

BY-LAWS
OF
TEAMSTERS LOCAL UNION NO. 879

Affiliated with
THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

AS APPROVED – JANUARY 24th, 2016

45

1. Opening
2. Initiations.
3. Roll Call of Officers
4. Reading of previous General Membership Meeting Minutes.
5. Executive Board Report.
6. Correspondence.
7. Financial Report.
8. Reports of Delegates and Committees.
9. Unfinished Business.
10. New Business.
11. Good and Welfare.
12. Adjournment.

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As Adopted

INDEX

<u>ARTICLE</u>		<u>PAGE</u>
1	Names and Objects	1
2	Eligibility for Membership	3
3	Responsibility of Members to Local Union.....	5
4	Officers and Executive Board	7
5	President's Duties	8
6	Duties of the Vice-President	9
7	Duties of the Secretary-Treasurer	9
8	Duties of Recording Secretary	11
9	Duties of Trustees	12
10	Business Agents	12
11	Stewards	13
12	Powers and Duties of Local Executive Board	13
13	Officers – Generally	17
14	Expenses and Automobiles	18
15	Nominations and Election of Officer-Rules	19
16	Dues and Initiation Fees	26
17	Meetings	28
18	Charges and Trials	30
19	Bonding	33
20	Standing Rules for Union Meetings	34
21	Standing Committees	38
22	International Constitution	38
23	Local Union Property	39
24	Negotiations, Ratification of Agreements, Strikes and Lockouts	39
25	Saving Clauses	41
26	Amendments	42
27	Fiscal Year	43
28	Obligation	43
29	Business Meetings	44

BY-LAWS
Of
TEAMSTERS LOCAL UNION NO. 879

ARTICLE 1 – NAMES AND OBJECTS

SECTION 1 – NAME

This Local Union shall be known as Teamsters Local Union No. 879 General Teamsters, (excluding Ontario Hydro Employees; Milk and Bread Drivers, Dairy Employees and Laundry and Linen Drivers) in Grey, Dufferin, Wellington and Halton Counties, together comprising the Eastern Boundary; Middlesex and Elgin Counties, City of Windsor, Lambton, Kent, and Essex Counties together comprising the Western Boundary; Bruce, Waterloo, Brant, Niagara and Hamilton-Wentworth, Huron, Perth, Oxford and Haldimand-Norfolk Counties, Simcoe, Port Dover, and Woodstock in the Province of Ontario, Canada and is chartered by the International Brotherhood of Teamsters.

SECTION 2 – JURISDICTION

The jurisdiction of this Local Union shall be as determined by the International Union from **time-to-time**.

SECTION 3 – PRINCIPAL OFFICE

- (1) The principal office of this organization shall be located in the City of Hamilton, Wentworth County, Province of Ontario, or at such other place as the Local Union Executive Board may designate. The organization may have such other sub-offices within the Province of Ontario as the Local Union Executive Board may require from time-to-time.
- (2) All books, records, and financial documents shall be kept at the principal office of the Local Union.

SECTION 4 – OBJECTS

(1) The objects of this Local Union shall be:

- a) To unite into one labour organization all workers eligible for membership, regardless of religion, race, creed, colour, national origin, age, physical disability, sex or sexual orientation.
- b) To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization.
- c) To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining through legal and economic means and other lawful methods.
- d) To provide educational advancement and training for employees, members and Officers.
- e) To safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational and other community activity.
- f) To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly.
- g) To provide financial and moral assistance to other labour organization or other bodies having purposes and objectives in whole or in part similar or related to those of this organization.
- h) To engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly.
- i) To protect and preserve the Union as an institution and to perform its legal and contractual obligations.

- j) To carry out the objectives of the International Union as an affiliate thereof and its duties as such an affiliate.
 - k) To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these By-Laws and the International Constitution and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.
- (2) It is recognized that the problems with which this labour organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the Union may determine from time-to-time; we, therefore, determine and assert that the participation of this labour organization, individually and with other organizations, is the pursuit and attainment of the objectives set forth herein are for the benefit of the organization and its members.

ARTICLE 2 – ELIGIBILITY FOR MEMBERSHIP

Eligibility to membership in this Local Union shall be as set forth in the International Constitution and applicants for membership shall comply with and be subject to the requirements imposed by these By-Laws and the International Constitution.

(1) MEMBERSHIP

An applicant shall be considered a member when he shall meet all of the following requirements for membership:

- a) He shall have executed a written application for membership on a form provided by the Secretary-Treasurer.
- b) He shall have signed a dues check-off authorization permitting the initiation fee to be withheld from earnings. If no dues check-off authorization is signed, membership shall date from the first month for which dues are paid, once full payment of the initiation fee is completed. Or, he shall have tendered the initiation fee and one month's dues by cash.

- c) The Local Union shall have accepted his application and dues.
- d) He shall have taken the oath of obligation as a member at a regular meeting following the action upon his application, unless dispensed with by the Local Union by policy or practice.
- e) The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is first obligated to pay dues. If this Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the member's dues obligation. All new members presenting themselves for initiation shall receive upon request a free copy of the International Constitution and Local Union Bylaws from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation of any duty or obligation imposed upon him by his oath of office, initiation or membership.

(2)

GOOD STANDING

- a) A member shall lose his good standing membership in the organization by suspension or expulsion from membership after appropriate proceedings consistent with the By-Laws or the Constitution, or by non-payment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary check-off agreement shall not be declared in bad standing merely because the employer fails to remit check-off dues to the Local Union on or before the last business day of the current month. Payment of dues to an Officer or Steward authorized by this Local Union to collect such dues shall be deemed payment to the Local Union.
- b) A member in a suspended status, because of his failure to pay his dues or other obligations as required by the International Constitution and these By-Laws and not suspended or expelled from membership pursuant to disciplinary action, may reinstate his good standing for the purpose of attending Local Union meetings and voting at elections by the payment of all delinquent dues and other financial obligations prior to such meeting and election.

(3) **ISSUANCE OF TRANSFER AND WITHDRAWAL CARDS**

- a) The issuance of transfer cards must be handled in strict compliance with Article XVIII, Sections 1 and 2 of the International Constitution. The acceptance of transfer cards must be in accordance with the provisions of Article XVIII, Section 3 and 4. The jurisdiction to issue honourable withdrawal cards must be handled in strict compliance with Article XVIII, Section 6 and 7 of the International Constitution.
- b) When the Local Union is required to give to a member an honourable withdrawal card under the terms of the International Constitution and its By-Laws it may provide for the continuance of Local Union benefits to such inactive member under conditions which it may set forth, but such inactive member shall not be permitted to hold office or vote, and shall have only such right to participate in the meetings and the affairs of the Local Union as shall be uniformly permitted by the Local Union Executive Board.
- c) A withdrawal card shall be issued to any member, including a Local Union Officer, who has retired, except that a member who continues to work at the craft, including employment with the International Union or any affiliate, shall be required to retain active membership.

ARTICLE 3 – RESPONSIBILITY OF MEMBERS TO LOCAL UNION

- (1) Every member, by virtue of his membership in this Local Union is obligated to abide by these By-Laws and the International Constitution with respect to his rights, duties, privileges and immunities conferred by them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.
- (2) Every member, by virtue of his membership in this Local Union, authorizes this Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreement with his employer terms and conditions of employment and to act for him and have final authority in presenting, processing and adjusting grievances, or difficulties, or disputes arising under any collective bargaining agreement or out of his employment with such employer in such manner as the Local Union, or its Officers, may deem to be in the best interests of the Local Union. The Local Union and its Officers, business representatives and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their reasonable

judgment, such grievance, complaint or dispute lacks merit. The provisions of Article 12, Section 2, relating to area, multi-area, national company-wide or industry wide contracts, shall supersede any provision of this Section.

