the local union or by the recording secretary if no other officer is designated.

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

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

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

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

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

149 **SEC. 6(e). CONTESTING ELECTIONS.** Complaints as to the violation of this Consti-  
150 tution or applicable law in the conduct of a local union election shall be filed with  
151 the General President within seven (7) days from the date of the election report of  
152 the recording secretary, provided, however, that any member having knowledge of  
153 an alleged irregularity in an election during the time it is being conducted who fails  
154 to notify the judge of election of same immediately upon acquiring such knowl-  
155 edge shall not be entitled to an appeal to the General President upon such irreg-  
156 ularity. The decision of the General President shall be final and not subject to  
157 further appeal.

### 158 **SECTION 7 – TERM OF OFFICE**

159 **SEC. 7.** Local union officers, business manager and business representa-  
160 tives shall be installed at the first regular meeting in the month of July following  
161 their election. All local union officers, business manager and business representa-  
162 tives shall be elected to serve a term of three (3) years. Whenever there is a change in  
163 the business manager or the financial secretary-treasurer, the local union shall have  
164 the financial books and records audited by an independent certified public account-  
165 ant or chartered accountant in Canada, from the beginning of the fiscal year until  
166 the date the new business manager or financial secretary-treasurer is installed. The  
167 General Secretary-Treasurer may waive or modify this requirement for good cause.

### 168 **SECTION 8 – VACANCIES**

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

175 No incumbent of any office or position in a local union shall be eligible for nom-  
176 ination, election or appointment to fill a permanent vacancy in accordance with the  
177 provisions of this Section 8(a) unless prior thereto he or she resigns irrevocably in  
178 writing from the office or position of which he or she is the incumbent. While such  
179 resignation shall be submitted in advance of nomination or appointment, the effec-  
180 tive date shall be no later than the date that the newly elected or appointed officer(s)  
181 takes office.

182 **SEC. 8(b).** When a temporary vacancy occurs, the local union shall fill such  
183 office or position pro tem by election or appointment by the local union Executive  
184 Board as the local union may decide. The term of such pro tem officer shall con-  
185 tinue until the resumption of office by the officer who vacated it or until the next  
186 regular election, whichever occurs first.

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

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

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

### SECTION 9 – SALARIES

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

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

### SECTION 10 – PENSIONS

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

Employees of related organizations, however, shall be eligible for coverage under either of the said SMART Local Unions and Councils Pension

225 Funds if permitted under its Trust Agreement and/ or Plan, and if such  
226 coverage does not adversely affect either said Fund's tax exempt status or  
227 its financial integrity.

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

230 **SEC. 10(c).** Each U.S. local union and council shall pay each month to  
231 the SMART Local Unions and Councils Pension Fund (United States) an  
232 amount equal to fourteen percent (14%) of the gross monthly compensation  
233 of each covered salaried official and eligible employee in the Transporta-  
234 tion Division and an amount equal to seventeen percent (17%) of the gross  
235 monthly compensation of each other covered full-time salaried official  
236 and eligible employee, and such additional percentage or amount that is (1)  
237 required to satisfy the minimum funding requirements imposed by the Inter-  
238 nal Revenue Service and ERISA applicable to the Fund, (2) required under  
239 the default schedule(s) published by the Fund, or (3) otherwise required by  
240 federal law, which shall be a standing appropriation and shall not require  
241 a vote of the local union or council, or such lower percentage or amount as  
242 the trustees of the Fund determine by applying the foregoing criteria. Each  
243 Canadian local union and council shall pay to the SMART Local Unions  
244 and Councils Pension Fund (Canada) up to seventeen percent (17%) of the  
245 gross monthly compensation of each covered full-time salaried official as  
246 determined by the trustees of the SMART Local Unions and Councils Pen-  
247 sion Fund (Canada) or such greater percentage as is required to satisfy the  
248 minimum funding requirements imposed by the provisions of the Income Tax  
249 Act (Canada) and the Pension Benefits Act of Ontario applicable to the Fund  
250 (Canada) or which otherwise shall be in compliance with applicable laws and  
251 shall be considered a standing appropriation and shall not require a vote of  
252 the local union or council.

253 **SEC. 10(d).** To the extent permitted by federal and provincial laws, and not-  
254 withstanding any other provisions of this Section to the contrary, each Cana-  
255 dian local union and council shall pay to the Canadian Dues Defense Fund,  
256 herein established and maintained by the International Association, an assess-  
257 ment in an amount to be determined by the trustees of the SMART Local  
258 Unions and Councils Pension Fund (Canada) which is based on a percent-  
259 age of the gross monthly compensation paid to all full-time salaried officials  
260 who participate in the SMART Local Unions and Councils Pension Fund  
261 (Canada) provided that the combined contributions to the SMART Local  
262 Unions and Councils Pension Fund (Canada) authorized in Section 10(c) and  
263 the Canadian Dues Defense Fund shall not exceed seventeen percent (17%) or

such greater percentage as may be required under Section 10(c) in the aggregate. The Canadian Dues Defense Fund shall be used for the purpose of dealing with uniquely Canadian problems that require particularized attention. The assessment in question shall be a standing appropriation and shall not require a vote of the local union or council.

### SECTION 11 – REMOVAL

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

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

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

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

### SECTION 12 – TRAINING

**SEC. 12.** All full-time officers and agents are required to take the following

302 courses offered by, or recognized by the Association: the new business agents'  
303 class during the first year of their first term in office, the basic organizing class in  
304 the first term in office, and two (2) classes of their choosing in their second term.  
305 Financial secretary-treasurers shall be required to take the financial secretary-  
306 treasurer class training in the first year after taking office. Credit shall be given  
307 for courses taken before election.

## **ARTICLE THIRTEEN (13)**

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

#### **SECTION 1 – DUTIES OF LOCAL UNION PRESIDENT**

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

#### **SECTION 2 – DUTIES OF LOCAL UNION VICE PRESIDENT**

13  
14 **SEC. 2.** The vice president shall assist the president in the performance of his  
15 or her official duties; perform the duties of the president when the president is  
16 absent from meetings and perform such other official duties as may be assigned  
17 to him or her by the local union, consistent with the provisions of this Constitu-  
18 tion and the policies of this Association.

#### **SECTION 3 – DUTIES OF RECORDING SECRETARY**

19  
20 **SEC. 3.** The recording secretary shall keep correct minutes of each meet-  
21 ing and read the same at the opening of the next meeting; read all offi-  
22 cial communications, documents, bills and expenses received by the local  
23 union except those coming within the jurisdiction of the financial secretary-  
24 treasurer; act as secretary of the local union Executive Board; keep a correct  
25 record of the names and addresses of all good standing members; issue all  
26 notices for meetings; keep a record of all registered apprentices and appli-  
27 cations for membership; have charge of the official seal and affix same to

all official correspondence and documents; review all bills and other obligations approved by the local union; notify the General Secretary-Treasurer of any change in any officers, business manager or business representatives of the local union and any changes in the addresses thereof; furnish the General Secretary-Treasurer with information about trials of, and discipline imposed against, members for misconduct; in the absence of both the local president and local vice president, call meetings to order and direct the local union to select a presiding officer pro tem; and perform such other duties as may be assigned to him or her by the local union consistent with this Constitution and the policies of this Association.

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

##### **SEC. 4(A). GENERAL.** The financial secretary-treasurer shall:

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

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

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

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

(e). Forward to the General Secretary-Treasurer in either electronic format

66 approved by the General Secretary-Treasurer, or when in print form the white  
67 duplicates of all receipts issued by him or her or by any other authorized offi-  
68 cer or representative of the local union, including those issued on the last  
69 day of the month, together with his or her monthly or quarterly report and  
70 money order, bank draft, check, direct deposit, electronic transfer or auto-  
71 mated clearinghouse,(ACH) network for the per capita dues and fees due this  
72 Association in time to reach the General Office not later than the tenth (10th)  
73 day of the following month.

74 The quarterly report shall include a statement showing all of the net assets  
75 of the local union including but not limited to the general fund, organiz-  
76 ing fund, wage equalization or other such purposed funds, building fund and  
77 all other separated funds, the value of all properties real and personal of the  
78 local union and the reconciliation of outstanding obligations of the previous  
79 quarterly report. Whenever in the judgment of the General Secretary-Treasurer  
80 it is deemed impractical to require a local union to report on a monthly basis,  
81 he or she may upon the request of the local union extend such time to a quar-  
82 terly basis. The financial secretary-treasurer of local unions reporting on a  
83 quarterly basis shall submit estimated per capita dues on a monthly basis and  
84 send his or her quarterly report and per capita dues or fees due this Association  
85 to the General Secretary-Treasurer not later than the tenth (10th) day follow-  
86 ing the end of the quarter reported.

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

94 (f). Included in the monthly report to the General Secretary-Treasurer  
95 a record of all initiations, reinitiations, suspensions, reinstatements, trans-  
96 fer cards issued and accepted, withdrawal cards issued and accepted, mem-  
97 bers expelled and deceased and all legal obligations due from suspended and  
98 expelled members to and including date of suspension or expulsion.

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

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



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

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

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

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

4(B). **OFFICIAL RECEIPTS.** Each and every official receipt issued in either electronic form or if printed in triplicate form shall clearly record the name of the applicant or the name and membership number of the member, the local union number, the actual date of payment and the actual amount of money paid by applicant or member, properly checked and applied in spaces provided therein, and the amount recorded paid on official receipts either in electronic or in triplicate form shall in no case be less than the actual amount due for obligations checked and recorded thereon. Each official electronic or printed triplicate receipt issued shall bear the signature or the authorized printed or facsimile signature in the case of computer issued receipts of the financial secretary-treasurer or other duly authorized officer of the local union issuing same.

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

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

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

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

144 Whenever officers or representatives other than the financial secretary-treasurer  
145 are duly authorized by local unions to collect dues, fees and other obligations from  
146 applicants or members, said officers or representatives shall acknowledge and  
147 record all payments made to them by applicants or members on official receipts in  
148 an electronic or triplicate form, and no other form of receipt shall be issued or recog-  
149 nized, and they shall turn over to the financial secretary-treasurer of the local union  
150 at each regular meeting all electronic or printed white duplicate (copies) of official  
151 receipts issued by them between meetings with the total amount of monies collected  
152 and recorded on electronic or printed white duplicate (copies) of official receipts  
153 so that the financial secretary-treasurer shall enter proper credit to the account of  
154 those involved.

155 Electronic or printed white duplicate official receipts filed at the General Office  
156 by local unions that are not actual copies of original official receipts, or that have  
157 not been issued consecutively according to serial number and according to dates  
158 or which show erasures, change in name, change in amount, change in date or any  
159 other alteration or that record any money not actually paid shall not be accepted  
160 or applied to the credit of the member or person involved; nor shall any Interna-  
161 tional fees or dues be accepted on said receipts. The original copy of all said receipts  
162 issued contrary to the requirements of this Constitution shall be taken up by the  
163 local financial secretary-treasurer and surrendered to the General Secretary-Tre-  
164 surer to be properly corrected or canceled and declared void as the facts in the case  
165 may warrant.

166 Notwithstanding the above and providing the technology comes into existence,  
167 the General Secretary-Treasurer, with the approval of the General Executive Coun-  
168 cil, has the authority to implement an electronic means of issuing, receiving, filing  
169 and storing official receipts so long as adequate safeguards are in place.

## 170 SECTION 5 – DUTIES OF TRUSTEES

171 **SEC. 5.** The trustees shall have supervision over all funds and property of the  
172 local union, subject to the provisions of this Constitution and any instructions  
173 from the local union not inconsistent therewith. They shall require the finan-  
174 cial secretary-treasurer to deposit all monies, securities, and certificates of value  
175 in the name of the local union in such bank as the local union may designate;  
176 shall arrange with the proper officers of said bank that no funds, securities or  
177 certificates of value shall be drawn from the account of the local union except  
178 on check or draft signed by the financial secretary-treasurer and one or more  
179 other officers duly authorized by the local union or by electronic disbursement  
180 in compliance with Article Ten (10), Section 14; examine the financial state-  
181 ments and all books and records of the financial secretary-treasurer at the end

of each quarter ending March 31, June 30, September 30, and December 31, 182  
 and conduct a proper audit of such accounts; submit a certified report of this 183  
 examination and audit to the local union and a duplicate original thereof to 184  
 the General Secretary-Treasurer; have authority to demand and examine all 185  
 books and records of the financial secretary-treasurer for the purpose of an 186  
 audit at any time and notify the General Secretary of any refusal or failure 187  
 of the financial secretary-treasurer to surrender his or her books and records 188  
 for examination and audit either at the end of each quarter or upon demand 189  
 of the trustees. They shall require an independent audit by a certified public 190  
 accountant on an annual basis in accordance with the requirements of Article 191  
 Ten (10), Section 11(a), of this Constitution. 192

### SECTION 6 – DUTIES OF CONDUCTOR 193

**SEC. 6.** It shall be the duty of the conductor to examine official receipts of 194  
 all members attending meetings and report to the president or presiding officer 195  
 at the opening of the meeting the name of anyone who is not in good standing 196  
 or is ineligible to participate in the meeting; obtain the names of all applicants 197  
 awaiting initiation and report the same to the presiding officer; conduct quali- 198  
 fied applicants through the initiation ceremony and perform such other duties 199  
 as may be assigned to him or her by the local union consistent with the provi- 200  
 sions of this Constitution. 201

### SECTION 7 – DUTIES OF WARDEN 202

**SEC. 7.** The warden shall take charge of the door at each meeting and see 203  
 to it that none but members in good standing and entitled to participate in the 204  
 meeting are admitted. A member who applies for admission without his or her 205  
 official receipt shall be announced by name and membership number, and, if 206  
 the records of the financial secretary-treasurer show him or her to be in good 207  
 standing and he or she is properly identified, he or she shall be admitted. The 208  
 warden shall allow no members to retire without permission of the president or 209  
 presiding officer, and shall perform such other duties as may be assigned to him 210  
 or her by the local union consistent with the provisions of this Constitution. 211

### SECTION 8 – DUTIES OF BUSINESS MANAGER AND BUSINESS 212

#### REPRESENTATIVES 213

**SEC. 8(a). BUSINESS MANAGER.** The business manager shall have authority to 214  
 direct and supervise all business representatives and shall serve as chairman of 215  
 the committee which negotiates wages, hours, and conditions of employment. 216  
 He or she shall appoint all committees for which provisions are made in col- 217  
 lective bargaining agreements as well as appoint all labor trustees of jointly 218

219 administered trust funds unless otherwise provided in the respective trust  
220 fund documents. The business manager by virtue of his or her office shall  
221 serve as trustee on all negotiated trust funds although he or she may appoint  
222 a business representative in his or her place instead without the need for execu-  
223 tive board approval. The Business Manager shall have authority to implement  
224 the provisions of Resolution 78. The text of which is printed as an appendix to  
225 this document.

226 **SEC. 8(b). BUSINESS MANAGER AND BUSINESS REPRESENTATIVES.** Business man-  
227 agers and business representatives shall represent their local unions and mem-  
228 bers thereof in matters pertaining to organizing the unorganized, collective  
229 bargaining agreements and enforcement thereof, wages, hours, conditions of  
230 employment and jurisdictional matters and supervise the conduct and activities  
231 of members in connection therewith to the end that provisions of this Constitu-  
232 tion and the policies of this Association are complied with; assist and cooperate  
233 with the officers of local unions, and the members thereof in carrying-out the  
234 provisions of this Constitution; use their best efforts to adjust and settle such  
235 controversies as may arise in connection with complaints of members, consis-  
236 tent with the rights of those involved in accordance with the provisions of the  
237 Constitution and policies of this Association.

238 In all matters involving jurisdiction of work, business managers and business  
239 representatives shall recognize, protect and be governed by the jurisdictional  
240 claims and rights of this Association as set forth in Article One (1), Section 5,  
241 of this Constitution and shall not waive or relinquish claim to any work speci-  
242 fied therein.

243 All newly elected business managers and business representatives are required  
244 to attend the new business agents' class conducted by the Education Depart-  
245 ment within one (1) year of election.

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

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

## 255 SECTION 9 – CONVENTION DELEGATES

256 **SEC. 9. AUTOMATIC DELEGATES.** Subject to the provisions of Article Seven

(7), Section 3, by virtue of their offices and as part of their duties as such, the elected full-time salaried officers, business manager and business representatives of each local union, and the president and/or business manager of a production, federal or shipyard local without full-time salaried officers, shall serve as delegates of the local union to the General Convention of this Association, provided that this Section shall not be applied in such manner as to entitle any local union to more delegates

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

**ARTICLE FOURTEEN (14)**  
**Local Union Executive Board**

**SECTION 1 – MEMBERSHIP**

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

**SECTION 2 – MEETINGS**

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

**SECTION 3 – DUTIES**

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

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

## ARTICLE FIFTEEN (15) Stewards

### SECTION 1 – APPOINTMENT

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

### SECTION 2 – DUTIES

5  
6 **SEC. 2(a).** It shall be the duty of a steward to observe conditions of employment and the conduct of members to the end that the duties and obligations of members and provisions of existing union agreements shall be complied with; to assist whenever possible in adjusting differences or misunderstandings which arise out of the interpretations or applications of the provisions of existing union agreements in connection with the employment of members in shops or on jobs; to advise eligible applicants for membership regarding the requirements of membership and refer said applicants to the financial secretary-treasurer or the business representatives of the local union; to direct traveling members of other local unions who are seeking employment to report to the financial secretary-treasurer, business manager or business representative and to comply with the provisions of this Constitution regarding the deposit of transfer cards; and to submit regular reports to the local union and to immediately report to the president, business manager or business representative any matter which warrants or requires their attention.

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

## ARTICLE SIXTEEN (16) Membership

### SECTION 1 – QUALIFICATIONS

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

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

**SEC. 1(c). OWNERS OR PARTNERS IN BUSINESS.** Except as otherwise provided in Section 1(d) hereof no owner, partner, agent, contractor, subcontractor, jobber, or any other person who is directly or indirectly financially interested in or who is an officer of or otherwise involved in the management of a sheet metal shop, business or job shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. No person compensated on a lump sum, piece work or other basis, that is not in accordance with the wage scales and working conditions established by this Association and the local unions and councils affiliated therewith, except when the person is subject to a union organizing campaign, shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. Financial interests within the meaning of this Section shall not include ownership of stocks and securities listed on the New York, American, or NASDAQ stock exchanges, or stock ownership in a signatory employer pursuant to an Employee Stock Ownership Plan (ESOP) negotiated with the members' local union.

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

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

(2). An owner-member shall not be entitled to attend any meetings or be permitted to vote for election of local union officers or on any question pertaining to wages, hours, benefits, or other terms or conditions of employment or on the acceptance or rejection of a collective bargaining agreement,

46 and further, shall not be permitted to serve in a representative capacity or hold  
47 any office or position in the local union. An owner-member who returns to  
48 any classification represented by this Association shall not be permitted to run  
49 for local union office in any local union affiliated with SMART for a period  
50 of one (1) year. Such period starts from the date that his or her classification is  
51 changed on an official dues receipt issued by the financial secretary-treasurer  
52 of the local union.

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

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

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

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

67 **SEC. 1(e). MEMBERSHIP IN ONE LOCAL UNION.** Except as otherwise provided in  
68 this Constitution no member shall be permitted or required to hold member-  
69 ship in more than one (1) affiliated local union at the same time, nor shall any  
70 member be required to pay dues or assessments into any other affiliated local  
71 union or building trades council as a condition of membership or employment,  
72 except the local union in which he or she is properly recorded as a member and  
73 the building trades council with which his or her local union is affiliated.

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

79 **SEC. 1(f). ASSOCIATE MEMBERSHIP.** Each applicant for Associate Membership  
80 must be of good moral character and concerned with the issues affecting mem-  
81 bers and this Association.

82 Applicants for Associate Membership shall file an application with the  
83 General Secretary-Treasurer. If the applicant is found to be eligible, he or she  
84 shall be granted membership. The General Executive Council will be notified



periodically of all new Associate Members. 85

An Associate Member shall not be entitled to attend local union meetings 86  
or be permitted to vote for election of local union officers. 87

Associate Members shall pay dues at the rate of Twelve Dollars (\$12.00) 88  
per year. The General Executive Council shall establish and change the dues 89  
as it deems appropriate. Dues shall be paid directly to the General Secretary- 90  
Treasurer, and shall be acknowledged on official receipts. Standing of Asso- 91  
ciate Members shall be determined by duplicate copies of official receipts 92  
properly issued recording payments actually made in the manner specified in 93  
this Constitution. 94

When an Associate Member becomes delinquent in the payment of Asso- 95  
ciate Membership dues, he or she shall be recorded suspended by the Gen- 96  
eral Secretary-Treasurer without notice. 97

## SECTION 2 – APPLICATION FOR MEMBERSHIP 98

**SEC. 2. FORM OF APPLICATION.** Each qualified applicant for membership 99  
shall fill out the standard form of application or approved electronic digital 100  
version prepared by this Association, which shall be accompanied by a deposit 101  
of not less than Fifty Dollars (\$50.00) toward the payment of initiation fee and 102  
be filed with the financial secretary-treasurer, who shall accept the application 103  
and notify the applicant. 104

The financial secretary-treasurer shall report a list of new members to the 105  
executive board or to the next regular meeting of the local union. Anyone who 106  
shall certify to any false statement or answer on official form of application 107  
for membership or who shall otherwise by false pretense, misrepresentation 108  
or fraud attempt to secure membership in this Association or any local union 109  
or council thereof, shall immediately have his or her application rescinded and 110  
forfeit all monies paid by him or her toward initiation fees. 111

## SECTION 3 – INITIATION AND REINITIATION 112

**SEC. 3(a).** Every applicant shall be initiated upon receipt by the local union 113  
of the deposit toward initiation fee and one month's dues which payment must 114  
be paid within eight (8) days after the beginning of his or her employment or as 115  
soon as the local union is permitted by law to require payment. He or she shall 116  
be notified to appear at a meeting of the local union to take the obligation 117  
of membership, or complete the standard official form of application in the 118  
presence of two (2) members, and acknowledge that he or she (1) has been fur- 119  
nished with a copy of the Constitution and Ritual of this Association and shall 120  
be responsible to examine and subscribe to same; (2) agrees to be governed by 121  
the principles and policies of this Association and this Constitution thereof 122

123 as they then exist or as they may be changed or amended thereafter; and (3)  
124 will further abide by the valid by-laws, rules, and decisions of the local union.  
125 An applicant for initiation or reinitiation shall be recognized as a member by  
126 this Association unless the application is subsequently disapproved by the  
127 General Secretary-Treasurer or unless all initiation fees and per capita dues  
128 required by this Constitution are not timely paid by him or her.

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

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

141 **SEC. 3(d).** Any qualified applicant who has filed application for member-  
142 ship in a local union and who has actually paid Fifty Dollars (\$50.00) or more  
143 to apply on the established initiation or reinitiation fee of the local union in  
144 which application for membership has been filed, and who then leaves the  
145 jurisdiction of said local union, shall, provided he or she complies with all  
146 other requirements of this Constitution, be accepted and obligated as a mem-  
147 ber of the local union with which he or she has filed application, with credit for  
148 a special initiation fee after which he or she shall, subject to the provisions of  
149 Section 9 of Article Sixteen (16), be entitled to a transfer card with credit only  
150 for the amount of Fifty Dollars (\$50.00) or more, special initiation fee actu-  
151 ally paid. In the event such member fails to deposit the transfer card provided  
152 for in this paragraph, his or her initiation shall be void and he or she shall be  
153 restored to his or her status as an applicant for membership with credit on ini-  
154 tiation fee of the amount actually paid.

155 **SEC. 3(e).** Any qualified applicant who has filed application for member-  
156 ship in a local union and who has actually paid less than Fifty Dollars (\$50.00)  
157 to apply on the established initiation or reinitiation fee of the local union in  
158 which application for membership has been filed, and who then leaves the  
159 jurisdiction of said local union, shall immediately on entering the jurisdic-  
160 tion of another local union, present to the financial secretary-treasurer, busi-  
161 ness manager or business representative of said local union official receipts

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

#### SECTION 4 – FORFEITURE OF INITIATION FEE

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

#### SECTION 5 – UNAUTHORIZED FEES

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

#### SECTION 6 – WITHDRAWAL CARDS

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

**SEC. 6(b). APPLICATION.** Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such applications shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued plus Fifty

199 Dollars (\$50.00) except as provided in Section 13 of Article Twenty-Two (22)  
200 of this Constitution. The General Secretary-Treasurer may reduce or waive  
201 the withdrawal fee for a local union, upon request.

202 **SEC. 6(c). OWNERS OR PARTNERS IN BUSINESS.** Good standing members who  
203 become owners, partners, agents, contractors, or subcontractors or who  
204 become directly or indirectly financially interested or involved in the manage-  
205 ment of a sheet metal shop or business as officers or otherwise shall be eli-  
206 gible to receive and retain withdrawal cards only if, (1) such sheet metal shop  
207 or business in which they are interested continues to operate under a Union  
208 Agreement with the local union in whose jurisdiction such business is con-  
209 ducted, (2) not more than one (1) person connected or associated with the  
210 management of the sheet metal shop or business in which they are interested,  
211 whether such persons hold withdrawal cards or not, works with the tools of  
212 the trade and then in the shop only, and (3) at least one (1) member of this  
213 Association is employed on all work covered by Article One (1), Section 5 of  
214 this Constitution. A member who acquires stock ownership with a signatory  
215 employer pursuant to an ESOP negotiated with the members' local union shall  
216 be prohibited from receiving a withdrawal card.

217 **SEC. 6(d). RIGHTS AND PRIVILEGES.** Members on withdrawal card, subject to  
218 the provisions of Section 1(d)(2) of this Article and excluding railroad supervi-  
219 sors, shall have the right to attend meetings but shall not be eligible to actively  
220 participate in any meeting of a local union or council of this Association, nor  
221 shall any such member be eligible for nomination, election or appointment, or  
222 be permitted to serve, as officer, representative, delegate, business manager,  
223 business representative or committeeman unless he or she returns to active ser-  
224 vice and is available for work or has worked at the trade for not less than two  
225 (2) years immediately prior to the date of nomination or appointment.

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

232 Each applicant for reinstatement on withdrawal card is entitled to credit  
233 for the actual amount of initiation or reinitiation fee paid prior to the issu-  
234 ance of his or her withdrawal card, and shall be required to pay the differ-  
235 ence between the amount of last initiation or reinitiation fee actually paid and  
236 the established initiation fee of the local union at the time that the withdrawal  
237 card is presented for reinstatement, except that a member who deposits his or

her withdrawal card solely for the purpose of obtaining a transfer card shall pay the difference of initiation fee, if any, to the local union in which he or she deposits his or her transfer card and not to the local union that issued the withdrawal card.

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

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

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

### SECTION 7 – LIMITED MEMBERSHIP

**SEC. 7(a). ELIGIBILITY.** Limited Membership may be granted to good standing members over sixty (60) years of age whose earning capacity has been substantially reduced because of age, retirement or disability and who have maintained a continuous good standing record of twenty-five (25) or more consecutive years; provided however, that in Canada only, Limited Membership may be granted to Canadian members over fifty-five (55) years of age if

276 all other conditions of eligibility of this Section 7(a) are met.

277 **SEC. 7(b). APPLICATION.** Applicants for Limited Membership shall file an  
278 application in the local union of which they are members and if such applica-  
279 tion is approved by the local union it shall be submitted to the General Secre-  
280 tary-Treasurer for check as to eligibility. If the applicant is found to be eligible  
281 by the General Secretary-Treasurer, he or she shall be granted Limited Mem-  
282 bership subject to the conditions prescribed in this Section.

283 **SEC. 7(c). RIGHTS AND PRIVILEGES.** Limited Members may attend meet-  
284 ings, but Limited Members shall not be eligible to actively participate in any  
285 meeting of a local union or council of this Association, nor shall they be eli-  
286 gible to nomination, election or appointment or be permitted to serve as offi-  
287 cers, representatives, delegates, business manager, business representatives  
288 or committeemen.

289 **SEC. 7(d). DUES.** Limited Members shall pay dues at the rate of Forty-Eight  
290 Dollars (\$48.00) per year, said dues to be paid quarterly in advance on or  
291 before the first (1st) day of January, April, July, and October of each year.  
292 Said Limited Membership dues shall be paid directly to the financial secre-  
293 tary-treasurer of the local union with which the member is affiliated or to the  
294 General Secretary-Treasurer, and shall be acknowledged and recorded on  
295 official receipts. Standing of Limited Members shall be determined by either  
296 electronic format or duplicate (copies) of official receipts properly issued  
297 recording payments actually made in the manner specified in this Constitution.

298 **SEC. 7(e). FORFEITURE.** When a Limited Member becomes two (2) consecu-  
299 tive months delinquent in the payment of Limited Membership dues, he or she  
300 shall be recorded suspended by the local financial secretary-treasurer or by  
301 the General Secretary-Treasurer without notice and shall thereby forfeit his  
302 or her privilege of Limited Membership. The privilege of Limited Member-  
303 ship thus forfeited shall not thereafter be reinstated or restored.

## 304 **SECTION 8 – MEMBERS ENTERING THE ARMED FORCES**

305 **SEC. 8(a).** Members whose dues per capita dues and other obligations due  
306 the local union and this Association are paid to and for the month in which  
307 they enter the armed forces of the United States or Canada may, notwith-  
308 standing any provisions of this Constitution to the contrary, either make  
309 application for a special withdrawal card or for Special Limited Member-  
310 ship in accordance with and subject to the condition hereafter provided.  
311 Members on a regular withdrawal card are not eligible to make application  
312 for a special withdrawal card or for Special Limited Membership.

313 **SEC. 8(b).** Special Limited Memberships provided for in this Article

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

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

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

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

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

**SEC. 8(c).** Special withdrawal cards issued to members entering the armed forces shall be effective as of the date of actual entry into active service and shall continue in effect until three (3) months after the actual date of discharge. If, within said three (3) month period, the holder of such special withdrawal card shall have filed application for reinstatement in the local union issuing such special withdrawal card accompanied by dues at the regular rate of such local union beginning with the date of application for reinstatement and photostatic copy of the Honorable Discharge or other official evidence of release from active service

353 which shall be forwarded to the General Secretary-Treasurer, he or she shall be  
354 reinstated to membership without payment of reinstatement fee or the difference  
355 between initiation fee paid and initiation fee at the time of such reinstatement.