- (3) No member shall interfere with the elected Officers or business agents of this Organization in the performance of their duties and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with the individual rights as members. Each member and Officer shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.
- (4) No member shall engage in dual Unionism or spouse dual Unionism or disaffiliation in the course of any meeting, nor shall any member slander or libel the Local Union, its members, or its Officers, or be a party to any activity to secure the disestablishment of the Local Union as the collective bargaining agent for any employee.
- (5) No member shall be permitted at any Union meeting or assembly to engage in any kind of conduct hereinbefore described.
- (6) Every member shall follow the rules or order at all meetings of the Local Union.
- (7) Membership in this Local Union shall not vest any member thereof with the right, title or interest or to the funds property or other assets belonging to the Local Union now or hereafter and no member shall have a property right to membership in this Organization.
- (8) No member seeking to resign from membership in any Local Union may do so except by submitting such resignation in writing to the Secretary-Treasurer of the Local Union. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing to any subordinate body shall be obligated to pay such obligations to his former Local Union. All members acknowledge that any obligations at the time of resignation shall be collectable by the Local Union in any appropriate forum. This shall not relieve any member of any obligation to comply with any other provision of this Constitution regarding acquisition or maintenance of membership in good standing.

(9)

RIGHTS OF MEMBERS

Subject to reasonable application, no provision of these By-Laws, rules of parliamentary procedure or action by the Union, or its Officers, shall be administered in such a way as to deprive individual members of the following rights:

- (a) The right to nominate candidates or vote in elections or referendums of the Union;
- (b) The right to attend membership meetings and to participate in the deliberation and voting upon the business of such meetings;
- (c) The right to meet and assemble freely with other members and to express any views, arguments, or opinions and to express at meetings views upon candidates in an election of the Union or upon any business properly before the meeting;
- (d) The right to information concerning the conduct of the Local Union business;
- (e) The right to institute an action in any court or in a proceeding before any administrative agency irrespective of whether the Union or its Officers are defendants in the action, or to appear as a witness in a judicial, administrative or legislative proceedings, or to petition any legislator, subject to the exhaustion of intra-union remedies as required by the International Constitution and applicable law.

ARTICLE 4 – OFFICERS AND EXECUTIVE BOARD

The Officers, Executive Board and Delegates of this Local Union and eligibility to serve as such, shall be as prescribed in the International Constitution and in these By-Laws.

The Officers of the Local Union shall be the President, Secretary-Treasurer, Vice-President, Recording-Secretary and three (3) Trustees. These Officers shall constitute the Executive Board of the Union. The term of office of all Officers shall commence on the first of January in the year following the election.

ARTICLE 5 – PRESIDENT’S DUTIES

- (1) The President shall be the Principal Executive Officer of the organization.
- (2) It shall be the duty of the President to preside at meetings of this Local Union and of the Executive Board, to preserve order therein and to enforce the International Constitution, these By-Laws and the rules of order adopted by this Union, and to see that all Officers perform their respective duties. He shall also have the right to serve on all committees by virtue of this office and in general, shall perform all duties incident to the office of President and such other duties as may be assigned by the Executive Board or membership from time to time.
- (3) The President shall decide all questions of order, subject to an appeal to the membership; shall have the right to vote in an election of Officers, shall cast the deciding vote when a tie occurs on any question; shall announce the result of all votes and enforce all fines and penalties; and shall have the power to call special meetings. The President shall have the right to vote on all matters at meetings of the Executive Board, except where such vote would create a tie. However, the President shall have the right to vote to fill a vacancy on the Executive Board, even if the result is to create a tie. Any such tie shall be resolved in accordance with article XXII, section 9 of the International Constitution.
- (4) The President, together with the Secretary-Treasurer, shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all cheques on bank accounts and perform such other duties as the International Constitution, these By-Laws or law may require him.
- (5) The President, subject to the control of the Executive Board, shall in general, supervise, conduct and control all of the business and affairs of this organization, its Officers and employees, including, without limitation, the right to appoint members of the Union to chair meetings and to preserve order therein.
- (6) The President, in conjunction with the Secretary-Treasurer, shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Local Union, which have been properly incurred as provided herein. He shall have the authority to pay current operating expenses of the Local Union including rents, utilities and maintenance of the Union hall and salaries and expenses of Officers and employees as authorized by the Executive Board.

- (7) The President shall have general charge and supervision of all the Officers and employees of this organization and shall have power to appoint, suspend, or discharge all appointive organizers, appointive Business Agents, Assistant Business Agents and employees, subject to the approval of the Executive Board.
- (8) The President shall also have charge of all labour controversies involving this Union.
- (9) The President shall have authority to interpret these By-Laws and decide all questions of law thereunder between meetings of the Executive Board.

ARTICLE 6 – DUTIES OF THE VICE-PRESIDENT

It shall be the duty of the Vice-President to preside at Union meetings in the absence of the President. He shall perform such other duties and render such assistance as may be directed by the President. In the event of the death of the President or in the event the President becomes incapacitated for illness or because of any other reason, the Vice-President shall immediately assume the responsibilities and duties of the position of President and shall perform these duties until the vacancy has been filled by appointment of the Executive Board in accordance with terms of the International Constitution and these by-Laws.

ARTICLE 7 – DUTIES OF THE SECRETARY-TREASURER

- (1) The Secretary-Treasurer shall perform all the duties imposed upon Local Union Secretary-Treasurer by the International Constitution, by these By-Laws, and in general, perform all duties incident to the office and such other duties as from time to time may be assigned to him by the President, the Executive Board or the members by resolution. He shall see that all notices and reports shall be given in accordance with the provisions of the International Constitution and these By-Laws or as required by law. He shall make at least monthly a report to the membership giving the financial standing, including the assets and liabilities of the Local Union, and shall keep itemized records showing the source of all monies received and spent, and shall keep records, vouchers, work sheets, books and accounts and all resolutions to verify such report.

- (2) The Secretary-Treasurer, upon request of any member, shall make available to the member a copy of the last monthly report. He shall also make available for inspection by any member or members at the Local Union's principal office during regular business hours any prior or monthly report and also any other document which is subject by statute to such inspection, provided, however, if copying is desired by a member, the matter shall be submitted to the membership at the next scheduled meeting. Membership lists may not be copied. Upon the written request of any member setting forth good cause for examination of any books, records, or accounts necessary to verify any report filed in compliance with any statutory requirement, he shall make arrangements to have such records available for inspection during the regular business hours at the principal office of the Local Union.

In the event the Secretary-Treasurer believes that just cause does not exist for the request made, he shall so inform the member in writing. Refusal of the Secretary-Treasurer to permit examination of such records shall be appealable to the Local Executive Board and such appeal shall be heard forthwith.

- (3) The Secretary-Treasurer shall have custody of the Local Union seal and the records of the proceedings of all meetings of the Local Union and the Executive Board, as prepared by the Recording-Secretary, or such person as is authorized to take such proceedings, shall keep important documents, papers, correspondence, as well as filed on contracts and agreements with employers. Upon the request of any person in writing or made in person to the Secretary-Treasurer during regular hours at the principal office, he shall provide a copy of the collective bargaining agreement made by the Local Union with the employer of such person, if the person making such request establishes that he is an employee directly affected by such an agreement. The Secretary-Treasurer may require a receipt from such person. He shall also maintain at the principal office of the Local Union copies of agreements made as received by the organization where another labour organization subordinate to the International Brotherhood of Teamsters has negotiated such a contract and the employees represented by this Local Union are directly affected by such agreement, which agreements shall be available for inspection by any member or by any employee who establishes that his rights are affected by such agreement, during the regular hours maintained at the principal office of the Local Union.
- (4) The Secretary-Treasurer shall receive and keep a correct account of all monies paid to and paid out by the Local Union, and shall give a receipt for

any dues, initiation fees, or other fees, assessments or fines or any other monies received. He shall deposit all monies received from any source whatever in a reliable bank or banks in the name of the Local Union, if practicable, monies received one day shall be deposited the next. The bank of depository shall be designated by the Local Union Executive Board.

- (5) The Secretary-Treasurer shall maintain a record of the names and addresses of all the members. The Secretary-Treasurer shall report to the General Secretary-Treasurer the membership standing of all members in the Local Union as required by the International Constitution. The membership lists shall not be open to inspection by any member except as and to the extent required by statute.
- (6) Whenever a Secretary-Treasurer's term of office expires or is otherwise terminated, he must see that his successor is properly bonded and a copy of the bond sent to the General Office before he transfers the funds of the organization to his successor in office. He shall also give to his successor all papers, documents, records, vouchers, worksheets, books, money and all other Union property that may have been entrusted to him by virtue of his office, and shall obtain an appropriate receipt therefore. All such records, vouchers, worksheets, receipts, books, reports and documents shall be preserved and retained at the Local Union's principal office for a period of seven years.
- (7) The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution, upon request. The Secretary-Treasurer shall provide any member with a copy of the International Constitution and of these By-Laws.

ARTICLE 8 – DUTIES OF RECORDING SECRETARY

It shall be the duty of the Recording-Secretary to attend all General Membership meetings of the Local Union and the Executive Board and to keep minutes of the entire proceedings. He shall keep a record of the names of the members comprising each committee and handle all correspondence of the Local Union assigned by the President or authorized by membership resolution. In his absence, the President shall appoint a member to act as Recording-Secretary Pro Tempore who shall have the duties set forth above. The President shall appoint a member or members to keep minutes of meetings which are held by division or craft. The minutes of every General Membership meeting shall be read and approved at the next General Membership meeting following.

ARTICLE 9 – DUTIES OF TRUSTEES

It shall be the duty of the Trustees to conduct or have conducted a monthly (quarterly if the Local Union has quarterly dues) examination of the books of the Local Union and the results therefore shall be reported at the next regular membership meeting. They shall sign the books of the Secretary-Treasurer if they find them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Local Union Secretary-Treasurer his reasons for declining to do so and shall also advise the General Secretary-Treasurer of those reasons. A Trustee's disagreement with an expenditure properly authorized by the Executive Board or membership shall not be a valid basis for refusing to sign the books. The Trustees' reports shall be sent to the General Secretary-Treasurer as required by the International Constitution. They shall receive and review the original surety bond covering each Officer, employee and representative of the Local Union required to be bonded, and retain it at the Local Union's principal office. They shall have the duty to see that such bonds are current and enforceable. In the event of the unavailability of a Trustee, the remaining Trustees or Trustee shall perform the above functions. In performing their functions, the Trustees may avail themselves of the services of the Certified Public Accountants retained by the Local Union Executive Board.

ARTICLE 10 – BUSINESS AGENTS

- (1) All Business Agents and/or organizers shall be appointed by the President subject to the approval of the Local Union Executive Board and may be removed at will only by the appointing authority.
- (2) Business Agents or organizers have no authority to establish policy for the Local Union.
- (3) Business Agents have the right to appoint Stewards on a temporary basis.
- (4) Business Agents do have the authority to handle grievances in accordance with the terms of the applicable collective bargaining agreements and to adjust such grievance(s) in the early steps of the grievance procedure set forth in the Agreement.
- (5) Business Agents have no authority to make final decisions with respect to whether a grievance should be arbitrated.

ARTICLE 11 – STEWARDS

- (1) Stewards shall be elected by the members directly affected for a minimum period of one (1) year.
- (2) A Steward may be removed from stewards' duties in emergency situations notwithstanding that he was elected. The Local Union Executive Board may either confirm the suspension or reinstate such steward or call for a replacement vote.
- (3) Stewards are not Officers of the Local Union.
- (4) Individuals or units desiring an election for steward must notify the Business Agent prior to March 30th in any year and such election shall be arranged and held.

ARTICLE 12 – POWERS AND DUTIES OF LOCAL EXECUTIVE BOARD

- (1) Except as may be otherwise provided in these By-Laws, the Local Union Executive Board is authorized and empowered to conduct and manage the affairs of this organization, and to manage, invest, expend, contribute, use, borrow, lend and acquire Local Union funds and property in the pursuit of accomplishment of the objectives set forth in the Constitution of the International Union and these By-Laws and resolutions adopted in furtherance thereof. However, the Local Union Executive Board shall not have the authority to bind the Local Union for personal services to be rendered to the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not prevent the Local Union Executive Board from entering into a bona fide collective agreement with another Union covering Local Union employees, provided, however, that if the Local Union employees form a Union following the Local Union Officer election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union Officer election, the newly-organized unit shall not be voluntarily recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local union, until such action is approved by the Officers-elect.

The Local Union Executive Board, in addition to such other general powers conferred by these By-Laws, is hereby empowered to:

- (a) Make and change rules and regulations not inconsistent with these By-Laws or the International Constitution for the management and conduct of the affairs of this Local Union.
- (b) Determine salaries and expenses for the Officers and Business Agents and determine and fix allowances, grants, direct and indirect disbursements, expenses and reimbursements of expenses for Officers, Business Agents, committeemen, organizers, stewards, and witnesses. It may establish a dues check-off procedure for Local Union Officers and employees belonging to this Local Union.
- (c) Provide for the employment of clerical employees, attorneys, accountants and such other special or expert services as may be required for the organization and secure an audit of the books of this organization by a chartered accountant at least once a year.
- (d) Provide for direct and indirect loans for such purposes and with such security, if any, as it deems appropriate, and with such arrangement for repayment as it deems appropriate; all to the extent provided by law.
- (e) On behalf of the Local Union, its Officers, employees or members, initiate, defend, compromise, settle, arbitrate or release or pay the expenses and costs of any legal proceedings or actions of any nature, subject to the provisions of Article IX, section 9 (c) of the International Constitution, if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization.
- (f) Fill by appointment all vacancies in elected offices which occur during the term of such office for the entire remainder of the unexpired term, in the manner provided in Article XXII, Section 9 of the International Constitution.
- (g) Transact all business and manage and direct the affairs of the Local Union between membership meetings except as may otherwise be herein provided; delegate when necessary any of the above powers to any Officer for specific and temporary purposes and on condition that the action of such Officer or agent be ratified by the Local Union

Executive Board, the Local Union Executive Board shall designate other Officers for the President or Secretary-Treasurer for the purpose of signing cheques to pay bills or to exercise any other functions of their offices in the event that either shall refuse to act or shall become ill or otherwise incapacitated.

- (h) Lease, purchase or otherwise acquire in any lawful manner for an on behalf of the organization any and all real estate or other property, rights and privileges, whatsoever deemed necessary, for the prosecution of its affairs, and which the organization is authorized to acquire at such price or consideration and generally on such terms and conditions as it thinks fit, and at its discretion pay therefore either wholly or partly in money or otherwise, specific authorization at a membership meeting shall be required for such expenditures, excepting for routine expenditures, not of a substantial nature.
- (i) Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion the Local Union's interests would thereby be promoted, subject to approval (except as to form) at a membership meeting.
- (j) Create, issue and make deeds, mortgages, trust agreements, contracts and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership and do every other act or thing necessary to effectuate the same.
- (k) Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, subject to the approval of the membership. The Executive Board shall appoint or otherwise provide for the election of trustees to health and welfare and pension trust funds negotiated directly by the Local Union and to which this Local Union is the only Union party.
- (l) Determine the membership which shall vote on Agreements and strikes and the composition of other membership meetings, and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these By-Laws.
- (m) Determine the manner in which referendums shall be held, subject to review and modification by the General President, as permitted by Article VI, Section 1 (h) of the International Constitution.