356 The holder of such special withdrawal card shall be entitled to none of  
357 the rights, privileges and benefits of membership; but on reinstatement to mem-  
358 bership in accordance with the provisions of this Section, his or her record of  
359 continuous good standing previously established to and including the month of  
360 actual entry into service shall be restored, but without credit for the period dur-  
361 ing which said special withdrawal card was effective.

### 362 SECTION 9 – TRANSFER CARDS

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

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

373 **SEC. 9(c).** No member shall be entitled to a transfer card unless all local  
374 union and Association obligations are paid in full, including dues in advance  
375 to and including the month in which the transfer card expires, plus One Dol-  
376 lar (\$1.00) transfer fee. Any dues paid beyond the month in which the transfer  
377 card expires, will be paid by the issuing local union to the admitting local union,  
378 less the per capita dues. Of these dues, if the dues structure is higher in the  
379 admitting local union, the member will be required to pay the difference to the  
380 admitting local union, less the per capita dues which was previously paid to the  
381 International by the issuing local union.

382 **SEC. 9(d).** The financial secretary-treasurer of each local union is obli-  
383 gated to issue official transfer cards to good standing members in the manner  
384 specified in the Constitution without action or approval of the members of the  
385 local union.

386 **SEC. 9(e).** When a transfer card is issued by a local union it shall bear the  
387 signature of the president and financial secretary-treasurer and the seal of the  
388 local union and shall be endorsed by the member receiving the same in the  
389 presence of the financial secretary-treasurer. When a transfer card is issued by  
390 the General Secretary-Treasurer it shall be signed by him and bear the seal of



this Association.

**SEC. 9(f).** When a member enters the jurisdiction of another local union he or she shall immediately report to the financial secretary-treasurer, business manager, business representative, president or recording secretary and present his or her official dues receipt and transfer card, for deposit, before seeking or accepting employment in the jurisdiction of such other local union.

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

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

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

**SEC. 9(j).** Except as provided in Section 9(k) of this Article, any member who accepts employment in the jurisdiction of another local union after the deposit and acceptance of his or her transfer card shall pay to said local union the difference, if any, between the amount of initiation fee actually paid prior to his or her transfer as recorded in the General Office and the established initiation fee of the local union in which his or her transfer card was deposited and accepted, provided that no local union shall be required to admit any member on transfer

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430 card who has less than five (5) years of continuous good standing with this Asso-  
431 ciation, other than a member who has completed a qualifying apprentice train-  
432 ing program, unless after appearance before the local union examining board,  
433 such member demonstrates that he or she is capable of performing the work  
434 coming within the jurisdiction of such local union, in accordance with the stan-  
435 dards of workmanship established by such local union.

436 **SEC. 9(k).** Any member who has established a record of continuous good  
437 standing of five (5) years or more to and including date of issuance of trans-  
438 fer card (and including time as an apprentice-member) shall be admitted by  
439 transfer card into any local union of this Association in accordance with the  
440 requirements of this Constitution, and without payment of any difference in ini-  
441 tiation fee.

442 **SEC. 9(l).** Any member who desires to leave the jurisdiction of a local union  
443 with which his or her transfer card is properly deposited and accepted before the  
444 difference between the actual amount of initiation fee paid by the member prior  
445 to his transfer and the established initiation fee of the local union is paid in full  
446 shall be granted a transfer card with credit for the actual amount of initiation fee  
447 paid prior to transfer, plus any difference paid subsequent to transfer, provided  
448 he or she shall pay all dues and obligations including dues in advance to and for  
449 the month in which transfer card expires, plus One Dollar (\$1.00) transfer fee.

450 **SEC. 9(m).** Each transfer card shall have attached thereto a form which shall  
451 be detached by the financial secretary-treasurer of the local union with which  
452 the transfer card is deposited. Said form shall be filled out over the signature of  
453 the financial secretary-treasurer and the seal of the local union and forwarded to  
454 the General Secretary-Treasurer, and when all requirements of this Constitu-  
455 tion have been complied with, the transfer card shall be cleared and recorded  
456 at the General Office.

457 **SEC. 9(n).** The transfer card of any good standing member when properly  
458 issued and presented for deposit with proper identification shall be accepted  
459 by any local union in accordance with this Constitution, except in localities  
460 where strikes, lockouts, disputes or controversies regarding wages or work-  
461 ing conditions exist, or where negotiations for wages or working conditions  
462 are pending or unsettled, provided, however, that this exception shall apply  
463 only to strikes involving an entire segment of the industry and shall not apply  
464 in those cases where negotiations have resulted in an agreement under which  
465 members continue in or return to employment.

466 **SEC. 9(o).** No member shall be recorded at the General Office as trans-  
467 ferred from one local union to another until all requirements of this Constitu-  
468 tion have been complied with and the record of transfer properly certified and

acknowledged by the General Secretary-Treasurer. 469

**SEC. 9(p).** No transfer cards issued or accepted by local unions contrary to 470  
this Constitution shall be recognized or cleared by the General Secretary-Trea- 471  
surer but shall be declared void. Members involved shall assume full respon- 472  
sibility and liability for any loss of standing resulting from such transactions. 473

**SEC. 9(q).** In all cases where members procure and attempt to deposit 474  
transfer cards in violation of the provisions of this Constitution, said transfer 475  
cards shall be void, and the members attempting to deposit such transfer cards 476  
for the purpose of evading the provisions of this Constitution shall be subject 477  
to fine, suspension or expulsion by the local union issuing the transfer cards. 478

**SEC. 9(r).** Any member who accepts employment in the jurisdiction of 479  
another local union and fails to comply with the provisions of this Article 480  
relating to the obtaining and deposit of transfer cards shall be subject to 481  
charges and trial and, except as provided in Section 9(q) of this Article, shall 482  
be tried in the local union in whose jurisdiction the offense was committed. 483  
Any penalty properly imposed by such local union shall be recognized and 484  
complied with by any such member found guilty of such charges, subject to 485  
appeal as provided in Article Nineteen (19) of this Constitution. 486

**SEC. 9(s).** Notwithstanding any other provisions of this Article, a good 487  
standing member shall obtain a transfer card in order to work within the juris- 488  
diction of another local union in the event he or she changes his permanent 489  
residence to a location within the territorial jurisdiction of the local union in 490  
which he or she intends to perform work. 491

## SECTION 10 – PORTABILITY OF LABOR/TRAVELERS 492

**SEC. 10(a).** Members sent by their employers from the jurisdiction of one 493  
local union into the jurisdiction of another local union shall report to the office 494  
or to the financial secretary-treasurer, business manager, business representa- 495  
tive, president or recording secretary of the local union in whose jurisdiction they 496  
are located. Such report shall be made before starting to work and may be made 497  
in person, by telephone, by facsimile, by regular mail or by email. Said members 498  
shall receive from their employers at least the established wage scale of the local 499  
union of which they are members and in no case less than the established wage 500  
scale of the local union in whose jurisdiction they are employed, plus all neces- 501  
sary expenses while employed in the jurisdiction of another local union, and shall 502  
otherwise comply with the established working rules and conditions of the local 503  
union in whose jurisdiction they are located. Said members shall not be required 504  
to transfer their membership to the local union in whose jurisdiction they are tem- 505  
porarily employed. 506

507 In the event qualified members are available in the jurisdiction of the local  
508 union in which the work is to be performed, not more than two (2) members  
509 per job shall, at the request of the employer, leave the jurisdiction of the local  
510 union where the shop of the employer is located and enter the jurisdiction of the  
511 local union in which the work is to be performed for the purpose of performing  
512 such work.

513 **SEC. 10(b).** Except as otherwise provided in Section 10(d) of this Article, where  
514 the shop of an employer is located in the jurisdiction of one local union and such  
515 employer has a contract for work within the jurisdiction of another local union,  
516 he may employ members of the local union having jurisdiction over the territory  
517 where the work is to be performed, and such members shall retain their member-  
518 ship in the local union having jurisdiction over the territory where the work is to  
519 be performed. Should the employment of such members be continued by such  
520 employer and in the course of such employment it becomes necessary for them  
521 to work within the jurisdiction of other local unions, they may retain their mem-  
522 bership in the same local union in which they were members when the period of  
523 continuous employment began or secure transfer cards and deposit same with the  
524 local union having jurisdiction over the territory in which the shop of the employer  
525 is located and comply with the requirements of Section 10(a) of this Article.

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

533 **SEC. 10(d).** Members accepting employment outside of the jurisdiction of  
534 the local union of which they are members, without having been issued a trans-  
535 fer card, shall report immediately to the financial secretary-treasurer, busi-  
536 ness manager, business representative, president or recording secretary of the  
537 local union in whose jurisdiction they intend to perform work and present their  
538 official dues receipts before accepting employment. That local union in turn  
539 shall notify any employee benefit funds to which contributions are required to be  
540 made under the local union's collective bargaining agreement, so that any such  
541 fund who is party to the International Association of Sheet Metal, Air, Rail and  
542 Transportation Workers (formerly the Sheet Metal Workers' International Asso-  
543 ciation) Master Reciprocal Agreement will know that any contributions made  
544 on behalf of the traveling member may be intended for, and may need to be  
545 forwarded to, the fund(s) of the member's home local union. Each local union

shall insert language consistent with this requirement into its collective bargaining agreement(s). Such members shall abide by all working rules, regulations, by-laws and collective bargaining agreements in effect in the jurisdiction in which they are working. To help defray the administrative and collective bargaining expenses of the local union, and to promote work opportunities within the local union, travelers shall pay to said local union all working assessments in effect in said local union or the sum of Twenty-Five Dollars (\$25.00) per week, whichever is imposed by the local union.

### SECTION 11 – SUSPENSION OF DELINQUENT MEMBERS

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

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

### SECTION 12 – REINSTATEMENT

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

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

584 General Secretary-Treasurer, accompanied by forty-five percent (45%) of the  
585 local reinstatement fee, as described in Section 2(b) of Article Ten (10) and  
586 International per capita dues beginning with the month in which reinstatement  
587 is properly recorded, and have been accepted and acknowledged by the  
588 General Secretary-Treasurer.

589 Any member who is suspended in accordance with Section 11 of this Article,  
590 who is otherwise eligible to membership, who does not comply with the  
591 requirements of reinstatement within two (2) months from date of suspension  
592 forfeits his or her right to reinstatement and should he or she desire to  
593 again become a member he or she shall reinitiate in accordance with Section  
594 2 of this Article although the standard form of application does not need to  
595 be completed again.

596 **SEC. 12(b). REINSTATEMENT OF MEMBERS SUSPENDED FOR CAUSE OR EXPELLED.**

597 Any member suspended for cause or expelled after trial and appeal, or opportunity  
598 for trial or appeal as provided in Articles Eighteen (18) and Nineteen  
599 (19) may be reinstated to membership only by (1) reinitiating and following  
600 the procedure prescribed in Section 2 of this Article, although the standard  
601 form of application does not need to be completed again, (2) paying in full  
602 all financial obligations due this Association, and any local union or council  
603 thereof, at the time of his or her expulsion or suspension, provided, however,  
604 that the payment of such financial obligations due any local union shall  
605 be waived if they have not been reported to the General Secretary-Treasurer  
606 as provided in Section 4 of Article Thirteen (13), and (3) obtaining the written  
607 consent of the local union from which he or she was suspended or expelled  
608 (provided such local union has complied with the provisions of Section 4 of  
609 Article Thirteen (13) of this Constitution regarding notice to the General  
610 Secretary-Treasurer of obligations due from suspended or expelled members),  
611 provided, in addition, however, that if such expulsion or suspension was occasioned  
612 by any act of fraud, deception, embezzlement, misappropriation, or  
613 appropriating to his or her own use any monies, properties or things of value  
614 belonging to this Association or any local union or council thereof, such former  
615 member shall be eligible for reinitiation only with the consent of the General  
616 President and the local union and council of which he or she was formerly  
617 a member and only on condition that he or she has complied with all requirements  
618 of this Constitution, including the payment in full of all money due and  
619 the surrender of all property and things of value belonging to this Association  
620 and any local union or council thereof, and upon the further condition that he  
621 or she shall not be eligible for or be permitted thereafter to hold any office or  
622 position in this Association or local union or council thereof.

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

### SECTION 13 – MAINTENANCE OF GOOD STANDING

**SEC. 13(a).** Responsibility for establishing and maintaining good standing in accordance with this Constitution rests entirely with each individual member. The actual payment of dues, per capita dues, initiation fees, reinitiation fees, reinstatement fees and other obligations by each member, when properly acknowledged and recorded on official receipts in either electronic or in triplicate form, with white duplicate (copies) of official receipts filed at the General Office, for which dues and fees due this Association have been paid in accordance with this Constitution, is the only recognized and acceptable evidence of the standing of any member unless said obligations have been withheld from the employee's wages by his or her employer pursuant to a valid check-off authorization.

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

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

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

### SECTION 14 – RESIGNATION

661  
662 **SEC. 14.** Any member may resign from membership. Resignations shall be  
663 effective upon receipt of written notification by mail or hand delivery to any full-  
664 time officer or business representative at his or her local union. In Canada, no  
665 resignation shall be accepted if offered in anticipation of charges being preferred  
666 against him, during the pendency of any such charges or during a strike  
667 or lockout.

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

### SECTION 15 – HONORARY MEMBER

672  
673 **SEC. 15.** From time to time the International may wish to honor an individual  
674 who has a sustained record of supporting the labor movement and exemplifies  
675 dedicated public service by granting him or her an honorary membership of  
676 this Association. Any local union may submit a request to the International for an  
677 individual to be granted an honorary membership. Honorary memberships shall  
678 be granted by the General President at conferences, conventions or other significant  
679 functions of this Association or functions at which the General President or  
680 his designee is attending and participating. An honorary member is welcome to  
681 attend Association events as a guest, but the membership itself provides none of  
682 the usual rights of union membership and does not require the payment of dues.

## ARTICLE SEVENTEEN (17) Misconduct and Penalties

### SECTION 1 – OFFICERS, MEMBERS AND REPRESENTATIVES

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

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



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

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

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

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

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

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

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

**SEC. 1(j).** Acquiring or maintaining membership by false pretense, misrepresentation or fraud including, but not limited to, fraudulent use of membership

52 cards or dues receipts or being a party to misrepresentation as to the identity or  
53 membership status of the bearer of such card or receipt.

54 **SEC. 1(k).** Failure or refusal to abide by the rules of order and parliamen-  
55 tary procedure in the meetings of a local union or council or creating any dis-  
56 turbance therein, or recording by any means the proceedings of any official  
57 meetings of the local union.

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

61 **SEC. 1(m).** Engaging in any conduct which is detrimental to the best inter-  
62 ests of this Association or any subordinate unit thereof or which will bring  
63 said unions into disrepute.

## 64 **SECTION 2 – LOCAL UNIONS AND COUNCILS**

65 **SEC. 2.** Any local union or council which authorizes, approves or condones  
66 any of the acts described in Section 1 of this Article or fails or refuses to abide  
67 by the provisions of this Constitution, the policies of this Association, the  
68 valid decisions of any General Officer or Officers or the valid decisions of the  
69 General Executive Council or Convention or its own valid rules and regula-  
70 tions shall be subject to suspension or revocation of its charter.

## 71 **SECTION 3 – FINES**

72 **SEC. 3.** All fines levied in accordance with the provisions of this Constitu-  
73 tion shall be paid within the time limit specified and, in Canada no dues shall  
74 be accepted from any member who refuses, fails or neglects to pay such fines,  
75 except that if the fine exceeds Fifty Dollars (\$50.00), payment of the sum of  
76 Fifty Dollars (\$50.00) shall be paid as a condition of any proper appeal. Such  
77 payment shall stay the effective date of the payment of the total fine only until  
78 the date the appeal has been decided by the General Executive Council. Fol-  
79 lowing the decision of the General

80 Executive Council, the fine, if upheld or as modified by the General  
81 Executive Council, shall be promptly paid in whole or in part as specified  
82 by such decision, unless payment is expressly waived by the General Execu-  
83 tive Council.

84 All fines initially shall be paid to the local union in which such member  
85 holds membership and if the fine was levied by another local union, notice of  
86 such payment shall be sent to such local union by registered, certified or over-  
87 night mail. If imposition of the fine is not appealed, or upon final disposition  
88 of the case, the fine is upheld, the amount to be paid shall be remitted to the  
89 financial secretary-treasurer of the local union which imposed the fine.

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

## ARTICLE EIGHTEEN (18) Charges and Trials

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

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

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

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

**SEC. 1(c).** The officer, representative or member preferring such charges, shall send a copy of the same by registered, certified or overnight mail to

32 the accused, to the local union of which the accused is a member, and, if the  
33 misconduct occurred in the jurisdiction of another local union, to the local  
34 union in which a trial on the charges may properly be held.

35 **SEC. 1(d).** The General President may in his or her discretion order the  
36 accused tried by a trial board appointed by him. Such trial boards shall be  
37 composed of two (2) or more good standing members, International Repre-  
38 sentatives or General Officers who are not directly or indirectly involved in  
39 the matters which give rise to the charges upon which the accused is to be tried  
40 and who are not members of the local union of which the accused is a mem-  
41 ber or of the local union in whose jurisdiction the offense was alleged to have  
42 been committed.

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

#### 45 **SECTION 2 – TRIAL IN LOCAL UNIONS**

46 **SEC. 2(a).** Unless otherwise provided in this Constitution, trials in local  
47 unions shall be conducted in the local union in whose jurisdiction the alleged  
48 offense was committed by the local union Executive Board or a trial commit-  
49 tee consisting of three (3) or more members of such local union selected in  
50 accordance with the provisions of Section 2(b) of this Article.

51 **SEC. 2(b).** Whether the trial is to be conducted by the local union's Execu-  
52 tive Board, or by a trial committee elected by the local union, the determina-  
53 tion shall be made at the first regular meeting held not less than fifteen (15)  
54 days after a copy of the charges has been mailed to the accused by registered,  
55 certified or overnight mail as provided in this Article or at a special meeting  
56 held after fifteen (15) days' notice to the membership including the accused.  
57 No member of a local union shall be eligible to serve on a trial committee,  
58 whether it consists of a local union Executive Board or is otherwise elected, if  
59 he or she is directly or indirectly involved in the matters which gave rise to the  
60 charges upon which the accused is to be tried.

61 **SEC. 2(c).** The accused shall have the right to challenge two (2) members of  
62 the original trial committee immediately after the election of the entire com-  
63 mittee, provided he or she is present at the meeting at which the trial com-  
64 mittee is elected, and they shall be declared removed by the presiding officer.  
65 The local union shall thereupon, and at the same meeting, elect a member or  
66 members to fill any vacancies in the trial committee created by the exercise, by  
67 the accused, of the challenges provided for in this paragraph. The election to  
68 fill such vacancies shall be held in the same manner as the election of the origi-  
69 nal trial committee.

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

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

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

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

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

In the event no stenographic transcript is made, the secretary of the trial committee shall reduce the minutes of the trial to writing and include therein the substance of the testimony and all exhibits submitted at the trial. Unless previously furnished he or she shall send to each party by registered, certified or overnight mail a copy of the transcript or minutes, as the case may be, and each party within ten (10) days after receiving same shall submit to the secretary of the

109 trial committee, in writing, any objections thereto. The record thus made shall  
110 constitute the record of the trial for the purpose of appeal and in the event any  
111 party fails to file objections thereto within the time limit prescribed herein, the  
112 transcript or minutes furnished by the secretary of the trial committee, for pur-  
113 poses of appeal, shall be deemed to be a correct record of the trial procedure and  
114 of the evidence presented.

115 All matters relating to the procedure of the trial, not otherwise specified in  
116 this Section, shall be determined by the trial committee and all parties and their  
117 respective counsel shall comply with all orders and directions of the trial commit-  
118 tee with respect to such matters.

119 **SEC. 2(f).** At the next regular meeting of the local union, following the con-  
120 clusion of the trial, the trial committee shall submit to the local union in writ-  
121 ing, its findings of the facts, decision and recommendations. The members of the  
122 local union there assembled shall vote, without debate, solely on the question of  
123 whether to accept or reject the decision and recommendations of the trial commit-  
124 tee and a majority vote shall be final, subject only to appeal.

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

127 **SEC. 2(g).** The accused and those who preferred the charges and the local  
128 union of which the accused is a member shall be notified by registered, certified or  
129 overnight mail of the action of the trial committee and of the local union in con-  
130 nection therewith. Such notice shall advise the parties of their right to appeal to  
131 the General President.

132 **SEC. 2(h).** Except as provided in Section 2(i) of this Article, should the  
133 accused fail, refuse or neglect to appear for trial after due notice or, after appear-  
134 ing, refuse to comply with orders or directions of the trial committee relating to  
135 the conduct of his or her trial or otherwise attempt to obstruct or thwart the trial  
136 committee in its conduct of his or her trial, the trial committee shall proceed  
137 with his or her trial in his or her absence, hear such evidence as may be presented  
138 by witnesses who respond to notice, and render its findings, decision, and recom-  
139 mendations. Nothing contained in this paragraph shall deprive the accused  
140 of the privilege of selecting a good standing member of his or her or any other  
141 local union to act as his or her counsel during proceedings unless such counsel  
142 should refuse to comply with orders or directions of the trial committee relating  
143 to the trial or should otherwise attempt to obstruct or thwart the trial committee  
144 in its conduct of the trial. Should those who preferred the charges fail to appear  
145 after due notice, the accused shall be found not guilty.

146 **SEC. 2(i).** In the event the accused is employed at a point one hundred (100)  
147 or more miles distant from the point at which such trial is to be held, such party

may submit his or her evidence in written form and shall not be required to attend the trial in person.

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

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

### SECTION 3 – TRIAL BY INTERNATIONAL TRIAL BOARD

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

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

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

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

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

186 charges were initially filed in a local union, to the local union.

187 **SEC. 3(e).** Should a member of the General Executive Council be a mem-  
188 ber of an International Trial Board he or she shall not participate in the deci-  
189 sion of any appeal which may be taken from a decision of such International  
190 Trial Board.

#### 191 **SECTION 4**

192 **SEC. 4.** Charges preferred against any member, officer or representative,  
193 which do not come within the trial jurisdiction of any local union, as provided  
194 in this Constitution, shall be filed with the General President in the form and  
195 in the manner prescribed in Section 1(b) of this Article. The General President  
196 shall order the accused tried in accordance with the provisions of Section 3 of  
197 this Article, except that the accused may be represented by any good stand-  
198 ing member, as counsel, other than a General Officer or a member of the Gen-  
199 eral Executive Council.

## **ARTICLE NINETEEN (19)**

### **Appeals**

#### **SECTION 1 – WHO MAY APPEAL**

1

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

9

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

10 **SEC. 2(a).** Except as otherwise provided in this Constitution all original  
11 appeals shall be referred to the General President for consideration and deci-  
12 sion. The General President, however, may, in his discretion, decline to rule and  
13 refer any appeal directly to the General Executive Council.

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

- 15 • In written form and
- 16 • Addressed to and received by the General Secretary-Treasurer
- 17 • With copies mailed to the opposing party or parties, including a charg-  
18 ing party where applicable,
- 19 • Within thirty (30) days from the date of the action from which appeal  
20 is taken,



- Unless notice thereof is required by this Constitution, in which event, the appeal must be received by the General Secretary-Treasurer within thirty (30) days of the date of the mailing of such notice.

If the appeal is from a decision of a trial committee, the “notice” referred to herein shall date from

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

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

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

Signed by him, her or them and

- Shall be accompanied by all written evidence in affidavit form and
- Such exhibits and arguments as are deemed necessary by the appealing party or parties for the proper and complete consideration of his or her or their appeal.
- Appeals from any decision or order directed to a local union or council shall be made by the involved local union or council and not by an individual member or members thereof and shall require authorization by the local union or council and be signed by the president thereof.

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

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

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

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

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

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

78 **SEC. 3(b).** The General Executive Council shall base its decision only upon  
79 the evidence and argument submitted in accordance with Section 2(b) and Section  
80 3(a) of this Article, unless one of the parties requests the right to appear personally  
81 before the General Executive Council during the consideration thereof. Should such  
82 request be made, the General Secretary-Treasurer shall notify all other parties to  
83 the proceedings of their right to appear before the General Executive Council in  
84 connection with the appeal. Parties who appear before the General Executive Council  
85 in connection with any appeal shall be permitted only to present argument on the  
86 written record made and shall not be permitted to introduce additional evidence.

87  
88 **SEC. 3(c).** The decision of the General Executive Council shall be by majority  
89 vote of those participating and shall be final unless changed upon appeal to the  
90 General Convention.

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

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

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

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

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

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

**SECTION 5 – COMPLIANCE PENDING APPEAL**

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

**SEC. 5(b).** A member who files an appeal to the General President or the General Executive Council and believes compliance with Section 5(a) of

136 this Article or with Section 3 of Article Seventeen (17) would constitute a  
137 substantial bar to the exercise of the right to appeal may request a waiver  
138 in writing at the time the appeal is filed. In the event the General President  
139 or the General Executive Council concludes that compliance would consti-  
140 tute a substantial bar to the right of appeal, compliance therewith may  
141 be waived or modified by the General President with respect to appeals  
142 submitted to him and by the General Executive Council with respect to  
143 appeals submitted to it or to the General Convention, provided, however,  
144 that in the event the decision or order appealed from directs suspension or  
145 expulsion from membership compliance with such portion thereof pursu-  
146 ant to Section 5(a) of this Article shall be waived automatically pending  
147 disposition of any appeal to the General President or the General Exec-  
148 utive Council but not thereafter unless expressly waived by the General  
149 Executive Council.

#### 150 **SECTION 6 – DEFERRED APPEALS**

151 **SEC. 6.** The General President, General Executive Council and Gen-  
152 eral Convention are hereby authorized to refuse or defer consideration,  
153 or to refuse, defer or withhold decisions in any matter pending in any  
154 court of law as circumstances in their opinion and judgment may warrant  
155 and justify.

#### 156 **SECTION 7**

157 **SEC. 7.** Appeals not filed within the time limits prescribed in this Article  
158 shall be dismissed by the General Secretary-Treasurer and notice of such dis-  
159 missal sent to the appellant by registered, certified or overnight mail. Unless  
160 the appellant submits facts which if established by proof would show the  
161 appeal to be timely, the decision of the General Secretary-Treasurer shall be  
162 final and not subject to appeal.

#### 163 **SECTION 8**

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

#### 169 **SECTION 9 – APPEALS TO COURTS**

170 **SEC. 9.** Subject to applicable laws, no subordinate body or officer or  
171 member thereof, shall appeal to the civil courts for redress of any alleged  
172 grievance or wrong, or to secure any alleged rights until all of the internal

remedies provided in this Constitution, including the right of appeal, have  
 been exhausted; provided, that this Section shall not apply to filing of charges  
 with the National Labor Relations Board or with any other state, provincial  
 or federal agency where application of this Section would violate applicable  
 federal or provincial law. Any officer, member, or subordinate body violat-  
 ing the provisions of this Section shall be subject to charges and trial as pro-  
 vided by this Constitution

**ARTICLE TWENTY (20)**  
**Official Communications**

**SECTION 1**

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

**SECTION 2**

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

**SECTION 3**

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

**ARTICLE TWENTY-ONE A (21A)**

**Railroad, Mechanical and Engineering Department**

**ABOUT THIS ARTICLE**

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

### SECTION 1 – JURISDICTION

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

### SECTION 2 – GOVERNMENT

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

### SECTION 3 – GENERAL COMMITTEE CONVENTION

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

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

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

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

**SECTION 4 – OFFICERS**

**SEC. 4(a). NUMBER, TITLE, AND TERM OF OFFICE.** Officers of a General Committee shall be general chairman and financial secretary-treasurer who shall serve for a period of four (4) years. The offices of general chairman and financial secretary-treasurer may be combined.

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

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

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

**SECTION 5 – DUTIES OF GENERAL CHAIRMEN**

**SEC. 5.** The Director of Railroad, Mechanical and Engineering Department shall appoint the members of the various committees. A General Chairman shall represent the Railroad, Mechanical and Engineering Department members under his or her jurisdiction thereof in matters pertaining to organizing, collective bargaining agreements, wages, hours, conditions of employment and jurisdictional matters and supervise the conduct and activities of members in connection therewith to the end that the provisions of this Constitution and the policies of this Association are complied with. They shall not participate in negotiations seeking modification or changes in existing collective bargaining agreements without prior consultation with the General President or a representative designated by him. They shall assist and cooperate with the officers of local unions and the members thereof in carrying out the provisions of this Constitution; use their best efforts to adjust and settle such controversies as may arise in connection with the complaints of members consistent with the rights of those involved in accordance with the provisions of this Constitution and the policies of this Association.

A General Chairman shall protect the work jurisdiction set forth in Section 5(aa) of Article One (1) of this Constitution and shall not enter into any agreement with representatives of other organizations involving work

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81 jurisdiction until such contemplated agreement is submitted to and approved  
82 by the General President.

83 By virtue of his or her office and as a part of his or her duties, the Director  
84 of the Railroad, Mechanical and Engineering Department shall serve as a  
85 delegate to the General Convention. A General Chairman by virtue of his or  
86 her office shall be the automatic delegate from his or her home local union  
87 to the General Convention.

### 88 **SECTION 6 – FINANCIAL SECRETARY-TREASURER STATEMENTS**

89 **SEC. 6.** Unless otherwise approved by the General President, the Inter-  
90 national Association shall receive all monies from all sources paid to  
91 the Railroad, Mechanical and Engineering Department. The International  
92 Association shall pay all bills when presented with a voucher authorizing  
93 same and signed by the General Chairman and approved by the Director.  
94 The International Association shall furnish a biannual statement to all affili-  
95 ated financial secretary-treasurers of the Railroad, Mechanical and Engi-  
96 neering Department.

97 The International Association shall discharge, on behalf of the Rail-  
98 road, Mechanical and Engineering Department, the execution and filing of  
99 any reports to federal or state authorities and maintain such records as the  
100 law requires for the period or periods of time for which they are required to  
101 be kept.

### 102 **SECTION 7 – POSITIONS**

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

### 106 **SECTION 8 – FINANCE COMMITTEE**

107 **SEC. 8(a). MEMBERS.** The Railroad, Mechanical and Engineering Depart-  
108 ment Finance Committee shall consist of at least three (3) local officers cho-  
109 sen by the Director. The Director shall be the chairman.

110 **SEC. 8(b). DUTIES OF FINANCE COMMITTEE.** It shall be the duty of the Railroad,  
111 Mechanical and Engineering Department Finance Committee to review all  
112 expenses of each General Committee at least once a year.