- (n) Affiliate this Local Union with Joint Council No. 52 and Teamsters Canada, and in addition to these, such other subordinate bodies of the International Brotherhood of Teamsters as it shall be required to do and maintain such affiliations in good standing at all times.
- (2) The Local Union Executive Board shall hold meetings at such time and place as shall be determined by the President upon notice to all Board members. The meeting of the Local Union Executive Board shall be no less frequent than meetings of the Local Union.
- (3) A majority of the Local Union Executive Board shall constitute a quorum for the transaction of business at any meeting of the Board.
- (4) The President and Secretary-Treasurer are full-time positions and the holders of these offices shall be paid such salary and expense allowances as are decided by the Local Union Executive Board. Other members of the Local Union Executive Board who are not employees of the organization may be paid a grant as an honorarium for their services and these expenses, including wages lost, if any, for attendance at each meeting of the Board, a committee thereof or for attendance to duties required by the Board. However, Officers who are full-time employees of the Local Union shall not receive additional payments for attendance at Executive Board or Membership Meetings.
- (5) As to all matters requiring action by the Executive Board and when the Executive Board is not in formal session, the Executive Board may act by telegram, letter or telephone when action by the Executive Board is required. The President may obtain same by telegraphing, writing or telephoning the Board on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Board as though the Board was in formal session.
- (6) The elected Officers and Business Agents of this Local Union shall be delegates to other subordinate bodies, Conventions of the International Brotherhood of Teamsters, and all other conventions by virtue of their office or elected position, in the order of priority set forth in Article III, Section 5 (a) (1) of the International Constitution or Section 6 of these By-Laws and in accordance with the applicable provisions of the International Constitution and the Constitution and By-Laws of such other subordinate bodies.

ARTICLE 13 – OFFICERS – GENERALLY

- (1) All Officers of this Local Union when installed after election shall be required to take the following obligation of office:

I,, do sincerely promise, upon my honour as a Trade Union and a Teamster, that I will faithfully use all of my energies and abilities to perform the duties of my office, for the ensuing term as prescribed by the Constitution and By-Laws of this Union. As an Officer of this great Union, I will, at all times, act solely in the interests of our members, devote the resources of our Union to furthering their needs and goals, work to maintain a Union that is free of corruption, to preserve and strengthen democratic principles in our Union, and to protect the members' interests in all dealings with the employers. I will never forget that it is the members who put me here, and it is the members whom I serve.

I further promise that I will faithfully comply with and enforce the Constitution and laws of the International Union and By-Laws of this Union, that I will, at all times, by example, promote harmony and preserve the dignity of this Union. I also promise that at the close of my official term, I will promptly deliver any money or property of this Union in my possession to my successor in office.

- (2) The right to assume office or hold office or position in the Local Union, as distinguished from accrued or vested benefits, shall never be deemed a property right, but shall be a personal privilege and honour only. Any action taken by an Officer in good faith and within the scope of this authority and power under these By-Laws shall not be the basis for any personal liability against such Officer.
- (3) All Officers of the Local Union, must as a condition of holding office, execute all necessary forms required by law to be filed with any governmental agency either for and on behalf of the Local Union or as an Officer or employee thereof, but accidental default shall not be considered a violation of the duty imposed by this Section.
- (4) All Officers in the performance of their duties shall adhere to the terms of these By-Laws and the International Constitution.
- (5) The Officers, Business Agents and other representatives of this Local Union occupy positions of trust in relation to the Local Union and its members as a group and are therefore accountable to the membership with respect to the

performance of their duties in handling funds and property of the Local Union. The failure or refusal by an Officer, Business Agent or other representative of this Local Union, upon demand of the Local Union Executive Board or of any individual member for good cause to render a proper and adequate accounting or explanation respecting the performance of his duties in handling funds and property of the Local Union shall constitute a ground for charges under Article XIX of the International Constitution.

- (6) The elected Officers and Business Agents of this Local Union shall be delegates to other subordinate bodies and convention thereof, by virtue of their office or elected position.

ARTICLE 14 – EXPENSES AND AUTOMOBILES

(1) Expenses

When a representative of the organization is engaged in activities in the interest of or for the benefit of the organization and its members within the scope of his authority, the labour organization shall pay the expenses incurred therein or reimburse the representative upon receipt of itemized vouchers from him or the supplier of such services.

All Officers and employees may be reimbursed for, or credit provided for, all other expenses incurred in connection with their activities.

(2) Automobile Allowance

The Local Union may provide its Officers or representatives with automobiles upon authorization of the membership or in lieu thereof they may be paid an allowance for use of their automobiles in such amount or at such rate as shall be approved by the Local Union Executive Board in such instances where the Local Union provides an automobile, title to the automobile shall remain at all times in the name of the Local Union. It is recognized that such Officers or employees are required to be on instant call at all times, may be required to garage such automobiles and are responsible for their safeguarding. Accordingly, for the convenience of the Union as a partial compensation for such additional responsibilities, such Officers shall be permitted private use of such automobiles on a round-the-clock continuous basis, including private use when the automobiles are not required on Union business.

Upon authorization of the Local Union Executive Board, the President is empowered to sell, exchange or lease automobile or arrange financing therefore on behalf of the Local Union.

(3) Benefits

The Local Union Executive Board may from time to time provide the terms and conditions of employment for Officers, employees and representatives of this organization including, but not limited to, such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave, and in connection therewith, any disability or sickness, health and welfare and retirement benefits and activities, and facilities relating thereto and may from time to time provide changes therein as well as additional compensation and allowances.

ARTICLE 15 – NOMINATIONS AND ELECTION OF OFFICERS-RULES

(1) **TIME OF NOMINATIONS AND ELECTIONS**

Meetings as hereinafter established for nominations of Officers shall be held in October, subject to the provisions of the International Constitution. Election shall be held not less than thirty (30) days after nominations have been closed by mailed referendum ballot. The Local Union Executive Board shall conduct the election so as to ensure the greatest possible response by all members.

This Local Union shall elect its Officers by secret ballot for a term of office equivalent to the number of years fixed for International Union Officers by the International Constitution.

(2) **NOTICE OF RULES, NOMINATIONS, MEETING AND ELECTION**

- (a) Every member whose dues are paid up through the month which is prior to the month in which the nomination or election is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office in the Local Union, by reason of a delay or default in the payment of dues by the employer to the Local Union.

- (b) To be eligible for election to any office in this Local Union, a member must be in continuous good standing in this Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5 of the International Constitution concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in this Local Union because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5 (c), such period of withdrawal shall not be considered a break in continuous good standing the Local Union.

Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) months good standing status required by this Section as a condition of eligibility for office. No member shall lose his good standing status for any month in which his dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provide for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union. However, a member on dues check-off whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

Failure of a Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was employed at the craft within the jurisdiction of the Local Union during the required twenty-four (24) month period prior to his nomination if a challenge is made based on evidence to the contrary, in which event a determination shall be made

on the facts presented. Periods of unemployment during the twenty-four (24) month period preceding the nomination shall not be considered a break in active employment at the craft within the jurisdiction of the Local Union if the nominee was actively seeking and available for employment in the craft, and not working outside the craft during such periods of unemployment.

Members in a reserve component of the military or National Guard, who are called to active service lasting more than thirty (30) days, but not more than twenty-four (24) consecutive months, may have their eligibility determined in accordance with Article II, section 4 (a) 4 of the International Constitution.

Members must have attended at least 50% of the regular membership meetings in the past twenty-four (24) months preceding the nomination except where a reason for absence has been provided, acceptable to the Executive Board of the Local Union.

The Local Union shall keep accurate records reflecting those members who are in attendance at each meeting and shall exempt from the attendance requirement any member who, because of illness, regular employment, or other good cause is unable to attend a meeting. This exemption system shall be uniformly and fairly applied.

(4)

NOMINATION PROCEDURES

- (a) Nominations shall be held at a general or special membership meeting or meeting held in September. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of a special meeting at which meeting nomination and the conduct of elections shall be the sole order of business.
- (b) Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Any questions of the eligibility of nominees shall be decided by the Secretary-Treasurer or President of the Local Union or their designees, within twenty-four (24) hours and shall be appealable to the General President in accordance with provisions of the International Constitution.

- (c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made.
- (d) If an election committee is used after nominations, each candidate for the office of President and Secretary-Treasurer may designate one member for service thereon who shall thereupon be appointed by the President.
- (e) Candidates must accept nomination at the time made, either in person or, if absent, in writing, and may accept nomination for only one office.
- (f) Every member eligible to nominate candidates shall be entitled to nominate one candidate, but only one, for each office open.
- (g) If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during the term of office.
- (h) If there is only one (1) nominee for an office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly elected Local Union Executive Board.
- (i) The membership may, by majority vote at the nomination meeting, require the supervision of any election by an outside person or agency designated by the membership, which outside person or agency shall not have the authority to determine questions of eligibility or take any action inconsistent with the International Constitution or these By-Laws.

(5)

ELECTIONS

- (a) After the nomination meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be mailed to each member at his last known home address, if not notice has previously been sent. The Local Executive Board shall designate the place or places where balloting shall take place.

- (b) Each candidate, at his or her own expense, shall have the right to have an observer who shall be a member of this Local Union at the polls and at the counting of the ballots. Candidates and their observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon and the name bearing envelopes destroyed. Upon request of any candidate, voting machines, if used, shall be checked for proper operation.
- (c) To be eligible to vote in the election, a member must have his dues paid up through the month prior to the month in which the election is held and must still be an active member on the day of the election. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto, except in the case of Trustees, in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of Principal Officer of the Local Union, in which case there shall be a re-election between only the candidates who have tied for the highest number of votes and only for that principal office. The Officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. The Officers-elect shall take office at the end of the term of the incumbent Officers, regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Except as provided above, no runoff election shall be held.
- (d) When there are more than two candidates for an office, the most candidate, or candidates, as the case may be, receiving the most votes shall be declared elected.
- (e) No Officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office at the time of nomination, such resignation to be effective upon installation of his successor. He shall announce his intention to resign not later than fifteen (15) days prior to the

nomination meeting. No Officer may hold another office in any other Local Union (in any other than a trustee Local) during his term of office except by authorization of the General President and the Locals involved.

- (f) There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned and such ballot for that office shall not be considered as having been cast in determining the vote.
- (g) During the period between the date of election and the end of the term of office no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the Officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, section 4 (e) of the International Constitution. In the event the election results in a new complement of Officers, the outgoing Officers must comply with the restrictions in Article XXII, section 2 (b) of the International Constitution regarding entering into contracts for personal services.

6) **DUTIES OF SECRETARY-TREASURER IN CONNECTION WITH NOMINATION AND ELECTION**

- (a) The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nomination give notice, as above provided, to the membership of the time, place and date and number of delegates and alternates for which nominations will be in order in connection with such election. Such notice shall be given in the manner determined by the Executive Board, consistent with these rules.
- (b) The Secretary-Treasurer shall review the eligibility to hold office of any member at his request and shall make a report on the eligibility of that candidate within five (5) days thereafter to any interested member.
- (c) Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the membership of the Local, at least twenty (20) days prior to the election date, of the time, place, date, hours and number of offices upon which voting shall be held, by mailing such notice to the members' last known address.

- (d) Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance. The Secretary-Treasurer shall not delay the distribution of any candidate's mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the Union not later than seven (7) days prior to the date of the election and may, where in his judgment it appears necessary, provide for a consolidation of such distribution, in which case the cost of such distribution shall be assessed upon the candidates involved on a pro-rata basis.
- (e) The Secretary-Treasurer to the extent required by law shall, upon reasonable notice, make available for inspection by any bona fide candidate the membership list of the Local Union covered by Union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Secretary-Treasurer or his designee.
- (f) The Secretary-Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received therefore, a copy of the notices of the nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.
- (g) Any members who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2, of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charges shall be made in writing by such member within forty-eight (48) hours of his

knowledge of the event complained of and shall specify the exact nature and specifications of the protest. Such protest or charges shall be made to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable to the General President pursuant to the provisions of Article VI, Section 2 of the International Constitution.

- (h) In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two (72) hours setting forth the exact nature and specification of the protest and his claim as to how it has affected the outcome of the election. Such protest or charge shall be made to the Secretary-Treasurer of the Joint Council with which the Local Union is affiliated and the protest or charge shall be referred to the Joint Council Executive Board for disposition. The Joint Council Executive Board shall meet to consider the protest and shall conduct a hearing as prescribed by Article XIX of the International Constitution. The decision of the Joint Council Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charge.

ARTICLE 16 – DUES AND INITIATION FEES

- (1) The monthly dues of this organization shall be calculated on the basis of three (3) times a member's hourly rate, rounded to the nearest dollar, remitted on a monthly basis to the head office of the Local Union. However, in no event shall the monthly dues of the organization be less than the minimum established in the International Constitution.
- (2) Initiation fees for membership in this organization shall be fifty dollars (\$50.00) provided, however, that such initiation fee may be waived or reduced in connection with the organization of unorganized employees at the discretion of the Local Union Executive Board.
- (3) The re-initiation fee shall be one hundred dollars (\$100.00).

- (4) Any member who shall be three (3) months in arrears in the payment of dues, fines, assessments, or other charges, shall automatically stand suspended at the end of the third month and shall not be entitled to any rights or privileges of membership. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of this suspension. Upon payment of the delinquent dues and re-initiation fee, the member shall be restored to good standing status. However, payment of dues shall not restore good standing status if fines and other charges due are not paid. The Local Union Executive Board shall have the power to waive or reduce on a non-discriminatory basis, the payment of delinquent dues, assessments, and/or re-initiation fees.
- (5) General or special assessments and levies may be made from time to time in the manner provided hereinafter.
- (6) Any increase in the rate of dues or initiation fees or the levying of any general or special assessment by the Local Union shall be made at a general or special membership meeting in accordance with the following procedures:
 - (a) Reasonable notice shall be given of the meeting at which the membership will consider the question of whether or not such dues, initiation, or reinstatement fees, general or special assessment shall be increased or levied. The notice shall indicate that a proposed increase or assessment is to be voted on.
 - (b) At the meeting called as provided in this Section, voting shall be by secret ballot of the members in good standing.
 - (c) A majority vote by secret ballot of the members in good standing at such meeting shall decide the issue.
 - (d) This provision supersedes Section 26 (Amendments) with respect to changing all dues and fees set forth in these By-Laws and when following shall be deemed to have amended these By-Laws accordingly.
 - (e) Nothing contained in Section 16 (F) of these By-Laws shall be construed to apply to action by the International Union or to limit the right of the International Union to raise the dues of the membership, and the International Union shall not be subject to these provisions.

The International Union shall in no way be subject to the provisions in Section 16 (F) of these By-Laws.

ARTICLE 17 – MEETINGS

Membership Meetings shall be general or special.

(1) **General Membership Meetings**

General membership meetings shall be held monthly at such place and time as shall be designated by the Executive Board, subject to disapproval by the membership. The time and place of meeting in effect when these By-Laws are adopted shall continue until changed by the Executive Board upon reasonable and adequate notice to the membership. Membership meetings may be suspended during any three (3) months between June and October by action of the membership meeting after reasonable notice of the intention to vote upon such a question.

(2) Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting, subject to these By-Laws and the rules and regulations adopted by the Executive Board pertaining to the conduct of meetings, but not member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with the Local Union's performance of its legal or contractual obligations.