### 113 **SECTION 9 – REVENUE AND FUNDS**

114 **SEC. 9(a). PER CAPITA DUES.** The General Committees shall establish and  
115 maintain monthly per capita dues sufficient to carry on the business of the  
116 General Committees on a sound financial basis having in mind its current  
117 and prospective needs.



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

### SECTION 10 – COLLECTIVE BARGAINING

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

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

### SECTION 11 – COMPLIANCE

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

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

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

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

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158 **SEC. 12(a).** All railroad local unions of this Association shall after ninety (90)  
159 days from date of issuance of charters, close said charters and charge an initiation  
160 fee of Two Hundred Dollars (\$200.00) for journeymen, helpers and apprentices.  
161 Each new employee shall be required to pay all dues and fees owed SMART from  
162 when the carrier notifies the labor organization of his or her hiring and the labor  
163 organization conveys this to the new employee by letter with a copy to the finan-  
164 cial secretary-treasurer. It is the responsibility of the new employee to ensure that  
165 his or her dues are actually being paid. Forty-five percent (45%) of said fee shall  
166 be sent to the General Secretary-Treasurer as an International initiation fee. At  
167 least thirty-five percent (35%) of the fees collected pursuant to this Section shall  
168 be paid to the General Fund, and up to five percent (5%) shall be apportioned  
169 on a basis determined by the General Executive Council between the SMART  
170 Local Unions and Councils Pension Fund (United States) and the SMART  
171 Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues  
172 Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Work-  
173 ers' International Staff Pension Fund.

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

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

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

**SEC. 12(c).** All railroad local unions of this Association shall charge a reinstatement fee of Four Hundred Dollars (\$400.00) for journeymen, helpers and apprentices. It is the responsibility of the member to notify the financial secretary-treasurer in writing of his or her return to work and to ensure that his or her dues are actually being paid. He or she shall be required to pay all dues and fees owed to SMART from the time he or she returns to work. If the suspended member does not comply with the above requirements he or she shall be required to pay all dues and fees owed SMART from the time he or she returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The reinstatement fee specified herein shall apply to suspended members who comply with the requirements of reinstatement within two (2) months from date of suspension.

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

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

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

A member on withdrawal card who is eligible for membership who wishes to return to employment and become reinstated to membership, shall have the right

234 to deposit his or her withdrawal card with the local union which issued the same  
235 and apply for reinstatement. The minimum fee for reinstatement on a valid  
236 withdrawal card shall be Fifteen Dollars (\$15.00). Six Dollars and Seventy-  
237 Five Cents (\$6.75) or forty-five percent (45%) of which shall be sent to the  
238 General Secretary-Treasurer as an International reinstatement fee, thirty-  
239 five percent (35%) of which shall be paid to the General Fund, and up to  
240 five percent (5%) shall be apportioned on a basis determined by the General  
241 Executive Council between the SMART Local Unions and Councils Pension  
242 Fund (United States) and the SMART Local Unions and Councils Pension  
243 Fund (Canada) and/or the Canadian Dues Defense Fund, and up to  
244 five percent (5%) shall be paid to the Sheet Metal Workers' International  
245 Staff Pension Fund. The General Secretary-Treasurer may reduce or waive  
246 the withdrawal reinstatement fee for a local union, upon request. Deposit  
247 of withdrawal card for purpose of reinstatement may be made by mail or by  
248 other method of delivery.

### 249 SECTION 13 – AFFILIATIONS

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

### 253 SECTION 14 – LOCAL CHAIRMAN

254 **SEC. 14(a). QUALIFICATIONS.** Each local union may establish a position  
255 of local chairman who shall be a journeyman sheet metal worker. If such  
256 a position is established, the local chairman shall be elected by the local  
257 union in the same manner, at the same time and for the same term as local  
258 union officers, provided however, that in joint local unions a local chairman  
259 may be elected for each railroad or work location within the jurisdiction of  
260 such local union. Candidates for the position of local chairman shall possess  
261 the same qualifications as those prescribed in Section 4(b) of this Article.

262 **SEC. 14(b). DUTIES.** A local chairman shall represent the local union and  
263 the members thereof in matters pertaining to the application of the control-  
264 ling agreement, conditions of employment, and shall supervise the conduct  
265 and activities of members in connection therewith; assist and cooperate  
266 with the officers of the local union and the members thereof in carrying out  
267 the provisions of this Constitution; use his or her best efforts at the local  
268 level to adjust and settle such controversies as may arise in connection  
269 with complaints of members, consistent with the rights of those involved,  
270 in accordance with the provisions of this Constitution and the policies of  
271 this Association. Subject to the provisions of Article Seven (7), Section 3(d),

by virtue of his or her position and as part of his or her duties, a local chairman shall serve as a delegate of the local union to the General Convention of this Association except as provided by Article Twenty-One A (21A), Section 5, and the General Committee Convention provided that no local unions shall be entitled to more delegates than are provided for in Article Seven (7) of this Constitution or the District Council by-laws nor shall this Section be construed to require a local union to send more delegates than it desires to represent it. The local chairman shall protect the work jurisdiction set forth in Section 5(aa) of Article One (1) of this Constitution and shall not enter into any agreements with representatives or other organizations involving work jurisdiction.

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

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

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

### SECTION 15 – LIMITATIONS

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

## **ARTICLE TWENTY-ONE B (21B)**

### **Transportation Division**

#### **ABOUT THIS ARTICLE**

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

#### **SECTION 1 – NAME OF DIVISION**

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

#### **SECTION 2 – TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS**

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

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

- fill a Bus Vice President-International Representative vacancy. 27
- » Other Transportation Division Vice President-International Representative vacancies by a two thirds (2/3) vote of the Board of Directors from amongst the Alternate Vice Presidents other than those from the Bus Department. 28  
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  - Vacancies not otherwise provided for in this Article shall be filled by a two thirds (2/3) vote of the Board of Directors. 32  
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  - The President Transportation Division, National Legislative Director and the Four Senior Transportation Division Vice President-International Representatives shall also be General Vice Presidents. 34  
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  - Boards: 37
    - » Board of Directors – 38
      - The Board of Directors shall consist of the President Transportation Division, National Legislative Director, and Eight (8) Transportation Division Vice President-International Representatives, two of whom are elected from the Bus Department. 39  
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    - » Board of Appeals – 44
      - (Members must hold seniority in one of the crafts under the jurisdiction of the Board.) 45  
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      - Six (6) Members 47
        - » One (1) from Engine Service 48
        - » One (1) from Road Service (Train Service) 49
        - » One (1) from Yard Service (Train Service) 50
        - » One (1) from Commuter Authorities 51
        - » One (1) from Bus Department 52
        - » One (1) from the Aviation Department 53
    - » Executive Boards – 54
      - Five (5) members 55
        - » One (1) Alternate to Executive Board 56
        - » The Alternate to the Executive Board shall fill a vacancy occurring on the Board. 57  
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  - Members: 59
    - » One (1) Delegate from each Local for the Transportation Division Convention 60  
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  - Attrition of Positions: 62
    - » A position designated as attritable shall be eliminated when the present incumbent vacates the position for any reason. 63  
64
  - President Emeritus: 65
    - » The Immediate Past President shall be President Emeritus. 66

- Members will vote for the following Officers and Boards:
  - » President Transportation Division
  - » National Legislative Director
  - » Alternate National Legislative Director
  - » Eight (8) Transportation Division Vice President-International Representatives, Two (2) of whom shall be from the Bus Department.
  - » Six (6) Alternate Vice President-International Representatives –
  - » Two (2) of whom shall be from the Bus Department.
  - » Board of Appeals
  - » Executive Board

### SECTION 3 – REMOVED

SEE ARTICLE THREE (3).

### SECTION 4 – REMOVED

SEE ARTICLE FIVE (5).

### SECTION 5 – DELEGATES

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

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

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

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

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



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

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

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

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

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

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

## SECTION 6 – TRANSPORTATION DIVISION CONVENTION

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

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

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

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

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

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

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

- 5 • Has attained age 65 or attains age 65 during the year of election;
- 6 • Holds membership in any other union representing transporta-  
7 tion employees, other fields of employment, trades and industries,  
8 whether in public or private employment, except when a member is  
9 forced by agreement to belong to another union;
- 10 • Is serving in an official capacity with a transportation company, other  
11 fields of employment, trades and industries, whether in public or pri-  
12 vate employment, except as yardmaster where the Transportation Divi-  
13 sion holds the contract for yardmasters;
- 14 • Does not hold seniority rights in transportation service, other fields  
15 of employment, trades and industries, whether in public or private  
16 employment where the Transportation Division holds the contract,  
17 except this does not apply when a member is dismissed from service and  
18 his case is being appealed;
- 19 • Voluntarily elects to receive a rebate of dues from any department will  
20 not be eligible to hold office in that department and will not be eligible  
21 for the offices of Delegate or Alternate Delegate, Legislative Representa-  
22 tive, or Alternate Legislative Representative;
- 23 • Is restricted from holding office by Labor-Management Reporting and  
24 Disclosure Act;
- 25 • Is an elected officer of the Transportation Division, listed in Sec-  
26 tion 2(A), shall not be eligible to the office of Transportation Divi-  
27 sion Delegate;
- 28 • Is serving as a Local Officer and/or Local Committee of Adjustment  
29 Officer who serves on a part-time basis need only be members in good  
30 standing to retain their office.

### 1 SECTION 8 – ELECTION AND INSTALLATION OF TRANSPORTATION DIVISION OFFICERS

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

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

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

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

**SECTION 9 – TERM OF OFFICE**

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

**SECTION 10 – REPORTS OF OFFICERS**

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

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

**SECTION 11 – DELETED IN ITS ENTIRETY**

**SECTION 12 – TRANSPORTATION DIVISION DUES AND ASSESSMENTS**

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

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

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

13 Education and Training Fund \$1.00

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

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

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

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

32 \$2.00 effective January 1, 2015

33 \$0.00 effective January 1, 2016

34 \$1.00 effective January 1, 2017

35 \$1.00 effective January 1, 2018

36 \$0.00 effective January 1, 2019

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

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

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

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

2 **SEE ARTICLE THIRTY-THREE (33).**

**SECTION 14 – REMOVED**

**SEE ARTICLE SEVEN (7), SECTION 14.**

**SECTION 15 – BONDING OF TRANSPORTATION**

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

**SECTION 16 – PRESIDENT TRANSPORTATION DIVISION**

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

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

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

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

Upon approval by the General Executive Council, the annual budget will be

28 published in the SMART Transportation Division News not later than the May edi-  
29 tion. In the event a budget has not been approved by May 1st, the President Trans-  
30 portation Division will proceed to authorize the printing of the budget as proposed.

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

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

1 **SECTION 17 – REMOVED**

1 **SECTION 18 – DUTIES OF THE VICE PRESIDENT-**

2 **INTERNATIONAL REPRESENTATIVES**

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

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

1 **SECTION 19 – REMOVED**

2 **SEE ARTICLE THREE (3) AND ARTICLE TWENTY-ONE B (21B), SECTION 16.**

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

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

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

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

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

A majority of Association Members shall constitute a quorum.

## SECTION 21 – DUTIES OF NATIONAL LEGISLATIVE DIRECTOR

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

The National Legislative Director shall handle with the proper agents of the Federal Government all alleged violations of Federal law, as brought to his/her attention, which involve the safety and welfare of our membership covered by such law. He/she will, when authorized by the President Transportation Division, represent the Transportation Division and/or the President Transportation Division before Federal agencies and Congressional Committees, and in such other capacities as the President Transportation Division may direct.

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

33 Legislative Director and a State or District of Columbia Legislative Board, such  
34 differences shall be submitted to the President Transportation Division, whose  
35 decision shall be final.

36 Headquarters for the United States National Legislative Department shall be  
37 maintained in Washington, D.C. The Legislative Director shall remain at the  
38 Capitol during sessions of the Congress and such other times as may be necessary  
39 to discharge his/her duties, unless otherwise instructed by the President Trans-  
40 portation Division. The Legislative Director may employ sufficient personnel  
41 and such assistants as necessary to properly conduct the business of the depart-  
42 ment, subject to the approval of the President Transportation Division.

1 **SECTION 22 – REMOVED**

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

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

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

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

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

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

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



**SECTION 24 – EXECUTIVE BOARD**

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

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

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

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

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

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

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

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

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

If a majority of the Board considers the evidence submitted sufficient to proceed, the Chairperson shall set a date and time for trial to be held and notify

21 the parties. The Chairperson shall give the accused and the member preferring  
22 the charges not less than fifteen (15) days' notice prior to the convening of the  
23 Executive Board to try the accused.

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

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

35 Should the accused fail to appear for trial after notice as prescribed in  
36 the foregoing, should he/she appear but refuse to comply with the rules for the  
37 conduct of the trial prescribed by this Constitution or the Board, or should he/  
38 she engage in conduct designed to obstruct his/her trial, the Board shall pro-  
39 ceed to conduct the trial in his/her absence. The accused, the member prefer-  
40 ring charges, their counsel or representative(s), or any witnesses who are guilty  
41 of misconduct before the Board shall be excluded thereafter from the trial pro-  
42 ceedings, and the trial shall continue in their absence.

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

45 In all trials, the testimony of witnesses shall be taken orally in front of the mem-  
46 bers of the Board. Both parties to the trial shall be given full opportunity to present  
47 any witnesses and all relevant evidence and exhibits which they deem necessary to a  
48 proper presentation of their case. They shall also be entitled to cross-examine wit-  
49 nesses of the other party. The Board may, on its own, request such witnesses and  
50 documents as it deems necessary.

51 Should a witness be unable to attend any trial session of the Board, because  
52 of age, sickness, infirmity or for other good cause shown, the evidence of such wit-  
53 nesses may be taken in deposition form before a notary public or other civil officer  
54 authorized to administer oaths. Said deposition shall be admissible evidence to the  
55 extent it would be at the trial proceedings, provided the adverse party, his/her coun-  
56 sel or representative is given the opportunity of being present and cross-examining  
57 the witness when the deposition is taken.

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

“Do you solemnly affirm upon your honor as a member of SMART that the evidence to be given by you in this case shall be the truth and nothing but the truth?”

Any witness who is not a member of SMART, shall take an oath or solemn affirmation to testify truthfully.

All persons shall be excluded from trial sessions except members of the Trial Board, parties to the trial and their counsel or representative, the witness who is testifying, and the reporter or person transcribing the testimony.

After all evidence has been presented and arguments made by all parties or their counsel, the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session for consideration of its decision.

The Board shall render its decision in writing within thirty (30) days following the date upon which the trial was concluded. If the accused is found not guilty, he/she shall be exonerated.

If the accused is found guilty, the Board shall fix the penalty to be assessed which shall be censure, suspension, or removal from office. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed. Such decision and penalty shall be final and binding unless reversed upon appeal as provided in Section 26.

The Board shall forward copies of its decision by certified mail to the accused and the party preferring charges. Copies shall also be mailed to the General President, President Transportation Division, General Secretary-Treasurer and all Transportation Division Locals.

## **SECTION 26 – APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD**

**SEC. 26.** An officer censured, suspended, or removed by the Executive Board may appeal to the Transportation Division Convention by submitting his/her appeal in writing to the Chairperson of the Executive Board, with a copy to the General Secretary-Treasurer, at least thirty (30) days prior to the opening of the convention. If the decision being appealed is rendered less than thirty (30) days prior to the opening of the convention, the appellant may appeal his/her case to the convention provided he/she notifies the Board and the General Secretary-Treasurer of his/her intention to appeal within twenty-four (24) hours after having been notified of the Board’s decision.

The appeal shall be presented to the Transportation Division Convention by the appellant, or his/her counsel, together with any new evidence developed. The appellant, or his/her counsel, and the Board shall submit their arguments. The question shall then be put, “Shall the decision of the Board be sustained?” The vote shall be taken on this question without debate. A majority vote in favor of the question shall sustain the decision of the Executive Board. A majority vote against the question shall reverse the decision of the Executive Board.

17 An officer who is removed from office may not again serve in any office  
18 of the SMART Transportation Division except upon the approval of the  
19 Board of Directors.

### SECTION 27 – BOARD OF APPEALS

1  
2 **SEC. 27.** Immediately after their election, the members of the Board of Appeals  
3 shall meet and elect a Chairperson and Secretary. The Secretary shall keep a correct  
4 record of the proceedings of the Board. A record shall be taken of all oral testimony  
5 for the use of the Board in making its final decisions.

6 The Board of Appeals shall meet semiannually, on the second Monday of Janu-  
7 ary and July, and at such other times as may be necessary, at the Transportation  
8 Division locations, to consider and determine all appeals submitted under the provi-  
9 sions of Article Twenty-One B (21B). A majority of a Board shall decide all appeals  
10 coming before that Board. It shall have no authority to consider and determine any  
11 other matter, nor to refer any case to any other tribunal of the organization for a  
12 decision except questions arising as to the application of organization law under Arti-  
13 cle Twenty-One B (21B) shall be referred to the President Transportation Division.

14 The Board shall give a clear and concise report of each appeal properly sub-  
15 mitted to it. Such report shall consist of a statement of all material facts involved  
16 in the appeal, the contentions of the parties and the decision of the Board, stating  
17 the reasons upon which the decision is based. All decisions shall be released by the  
18 Board without delay.

19 In an appeal involving a Board member's Local, such Board member must dis-  
20 qualify himself/herself and be excused by the Chairperson of the Board. The original  
21 decision shall be signed by each member of the Board participating and, following  
22 each signature, the word "for" or "against" shall be written indicating his/her vote on  
23 the matter. Copies of all decisions shall contain the names of the Board members par-  
24 ticipating. Decisions of the Board of Appeals shall be final and binding and shall not  
25 be appealable to the convention.

26 The Board shall, at the conclusion of each meeting, submit a report prop-  
27 erly authenticated to all interested subordinate bodies and Transportation Divi-  
28 sion Officers.

29 A member of the Board of Appeals shall not represent the Transportation Divi-  
30 sion in any other capacity while serving as a member of the Board.

### SECTION 28 – OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH THIS CONSTITUTION

1  
2 **SEC. 28.** No officer, member, or subordinate body of the Transportation Division  
3 shall resort to the civil courts to correct or redress any alleged grievance or wrong, or  
4 to secure any alleged rights from or against any officer, member, subordinate body,  
5

or the Transportation Division until such officer, member, or subordinate body shall have first exhausted all remedy by appeal provided in this Constitution for the settlement and disposition of any such rights, grievances, or wrongs.

Any officer, member, or subordinate body of the Transportation Division violating the provisions of this Section shall be subject to charges and trials as provided by Article Twenty-One B (21B).

**SECTION 29 – COMPENSATION AND VACATION BENEFITS OF TRANSPORTATION DIVISION OFFICERS, BOARD MEMBERS AND STAFF MEMBERS WHO HOLD SENIORITY IN A CRAFT ON A PROPERTY WHERE SMART HOLDS REPRESENTATION RIGHTS**

**SEC. 29.** Adjustments in salaries of Transportation Division officers, Board members and Staff members will be made in the same proportion as increases or decreases in wages received by employees represented by the Transportation Division, subject to final budget approval.

All officers, Board members and Staff members, devoting full time to the service of the Transportation Division, shall receive their salary in equal payments bi-weekly.

Members of the Board of Appeals, Executive Board, and other appointed committees shall receive their salary not less frequently than bi-weekly while in session, or when the work for which they have been assembled is completed.

Transportation Division officers, Board members, and Staff members, and representatives devoting full time to the service of the Transportation Division will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The method of handling vacations shall be determined by the President Transportation Division.

When a member serving the Transportation Division on a part-time basis suffers a loss of earnings from his/her carrier resulting in a reduction or loss of his/her vacation pay from the carrier, he/she shall receive from the department of the Transportation Division in which he served the amount of vacation pay lost as result of his/her services with the Transportation Division.

**SECTION 30 – FISCAL YEAR**

**SEC. 30.** The fiscal year of the Transportation Division and all its subordinate bodies shall begin on the 1st day of January and end on the 31st day of December of the same year.

**SECTION 31 – RETIREMENT OF OFFICERS AND EMPLOYEES**

**SEC. 31.** All officers and employees of the Transportation Division shall be retired from the service of the Transportation Division on the last day of the year in which they attain age seventy (70).

**SECTION 32 – PRINTING AND SUPPLIES**

1  
2 **SEC. 32.** The President Transportation Division and the General Secretary-  
3 Treasurer shall jointly receive bids and award contracts for printing Interna-  
4 tional and Local supplies, and other necessary printing. All forms provided by  
5 such Locals must be submitted for approval before being printed.

6 All supplies shall be furnished Locals at cost and must bear the imprint of  
7 the SMART seal.

8 All printed matter purchased by the Transportation Division shall bear the  
9 union label.

**SECTION 33 – OFFICIAL PUBLICATIONS**

1  
2 **SEC. 33.** Official print publications and all electronic media, web, commu-  
3 nications shall be issued regularly by the Transportation Division which shall  
4 be under the business management of the President Transportation Division.  
5 The President Transportation Division shall be Editor-in-Chief and employ  
6 such editorial and other assistance as necessary. The publications shall be fur-  
7 nished to all active members of the Transportation Division and to widows  
8 and retired members who make requests for the print publications, and/or  
9 electronic media, web, communications, provided they keep the Transporta-  
10 tion Division advised as to their correct address. All money for subscriptions  
11 shall be paid and credited to the General Fund of the International.

12 The expense of maintaining the publications shall be paid from the General  
13 Fund of the International and the amount paid pro-rated quarterly against  
14 the various funds of the International on a percentage basis established by the  
15 President Transportation Division. All of the above is in coordination with  
16 the General Secretary-Treasurer.

**SECTION 34 – ENDORSEMENT OF SOUVENIRS, ETC.**

1  
2 **SEC. 34.** The Transportation Division or Locals shall not endorse articles  
3 of merchandise. Locals shall not sell or grant to any person the right to solicit  
4 advertisements or issue souvenirs or like objects in the name of SMART and/  
5 or the SMART Transportation Division.

6 Locals, subject to prior approval of the President Transportation Division,  
7 may issue advertising, programs, time books, or other publications of general  
8 interest in the name of the Transportation Division for Local purposes, when  
9 properly authorized by the Local(s) interested, providing the net proceeds  
10 therefrom go to the Locals making such authorization.

11 Where two (2) or more Locals are located in the same city or sub-section in  
12 which such publications are to be issued, all Locals will be given an opportu-  
13 nity to participate in the project.

All of the above is in coordination with the General Secretary-Treasurer. 14

**SECTION 35 – ORDER OF BUSINESS OF THE TRANSPORTATION DIVISION CONVENTION** 1  
**SEC. 35.** 2

1. Call to order 3
2. Invocation 4
3. Roll call of officers 5
4. Report of Credentials Committee 6
5. Action on previous day's minutes 7
6. Communications 8
7. Reports of officers 9
8. Reports of committees 10
9. Unfinished business 11
10. New business 12
11. Nominations and elections of officers 13
12. Installation of officers 14
13. Closing 15

**SECTION 36 – RULES OF ORDER, TRANSPORTATION DIVISION CONVENTION** 1

**SEC. 36.** The rules of order for conventions of the Transportation Division 2  
shall be Robert's Rules of Order, Revised, except as otherwise provided in the 3  
following rules: 4

These rules may be amended at any regular meeting of the Transportation 5  
Division by a majority vote of the Delegates present. 6

1. The daily sessions of the convention shall begin at 9:00 a.m. and adjourn 7  
at 2:00 p.m. Evening sessions may be called by a majority vote of the 8  
Delegates to begin at 8:00 p.m. Instead of a roll call, appropriate checks 9  
shall be collected from the Delegates as a means of recording attendance. 10
2. The convention shall meet daily excepting Saturdays, Sundays, and legal 11  
holidays and, for parliamentary purposes, shall be considered to be in 12  
continuous session until adjourned on the last day. 13
3. The President Transportation Division shall supply each Officer and 14  
Delegate with a list of Delegates and standing committees. Proceedings 15  
of each day's meeting shall be printed and shall be distributed the fol- 16  
lowing morning. 17
4. Officers and Delegates shall be admitted upon display of their identifica- 18  
tion badge and will take their seats without ceremony. 19
5. No person except Officers and Delegates of the International shall be 20  
admitted to the floor reserved for Delegates. Other officers and mem- 21  
bers of SMART may attend the convention as visitors on presentation 22  
of a receipt for current dues or membership card. 23

- 24 6. The President Transportation Division, or in his/her absence, a  
25 Vice President- International Representative designated by the President  
26 Transportation Division, shall preside. He/she may speak to points of  
27 order in preference to other Officers and Delegates. He/she shall decide  
28 points of order without debate, subject to appeal by five (5) or more Del-  
29 egates. No Delegate may speak more than once on such appeal.
- 30 7. No main motion shall be debated until it has been scheduled and stated  
31 by the presiding officer who may require the motion to be put in writing  
32 before it is stated.
- 33 8. While in the Committee of the Whole, a Delegate may speak but once  
34 on any subject or motion. The maker of a motion may close debate but  
35 will not be permitted to speak in excess of five (5) minutes in the exercise  
36 of this right.
- 37 9. After a question has been decided, any two (2) Delegates who voted  
38 with the majority may, at any time during the session, move to recon-  
39 sider the question. No debate will be permitted on such motions. Should  
40 the motion to reconsider be carried, the question at issue may then be  
41 debated in the same manner as a new motion.
- 42 10. When a question is put, every Delegate in the assembly must vote on it  
43 unless excused by a majority vote of the Delegates.
- 44 11. Except as provided in Section 6, members of each committee will be  
45 appointed by the President Transportation Division. The person named  
46 first on a committee shall be the chairperson.
- 47 12. A yea and nay vote will be taken on any question when called for by one-  
48 third (1/3) of the Delegates present.
- 49 13. The convention is prohibited from considering proposed constitutional  
50 amendments not previously presented to the Constitution Committee.
- 51 14. All constitutional changes recommended by the Constitution Commit-  
52 tee and all such proposals printed and distributed to Officers and Del-  
53 egates will show the current constitutional provision and the proposed  
54 change printed on the same sheet in a manner which will permit easy  
55 and accurate comparison. Portions of the Constitution which are not  
56 involved in amendment proposals will not be read during sessions of the  
57 Committee of the Whole and such portions will, therefore, be identified  
58 and passed upon by making appropriate references to their number and/  
59 or title.
- 60 15. Affirmative action by the Committee of the Whole in rescinding a for-  
61 mer action is not subject to a motion to reconsider. If the motion to  
62 rescind in a case of this kind fails to carry, a motion to reconsider would  
63 be proper but the matter can be acted upon but once.



16. During debate, the presiding officer will recognize the Delegate first in line before each microphone in series beginning with microphone No. 1, and continuing through the number of microphones on the floor before again recognizing microphone No. 1. Recognition shall be alternated between proponents and opponents on all questions, odd number microphones for proponents, and even numbers for opponents. When a Delegate wishes to speak he/she shall proceed to one of the microphones. When recognized by the presiding officer, the Delegate shall give his/her name and Local number. He/she shall confine remarks to the pending question. 64  
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17. If the report of a committee is adopted, the report shall be recorded as concurrence by the convention. If the report fails of adoption, it shall be recorded as non-concurrence. The full report of the committee showing concurrence or non-concurrence on each amendment shall be forwarded to the SMART Constitution Committee for their consideration. 74  
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18. The report of the Committee on Transportation Division Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the final day of the convention. 79  
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19. Documents of interest to the convention shall be printed in the minutes without being read to the convention. This includes resolutions and other matters which direct themselves to appropriate committees for consideration prior to being brought to the floor of the convention. 83  
84  
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20. Reports of the Sick Committee will be printed in each day's minutes. 87
21. The daily sessions of the convention may be opened with a prayer by a member of the clergy or, in the absence of same, by a Delegate. 88  
89
22. The General Secretary-Treasurer may advance travel allowances and per diem payments to Delegates upon request without approval of the convention. 90  
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23. While in the Committee of the Whole, a motion to stop debate shall apply only to the specific subject then under debate. 93  
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24. Election of Transportation Division officers will commence not later than the first order of business on the second day of the convention. 95  
96
25. When electing Transportation Division officers, the following rules will apply: Where an individual officer or position is involved, and no candidate receives a majority of legal votes cast on the first ballot, and there are more than three (3) candidates on the ballot, all candidates except the top three (3) will be dropped. Thereafter, the candidates receiving the lowest number of vote will be dropped on each ballot, until one of the candidates receives a majority of legal votes cast. In placing 97  
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104 the names of candidates on ballots or voting machines, the names of  
105 incumbent officers shall appear first, with the names of other candidates  
106 following in alphabetical order. When elections are run simultaneously  
107 no member may be a candidate for more than one office or position.

108 In addition to the foregoing, the following procedure will govern the elec-  
109 tion of Transportation Division officers:

110 After the election of the President Transportation Division, the National  
111 Legislative Director will be elected. Nominations will be accepted for  
112 Vice Presidential-International Representative positions 1 through 8, until  
113 there are four contested positions after which an election shall be conducted.  
114 In other words, it is contemplated that contested Vice President-International  
115 Representative positions will be elected simultaneously in groups of four (4),  
116 until all Vice President-International Representative positions are filled. From  
117 among the elected Vice President International-Representatives, an election  
118 will be held to select the successor to the President Transportation Division in  
119 the event a vacancy occurs between Conventions.

120 The Alternate National Legislative Director shall be elected next. Alter-  
121 nate Vice President-International Representatives shall be elected as fol-  
122 lows – the Alternate Bus Vice President International Representative in the  
123 Eastern Territory and the Alternate Vice President-International Represen-  
124 tative in the Western Territory shall be elected simultaneously. The remain-  
125 ing six (6) Alternate Vice Presidents, positions 1 through 6, shall be  
126 elected simultaneously.

127 The Board of Appeals will be elected next – (six members (6)). One (1)  
128 member from engine service, position one; one (1) member from road  
129 train service, position two; one (1) member from yard train service, posi-  
130 tion three; one (1) member from Commuter Authorities, position four; one  
131 (1) member from the Bus Department, position five; and one (1) member  
132 from the Aviation Department.

133 Executive Board – (Five members). Members will be  
134 elected simultaneously.

135 Alternate to the Executive Board – One (1) Alternate to the Executive  
136 Board to be elected.

137 26. When an election for a particular office or board is commenced, the  
138 same must be completed before the convention adjourns for the day.