(3) The Executive Board is authorized to permit membership meetings to be held on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the Organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. There shall be no limitation on the right of any member to be heard at any such meeting provided herein on all matters which apply to the General Membership, but such members shall be permitted to vote only at such separate division, craft or place of employment meeting to which he has been assigned. Membership meetings permitted under this subsection shall be subject to all the requirements of subsections (A) (1) and (2) above. When the Executive Board authorizes such meeting by division, craft or place of employment, each such meeting shall be conducted by the Officers of the Local Union, or by their designees and under the same procedures and rules as a General Membership meeting, excepting only special meetings for limited purposes, such as voting on

contracts or strikes, handling of grievances, etc. On all matters which apply to the General membership, the votes of the meeting of each particular division, craft or place of employment shall be totaled to determine the action of the Local Union in such matter. Members of each separate division, craft or place of employment authorized to hold separate meetings may vote separately on initiation fee, dues and assessments which may apply to them alone if higher than the minimum applicable to the general membership and may, when authorized by the Local Executive Board, vote separately on approval, or disapproval of, or on matters arising under contract applicable only to them and strikes or other activities in which only they will participate.

(4) Special Meetings

Ten per centum (10%) of the members in good standing of the Local may submit a written petition for a special meeting to the President of the Local Union, setting forth the reasons therefore, and the President shall call the special meeting within a reasonable time. If the Local comprises employees of more than one employer, then no more than half of such ten percent (10%) shall be from the same employer. If the President does not call a meeting, the Executive Board shall call such meeting within fifteen (15) days of the original petition. The President may, on his own motion, call a special meeting. Reasonable notice of the date, time and place of any special meeting, and of the questions to be presented, shall be given the membership.

(5) Quorum

The quorum of the General or Special Membership meeting shall be fifteen (15). The Executive Board shall establish the number constituting the quorum for division, craft or place of employment meetings.

(6) Referendum

When a referendum is permitted by the International Constitution, reasonable notice shall be given through the Secretary-Treasurer, of the time, date, place and question upon which the referendum is to be held. In a referendum, only members affected shall be permitted to vote concerning matters not affecting the entire membership. Each voter shall vote on the approval or rejection of the question. The Executive Board shall, at least ten (10) days in advance of the referendum, adopt rules and regulations for the conduct of the referendum.

- (7) Every member eligible to vote in an election under Article 15, subsection 3, shall be eligible to vote on any question before the membership meeting or in a referendum.

ARTICLE 18 – CHARGES AND TRIALS

- (1) Each member of this Union shall have the right to fair treatment in the application of Union rules and law in accordance with the International Constitution and these By-Laws. In applying the rules and procedures relating to Union discipline, the essential requirements of due process of law (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality following in courts of law. Recognizing that these requirements of fairness and due process of law will be administered by groups of labouring men and women, this Local Union adopts the following procedures which supplement the requirements of Article XIX of the International Constitution. The following procedural guides are designed to attain justice both to the individual member and the organization, and in instances where deviations from such procedures are not such as to substantially affect the member's substantive right, these procedures are not to constitute technically precise requirements of strict pleadings of courts of law.

TRIAL AND APPEALS

- (a) Trial. Every member charged with a violation of these By-Laws or the International Constitution shall be accorded a full and fair hearing as required by law. No member of the Local Union Executive Board involved in the subject matter of the charge, shall sit on the trial board. The decision on disqualification under this provision, if raised by an interested party, shall be made in the first instance by majority vote of the Local Union Executive Board, whose decision shall be appealable as part of the case, in accordance with the appeal procedure of the International Constitution and these By-Laws. The Officer alleged to be involved shall not vote on whether he is qualified to remain on the hearing panel. If the member charged or preferring the charges is a member of the Local Union Executive Board, or if a member of the Local Union Executive Board is unable to attend the hearing for any reason, then the Principal Executive Officer of the Local Union shall appoint an uninvolved member as a substitute. If either the President or Secretary-Treasurer of the Local Union is

charged or is preferring the charges, or is unable to attend the hearing for any reason, the other Officer shall appoint the substitute.

If both the President and Secretary-Treasurer of the Local are charged or are preferring charges, or for any reason are unable to attend the hearing, the remaining members of the Local Union Executive Board shall appoint the substitutes. Charges by, against or involving a majority of the members of a Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board. In no event shall involved Officer or member serve on a hearing panel, participate in the selection of a substitute member of a hearing panel, or participate in the decision making process of the trial body.

Whenever the words "Joint Council" appear in other sections of these By-Laws, they shall mean Joint Council or State or Multi-State Joint Council and include State or Multi-State Conferences in all matters relating to disputes and appeals where there is no chartered Joint Council.

- (b) CHARGES. Charges shall be in writing and signed by those filing same and must be filed in duplicate with the Secretary-Treasurer of the body which is to hear the charges, who shall serve the charges and notice of the hearing upon the accused either in person or by mail at least ten (10) days prior to the hearing. No hearing on any charges shall be held less than ten (10) days from the date on which notice of the hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of the International Constitution or these By-Laws allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. If charges are filed, the charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. He may not subsequently file additional charges based upon facts of which he had knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five (5) years before the discovery of the conduct

giving rise to the charge is barred and shall be rejected by the Secretary-Treasurer except charges based upon the non-payment of dues, assessments and other financial obligations. No member or Officer shall be required to stand trial on charges that are substantially the same as arise under the same circumstances as prior internal Union charges against such member or Officer, provided that a decision was rendered on those prior charges. Charges may be preferred against a suspended member or an ex-member who has been issued a withdrawal card.

- (c) In the event of non-compliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, Officer or Local Union shall stand suspended from rights and privileges under the International Constitution until the provisions of the decision have been complied with, unless the General president has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.
- (d) RIGHTS OF THE ACCUSED. Throughout the proceeding, there shall be a presumption of innocence in favour of the accused. In order to be sustained, the charges must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favourable to him and cross-examine adverse witnesses. The charging party, the accused and the Local Union Executive Board may select only a member of the Local Union in good standing to represent them at a hearing conducted before any trial or appellate body. Witnesses need not be members of the Local Union. The hearings shall be open to other members, subject to the discretion of the Local Union Executive Board in maintaining order and in excluding witnesses except when testifying.
- (e) ACTION BY THE LOCAL UNION EXECUTIVE BOARD. A summary of the testimony and evidence introduced at the hearing shall be made and a copy of such summary shall be made and a copy of such summary shall be furnished the accused.

The Local Union Executive Board shall have the authority to determine the manner of reporting the hearings and shall have authority to exclude any method not authorized by it. Any request by a party that a verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honoured by the Executive Board. If the Local Union Executive Board decides to have a transcript or recording of the hearing made, the Local Union Executive Board shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any interested party for copying or consultation without cost.

If on appeal any appellate body makes a transcript or recording of the proceedings on appeal, such appellate body shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any party for copying or consultation without cost. Within a reasonable time after completion of the hearing, the Local Union Executive Board shall decide the case. The decision of the Local Union Executive Board shall be in writing and contain the charges, its own factual findings and decision, and a notice to the parties informing them of the proper body to which they must appeal, and the time within which the appeal must be filed. A copy of the decision of the Local Union Executive Board must be forwarded to the parties without delay. A copy of all documents in the proceedings shall be kept available at the Local Union's principal office until final disposition is made of these charges.

- (f) Appeal. Appeals shall be taken pursuant to the provisions of Article XIX of the International Constitution.

ARTICLE 19 – BONDING

- (1) Every Officer, agent, employee, other representative of this Local Union or shop steward who handles funds or other property of this organization shall be bonded in accordance with the requirements of the International Constitution and applicable statute. The amount of bond required of each person shall be ascertained by the Local Union Executive Board, and the premium charges shall be paid out of the general funds of the Local Union.

- (2) If the Local Union Executive Board, in its sole judgment, believes that it would be to the advantage of this organization to join with the International and/or any or all of its subordinate bodies or affiliated Local Unions in obtaining a bond or bonds covering persons in this Local Union and such other organizations under a bond or bonds issued to said International Union or other subordinate body, then, in such even the Local Union Executive Board is authorized and empowered to enter into such arrangements and pay from the general funds of this Local Union the cost for bonding these persons in the Local Union, but such surety coverage shall conform to the requirements set forth in Section 19 (a).
- (3) Should the bond of any person required to be bonded be cancelled after surety coverage has been afforded, then such person shall be allowed thirty (30) days within which to arrange either for reinstatement of his coverage or the substitution of another bond meeting the requirements of Section 19 9a) to take the place of the cancelled bond. However, during the period such person or a new Officer is not covered by such surety bond, the Local Union Executive Board shall make whatever arrangements shall be necessary to relieve such person of the handling of any money or property of the Local Union.
- (4) If an employee or Officer referred to in Section 19 (c) cannot within thirty (30) days provide the surety bond required in conformity with the provisions of Section 19 (a), the Local Union Executive Board shall be authorized and empowered to permit him to remain in his office or position under such arrangements as it may consider reasonable but shall not require or permit him to handle any of the money or control any of the property of the Local Union.

ARTICLE 20 – STANDING RULES FOR UNION MEETINGS

- Rule 1** The regular order of business may be suspended by a vote of the meeting at any time to dispose of anything urgent.
- Rule 2** The Chairman of the meeting shall enforce these rules and regulations and may direct the members be removed from the meeting for violation of these rules.
- Rule 3** Any conversation by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or

hinder the transaction of business, shall be deemed a violation of order.

Rule 4 Attending meetings "under the influence" is basis for removal.

Rule 5 The meeting may determine what portions of its business shall be secret.

Rule 6 When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair, he shall state his name.

Rule 7 If two or more members rise to speak, the Chair shall decide which is entitled to the floor.

Rule 8 Every member, while speaking, shall adhere to the question under debate and avoid all invective and indecorous language, but all members shall have the right to express their views, arguments and opinions upon candidates and upon any business properly before the meeting.

Rule 9 No member shall interrupt another member while speaking except for a point of order, and he shall definitely state the point and the Chair shall decide the same without debate.

Rule 10 Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

Rule 11 If any member shall feel himself aggrieved by a decision of the Chair, he may appeal from the decision to the meeting without debate.

Rule 12 When an appeal is made from the decision of the Chair said appeal shall be stated by the Chairman to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member taking the appeal will have the right to state the grounds of appeal, and the Chair will give his reasons for the decision. Thereupon, the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the Chair.

- Rule 13 No member shall speak more than once on the same question until all members wishing to speak have had an opportunity to do so; no more than twice without the permission of the Chair, not more than ten (10) minutes at one (1) time.
- Rule 14 All resolutions and motions, other than the first six in Rule 18, or to accept or adopt the report of a committee, shall be reduced to writing by the Recording-Secretary before the President shall state the same to the Local Union.
- Rule 15 In presenting a motion, a brief statement of its object may be made, but not discussion of its merits shall be admitted until the question is stated by the Chair.
- Rule 16 Any member may call for a division of a question when the subject or sense admits thereof.
- Rule 17 All votes other than amendments to these By-Laws or Rules of Order may be reconsidered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority, provided the membership agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.
- Rule 18 The following motions shall have precedence in the following order: First, to adjourn; second, to close debate; third, to take up the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate.
- Rule 19 The following motions are not debatable: (1) to adjourn; (2) to lay on the table; (3) the previous question.
- Rule 20 When a question is postponed, it shall not come up again, except by a majority vote.
- Rule 21 The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?". If adopted, the President shall proceed to take up the question before the membership, according to priority, without further debate.
- Rule 22 The call for the previous question on the original motion may be made by six (6) members and shall be put in this form: "Shall the main

question now be put?". If adopted, the effect shall be to take up the question on the original motion to the exclusion of all debate and all amendments which have not been adopted.

Rule 23 If proper motion to amend has been made, 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.

Rule 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 a motion is pending.

Rule 25 A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Local Union, until fifteen (15) minutes have elapsed.

Rule 26 The Chair shall state every question coming before the Local Union before permitting the opening of debate thereon. Immediately before putting it to a vote, he shall ask: "Is the Local Union ready for the Question?" Should no member rise to speak on the question, or if a majority shall vote to close discussion, the Chair shall put the question. After he has risen no member shall be permitted to speak further upon it.

Rule 27 When the presiding Officer has commenced taking the 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 commence taking the vote.

Rule 28 Every member present shall vote on all questions before the Local Union unless personally interested. A motion to excuse a member from voting shall be put without debate.

Rule 29 When a motion has been declared, carried or lost by acclamation, any member, before the Local Union proceeds to other business, may call for a count of the "yeas" and "nays".

Rule 30 The "yeas" and "nays" may be called for by two (2) members and upon the assent of one-third (1/3) of the members present shall be taken.

Rule 31 Any question on procedure in debate, not provided for herein, shall be governed by Roberts Rules of Order, Revised.

One (1) tap of the gavel shall call all to order; two (2) taps to be seated; three (3) taps to rise.

Rule 32 All rulings of the presiding Officer on procedure which are not challenged during the meeting become final and unappealable upon adjournment of the meeting.

ARTICLE 21 – STANDING COMMITTEES

The Standing Committees of this Local Union may include Committees on By-Laws, political action and legislation, finance and organization, application, unemployment, grievance and benefits, and such committees shall perform such duties and functions as shall be assigned to them from time to time by the Executive Board.

ARTICLE 22 – INTERNATIONAL CONSTITUTION

The Local Union acknowledges that the Constitution of the International Brotherhood of Teamsters supersedes any provisions of these By-Laws herewith or hereinafter adopted which may be inconsistent with such Constitution. The Local Union hereby re-adopts, as its Constitution, such International Constitution, and incorporates herein by reference, as though fully set forth herein, all such provisions of such Constitution, as it may be interpreted, modified or amended from time to time, which are applicable to the Local Union matters and affairs, and shall perform all the duties imposed upon a Local Union by such Constitution.

These By-Laws are subject to the Constitution and By-Laws of the International Brotherhood of Teamsters and applicable Conference and Joint Council By-Laws.

Neither this Local Union, nor any of its Officers, Business Representatives or employees, has the power to make any contract or agreement or to incur any liability which shall be binding upon the International Union or any of its affiliates other than this Local Union unless the written consent of the governing body or Executive Officer thereof has first been obtained authorizing such action. Neither this Local Union nor any of its Officers, representatives or employees has been authorized or empowered to act as an agent of the International Union or any of its affiliated bodies and shall not be deemed an agent for any such body unless

expressly authorized in writing by the governing body of such body to act in that capacity. No agreement or contract shall be binding upon this Local Union unless executed and delivered by its duly authorized Officers, and a contract or agreement for personal services shall not be binding beyond the expiration of the term of the Executive Board at the time such contract or agreement is made. This shall not prevent a Local Union Executive Board from entering into a bona fide collective bargaining agreement with another Union covering Local Union employees, subject to the requirements of Article XXII, Section 2 (b) of the International Constitution.

ARTICLE 23 – LOCAL UNION PROPERLY

No property of the Local Union, and no property in the possession, custody or control of this Local Union or its Officers, representatives or employees and no property held in trust by any trustee for and in behalf of this Local Union, expressed or implied, which was created or established by this Local Union, and whose purpose is to provide benefits for the Local Union itself, or the members of the Local Union or their beneficiaries, shall be given, contributed, donated or appropriated, either directly or indirectly, to aid or assist or be expended in behalf of any seceding, dual or antagonistic labour organization or group, nor to any Local Union which is acting in violation of the Constitution of the International.

ARTICLE 24 – NEGOTIATIONS, RATIFICATION OF AGREEMENTS STRIKES AND LOCKOUTS

- (1) Whenever a collective bargaining agreement is about to be negotiated, modified or extended at the request of this Local Union, the Principal Executive Officer shall call a meeting at which the membership shall determine and authorize the bargaining demands to be made. The Local Union Executive Board shall determine whether such meeting shall be limited to the members in a particular division, craft or place of employment. Where this Local Union is a participant in an area-wide agreement, it is understood that the bargaining demands of the Local Union may be accepted, modified or rejected by the overall negotiating committee in accordance with such rules and procedures as may be adopted by the are-wide conference-wide or national bargaining group.
- (2) The Secretary-Treasurer shall submit to Joint Council two (2) copies of all proposed collective bargaining agreements with a Company in an industry in which there is an area standard established by pre-existing agreements or amendments there or where otherwise directed to do so by the Joint Council,

for approval before submission to the employer. If no Joint Council exists, such proposal shall be submitted to Teamsters Canada for its approval. In those cases, where the proposed agreement is for operations which are already subject to an area-wide agreement, or a prospective area-wide agreement is already planned, the proposed agreement shall be submitted to the Director of the appropriate Trade Conference or Division for approval before submission to the employer.