139 27. Transportation Division officers listed in Section 2(A) may speak but  
140 shall have no vote in Transportation Division Convention.

**SECTION 37 – PRINTING AND DISTRIBUTION OF CONSTITUTION**

**SEC. 37.** Copies of the SMART Constitution shall be furnished to all members of the Transportation Division. The most current SMART Constitution shall be made available to all members via electronic media, the SMART web page.

**SECTION 38 – SAVING CLAUSE**

**SEC. 38.** The President Transportation Division, with the approval of the Board of Directors and jointly with the General President, may take such action as may be deemed necessary to meet situations not covered in Article 21 B in order to protect the interest of the membership and the Transportation Division.

See Article Thirty-Four (34), Section 1 as though contained herein.

**SECTION 39 – LOCALS**

**SEC. 39.** Employees in transportation service, other fields of employment, trades and industries, whether public or private employees, desiring to organize a Local shall request an official application from the General Secretary-Treasurer. The application must be accompanied by a fee of Fifty Dollars (\$50.00) to cover the cost of necessary supplies for the Local. Upon receipt, the General Secretary-Treasurer will forward the application to the President Transportation Division for his review and recommendation to the General President.

Should the application be favorably considered by the General President, the General Secretary-Treasurer shall issue a charter, properly signed under official seal, and forward to the person designated. Upon notification by the General President, the President Transportation Division will direct an officer of the Transportation Division to organize the Local and install the elected officers in accordance with this Constitution.

Bylaws for their special government, which do not conflict with this Constitution, shall be adopted, subject to the approval of the General Secretary-Treasurer.

The General President shall assign each Local a number and thereafter it shall be known as “International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) Local Union No. \_\_\_.”

**SECTION 40 – JURISDICTION AND AUTHORITY**

**SEC. 40.** The jurisdiction of Locals shall be that which existed on the date of unification. Changes in jurisdiction may be recommended by the President Transportation Division after giving the interested General Chairperson an

5 opportunity to file recommendations regarding the matter. Changes in jurisdic-  
6 tion are made by the General President subject to the above. The Local shall  
7 have jurisdiction over all members of the Transportation Division employed  
8 under its jurisdiction.

9 The decision of a Local on all matters within its authority shall be final,  
10 unless appealed and reversed.

11 Jurisdiction and authority shall not extend to the transfer of members  
12 from one Local to another Local to result in any Local of twenty-five (25) or  
13 more members being closed. Henceforth the General President shall not make  
14 changes in jurisdiction of Locals which would result in closing a Local whose  
15 membership is twenty-five (25) or more members.

16 A Local may discipline its members for misconduct or violation of  
17 their obligation.

#### 1 SECTION 41 – MEMBERSHIP

2 **SEC. 41.** Any person of good moral character who is employed in a craft  
3 or vocation, whether public or private employment, represented by the Trans-  
4 portation Division is eligible to membership.

5 To gain admission or readmission, an applicant must execute and file with  
6 the Local Treasurer an official application for membership which must be  
7 accompanied by cash, check, or money order to cover one month's dues  
8 and assessments.

9 No application for admission or readmission shall be accepted by the Treas-  
10 urer or considered in any manner until three (3) members of the Local have  
11 signed the same certifying that to the best of their belief the applicant is of  
12 good moral character and if admitted to membership in SMART will be a  
13 worthy member. Upon receipt of a properly executed application accompa-  
14 nished by the required dues and assessment, the Local Treasurer will issue to  
15 the applicant an official receipt and will promptly forward to the General Sec-  
16 retary-Treasurer the completed application, together with the required dues  
17 and assessments. The Local Treasurer will report at each meeting all admis-  
18 sions and readmissions occurring subsequent to the last meeting of the Local.

19 The official membership application form will include the following state-  
20 ment which will be subscribed to, and signed by, the applicant in the presence  
21 of an officer or member of the Local who shall witness the applicant's signa-  
22 ture and certify by signature that he/she has done so:

23 "I pledge my honor to faithfully observe the Constitution and Laws of the  
24 International Association of Sheet Metal, Air, Rail and Transportation Work-  
25 ers, including the bylaws of my Local; to comply with the rules and regula-  
26 tions for the government of the International Association of Sheet Metal, Air,

Rail and Transportation Workers; not to make known to outsiders any private proceedings of the International Association of Sheet Metal, Air, Rail and Transportation Workers; to faithfully perform all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as not to bring reproach upon my union and at all times bear true and faithful allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers.”

#### **SECTION 42 – CONTINUOUS MEMBERSHIP**

**SEC. 42.** Continuous membership in the former Order of Railroad Conductors and Brakemen, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, Switchmen’s Union of North America, or Railroad Yardmasters of America in addition to service in the Merchant Marine during a national emergency and any military service together with continuous membership in the United Transportation Union will be combined to compute total continuous membership in SMART.

#### **SECTION 43 – MEMBERSHIP CARDS**

**SEC. 43.** Members of the Transportation Division, upon written request to the Treasurer of their Local during the month of December, will be furnished a membership traveling card for the following year. Such cards shall bear the number and seal of the Local, and the signature of the President and Treasurer of the Local. The title, if any, and the continuous membership record of the member shall also be shown thereon.

Members totally disabled or having twenty (20) years’ continuous membership as provided in Section 42 and retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union, now SMART. Such members shall be entitled to attend Local meetings.

#### **SECTION 44 – AUTHORITY TO REPRESENT**

**SEC. 44.** Every member of SMART grants complete authority to SMART and any of its constituted representatives to act in said member’s behalf for the purpose of disposing, in any manner, of any and all of said member’s claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary. The Organization shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with consideration and

determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the Organization to the contrary.

Decisions reached disposing of or settling claims, complaints, and grievances referred to herein shall be furnished in writing, within thirty (30) days after such decision, to the Local Chairperson and Secretary of the Local submitting such claims, complaints, and grievances.

#### **SECTION 45 – DUTIES OF MEMBERS**

**SEC. 45.** Members of the SMART Transportation Division are obligated to pay all dues and assessments promptly, to attend all meetings of their Local where reasonably possible to do so, to faithfully observe the provisions of the Constitution of the International and the bylaws of the Local, to keep from outsiders the private proceedings of SMART, to faithfully perform all the duties assigned to them to the best of their ability and skill, and to so conduct themselves at all times as not to bring reproach upon SMART. Members who are found to be in violation of these duties are subject to reprimand, suspension, or expulsion, as their Local may determine, following a trial conducted in strict compliance with Section 74 of Article Twenty-One B (21B).

#### **SECTION 46 – VISITING MEMBERS**

**SEC. 46.** Visiting members of SMART shall be admitted to Local meetings upon presentation of an official receipt for the current month's dues or life membership card. In case the identity of the visiting member is not known, further proof of membership may be required.

#### **SECTION 47 – TRANSFER OF MEMBERS**

**SEC. 47.** (a) In the event the charter of a Local is revoked or surrendered, the members shall be transferred to a Local having jurisdiction over their current employment. The Local having jurisdiction will be designated by the President Transportation Division, subject to review by the General President, and such members will be transferred on the date such revocation or surrender is effective.

(b) Following the date of unification, members in active service must become members and maintain membership in the Local having jurisdiction over the craft in which assigned on the seniority territory on which employed. Thereafter, if a member is assigned to another craft under the jurisdiction of another Local for a period in excess of ninety (90) days, the Treasurer of the Local with which the member is affiliated shall, upon receipt of written request from the Treasurer

of the Local under whose jurisdiction the member is working, issue a transfer certificate for the member.

Nothing in this section shall prohibit a member from voluntarily transferring to another Local in less than (90) days provided he/she is working under the jurisdiction of that Local.

(c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals have identical jurisdiction, a member may, upon written request, transfer his/her membership from one such Local to the other.

(d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Chairpersons, First Vice Local Chairpersons, Secretary and Treasurers, and Legislative Representative, shall not be subject to the aforementioned transfer requirements.

(e) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer and completed in quadruplicate by the Local Treasurer, forwarding the original to the Local requesting the transfer, the second copy to the General Secretary-Treasurer, the third copy to the member being transferred, and retaining the fourth copy for his/her records. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the Local to which transferred.

(f) Members required to transfer from one Local to another Local in the application of this Section may continue to participate in any benefit program in which they were participating at the time of said transfer, provided such member continues to remit the necessary payment for said benefits.

## SECTION 48 – LOCAL FUNDS

**SEC. 48.** Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The amount of Local dues shall be established by the members present, voting by secret ballot, when the Local is organized.

No change in Local dues, the daily rate or salary established for Local officers or Legislative Representatives, or the levying of a special assessment, may be considered by a Local until notice of such proposition has been read at one (1) regular or special meeting and all members have been notified of the proposition and date on which the proposition will be considered. Any proposition to change Local dues, the daily rate, or salary established for Local officers or Legislative Representatives, or the levying of a special assessment, must be approved by a majority vote of the members, voting by secret ballot, in attendance when the proposition is considered.

Each Local shall maintain a Local Committee fund to pay the cost of

16 representation by the Local Committee of Adjustment by levying Local Com-  
17 mittee dues, as established by the members present under its jurisdiction, vot-  
18 ing by secret ballot, when the committee is established.

19 No change in Local Committee dues, the daily rate or salary established for  
20 Local Committeepersons, or the levying of a special assessment may be con-  
21 sidered until such proposition has been read at one (1) regular or special meet-  
22 ing and all members working under the jurisdiction of the Local Committee  
23 have been notified of the proposition and date on which the proposition will  
24 be considered. Any proposition to change Local Committee dues, daily rate  
25 or salary of Local Committeepersons, or to levy a special assessment must be  
26 approved by a majority vote of the members working under the jurisdiction of  
27 the Local Committee involved, voting by secret ballot, who are in attendance  
28 when the proposition is considered.

29 The effective date of any increase in Local, Local Committee of Adjust-  
30 ment dues, or special assessments must coincide with the requirements of any  
31 check off of Union Dues Agreement in effect.

#### 1 SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS

2 **SEC. 49.** The dues and assessments of members shall be paid in advance,  
3 before the first day of the month in which they are due. Any member who  
4 fails to pay his/her dues and assessments within the time provided shall be sus-  
5 pended without notice or further action.

6 No member shall be considered in arrears for dues and assessments  
7 when his/her employer has withheld from their pay money for such dues  
8 and assessments, pursuant to a dues check-off agreement, and the employer  
9 has delayed or defaulted payment to the Local.

10 A member who for any reasons, including sickness and disability, is  
11 not engaged in transportation service, other fields of employment, trades,  
12 and industries, whether in public or private employment where the United  
13 Transportation Union, now SMART, holds the contract, or in the service  
14 of the Transportation Division for a full calendar month (excluding his/  
15 her vacation) shall, upon submitting to the General Secretary-Treasurer and  
16 the Local Treasurer written request on the prescribed form, be relieved from  
17 the payment of all dues and assessments for subsequent calendar months  
18 until he/she again returns to transportation service, other fields of employ-  
19 ment, trades, and industries, whether in public or private employment where  
20 the United Transportation Union, now SMART, hold the contract, or ser-  
21 vice with the Transportation Division. Such member will promptly report to  
22 the Local Treasurer his/her date of return to active service with the employer



and will be obligated to pay full dues and assessments beginning with the first 23  
month thereafter. 24

During the period in which members request relief and are relieved from the 25  
payment of dues and assessments in accordance with this Section, they shall 26  
continue to enjoy all privileges of membership, except they shall not be per- 27  
mitted to vote in elections or on any other subject involving grievances, hours 28  
or mileage limitation, or other methods of work distribution, unless allowed 29  
to vote by virtue of Local bylaws in Local matters only. 30

The Local Treasurer, in cooperation with the Local President and the Local 31  
Chairperson involved, will maintain a close check of the roster of members 32  
who are relieved from the payment of full dues and assessments under the pro- 33  
visions of this Section with a view towards avoiding the abuse of this privilege. 34  
In addition, the Local Treasurer will, at each regular meeting of the Local, 35  
read for the benefit of members present the roster of members who have been 36  
excused from the payment of full dues and assessments. 37

Where the reason for a member not being engaged in transportation ser- 38  
vice, other fields of employment, trades, and industries, whether in public or 39  
private employment where the United Transportation Union, now SMART, 40  
holds the contract, or in the service of the Transportation Division is sickness 41  
or disability, the Local, upon receipt of written request from the member, may 42  
by majority vote of the members present at any regular meeting, authorize the 43  
Local Treasurer to pay the member’s remaining dues and assessments for such 44  
period as the Local might determine. The written request shall be a condition 45  
precedent to the member’s rights under this paragraph. 46

Dues and assessments advanced for the benefit of sick or disabled mem- 47  
bers under the foregoing paragraph represent a loan to the member. The 48  
Local shall designate a date on or before which the amount advanced should 49  
be repaid. If repayment is not made within the time specified, the member 50  
shall be suspended for non-payment of dues. 51

It shall be the duty of the members to keep the Local Secretary and Trea- 52  
surer advised of their current home address. 53

**SECTION 50 – SUSPENSIONS** 1

**SEC. 50.** A member suspended for improper conduct shall, at the expira- 2  
tion of the time for which the member was suspended, be reinstated but shall 3  
not be required to pay dues and assessments accrued during the suspension. 4  
Should the member be accused of improper conduct during the suspension, 5  
the member shall be liable to charges. 6

**SECTION 51 – READMISSION**

1  
2 **SEC. 51.** A member, as defined under Section 41, who has been suspended  
3 for non-payment of dues or assessments may be readmitted upon applica-  
4 tion on proper form and the payment of all money due up to the date of his/  
5 her suspension, plus dues and assessments for the current month and a rein-  
6 statement fee of One-Dollar (\$1.00). Where less than one calendar month  
7 has elapsed, no reinstatement fee will be required. A member expelled for  
8 causes other than non-payment of dues or assessments shall not be readmit-  
9 ted in less than six (6) months. A member expelled upon charges ordered by  
10 a convention, or one who was expelled for defrauding a Local, shall secure  
11 a dispensation from the President Transportation Division before presenting  
12 application for readmission.

**SECTION 52 – REGISTERS**

1  
2 **SEC. 52.** Locals shall maintain a register showing the name, address, and  
3 employment of their members.  
4 Locals shall also maintain an attendance register and require that every  
5 member who attends Local meetings personally register his/her name and  
6 Local number therein.  
7 Local Secretaries shall be responsible for the maintenance of accurate regis-  
8 ters by their Local.

**SECTION 53 – RIGHTS AND BENEFITS**

1  
2 **SEC. 53.** Except as otherwise provided in this Constitution, no member  
3 shall be entitled to any of the rights or benefits of SMART, unless dues and  
4 assessments are paid within the time specified herein.

**SECTION 54 – LOCAL MAINTENANCE OF MEMBERSHIP FUND**

1  
2 **SEC. 54.** When authorized by a majority vote of its membership, a Local may  
3 establish a Maintenance of Membership fund by levying an assessment of One-  
4 Dollar (\$1.00) per member for one month or transferring an equivalent amount  
5 from the Local Fund.

6 The purpose of the Maintenance of Membership Fund is to provide a fund  
7 from which the Local Treasurer may, without written request from the member  
8 or advance approval of the Local, advance the dues and assessments of members  
9 who do not pay the same in advance before the first day of the month. The Treas-  
10 urer will not advance the dues and assessments of a member who submits, before  
11 the first day of the month, written request for a termination of membership.

12 When dues and assessments are advanced from the Maintenance of Member-  
13 ship fund, the member involved must reimburse the fund for the amount of the

dues and assessments plus a service charge of One-Dollar (\$1.00). Should the member fail to repay this amount during the month for which the advance was made, the Treasurer will make no further advances for benefits until that member has paid the indebtedness. If the member is subsequently suspended for non-payment of dues or discontinues membership in any other manner, the amount of indebtedness to the Maintenance of Membership fund will be deducted from any payment that may be due said member from the International or the Local. If recovery of the amount due the Maintenance of Membership fund is not accomplished in this manner, the suspended member will not be readmitted to membership until the amount due has been paid.

**SECTION 55 – TIME AND PLACE OF MEETING**

**SEC. 55.** A Local shall hold at least one regular meeting each month at the time and place specified in its bylaws. Upon reasonable notice to the members and the President Transportation Division, a Local may take action to change the place and time of meeting in the same town or city in accordance with its bylaws.

Special meetings may be called by the President of the Local and the purpose thereof must be stated. The President shall call a special meeting, upon receipt of written request of five (5) members in good standing, stating the purpose for which the meeting is requested. In the absence of the President, the meeting shall be called by the Vice President or Secretary. Reasonable notice of special meetings shall be given to all members and no business shall be transacted except that for which the special meeting is called.

Five (5) members in good standing shall constitute a quorum for the transaction of business.

**SECTION 56 – OFFICERS AND LOCALS**

**SEC. 56.** The elective officers of a Local shall consist of a President, Vice President, Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a Local, the office of Secretary and Treasurer may be separated and elections held to fill each office. A Local having fifty (50) or more members may create the office of Collector.

The President of the Local may appoint officers consisting of guards, committees, and stewards as necessary to conduct the functions of the Local.

Stewards will be responsible for the interchange of information and communication between Local officers and the membership. They shall not be vested to act with any authority reserved to elected officers.

The elective and appointed officers shall serve for a period of three (3) years or until their successors assume office. No member may fill more than one (1) of these elective offices at the same time.

**SECTION 57 – ELECTIONS IN LOCALS**

1           **SEC. 57.** The election for officers of a local shall be held in November, 1969,  
2 and each three (3) years thereafter.

3           An election to fill the offices of Local Committees of Adjustment shall be held  
4 in November 1970, and quadrennially thereafter.

5           An election for Legislative Representatives and Alternate Legislative Representa-  
6 tives shall be held in November 1971, and quadrennially thereafter. Candidates  
7 for these offices must be qualified voters.

8           Local Committeepersons and Legislative Representatives shall assume their  
9 office on January 1, following the year of the Quadrennial election.

10          An election for Delegate and Alternate Delegate to the Transportation Divi-  
11 sion Convention shall be held in November 2018, and quinquennially thereafter.  
12 In Locals having jurisdiction over more than one craft, the Delegate and Alternate  
13 Delegate must be elected from different crafts. The Delegate so elected shall also  
14 be a delegate to the SMART Convention. Additional Delegates to the SMART  
15 Convention shall be elected in accordance with Article Seven (7), Section 3.

16          Officers stipulated in the Section shall be elected by secret ballot at a November  
17 meeting of the Local, or by referendum vote, as provided by existing bylaws or  
18 procedures of each Local. An electronic voting method may be used if it meets  
19 the standards of the Department of Labor for guaranteeing secrecy of the ballot.  
20 Nominations must be filed with the Secretary not later than the last regular meet-  
21 ing in October in the year of election. Where nominations are made by nominat-  
22 ing petition, at least five (5) members eligible to vote shall sign the petition. The  
23 Secretary shall promptly acknowledge receipt of all petitions and read them at the  
24 last regular meeting in October.

25          The members present at the last regular meeting in October shall set the date on  
26 which the ballots shall be counted and the election held.

27          The Secretary shall prepare ballots showing the names of all candidates and the  
28 offices for which they are nominated.

29          Incumbent officers shall appear first with names of other candidates following  
30 in alphabetical order.

31          The ballots shall be prepared so as to provide a square opposite each candi-  
32 date's name in which the voter can mark his/her preference of candidates.

33          In Locals having more than one Local Committee of Adjustment for differ-  
34 ent crafts, the Secretary will provide a separate ballot for all eligible voters of each  
35 craft working under the jurisdiction of the committee involved.

36          When voting by mail referendum, the ballot shall be mailed by govern-  
37 ment first-class mail to each member eligible to vote in envelopes bearing a return  
38 address the same as the Post Office address on the "Ballot" envelopes. Ballots  
39

shall be mailed at least fifteen (15) days prior to the date set to tabulate the ballots, together with a leaflet containing voting instructions, an envelope marked “A”, and a stamped envelope marked “Ballot” addressed to the Secretary in care of the postmaster for mailing by the voter.

The leaflet containing voting instructions shall contain the following:

“Instructions for voting by mail: The voter will make a mark in the square of his/her choice, fold, and place the ballot in the envelope marked ‘A’ and seal. Place sealed envelope ‘A’ in envelope marked ‘Ballot’ and seal. Place name and address in upper left-hand corner of envelope marked ‘Ballot’ and mail. Do not place any mark of identification on the ballot or the envelope marked ‘A’ that would destroy the secrecy of the ballot.”

The Secretary shall arrange with the postmaster for a post office box. The key or combination of such box shall remain in possession of the postmaster. Such arrangement shall be confirmed by letter.

On the day set for the tabulation of the ballots and election, the President will appoint three (3) Tellers. A copy of the letter confirming the arrangement with the postmaster will be furnished the Tellers which will authorize the postmaster to deliver the content of the box to the Tellers at a given hour.

The Tellers shall return to the Local and canvass the ballots. They will check the names on the envelopes marked “Ballot” against the list of eligible voters furnished by the Secretary, open the envelopes marked “Ballot,” and remove the envelopes marked “A.” After all envelopes marked “Ballot” have been opened, and emptied, the envelopes marked “A” shall be opened, ballots removed, and canvassed by the Tellers. The results shall be reported to the President of the Local in writing.

The candidate receiving a majority of the votes cast for a given office shall be declared elected. If no one (1) of the candidates for a given office receives a majority of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the two (2) candidates receiving the highest numbers of votes cast for that office. If any number of the candidates for a given office are tied for the highest number of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of votes cast for that office. If one (1) candidate receives the highest number but that number does not constitute a majority of the votes cast for a given office and any number of candidates are tied for the second highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the name of the candidate receiving the highest number and the names of the candidates receiving the second highest number of the votes cast for that office.

79 The Board of Trustees shall be elected by a majority of the ballots cast.

80 The Secretary will keep all election records for one (1) year, including used,  
81 unused and void ballots, eligibility list, tally sheets, and “ballot” envelopes  
82 used to mail in marked ballots.

83 When only one (1) nomination has been received for  
84 an office, the member so nominated will be declared elected on the day set for  
85 the tabulation of ballots and election.

86 In the event of a permanent vacancy in any office, the Local shall proceed  
87 to fill the vacancy in accordance with the bylaws of the Local or as provided in  
88 this Section; except the Vice President shall succeed to the office of President,  
89 the Alternate Legislative Representative shall succeed to the office of Legis-  
90 lative Representative, and the Alternate Delegate shall succeed to the office  
91 of Delegate.

92 In elections of Local Committees of Adjustment, only members in service  
93 under the jurisdiction of such committee will be notified of such election and  
94 permitted to file or sign nominating petitions and vote.

95 Locals failing to complete their regular elections during the month of  
96 November must notify the President Transportation Division the reason  
97 therefor and the date set for the completion of the election.

98 Locals must, following each election of officer or succession to office,  
99 promptly notify the President Transportation Division, General Secretary-  
100 Treasurer, interested General Chairpersons, State and District Legislative  
101 Boards of the names and addresses of the new officers.

102 Local Officers, Committeepersons, Legislative Representatives and Del-  
103 egates upon leaving office must promptly transfer all property, funds, securi-  
104 ties, equipment and other effects of their office to their successor. Any member  
105 failing to comply with the provisions of this paragraph shall be suspended  
106 from membership in SMART.

107 Candidates may have observers present during the counting and tally-  
108 ing process, including the tallying of the ballots, totaling, recording and  
109 reporting of tally sheets. In a mail ballot election, candidates may have observ-  
110 ers present at the preparation and mailing of the ballots, their receipt, open-  
111 ing, and counting.

## 1 SECTION 58 – INSTALLATION OF LOCAL OFFICERS

2 **SEC. 58.** The elective and appointive officers enumerated in Section 56  
3 shall be installed as soon as possible following their election and shall assume  
4 their duties on January 1 or as soon thereafter as they are installed.

5 They must present themselves at a regular or special meeting for installation

within sixty (60) days following their election or appointment and failing to do so, their office will be declared vacant.

Where a vacancy is filled in an interim election, the successful candidate will assume the duties of such office immediately upon installation.

The installation ceremony shall be performed by the ranking or the most recent Past President, or if no Past President is available, by a member named by the officer presiding at the meeting. The officers to be installed will be called before the installing officer who will read the following obligation:

“Do you hereby pledge on your honor to perform the duties of your respective offices as required by the International Association of Sheet Metal, Air, Rail and Transportation Workers’ Constitution; to bear true and faithful allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers and with complete good faith to support, advance, and carry out all official policies of the International Association of Sheet Metal, Air, Rail and Transportation Workers; to deliver to your successor all books, papers, and other property of the International Association of Sheet Metal, Air, Rail and Transportation Workers that may be in your possession at the end of your term of office; and at all times conduct yourself as becomes a member of the International Association of Sheet Metal, Air, Rail and Transportation Workers?”

The officers being installed shall respond:

“I do.”

The installing officer shall then say:

“Your duties are defined in the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the International Association of Sheet Metal, Air, Rail and Transportation Workers. You will now assume your respective stations.”

### SECTION 59 – DUTIES OF THE LOCAL PRESIDENT

**SEC. 59.** The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. He/she shall appoint a majority of all committees and shall sign all documents that require authentication.

The President shall see that the Local officers respond to inquiries from

9 the International and shall, with the Secretary and/or Treasurer, file all  
10 reports required of Locals by Federal, State or local laws, and countersign  
11 all disbursements issued by check or draft.

12 The President may speak on any subject before the Local but he/she may  
13 not vote except, in case of a tie vote, on a matter upon which he/she is other-  
14 wise eligible to vote shall case the deciding ballot.

### 1 **SECTION 60 – DUTIES OF THE LOCAL VICE PRESIDENT**

2 **SEC. 60.** The Vice President shall assist the President in the discharge  
3 of his/her duties and preside at meetings in the absence of the President. He/  
4 she shall appoint a minority of all committees and, if the President's office  
5 becomes vacant, shall discharge the duties and assume the responsibilities of  
6 the President for the remainder of the term.

### 1 **SECTION 61 – THE LOCAL PAST PRESIDENT**

2 **SEC. 61.** When a Local President has completed his/her term of office and  
3 a successor has been installed, he/she shall become the ranking Past Presi-  
4 dent of the Local and shall serve as such until succeeded. He/she shall there-  
5 after be a Past President according to the regular order of succession.

### 1 **SECTION 62 – DUTIES OF THE LOCAL PAST PRESIDENT**

2 **SEC. 62.** The Past President shall install the officers of the  
3 Local and, in the absence of the President and Vice President, shall preside  
4 at Local meetings.

### 1 **SECTION 63 – DUTIES OF THE LOCAL SECRETARY**

2 **SEC. 63.** The Secretary shall keep an accurate record of all proceedings,  
3 receive all communications, conduct the correspondence, and shall have  
4 charge of the seal and records of the Local. He/she shall notify all officers of  
5 their election or appointment and shall notify other Locals of action taken  
6 by his/her Local which might affect, interest, or concern them.

7 The Secretary shall notify the General Secretary-Treasurer of all changes in  
8 the time and place of meetings and prepare, sign, and affix the seal to all docu-  
9 ments requiring his/her official signature as provided by the Constitution and  
10 bylaws of the Local.

11 He/she shall see that all notices required regarding elections and levy-  
12 ing of assessments are sent in accordance with Article Twenty-One B (21B).  
13 The Secretary shall perform the duties of the Treasurer in Locals that do not  
14 provide for the separation of the offices of Secretary and Treasurer and shall,  
15 with the President and Treasurer, file all reports required by Federal, State, or  
16 local laws.



**SECTION 64 – DUTIES OF THE LOCAL TREASURER**

**SEC. 64.** The Treasurer shall receive all money due to be collected by the Local and give his/her receipt for the same. Where a Local maintains the office of Collector, the provisions of Section 65 will apply. The Treasurer shall hold and keep secure all Local funds and shall be bonded as provided in Section 71 of Article Twenty-One B (21B). He/she shall sign all papers requiring his/her signature and perform other duties required by Article Twenty-One B (21B) and the bylaws of the Local. He/she shall keep an accurate account for all receipts and expenditures of the Local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the International or their representatives.

The Treasurer shall promptly, but not later than the 20th day of each month, remit to the General Secretary-Treasurer all monies due the International. All disbursements issued by check or draft must be countersigned by the President of the Local. Each disbursement shall be reported by the Treasurer at the first meeting of the Local following the disbursement.

During the month of January of each year, the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent has been verified, the Board members shall sign and submit the report to the first regular meeting of the Local following the audit. A copy of the signed report shall then be sent to the General Secretary-Treasurer by the Board of Trustees.

The Treasurer shall be a member of all Local Committees which receive or disburse money. When Local action is taken approving the disbursement of funds which in the opinion of the Treasurer is in violation of provisions of this Constitution or the Local's bylaws, he/she shall withhold payment for a period not to exceed thirty (30) days and report the matter at once to the President Transportation Division. The Treasurer will then be governed by the President Transportation Division's instructions regarding the expenditure involved, subject to appeal.

The Treasurer shall notify the Treasurer of another Local when he/she has knowledge that a member of his/her Local is employed under the jurisdiction of the other Local.

It shall be the responsibility of the Treasurer to credit dues and assessments paid to the appropriate Local Committee of Adjustment and General Committee of Adjustment accounts of his/her Local in accordance with the provisions of Article Twenty-One B (21B).

40 The Treasurer shall, with the President and Secretary, file all reports required  
41 by Federal, State, and local laws.

### SECTION 65 – DUTIES OF THE LOCAL COLLECTOR

1  
2 **SEC. 65.** The Collector shall receive all money due the Local and will give  
3 receipt therefore. He/she shall, prior to the first day of each month, report to  
4 the Local Treasurer on the required forms all money received during the cur-  
5 rent month and shall pay to the Local Treasurer the amount so collected. His/  
6 her records shall be open at all times for inspection and audit by officers of the  
7 International or their representatives. He/she shall be bonded as provided in Sec-  
8 tion 71 of Article Twenty-One B (21B).

### SECTION 66 – DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES

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2 **SEC. 66.** (a) Local Legislative Representatives shall attend all meetings of  
3 their State or District Legislative Board. They shall report to their Locals regard-  
4 ing the handling of all alleged unsafe or unsanitary working conditions found  
5 to exist, or reported to them, within their jurisdiction. They shall undertake to  
6 correct such conditions through appropriate measures consistent with the local  
7 and national policies of the Transportation Division. If they are unable to correct  
8 the alleged unsafe or unsanitary working conditions, they will so report to the  
9 President Transportation Division and the National Legislative Director regard-  
10 ing Federal matters and to the State or District Legislative Director regarding  
11 State or District matters. They shall urge all members of the Transportation  
12 Division to qualify and vote in all elections. When called upon, they shall give all  
13 possible assistance to the President Transportation Division, National Legisla-  
14 tive Director, State or District Legislative Director, and the officers of the State  
15 or District Legislative Boards, subject to the supervision of the Local.

### SECTION 67 - DUTIES OF THE LOCAL BOARD OF TRUSTEES

1  
2 **SEC. 67.** The Local Board of Trustees shall supervise the financial affairs of  
3 the Local. Upon approval by the Local, the Board shall also have the author-  
4 ity to rent, lease, or purchase property, office equipment, or necessary supplies.  
5 Additionally, the Board shall assure that the Treasurer and other Local officers  
6 are bonded as required by Section 71.

7 The Board shall meet in the month of January of each year for the purpose of  
8 auditing the annual report of the Treasurer and verifying bank balances and cash  
9 on hand. If the Treasurer's annual report is found to be correct, the Board mem-  
10 bers shall endorse the report with their signatures, furnishing copies to the Local  
11 and the General Secretary-Treasurer.

**SECTION 68 – LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT**

**SEC. 68.** If any elected officer, Legislative Representative or Committeeperson of a Local becomes negligent in the performance of his/her duties and responsibilities as a Local representative, the Local may, after due deliberation, take action to notify him/her to appear at a designated meeting and show cause why his/her office or position should not be declared vacant. The notice must be in writing and will fully specify the complaints he/she will be required to answer. If he/she fails to respond to the notice or if the explanations offered for his/her negligence are unsatisfactory, the Local may, by majority vote of the members involved, present at the meeting, declare his/her office or position vacant, unless he/she invokes the trial procedure as set forth in Section 74 within fifteen (15) days from the date of the aforementioned notice.

**SECTION 69 – LOCAL APPOINTIVE OFFICE DECLARED VACANT**

**SEC. 69.** If any appointed officer or committeeperson is negligent in performing his/her duties as a Local representative, the President of the Local may declare the office vacant and appoint a successor at any regular meeting.

**SECTION 70 – VACATIONS-LOCAL OFFICERS AND COMMITTEEPERSONS**

**SEC. 70.** Officers and Committeepersons employed by their Locals on a full-time basis shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Local. Such vacations may be split but will not be carried over from one year to the next. Officers and Committeepersons employed by their Locals on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Local been earned with the carrier. However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the Local.

Vacation allowances provided herein shall be paid by the Treasurer from the appropriate Local funds within ten (10) days after receipt of the vacation claim. This Section is intended to prevent any loss in vacation time and pay as a result of serving the Local.

**SECTION 71 – BONDING OF LOCAL OFFICERS**

**SEC. 71.** For bonding see Article Five (5), Section 1(c).

If a shortage in Local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the

5 evidence must be sent to the General Secretary-Treasurer by the President,  
6 Secretary, or other officers of the Local having such knowledge.

7 Auditors of the International will audit local records in such cases and  
8 attempt to collect any shortage that may exist.

### 1 **SECTION 72 – SURPLUS ASSETS OF LOCALS**

2 **SEC. 72.** A Local may deposit surplus assets with the International. Locals  
3 making such deposits shall be responsible for the pro rata share of expenses  
4 incidental thereto.

5 The General Secretary-Treasurer shall be the custodian of such  
6 assets deposited. The deposits shall be placed in a suitable safety deposit box.  
7 At least two (2) members of the General Executive Council shall be present  
8 when assets are deposited or the deposit box is opened.

9 The General Secretary-Treasurer shall maintain a record of the deposits  
10 and attend to the collection of any income due thereon and remit same to the  
11 Local involved.

12 Assets deposited with the International must be shown by the Treasurer as  
13 part of the balance on hand to the credit of the Local. Deposits may be with-  
14 drawn at any time upon submitting to the General Secretary-Treasurer a reso-  
15 lution adopted by Local action, signed by the President and Treasurer, and  
16 bearing the Local seal.

### 1 **SECTION 73 – REVOKING OR SURRENDERING LOCAL CHARTERS**

2 **SEC. 73.** The charter of a Local may be revoked by recommendation  
3 of the President Transportation Division, with approval of the General  
4 President in accordance with Article Three (3), Section 2(d), for any of the  
5 following reasons:

6 Improper conduct.

- 7 • Neglecting or refusing to conform to the provisions of this Constitution  
8 or the Local's bylaws.
- 9 • Neglecting or refusing to make required returns and reports.
- 10 • Neglecting or refusing to hold at least one (1) regular meeting  
11 each month.
- 12 • Neglecting or refusing to elect and install a successor to an officer who  
13 was removed from office.
- 14 • Neglecting or refusing to bring an officer or member to trial when  
15 directed to do so by the General President and President Transporta-  
16 tion Division.
- 17 • No charter can be revoked until the President Transportation Division  
18 has given at least thirty (30) days' written notice to the President and

Secretary of the Local and the interested General Chairpersons of his  
intention to revoke the charter and a Transportation Division officer, or  
International Representative, has attended a designated regular meeting  
of the Local for the purpose of investigating the matter and giving the  
officers and members of the Local an opportunity to be heard.

A Local whose charter has been revoked shall be known as a defunct Local.  
All property, funds, and securities of a defunct Local shall automatically  
be vested in the Local(s) into which its members are transferred, on a pro  
rata basis, as of the date the charter is revoked. The President Transporta-  
tion Division, subject to review by the General President and after consulta-  
tion with the interested General Chairpersons, State or District Chairpersons,  
shall designate the Local(s) into which the defunct Local's members will be  
transferred consistent with such changes in jurisdiction as might become nec-  
essary as a result of closing the Local.

The officers of a defunct Local shall deliver to the General Secretary-Trea-  
surer, within thirty (30) days after its charter is revoked, the charter, seal, and  
other supplies furnished by the International together with all funds, securi-  
ties, and other effects of the Local. Local officers who fail to comply with the  
provisions of this paragraph shall be suspended from membership in SMART.

An expelled or suspended member whose Local is defunct may file appli-  
cation for admission into the Local then holding jurisdiction over his/  
her employment. Such application shall be treated and progressed as if it were  
an application for readmission under the provisions of Section 51 of Arti-  
cle Twenty-One B (21B).

Any Local wishing to surrender its charter may do so by majority vote of  
the members and shall notify the President Transportation Division, who will  
with approval of the General President, appoint a responsible representative  
to take full charge of the charter and all property of the Local for disposition  
in accordance with this Section.

## **SECTION 74 – CHARGES AND TRIALS - OFFICERS, COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS**

**SEC. 74.** (a) Charges may be preferred against a Local officer, Commit-  
teeperson, or member for failure to fulfill the obligations and responsibili-  
ties imposed upon them by Article Twenty-One B (21B) and/or the bylaws of  
the Local. Charges not covered under Article Twenty-One B (21B) will be pro-  
cessed under the provisions of Articles Seventeen (17) and Eighteen (18) of the  
SMART Constitution.

Charges must be made in writing and shall clearly specify the

10 alleged offense(s) together with the section(s) of Article Twenty-One B  
11 (21B) and/or those portions of the Local bylaws, which it is alleged have  
12 been violated.

13 Charges must be signed by the party preferring them. He/she shall then  
14 forward the charges by certified mail to the Secretary of the Local in which  
15 the accused holds membership unless the alleged offense was committed  
16 under the jurisdiction of another Local, in which case the charges will be  
17 sent to the Secretary of that Local.

18 A Local officer or Committeeperson against whom charges have been  
19 preferred shall continue in office while under charges unless otherwise voted  
20 by the Local.

21 A member shall not be suspended for non-payment of dues while  
22 under charges. The Local Treasurer is authorized to pay such membership  
23 dues from the Local fund until the charges have been tried and determined.  
24 The money involved will be considered as a loan to the member, and unless  
25 repaid on or before a day designated by the Local, the member will be sus-  
26 pended for non-payment of dues.

27 The Local will consider the charges at its first regular meeting following  
28 their receipt by the Secretary of the Local, and unless charges are found to  
29 be completely lacking in substance or merit, the Local will accept the charges  
30 and authorize a trial.

31 A Trial Board consisting of five (5) members of the Local working in the  
32 craft of the accused shall be elected by the Local and the Trial Board shall  
33 elect from its members a Chairperson and a Secretary and proceed to try  
34 the case. Within three (3) days of their first meeting, the Secretary of the  
35 Trial Board shall send to the accused by certified mail a copy of the charges  
36 and notice of the date, time, and place of trial. The date selected for the trial  
37 must permit not less than fifteen (15) days' advance notice to both parties  
38 involved in the trial. The trial shall be held within thirty (30) days from the  
39 meeting at which the charges were presented.

40 The Secretary of the Trial Board shall send by certified mail the same  
41 information relative to the trial to the party preferring the charges along  
42 with instructions to attend the trial for the purpose of submitting evidence  
43 and testimony in support of the charges and to participate in cross-examina-  
44 tion by or on behalf of the accused.

45 The majority of the Trial Board shall constitute a quorum and, in the  
46 absence of a quorum, no trial shall be held and the Trial Board will report  
47 the circumstances to the Local at its next meeting. If the Local elects to con-  
48 tinue the trial, the Chairperson of the Trial Board will then set another date

for the trial and notify all parties involved of the time, place, and date of the rescheduled trial, which shall be held within thirty (30) days. 49  
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No member of a Trial Board shall be directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges preferred against the accused. In the event any of the members of a Trial Board are so involved, they shall be disqualified to sit and the Local shall elect a substitute member. 51  
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Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as his/her representative or counsel in the trial proceedings. 56  
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The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of the names of witnesses which he/she intends to call in support of the charges. He/she shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in person or through his/her counsel or representative. 59  
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For good cause any party may request a postponement of the date set for trial. Such request shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or rejection within the discretion of the members of the Trial Board. Such postponements shall not exceed ninety (90) days. 64  
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Should the accused fail to appear for trial after being notified as prescribed in the foregoing, should he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B), the Local bylaws, or the Trial Board, or should he/she engage in conduct designed to obstruct the trial, the Trial Board shall proceed to conduct the trial in his/her absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence. 68  
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The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the transcript shall be furnished to each party without cost. 77  
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Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witness may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party or his/her counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken. 79  
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88 Before giving testimony, any witnesses who are members of SMART shall  
89 be required to make the following affirmation:

90 “Do you solemnly affirm upon your honor as a member of SMART that  
91 the evidence to be given by you in this case shall be the truth and nothing but  
92 the truth?”

93 All persons shall be excluded from trial sessions except the members of the  
94 Trial Board, parties to the trial and their counsel or representative, the wit-  
95 ness who is testifying, and the reporter or person transcribing the testimony.

96 After all evidence has been presented and arguments made by all par-  
97 ties or their counsel, the Trial Board shall conclude the trial and, as soon  
98 as practicable, assemble in executive session for consideration of its decision.

99 The Trial Board shall render its decision in writing within fifteen  
100 (15) days following the date upon which the trial was concluded. If the  
101 accused is found guilty, the Trial Board shall fix the penalty to be assessed  
102 which shall be reprimand, removal from office, suspension, or expulsion  
103 from membership. Such decision shall contain a statement of the pertinent  
104 facts involved, the violations charged, and the penalty to be imposed if the  
105 verdict is one of guilt. Such decision and penalty shall be final and bind-  
106 ing unless reversed or modified upon appeal as provided in Section 75 of  
107 Article Twenty-One B (21B).

108 The Trial Board shall forward copies of its decision by certified mail to the  
109 accused and the party preferring the charges. Copies shall also be mailed to  
110 the President Transportation Division, General Secretary-Treasurer, and the  
111 Secretary of the Local.

112 If suspension is the penalty prescribed by the Trial Board, such suspension  
113 will be for not more than two (2) months beginning with the first day of the  
114 month following the month in which the Trial Board renders its decision.

115 If removal from office and/or expulsion from membership is the pen-  
116 alty, such removal and/or expulsion shall become effective on the date the  
117 Trial Board’s decision is delivered to the accused by certified mail.

118 If reprimand is the penalty, the accused shall be summoned to attend a  
119 regular meeting of the Local to be reprimanded by the President. If he/she  
120 fails to attend, the accused shall be suspended from membership until he/she  
121 does attend a meeting to receive the reprimand. If the failure to attend con-  
122 tinues until the close of the month following the month in which the accused  
123 was summoned, he/she shall be expelled.

124 (b) Charges may be preferred against officers and members of General  
125 Committees of Adjustment or Legislative Boards for failure to fulfill the obli-  
126 gations and responsibilities imposed upon them by this Constitution and by



their General Committee of Adjustment or Legislative Board. 127

Charges must be made in writing and shall clearly specify the 128  
alleged offense(s) together with the section(s) of Article Twenty-One B 129  
(21B) and/or those obligations and responsibilities which it is alleged have 130  
been violated. 131

Charges must be signed by the party preferring them. Said party shall 132  
forward copies by certified mail to the accused, the President Transporta- 133  
tion Division, and the Secretary of the General Committee of Adjustment or 134  
Secretary of the Legislative Board as the case may be. The President Trans- 135  
portation Division shall promptly furnish copies of the charges to all members 136  
of the General Committee of Adjustment or Legislative Board involved. 137

If in the opinion of the majority of the members of the General Committee 138  
of Adjustment or Legislative Board the charges warrant trying the accused, 139  
the President Transportation Division shall give the accused and the party 140  
preferring the charges fifteen (15) days' notice prior to the convening of a Trial 141  
Board to try the accused. The Trial Board shall consist of not more than five 142  
(5) members appointed by the President Transportation Division from among 143  
those members of the General Committee of Adjustment or Legislative Board, 144  
as the case may be, who are not involved in the charges. The first named shall 145  
be chairperson. A majority of the Trial Board shall constitute a quorum. The 146  
Trial Board shall meet at the time and place chosen by the President Transport- 147  
ation Division, elect a Secretary, and proceed to try the case. 148

Each party to a trial shall have the privilege of designating any party, except 149  
a party involved in the charges or proceedings, to act as his/her counsel or rep- 150  
resentative in the trial proceedings. 151

The party preferring the charges shall deliver in writing to the Chairperson 152  
of the Trial Board a list of names of witnesses which he/she intends to call in 153  
support of the charges and shall furnish a copy to the accused. The accuser 154  
shall also act as prosecutor in the case either in person or through his/her 155  
counsel or representative. 156

Should the accused fail to appear for trial after notice as prescribed in 157  
the foregoing, should he/she appear but refuse to comply with the rules for 158  
the conduct of the trial prescribed by Article Twenty-One B (21B) or the 159  
Trial Board, or should he/she engage in conduct designed to obstruct his/ 160  
her trial, the Trial Board shall proceed to conduct the trial in his/her absence. 161  
The accused, the party preferring charges, counsel or other representative for 162  
either party, or any witnesses who are guilty of misconduct before the Trial 163  
Board shall be excluded thereafter from the trial proceedings and the trial 164  
shall continue in their absence. 165

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

168 Both parties to the trial shall be given full opportunity to present any wit-  
169 nesses and all relevant evidence and exhibits which they deem necessary to a  
170 proper presentation of their case and shall be entitled to cross-examine wit-  
171 nesses of the other party. Should a witness be unable to attend any trial session  
172 of the Trial Board, the evidence of such witnesses may be taken in deposi-  
173 tion form before a notary public or other civil officer authorized to adminis-  
174 ter oaths. Said deposition shall be admissible evidence at the trial proceedings  
175 provided the adverse party or his/her counsel is given the opportunity of being  
176 present and cross-examining the witness when the deposition is taken.

177 Before giving testimony, any witnesses who are members of SMART shall  
178 be required to make the following affirmations:

179 “Do you solemnly affirm upon your honor as a member of SMART that  
180 the evidence to be given by you in this case shall be the truth and nothing but  
181 the truth?”

182 All persons shall be excluded from trial sessions except members of the  
183 Trial Board, parties to the trial and their counsel or representative, the witness  
184 who is testifying, and the reporter or person transcribing the testimony.

185 After all evidence has been presented and arguments made by all parties or  
186 their counsel, the Trial Board shall conclude the trial and, as soon as practi-  
187 cable, assemble in executive session for consideration of its decision.

188 The Trial Board shall render its decision in writing within fifteen (15)  
189 days following the date upon which the trial was concluded. If the accused is  
190 found guilty, the Trial Board shall fix the penalty to be assessed which shall  
191 be reprimand or removal from office. Such decision shall contain a statement  
192 of the pertinent facts involved, the violations charged, and the penalty to be  
193 imposed if the verdict is one of guilt. Such decision and penalty shall be final  
194 and binding unless reversed or modified upon appeal as provided in Section 75  
195 of Article Twenty-One B (21B).

196 The Trial Board shall forward copies of its decision by certified mail to  
197 the accused and the party preferring the charges. Copies shall also be mailed  
198 to the President Transportation Division, General Secretary-Treasurer, and  
199 members of the General Committee of Adjustment or Legislative Board.

200 If reprimand is the penalty, the President Transportation Division shall  
201 issue the reprimand in writing to the accused and furnish all members of  
202 the General Committee of Adjustment or Legislative Board a copy of  
203 the reprimand.

204 If removal from office is the penalty, such removal shall become effective of

the date the Trial Board's decision is delivered to the accused by certified mail. 205  
 An officer or member thus removed may not again serve in any office of 206  
 the Transportation Division except upon recommendation by the President 207  
 Transportation Division and final approval of the General President. 208

## SECTION 75 – APPEALS 1

### I – TO THE BOARD OF APPEALS

**SEC. 75.** (a) An officer or member of a Local may appeal from an action or 2  
 decision of a Local to the Board of Appeals, except as provided in paragraph 3  
 (c) below. Such appeal shall be filed with the General Secretary-Treasurer 4  
 within ninety (90) days from the date the action or decision occurred. 5

(b) A subordinate body may appeal an action or decision against it to 6  
 the Board of Appeals, provided such appeal is filed with the General Sec- 7  
 retary-Treasurer within ninety (90) days from the date the action or deci- 8  
 sion occurred. 9

(c) An officer or member of a Local may appeal from an action or decision 10  
 of a Local Committee of Adjustment to the appropriate General Chairperson, 11  
 provided such appeal is filed with the General Chairperson within ninety (90) 12  
 days from the date the action or decision occurred. 13

(d) A Local or member of a Local may appeal from an action or decision 14  
 of a General Chairperson to the General Committee of Adjustment, provided 15  
 the appeal is filed within ninety (90) days from the date the action or deci- 16  
 sion occurred. Appeals to the General Committee of Adjustment must be filed 17  
 with the Secretary of the General Committee and shall be acted upon not later 18  
 than the next session of the General Committee of Adjustment. 19

(e) An appeal pending before a General Committee of Adjustment which 20  
 has not been acted upon within ninety (90) days shall be referred by the Sec- 21  
 retary of the General Committee of Adjustment to the Board of Appeals for 22  
 a decision, provided the appellant makes a request to do so to the Secretary of 23  
 the General Committee at least thirty (30) days prior to the date the Board of 24  
 Appeals is scheduled to convene. 25

(f) An appeal from the decision of the General Committee of Adjustment 26  
 may be made to the Board of Appeals provided the appeal is filed with the 27  
 General Secretary-Treasurer within ninety (90) days from the date of the deci- 28  
 sion of the General Committee of Adjustment. 29

### II – TO THE BOARD OF DIRECTORS 30

(a) A member or subordinate body may appeal to the Board of Direc- 31  
 tors from an interpretation of Article Twenty-One B (21B) made by the 32  
 President Transportation Division, provided such appeal is filed with the 33

34 General Secretary-Treasurer within ninety (90) days from the date the deci-  
35 sion by the President Transportation Division was made. Decisions of the  
36 Board of Directors under this paragraph are subject to appeal to the General  
37 President under Article 19.

38 (b) Actions or decisions of Trial Boards may be appealed to the President  
39 Transportation Division, provided such appeal is filed with the General Sec-  
40 retary-Treasurer within ninety (90) days from the date on which the action or  
41 decision occurred. The General Secretary-Treasurer shall docket the appeal  
42 and present all papers relating to the appeal to the President Transporta-  
43 tion Division.

44 The President Transportation Division will promptly render a decision  
45 on the appeal which shall be final and binding on all parties unless appealed  
46 to and reversed or modified by the General Executive Council. Appeals to  
47 the General Executive Council must be filed with the General Secretary-  
48 Treasurer within sixty (60) days from the date of the decision by the Presi-  
49 dent Transportation Division. Decisions rendered by the General Executive  
50 Council on appeals referable to the Council shall be final unless changed  
51 upon appeal to the SMART General Convention in accordance with Arti-  
52 cle 19.

### 53 III – PROCEDURES

54 In all appeals as provided herein the party whose action or decision is  
55 being appealed shall be allowed sixty (60) days from the date the appeal is  
56 filed to reply to the appeal.

57 All appeals must be in writing, contain the pertinent facts involved, and set  
58 forth the basis of the appeal. The parties involved in an appeal shall exchange  
59 copies of the appeal and the reply thereto, and all related correspondence.  
60 Copies of decisions involving appeals, will be in writing, contain the pertinent  
61 facts involved, provide the rationale leading to the decision and be furnished  
62 all interested parties.

### 1 SECTION 76 – LOCAL RULES OF ORDER

2 **SEC. 76.** The Rules of Order of the International shall be used by the  
3 Local insofar as they can be made applicable. Parliamentary matters not spe-  
4 cifically covered by said Rules of Order will be decided in accordance with the  
5 parliamentary principles contained in Robert’s Rules of Order, Revised.

### 1 SECTION 77 – CONDUCT OF LOCAL MEETINGS

2 **SEC. 77.** Meetings of the Local shall be opened by the President, Vice Pres-  
3 ident, Past President, or in their absence by any other officer or member with  
4 the following statement:

“I now declare this meeting of SMART Local No. open for the transaction of such business as may properly come before it.”

The following order of business is suggested but Locals may alter the suggested order of business as necessary to suit their requirements:

1. Roll call of officers
2. Reading minutes of the previous meeting
3. Admission of new members
4. Treasurer’s report
5. Reports of officers and committees
6. Communications
7. Unfinished business
8. New business
9. Bills of allowance
10. Nomination of officers and committeepersons
11. Election and installation of officers
12. Safety first
13. Way and means of improving SMART
14. Closing

### SECTION 78

**SEC. 78. NOTE:** The provisions of Section 78 were declared void by the Federal Court ruling in Civil Action No. 97-5732 (NHP) and the Section has been deleted from Article Twenty-One B (21B) per Section 38.

### SECTION 79 – CONSIDERATION OF GRIEVANCES

**SEC. 79.** Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction. Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer. A report by the committee will be made at the next meeting.

When grievances are being considered by a Local, only those members employed in the craft on the territory involved shall be permitted to vote, provided that at least five (5) such members must be present before any action can be taken. If more than one (1) craft is involved, the grievance shall be considered and determined separately by each craft.

In the absence of a collective bargaining agreement to the contrary, no grievance involving requests for reinstatement shall be accepted after the expiration of two (2) years from the date of dismissal. Any grievance involving positions and rank on seniority rosters shall be reviewed and corrected when and if factual evidence is presented to show an error in record keeping.

**SECTION 80 – PRESERVATION OF CRAFT AUTONOMY**

1  
2 **SEC. 80.** (a) Local working conditions of a craft over which a Local has  
3 jurisdiction may not be revised or changed unless authorized to do so by a  
4 majority of the votes cast by the members affected and working in the craft.  
5 Such a proposal will not be voted upon prior to the first meeting following that  
6 in which the proposition was presented. If more than one craft is affected, the  
7 issue shall be determined by a majority vote of each and every affected craft,  
8 i.e., in the event any one of the crafts affected rejects the issue, the matter shall  
9 remain unchanged.

10 (b) In the event twenty-five percent (25%) of the members working in a craft  
11 in the territory involved petition the Local to circulate a referendum ballot,  
12 on any issue to be voted upon involving a change in local working conditions  
13 in the territory over which the Local has jurisdiction, a referendum ballot will  
14 be circulated. Only those members assigned in the craft and working in the  
15 territory affected shall be permitted to vote. A majority of the votes cast shall  
16 determine the issue. An issue decided by referendum vote can be changed only  
17 by another referendum vote.

18 (c) General Committees of Adjustment, by a majority vote, may authorize  
19 the revision of general or system schedule rules, amend existing rules, or estab-  
20 lish new rules, except, General Committees of Adjustment consolidated on or  
21 after date of unification with other General Committees of Adjustment and/or  
22 officers representing Transportation Division, assisting those General Com-  
23 mittees of Adjustment, shall not revise or amend general or system schedule  
24 rules of any craft unless authorized to do so by a majority vote of the represen-  
25 tatives of that craft on the General Committee.

26 (d) When voting on matters involving wages, rules, working conditions, or  
27 elections held in a Local meeting is by craft vote, the craft in which a member  
28 is entitled to vote shall be the craft in which he/she is assigned, irrespective of  
29 Local affiliation, at the time the vote is taken. In the event referendum proce-  
30 dures are used for such voting, the craft in which a member is entitled to vote  
31 shall be the craft in which he/she is assigned on the date prior to the date the  
32 ballots are mailed by the Secretary.

33 (e) The provisions of this Section may not be changed by the Interna-  
34 tional Union, except upon the approval of a majority vote of the mem-  
35 bers of each of the crafts represented by the United Transportation Union,  
36 now SMART.

**SECTION 81 – LOCAL COMMITTEES OF ADJUSTMENT**

1  
2 **SEC. 81.** Each Local shall elect a Local Committee of Adjustment,

consisting of a Chairperson, one or more Vice Chairpersons, and a Secretary. Additional Local Committees of Adjustment may be formed to represent members on a separate seniority district or when employed in a separate craft represented by the SMART Transportation Division. Such committeepersons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.

The President Transportation Division may grant dispensation for the establishment of separate Local Committees of Adjustment for the members of a Local working in one of the various crafts represented by the SMART Transportation Division. Each Local Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such committee.

When required, it shall be the duty of the Chairperson of the Local Committee of Adjustment to furnish the Treasurer of the Local and the interested General Chairpersons the names of nonmembers and members who have been taken out of service, or who have been returned to service. Additionally, the Chairperson of the Local Committee of Adjustment will assist in furnishing information to the Treasurer as to the names of employees working under the jurisdiction of his/her committee.

It shall be the duty of the Chairperson of the Local Committee of Adjustment to promptly handle claims and grievances when presented in accordance with Section 79. He/she shall be authorized to file claims and grievances including those where time has not been claimed, or where claims were incorrectly and/or improperly filed. He/she shall report on the handling of all claims and grievances at the next Local meeting.

Should the Local Chairperson fail to satisfactorily adjust any case presented, he/she may refer same to the General Chairperson with the complete facts and history of the case, including copies of correspondence exchanged with local officials.

It shall be the duty of the Vice Chairperson to handle matters referred to the Local Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee shall act as Chairperson when the Chairperson is unable to perform his/her duties, and in case of a permanent vacancy in the office, he/she shall act as Chairperson until the office is filled as provided in Section 57. When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.

Local Committees shall not take grievances to the general officers of an employer, except through the General Chairperson, and will not be

42 permitted to enter into any agreement or understanding or change an agree-  
43 ment or understanding unless approved and signed by the General Chairper-  
44 son and the designated carrier representative.

45 Local Committees of Adjustment may consolidate their Committees under  
46 such terms and conditions as they deem appropriate, subject to approval by a  
47 majority of the members under the jurisdiction of each Committee involved.  
48 In the event twenty-five percent (25%) of the members, working in a craft  
49 under the jurisdiction of a Local Committee of Adjustment, petition the Sec-  
50 retary of their Local to circulate a referendum ballot on a proposition of dis-  
51 continuing their Local Committee of Adjustment and to be placed under the  
52 jurisdiction of another Committee in the same Local, the Secretary will cir-  
53 culate a ballot on the proposition among the members represented by each  
54 respective Local Committee of Adjustment. Upon approval by a majority vote  
55 of the members represented by each respective Committee, the Committee to  
56 be discontinued will, within fifteen (15) days from the date of such approval,  
57 make an orderly transfer of the property, funds, and files to the Committee  
58 assuming jurisdiction.

59 Compensation and expenses for members of the Local Committee shall be  
60 determined by the members of the Local under the jurisdiction of the Commit-  
61 tee. The Local Committeeperson when authorized by the General Chairperson  
62 to perform service in connection with General Committee matters shall be com-  
63 pensated from the General Committee Fund.

## 1 SECTION 82 – GENERAL COMMITTEE OF ADJUSTMENT

2 **SEC. 82.** The Chairperson of each Local Committee of Adjustment under the  
3 jurisdiction of a General Committee of Adjustment shall be a member of such  
4 General Committee of Adjustment. Local Chairpersons representing yardmas-  
5 ters only, may be members of the General Committee representing yard/switch-  
6 persons subject to approval of such General Committee.

7 The officers of a General Committee of Adjustment shall be a Gen-  
8 eral Chairperson, one or more Vice Chairpersons, and a Secretary. The officers  
9 of a General Committee must hold seniority rights in one of the crafts under the  
10 jurisdiction of such General Committee.

11 Each General Committee of Adjustment shall hold a quadrennial meeting in  
12 January of 1971. Beginning with this meeting, not more than two (2) officers of  
13 a General Committee shall be elected from any one craft when such Committee  
14 represents only two crafts, and not more than one officer from any one craft  
15 when such Committee represents more than two crafts, except by unanimous  
16 consent of the full General Committee.



If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent his/her Local, but as such, he/she shall not be eligible for election as an officer of the General Committee, except that of General Chairperson. The absent Local Chairperson shall be eligible for election as an officer of the General Committee of Adjustment.

Incumbent officers and members of the General Committee, and any member holding seniority in the craft represented by the General Committee shall be eligible for election to the office of General Chairperson. Only members of the General Committee shall be eligible for election to the office of Vice General Chairperson, or Secretary of the Committee. A General Committee requiring the full-time services of a Vice General Chairperson or Secretary may re-elect such officers, without their being re-elected as Local Chairpersons. In such cases these officers may speak but shall have no vote in the General Committee.

The officers of a General Committee shall be elected by secret vote of the members of the General Committee during the quadrennial meeting except as otherwise provided herein.

The Chairperson of a General Committee of Adjustment may be elected by referendum vote instead of by General Committee vote as provided for in the preceding paragraph if two-thirds (2/3) of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1 preceding the year of the regular quadrennial meeting of the General Committee, vote for and advise the President Transportation Division in writing of their desire to have the Chairperson of that Committee elected by referendum vote.

Upon receipt of such request the President Transportation Division will notify the Locals under the jurisdiction of that General Committee that a referendum election for General Chairperson will be held.

Each Local under the jurisdiction of the General Committee, after giving at least fifteen (15) days prior notice thereof, shall schedule a meeting to be held prior to October 1, at which nominations for General Chairperson will be accepted.

Nominations for General Chairperson will only be accepted when a petition is signed by at least five (5) members holding seniority rights in one of the crafts and holding membership in one of the Locals under the jurisdiction of the General Committee. The petition shall be presented to the Secretary of the Local no later than the meeting scheduled to accept such nominating petitions.

The Local Secretary shall certify the names of candidates and forward same to the President Transportation Division by certified mail no later than ten (10) days after the nominating meeting. The President Transportation Division shall have prepared ballots placing the name of the incumbent candidate on the ballot

56 first and the names of the other candidates in alphabetical order. The President  
57 Transportation Division shall send a ballot as described in Section 57 to each  
58 member entitled to vote no later than October 25. Only members employed under  
59 the jurisdiction of a General Committee of Adjustment shall be eligible to vote in  
60 the referendum election for the Chairperson of such Committee. The President  
61 Transportation Division shall request a list of eligible voters to be prepared by the  
62 General Secretary-Treasurer showing the names and addresses of the members  
63 paying General Committee assessments to that General Committee for the month  
64 of August preceding the election.

65 The President Transportation Division shall arrange for the General Secre-  
66 tary-Treasurer to receive and tabulate the ballots. The envelope addressed for the  
67 return of such ballot shall be addressed to the General Secretary-Treasurer and  
68 shall not be opened prior to the date set for tabulation.

69 The General Secretary-Treasurer will tabulate the ballots between November  
70 10 and November 15 and shall notify the General Chairperson and candidates the  
71 date set for tabulating the ballots. Each candidate, or his/her representative, may  
72 witness the tabulation at his/her own expense.

73 The General Secretary-Treasurer shall immediately notify the President  
74 Transportation Division, General Chairperson, candidates, and each Local  
75 the results of the election.

76 The candidate receiving a majority of the votes cast shall be declared elected.  
77 If no candidate receives a majority on the first ballot, all but the two candi-  
78 dates receiving the largest vote will be dropped from the ballot, and a second  
79 election will be held in the same manner. In case of a tie, the General Secre-  
80 tary-Treasurer shall be governed by the applicable provisions of Section 57.

81 A defeated General Chairperson shall not sign system agreements unless  
82 they are also signed by the Vice Chairperson and Secretary of the Gen-  
83 eral Committee. A defeated General Chairperson shall not close out pending  
84 cases unless concurred in by the Vice Chairperson and Secretary of the Gen-  
85 eral Committee.

86 The cost of referendum election for General Chairperson shall be consid-  
87 ered as General Committee expense under Section 84, and such expense shall  
88 be paid by the General Secretary-Treasurer from the appropriate General  
89 Committee fund.

90 The Chairperson of each General Committee of Adjustment shall convene  
91 the full Committee between January 1 and May 31 following the completion  
92 of the quadrennial elections for Local Committees of Adjustment, or as soon  
93 thereafter as elections are completed, and quadrennially thereafter. Actions of  
94 the General Committee shall be retroactive to January 1 of that year. In the

event the Chairperson fails to convene the Committee, the Committee shall be convened by the President Transportation Division on request of one or more Locals.

When the Chairperson has been elected by referendum vote, the results of the vote shall be announced on the first day of the quadrennial meeting and the Chairperson elected shall immediately assume the office.

A General Chairperson shall have no vote in General Committee meetings except in case of a tie vote on matters other than elections, the Chairperson will cast the deciding vote. In case of a tie vote in a Committee election after five (5) secret ballots the Chairperson shall then be permitted to vote.

Each General Committee of Adjustment may adopt its bylaws and procedures, establish salaries, set the amount of General Committee of Adjustment dues, and such other matters necessary for its operation, subject to the provisions of this Constitution.

The President Transportation Division may grant dispensation for the establishment of separate General Committees of Adjustment, for the various crafts represented by the SMART Transportation Division. Each such Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such Committee.

If less than three (3) Locals are located on a property, the General Chairperson shall be elected by referendum vote.

A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property, the Local Committee of Adjustment shall constitute the General Committee of Adjustment.

In Bus Department Locals where there is one Local on a property, General Committees of Adjustment and/or officers representing the SMART Transportation Division, shall not revise or amend general or system schedule rules unless authorized to do so by a majority of votes cast by the members of the craft under the jurisdiction of the General Committee.

The Secretary of the General Committee shall promptly notify the President Transportation Division in the event of a vacancy in the office of Chairperson. The President Transportation Division shall order an election, to be held in accordance with the provisions of this Section, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of his/her election will fill the vacancy.

Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows:

134 The Chairperson will set a period in which any member of the Committee  
135 may nominate another member of the Committee to fill the office. When  
136 the period for making nominations has expired, the Chairperson shall pre-  
137 pare ballots, placing the names of the candidates in alphabetical order. He/  
138 she shall furnish ballots to each member of the Committee, with notification  
139 as to the date on which the ballots must be returned for tabulation. On the  
140 date specified, the Chairperson, with the assistance of at least two members  
141 of the Committee or two officers of the nearest local, shall tabulate the bal-  
142 lots and certify the results to the Secretary of the General Committee. The  
143 Secretary of the General Committee shall report the results of the election to  
144 the Locals and members of the General Committee.

145 General Chairpersons or Executive Committee of General Committees  
146 of Adjustment may voluntarily consolidate their committees under such  
147 terms and conditions as they deem appropriate subject to approval by two-  
148 thirds (2/3) vote of the members of each General Committee of Adjustment  
149 involved and the President Transportation Division.

150 In the event twenty-five percent (25%) of the members working under the  
151 jurisdiction of a General Committee of Adjustment petition the Secretary  
152 of the General Committee to circulate a referendum ballot on a proposi-  
153 tion of discontinuing the officers of their committee and consolidating their  
154 committee under the officers of another committee holding similar jurisdic-  
155 tion on the same property, the Secretary will prepare a ballot on the propo-  
156 sition to be circulated among the members involved by the Secretaries  
157 of the Locals involved. Upon approval by a majority vote of the member-  
158 ship represented by such committee, a referendum ballot will be circulated  
159 among the membership represented by the other General Committee of  
160 Adjustment involved in the consolidation. Upon approval by a majority  
161 vote of the membership under the jurisdiction of such other committee, the  
162 officers of the committee being dissolved will, within sixty (60) days, make  
163 an orderly transfer of the property, funds, and files to the committee hav-  
164 ing jurisdiction.

165 If as a result of the referendum vote it is the desire of the membership rep-  
166 resented by the two General Committees to consolidate, a referendum elec-  
167 tion will be held as provided in this Section to elect a General Chairperson  
168 from the two incumbent General Chairpersons. The defeated General Chair-  
169 person will become an Assistant General Chairperson of the consolidated  
170 General Committee and shall be placed in no worse position with respect to  
171 salary or compensation. His/her term of office as Assistant will expire at the  
172 same time as the General Chairperson at the next quadrennial meeting.

Nothing in this Section shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the consolidated General Committee to relocate his/her residence as a result of a consolidation of General Committees.

### SECTION 83 – RETIRED MEMBERS

**SEC. 83.** Members of the United Transportation Union, now SMART, retired from service on account of age shall be assessed International dues of Seventy-Five Cents (\$0.75) per month, to be collected in a manner prescribed by the President Transportation Division. Retired members paying the Seventy-Five Cents (\$0.75) per month assessment shall be members of the United Transportation Union Alumni Association so long as such dues are paid. Provided, however, that the President Transportation Division with the concurrence of the Board of Directors may increase the dues from Seventy-Five Cents (\$0.75) per month to One Dollar (\$1.00) per month.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of SMART Transportation Division.

### SECTION 84 – GENERAL COMMITTEE FINANCING

**SEC. 84.** Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

The General Committee fund shall be deposited with the President Transportation Division. The General-Secretary Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary-Treasurer shall furnish each interested Local Treasurer and the General Chairperson a monthly report showing the division of dues and assessments.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of General Committees, and in effect as of the effective date of unification, shall remain in effect, subject to change as provided herein.

Any proposition to establish or abolish full-time salaried officers of a General Committee or to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of General Committees shall be submitted to the members of the General Committee while in session or by mail by the appropriate officer of the General Committee setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the General Committee before being made effective.

22 All reasonable and proper expenses of a General Committee, officers,  
23 or member thereof when in the service of a General Committee shall be  
24 allowed as expense of the General Committee. An itemized statement of  
25 expenses incurred, with receipts for all items in excess of Twenty-Four Dollars  
26 \$24.00, and any amount due for services rendered shall be submitted to the  
27 Chairperson of the General Committee. When such statements are approved  
28 they shall be submitted to the General Secretary-Treasurer for prompt pay-  
29 ment. A copy of all such statements shall be furnished to the Secretary of the  
30 General Committee.

31 Where not otherwise provided for, the General Chairperson may rent  
32 office space, purchase office equipment, and employ such clerical assistance  
33 as necessary, when authorized to do so by a majority vote of the General  
34 Committee in session or by mail vote between sessions.

#### 1 **SECTION 85 – DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT**

2 **SEC. 85.** General Committees of Adjustment shall have authority to make  
3 and interpret agreements with representatives of transportation companies  
4 covering rates of pay, rules, or working conditions – subject to membership  
5 ratification in accordance with the provisions of this Article.

6 General Committees shall investigate all matters properly submitted  
7 to them and shall have the authority to alter, amend, add to, or strike out  
8 any part, or all, of any matter submitted to them.

9 In the event a matter cannot be satisfactorily adjusted, the General Chair-  
10 person may request the assistance of the President Transportation Division.  
11 Upon receipt of such request, the President Transportation Division or his/  
12 her representative shall meet with the General Chairperson, renew efforts  
13 to obtain a satisfactory adjustment of the matter and shall be vested with  
14 the same authority held by the General Committee to progress the matter  
15 to a conclusion. Any system or local adjustments agreed to by the President  
16 Transportation Division or his/her representatives, shall be subject to a major-  
17 ity vote of Local Chairpersons affected.

18 In the event the President Transportation Division or his/her representa-  
19 tive and the Committee are unable to reach a satisfactory adjustment of  
20 the matter, the President Transportation Division may recommend to the  
21 General President who may order a strike on all or any portion of the com-  
22 pany involved. Such strike action under this Section must be authorized by  
23 a two-thirds (2/3) vote of the members of the General Committee. Such vote  
24 may be taken by wire, mail, or personal contact with written confirmation as  
25 the General Chairperson may direct.

Between sessions of the General Committee of Adjustment, the Chairperson of such Committee shall exercise all rights, privileges, and authority vested in the General Committee, except as otherwise directed by the General Committee while in session, subject to the membership ratification provisions of this Section.

The General Chairperson must poll the entire membership holding seniority and working in the craft involved on the property by mail referendum ballot prior to signing any system agreements and be governed by the majority of the votes cast.

Upon completion of the balloting for a system agreement, the General Chairperson will prepare a report designating the result of the vote. A copy of the report shall be submitted to each affected Local within thirty (30) days after the close of balloting.

The General Chairperson must poll the affected Local Chairpersons prior to signing any local agreement and be governed by the majority of the votes cast.

Upon completion of the balloting for a local agreement, the General Chairperson will prepare a report designating the result of the vote of each Local Committee. A copy of the report shall be submitted to each affected Local within thirty (30) days after the close of the balloting.

A General Committee may elect from its members a sub-committee and vest such committee with authority of the General Committee of Adjustment to adjust such matters as may be assigned to it by the General Committee. The Chairperson of the General Committee shall be Chairperson of all such subcommittees.

General Committees or subcommittees of General Committees of Adjustment making settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the interested Local Chairpersons and Secretary of the Locals in which the matters originated of the action taken.

Actions or decisions of a General Committee shall be binding upon the members and Locals under the jurisdiction of such General Committee unless reversed or modified upon appeal as provided in Section 75 of Article Twenty-One B (21B).

(NOTE: Delegates moved that this Section 85 would be interpreted that a SMART Engineer working under another union's agreement would vote as a fireman on any agreement involving firemen.)

### **SECTION 86 – VACATIONS – GENERAL COMMITTEEPERSONS**

**SEC. 86.** Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.

6 Officers and members of General Committees employed on a part-time basis  
7 shall be paid the difference between the amount of vacation pay allowed by their  
8 carrier and the amount of vacation pay they would have received had their wages  
9 with the General Committee been earned with the carrier, except, if they do not  
10 work a sufficient amount of time with their carrier to qualify for a vacation, they  
11 shall be allowed a vacation with pay, consistent with the terms of the National  
12 Vacation Agreement, based upon their total earnings with the carrier and the  
13 General Committee.

14 Vacation allowances provided herein shall be paid by the General Secretary-  
15 Treasurer from the General Committee fund upon approval of the vacation claim  
16 by the General Chairperson and Secretary of the General Committee. This Sec-  
17 tion is intended to prevent any loss in vacation time and pay as a result of serving  
18 the General Committee.

#### 1 SECTION 87 – CHAIRPERSON OF GENERAL COMMITTEE

2 **SEC. 87.** The Chairperson of a General Committee of Adjustment shall be its  
3 executive head, preside over all meetings, and exercise general supervision over its  
4 affairs and interests.

5 The Chairperson shall furnish a quarterly report of his/her activities to all  
6 Local Chairpersons and Locals under his/her jurisdiction and use such other  
7 means as necessary to keep the membership well informed. He/she shall attach  
8 to the report an itemized statement of receipts and disbursements of his/her  
9 Committee which shall be furnished by the General Secretary-Treasurer in  
10 sufficient number for distribution with this report.

11 The Chairperson shall convene the General Committee upon request of a  
12 member of said Committee provided, (1) a two-thirds (2/3) majority of the  
13 Committee concurs in such request and (2) sufficient funds are available.

14 The Chairperson shall perform such other duties as may be required by the  
15 General Committee and this Constitution.

#### 1 SECTION 88 – VICE CHAIRPERSONS OF GENERAL COMMITTEE

2 **SEC. 88.** The Vice Chairpersons of a General Committee of Adjustment  
3 shall act for or on behalf of the Chairperson when so directed by the Chairper-  
4 son. They shall perform such other duties as may be delegated to them by the  
5 General Committee of Adjustment.

#### 1 SECTION 89 – SECRETARY OF GENERAL COMMITTEE

2 **SEC. 89.** The Secretary of a General Committee of Adjustment shall keep a  
3 record of the proceedings of each meeting. He/she shall issue notices of meet-  
4 ings when so directed by the General Chairperson. He/she shall have charge



of the books and papers of the Committee pertaining to this office. The Secretary shall prepare and furnish the President Transportation Division, General Secretary-Treasurer, each Local Chairperson and each Local Secretary a copy of the proceedings of the Committee within twenty (20) days of the close of each session. He/she shall notify the President Transportation Division and General Secretary-Treasurer the names and addresses of the General Committee immediately following their election.

The Secretary shall perform such other duties as might be required by the General Committee and this Constitution.

### **SECTION 90 – MERGERS, LEASES, COORDINATIONS, ETC.**

**SEC. 90.** When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority district to another on the same carrier and such affects the seniority rights of employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.

General Committees shall give consideration to all factors involved, including but not limited to hours worked, cars and tonnage handled where applicable, and mileage of operations on each seniority district or territory involved prior to the change in operation, consolidation, or the diversion or re-routing of traffic.

In circumstances in which a new line is established by a carrier and no seniority rights exist, employees from the line from which traffic is diverted, will be transferred to the new line in equal percentage to the mileage of the traffic diverted from the old line. If the portion of line transferred is insufficient in extent to constitute a separate seniority district, the employees taken over therewith in the merger may be placed on the roster of the proper seniority district to which the merged line is attached with seniority on such roster in their respective classes from a date not later than the date of merger.

In applying this Section to bus lines, the Transportation Division and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.

30 Disputes arising under this Section which cannot be resolved by the General  
31 Committee or General Committees shall be referred to the President Trans-  
32 portation Division. The President Transportation Division shall promptly  
33 assign an officer to assist the General Committee or General Committees  
34 involved in resolving the dispute. Failing to resolve the dispute the officer shall  
35 make a complete report and recommendation to the President Transportation  
36 Division who, in turn, shall decide the dispute.

37 Any Local or member of a Local affected by action or decision of a Chair-  
38 person, or General Committee, or by the decision of the President Transporta-  
39 tion Division with respect to this Section may appeal such action or decision  
40 to the Board of Appeals, provided such appeal is filed with the General Secre-  
41 tary-Treasurer within ninety (90) days from the date of the action or decision.  
42 The Chairperson, General Committee, or President Transportation Division,  
43 as the case may be, shall be allowed thirty (30) days from the date the appeal  
44 is filed in which to reply to the appeal. The parties involved in an appeal shall  
45 exchange copies of the appeal and reply to the appeal.

## 1 SECTION 91 – ASSOCIATION OF GENERAL CHAIRPERSONS

2 **SEC. 91.** The Chairpersons of the General Committees in each district, as  
3 hereinafter set forth, shall form an Association of General Chairpersons, each  
4 to function independently of the other, for the purpose of formulating con-  
5 certed movements relating to wages, rules, and working conditions of trans-  
6 portation service employees in their district.

7 District No. 1 shall include all rail lines in the United States.

8 District No. 3 shall include all bus lines in the United States.

9 All General Chairpersons on properties where the combined member-  
10 ship represented by SMART Transportation Division is one hundred (100)  
11 or more, shall be members of the Association of General Chairpersons in  
12 their respective districts as outlined above. Where the combined membership  
13 represented by SMART Transportation Division on a property is less than  
14 one hundred (100) the General Chairpersons on that property shall elect one  
15 of their group to be a member of the Association in their respective districts.  
16 Members of the Association of General Chairpersons shall attend all meet-  
17 ings of their Association and represent their committees with pay and proper  
18 expenses to be paid from the General Fund of the International.

19 The President Transportation Division shall convene the General Chair-  
20 persons during the year 1969 for the purpose of organizing the Association  
21 in each district. Each district shall elect, by secret ballot, a Chairperson, a  
22 Vice Chairperson, and a Secretary to serve as officer of their Association.

Following the reorganization of General Committees in 1971, and quadrennially thereafter, the President Transportation Division shall convene the Association of General Chairpersons for the purpose of reorganizing and electing officers.

Each Association shall adopt bylaws for its special government consistent with the provisions of this Constitution.

The Association will be convened by the President Transportation Division whenever necessary and will be convened by him when a majority of the General Chairpersons within a district of the Association request a special meeting, provided the requests are uniform in object and purpose and the meeting is limited to subjects over which the Association has jurisdiction.

In any general or concerted wage-rules movement, members in an Association cannot withdraw support of a movement which has been approved by a two-thirds (2/3) vote of the members of an Association, unless sanction thereto is given by a majority vote of eligible members of the Association and approved by the President Transportation Division. In the event any transportation company refuses to be represented by the conference committee representing the companies in a general or concerted movement, the President Transportation Division may exclude the General Committee on such company from participation in the movement.

A strike may be authorized by the President Transportation Division, with approval of the General President, in support of a general or concerted wage-rules movement, provided such action under this Section is approved by a two-thirds (2/3) vote of the members in any Association. Such vote may be taken as the President Transportation Division may direct by mail, wire, or while in session.

In any general or concerted wage-rules movement the President Transportation Division shall appoint a negotiating committee representative of each of the former organizations and crafts represented by them, which are involved in the movement. The negotiating committee shall assist in the prosecution of the wage-rules movement as directed by the President Transportation Division.

When in the judgment of the President Transportation Division and the negotiating committee a final offer of settlement has been received, the offer with the committee's recommendation shall be submitted by referendum to the Membership of the crafts involved in the movement for their acceptance or rejection. Following receipt of the offer of settlement, each General Chairperson shall have fifteen (15) days to submit questions pertaining to the offer. The negotiating committee will, consolidate the submitted questions into a single, uniform list. When the answers to these questions are determined by the

62 negotiating committee and the carriers' representatives, the agreed-upon ques-  
63 tions and answers will be distributed to the General Chairpersons and made a part  
64 of the offer of settlement.

65 A majority of the members voting of each of the crafts to be covered or affected  
66 by the terms of the proposed agreement shall be required to ratify the offer  
67 of settlement.

68 The terms of the settlement shall be submitted, by the President Transporta-  
69 tion Division, to each Local involved in the movement, in sufficient quantity to  
70 permit circulation to the membership, and/or the terms may be mailed to each  
71 member in a special edition of the SMART Transportation Division News. Rec-  
72 ommendations of the President Transportation Division and/or Negotiating  
73 Committee may be included along with a digest or summary of the provisions of  
74 the settlement.

75 The Board of Directors shall establish and publish procedures for the conduct  
76 of referendum elections which shall thereafter be contained as an appendix to  
77 this Section; guaranteeing each affected member the right-to-vote on wages, rules  
78 and working conditions.

79 Voting and tabulation of the results must be completed within twenty-one (21)  
80 days from the date the proposal is dispatched or presented by the President Trans-  
81 portation Division. The final result and tabulation of voting shall be furnished to  
82 each Local involved in the movement and shall be printed in the SMART Trans-  
83 portation Division News.

84 APPENDIX: Agreements shall be sent via first-class mail in an envelope  
85 marked "Important – Agreement and Ballot Enclosed". The ballot will be  
86 a self-addressed, postage paid postcard that will contain space for the member to  
87 print name, Local number and railroad employer, or a telephone electronic vot-  
88 ing system supervised by the American Arbitration Association or similar neu-  
89 tral organization.

## 1 SECTION 92 – STRIKES

2 **SEC. 92.** When a strike has been inaugurated by SMART Transportation Divi-  
3 sion, the President Transportation Division, shall be the recognized leader and  
4 shall have authority, in conjunction with the General President, to appropriate  
5 from the Strike Fund such money for legal assistance and incidental expenses as  
6 may be required for a successful prosecution of the strike.

7 Every member of SMART shall be duty bound to comply with strike orders  
8 of SMART. A member who neglects or refuses to do so and who takes the place  
9 or performs the duties of a striking member shall be expelled from SMART upon  
10 conviction thereof under the trial procedures of Article Twenty-One B (21B).

Any member of SMART who crosses the picket lines of SMART, or the picket lines of any other railroad union(s) that SMART has recognized as on legal authorized strike, for the purpose of assisting the struck carrier(s) by rendering service, consultation, or advice for wages, profit, gain, or gratis, will pay a fine of One Thousand Dollars (\$1,000.00), and in addition to such fine if such member received any wages, compensation, or remuneration for time, expense, consultation, for service rendered to such carrier(s) during the strike that member will also be fined Two Dollars (\$2.00) for every One Dollar (\$1.00) received upon conviction thereof under the trial procedures of Article Twenty-One B (21B).

The cost and expense of such trials will be borne solely by the Locals conducting the trials and all fines collected by such Locals will be retained by the Local conducting the trial.

Any member of SMART who participates in a strike which has not been legally authorized shall be expelled from SMART upon conviction thereof under the trial procedures of Article Twenty-One B (21B).

The President Transportation Division and the General Committee of Adjustment, may terminate a strike. In the event of a difference of opinion between the President Transportation Division and the General Committee of Adjustment as to the advisability of terminating a strike, the matter shall be referred to the General President for a final decision. The discontinuance of strike benefits shall be decided by the General President.

Strikes inaugurated by the SMART Transportation Division – Members of crafts represented by the SMART Transportation Division who engage in a strike inaugurated by the SMART Transportation Division, including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.

Strikes inaugurated by other recognized Unions – Members of the SMART Transportation Division, who are unemployed due to any recognized union representing employees of the railroads or other transportation companies being on legal strike, shall be allowed strike benefits for a period not to exceed sixty (60) days, as though they were active participants in the strike. However, the sixty (60) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President.

Qualifications – In order to qualify for strike benefits, members must withdraw from service at the outset of the strike, register each day, and perform or be available to perform picket duty as required by the Local having jurisdiction. A member must verify his/her correct address and Social Security

50 number with the Local Treasurer for the purpose of mailing benefit checks.

51 Strike benefits will be One Hundred Dollars (\$100.00) per day and will  
52 not exceed a maximum of Twelve Hundred Dollars (\$1,200.00) per month.

53 Strike benefits shall be allowed for a period not to exceed one hundred  
54 twenty (120) days as the result of one strike. However, the one hundred  
55 twenty (120) day limit may be extended in unusual circumstances deter-  
56 mined by the President Transportation Division and General President,  
57 except as specified in lines 25-31.

58 Procedures for claiming benefits – Upon inauguration of a strike by the  
59 SMART Transportation Division or upon authorization of strike benefits  
60 to SMART Transportation Division members in the case of a recognized  
61 Union representing employees of railroads or other transportation com-  
62 panies being on legal strike, the President Transportation Division shall  
63 notify the General Secretary-Treasurer accordingly.

64 Upon receipt of such notification, the General Secretary-Treasurer  
65 shall prepare a list, in duplicate, and furnish each local involved, show-  
66 ing all members of each local having jurisdiction over striking members  
67 or members who may be affected by a legal strike or a recognized union as  
68 they appear on monthly billing including home addresses, space for Social  
69 Security number or social insurance number, occupation and length of ser-  
70 vice which shall be identified as Form #1. The President and Treasurer of  
71 each Local shall complete Form #1 by filling in the required blanks and  
72 return one (1) copy to the General Secretary-Treasurer within ten (10)  
73 days. Form #1 must be signed by the President and Treasurer of the Local  
74 and notarized by a notary public.

75 Upon receipt of Form #1, the General Secretary-Treasurer shall prepare  
76 a strike payroll, in duplicate, from the information contained therein. The  
77 strike payroll shall be known as Form #2 and shall list striking members  
78 in alphabetical order with space provided for number of days for which  
79 payment is claimed and amount of payment due. The Local Treasurer will  
80 fill in the spaces as indicated noting any changes from Form #1, i.e., addi-  
81 tions, deletions, E-49, sick or injured, vacation, death, retired, or mem-  
82 bers who, for any reason, are not available for picketing or other duties  
83 required by the Local. The Treasurer shall return the completed Form #2  
84 on the 15th and the last day of the month. The Local seal must be affixed  
85 to all payrolls.

86 Upon receipt of strike payrolls, the General Secretary-Treasurer, when  
87 directed by the President Transportation Division, shall issue checks  
88 drawn upon the strike fund for payment. The General Secretary-Treasurer

will mail strike benefits to all members entitled to receive benefits, whose 89  
proper address appears on Form #1. A copy of Form #2 will be mailed to 90  
the Local Treasurer. 91

In the event of a general strike by the SMART Transportation Division 92  
or by other unions representing employees of railroads or other transporta- 93  
tion companies, the General President may suspend all strike benefits if such 94  
action becomes necessary for the protection of SMART funds. 95

When a strike of any other nationally recognized labor organization is 96  
in effect and danger to the safety of our members exists in or about the area 97  
affected by the strike, and/or if there exists any substantial present or poten- 98  
tial threat of danger to the members en route to or from their work, and/or to 99  
the members' families, it is the policy of SMART to support its members in 100  
declining to enter the territory directly affected. 101

### SECTION 93 – LEGISLATIVE DEPARTMENT 1

**SEC. 93.** The Legislative Representatives of each Local in each State 2  
and in the District of Columbia, shall form a State or District Legislative 3  
Board for the purpose of protecting the legislative interests of the members 4  
under its jurisdiction. 5

Officers of a State or District Legislative Board shall be a Chairperson, one 6  
or more Vice Chairpersons, Secretary and/or Treasurer where required by 7  
state law, and a State or District Legislative Director, an Assistant State Legis- 8  
lative Director where desired by the State Legislative Board. Such officers shall 9  
also be the Executive Committee of such State or District Legislative Board. 10

In states where prior to the first reorganization meeting in 1972 there were 11  
salaried State Legislative Directors on a full-time basis, the Board shall retain 12  
such positions; provided, any proposition to establish or abolish a salaried 13  
State Legislative Director, or Assistant Legislative Director on a full-time basis 14  
must be approved by a two-thirds (2/3) majority vote of the members of the 15  
Legislative Board. 16

Beginning in 1972 the Chairperson of each State and District Legislative 17  
Board shall convene the full Legislative Board not later than May 31st follow- 18  
ing the completion of the quadrennial elections for Local Legislative Representa- 19  
tives for reorganizational purposes which shall include the election of officers 20  
and adoption of bylaws and procedures. 21

Beginning with the first reorganization meeting not more than two (2) offi- 22  
cers of the Executive Committee shall be elected from any one craft except by 23  
a two-thirds (2/3) vote of the Legislative Board. 24

Incumbent officers and members of the Legislative Board shall be eligible 25

26 for election to the offices of the Executive Committee.

27 Nothing in this Section shall prevent a Legislative Board from providing  
28 a residence property settlement, moving expenses and transfer allowance for  
29 a Legislative Director who is required by the consolidated Legislative Board  
30 to relocate his/her residence as a result of a consolidation of State Legisla-  
31 tive Boards.

32 If the Local Legislative Representative is unable to attend a meeting of the  
33 full State or District Legislative Board, the Alternate Legislative Representa-  
34 tive of such Local shall attend the meeting and represent his/her Local.

35 The officers of the Executive Committee and Alternate State Legislative  
36 Director shall be elected by secret ballot of the members of the Legislative  
37 Board during the quadrennial meeting except as otherwise provided herein.

38 The candidate receiving a majority of the votes cast shall be declared elected.  
39 If no candidate receives a majority on the first ballot, all but the two (2) candi-  
40 dates receiving the largest vote will be dropped from the ballot, and a second  
41 election will be held in the same manner.

42 Officers of the Executive Committee shall assume the duties of their offices  
43 upon election and their term of office shall extend for four (4) years.

44 The Director will cast the deciding vote in case of a tie vote on matters other  
45 than elections. In case of a tie vote in elections, after the fifth (5th) secret bal-  
46 lot, the Director shall then be permitted to vote.

47 In states where there is a Legislative Director and an Assistant Legisla-  
48 tive Director, a vacancy in the office of Legislative Director shall be filled by  
49 the Assistant Legislative Director. A vacancy in the office of Assistant Legis-  
50 lative Director shall be filled by the Alternate Legislative Director. Any other  
51 vacancy shall be filled by a majority vote of the Legislative Board in accord-  
52 ance with the Board's bylaws and procedures.

53 The Chairperson of each State or District Legislative Board shall preside  
54 over all meetings. He/she shall, through the Secretary of the Legislative Board,  
55 issue the necessary summons to convene the Executive Committee and/or Leg-  
56 islative Board as required by Article Twenty-One B (21B) and at such other  
57 times as may be necessary.

58 Each State or District Legislative Board may adopt its bylaws and proce-  
59 dures, including the filling of vacancies, establishing salaries, setting the  
60 amount of Legislative Board dues, and such other matters necessary for  
61 its operation, subject to the provisions of Article Twenty-One B (21B).

## 1 SECTION 94 – STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

2 SEC. 94. Each State or District Legislative Board must maintain a fund



sufficient to pay all salaries and expenses necessary for the maintenance of such State or District Legislative Board through assessments levied upon the members under their jurisdiction.

The State or District Legislative Board funds shall be deposited with the President Transportation Division. The General Secretary-Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the State or District Legislative Board.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of State or District Legislative Boards and in effect as of January 1, 1969, shall remain in effect subject to change as provided herein.

Any proposition to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of the State or District Legislative Boards shall be submitted to the members of the State or District Legislative Board while in session or by mail by the Secretary of the State or District Legislative Board setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the State or District Legislative Board before being made effective.

All reasonable and proper expenses of a State or District Legislative Board, Executive Committee, or officer or member thereof when in the service of a Legislative Board shall be allowed as expense of the Legislative Board. An itemized statement of expenses incurred, with receipts for all items in excess of Twenty-Four Dollars (\$24.00), and any amount due for services rendered shall be submitted to the Director of the Legislative Board. When such statements are approved they shall be submitted to the General Secretary-Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the Legislative Board.

The State or District Legislative Director may rent office space, purchase necessary office equipment, and employ such clerical assistance as necessary when authorized to do so by a majority vote of the Board in session or by mail vote between sessions.

## **SECTION 95 – DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS**

**SEC. 95.** The Executive Committee of each State or District Legislative Board may be convened by the Director at least forty-five (45) days, where possible, prior to each primary and general election, for the purpose of endorsing candidates for State offices and to make recommendations for candidates for the U.S. Senate and the House of Representatives and to transact such other business as may be necessary.

8 State Legislative Directors will promptly advise the President Transportation  
9 Division and the National Legislative Director of all endorsements of State  
10 Candidates and recommendations for Members of Congress made by the Execu-  
11 tive Committee.

12 The State or District Legislative Directors may remain in the capital during ses-  
13 sions of the Legislature, when so authorized by the Legislative Board, and shall  
14 devote all of his/her time to securing the enactment of such laws, or the repeal or  
15 modification of such other laws as directed by the Legislative Board. He/she shall  
16 organize opposition to and appear before appropriate agencies to oppose discon-  
17 tinuance of trains and buses. He/she shall urge compliance with all laws which  
18 protect the welfare of members of SMART and shall promptly report violations  
19 of State laws and regulations to the proper State enforcement agency. Violations  
20 of all Federal laws and regulations shall be reported to the National Legislative  
21 Director or proper Federal agency.

22 An additional Director or Directors may remain at the capital to assist in legis-  
23 lative matters, when recommended by the Executive Committee and approved by  
24 the President Transportation Division. He/she shall perform such duties as may  
25 be assigned by the President Transportation Division.

26 The Secretary of the State or District Legislative Board shall keep a record and  
27 make a report of the proceedings of all meetings of the Legislative Board and the  
28 Executive Committee and shall furnish the Legislative Representative and Secre-  
29 tary of each Local, under the jurisdiction of the Board, and the President Trans-  
30 portation Division with a copy of the report.

31 Full-time Legislative Directors shall make a quarterly report of their activities  
32 to Secretaries and Legislative Representatives of all Locals under their jurisdiction  
33 and use such other means as necessary to keep the membership well informed.  
34 They shall attach to the report an itemized statement of receipts and disbursements  
35 of the Board which shall be furnished to them by the General Secretary-Treasurer.  
36 A copy of this report shall be furnished to the President Transportation Division.

37 Part-time State or District Legislative Directors or Assistant Directors may,  
38 when recommended by the Executive Committee and approved by the President  
39 Transportation Division, visit Locals and appear before commissions or other  
40 agencies in SMART's behalf. They shall be authorized to cooperate with other  
41 organizations to this end. They shall perform such other duties as may be required  
42 by their Legislative Board by-laws and Article Twenty-One B (21B).

43 All proposed legislation shall be submitted to the President Transportation  
44 Division for approval and copies of all bills introduced which may be detrimental  
45 to labor shall be forwarded by Legislative Directors to the President Transporta-  
46 tion Division.

Questions of jurisdiction involving Legislative Boards and General Committees pertaining to laws, abandonments, and/or borderline matters shall be referred to the President Transportation Division for decision.

Any Transportation Division member using his/her influence in the name of SMART to defeat any action taken by the National Legislative Director or a State or District Legislative Board shall, upon conviction thereof, be expelled.

Officers and members of State and District Legislative Boards shall be under the direction of, and cooperate with, the National Legislative Director on all National Legislative policies and proposed Federal legislation established by the International. They shall cooperate with the Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of SMART Transportation Division.

On any legislative issue which involves the discontinuance of engine-service positions on railroads, the Executive Committee will authorize an engine-service officer of the Legislative Boards to handle such issues under the supervision of the Executive Committee.

**SECTION 96 – VACATIONS – STATE OR DISTRICT LEGISLATIVE BOARDS**

**SEC. 96.** Full-time officers and employees of State or District Legislative Boards shall be granted vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based upon earnings from their Boards. Such vacations may be split but will not be carried over from one year to the next.

Officers and members of such Legislative Boards employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Legislative Board been earned with the carrier. However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay consistent with the terms of the appropriate Vacation Agreement based upon their total earnings with the carrier and the Legislative Board.

Vacation allowances provided herein shall be paid by the General Secretary-Treasurer from the appropriate Legislative Board fund upon approval of the vacation claim by the Chairperson and Secretary of the Legislative Board. This Section is intended to prevent any loss in vacation time and pay as a result of serving the Legislative Board.

**SECTION 97**

**SEC. 97. DELETED IN ITS ENTIRETY.**

**SECTION 98**

**SEC. 98. DELETED IN ITS ENTIRETY.**

**SECTION 99**

**SEC. 99. DELETED IN ITS ENTIRETY.**

**SECTION 100 – DECLARATION OF POLICY OF THE TRANSPORTATION DIVISION  
REGARDING INTERNATIONAL EMPLOYEES**

**SEC. 100.** (1) No officer or other representative of SMART shall deny or in any way question the right of Transportation Division employees to:

(a) Join, organize or assist in organizing a labor organization or association of their choice.

(b) Determine their bargaining representatives in accordance with applicable Federal or State laws.

(c) Bargain collectively through their duly designated bargaining representatives.

(2) SMART will as a matter of policy maintain for its Transportation Division non-bargaining unit employees the same wages and working conditions presently enjoyed by such employees, including the practice of increasing or decreasing rates of pay based upon general increase or decreases in the pay of train and yard service employees represented by SMART Transportation Division, subject to final budget approval.

(3) Transportation Division employees will receive no preferential treatment based upon membership in SMART or the absence of such membership.

(4) For the information and guidance of Transportation Division officers and employees, the President Transportation Division will compile and publish a manual showing the wages and working conditions applicable to Transportation Division employees. If and when changes are made appropriate supplements will be issued for inclusion in said manual. All Transportation Division officers and employees will be furnished with copies of this manual and the supplements thereto.

(5) If and when Transportation Division employees establish a collective bargaining procedure in accordance with applicable State or Federal laws and through the exercise of that procedure an agreement covering wages and working conditions of Transportation Division employees is consummated, Item 2, hereof, becomes void and of no effect.

**ARTICLE TWENTY-TWO (22)**  
**Production Worker Local Unions**

**SECTION 1 – REPRESENTATION AND BARGAINING**

**SEC. 1.** This Association or any local union chartered for such purpose acting through its or their duly authorized officers or representatives shall have authority to represent and bargain collectively for employees performing production work. Production local unions shall file with the General Office copies of all agreements between them and employers of employees represented by them.

**SECTION 2**

**SEC. 2.** The provisions of Sections 1(c), 2, 3(a), 6, 9(f), 9(j), 9(k), 9(r), 10(a), and 10(b), of Article Sixteen (16) and Article Twenty-Six (26) shall not apply to production worker members of production local unions.

The exemption of Article Sixteen (16), Section 10(a), contained in the first sentence of this Section does not apply to such employees of employers engaged in the production or manufacturing field in this industry who are not permitted to work or be sent outside of the shops or plants in which they are employed to perform work except to inspect warranty failure and to supervise the correction of faulty products.

**SECTION 3**

**SEC. 3.** The special rules specified in this Article shall apply only to production local unions and the members thereof and to production worker members of other local unions and shall not apply to any other local unions or members unless specifically so provided in this Constitution. All of the provisions and requirements of this Constitution governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof except to the extent that they are modified by the provisions of this Article, shall apply to production local unions, the officers, representatives, and members thereof.

**SECTION 4 – GOVERNMENT**

**SEC. 4.** Production local unions shall not adopt any rules, regulations or policies which in any way conflict with the provisions or intent of this Constitution nor shall any additional rules or regulations not included in this Constitution be adopted until they have been first submitted to the General Secretary-Treasurer for consideration and official notice of approval received from the General Secretary-Treasurer.

**SECTION 5 – REQUIREMENTS FOR LOCAL UNION CHARTER**

35  
36 **SEC. 5.** Ten (10) or more persons who qualify for membership in accord-  
37 dance with the provisions of Article Sixteen (16) of this Constitution may  
38 make application for membership and for a production local union charter.

**SECTION 6 – APPLICATION FOR MEMBERSHIP, INITIATION AND INITIATION FEE**

39  
40 **SEC. 6(a). INITIATION.** Production local unions may accept an applicant for  
41 membership into the local union if the applicant fulfills the following obliga-  
42 tions of membership.

43 The applicant completes, signs and forwards to the financial secretary-  
44 treasurer of the local union the standard official form of application for mem-  
45 bership into production local union. Said application form shall contain a  
46 statement to the effect that he or she agrees to be governed by the principles  
47 and policies of this Association and the Constitution thereof as they then exist  
48 or as they may be changed or amended thereafter and that he or she will fur-  
49 ther abide by the valid rules and decisions of the local union.

50 **SEC. 6(b). INITIATION FEE.** Each applicant for membership shall be initiated  
51 upon receipt by the local union of his or her first month's dues which payment  
52 must be made within thirty-one (31) days after he or she files his or her appli-  
53 cation for membership.

54 All production local unions shall charge an initiation fee of not less  
55 than Twenty-Five Dollars (\$25.00). Not less than forty-five percent (45%) of  
56 each initiation payment plus the International monthly per capita dues shall  
57 be forwarded to the General Office. The International initiation fee shall be  
58 Eleven Dollars and Twenty-Five Cents (\$11.25) or forty-five percent (45%) of  
59 the local union initiation fee, whichever is greater, and shall be forwarded to  
60 the General Office within six (6) months after application for membership.

61 At least thirty-five percent (35%) of the fees collected pursuant to this Sec-  
62 tion shall be paid to the General Fund and up to five percent (5%) shall be  
63 apportioned on a basis determined by the General Executive Council between  
64 the SMART Local Unions and Councils Pension Fund (United States) and  
65 the SMART Local Unions and Councils Pension Fund (Canada) and/or the  
66 Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the  
67 Sheet Metal Workers' International Staff Pension Fund.

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

**SEC. 6(c).** The financial secretary-treasurer shall read the names of the applicants for membership at the next regular meeting of the local union following receipt of the application.

**SEC. 6(d).** The financial secretary-treasurer shall read the names of all members initiated since the last regular meeting.

**SEC. 6(e).** After the applicant is initiated, the financial secretary-treasurer shall so certify over his or her signature on the standard form of application, affix the seal of the local union, endorse thereon the date of initiation and the amount of initiation fee paid and promptly forward the original official application and obligation to the General Secretary-Treasurer.

In the event an applicant is initiated and fails to pay his or her full initiation fee in accordance with the provisions of Section 6(b) herein, he or she shall be automatically suspended from membership.

Anyone who shall certify to any false statement or answer on the official form of application for membership or who shall otherwise by false pretense, misrepresentation, or fraud attempt to secure membership in this Association or any local or council thereof, shall immediately forfeit all rights and further consideration of his or her application and forfeit all monies paid by him or her toward initiation fee.

## SECTION 7 – REINSTATEMENT AND REINITIATION FEE

**SEC. 7(a).** Production local unions shall charge a reinstatement fee of Fifty Dollars (\$50.00), of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinstated member shall additionally pay dues in advance beginning with the month in which reinstatement is properly recorded by the General Secretary-Treasurer.

**SEC. 7(b).** Production local unions shall charge not less than Fifty Dollars (\$50.00) for reinitiation fee, of which Twenty-Two Dollars and Fifty Cents (\$22.50) or forty-five percent (45%), whichever is greater, shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be

111 apportioned on a basis determined by the General Executive Council between  
112 the SMART Local Unions and Councils Pension Fund (United States)  
113 and the SMART Local Unions and Councils Pension Fund (Canada) and/  
114 or the Canadian Dues Defense Fund, and up to five percent (5%) shall be  
115 paid to the Sheet Metal Workers' International Staff Pension Fund. In any  
116 case such reinitiated member shall additionally pay dues in advance begin-  
117 ning with the month in which reinitiation is properly recorded by the Gen-  
118 eral Secretary-Treasurer.

119 **SEC. 7 ( c).** The individual reinstating or reinitiating to membership may, at  
120 the option of the local union, have a time period of up to twelve (12) months  
121 to pay the reinstatement or reinitiation fee.

### 122 **SECTION 8 – COUNCILS**

123 **SEC. 8.** Production local unions shall be permitted but not required to join  
124 any state, provincial, or district council covering the territory in which such  
125 production local unions are located.

### 126 **SECTION 9 – DUES PAYMENT**

127 **SEC. 9.** All production local unions shall comply strictly with all provi-  
128 sions and requirements of this Constitution with regard to the payment of  
129 dues and other obligations and the proper acknowledgement and record-  
130 ing of same on official receipts in triplicate form prescribed by the Gen-  
131 eral Secretary-Treasurer.

### 132 **SECTION 10 – TRANSFER**

133 **SEC. 10(a).** Production worker members shall have the right to transfer  
134 from one production worker local union to another or to a mixed local union  
135 as a production worker in accordance with the requirements of Section 9 of  
136 Article Sixteen (16), but shall not be permitted to transfer to a building and  
137 construction trades local union as a building tradesman, except as provided in  
138 Section 10(b) of this Article.

139 **SEC. 10(b).** No production worker member shall be entitled to transfer to a  
140 building and construction trades local union as a building tradesman unless,  
141 after appearance before an examining board of the building and construction  
142 trades local union, he or she is able to demonstrate that he or she is capable of  
143 performing the type of sheet metal work coming within the jurisdiction of such  
144 local building and construction trades union in accordance with the standards  
145 of workmanship established by such local union. Any production worker  
146 member who is admitted by transfer card to any local union of this Associa-  
147 tion shall pay to said local union the difference, if any, between the amount of



initiation fee actually paid prior to his or her transfer as recorded in the General Office and the established initiation fee of the local union in which his or her transfer card is deposited and accepted.

### SECTION 11 – UNION EMPLOYER

**SEC. 11.** No shop, plant, facility or subdivision thereof shall be considered “Union” unless the employer is a party to a collective bargaining agreement with this Association or one of its affiliated local unions which provides that all employees in the collective bargaining unit shall become and remain members of this Association except that, in those states in which a union shop agreement is contrary to law, the requirements of this Section will be satisfied if all employees within the unit have voluntarily become and remain members of this Association.

### SECTION 12 – STEWARDS

**SEC. 12.** Such stewards as may be necessary to properly perform the applicable function and duties as described in Section 2 of Article Fifteen (15) shall be appointed by the business manager, or by the president if there is no business manager. The requirement in Article Twelve (12), Section 3 of two (2) years’ continuous good standing in the local union shall not apply to this Section.

### SECTION 13 – WITHDRAWAL CARDS

**SEC. 13(a). ELIGIBILITY.** Except as otherwise provided in this Section, any member in good standing who leaves the trade as a sheet metal worker and accepts employment in other industries or in other trades shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against whom charges are pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is performing work covered by the claimed jurisdiction of this Association.

**SEC. 13(b). APPLICATION.** Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such application shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued, plus a Five Dollar (\$5.00) withdrawal card fee.

**SEC. 13(c). EMPLOYEE STOCK OWNERSHIP PLAN (ESOP).** A member who acquires stock ownership with a signatory employer pursuant to an ESOP

185 negotiated with the member's local union shall be prohibited from receiv-  
186 ing a withdrawal card.

187 **SEC. 13(d). RIGHTS AND DUTIES.**

188 1. **REINSTATEMENT.** A member on withdrawal card who is eligible for  
189 membership who wishes to return to employment as a sheet metal worker  
190 and become reinstated to membership, shall have the right to deposit his  
191 or her withdrawal card with the local union which issued the same and  
192 apply for reinstatement. The fee for reinstatement on a valid withdrawal  
193 card shall be a minimum of Fifteen Dollars (\$15.00), and a maximum of  
194 Fifty Dollars (\$50.00) of which forty-five percent (45%) shall be sent to  
195 the General Secretary-Treasurer as an International reinstatement fee. At  
196 least thirty-five percent (35%) of the fees collected pursuant to this Sec-  
197 tion shall be paid to the General Fund, and up to five percent (5%) shall  
198 be apportioned on a basis determined by the General Executive Coun-  
199 cil between the SMART Local Unions and Councils Pension Fund  
200 (United States) and the SMART Local Unions and Councils Pension Fund  
201 (Canada) and/or the Canadian Dues Defense Fund, and up to five per-  
202 cent (5%) shall be paid to the Sheet Metal Workers' International Staff  
203 Pension Fund. The General Secretary-Treasurer may reduce or waive the  
204 withdrawal reinstatement fee for a local union, upon request. Deposit of  
205 withdrawal card for purpose of reinstatement may be made by mail or by  
206 other method of delivery.

207 If the local union which issued a withdrawal card has ceased to exist, the  
208 holder of such card, if eligible for membership, who desires reinstatement shall  
209 deposit same with any local union and apply for reinstatement.

210 2. **PENALTIES.** Any member who fails or refuses to request and receive a with-  
211 drawal card in accordance with the provisions of this Constitution within  
212 thirty (30) days from the change of his or her employment status, as pro-  
213 vided herein, shall not be permitted to pay any further dues or fees to his or  
214 her local union or this Association and at the expiration of two (2) months  
215 from the date of this change of employment status shall automatically forfeit  
216 his or her membership and all of the rights and privileges in connection ther-  
217ewith. In the event the holder of a withdrawal card fails or refuses to comply  
218 with the conditions provided in this Section, the local union issuing the with-  
219 drawal card or the General Secretary-Treasurer, shall cancel same and no  
220 privileges and benefits in connection therewith shall be reinstated except upon  
221 reinitiation in accordance with the provisions of this Constitution.

222 Notice of any cancellation of withdrawal card shall be sent to the individual  
223 involved and to the General Secretary-Treasurer.

**ARTICLE TWENTY-THREE (23)**  
**Pre-apprentices and Apprentice-Members**

**SECTION 1**

**SEC. 1.** Any person meeting all the requirements and qualifications of the local union apprenticeship standards shall make application of apprentice-membership and immediately be admitted to apprentice-membership in such local union, and begin payment of apprentice- membership dues and per capita dues unless prohibited by law.

If the apprenticeship committee cancels the apprenticeship agreement, the apprentice member shall forfeit apprentice-member status.

Once an applicant becomes an apprentice-member he or she shall take the verbal oath of obligation of membership either at a local union membership meeting or apprenticeship meeting or class, and shall make the acknowledgements set forth in Article Sixteen (16), Section 3(a). A designated local union officer shall administer the oath. The apprentice-member shall also sign a copy of the oath of obligation, which a union officer shall witness.

Upon completion of all requirements of the apprenticeship program, the apprentice shall then fulfill all remaining requirements, if any, of initiation as required by this Constitution and the local union.

**SECTION 2**

**SEC. 2(a).** All apprentice-members shall pay the initiation fee established by the local union for apprentice-members in which they are indentured, forty-five percent (45%) of which shall constitute the International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Association Staff Pension Fund. Such initiation fee shall be paid over the term of and prior to completion of his or her apprenticeship except that the local union may extend the period during which said initiation fee must be paid for a period not to exceed ninety (90) days after completion of his or her apprenticeship.

**SEC. 2(b).** Local unions shall establish the dues of apprentice-members but in no case shall the rate be less than minimum dues, payment of which will commence with the beginning of the first year of apprenticeship.

36 **SEC. 2(c).** All monies paid by apprentice-members except for a monthly  
37 International per capita dues and a local working assessment, if any, shall  
38 be credited to his or her initiation fee, unless that fee is paid in full before  
39 the apprentice-member completes his or her apprenticeship in which case such  
40 monies shall be treated as union dues.

41 **SEC. 2(d).** Apprentice-members and pre-apprentice members shall be sub-  
42 ject to the provisions of Article Sixteen (16), Sections 11 and 12(a), concerning  
43 suspensions and reinstatement.

44 **SEC. 2(e).** Within ninety (90) days, all pre-apprentices shall pay the initia-  
45 tion fee established by the local union and begin payment of pre-apprentice  
46 membership dues and per capita dues unless prohibited by law. Forty-five per-  
47 cent (45%) of the fee shall be remitted to the International Association. At  
48 least thirty-five (35%) of the fees collected pursuant to this Section shall be  
49 paid to the General Fund and up to five percent (5%) shall be apportioned on  
50 a basis determined by the General Executive Council between the SMART  
51 Local Unions and Councils Pension Fund (United States) and the SMART  
52 Local Unions and Councils Pension Fund (Canada) and/or the Canadian  
53 Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet  
54 Metal Workers' International Staff Pension Fund. All monies paid by the pre-  
55 apprentice shall be credited towards his or her initiation fee.

### SECTION 3

56  
57 **SEC. 3.** All monies accepted from pre-apprentices and apprentice-mem-  
58 bers, shall be recorded on official SMART receipts designating his or her statu-  
59 s as a pre-apprentice or apprentice-member.

### SECTION 4

60  
61 **SEC. 4.** Apprentice-members and pre-apprentices shall be entitled to attend  
62 all local union meetings with a voice and vote on all matters, with the excep-  
63 tion that they shall not be permitted to hold any local union office or represent  
64 the local union in any official capacity. They shall be entitled to all constitu-  
65 tional monetary benefits, including strike benefits accorded to other members  
66 in good standing under the International Constitution. They shall be eligible  
67 to make application for and be issued a withdrawal card in accordance with  
68 Article Sixteen (16), Section 6.

### SECTION 5

69  
70 **SEC. 5.** No pre-apprentice or apprentice-member shall perform work on  
71 any job unless he or she is under the direct supervision of a qualified journey-  
72 man sheet metal worker, nor shall he or she be assigned by his or her employer

to work on a job in the jurisdiction of another local union unless permitted by the relevant collective bargaining agreement, where the work is being performed, approved by this Association.

#### SECTION 6

**SEC. 6.** All apprentice-members and/or pre-apprentice members shall be required to attend periodic union orientation meetings which shall be scheduled at least quarterly and be conducted by the local union business manager or his designated representative for the purpose of acquainting them with the history, objectives, benefits and purposes of the labor movement in general, their local union, the International Association of Sheet Metal, Air, Rail and Transportation Workers and to inform them of their rights and obligations under the International Constitution and local union by-laws.

#### SECTION 7

**SEC. 7.** The local union financial secretary-treasurer shall immediately notify the General Secretary-Treasurer when an indentured apprentice-member enters military service. Apprentice members who are called to military service may make application for special limited membership or for a special withdrawal card in accordance with the provisions of Article Sixteen (16), Section 8. Apprentice-members who are called to military service must be given the opportunity to complete their apprenticeship, provided that they resume their apprenticeship not later than ninety (90) days after their discharge from military service. Apprentice-members who reapply to resume their apprenticeship more than ninety (90) days after their discharge may be subject to discipline for unauthorized absences, unless they are convalescing from an illness or injury that occurred while in the military.

#### SECTION 8

**SEC. 8.** An apprentice-member, having been certified by the Local Joint Apprentice Committee as having successfully completed the prescribed apprenticeship program, shall be obligated as a journeyman without further membership application or examination by the local union.

#### SECTION 9

**SEC. 9.** The special rules in this Article shall apply only to apprentice-members and shall not apply to any other members unless specifically so provided in this Constitution.

#### SECTION 10

**SEC. 10.** This Article shall not apply to the Railroad apprentices covered under Article Twenty-One A (21A) of this Constitution.

## **ARTICLE TWENTY-FOUR (24)**

### **Organizing, Apprentice/Organizing, and Education**

#### **SECTION 1**

**SEC. 1.** All local unions shall establish and maintain a legitimate organizing and educational program and/or continue any ongoing or previously established organizing and educational programs including apprentice organizing. If a local union does not have an organizing program, the International will bill the local union for the cost of assigning an International Organizer. These programs shall be funded by the local union and may be further funded by an approved organizing grant by the General President. The grant is subject to re-approval annually by the General President and may be rescinded if the subsidized organizer or the local union is not following the organizing policy issued by the International. The grant will pay up to one half (1/2) of at least one (1) full time local union organizer's annual salary. The grant may be expanded by the General President for local unions with members in both building trades and production to pay up to one half (1/2) of the annual salary of a second full-time organizer, from the ranks of the production workers, dedicated to organizing production workers, if warranted by the financial situation of the local union. This salary shall be defined as follows:

(1) Wage Rate:

(A) As determined by the local union

(2) Health and Welfare:

(A) Contributions to the local union Health & Welfare Trust Fund, or

(B) Contributions to the National Health Fund (whichever is applicable)

(3) Pensions-Annuities:

(A) Contributions to local union pension trust fund and/or

(B) Contributions to local union annuity funds (where applicable)

(C) Contributions to the Sheet Metal Workers' National Pension Fund.

(D) Contributions to the Local Unions and Councils Pension Fund.

#### **SECTION 2**

**SEC. 2.** All new members and apprentice-members shall receive training in organizing and industry promotional skills which shall cover labor union history, theory and methodology including practical experience in organizing techniques.

## ARTICLE TWENTY-FIVE (25) Union Label

### SECTION 1

**SEC. 1.** The General Secretary-Treasurer shall have prepared and registered a trademark label to be known as the Official Union Label, and said union labels shall be for the use of local unions and good standing members thereof, in the manner and within the limitation specified in this Constitution. Union labels shall be of such design, material, or method of application as may be determined by the General Secretary-Treasurer with the approval of the General Executive Council, provided that each union label identify, by serial number or otherwise, the local union to which it was issued.

### SECTION 2

**SEC. 2.** Upon the written request of local unions all union labels shall be issued and distributed by the General Secretary-Treasurer to local unions at list price.

### SECTION 3

**SEC. 3.** Local unions shall require a strict accounting of all union labels issued by them to signatory contractors for use by good standing members thereof and shall require the return of all unused union labels.

### SECTION 4

**SEC. 4.** The use of union labels of this Association is limited to strictly union-made products, manufactured, assembled and fabricated by none but good standing members of a local union affiliated with this International Association and all members must recognize such union label. No union label of this Association shall be applied to any sheet metal work that has not been so manufactured, assembled and fabricated.

### SECTION 5

**SEC. 5.** The union label may be applied by members of a local union to all sheet metal products actually manufactured, assembled and fabricated within the jurisdiction of and by members of said local union, but no local union or member thereof shall apply the union label to any sheet metal products manufactured, assembled and fabricated outside of their own jurisdiction. The SMART union member stamp shall be applied manually to all drawings, sketching, drafting, detailing, design, redesign and coordination by computer (CAD), manual or otherwise. The stamp shall remain the property of the local union or the International Association.

**SECTION 6**

35  
36 **SEC. 6.** Union labels shall remain at all times the property of the Interna-  
37 tional Association and in the custody of the local union, and shall at no time be  
38 issued or distributed in any manner that will permit or afford opportunity for  
39 them to be used by any other than a member in good standing, provided that if  
40 the union label is permitted to be used, or if there is a risk that the union label  
41 may be used as a means or for the purpose, intentionally or unintentionally, of  
42 deceiving purchasers of fabricated products, sheet metal workers on job sites, or  
43 members of the public at large as to whether an item has been made by employ-  
44 ees of a signatory employer, or in any other manner not authorized by this Con-  
45 stitution, it may be withdrawn at the sole discretion and direction of the General  
46 President or by the local union with the approval of the General President.

**SECTION 7**

47  
48 **SEC. 7.** Each local union should urge and encourage the use of union labels  
49 on all strictly union-made sheet metal products, and should urge and educate  
50 the public to demand the union label as a guarantee of first class workmanship  
51 performed by union labor.

**SECTION 8**

52  
53 **SEC. 8.** Union labels shall be furnished by local unions in sufficient numbers  
54 to meet the requirements and conditions specified in this Constitution.

**ARTICLE TWENTY-SIX (26)**  
**Union Shop****SECTION 1**

1  
2 **SEC. 1.** A sheet metal shop, manufacturing facility or other business who  
3 employs members of this Association shall not be considered a union facility  
4 or business unless the owners sign and remain parties to an agreement with  
5 the local union of this Association in whose jurisdiction such shop or business  
6 is located. No shop, facility or business shall be recognized as union or entitled  
7 to the privileges or use of the shop card or label unless it employs workers in  
8 good standing and with full membership in this Association on all work cov-  
9 ered by Article One (1), Section 5, of this Constitution, and permits not more  
10 than one (1) owner, partner or other person directly or indirectly financially  
11 interested in the management of such shop or business to work with the tools  
12 of the trade and then in the shop only.



## **ARTICLE TWENTY-SEVEN (27)**

### **Union Shop Card**

#### **SECTION 1**

**SEC. 1.** The General Secretary-Treasurer shall have prepared, printed and registered a union shop card which shall be issued to local unions at list price.

#### **SECTION 2**

**SEC. 2.** The use of said union shop cards shall be limited to this Association and to local unions in good standing, and through them only to employers who sign and comply with all of the provisions and requirements of a union agreement with this Association or with a local union affiliated therewith.

#### **SECTION 3**

**SEC. 3.** When authority is given to any employer to use and display the union shop card, said union shop card shall bear the signature of the General President and General Secretary-Treasurer of this Association or the president and financial secretary-treasurer and seal of the local union authorizing its use. Union shop cards shall always remain the property of this Association and authority to use and display same shall be immediately revoked, and said shop card taken up from any shop for failure to conform to any of the conditions specified herein under which the use and display of the union shop card was authorized.

## **ARTICLE TWENTY-EIGHT (28)**

### **Standard Form of Union Agreements**

#### **SECTION 1**

**SEC. 1.** The desirability of uniformity in local union agreements, particularly with regard to certain basic conditions of employment being recognized, this Association shall prepare and furnish to each local union a uniform Standard Form of Union Agreement for construction to be used in all negotiations with employers.

#### **SECTION 2**

**SEC. 2.** The General Executive Council shall select the most essential terms of the Standard Form of Union Agreement (SFUA), including any amendments, which shall be the basic minimum provisions required of all subordinate bodies negotiating local versions of the SFUA. The General President shall send the basic minimum provisions to each local union and council as well as shall promptly notify each subordinate body of any SFUA changes.

14 No local union shall put into effect any contract provision in conflict with the  
15 basic minimum provisions of the SFUA. Each subordinate body shall sup-  
16 ply this Association a list of all collective bargaining agreements, including  
17 their durations and expiration dates, and shall update the list promptly after  
18 any change occurs. Violation of this Section shall be grounds for disciplinary  
19 action under Article Seventeen (17).

### SECTION 3

21 **SEC. 3(a).** No local union or officer, representative or member thereof, shall  
22 waive or relinquish claim to any work specified in the jurisdictional claims of  
23 this Association as set forth in Section 5 of Article One (1) of this Constitu-  
24 tion, or submit same to arbitration except with the approval and written con-  
25 sent of the General President.

26 **SEC. 3(b).** No local union officer or representative shall enter into any  
27 agreement with employers which impairs the valid contractual rights of mem-  
28 bers of other local unions affiliated with this Association or employers with  
29 whom such local unions have valid union agreements so long as such contrac-  
30 tual rights contained in such local union agreements are not inconsistent with  
31 this Constitution and policies of this Association. In the event such agreement  
32 is consummated, in addition to other penalties provided in this Constitution,  
33 its application shall be confined to the territorial jurisdiction of the signatory  
34 local union; and any other local union in whose territorial jurisdiction the sig-  
35 natory employer performs work may, with the approval of the General Presi-  
36 dent, refuse to recognize said employer as a union employer unless he or she  
37 signs the collective bargaining agreement of such local union. The General  
38 President shall also have the authority to take such action as he deems neces-  
39 sary, after proper notice according to this Constitution.

40 **SEC. 3(c).** It is the policy of this Association to require participation by all  
41 United States Building Trades Local Unions in (1) the International Train-  
42 ing Institute, a trust fund established in part by this Association for the pur-  
43 pose of assisting in establishing and maintaining programs of apprentice and  
44 journeyman training and related purposes, (2) the National Energy Manage-  
45 ment Institute Committee, a trust fund established in part by this Association  
46 for the purpose of stimulating projects that will provide work for our mem-  
47 bers by applying up-to-date technological methods by making buildings more  
48 energy efficient, and (3) the Sheet Metal Occupational Health Institute Trust,  
49 a trust fund established in part by this Association for the purpose of promot-  
50 ing medical screening and medical and scientific research related to asbestos  
51 and other occupational health hazards in the Sheet Metal Industry. Building

trades local unions shall adopt and maintain participation in the designated trust funds at the appropriate contribution rates for building trades journeymen and apprentices at a minimum and additional classifications in the discretion of the General President as a condition of affiliation with this International Association. Any such local union that fails to negotiate into collective bargaining agreements with its employers participation in any of these mandatory trust funds shall become liable individually for the contributions thereto that would have been made by its signatory employers if they were participants therein, and the General Secretary-Treasurer shall be entitled to refuse to accept and record per capita dues forwarded by any such local union unless it also forwards to the trust fund involved a sum of money equivalent to the contributions on behalf of its members which would have been payable by its signatory employers if they were participating therein.

**SECTION 4**

**SEC. 4.** Local unions shall file with the General Office in an electronic format approved by the General Secretary-Treasurer signed copies of union agreements with a record of all employers party thereto, in all cases where contractual relations have been established under said agreement.

**SECTION 5**

**SEC. 5.** Should the local union and the employers fail to agree upon terms and conditions of employment, the local union shall immediately notify the General Secretary-Treasurer in writing, with a detailed report of negotiations and developments to date. If circumstances warrant, an International Representative may be assigned by the General President to render assistance and help negotiate an agreement.

**ARTICLE TWENTY-NINE (29)**  
**Delegates to AFL-CIO and Members on Special Assignment from International Association**

**SECTION 1**

**SEC. 1.** Delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations and its Departments and all members on special assignment for the International Association, except full-time General Officers under salary, shall receive Two Hundred and Fifty Dollars (\$250.00) per day as compensation and One-Hundred Dollars (\$100.00) per day for expenses and in addition thereto, reasonable cost of lodging and air transportation.

## ARTICLE THIRTY (30) Strikes

### SECTION 1 – STRIKE/DEFENSE FUND

1  
2 **SEC. 1.** The General Secretary-Treasurer shall set aside from each monthly  
3 individual International per capita dues, the sum of Seventy-Five Cents (\$0.75),  
4 in a fund designated and known as the Strike/Defense Fund and to pay from  
5 such fund the benefits provided in this Article.

6 In the event the amount of money in the Strike/Defense Fund exceeds an  
7 amount which the General Executive Council deems sufficient to maintain the  
8 integrity of the Fund, the General Secretary-Treasurer with the approval of  
9 the General Executive Council is authorized to transfer any part of said excess  
10 amount to the General Fund.

### SECTION 2 – NATIONAL JOINT ADJUSTMENT BOARD EXPENSES

11  
12 **SEC. 2.** The expenses of the International Association directly related to the  
13 meetings of

14 the National Joint Adjustment Board shall be funded by the Strike/  
15 Defense Fund. In addition, this Fund shall reimburse the normal expenses  
16 incurred for travel, hotel and meals by one (1) representative from the local  
17 union to travel to the appropriate meeting of the National Joint Adjustment  
18 Board to present a case brought under Article Ten (10), Section 8, of the Stan-  
19 dard Form of Union Agreement.

### SECTION 3 – STRIKES

20  
21 **SEC. 3(a).** The authority or consent of the International Association shall  
22 not be required for a local union to call a strike following the termination or  
23 expiration of a collective bargaining agreement.

24 No cessation of work through strike or otherwise shall be permitted or  
25 ordered by a local union or any officer or officers thereof unless it is autho-  
26 rized and approved at a special meeting called for the purpose of voting on the  
27 question of whether such strike is advisable or desirable. Notice of the time  
28 and place and purpose of such meeting shall be given to each member and it  
29 shall require two-thirds (2/3) vote by secret ballot of all members present at  
30 such meeting to legally declare a strike.

31 In any dispute which does not arise out of a notice to terminate or to reopen  
32 an existing collective bargaining agreement, the General President may order  
33 and direct the local union and the members thereof to refrain from cessation  
34 of work, or in the event of a strike, to direct the members to return to work if,  
35 in his judgment, such strike or threatened strike is a violation of an existing

collective bargaining agreement or this Constitution or the policies of this International Association.

**SEC. 3(b).** When a local union strike has been approved in the manner provided in Section 3(a) of this Article, official notice thereof shall be filed with the General Secretary-Treasurer with the record of the effective date of said strike, and the purpose thereof.

#### SECTION 4 – STRIKE BENEFITS

**SEC. 4(a).** In the event a local union desires to seek strike benefits, application therefore shall be filed with the General President in sufficient time prior to the strike date to permit him to approve or disapprove such application before the strike occurs. No strike benefits shall be paid if a strike occurs prior to the approval of the payments of such benefits by the General President.

**SEC. 4(b).** This Association shall not be under obligation to pay strike benefits in any particular strike. Such benefits shall be paid solely in the discretion of the General President and then only subject to the terms and conditions provided for in this Article, except that the General President may in extenuating circumstances waive the requirements of Section 4(c) of this Article concerning when strike benefits begin and payment of benefits for fractional weeks.

**SEC. 4(c).** If the strike is approved by the General President for the purpose of strike benefits, such benefits shall be paid through the local union involved on the basis of not more than One Hundred Fifty Dollars (\$150.00) per week for each good standing member actually participating in the strike. Benefits shall begin at the end of the second full week of the strike and continue thereafter for such period as may be determined by the General President or General Executive Council. No strike benefits shall be paid for any fractional part of a week.

**SEC. 4(d).** No member shall be eligible for strike benefits unless prior to the strike his or her dues and other obligations have been actually paid and properly recorded on official receipt, in accordance with the provisions of this Constitution, at least for the current month in which the strike occurs, and in advance, for at least each current month thereafter during the period of strike, unless the member is on dues check off. If dues have been withheld from the employee's wages by his or her employer pursuant to a valid check off authorization, and the company has failed to remit the dues prior to the strike, the member will be eligible for strike benefits if his or her dues are paid for the month prior to the strike. A member on dues check off must then continue to pay his or her dues for each month thereafter during the period

74 of the strike but is not responsible for the month of dues withheld by his or  
75 her employer. Members who fail to comply with said requirements shall forfeit  
76 all rights to strike benefits.

77 **SEC. 4(e).** When payment of strike benefits has been approved, as provided  
78 in this Article, the local union shall file with the General Secretary-Treasurer a  
79 record of the effective date of the strike, the names and membership numbers  
80 of all members participating in the strike, and the date of his or her current  
81 receipt and the period covered by such receipt, together with the names of the  
82 employers involved. The local union shall also file with the General Secretary-  
83 Treasurer the names of all pre-apprentices who are not yet members and others  
84 of a similar status approved by the General President whose participation  
85 in support of the strike has been sanctioned by the local union. A like record  
86 and report shall be filed with the General Secretary-Treasurer each week  
87 thereafter with a record of any settlements reached subsequent to the date  
88 of strike. Such reports shall be signed by the president and recording secretary  
89 unless one of these officers is not available, then any other elected officer may  
90 sign the reports, so as to provide an accurate and complete record of the duration  
91 of the strike and the period for which each member was involved.

92 **SEC. 4(f).** Strike benefits and donations for strike purposes, when authorized  
93 and approved by the General President, shall be paid by the General Secretary-  
94 Treasurer through the financial secretary-treasurer of the affiliated  
95 local union involved, who shall, on receipt of said benefits or donations,  
96 immediately record receipt of same on official receipt either in electronic format  
97 or in triplicate form and immediately forward the original of said official receipt  
98 to the General Secretary-Treasurer in acknowledgement of monies thus received.  
99 The electronic or white duplicate (copy) of said official receipt shall also be included  
100 with the next monthly remittance and report sent to the General Secretary-Treasurer.  
101

102 **SEC. 4(g).** The General President shall not approve or authorize payment  
103 of strike benefits in more than one strike at any one time unless circumstances,  
104 in his opinion, warrant and justify such approval and authority, to protect the  
105 general welfare of members involved in controversies.

106 **SEC. 4(h).** Whenever it is deemed necessary by the General President, he  
107 may authorize payments to assist in defraying expenses of a strike committee,  
108 whether or not in addition to the strike benefits provided above, in such  
109 amounts and by such methods of payment as he may, in his discretion, decide,  
110 provided that no such payment shall exceed the sum of Fifteen Thousand Dollars  
111 (\$15,000.00) in any one strike without the approval of the General Executive  
112 Council.

**SEC. 4(i).** An itemized statement of all monies received and disbursed by local unions, in connection with strikes shall be submitted to the General Secretary-Treasurer each week, and any local union which shall fail or neglect to submit such weekly statements shall forfeit all rights to strike benefits or donations and allowances for strike purposes from this Association.

**SEC. 4(j).** The General President shall have authority to discontinue payments of any or all strike benefits or donations and allowances for strike purposes whenever he deems such action advisable.

**SEC. 4(k).** Notwithstanding any other provisions of this Article, the General Executive Council shall have the authority to make such adjustments as to the amount of benefits to be paid in specific situations as it may deem necessary, having in mind the need to accumulate a substantial sum in said Fund and the financial conditions of said Fund at the time of such adjustment.

#### **SECTION 5 – LOCKOUTS**

**SEC. 5.** In the event of a lockout by the employers the provisions of Section 4 of this Article shall govern insofar as they may be applicable.

#### **SECTION 6 – FINANCIAL ASSISTANCE**

**SEC. 6.** When local unions through assessments, voluntary contributions from members, or other appropriate means have established special funds, sometimes known as Defense Funds, to defray the costs of engaging in legally permissible concerted activities including picketing directed at non-union or unorganized employers in the sheet metal industry, they may apply for financial assistance from the Strike/Defense Fund when same is necessary to enable such local unions to engage in effective campaigns against such non-union or unorganized employers. Local union requests for such financial assistance for such purpose or for other appropriate purposes for which assistance is warranted shall be directed to the General President who shall be authorized to grant benefits for such purposes in the same manner and under the same procedures as Strike Benefits under this Article.

Payment from the Strike/Defense Fund may also be made to members of local unions or other workers engaging in various types of concerted or individual activities supportive of policies endorsed by this International Association provided that a request therefore is submitted by the business manager of the local union to the General President and approved by him.

## **ARTICLE THIRTY-ONE (31)**

### **Political Action League (PAL)**

1     **SEC. 1.** Local unions are urged to establish Local PAL Funds which should  
2 be created in accordance with provisions of applicable state and local laws,  
3 and administered by a Local PAL Committee appointed by the local union  
4 business manager. Local PAL funds shall be used solely to make contributions  
5 and expenditures in support of or opposition to candidates for state, county,  
6 municipal and other non-federal offices in either primary or general elections  
7 and in support of or opposition to state, county, municipal and other non-  
8 federal issues and membership education and information purposes.

9     No Local PAL funds shall be used directly or indirectly to make contribu-  
10 tions or expenditures in support of or opposition to any candidates for Presi-  
11 dent, Vice President, Senate, House of Representatives or other federal office  
12 in either a primary or general election in the United States. All contributions  
13 and expenditures in support of or opposition to candidates for federal office  
14 shall be made by National PAL. Local unions in Canada are urged to con-  
15 tribute to the SMART Canadian Political Action Fund (PAF) as appropriate  
16 under Canadian federal and provincial law, which will make contributions to  
17 those candidates for public office who support the aims and goals of SMART  
18 locals in Canada. Furthermore, all Local Unions shall establish and maintain  
19 a legitimate political action and educational program, and/or continue any  
20 ongoing or previously established political action and educational programs  
21 consistent with the directives of this International Association.

## **ARTICLE THIRTY-TWO (32)**

### **General Convention and Business Managers' and Business Representatives' Conference Fund**

1     **SEC. 1.** The General Secretary-Treasurer shall set aside the sum of One  
2 Dollar (\$1.00) from each monthly individual International per capita dues  
3 in a fund designated as the General Convention and Business Managers' and  
4 Business Representatives' Conference Fund and to pay from said fund such  
5 amount as may be necessary to defray the cost of such International Conven-  
6 tions and Conferences.



## ARTICLE THIRTY-THREE (33) Amendments and New Laws

### SECTION 1 – AMENDMENTS

**SEC. 1(a).** Amendments to this Constitution or Ritual may be submitted by any local union or council, the General President, General Secretary-Treasurer, the General Executive Council or by the Constitution Committee.

**SEC. 1(b).** Amendments submitted by local unions, councils, Transportation Division State Legislative Boards and Transportation Division General Committees must be submitted separately by subject matter in resolution form and filed in triplicate with the General Secretary-Treasurer at the General Office at least sixty (60) days prior to the opening of the Convention at which such amendments are to be considered unless the requirements of this paragraph are waived by a two-thirds (2/3) vote of the delegates in the Convention.

All resolutions proposed by any member of the local union shall be submitted to the local union Executive Board at least thirty (30) days prior to the submission thereof to the local union for consideration.

All resolutions passed by local unions or councils must bear the signature of the president and recording secretary and the seal of the local union or council.

**SEC. 1(c).** Amendments submitted by the General President, General Secretary-Treasurer or the General Executive Council may be submitted in the form of resolutions or as recommendations contained in their respective reports.

**SEC. 1(d).** Amendments submitted by the Constitution Committee may be submitted in its report to the Convention.

**SEC. 1 ( e).** It shall require a two-thirds (2/3) vote of the delegates present at the Convention to enact such amendments.

**SEC. 1(f).** At any time the General Executive Council, by a majority vote, deems a new law necessary to govern this Association in any matter not provided for in this Constitution, it may recommend and submit same through the General Secretary-Treasurer to local unions for referendum vote, and it shall require a two-thirds (2/3) majority of all members voting in referendum to adopt such new law. The General Secretary-Treasurer shall report the result of referendum to local unions.

**SEC. 1(g).** Proposals for new laws when approved and endorsed by ten (10) or more local unions located in ten (10) or more different states, provinces or territories at regular or special called meetings may be submitted to the General Secretary-Treasurer for consideration by the General Executive Council, and if approved by a majority of the General Executive Council said proposed new laws shall be submitted to a referendum vote in accordance with Section 1(f) of this Article.

**SEC. 1(h).** New laws when approved and adopted by referendum vote in the

37 manner specified in this Constitution become a part of this Constitution and  
38 effective immediately thereafter.

39 **SEC. 1(j).** The General Executive Council shall have authority between  
40 Conventions to amend this Constitution in any manner required to remove  
41 any conflict between its provisions and those of any federal law without  
42 the necessity of the referendum vote required in Section 1(f) of this Article.  
43 Notwithstanding any other provision of this Article, the General Execu-  
44 tive Council shall have the authority between Conventions to amend Arti-  
45 cle Twenty-One A (21A) of this Constitution or to amend Article One (1),  
46 Section 5 of this Constitution to add (but not delete) work claimed by the  
47 Association without the necessity of the referendum vote required in Sec-  
48 tion 1(f) of this Article.

## ARTICLE THIRTY-FOUR (34)

### SECTION 1 – INVALIDITY

1  
2 **SEC. 1.** In the event any Article or Section of this Constitution or any por-  
3 tion thereof shall be or become legally invalid or unenforceable, such inva-  
4 lidity or unenforceability shall not affect or invalidate any other Article or  
5 Section of this Constitution or any portion thereof.

### SECTION 2 – GENDER

6  
7 **SEC. 2.** Whenever in this Constitution a masculine noun or pronoun is used  
8 it shall include the feminine case as well whenever such interpretation is con-  
9 sistent with sound construction.

## ARTICLE RITUAL

### INITIATION CEREMONIES

1 Except as provided in Section 6 of Article Twenty-Two (22), applicants for  
2 membership who have complied with all requirements of this Constitution and  
3 whose applications have been accepted may be obligated by the president or  
4 presiding officer of the local union either at a local union meeting or meeting of  
5 the local union Executive Board.  
6

7 At the appointed time for initiation, the president or presiding officer shall  
8 then address the applicants for membership, as follows:

9 “Your official form of application for membership in this local union char-  
10 tered by and affiliated with the International Association of Sheet Metal, Air,  
11 Rail and Transportation Workers has been accepted by this local union, with  
12 the understanding that the answers submitted by you over your signature to  
13 questions contained in official form of application are true and accurate in  
14 every respect. You have signified in your application that you are familiar with  
15 and willingly subscribe to all of the provisions and requirements of the Constitu-  
16 tion of the International Association of Sheet Metal, Air, Rail and Transporta-  
17 tion Workers. We will now administer the obligation of membership after which  
18 you will sign this same obligation as a matter of record. Repeat after me the fol-  
19 lowing obligation of membership, mentioning your name where I mention mine.

20 “I, \_\_\_\_\_, hereby certify that I am familiar with and willingly agree to  
21 abide by all of the provisions and requirements of the SMART Constitution.  
22 In consideration of the acceptance of my application and being obligated as  
23 a member, I hereby agree to remain loyal to the principles and policies and to be  
24 governed by the SMART Constitution.

25 “I further agree to respect elected officers, brother and sister members, and to  
26 honor all local union rules and regulations not in conflict with this Constitution,  
27 to uphold the authority of the president, business manager, business represen-  
28 tatives, and other elected officials, and to always conduct myself in a manner  
29 which holds the Union in the highest regard. I agree to work faithfully to protect  
30 and defend the rights of all of our members, and to display a positive attitude  
31 when representing the Union in any way. Finally I agree to devote myself to  
32 the betterment of the Union and remain steadfast in my support and defense of  
33 the working rules, working conditions, wages and fringe benefits negotiated for  
34 me by my Local Union, and that by this oath taken I am duly obligated to all  
35 articles and sections of the SMART Constitution and Ritual.”

36 After the obligation of membership has been administered orally to  
37 the applicant, the president shall rap twice with his or her gavel and request all

38 members to be seated. The applicant shall then affix his or her signature to the  
39 obligation of membership and the presiding officer and financial secretary-  
40 treasurer shall affix their signatures thereto as attesting witnesses, after which  
41 the president or presiding officer shall address the applicant as follows:

42 “I now declare you duly obligated. You are already familiar with  
43 your duties, obligations, rights and privileges specified in our Constitution.  
44 You will, therefore, be governed accordingly. I now desire to give you the fol-  
45 lowing instructions:

46 “Your official dues receipt recording actual payment of dues in advance in  
47 accordance with our Constitution will establish your identity to the conductor  
48 prior to the opening of meetings. Should you desire to gain admission to the  
49 hall after the meeting has started, present your official dues receipt to the war-  
50 den and if you are in good standing he or she will admit you. Should you be  
51 without official dues receipt, the warden will report your name and member-  
52 ship number to the financial secretary-treasurer and if you are in good stand-  
53 ing and entitled to admission, he or she will so inform the president who shall  
54 instruct the warden to admit you. Should you desire to retire while the meeting  
55 is in session, rise and ask permission of the president. The usual voting sign is  
56 made by the elevation of the right hand, and is used in voting in favor of or  
57 against all questions.”

58 The president or presiding officer may then introduce the newly obligated  
59 member and declare a short recess to provide opportunity for proper intro-  
60 duction and greeting, after which the president or presiding officer will rap  
61 once with his or her gavel for order, when the members will be seated, and the  
62 newly obligated member escorted to the financial secretary-treasurer’s desk to  
63 receive instructions regarding his or her financial obligations.

64 In case there is more than one (1) applicant for initiation, the Ritual can be  
65 readily changed from singular to plural.

## 1 **INSTALLATION CEREMONIES**

2 The installing officer shall appoint an assistant and direct the retiring offi-  
3 cers to vacate their positions. He or she shall then direct the newly elected offi-  
4 cers to be obligated and installed to be seated together. He or she shall then  
5 proceed to administer the obligation, and he or she shall direct each newly  
6 elected officer to place his or her right hand on his or her left breast and repeat  
7 the following obligation.

### **OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES**

In the presence of the members of this \_\_\_\_\_ I, \_\_\_\_\_ certify that I am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to perform the duties of the office to which I have been elected, in the manner specified by the SMART Constitution; that I will be faithful and regular in attendance at meetings unless prevented by cause beyond my control; that in the performance of all of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception; that I will deliver to my successor all books, papers, monies, or other property of this local union which may be in my possession at the close of my official term all in accordance with this pledge and obligation taken.

### **OBLIGATION OF GENERAL OFFICERS**

In the presence of the delegates of the International Association of Sheet Metal, Air, Rail and Transportation Workers here assembled in Convention, I, \_\_\_\_\_, do hereby certify that I am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to perform the duties of the office to which I have been elected, during my official term and in the manner specified by the SMART Constitution, and that in the performance of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception, and that I will deliver to my successor all books, papers, monies, or other property of this Association which may be in my possession at the close of my official term, all in accordance with this pledge and obligation taken.

### **PARLIAMENTARY RULES**

1. On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of the meeting, and, at any time, to dispose of any urgent business.
2. All resolutions and regulations must be submitted in writing.
3. Any conversation by whispering or otherwise, which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.
4. Sectarian discussion shall not be permitted in the meeting under any circumstances.
5. All questions of a parliamentary nature not provided for in these Rules shall be decided by the most current edition of Robert's Rules of Order, Newly Revised, 10th Edition, currently published by DaCapo Press, Perseus Books Group.

- 14 6. A motion to be entertained by the presiding officer must be seconded,  
15 and the mover as well as the seconder must arise and be recognized  
16 by the Chair. The presiding officer shall entertain all motions properly  
17 made and seconded which are not dilatory, frivolous or absurd.
- 18 7. Any member having made a motion can withdraw it by the consent  
19 of his or her second, but a motion once debated cannot be withdrawn  
20 except by a two-thirds (2/3) vote.
- 21 8. A motion to amend an amendment shall be in order, but no motion to  
22 amend an amendment to an amendment shall be permitted.
- 23 9. Any member may call for a division of a question when the sense will  
24 admit thereof.
- 25 10. A motion shall not be subject to debate until it has been stated by  
26 the Chair.
- 27 11. When a member wishes the floor he or she shall rise and respectfully  
28 address the Chair and, if recognized by the Chair, he or she shall be  
29 entitled to the floor.
- 30 12. If two or more members rise to speak at the same time, the Chair shall  
31 decide which is entitled to the floor.
- 32 13. Each member, when speaking, shall confine himself or herself to the  
33 question under debate and avoid all personal, indecorous and sarcastic  
34 language.
- 35 14. No member shall interrupt another while speaking except to make a  
36 point of order, and he or she shall definitely state the point, and the  
37 Chair shall decide the same without debate.
- 38 15. If a member has been granted the privilege of the floor and while  
39 speaking is called to order, he or she shall take his or her seat until  
40 the point of order is decided, when, if decided in order, he or she  
41 may proceed.
- 42 16. If a member shall feel himself personally aggrieved by the decision of  
43 the Chair, he or she may appeal to the Local Union from the decision.
- 44 17. When an appeal is made from the decision of the Chair, the said appeal  
45 shall then be stated by the Chair to the meeting in these words: "Shall  
46 the decision of the Chair be sustained as the decision of the meeting?"  
47 The member will then have the right to state the grounds for his or  
48 her appeal, and the Chair will give the reasons for his or her decision;  
49 the Union will proceed to vote on the appeal without further debate,  
50 and it shall require a majority vote to sustain the appeal.
- 51 18. No member shall speak more than once on a subject until all mem-  
52 bers desiring the floor shall have spoken, nor more than twice without  
53 unanimous consent, nor more than five minutes at any one time.

19. The presiding officer shall not speak on any subject unless he or she retires from the Chair, except on point of order and appeals from the decision of the Chair, and in case of a tie he or she shall cast the deciding vote. 54  
55  
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57
20. When a question is before the meeting, no motion shall be in order except (1) To adjourn. (2) To lay on the table. (3) For the previous question. (4) To postpone to a given time. (5) To refer or recommend. (6) To amend. And these motions shall have precedence in the order herein arranged. The first three of these motions are not debatable. 58  
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21. When the previous question is moved and seconded, it shall be put in this form: Shall the main question now be put? If this is carried, all further motions, amendments and debate shall be excluded and the main question put without delay. 63  
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22. If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall then be put as follows: (1) Amendment to the amendment. (2) Amendment. (3) Original proposition. 67  
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23. When a question is postponed indefinitely, it shall not come up again except by a two-thirds (2/3) vote. 71  
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24. A motion to adjourn shall always be in order, except: (1) When a member has the floor. (2) When members are voting. (3) When it has been decided to take the previous question. 73  
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25. Before putting the question to vote the presiding officer shall ask: "Is the Union ready for the question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall then put the question in this form: All in favor of the motion will give the voting sign, and after the affirmative vote is expressed, those opposed, the same sign. After the vote is taken he or she shall immediately announce the result. 76  
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26. When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed unless a mistake has been made; in which case the mistake shall be rectified and the presiding officer shall again take the vote. 82  
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27. Before the presiding officer declares the vote on a question, any member may ask a division of the house, then the Chair is duty bound to comply with the request, and a standing vote shall be taken and the Conductor shall count the same. 86  
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28. Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union. 90  
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29. When a blank is to be filled, the question shall be taken, first upon the largest sum or number, or the longest or latest time. 92  
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- 94 30. When a question has been decided, it can be reconsidered only at the  
95 same meeting or on the next regular meeting night.
- 96 31. A motion to reconsider must be made and seconded by two (2) members  
97 who voted with the majority.
- 98 32. All questions, unless otherwise provided, shall be decided by a majority  
99 of all votes cast.



**APPENDIX****APPENDIX PASSED AT THE 36TH GENERAL CONVENTION IN NEW YORK CITY ON  
FRIDAY, SEPTEMBER 3, 1982****RESOLUTION #78**

**WHEREAS,** Many thousand members of this International Association and millions upon millions of working men and women in the United States and Canada are unemployed today and too many have suffered a discouraging, prolonged period of unemployment brought about by high interest rates and other economic problems besetting both countries; and

**WHEREAS,** In addition to high interest rates, the growing encroachment of non-union competition and non-union element created by the popular expansion of double-breasted operations has pushed the unemployment in the construction industry to a shocking percentage above the national average of any other industry; and

**WHEREAS,** Viable programs must be established to meet this non-union competition and insure survival of union contractors; and

**WHEREAS,** This International Association and its affiliated local unions must, once again, take the initiative in meeting these challenges on behalf of our members and to set an example for all building and construction trades unions; therefore,

**BE IT RESOLVED,** That the delegates to this Convention go on record to urge all local unions that wherever it is necessary to combat the non-union element that they adopt the various addendums and Specialty Agreements designed by this International Association to combat the non-union element and to recoup work for our members by making union contractors more competitive; and

**BE IT FURTHER RESOLVED,** That Local Union Business Managers be empowered to expand on said addendums and Specialty Agreements or to take whatever steps necessary, including additional flexible conditions on particular jobs sometimes known as “pin-pointing,” to ensure that such work will be captured for our members; and

**BE IT FURTHER RESOLVED,** That local unions encourage their signatory contractors to cooperate fully on a local national level to achieve our goal for full employment for all members.

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INTERNATIONAL ASSOCIATION OF  
**SHEET METAL, AIR, RAIL AND  
TRANSPORTATION WORKERS, AFL-CIO & CLC**

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