- (3) Ratification of agreements or amendments shall be subject to vote in the same manner as provided for in connection with bargaining demands as set forth in Section 24 (a), or in the case of area wide, conference-wide or national agreements in accordance with the Constitution and rules adopted by such bargaining group, except that where the General Executive Board has directed the Local Union to refrain from executing such agreement, no proposed agreement shall be considered ratified by any vote until and unless it is specifically approved by the General Executive Board. True copies of final agreements arrived at by the Local Union shall be filed by the Secretary-Treasurer with Teamsters Canada and the Economic and Contracts Departments of the International Union and within sixty (60) days after execution, together with a list of the names and locations of employees and number of employees covered by such agreements. The Secretary-Treasurer shall, as of January first of each year submit to the Teamsters Canada and the Economic and Contracts Departments of the International Union a list of agreements in effect, showing the name of the employer or employers, parties thereto, location or locations, and the expiration date.
- (4) If a settlement cannot be reached in connection with the negotiation or modification of a collective bargaining agreement between the members of this Local Union and an employer after the Officers have used reasonable means of achieving a settlement through the process of collective bargaining, the matter shall be subject to the strike procedure, conditions and qualifications set forth in the Constitution. The Local Union Executive Board may, in its discretion, provide that the strike vote be limited to the members employed in a particular division, craft or place of employment. In such cases where area-wide, conference-wide or national agreements are involved, it is understood that the specified majorities of the members covered by such agreements must vote to strike as set forth in Article XII, sections 1 or 2 of the Constitution, and in such event, such strike vote shall apply to this Local Union, irrespective of the individual vote of this Local Union on that question.

- (5) Collective agreements signed on behalf of the Local Union shall be executed by at least one of the President, Vice-President, Secretary-Treasurer or Recording-Secretary and any business agent responsible for the unit concerned or his substitute may co-sign.
- (6) Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement. Nor shall a strike vote be required for a strike in support of demands that an employer agree to the terms and conditions of an agreement already negotiated and approved on a state, multi-state, multi-area, multi-employer or national, company-wide or area basis of which unit such employer as a member. In either case, the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also, with the approval of the General President, terminate such strike without vote.
- (7) At least forty-eight (48) hours prior to a strike, and in the case of picketing, lawsuit or other serious difficulty, the Secretary-Treasurer shall immediately notify the Joint Council of which it is a member of any contemplated action, as required by the Constitution.
- (8) Out-of-Work benefits shall be payable to members only as provided by and in accordance with the Constitution. The Secretary-Treasurer shall be responsible for securing of such benefits where the Local Union is eligible to receive them, executing all documents required by the International and returning all monies to the International Union remaining unused by the Local Union at the close of the strike or lockout.
- (9) Strikes which are not terminated by the conclusion of a collective bargaining agreement or by arbitration or otherwise may be terminated in such manner as the Local Union Executive Board shall determine appropriate.

ARTICLE 25 – SAVING CLAUSES

- (1) The provisions of these By-Laws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be inviolate of any applicable law. However, all financial obligations imposed by or under the International Constitution and these Local Union By-Laws (and in conformity therewith) shall be legal

obligations of the members upon whom imposed and enforceable in court of law.

The General Executive Board of the International Union is authorized to adopt any plan or arrangement relating to such requirements and obligations which may be imposed by applicable law.

- (2) If any provision of these By-Laws shall be declared invalid or inoperative by any competent authority of the Executive, judicial, or administration branch of Federal or Provincial government, the Local Executive Board shall have the authority to suspend the operation of such provisions during the period of its invalidity and to substitute in its place and stead a provision which shall meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provisions. If any Article or Section of these By-Laws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such Article or Section to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.
- (3) Where used in these By-Laws, words in the masculine also shall be read and construed as in the feminine in all cases where such construction would so apply.

ARTICLE 26 – AMENDMENTS

- (1) Proposed amendments to the By-Laws shall be submitted in writing at a regular meeting of the Local Union only in January of each year upon initiation either by petition of seven (7) members in good standing, or by resolution of the Local Union Executive Board. Under no circumstances may these By-Laws be amended during the term of office to affect or modify the powers and duties of the incumbent Officers. Such amendments may be made effective only as of the beginning of the next term of office.
- (2) Upon enactment of a resolution of the Local Union Executive Board declaring that a state of urgency exists requiring specified amendments to these By-Laws to be introduced in some month other than January and upon the enactment of corresponding resolution by the Membership, those specified proposed amendments may be submitted in writing during the month stated in the resolutions.

- (3) The proposed amendments shall then be read at two (2) consecutive regular meetings of the membership or at two (2) consecutive division, craft or area or similar meetings (if the Local Union Executive Board has determined that membership meetings to be conducted on such basis), and voted upon at the third (3rd) meeting or meetings. A two-thirds (2/3) vote of the members in good standing voting at such meeting shall be required for passage.
- (4) Amendments to these By-Laws are subject to the approval of the General President, as provided in Article VI, Section 4 of the International Constitution and shall not be effective until such approval has been given.

ARTICLE 27 – FISCAL YEAR

The fiscal year of this Organization shall be the calendar year from January first (1st) to December thirty-first (31st).

ARTICLE 28 – OBLIGATION

Fellow worker, you will not take an obligation that will bind you to the International Brotherhood of Teamsters and this Local Union, and that will in no way conflict with your religious belief or your duties as a citizen:

INITIATION

(Three raps of the gavel)

Fellow worker(s), before proceeding further and before your initiation as a member of this Union, it is necessary that you answer these important questions:

1. Have you ever before been a member of a Local Union of the International Brotherhood of Teamsters?
2. Have you ever applied for admission and been rejected in any Local Union of the International Brotherhood of Teamsters?
3. Have you ever been suspended or expelled from any Local Union of the International Brotherhood of Teamsters?
4. Are you willing to take an obligation that will bind you to the International Brotherhood of Teamsters, Teamsters Canada and this Local Union and that will in no way conflict with your religious beliefs, or your duties as a Canadian citizen?

Fellow worker(s), place your right hand over your heart and pay strict attention while I administer the obligation that we all have taken that will bind you to the International Brotherhood of Teamsters, Teamsters Canada and this Local Union.

You pledge that you will faithfully observe and comply with the Constitution and laws of the International Brotherhood of Teamsters, Teamsters Canada and this Local Union,

You will faithfully perform all the duties assigned to you, to the best of your skill and ability,

You will conduct yourself at all times, in a manner as not to bring reproach upon your Union,

You shall take part in the business and activities of the Union, and accept and fulfill your responsibility during any authorized strike or lockout,

You pledge not to divulge to non-members the private business of this Union unless authorized to do so.

You will never knowingly harm a fellow member.

You will never discriminate against a fellow worker on account of race, colour, religion, sex, age, physical disability or national origin,

You will refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations,

And you will at all times bear true and faithful allegiance to the International Brotherhood of Teamsters, Teamsters Canada and this Local Union.

Please repeat after me....To all of this I pledge, my sacred word and honour, to faithfully observe, the constitution and laws, of the International Brotherhood of Teamsters, Teamsters Canada, and the bylaws and laws, of this Local Union.

Welcome Brother (or Sister). You may be seated.

ARTICLE 29 – BUSINESS MEETINGS

The agenda for all general business meetings follows: