

Proposed Constitution

Of the

Brotherhood of Locomotive Engineers & Trainmen - United Transportation Union

(BLET-UTU)

As formed by the merger of the:

Brotherhood of Locomotive Engineers and Trainmen (BLET)

And the

United Transportation Union (UTU)

As proposed by

Railroad Operating Crafts United (ROCU)



January 1, 2007

The ROCU Committee on the Constitution and Merger Agreement has produced a tentative draft of a democratic constitution for a merged BLET-UTU. To create this document we have consulted:

- ✓ Current constitutions of the UTU, BLET, & Teamsters*
- ✓ The constitution proposed during the 2001 merger attempt*
- ✓ Experts in the field of union democracy*
- ✓ Most importantly—working members of the BLET & UTU*

We want and deserve a constitution that will put the membership in control of our union. With a merged union put into place and functioning under this constitution, railroaders in the operating crafts will have one of the most democratic unions in North America; one more fully equipped and better prepared to win better contracts and working conditions.

This document is a preliminary draft version of the ROCU proposal. We consider it a “living” document and it is subject to additions, corrections, subtractions and modifications which will be based on the input and ideas we receive from you and other UTU and BLET members.

You will find incomplete dates in this draft. Those dates will be finalized later when it is practical to do so.

We would like to know what you like and what you don't like about it.

You can contact ROCU by:

Writing ROCU at PO Box 1053, Salem IL 62881

Calling ROCU at 312-924-1437

Email ROCU at rocutooday@gmail.com

Visit the website at www.rocutooday.com

Highlights from the Proposed Constitution for a Merged BLET – UTU

Railroad Operating Crafts United (ROCU) encourages all rank-and-file members to thoroughly read over the complete text of the draft of this proposed Constitution. Below is an overview of some of the important changes we are proposing. Contact us to get involved!

[Article 8 - Officers, Boards and Members](#) - Reduces the number of National Union elected positions to maintain an efficient officer-to-member ratio.

[Article 10 - Requirements for Officers to Maintain Office](#) - Requires union officers to work their seniority position on a regular basis. Union officials will maintain contact with the rank-and-file, work under the agreements they sign, and be regularly reminded that they are still railroaders, and are accountable to their members.

[Article 13 - Location of Union Conventions](#) - Mandates that conventions will be held in locations more convenient for the rank-and-file to attend.

[Article 14 - Delegates](#) - Establishes a proportionate system of delegates. This is more democratic and better expresses the will of the membership at convention.

[Article 18 - Election of Officers](#) - Establishes a system of elections based on the principle of One Member – One Vote for ALL union officers!

[Article 20 - Initiative, Recall and Referendum](#) - Insists that between conventions, the REAL democratic power is placed where it belongs, in the hands of the members!

[Article 22 - Dues and Assessments](#) - Enacts proportionate dues for members on reduced pay scales. If you're not making 100%, you shouldn't have to pay 100% of dues. This gives the union a REAL reason to do away with entry-level pay and poverty-level training pay!

[Article 33 - Salaries and Vacation Benefits of Officers, Board Members and Staff Members](#) – Creates an equitable salary structure tied directly to members' daily rate!

[Article 81 - Preservation of Craft Autonomy](#) - Provides guarantees that make sure each craft will control its own agreements and grievances!

[Article 31 - Mobilization](#) - Builds a structure at every level of the union to harness the power of the membership to fight the carriers and win.

[Article 32 - Peer Review Board](#) - Provides for an impartial board of rank-and-file members to ensure a fair and equitable settlement of internal union disputes. No longer will internal politics settle disputes; the Peer Review Board will have the final say!

[Article 94 - Strikes](#) - Makes the leadership accountable to the rank-and-file in all strike decisions.

[Article 19 - Secret Ballots](#) - Requires ALL elections and referendums by the members be by secret ballots. This includes Initiative, Recall & Referendum!

[Article 8 c\) - Checks & Balances](#) - Gives the General Committees a voice on the Executive Council!

[Articles 18 & 19 - Observer Rights](#) - Establishes the right for members to observe all ballot counts!

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ARTICLE 1 - NAME OF ORGANIZATION

- a) This organization shall be known as the Brotherhood of Locomotive Engineers & Trainmen/United Transportation Union (hereinafter, BLET-UTU) and shall consist of a National Union, and its chartered Locals and designated subordinate Committees and Boards as described in this Constitution. The BLET-UTU shall be a member of the Rail Conference of the International Brotherhood of Teamsters (IBT).
- b) Because of the importance that many members attach to the name of their union and the complexity of reaching a consensus on a new name, this issue shall be placed on the agenda and decided by the delegates at the first convention of the BLET-UTU. If consensus cannot be reached at that time, the question will be put to the membership in the form of a referendum, with the top three (or less) choices of the delegates being placed on the ballot for consideration. (This ballot may be included with the ballot mailer for the first membership vote for National officers.)

ARTICLE 2 - HEADQUARTERS LOCATION

The headquarters of the National Union shall be Cleveland, Ohio. One or more departments or offices of the Union may be located in other cities, if the Executive Council so determines.

ARTICLE 3 - DEMOCRACY

- a) This Constitution of the BLET-UTU is carefully designed to insure each member her/his full democratic right, both as an individual and through her/his elected representatives, to express her/himself freely and to participate at all levels in the decisions governing the Union.
- b) Moreover, individual rights as a BLET-UTU member are protected against infringement or abuse, for a member may appeal complaints concerning the administration of the Union, to the Local Union, the National Executive Council; and has the right to submit her/his appeal to the Peer Review Board, comprised of rank-and-file members, whose decisions are final and binding.
- c) Each member shall be entitled to a full share in Union self-government. Each member shall have full freedom of speech and the right to participate in the democratic decisions of the Union.
- d) Subject to reasonable rules and regulations, each member shall have the right to run for office, to nominate and to vote in free, fair and honest elections.
- e) In a democratic union, as in a democratic society, every member has certain rights but s/he also must accept certain corresponding obligations.
- f) Each member shall have the right freely to criticize the policies and personalities of Union officials; however, this does not include the right to undermine the Union as an institution; to vilify other members of the Union and its elected officials or to carry on activities with complete disregard of the rights of other members and the interests of the Union; to subvert the Union in collective bargaining.
- g) Membership meetings shall be held regularly, with proper notice of time and place and shall be conducted in an atmosphere of fairness.
- h) All Union rules and laws must be fairly and uniformly applied and disciplinary procedures, including adequate notice, full rights of the accused and the right to appeal shall be fair and afford full due process to each member.
- i) The National Union and every constituent Local, General Committee of Adjustment, Legislative Board or other official bodies shall maintain adequate safeguards so that all of its operations shall be conducted in a democratic and fair manner. No corruption, discrimination or anti-democratic procedure shall ever be permitted under any circumstances.

ARTICLE 4 – SOLIDARITY

- a) The BLET-UTU recognizes that the strength of our union – indeed its very existence – is predicated upon our unity, our solidarity. The power of the labor movement and the working class is likewise built on a foundation of solidarity. As such, our union is dedicated to achieving the highest possible degree of solidarity between not just the railroad operating crafts, but between all railroaders. Ultimately, rail workers

in North America must move towards building a cross-craft industrial union as the way to defend our rights and better our working conditions on the railroad. In addition, we understand our inextricable linkage to the rest of organized labor and the working class and pledge our solidarity with our brothers and sisters in the transportation industry and elsewhere.

- b) Whenever rail workers are under attack anywhere – regardless of what property, what craft, which union – the BLET-UTU considers this an attack upon ALL of us. For years we have allowed the carriers to whipsaw craft against craft, member against member, high senior vs. low senior, union against union. Meanwhile as a result of our lack of solidarity, the carriers have grown fat at our expense. The BLET-UTU was founded with the express purpose of putting an end to this state of affairs and restoring the dignity, power, and working conditions that we have been too long denied. To accomplish our goals, solidarity is the key.
- c) The BLET-UTU is steadfastly committed to the long standing union principle that “An injury to one is an injury to all”. We pledge our support and allegiance to workers in struggle everywhere, without exception to craft, industry, skill, or location. Therefore, the membership of the BLET-UTU is expected at all times to hold themselves to the highest of standards and union principles.
- d) The membership of this union – at all times – hold a grave responsibility:
 - 1) To honor all union picket lines, never crossing or otherwise interfering with.
 - 2) To honor all union boycotts and to refrain from purchasing boycotted goods and services.
 - 3) To refrain from public utterances that are racist, sexist, homophobic, or which otherwise interfere with or distract from the greatest possible harmony and solidarity among our own membership and among the working class as a whole.
 - 4) To conduct themselves as union brothers and sisters, in a manner which serves to unite, as opposed to divide, working people everywhere.

ARTICLE 5 - FINANCIAL PRACTICES

- a) Union funds are held in sacred trust for the benefit of the membership. The membership is entitled to assurances that Union funds are not dissipated and are spent for proper purposes. The membership is also entitled to be reasonably informed as to how Union funds are invested or used.
- b) The National Union and its constituent bodies shall conduct their proprietary functions, including all contracts for purchase or sale or for rendering housekeeping services in accordance with the practice of well run institutions, including the securing of competitive bids for major contracts.
- c) The National Union and its constituent bodies shall not permit any of their funds to be invested in a manner which results in the personal profit or advantage of any officer or representative of the Union.
- d) There shall be no contracts of purchase or sale or for rendering services which will result in the personal profit or advantage of any officer or representative of the Union.
- e) Nor shall any officer, representative or employee of the National Union or any constituent body accept personal profit or special advantage from a business with which the Union bargains collectively.
- f) Neither the National Union nor any of its constituent bodies shall make loans to its officers, representatives, employees or members, or members of their families, for the purpose of financing the private business of such persons.

ARTICLE 6 - HEALTH, WELFARE AND RETIREMENT FUNDS

- a) No official, representative or employee of the National Union or a constituent body shall receive fees or salaries of any kind from a fund established for the provision of health, welfare or retirement benefits, except for reasonable reimbursement provided for in a collective bargaining agreement and expressly approved by the National Executive Council.
- b) No official, employee or other person acting as agent or representative of the National Union or a constituent body, who exercises responsibilities or influence in the administration of health, welfare and retirement programs or the placement of insurance contracts, shall have any compromising personal ties, direct or indirect, with outside agencies such as insurance carriers, brokers, or consultants doing business with the health, welfare and retirement plans.

- c) Complete records of the financial operations of all BLET-UTU health, welfare and retirement funds and programs shall be maintained in accordance with the best accounting practice. Each such fund shall be audited regularly.
- d) All such audit reports shall be available to the members of the Union.
- e) The trustees or administrators of such funds shall make a full disclosure and report to the members covered by the fund at least once each year.

ARTICLE 7 - BUSINESS AND FINANCIAL ACTIVITIES OF UNION OFFICIALS

- a) Any person, who represents the BLET-UTU and its members, whether elected or appointed, has a sacred trust to serve the best interests of the members and their families. Therefore, every officer and representative must avoid any outside transaction which even gives the appearance of a conflict of interest. The special fiduciary nature of Union office requires the highest loyalty to the duties of the office.
- b) The mailing lists of the Union are valuable assets. In order to protect the interests of our entire membership, Union officers and representatives shall not, under any circumstances, turn over a Union mailing list to an outsider for use in the promotion or sale of any goods or services that benefit an individual or a private concern.
- c) Mailing lists are to be used only to promote the necessary legitimate functions of the Union and for no other purpose. It is improper for any official or representative of either the National Union or constituent body to permit the use of any mailing list by any third party to promote the sale of furniture, appliances, automobiles, insurance, eyeglasses or any other item, or to enable professionals to solicit the membership.
- d) No officer or representative shall have a personal financial interest which conflicts with her/his Union duties.
- e) No officer or representative shall have any substantial financial interest (even in the publicly-traded, widely-held stock of a corporation except for stock-purchase plans, profit sharing or nominal amounts of such stock), in any business which the BLET-UTU bargains.
- f) An officer or representative shall not have any substantial interest in a business with which the BLET-UTU bargains collectively. Exceptions to this provision would be any program such as employee stock ownership or employee stock options which are open to all BLET-UTU members employed by the business.
- g) No officer or representative shall accept "kickbacks," under-the-table payments, valuable gifts, lavish entertainment or any personal payment of any kind, other than regular pay and benefits for work performed as an employee from an employer with which the Union bargains or from a business or professional enterprise with which the Union does business.
- h) The principles of this Code, of course, apply to investments and activities of third parties, where they amount to a subterfuge to conceal the financial interests of such officials or representatives.

ARTICLE 8 - OFFICERS, BOARDS AND MEMBERS

Upon implementation of the attached merger agreement and the first election of officers as required in Section 4 of the merger agreement, the National Union shall consist of the following Officers, Councils, Committees, Boards and Members:

- a) **Officers:**
 - 1) National President
 - 2) Senior Vice-President
 - 3) National Secretary-Treasurer
 - 4) Alternate National Secretary-Treasurer
 - 5) National Legislative Director
 - 6) Alternate National Legislative Director
 - 7) Canadian Legislative Director
 - 8) Alternate Canadian Legislative Director
 - 9) Vice Presidents - Sixteen (16)
 - I) BLET – Eight (8)
 - II) UTU – Eight (8)

1. Seven (7) from United States
 2. One (1) from Canada
- 10) Alternate Vice Presidents - Ten (10)
- I) BLET Five (5)
 - II) UTU Five (5)
 1. Four (4) from United States
 2. One (1) from Canada
- 11) Assistant to National President-Yard masters
- 12) Alternate Assistant to National President-Yard masters
- 13) Assistant to National President – Bus
- 14) Alternate Assistant to National President – Bus
- 15) Assistant to National President – Commuter
- 16) Alternate Assistant to National President – Commuter
- 17) Assistant to National President – AMTRAK
- 18) Alternate Assistant to National President – AMTRAK
- b) Vacancies shall be filled as follows:**
- 1) National President - A vacancy shall be filled by the Senior Vice-President.
 - 2) Canadian Legislative Director-By the Alternate Canadian Legislative Director
 - 3) Vice Presidents:
 - i. BLET Alternate Vice Presidents fill BLET vacancies.
 - ii. UTU United States Alternate Rail Vice Presidents fill UTU Rail vacancies. UTU Canadian Alternate Vice President fills a UTU Canadian vacancy.
 - 4) Assistant to National President-Yardmasters by the Alternate Assistant to National President - Yard masters.
 - 5) Assistant to National President – Bus by the Alternate Assistant to National President – Bus.
 - 6) Assistant to National President- Commuter by the Alternate Assistant to National President – Commuter.
 - 7) Assistant to National President – AMTRAK by the Alternate Assistant to National President – AMTRAK.
 - 8) Vacancies not otherwise provided for in this Article shall be filled by a majority, secret ballot vote of the Executive Council.
- c) Councils, Committees and Boards:**
- 1) The Executive Council shall be composed of the full-time National Officers of the BLET-UTU and the National Union Delegate from each Regional General Committee Association.
 - 2) The Executive Committee shall be composed of the National President, Senior Vice-President, and the National Secretary/Treasurer.
 - 3) Peer Review Board.
- d) United States members will vote for the following Officers:**
- 1) National President
 - 2) Senior Vice-President.
 - 3) National Secretary-Treasurer
 - 4) Alternate National Secretary-Treasurer
 - 5) National Legislative Director
 - 6) Alternate National Legislative Director
 - 7) Fifteen (15) Vice Presidents
 - 8) Nine (9) Alternate Vice Presidents
 - 9) Assistant to the National President-Yard masters
 - 10) Alternate Assistant to National President - Yardmasters
 - 11) Assistant to National President - Bus
 - 12) Alternate Assistant to National President – Bus
 - 13) Assistant to National President – Commuter
 - 14) Alternate Assistant to National President – Commuter
 - 15) Assistant to National President – AMTRAK

- 16) Alternate Assistant to National President - AMTRAK
- e) **Canadian members will vote for the following Officers:**
 - 1) National President
 - 2) Senior Vice-President.
 - 3) National Secretary-Treasurer
 - 4) Alternate National Secretary-Treasurer
 - 5) Canadian Legislative Director
 - 6) Alternate Canadian Legislative Director
 - 7) One (1) Canadian Vice President
 - 8) One (1) Alternate Vice President

ARTICLE 9 - ELIGIBILITY FOR OFFICE

- a) Unless otherwise provided, any member in good standing shall be eligible for election to office in the BLET-UTU, except a member who:
 - 1) Has attained an age that requires mandatory retirement in the member's country of residence;
 - 2) Holds office in any other union (except IBT) representing transportation employees, other fields of employment, trades and industries, whether in public or private employment;
 - 3) Is serving in an official capacity with a transportation company, other fields of employment, trades and industries, whether in public or private employment;
 - 4) Does not hold seniority rights in transportation service, other fields of employment, trades and industries, whether in public or private employment where the BLET-UTU holds the contract, except this does not apply when a member is dismissed from service and his case is being appealed;
 - 5) Is restricted from holding office by Labor-Management Reporting and Disclosure Act.
 - 6) An elected officer of the National Union shall not be eligible for the office of Delegate to the BLET-UTU National Convention.

ARTICLE 10 - REQUIREMENTS TO MAINTAIN OFFICE.

- a) All elected officers of BLET-UTU National Union, General Committees of Adjustment, Legislative Boards, Locals and any other subordinate bodies will be required to retain certification/qualification in their seniority position.
- b) Officers complying with this requirement will be subject to the normal alcohol and drug testing, health and physical limitation requirements of his/her employment.
- c) All elected officers will mark-up on and work a position on their seniority district. A minimum of (2) two starts per calendar month or ten (10) starts per calendar quarter must be completed. Time spent in such service shall not be compensated by the union and shall be deducted from the regular pay of the officer.
- d) Vacation days, personal leave days, holidays, company service, or any other service (compensated or otherwise) can not be used to fulfill the requirements of this provision.
- e) Failure to satisfy the minimum requirements of this provision would result in immediate suspension of wages and benefits, and would initiate proceedings for removal from office.
- f) Only officers off work as a result of discipline, and whose cases are awaiting a decision on appeal would be exempt from complying with this requirement.
- g) Any officer withheld from the service of a carrier shall be considered in active service, as defined in Article 68 of these Bylaws, until all investigations and appeals of his case are closed.
- h) Officers unable to perform the duties of their seniority position as a result of sickness or injury would not meet the health and physical limitation requirements necessary to retain their office. Such officer shall be allowed and exclusion from this requirement if the sickness or disability is six (6) months or less in duration. Such officer shall be allowed one (1) such exclusion during any term of office.

ARTICLE 11 - DELEGATES TO IBT INTERNATIONAL CONVENTION

- a) Delegates from the BLET-UTU to the IBT International Union Convention shall be as follows.
- b) For the purpose of allocating and electing delegates to the IBT Convention, BLET-UTU General Committee

of Adjustments shall be treated as the equivalent of local unions as provided in Article III of the IBT Constitution and Paragraph 6.16 of the IBT/IBL Merger Agreement.

- c) Each GCA having between 100 and 1000 active members shall be entitled to one (1) delegate for up to the first thousand active members and to one additional delegate for each additional 750 active members or major fraction thereof.
- d) GCAs with less than 100 active members shall be grouped into three geographic groups: (1) New York, New Jersey, Pennsylvania and the New England States; (2) Minnesota and all states west of the Mississippi River; and (3) the remaining states (Midwest and South).
- e) The active members in GCAs with less an 100 active members within these designated geographic areas shall be consolidated for the purpose of electing delegates to the IBT Convention and shall be entitled to elect delegates according to the formula set out above and in the IBT Constitution as though they constituted a single local union.
- f) Delegates to the IBT Convention must satisfy the eligibility requirements set forth in the IBT Constitution, as modified in Paragraph 6.8 of the IBT/IBL Merger Agreement, and shall be elected in accord with the applicable provisions of the IBT Constitution and the Rules governing the election.
- g) Credentials for the IBT International Union Conventions shall be issued by the International Union or the election administrator as provided by the applicable rules.

ARTICLE 12 - TERM OF OFFICE

Officers of the BLET-UTU National Division elected as per Article 8 a) shall assume their offices on January 1 following their election and shall hold such office until January 1 following the adjournment of the next triennial convention, subject to the provisions of this Constitution.

ARTICLE 13 - NATIONAL UNION

- a) The National Union has jurisdiction over all subordinate bodies and all subjects pertaining to the BLET-UTU, except as provided in Article 81.
- b) The National Union shall convene in regular session tri-annually beginning in **200X**, at a time and place selected by the Executive Council.
- c) The place of the Convention selected by the Executive Council shall be confined to the continental United States and preferably located in close proximity to a major rail hub.
- d) The session will not exceed seven (7) consecutive calendar days - five (5) meeting days and two (2) travel days (following each other in chronological sequence without break or interruption).
- e) The National president shall notify all general committees, legislative boards and locals not later than January 15 of the convention year as to the decision of the Executive Council regarding the date and place of holding the convention.
- f) Between regular triennial conventions if two-thirds (2/3) of the locals, or locals representing two-thirds (2/3) of the active membership, petition the National President to convene the National Union in special convention for specified purposes, he shall, within sixty (60) days of petition, set a date and location for holding said special convention; and he shall convene said special convention within 120 days of petition. A special session of the convention will not be called to convene in the regular convention year.
- g) The National Union in special convention assembled shall handle only those subjects which are set out in the notices which require the National Union to be convened in special session.
- h) A majority of all Delegates in attendance at the convention shall constitute a quorum for the transaction of business.
- i) The Executive Council shall appoint, from among the Delegates, a Constitution Committee Chairman. The appointed Chairman shall randomly select four (4) Delegates to constitute the committee. The Committee shall review submitted amendments to the Constitution and report their recommendations to the convention.
- j) The National Union President shall appoint a Committee on National Union Officers Reports and such other committees, guards, messengers, etc., as may be necessary, to assist during the convention.
- k) Officers and Delegates of the National Union will be furnished official badges at the beginning of the convention.

Note: In section i) above, for the first National Convention of the newly merged union, two (2) of the randomly selected Delegates, for the Constitution Committee, shall come from the craft of Conductor and the remaining two (2) from the craft of Engineer. At all subsequent conventions, the Delegates shall be randomly selected without regard to craft.

ARTICLE 14 - DELEGATES

- a) Each local shall elect, by secret ballot, a number of Delegate(s) and an equal number of Alternate Delegate(s) to the National Union during the year preceding the triennial convention, from the active members in good standing. They shall assume their offices on January 1 of the year in which the convention is held and serve for a period of three (3) years.
- b) The number of delegates from the local will be proportionate to membership according to the table below.

Number of Members in Craft	Number of Delegates
25 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 to 800	8
Etc.	

- c) Each local may choose to send all or any portion of their delegates to the convention. Should a local not send all of their delegates, the delegate who won the highest number of votes of those attending in the delegate election will carry and vote the proxy of those delegates not attending.
- d) Prior to election of Delegates and Alternate Delegates as described in Section (a) above, the Local shall specify the number of Delegates it will choose to send to the triennial National Union Convention.
- e) The Delegates attending the triennial National Union Convention will be ranked according to the number of votes received during their election with the Delegate who received the highest vote tally being Delegate number one (1). For the purpose of designating rank, vote ties will be broken by random lot at a Local meeting.
- f) Every local shall elect and send at least one delegate to the triennial National Union Convention.
- g) If an office of Delegate becomes vacant for any reason, an Alternate Delegate will succeed to that office and the Local President shall appoint another Alternate to fill the unexpired term of the vacating Alternate Delegate.
- h) Whenever a poll of a local is ordered to instruct any Delegate(s) to the triennial convention, the secretary shall send out a secret ballot to each active member with all questions printed thereon, requesting a vote on the questions; and when properly filled out, it must be returned to the secretary on or before the date indicated on the ballot, either in person or by government mail.
- i) If a majority of ballots cast by the active members in good standing are in favor of the question submitted, the local shall so instruct the Delegate(s) in writing; and he shall carry out their instructions. Such instructions shall be signed by the Local President and the Secretary and a copy filed with the National Secretary-Treasurer prior to the convening thereof. Failure of the Delegate(s) to carry out his/her instructions shall be considered a violation of his/her obligation; and if found guilty after a trial as per Article 78, he shall be subject to penalty.
- j) The National Secretary-Treasurer shall furnish each local in good standing with credential forms which shall be signed by the President and Secretary of the Local. The credentials shall be furnished to the Delegate, which shall be his/her, authorization to represent the local at the convention of the National Union.
- k) Delegates to the National Convention shall be allowed the maximum allowable IRS per diem for each day the convention is in session, including two (2) travel days.

- l) The salary, per diem and transportation expense of the first delegate from each Local Union to the triennial National Union Convention will be paid from the National Union Convention Fund. The salaries, per diems and transportation expenses of any additional attending Delegates will be paid by the Local Union of the additional Delegates.
- m) In the event of a Special Convention called as per Article 13 f) of this Constitution, Locals shall send their specified elected Delegate(s), The Delegate salaries will be paid by their Local; and their per diem and transportation expenses will be paid by the National Union.
- n) A system will be provided to check the actual attendance of delegates at convention; and they shall receive per diem for actual attendance only, unless excused by the National Union President.
- o) Each delegate shall receive a travel expense allowance at the maximum automobile mileage rate set by the Internal Revenue Service from the city in which his/her local is located to the convention city and return by the most direct route, and based on official Rand McNally Road Atlas mileage tables.
- p) If a Delegate is absent at roll call or when the yeas and nays are called on any subject, no pay shall be received for that day unless excused by the convention.
- q) A Delegate who becomes ill while attending a convention will, provided evidence of illness is reported to the convention, receive pay as though present.
- r) When any full-time salaried officer of a subordinate body of the National Union is elected by his local to represent such local at the convention of the National Division, his officer's salary shall suffice for service as delegate. The Delegate's Local shall reimburse the subordinate body for his/her salary while serving as Delegate.
- s) The National Secretary/Treasurer shall have printed in the BLET-UTU Directory the name, address, local number, craft and title, if any, of each Delegate and Alternate Delegate.

ARTICLE 15 - ORDER OF BUSINESS OF THE NATIONAL CONVENTION

1. Call to order
2. Invocation
3. Roll call of officers
4. Report of Credentials Committee
5. Action on previous day's minutes
6. Communications
7. Reports of officers
8. Reports of committees
9. Unfinished business
10. New business
11. Selection of Peer Review Board
12. Nominations of officers
13. Closing

ARTICLE 16 - NATIONAL UNION CONVENTION RULES OF ORDER

- a) Because democracy in its purest form may be slow and tedious but must be done correctly to satisfy the laws governing us and insure justice to all; the services of a professional parliamentarian shall be employed at every convention. The rules of order for conventions of the National Union shall be Robert's Rules of Order, Revised, except as otherwise provided in the following rules:
 - 1) These rules may be amended at any regular meeting of the National by a majority vote of the credentialed Delegates.
 - 2) The daily sessions of the convention shall begin at 9:00 a.m. and adjourn at a time that the business of the convention warrants. Evening sessions may be called by a majority vote of the Delegates to begin at 8:00 p.m. Instead of a roll call, appropriate means of recording attendance may be utilized.
 - 3) The convention shall meet daily excepting Saturdays, Sundays, and legal holidays and, for parliamentary purposes, shall be considered to be in continuous session until adjourned on the last day.

- 4) The National Secretary-Treasurer shall supply each Officer and Delegate with a list of Delegates and standing committees. Proceedings of each day's meeting shall be printed and shall be distributed the following morning.
- 5) Officers and Delegates shall be admitted upon display of their identification badge and will take their seats without ceremony.
- 6) No person except Delegates and Sergeants-at-Arms shall be admitted to the floor reserved for Delegates. Other officers and members of the BLET-UTU may attend the convention as visitors on presentation of a receipt for current dues.
- 7) The National President, or in his/her absence, the Senior Vice-President, shall preside. He/she may speak to points of order in preference to other Officers and Delegates. He/she shall decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate may speak more than once on such appeal.
- 8) No main motion shall be debated until it has been scheduled and stated by the presiding officer who may require the motion to be put in writing before it is stated.
- 9) While in the Committee of the Whole, a Delegate may speak but once on any subject or motion. The maker of a motion may close debate but will not be permitted to speak in excess of five (5) minutes in the exercise of this right.
- 10) After a question has been decided, any two (2) Delegates who voted with the majority may, at any time during the session, move to reconsider the question. No debate will be permitted on such motions. Should the motion to reconsider be carried, the question at issue may then be debated in the same manner as a new motion.
- 11) When a question is put, every Delegate in the assembly must vote on it unless excused by a majority vote of the Delegates.
- 12) Except as provided in Article 13 i), at the first Convention the National President and the Senior Vice-President will alternately appoint the majority to each committee. The person named first on a committee shall be the chairperson.
- 13) A yea and nay vote will be taken on any question when called for by one-third of the Delegates present.
- 14) The convention is prohibited from considering proposed Constitution amendments not previously presented to the Constitution Committee under the provisions of Article 17.
- 15) All Constitution changes submitted to the Bylaws Committee and all such proposals printed and distributed to Officers and Delegates will show the current provision and the proposed change printed on the same sheet in a manner which will permit easy and accurate comparison. Portions of the Constitution which are not involved in amendment proposals will not be read during sessions of the Committee of the Whole and such portions will, therefore, be identified and passed upon by making appropriate references to their number and/or title.
- 16) Affirmative action by the Committee of the Whole in rescinding a former action is not subject to a motion to reconsider. If the motion to rescind in a case of this kind fails to carry, a motion to reconsider would be proper but the matter can be acted upon but once.
- 17) During debate the presiding officer will recognize the Delegate first in line before each microphone in series beginning with microphone No. 1, and continuing through the number of microphones on the floor before again recognizing microphone No. 1. Recognition shall be alternated between proponents and opponents on all questions, odd number microphones for proponents, and even numbers for opponents. When a Delegate wishes to speak he/she shall proceed to one of the microphones. When recognized by the presiding officer, the Delegate shall give his/her name and local number. He/she shall confine remarks to the pending question, or he/she shall be ruled out of order.
- 18) If the report of a committee is adopted, the report becomes the act of the convention. If the report fails of adoption, it may be referred back to the committee for further consideration.
- 19) The report of the Committee on National Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the fourth day of the convention.
- 20) Documents of interest to the convention shall be printed in the minutes without being read to the convention. This includes resolutions and other matters that direct themselves to appropriate committees for consideration prior to being brought to the floor of the convention.

- 21) Reports of the Sick Committee will be printed in each day's minutes.
- 22) The daily sessions of the convention shall be opened with a prayer by a member of the clergy or, in the absence of same, by a Delegate.
- 23) The National Secretary -Treasurer may advance travel allowances and per diem payments to Delegates upon request without approval of the convention.
- 24) While in the Committee of the Whole, a motion to stop debate shall apply only to the specific subject then under debate.
- 25) National Union officers may speak but shall have no vote in convention.

ARTICLE 17 - AMENDING CONSTITUTION DURING CONVENTION

- a) Proposed amendments to the BLET-UTU Constitution may be submitted by any subordinate body, member or a National Officer at any time prior to sixty (60) days before the convention begins.
- b) All proposed amendments shall be submitted in writing to the General Secretary and Treasurer to be referred to the Constitution Committee. Each proposal shall be submitted separately, typewritten, on standard paper, be properly identified, with a clear and concise explanation given of the article to be amended.
- c) The Constitution Committee shall be convened at the National Headquarters during the year in which the convention is to be held for the purpose of considering all proposed amendments. The Committee shall prepare a report which shall include all amendments referred to it for consideration. A copy of its report shall be submitted to each Delegate, subordinate body, and National officer at least thirty (30) days prior to the convention.
- d) The Committee shall report to the convention all amendments received by it. The committee shall make recommendations to the convention on disposition of each of the proposed amendments. The committee may recommend approval, disapproval or amendment of each proposed amendment. The committee shall not be empowered to make any proposals to the delegates that are not presented to the committee in accordance with this Article.
- e) Proposed Constitution amendments properly presented to the Committee shall be subject to amendment on the convention floor by a simple majority vote of the Delegates.
- f) A two-thirds vote of the Delegates present shall be necessary to adopt amendments.
- g) For the first National Union Convention of this merged Union, a majority of delegates from each of the former organizations must approve all amendments coming before the convention.
- h) All amendments to the Constitution, except those which specify otherwise, shall become effective on the first day of the third month following adjournment of the convention at which they are adopted.
- i) The amendments to the Constitution enacted at the convention shall be codified, printed, and sent to each member.

ARTICLE 18 - NOMINATION AND DIRECT MEMBERSHIP ELECTION OF NATIONAL DIVISION OFFICERS

a) Nominations

- 1) At the National Convention, nomination of National Officers shall commence not later than the first order of business on the third day of the convention.
- 2) Candidates for National Division office shall be nominated by delegates at the National Division Convention and, thereafter, shall be elected by the active membership in secret mail ballot voting.
- 3) Any active member in good standing who desires to be nominated for office must obtain signatures on petitions from either:
 - i. Locals representing five percent (5%) of the membership, or
 - ii. From convention delegates representing five percent (5%) of the membership, or
 - iii. From five percent (5%) of the active members.
- 4) Nominating petitions approved by Locals or signed by members shall be filed with the National Secretary-Treasurer 30 days prior to opening of the nominations.
- 5) Nominating petitions signed by delegates shall be filed with the National Secretary-Treasurer at the time of nomination.

- 6) Nominations at Convention shall be held in the following order:
 - i. Assistant to National President – Yardmasters
 - ii. Alternate Assistant to National President – Yardmasters
 - iii. Assistant to National President – Bus
 - iv. Alternate Assistant to National President – Bus
 - v. Assistant to National President – Commuter
 - vi. Alternate Assistant to National President – Commuter
 - vii. Assistant to National President – AMTRAK
 - viii. Alternate Assistant to National President – AMTRAK
 - ix. Alternate Vice-Presidents
 - x. Alternate National Legislative Director
 - xi. Alternate National Secretary-Treasurer
 - xii. National Legislative Director
 - xiii. National Vice Presidents
 - xiv. National Secretary-Treasurer
 - xv. National Senior Vice-President
 - xvi. National President
- 7) Candidates must accept nomination no later than at the time made, either in person or by writing.
- 8) No member may accept nomination for more than one National office.
- 9) Where the number of nominations does not exceed the number of positions open for elections, there shall be no necessity for any further nominations or election process with respect to such nominee(s) and such nominee(s) shall be declared duly elected.
- 10) Officers who may have been declared elected under Section a) 9), shall be certified on the last day of the Convention but shall not assume their official duties until the expiration of the terms of the incumbent officers, upon the certification of the results of the rank-and-file election of the National Union officers.
- 11) The National Secretary-Treasurer shall immediately verify nomination results.
- 12) The Convention shall not adjourn prior to verification of the nomination of at least one (1) candidate for each and every National Division officer position.
- 13) Appeals concerning the eligibility of a person nominated as a candidate for National Division office shall be handled in accordance with Article XXII, Section 5(a) of the IBT Constitution.

b) Slates

- 1) Each candidate shall have the right to seek nomination, be nominated, campaign and appear on the ballot as member of a slate of candidates, regardless of whether the slate is a full or impartial slate.
- 2) No candidate shall be compelled to run as a member of a slate, nor shall any candidate be permitted to run on more than one slate.
- 3) To form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate, giving the position that each candidate seeks and the name, if any, of the slate to be formed.
- 4) Slate declarations shall be submitted to the National Secretary-Treasurer within five (5) days of close of nominations at Convention.
- 5) Slate declarations shall include the designation of a treasurer for the slate. The slate treasurer must be a member of the BLET-UTU, but need not be a candidate.
- 6) Once a candidate declares his/her intent to run as a member of a slate, he/she may not retract such declaration.
- 7) The number of slate members shall not exceed the number of positions open for election.

c) Election

- 1) The candidates receiving the highest number of votes for each office shall be declared elected. In the event of a tie vote that determines election to any office, there shall be a rerun election between the tied candidates.

d) Method of Voting and Date of Election

- 1) The election of National Division officers shall be conducted by secret mail ballot under the supervision of the National Secretary-Treasurer and in accordance with the provisions of this Article.

- 2) The National Secretary-Treasurer shall contract with a nationally recognized organization such as the American Arbitration Association (AAA) or similarly qualified organization to administer the election process.
 - 3) A ballot packet shall be mailed to every active member at their last known address within forty-five (45) days of the close of the Convention. The date of election shall be ninety (90) days after the close of the Convention. When the date of election falls on a Saturday, Sunday or federal holiday, the ballots shall be counted on the first weekday following that date. In order to be counted, the deadline for receipt of completed ballots is 10:00am on the date of election.
- e) Notice of Election**
- 1) A Notice of Election shall be prepared under the supervision of the National Secretary-Treasurer.
 - 2) The Notice shall state: the date by which ballots must be received in order to be counted; the National Division offices subject to election and the number of candidates to be elected to each office.
 - 3) The Notice shall provide a clear and complete explanation of the requirements and procedures for voting.
 - 4) The Notice shall state the requirements for eligibility to vote, including the date by which dues arrearages and/or initiation fees must be paid in order for members to be eligible to vote.
 - 5) The Notice shall specify the method for members who do not receive a ballot to obtain a ballot or a duplicate ballot.
 - 6) The National Secretary-Treasurer shall mail a copy of the Election Notice to the President and Secretary of each Local within 60 days of the close of the Convention.
 - 7) The Secretary of each Local shall post a copy of the Election Notice on each BLET-UTU Local bulletin board and maintain the posting until the date of election.
- f) Eligibility to Vote**
- 1) To be eligible to vote in the election of National Division officers a member in good standing must have his/her dues paid up through the month prior to the month in which the election is held.
- g) Printing and Handling of Ballots**
- 1) The National Secretary - Treasurer shall have authority to designate a standard type of mechanical ballot counting device and to print ballots for the election of National Division officers which can be counted using this device.
 - 2) The placement of candidates on the ballot shall be determined by lot drawing conducted by the National Secretary-Treasurer or his designee.
 - 3) All ballots shall be identified as the "Official Ballot for Election of National Division Officers" and shall be printed in a legible manner, with headings printed in bold face. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots being used, voted or counted.
 - 4) Ballots shall state the offices open for election and the number of candidates to be elected for each office, and shall instruct the voter to vote for no more than that number of candidates.
 - 5) Candidates shall be identified on the ballot by name and by slate, if applicable. Where a similarity in names may cause confusion, appropriate additional identification shall be added.
 - 6) Ballots shall be printed under the direct supervision and control of the National Secretary -Treasurer and the organization contracted to administer the election at one site in the United States. The person or entity printing the ballots shall certify the number printed. The organization contracted to administer the election shall maintain custody of the ballots prior to the election. Ballot security shall be maintained throughout the election process.
- h) Mailing of Ballots**
- 1) The mail ballot package shall be mailed within forty-five (45) calendar days of the close of the Convention.
 - 2) The National Secretary Treasurer and the organization contracted to administer the election shall directly supervise and control all aspects of the assembly and mailing of the mail ballot package. The mail ballot package shall be mailed by the contracted organization from a single location in the United States to all eligible members.
 - 3) Each mail ballot package shall contain the Notice of Election, a ballot, a secret ballot envelope, a self-addressed and stamped return envelope pre-labeled by the contracted organization with the member's

name and address and other data sufficient to identify and distinguish the member, and instructions regarding the procedure for mail ballot voting.

- 4) Observers shall be permitted to inspect the list of members to whom ballots are being sent. Should any observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be treated as a challenged ballot.

i) Casting of Votes

- 1) Once mail ballot materials are received, the member shall cast his/her vote, place the ballot in the secret ballot envelope (without making any mark on that envelope) and place the secret ballot envelope in the stamped return envelope and then place the return envelope in the mail.
- 2) If the pre-affixed label on the return envelope is missing, the member should write his/her name, address and local division number in the upper left-hand corner of the return envelope.
- 3) Any ballot cast without proper identification on the return envelope or received after the deadline for receipt of ballots shall be void.

j) Receipt of Ballots

- 1) The organization contracted to administer the election shall rent a post office box for the return of the ballots and shall also rent a post office box for receipt of mail ballot packages returned by postal authorities as undeliverable and shall make all reasonable efforts to verify and correct addresses and re-mail the ballot packages.
- 2) Any member not receiving a ballot should contact the contracted organization immediately. Any member who spoils or loses a ballot should contact the contracted organization immediately for a replacement ballot.

k) Verification of Voter Eligibility

- 1) Prior to commencement of the ballot count, and under the direct supervision and control of the contracted organization, the eligibility to vote of each person casting a ballot shall be verified.

l) Ballot Counting

- 1) All ballots shall be counted under the direct supervision and control of the organization contracted to administer the election. All challenged ballots shall be segregated.
- 2) No sticker, write-in or proxy votes shall be permitted.
- 3) Prior to the election, the National Secretary-Treasurer may issue supplemental guidelines or advisories with respect to counting of ballots and other matters relating to these Rules. Any such supplemental guidelines or advisories shall be subject to approval by the Executive Council.

m) Retention of Ballots

- 1) All ballots, including those that are challenged, voided, spoiled or unused, all ballot envelopes and copies of all tally sheets shall be preserved for one (1) year after the count.

n) Prohibition on Interference with Voting

- 1) No person or entity shall limit or interfere with the right of any member to vote. Any violation of this rule may result in disqualification of a candidate who benefits from the violation.

o) Membership Lists

- 1) Each verified candidate shall have the right to receive a current list containing the last known names, addresses, phone numbers and email addresses of all members of the Union who are eligible to vote in such election.
- 2) Each candidate or slate receiving such lists shall certify to the National Secretary-Treasurer such list shall be used for no other reason except election campaigning and that he/she will not permit a third party to inspect or obtain the list..
- 3) The Union shall not, in any way discriminate in favor of or against any candidate with respect to access or use of the membership list.

p) Candidate Literature and Mailings

- 1) Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense. This means:
 - i) Each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s);

- ii) When the Union authorizes distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and
 - iii) The union need not distribute any candidate's campaign literature if that candidate is not able and willing to pay for the reasonable costs for such distribution.
- 2) Any request for distribution of literature shall be made by the candidate to the National Secretary-Treasurer in writing.
 - 3) The request shall be accompanied by at least one (1) copy of the literature (if the candidate wishes it to be duplicated by the Union) or by a number of copies sufficient for distribution (if the candidate duplicates the literature him/herself), or by a number of sealed envelopes, containing the literature, sufficient for distribution (if the candidate duplicates the literature and stuffs the envelopes him/herself).
 - 4) Each candidate shall pay, on a reasonable basis, for the actual cost of distribution, including stationery, duplication, time required to do the work and postage for mailing.
 - 5) In complying with requests to mail literature, the Union shall use the current names and addresses that are on file for all relevant members in good standing.
 - 6) Mailing labels shall be prepared through the least expensive system available to the Union.
 - 7) The Union shall arrange for a mailing service to process and distribute candidates' literature, and for such mailing service to receive literature directly from the candidate.
- q) Union-Financed Publications**
- 1) No publication or communication financed, directly or indirectly, by the BLET-UTU or its subordinate bodies may be used to support or attack any candidate or the candidacy of any person.
 - 2) No subordinate body need reserve any space in any of its publications for the purpose of campaigning, except, if any candidate is permitted to have his/her campaign material published, all other candidates must be so advised in writing and provided the same opportunity on an equal basis.
- r) Freedom to Exercise Political Rights**
- 1) All Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.
 - 2) This includes, but is not limited to the right to distribute campaign literature and otherwise solicit support for a member's candidacy outside a meeting hall before, during and after a Union meeting, regardless of Union policy, rule or practice.
 - 3) All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, openly to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. Accordingly, officers and employees (and other members) of the Union may not campaign on time that is paid for by the Union.
 - 4) Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance; and unless all candidates are provided equal access to such assistance and are notified in advance, in writing, of the availability of such assistance.
 - 5) Retaliation or threat of retaliation by the International Union, National Division, any subordinate body, any member of the Union, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed by this or any other provision of this section is prohibited.
- s) Observers**
- 1) Each candidate nominated for a National Division office shall have the right, at his or her expense, to have at least one (1) observer present at each and every phase of the election process.
 - 2) Such observer shall be a candidate or other member in good standing of the BLET-UTU.
 - 3) The National Secretary Treasurer shall provide reasonable notice to all candidates of the dates, times and places of all events or activities which candidates may have the right to observe.
- t) Rights and Duties Under the Labor Management Reporting and Disclosure Act of 1959**
- 1) The following sections of the Labor Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. Sections 401-531 (1988) are incorporated into and made a part of these Rules:
 - i. Section 101 (a)(1) (equal rights and privileges);

- ii. Section 101 (a)(2) (freedom of expression and assembly);
 - iii. Section 104 (right to inspect or receive copy of collective bargaining agreement);
 - iv. Section 401 (c) (distribution of campaign literature; prohibition against discrimination in use of union membership list; inspection of membership list; safeguards to insure fair election);
 - v. Section 401 (d) (election of intermediate body officers by secret ballot among the members in good standing);
 - vi. Section 401 (e) (reasonable opportunity to nominate; eligibility to hold office; voting and campaigning without interference or reprisal; notice of election; right to vote; preservation of election records; following union constitution and bylaws where consistent with LMRDA);
 - vii. Section 401 (g) (prohibition on use of union or employer assistance in campaigning); and
 - viii. Section 609 (prohibition on union discipline for exercising rights under LMRDA).
- 2) Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to elections of National Division officers, they are not incorporated into the Rules.
 - 3) Violations of these provisions shall be grounds for removal from office or candidacy for office.

ARTICLE 19 – REFERENDUM MAIL BALLOTING

Unless otherwise specified in this constitution, all referendum secret ballot voting by US mail will be conducted in the following manner:

- a) Each Local, Committee, Board or other duly constituted body of BLET-UTU shall, if not otherwise designated by this Constitution, designate a Presiding Officer and Secretary for the purpose of conducting the referendum balloting and subsequent counting of ballots.
- b) At least fifteen (15) days notice will be given to members eligible to vote. Such notice may be posted on bulletin boards or websites, by regular newsletter or email. Such notice will include information on how to replace a spoiled ballot or a ballot not received.
- c) When voting by mail referendum the ballot shall be mailed by government first-class mail to each member eligible to vote in envelopes bearing a return address the same as the Post Office address on the "Ballot" envelopes.
- d) The Secretary will maintain a strict accounting of all printed ballots along with a list of all names and addresses to which ballots are mailed.
- e) Ballots shall be mailed at least twenty (20) days prior to the date set to tabulate the ballots, together with a leaflet containing voting instructions, an envelope marked "A", and a stamped envelope marked "Ballot" addressed to the Secretary of the Local or Committee conducting the referendum in care of the postmaster for mailing by the voter.
- f) The leaflet containing voting instructions shall contain the following: "Instructions for voting by mail: The voter will make a mark in the square of his/her choice, fold, and place the ballot in the envelope marked "A" and seal. Place sealed envelope "A" in envelope marked "Ballot" and seal. Place name and address in upper left-hand corner of envelope marked "Ballot" and mail. Do not place any mark of identification on the ballot or the envelope marked "A" that would destroy the secrecy of the ballot." Additional instructions or materials specific to the referendum may be included.
- g) The Secretary shall arrange with the postmaster for a post office box. The key or combination of such box shall remain in possession of the postmaster. A letter shall confirm such arrangement. The presiding officer of the Local, Committee, Board or other body conducting the referendum will appoint three (3) members to serve as election tellers to tabulate the election ballots. A copy of the letter confirming the arrangement with the postmaster will be furnished the tellers that will authorize the postmaster to deliver the contents of the box to the tellers at a given hour.
- h) The tellers shall return to the election meeting and canvass the ballots at the meeting.
- i) The tellers will check the names on the envelopes marked "Ballot" against the list of eligible voters furnished by the Secretary, open the envelopes marked "Ballot", and remove the envelopes marked "A".
- j) After all envelopes marked "Ballot" have been opened, and emptied, the envelopes marked "A" shall be opened, ballots removed, and canvassed by the tellers.
- k) The results shall be announced at the meeting and reported to the Presiding Officer in writing.

- l) All envelopes, ballots, teller tally sheets, and the list of eligible voters will be collected, sealed and held under the Secretary's supervision for one year.
- m) If the balloting is for an election, each candidate may have no more than two designated observers present during the counting and tallying process including the tallying of the ballots, totaling, recording, and reporting of tally sheets. Candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening, and counting. Designated observers may not interfere with any process of the election, but their ability to observe shall not be restricted and they shall be allowed to make instant protest to the presiding officer.
- n) If balloting is for any issue other than election, opposing sides of the issue may have no more than two designated observers present during the counting and tallying process including the tallying of the ballots, totaling, recording, and reporting of tally sheets. These designated observers may be present at the preparation and mailing of the ballots, their receipt, opening, and counting. Designated observers may not interfere with any process of the election, but their ability to observe shall not be restricted and they shall be allowed to make instant protest to the presiding officer.
- o) In balloting where the number of ballots to be counted prevent the tally from being completed in one day, the presiding officer and designated observers shall select, by unanimous agreement, a third independent party who shall be responsible for the security of the ballots until the ballot count resumes.
- p) The Local, Committee, Board or other duly constituted body of BLET-UTU conducting the referendum vote may employ the services of a bonded and certified agency for the printing, replacing, accounting and mailing of ballots.

Note: At the first National Convention of this merged union, the question of using electronic voting in place of US mail ballots shall be debated and decided by a majority vote of the delegates. Such electronic voting shall be operated and supervised by an independent, bonded company.

ARTICLE 20 - INITIATIVE, REFERENDUM AND RECALL

- a) The supreme governing body of the BLET-UTU between conventions of the National Union shall be democratically vested in the active membership as defined in Article 68 to be exercised by ballot under the powers of Initiative, Referendum and Recall, to be put in effect in the following manner:
 - b) **Initiative.**
 - 1) An initiative to amend the Rules, Constitution or to make any change in the policy of the BLET-UTU can be triggered by a petition signed by twenty-five percent (25%) of the active membership, or by locals representing at least twenty-five percent (25%) of the active membership.
 - 2) Petitions must be filed in writing with the National President within one hundred eighty (180) days from the time the first request is filed instituting an initiative.
 - 3) Upon the National's receipt of such a petition a ballot shall be mailed to each active member setting forth the question as it appears in the petition. All voting, unless otherwise specified by this Article will be by secret ballot as described in Article 19 of this Constitution.
 - 4) The ballot must be put out within thirty (30) days of the receipt of the request, and sent to every active member in good standing by government mail. The ballot must be returned to a post office box in Cleveland, Ohio, established for that purpose, within sixty (60) days from the date it was mailed from the National Union.
 - 5) An initiative shall be approved if a majority of the ballots received are in favor of the initiative.
 - 6) Commencing with the effective date of the accompanying Merger Agreement and continuing through the completion of the Second Convention of the BLET-UTU, an initiative shall be approved if, but only if, upon counting the valid ballots cast by both a majority of those casting ballots members in engine service and a majority of those casting ballots in all the remaining crafts voted in favor of the initiative. The National President will, upon receiving the results of the return, announce the results of the initiative in the next issue of the newsletter.
 - 7) If the initiative is successful, the National President will place it in effect consistent with the provisions of the Initiative and of this Constitution. No initiative put before the active membership can be resubmitted in initiative form until after the subsequent Convention.

- 8) Any enactment of the membership under this Section (Initiative) shall remain in full force and effect unless repealed by the same method or by convention two (2) or more years after enactment of the same.
- 9) Initiatives may be circulated by a majority vote of the Executive Council, and shall, within forty-five (45) days of such vote, be submitted to the Locals by US mail to the Local President and Secretary.
 - i. Upon receipt of such initiative, each Local shall consider said initiative at two consecutive meetings. The two consecutive meetings shall be held within 90 days of receipt of the initiative. The Local shall post notice of the initiative to its members at least 15 days prior to each meeting for consideration of the initiative. One of the two meetings may be a special meeting called by the Local President for consideration of the initiative.
 - ii. A secret ballot vote shall be taken by the members present at both meetings to approve or not approve said initiative. The Local Secretary shall collect the ballots at the first meeting and seal them in an envelope, unopened, along with a list of eligible members who voted and place his signature over the seal.
 - iii. After the ballots are collected at the second meeting, The Local President shall appoint two tellers to tally the ballots from both meetings. No member may vote at the second meeting if he/she had previously voted at the first.
 - iv. The initiative shall be approved only if Locals:
 - A) In the case of a change to these bylaws, Locals representing two-thirds (2/3) of the active membership vote in the affirmative, or
 - B) In the case of any other initiative, Locals representing a majority of the active membership vote in the affirmative.
 - v. The Local Secretary shall promptly send to the National Secretary-Treasurer a notice, signed by the Local President and Secretary, of the results of the vote taken by the Local at the second meeting.
 - vi. Within sixty (60) days of the counting of the votes, the National Union shall publish the vote tally of such initiative in the monthly BLET-UTU newsletter and shall make the vote tally available as a membership download on the National Union website. The vote tally shall include the yeah or nay vote of each Local, the Local's location, carrier and number of active members.
 - vii. The Executive Council shall not circulate an initiative during the calendar year of a triennial National Union convention.

c) Recall.

- 1) Whenever twenty-five percent (25%) of the active membership, or locals representing at least fifty percent (50%) of the active membership, sign a petition to recall any officer of the organization; and
- 2) The petitions from the active members or locals must be accompanied by a written statement setting forth the reason(s) upon which the request for a recall is based; and
- 3) If the source of the petition is from a local, no petition will be accepted unless it is accompanied by a writing signed by the President and Secretary of the local attesting to the fact that the members of that local received posted notice at least fifteen (15) days in advance of the meeting at which signatures on the petition were solicited and that the notices stated that the recall issue was on the agenda for that meeting; and
- 4) When the provisions of Sections 1, 2, and 3 of this Article are fulfilled, it will be mandatory upon the National President to put out a ballot to the active membership under the rule as set in Article 19 of these Bylaws.
- 5) Each side, for or against any Recall proposition, shall be allowed to place a statement, at its own expense, not to exceed one thousand (1,000) words to support its reasons to be enclosed with the ballot.
- 6) A recall shall be approved only if:
 - i. forty percent (40%) of the active membership return ballots
 - ii. and a majority of those ballots received are in favor of the Recall petition.
- 7) Immediately upon the results of the recall being obtained, the Executive Council will remove the recalled officer from his position, if the ballot so orders. The vacant office will be filled as provided in these Bylaws.

d) Referendum.

- 1) Whenever twenty-five percent (25%) of the active membership, or locals representing twenty-five percent (25%) of the active membership, sign a petition and it is presented to the National President, requesting him to hold up any enactment of a convention, it will be mandatory upon him to obey the order.
- 2) He shall, within thirty (30) days, prepare a ballot worded as presented in the petition, to be placed before the active membership under the rules set out in Article 19 of this Constitution.
- 3) The decision of the active membership will be final for a period of two (2) years.

ARTICLE 21 – BROTHERHOOD OF LOCOMOTIVE ENGINEER’S BUILDING – ACQUISITION AND MAINTENANCE

- a) A company incorporated under the statutes of the State of Ohio relating to the incorporation of companies not organized for profit shall be maintained, the membership of which company shall be confined to the members of the Executive Council of the BLET-UTU and their successors in that capacity. The purpose of the corporation shall be the holding of real estate for the benefit of the BLET-UTU.
- b) This corporation shall have the power to acquire and hold real estate and to operate an office building or buildings or any other property for the benefit of the BLET-UTU, which it now possesses or as may hereafter be authorized by the National Union.
- c) It shall have full power and authority to borrow money and encumber any part or all of such real estate, or any personal property coming to its possession, for the purpose of said corporation. It shall have authority to sell any real property acquired only with the consent of the National Union, or majority of the Executive Council.
- d) It shall have authority to do all things necessary to carry out the purposes of said corporation; and shall be authorized to adopt such rules and regulations as may be necessary in order to accomplish said purposes; and shall have such further powers in relation to the custody, control, management, right of hypothecation, control or disposition of the real or personal property of this Union as may from time to time be conferred on it by said National Union by special resolution or by general regulations.
- e) The Building Association shall furnish all Locals of the BLET-UTU, annually, an audit made by a certified public accountant of all money received by the Association and from what source. Such audit shall show the amount paid out, and to whom, in salaries and benefits, and the amount paid out, and to whom, for each item of expense, such as repairs of building, or equipment, or maintenance, insurance, taxes, heat, lights, depreciation, the cost of the audit and so forth. Such audit shall show all money, if any, that is due and from what source. The expense of such audits shall be paid for by the Building Association. All audits to be of concurrent date.
- f) The National President and National Secretary-Treasurer are authorized to transfer from the general fund such amounts as may be necessary toward defraying any obligations incurred on account of the BLE building which the earnings of the building are unable to provide for, and all earnings of the building in excess of cost of operation to be placed to the credit of the general fund. Such transfer must be approved by a majority vote of the Executive Council.
- g) The Executive Council may authorize amendments to the corporation’s Articles of Incorporation limiting the corporation’s powers in any way necessary to obtain an exemption from federal income taxation.
- h) The provisions Section 3.5 of the accompanying Merger Agreement between the BLET and UTU shall apply.

ARTICLE 22 - NATIONAL DUES AND ASSESSMENTS

- a) The funds of the National Division shall be acquired by assessments of dues in the amount of **\$xx.xx** per month on all members employed in transportation service, other fields of employment, trades, and industries, whether public or private employers.
- b) National dues will be apportioned to the various funds of the International as follows:
 - 1) **General Fund: \$xx.xx**
 - 2) **Convention Fund: \$x.xx**
 - 3) **Strike Fund \$x.xx**

- c) The Executive Council may grant a reduction of monthly National dues in situations where special circumstances exist. Requests for reduced National dues must be presented to the Executive Committee Council for consideration and subsequent referral must be made to the Executive Council with a recommendation. Upon receipt of an Executive Committee recommendation concerning a local's request for reduced National dues, a decision will be issued by the Executive Council within thirty (30) days.
- d) Any member who is paid at a less than 100% of his/her craft pay rate due to BLET-UTU contract provisions shall pay no more than 80% of all National Union dues assessments. (Example: Conductors paid on progressive rate scales shall pay no more than 80% of each dues assessment until such time as they receive 100% pay scale).
- e) Any member working in a position whose pay rate is less than trainmen's entry level rate due to BLET-UTU contract provisions shall pay no more than 50% of all National Union dues assessments. (Example: Trainee engineers shall pay no more than fifty (50%) per cent dues assessments as long as they are receiving less than trainmen's entry level rate).
- f) All receipts for charter fees, local supplies, official publications, and other sources not otherwise provided for shall be placed in the General Fund.
- g) Except as otherwise provided in this Constitution, all disbursements for expenses incidental to conducting the business of the National Union shall be paid from the General Fund. Expenses in connection with conventions and strikes shall be paid from the funds created for such purposes. There shall be no transfer of funds from one account to another except upon approval by a majority vote of the Executive Council.
- h) The Executive Council, by majority vote, may levy an assessment, not to exceed \$2.00 per month for a period not to exceed six (6) months, when necessary to defray the expenses of the National Union; provided that such assessment shall be used solely for the purpose which levied, and that such action on the part of the Executive Council shall be effective only until the next regular convention of the National Union. The Executive Council shall not levy more than one (1) such assessment between conventions. The effective date of any assessment must coincide with the requirements of any check-off union dues agreement in effect.
- i) The National Union may, when necessary for the protection of the members or to defray unusual expenses of the National Union, levy a special assessment for approval by Initiative as prescribed in Article 20 b) 9) of this Constitution.
- j) Such Initiative shall be approved by a majority vote of the Executive Council, and shall specify a time limit for levying which shall not exceed eighteen (18) months.
- k) Such Initiative for special assessment shall be approved only if Locals representing a majority of the active membership vote in the affirmative.
- l) The Executive Council shall not circulate an initiative for special assessment during the calendar year of a triennial National Union convention.
- m) All funds of the National Union shall be deposited to the credit of the National Union in a bank or banks selected by the Executive Council.
- n) All funds generated by any separate National Union dues assessments (General Fund, Strike Fund and Convention Fund, etc.) shall be deposited in separate bank accounts named for each assessment.
- o) Transfers and loans from one account to another will be allowed only by majority vote of the Executive Committee. The National Secretary-Treasurer shall make a quarterly report of all such transfers or loans to the Locals, State Legislative Boards, and each member of the Executive Council.
- p) The Executive Council, in conjunction with the National President, shall be the custodians of all funds, properties, securities, books, documents, files, archives, and effects of the National Union and shall, on behalf of the National Union, purchase, sell, or transfer such securities as deemed advisable.
- q) The National President and the National Secretary -Treasurer shall be equally responsible for the disbursements of funds, and checks shall bear the signatures of both; otherwise, they shall be invalid.

ARTICLE 23 - DUTIES OF THE NATIONAL PRESIDENT

- a) The National President shall hold executive and administrative power and exercise supervision, consistent with the provisions hereof, over the affairs and interest of the Organization, including subordinate bodies,

and shall preside at all National Conventions, interpret all laws of the Organization and questions arising therefore, and decide all controversies not otherwise provided for in this Constitution.

- b) The National President shall appear before all Committees of the Congress with respect to issues of concern, unless delegated from time to time to the National Legislative Director.
- c) The National President shall also be the chief public relations officer of the Organization and its chief spokesperson with respect to public policy issues.
- d) The National President shall appoint representatives to the National Negotiating Committee in concerted wage/rule movements, and will assign National officers to assist General Committees of Adjustment with jurisdiction over agreements at their request.
- e) The National President, shall perform all other duties and responsibilities that may further the conduct of the Organization's affairs and accomplishment of its objectives.
- f) Decisions of the National President hereunder shall be subject to appeal as described in Article 79 of this Constitution.

ARTICLE 24 - DUTIES OF THE SENIOR VICE-PRESIDENT

- a) The Senior Vice-President shall assist the National President in the performance of his/her duties and in the formulation of policy related to the National President's duties and responsibilities.
- b) He or she shall perform such other duties as assigned by the National President as may be required to carry out the National President's duties and responsibilities.

ARTICLE 25 - DUTIES OF THE NATIONAL SECRETARY-TREASURER

- a) The National Secretary-Treasurer shall be the chief financial officer of the BLET-UTU and shall receive and collect all monies due the BLET-UTU.
- b) He/she shall deposit the funds of the BLET-UTU in a reliable bank or banks which are members of the Federal Reserve System as required in this Constitution and with the approval of the Executive Committee.
- c) All checks, drafts, or orders against the accounts of this organization, with set depositories, shall be signed by the National Secretary-Treasurer and countersigned by the National President.
- d) The National Secretary-Treasurer shall pay all bills and execute all papers as may be necessary in the transaction of the business of their office; jointly, with the National President, sign all charters and dispensations; at each triennial convention submit a complete report of the activities of his/her office for the three-year period, including the receipts and expenditures of all funds; with the National President, make all arrangements for conventions of the BLET-UTU; and perform such other duties as may be assigned by the National President and as may be required by this Constitution.
- e) The National Secretary-Treasurer shall furnish each General Chairperson, Local, State, District, and Provincial Legislative Director a copy of a current National Union financial report semi-annually.

ARTICLE 26 - DUTIES OF NATIONAL LEGISLATIVE DIRECTOR

- a) The National Legislative Director shall devote his/her efforts to secure the enactment, modification, or repeal of laws in accordance with the legislative policy of the organization.
- b) He/she shall handle all legislative matters delegated to them by the National President.
- c) He/she shall collect and compile statistics on legislation affecting the organization, which shall be included in their report to the convention. Copies of this report shall be furnished State Legislative Boards and to members on request.
- d) The National Legislative Director shall handle with the proper agents of the Federal Government all alleged violations of Federal law, as brought to their attention, which involve the safety and welfare of our membership covered by such law.
- e) He/she will, when authorized by the National President, represent the BLET-UTU before Federal agencies and Congressional Committees, and in such other capacities as the National President may direct.
- f) The National Legislative Director shall keep the National President advised on all bills and hearings before the Congress and other Federal agencies, which affect the interest of the organization.

- g) He/she shall furnish the National President copies of all bills introduced to the Congress which may affect the organization, and such information as will enable the National President to determine legislative policy on such matters in accordance with the law of the organization.
- h) He/she shall compile a voting record of the members of Congress on legislation affecting the interests of labor. Such voting record shall be furnished the National President, State, and District of Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress.
- i) He/she shall submit recommendations to the National President for candidates for Congress, based on voting records and other information concerning each candidate. If there are differences of opinion among the National Legislative Director and a State or District Legislative Board, such differences shall be submitted to the National President whose decision shall be final.
- j) Headquarters for the United States National Legislative Department shall be maintained in Washington, D.C. The National Legislative Director shall remain at the Capitol during sessions of the Congress and such other times as may be necessary to discharge their duties, unless otherwise instructed by the National President.
- k) The National Legislative Director may employ sufficient personnel and such assistants as necessary to properly conduct the business of the department, subject to the approval of the National President.
- l) He/she will oversee the National Legislative Department as assigned by the National President.
- m) The Canadian National Legislative Director shall devote his/her efforts to secure the enactment, modification, or repeal of laws in accordance with the legislative policy of the organization. He shall handle all legislative matters delegated to them by the National President. He shall collect and compile statistics in legislation affecting the organization, which shall be included in his report to the Convention. Copies of his report shall be furnished to Provincial Legislative Boards and to members on request.
- n) The Canadian National Legislative Director shall handle with the proper agency of the Canadian Government alleged violations of Canadian law, as brought to their attention, which involve the safety and welfare of our membership covered by such law. He will, when authorized by the National President, represent the BLET-UTU before agencies and committees of the government and in such other capacities as the National President may direct.
- o) Headquarters for the Canadian Legislative Department shall be maintained in Ottawa, Ontario. The Canadian National Legislative Director shall remain at the Capital while Parliament is in session, and at such other times as in the opinion of the National President, promotion of legislative interests of the organization may require. He/She shall maintain supervision over all legislative questions of Canadian enactment and shall cooperate with, and assist, the officers of the Provincial Legislative Boards when such action is required. They may employ sufficient personnel and such assistants as necessary to properly conduct the business of the department, subject to the approval of the National President. He will oversee the Canadian Legislative Department as assigned by the National President.

ARTICLE 27 - DUTIES OF VICE PRESIDENTS

- a) The Vice Presidents shall devote their whole time to the interests of the BLET-UTU; their duties shall be to visit locals and assist in organizing new ones, and may fill the office of president when visiting locals and perform such other duties as may be assigned to them by the National President.
- b) They shall furnish the National President with a detailed monthly report of their work, together with a detailed expense account, and in addition will submit their recommendations pertaining to the welfare of the organization and general conditions in the territory to which they have been assigned; and at the expiration of their term of office, they will deliver to the National President all funds, books and papers, and other belongings of their office.

ARTICLE 28 - REPORTS OF OFFICERS

- a) National officers shall make a written report to the National President at the conclusion of each assignment.
- b) In addition, all Officers and Boards of the National Union shall submit a report to the National President of their official acts, and- expenses, if any, each month.
- c) This report will be compiled, and mailed to the Locals annually.

- d) A copy of the report, together with vouchers and papers pertaining thereto, shall be submitted to the Executive Committee.

ARTICLE 29 - EXECUTIVE COMMITTEE

- a) The Executive Committee shall see that National officers discharge their financial duties faithfully and efficiently and, where irregularity or neglect of duty is found, it shall promptly report such to the Executive Council. The Committee shall submit a complete report to the National Division of all financial business transacted during the period between conventions, together with recommendations to promote the financial welfare of the organization.
- b) The Committee shall examine and audit the books and accounts of the National officers annually and shall employ an expert accountant for such audit.
- c) It shall provide for extraordinary expenses of the organization and shall receive the bonds of all National officers and, if approved, each member shall endorse the bond with his/her signature before it is placed on file with the National Secretary -Treasurer.
- d) They shall perform such other duties as required by this Constitution and as assigned by the Executive Council.

ARTICLE 30 - DUTIES OF THE EXECUTIVE COUNCIL

- a) The Executive Council shall meet on the first Tuesday in the months of January, April, July and October, and on call of the National President, to consider all matters coming before it.
- b) In circumstances in which a National officer is temporarily unable to perform the duties of his/her office due to illness or absence, the Executive Council may designate an officer who will assume the duties of the ill or absent officer until he/she is in position to resume the duties of his/her office.
- c) A majority of the Executive Council shall decide matters coming before the Council, except as otherwise provided in this Constitution. Members of the Executive Council must attend and participate in all Council meetings, unless prevented by illness or emergency.
- d) A member of the Executive Council will not be permitted to participate in the Council's consideration of, or decision on, appeals taken from his/her actions or decisions. Council members will vote on all decisions and actions taken by the Council and will not be allowed to abstain from voting, except as stated herein above concerning his/her actions or decisions.
- e) All appeals from the decisions or interpretations of the National President and unresolved disputes referred to the Executive Council pursuant to Section 13 of the Unification Agreement shall be decided by the Peer Review Board.
- f) The Executive Council, between conventions, may consider and, upon a two-thirds (2/3) majority vote, implement plans of unification, affiliation, or merger with another labor union. Any such unification, affiliation, or merger shall be subject to ratification by the membership of the UTU-BLET on the basis of a majority vote of the valid ballots cast in a secret ballot referendum vote as prescribed in Section 19 of these this Constitution.

ARTICLE 31 - MOBILIZATION

Whereas the true power and strength of a democratic union originates in the active participation of its rank-and-file members, the Executive Council of the BLET-UTU shall at the installation of officers following the regular triennial election of officers, elect from the Executive Council a Vice-President to additionally serve as National Mobilization Director. The duties of the National Mobilization Director shall include:

- a) Maintain a contact list for every member of the BLET-UTU. Such list shall include, but not be limited to:
 1. Name of member.
 2. Member's Local Number.
 3. Member's address.
 4. Member's phone number(s).
 5. Member's email address.

- b) Maintain a similar contact list of all BLET-UTU General Committee, State Legislative Board and Local Mobilization Directors.
- c) Develop and maintain a method for quickly disseminating information to those Mobilization Directors in b) above and thence to the rank-and-file members.
- d) Such information shall include, but not be limited to:
 - 1. All national or on-property job actions.
 - 2. Any death or serious injury of any BLET-UTU member in an on-the-job accident.
 - 3. Any concerted action as requested by the National Legislative Director and approved by the National President.
 - 4. Information related to the health and welfare of the membership, as approved by the National President.
- e) In conjunction with the Information Technologies employees of the BLET-UTU, operate and maintain an email discussion list for BLET-UTU members only. Such list shall be open to any BLET-UTU member who elects to subscribe.
- f) Any other duties as directed by a majority vote of the Executive Council and/or a majority vote of the delegates at Convention assembled.

ARTICLE 32 - PEER REVIEW BOARD

- a) A Peer Review Board shall be established which shall have authority to render a final and binding decision on all appeals which have progressed in compliance with all other provisions of this Constitution. The Peer Review Board shall have no authority to consider and determine any other matter, nor refer any case to any other tribunal of the organization for a decision, except questions arising as to the application of organization law may be referred to the National President. The Board shall convene at the National Union office, semi-annually, on the first Monday of February and August in each year to hear appeals, unless there are no cases pending before the Board.
- b) As soon as practicable after the adjournment of the First Triennial Convention of the BLET-UTU, the National President shall convene the members and alternates of the Peer Review Board to meet at the National Union office for the purpose of adoption of Bylaws and Rules of Practice and Procedure for the functioning of the Board, none of which shall be inconsistent with this Constitution. The Board shall have power and authority, from time to time, to amend its Bylaws and Rules of Practice and Procedure. Promptly upon adoption of said Bylaws and Rules of Practice and Procedure or any amendments thereto, the Board shall cause the contents thereof to be published in the BLET-UTU monthly newsletter, and transmit copies to the officers of the National Union, the Chairmen of the General Committees of Adjustment, State Legislative Boards and Locals. Additionally, the Bylaws and Rules of Practice and Procedure shall be made available for membership download on the National Union website.
- c) Members of the Peer Review Board (PRB) will be selected at the triennial convention of the National Union by random lot from a pool of eligible members. Their term of service shall be three (3) years, or until their successors are selected and installed, and will not be subject to suspension or removal except for dereliction of duty and then only by a majority vote of the PRB, or as provided in Article 20 c) or Article 9 of this Constitution.
- d) To be eligible for selection to the Peer Review Board members shall:
 - 1) Hold active membership in the BLET-UTU, and be in good standing.
 - 2) Must meet the requirements of Article 9 - Eligibility for Office, and Article 10 - Requirements to Maintain Office, of this Constitution.
 - 3) Not hold any elected or appointed office in the International Union, National Division or any of its subordinate bodies.
 - 4) Must submit a nominating petition, with no less than 5 signatures of active members, to their Local Secretary no later than ninety (90) days before the National Convention. The Local Secretary shall verify the petitions are in order and forward them to the National Secretary-Treasurer via US Certified Mail with return receipt no later than sixty (60) days before the National Convention.
- e) The National Secretary Treasurer shall compile a list of the eligible candidates for the Peer Review Board and submit a copy to the convention delegates. The National Secretary-Treasurer shall prepare a suitable

‘drawing slip’ for each candidate. The list of candidates and their drawing slips shall be easily available, on the day before and day of selection, for examination on the convention floor.

- f) The PRB members will be selected by placing all the candidates’ drawing slips in a receptacle for drawing. The Convention Chair will select a member, who is not a candidate for the PRB, to draw twenty (20) slips at random from the receptacle. The first sixteen (16) members drawn will constitute the PRB. The remaining four (4) will serve as alternates in the order in which their names were drawn.
- g) Forty-five (45) days prior to each semiannual convening of the PRB, the National-Secretary Treasurer will place the names of the sixteen Board members in a receptacle and cause the names to be drawn at random from the receptacle. He/she will record the names in the order in which they were drawn. The first seven names drawn shall constitute the Peer Review Board for that session. Any substitutions that are necessary will be made from the remaining members in the order in which they were drawn. Five (5) of those seven (7) members selected will constitute a quorum.
- h) All information and correspondence related to appeals to be considered by the PRB will be compiled and forwarded by the National Secretary-Treasurer to all PRB members.
- i) When the Board is convened as provided herein, those present will elect a chairman to preside over all sessions, and a secretary to record the proceedings. The chairman shall have the deciding vote in the event of a tie.
- j) In an appeal involving a Board member’s Local or General Committee of Adjustment, such Board member must and shall disqualify himself/herself and be excused by the Board from hearing that appeal.
- k) The secretary shall keep a true and correct record of the proceedings of each meeting of the Board. A stenographic transcript of all oral testimony shall be kept by the Board.
- l) The Peer Review Board shall consider every appeal legally and properly referred to it. The Board shall review all files pertinent to each case, consider such evidence, oral or written, as the litigants desire to present and make their decision on the basis of the facts presented and the law involved.
- m) A decision of the Peer Review Board shall be the final and binding adjudication of any and all rights and questions within the scope of the case under appeal and shall be placed in effect within forty-five (45) days after the date of the decision.
- n) Each decision of the Board shall be decided by a majority vote of the quorum, and such decision shall be signed by each member of the Board participating and, following each signature, the word “for” or “against” shall be written indicating his/her vote on the matter, and shall constitute the final and binding decision of the Board. The secretary shall promptly mail a copy of the decision of the Board to the parties directly interested.
- o) Any case once decided by the Peer Review Board shall not be entertained at any future meeting of the Peer Review Board or the National Union in convention assembled.
- p) The board shall prepare, in writing, a clear and concise report of each appeal before the board; and such report shall be retained among the records of the National Union. The report shall include a statement of all material facts involved in the appeal, a summary of the contentions of all parties to the appeal, a statement of the decision rendered and a comprehensive recital of reasons by which the decision was reached. Such Peer Review Board reports shall be posted and maintained, for membership download, on the BLET/UTU Internet website.
- q) A copy of the report shall be made available to all parties to the appeal who make the request known, in writing, to the chairman of the Board. The expense of copying and sending the report shall be paid by the member making the request.
- r) The Peer Review Board shall submit a detailed report to each triennial convention, outlining the number of cases handled and the number of days in session for each year between conventions of the National Union.
- s) Board members will be reimbursed for lost wages and expenses incurred. They shall be allowed per diem for the time required to convene including two (2) days travel time. Reimbursement and expenses shall be paid from the National Union general fund.

Note: For the first triennial convention of BLET-UTU the ‘drawing slips’ for candidates from the former UTU and former BLET will be placed in separate receptacles. There will be ten (10) slips drawn for members and two (2) slips drawn for alternates from the UTU receptacle, and ten (10) slips drawn for members and two (2) slips drawn for alternates from the BLET receptacle. Beginning with the second convention of the BLET-UTU,

all members and alternates of the 'Peer Review Board' will be selected at large.

ARTICLE 33 - COMPENSATION AND VACATION BENEFITS OF NATIONAL OFFICERS, BOARD MEMBERS AND STAFF MEMBERS

- a) The salaries of National officers and Board Members shall be as follows:
 - 1) The annual salary of National Union President shall be computed as follows:
 - i. Multiply the current Daily Rate of the 6-7 Day Yard Engineer without Fireman, less than 500,000 lbs times 6 days per week. Multiply that figure by 52 weeks.
 - ii. Add that figure to the corresponding Overtime rate multiplied by 2 hours per day; multiplied by 6 days per week; multiplied by 52 weeks.
 - iii. Add that figure to a premium of twenty-five thousand (\$25,000) dollars.
 - iv. Example (using the 6-7 day Yard Service Pay Table effective July 1, 2006): $\$175.24 \times 6 \times 52 = \54674.88 . $\$32.8566 \times 2 \times 6 \times 52 = \20502.518 . $\$54674.88 + \$20502.518 + \$25,000.00 = \$100,177.40$
 - 2) The annual salaries of the National Union Senior Vice-President and the National Secretary-Treasurer shall be computed as in a) i) above except the premium as in iii) shall be twenty thousand (\$20,000) dollars.
 - i. Example (using the 6-7 day Yard Service Pay Table effective July 1, 2006): $\$175.24 \times 6 \times 52 = \54674.88 . $\$32.8566 \times 2 \times 6 \times 52 = \20502.518 . $\$54674.88 + \$20502.518 + \$25,000.00 = \$95,177.40$
 - 3) The annual salaries of the National Union Vice Presidents and the National Legislative Director shall be computed as in a) i) above except the premium as in iii) shall be fifteen thousand (\$15,000) dollars.
 - i. Example (using the 6-7 day Yard Service Pay Table effective July 1, 2006): $\$175.24 \times 6 \times 52 = \54674.88 . $\$32.8566 \times 2 \times 6 \times 52 = \20502.518 . $\$54674.88 + \$20502.518 + \$25,000.00 = \$90,177.40$
 - 4) The base salary (current Daily Rate of the 6-7 Day Yard Engineer without Fireman, less than 500,000 lbs) of National Union Officers shall increase as awarded to members by national contracts through collective bargaining agreement with Class I railroads
 - 5) No officer or agent of this National Division or any constituent body shall receive a salary or aggregate salary higher than that provided for the National President.
 - 6) No salaried officer or employee of the BLET-UTU or any constituent body shall receive an additional salary from another BLET-UTU/IBT affiliate.
- b) All Officers, Board members and Staff members, devoting full time to the service of the National Union, shall receive their salary in equal payments bi-weekly.
- c) Salaries and compensation of Board and Staff members shall be set or negotiated by the Executive Board and shall be ratified by a majority vote of the Executive Council, unless otherwise specified in this Constitution.
- d) Members of the Peer Review Board and other appointed committees shall receive their salary not less frequently than bi-weekly while in session, or when the work for which they have been assembled is completed.
- e) National Union officers and Board members, and representatives devoting full time to the service of the National Division will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The National President and National Secretary-Treasurer shall determine the method of handling vacations. Such method must be approved by a majority vote of the Executive Council.
- f) Vacation benefits not used as in e) above shall not be accumulated, but instead shall be paid in the calendar year they should have been used.
- g) When a member serving the National Union on a part-time basis suffers a loss of earnings from his/her carrier resulting in a reduction or loss of his/her vacation pay from the carrier, he/she shall receive from the department of the National Union in which he served the amount of vacation pay lost as a result of his/her services with the National Union.

ARTICLE 34 - BONDING OF NATIONAL OFFICERS AND EMPLOYEES

The Executive Committee shall arrange for the bonding of National Union officers and employees. The members of the Executive Committee shall be bonded for not less than \$1,000,000.00 each; all other officers and employees, if required, shall be bonded for not less than \$50,000.00 each, all payable to the BLET-UTU.

ARTICLE 35 - OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH THIS CONSTITUTION

No officer, member, or subordinate body of the BLET-UTU shall resort to the civil courts to correct or redress any alleged grievance or wrong, or to secure any alleged rights from or against any officer, member, subordinate body, or the BLET-UTU until such officer, member, or subordinate body shall have first exhausted all remedy by appeal provided in this Constitution for the settlement and disposition of any such rights, grievances, or wrongs.

ARTICLE 36 - FISCAL YEAR

The fiscal year of the BLET-UTU and all its subordinate bodies shall begin on the 1st day of January and end on the 31st day of December of the same year.

ARTICLE 37 CANADIAN LANGUAGES

The official languages of the BLET-UTU in Canada are English and French. The parameters and continuous application of this engagement will be defined by the National President, in consultation and taking into consideration the Canadian context.

ARTICLE 38 - OFFICIAL PUBLICATIONS

- a) BLET-UTU shall publish a monthly newsletter of not less than eight (8) pages per issue.
- b) While the focus of the newsletter shall be on the struggle of the rail operating crafts, the newsletter shall also report on broader fight of all rail labor, transportation workers in general, and the struggle of the working class. The purpose of such newsletter shall be to educate the membership about workplace issues, bargaining, organizing, and rank-and-file actions to the ends of building membership involvement, greater solidarity and a stronger and more powerful union.
- c) An Editorial Board consisting of the National President, National Secretary-Treasurer, the Senior Vice President and National Legislative Director and the senior officers in Canada representing engine service and train service employees shall meet via telephone or electronic means at least once a month to review the upcoming editorial content and to set editorial, on-line services, and advertising policy.
- d) The newsletter shall be furnished to all active members of BLET-UTU and to widows and retired members, provided they keep the National Union advised as to their correct address.
- e) The newsletter shall be made available to the public and any other interested body by subscription. All money for subscriptions shall be paid to the National Secretary-Treasurer and credited to the General Fund of the National Union.
- f) The National Union shall maintain an Internet email communication list or discussion board for active members only. Such email list or communication board will be open to all members by registration for the discussion of labor and industry issues.
- g) The expense of maintaining the publication and email list or discussion board shall be paid from the General Fund.

ARTICLE 39 - PRINTING AND DISTRIBUTION OF CONSTITUTION

Copies of the Constitution shall be furnished to all members of the BLET/UTU and sufficient copies shall be printed in French & Spanish and made available to members of the BLET/UTU upon request. In addition, the Constitution shall be available for membership download on the BLET-UTU website.

ARTICLE 40 - PRINTING AND SUPPLIES

- a) The National President and the National Secretary-Treasurer shall receive competitive bids and award contracts for printing National Union and local supplies, and other necessary printing.
- b) The printing of local supplies shall be under the supervision of the National Secretary -Treasurer.
- c) All official forms printed by local must be submitted to the National Secretary-Treasurer for approval before being printed.
- d) All supplies shall be furnished locals at cost by the National Union.
- e) All printed matter purchased by the National Union shall bear the union label.

ARTICLE 41 - ENDORSEMENT OF SOUVENIRS, ETC.

- a) The National Union or Locals shall not endorse articles of merchandise.
- b) Locals shall not sell or grant to any person the right to solicit advertisements or issue souvenirs or like objects in the name of the BLET-UTU.
- c) Locals, subject to prior approval of the National President, may issue advertising, programs, time books, or other publications of general interest in the name of the BLET-UTU for local purposes, when properly authorized by the locals interested, providing the net proceeds therefore go to the locals making such authorization.
- d) Where two (2) or more locals are located in the same city or sub-section in which such publications are to be issued, all locals will be given an opportunity to participate in the project.
- e) The logos of the BLET-UTU shall not be authorized for use without first receiving written approval from the National President.

ARTICLE 42 - LOCALS

- a) Members desiring to organize a new local shall apply to the National President for a charter, provided a minimum of fifty (50) full dues-paying members employed on a seniority district of a carrier may petition for a Charter for a Local, except where a Local has been established, or has identical jurisdiction. A fee of \$250.00 to cover the cost of necessary supplies for the local must accompany the application.
- b) Should the application be favorably considered by the National President, the General Secretary and Treasurer shall issue a charter, properly signed, and forwarded to the person designated.
- c) The National President will direct an officer of the National Union to organize the local and install the elected officers in accordance with this Constitution.
- d) The National President shall assign each local a number and thereafter it shall be known as BLET/UTU Local No (X).
- e) When two (2) or more locals have decided by a majority vote of the active membership of each local to merge or consolidate their membership, application will be made to the National President for approval; if approved, he will arrange the consolidation as follows: that the local having the largest membership will be the local to retain the charter, except where due to location and for other reasons, in the opinion of the National President, it would work a hardship on the members of the local, he will decide the charter to be retained.
- f) Locals shall adopt by-laws and procedures, establish salaries, and set the amount of Local dues and such other matters necessary for its operation, subject to the provisions of this Constitution.

ARTICLE 43 - AUTHORITY TO REPRESENT

- a) Every member of the BLET-UTU grants complete authority to the BLET-UTU and any of its constituted representatives to act in said member's behalf for the purpose of disposing, in any manner, of any and all of said member's claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary.
- b) The BLET-UTU shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with

consideration and determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the BLET-UTU to the contrary.

- c) Decisions reached disposing of or settling claims, complaints, and grievances referred to herein shall be furnished in writing, within thirty (30) days after such decision, to the Local Chairperson and Secretary of the local submitting such claims, complaints, and grievances.
- d) In cases where BLET-UTU is required, by law or otherwise, to act as a representative for non-members of BLET-UTU claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary; the resulting expenses of the body handling such claims, complaints or grievances will be paid by that body. Any dispute regarding responsibility for those expenses will be subject to the appeals process as described in Article 79 of these Bylaws.

ARTICLE 44 - JURISDICTION AND AUTHORITY

- a) The jurisdiction of Locals shall be that which existed on the date of unification.
- b) The National President, with majority approval of the Executive Council, may make changes in jurisdiction after giving the interested General Chairperson(s) an opportunity to file recommendations regarding the matter. Any such changes in jurisdiction must be approved by a majority vote of the Locals involved.
- c) Any decision, including the majority votes of the Locals involved, in a change in local's jurisdiction under this article is subject to appeal under Article 79 of these Bylaws.
- d) The Local shall have jurisdiction over all members of the BLET-UTU employed under its jurisdiction.
- e) The decision of a Local on all matters within its authority shall be final, unless appealed in accordance with the provisions of this Constitution and reversed.

ARTICLE 45 - TRANSFER OF MEMBERS

- a) In the event the charter of a local is revoked or surrendered the members shall be transferred to a local having jurisdiction over their current employment. The local having jurisdiction will be designated by the National President, subject to approval by a majority vote of the members of such locals, and such members will be transferred on the date such revocation or surrender is effective.
- b) All cases of local charter revocation are subject to appeal under Article 79 of this Constitution.
- c) Ninety (90) days following the date of unification, members in active service must become members and maintain membership in the local having jurisdiction over the craft in which assigned on the seniority territory on which employed. Thereafter, if a member is assigned to another craft under the jurisdiction of another local for a period in excess of ninety (90) days the Treasurer of the local with which the member is affiliated shall, upon receipt of written request from the Treasurer of the local under whose jurisdiction the member is working, issue a transfer certificate for the member.
- d) Nothing in this section shall prohibit a member from voluntarily transferring to another local in less than ninety (90) days provided he/she is working under the jurisdiction of that local division.
- e) Notwithstanding the foregoing, and in circumstances in which two (2) or more locals have identical jurisdiction a member may, upon written request, transfer his/her membership from one such local to the other.
- f) General Chairpersons, Local Presidents, Local Chairpersons, First Vice Local Chairpersons, Secretaries, Treasurers, Legislative Representatives, Mobilization Chairmen and Delegates, shall not be subject to the aforementioned transfer requirements.
- g) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer and completed in quadruplicate by the Local Treasurer, forwarding the original to the local requesting the transfer, the second copy to the General Secretary and Treasurer, the third copy to the member being transferred, and retaining the fourth copy for his/her records. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the local to which transferred.

- h) Members required to transfer from one local to another local in the application of this Article may continue to participate in any benefit program in which they were participating at the time of said transfer, provided such member continues to remit the necessary payment for said benefits.

ARTICLE 46 - TIME AND PLACE OF MEETING

- a) A local shall hold at least one regular meeting each month at the time and place specified by the local or in its by-laws.
- b) No change of regular, place, day or hour of a local meeting will be made unless approved by a majority vote of the active members of the local. The secretary will promptly notify the National President of changes made.
- c) The President of the local may call special meetings and the purpose thereof must be stated. The President shall call a special meeting, upon receipt of written request of five (5) members in good standing, stating the purpose for which the meeting is requested. In the absence of the President, the Vice President or Secretary shall call the meeting. Reasonable notice of special meetings shall be given to all members and no business shall be transacted except that for which a special meeting is called.
- d) Five (5) members in good standing shall constitute a quorum for the transaction of business; provided, however, that three (3) members in good standing shall constitute a quorum if the local has fewer than forty (40) active members.

ARTICLE 47 - LOCAL RULES OF ORDER

The Rules of Order of the National shall be used by the local insofar as they can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will be decided in accordance with the parliamentary principles contained in Robert's Rules of Order, Revised.

ARTICLE 48 - CONDUCT OF LOCAL MEETINGS

- a) Meetings of the local shall be opened by the President, Vice President, Past President, or in their absence by any other officer or member, with the following statement: "I now declare this meeting of BLET-UTU Local No. X open for the transaction of such business as may properly come before it."
- b) The following order of business is suggested but locals may alter the suggested order of business as necessary to suit their requirements:
 - 1. Roll call of officers
 - 2. Reading minutes of the previous meeting
 - 3. Admission of new members
 - 4. Treasurer's report
 - 5. Reports of officers and committees
 - 6. Communications
 - 7. Unfinished business
 - 8. New business
 - 9. Bills of allowance
 - 10. Nomination of officers and committee persons
 - 11. Election and installation of officers
 - 12. Safety
 - 13. Ways and means of improving the BLET/UTU.
 - 14. Reading of minutes for correction before closing in due form.
 - 15. Closing

ARTICLE 49 - LOCAL FUNDS

- a) Each local shall maintain a local fund to pay the expenses of the local, by levying local dues on all in service members. The members present shall establish the amount of local dues, voting by secret ballot, when the local is organized.

- b) Any member who is paid at a less than 100% of his/her craft pay rate due to BLET-UTU contract provisions shall pay no more than 80% of all Local Union dues assessments. (Example: Conductors paid on progressive rate scales shall pay no more than 80% of each dues assessment until such time as they receive 100% pay scale).
- c) Any member working in a position whose pay rate is less than trainmen's entry level rate due to BLET-UTU contract provisions shall pay no more than 50% of all Local Union dues assessments. (Example: Trainee engineers shall pay no more than fifty (50%) per cent dues assessments as long as they are receiving less than trainmen's entry level rate).
- d) No change in local dues, the daily rate or salary established for local officers or legislative representatives, or the levying of a special assessment, may be considered by a local until notice of such proposition has been read at one (1) regular or special meeting and all members thereafter have been notified of the proposition and date on which the proposition will be considered.
- e) Any proposition to change local dues, the daily rate or salary established for local officers or legislative representatives, or the levying of a special assessment, must be approved by a majority vote of the members, voting by secret ballot, in attendance when the proposition is considered.
- f) Each local shall maintain a separate local committee fund for each Local Committee of Adjustment within the local to pay the cost of representation by each Local Committee of Adjustment by levying local committee dues, as established by the members present under its jurisdiction, voting by secret ballot, when the committee is established.
- g) No change in local committee dues, the daily rate or salary established for local committeepersons, or the levying of a special assessment may be considered until such proposition has been read at one (1) regular or special meeting and all members thereafter, working under the jurisdiction of the Local Committee of Adjustment, have been notified of the proposition and date on which the proposition will be considered.
- h) Any proposition to change Local Committee of Adjustment dues, daily rate or salary of local committeepersons or to levy a special assessment must be approved by a majority vote of the members working under the jurisdiction of the involved Local Committee of Adjustment, voting by secret ballot, who are in attendance when the proposition is considered. The effective date of any increase in local dues, Local Committee of Adjustment dues, or special assessments must coincide with the requirements of any checkoff of Union Dues Agreement in effect.
- i) Each Local shall levy a separate assessment for the purpose of paying salaries, travel expenses and per diem of the Local's Delegate(s) to the National Convention. Such assessments shall be maintained in a separate Local fund.

ARTICLE 50 - PAYMENT OF DUES AND ASSESSMENTS

- a) The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. Any member who fails to pay his/her dues and assessments within the time provided shall be suspended without notice or further action.
- b) No member shall be considered in arrears for dues and assessments when his/her employer has withheld from their pay money for such dues and assessments, pursuant to a dues check-off agreement, and the employer has delayed or defaulted payment to the local.
- c) A member who for any reason, including sickness and disability, is not engaged in service where the BLET-UTU holds the contract, or in the service of the BLET-UTU National Union for a full calendar month (excluding his/her vacation) shall, upon request to the local treasurer be relieved from the payment of all dues and assessments for subsequent calendar months until he/she again returns to service.
- d) The Local Treasurer shall submit to the National Secretary-Treasurer and the Secretary-Treasurer of the applicable General Committee of Adjustment, a notice of the members relieved from dues and assessments.
- e) Such member will promptly report to the local treasurer his/her date of return to active service with the employer and will be obligated to pay full dues and assessments beginning with the first month thereafter.
- f) During the period in which members request relief and are relieved from the payment of dues and assessments in accordance with this Article, they shall continue to enjoy all privileges of membership, except they shall not be permitted to vote in elections or on any other subject involving grievances, hours or mileage limitation, or other methods of work distribution.

- g) The local treasurer, in cooperation with the local president and the involved local chairperson, will maintain a close check of the roster of members who are relieved from the payment of full dues and assessments under the provisions of this Article with a view towards avoiding the abuse of this privilege.
- h) In addition, the local treasurer will, at each regular meeting of the local read for the benefit of members present the roster of members who have been excused from the payment of full dues and assessments.
- i) It shall be the duty of the members to keep the local secretary treasurer advised of their current telephone number(s) and home and email address.

ARTICLE 51 – LOCAL MOBILIZATION COMMITTEE

- a) Each local shall establish a Local Committee of Mobilization. The members of the Mobilization Committee shall be the Mobilization Director, the Chairman of the Local Committee of Adjustment(s) and the Local Legislative Representative.
- b) Additional members may be appointed to the committee by the Mobilization Director with approval of the Local.
- c) The members of the Mobilization Committee shall select a Mobilization Vice-Director to serve in case of the Director’s absence or inability to fulfill his/her duties.

ARTICLE 52 - OFFICERS OF LOCALS

- a) The elective officers of a local shall consist of a President, Vice President, Secretary, Treasurer, Legislative Representative, Mobilization Director and a Board of Trustees consisting of three (3) members, designated as Trustee Position Number 1, 2, and 3.
- b) By action of a local, the offices of Secretary and Treasurer may be combined and elections held to fill the combined office.
- c) The President of the local may appoint officers consisting of guards, committees, and stewards as necessary to conduct the functions of the local.
- d) Stewards will be responsible for the interchange of information and communication between local officers and the membership. They shall not be vested to act with any authority reserved to elected officers.
- e) The elected officers shall serve for a period of three (3) years or until their successors assume office.
- f) No member shall, except as in b) above, fill more than one (1) of these elective offices at the same time.

ARTICLE 53 - ELECTIONS IN LOCALS

- a) The election for officers of a local created by the accompanying merger agreement shall be held **October 200X**, and every three (3) years thereafter.
- b) An election to fill the offices of Local Committees of Adjustment shall be held in **October 200X**, and triennially thereafter.
- c) Local Committeepersons and Legislative Representatives shall assume their office on January 1, following the year of the triennial election.
- d) An election for Delegate and Alternate Delegate shall be held in **October 200X**, and triennially thereafter. Delegates and Alternate Delegates to the National Convention must be elected proportionately to membership as prescribed in Article 14 of this Constitution.
- e) Officers stipulated in this Article, and in Article 52, shall be elected by secret ballot at an October meeting of the local or by secret ballot referendum vote, as provided by Article 18 of this Constitution.
- f) Nominations for Local offices must be filed with the Secretary not later than the last regular meeting in September in the year of election. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall sign the petition.
- g) The Secretary shall promptly acknowledge receipt of all petitions and read them at the last regular meeting in September. At that meeting, members may be nominated without a second.
- h) The members present at the last regular meeting in September shall set the meeting date on which the ballots shall be counted and the election held.
- i) Candidates shall be allowed to form slates as prescribed in Article 18 c) this Constitution.

- j) The Secretary shall prepare ballots showing the names of all candidates and the offices for which they are nominated. Candidates for each office will be listed on the ballot in alphabetical order. The ballots shall be prepared so as to provide a square opposite each candidate's name in which the voter can mark his/her preference of candidates.
- k) In locals having more than one Local Committee of Adjustment, the Secretary will provide a separate ballot for all eligible voters of the involved committees.
- l) The candidate receiving a majority of the valid ballots cast for a given office shall be declared elected. If no one (1) of the candidates for a given office receives a majority of the valid ballots cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the two (2) candidates receiving the highest numbers of valid ballots cast for that office.
- m) If any number of the candidates for a given office is tied for the highest number of the valid ballots cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of valid ballots cast for that office.
- n) If one (1) candidate receives the highest number but that number does not constitute a majority of the valid ballots cast for a given office and any number of candidates are tied for the second highest number of valid ballots cast, another ballot shall be submitted to all eligible voters upon which shall appear only the name of the candidate receiving the highest number and the names of the candidates receiving the second highest number of the valid ballots cast for that office.
- o) The Secretary will keep all election records for one (1) year, including used, unused and void ballots, eligible list, tally sheets, and "ballot" envelopes used to mail in marked ballots.
- p) When only one (1) nomination has been received for an office the member so nominated will be declared elected on the day set for the tabulation of ballots and election.
- q) In the event of a permanent vacancy in any office, the local shall proceed to fill the vacancy in accordance with the by-laws of the local or as provided in this Article; except the Vice President shall succeed to the office of President, the Alternate Legislative Representative shall succeed to the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of Delegate.
- r) In elections for Local Committees of Adjustment, only members holding seniority under the jurisdiction of the Local Committee of Adjustment shall be eligible for election to the Local Committee of Adjustment. Members in service (working) under the jurisdiction of such committee will be notified of such election, permitted to file or sign nominating petitions and vote.
- s) Locals failing to complete their regular elections during the month of October must notify the National President of the reason therefore and the date set for the completion of the election.
- t) Locals must, following each election of officers or succession to office, promptly notify the National Secretary -Treasurer, the Secretary-Treasurer of the applicable General Committee of Adjustment, interested General Chairpersons, and State, District and Provincial Legislative Boards of the names, postal and email addresses and telephone numbers of the new officers.
- u) Local Officers, Committeepersons, Legislative Representatives and Delegates upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership in the BLET-UTU.
- v) Candidates may have observers present during the counting and tallying process including the tallying of the ballots, totaling, recording, and reporting of tally sheets. In a mail ballot election, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening, and counting.

ARTICLE 54 - INSTALLATION OF LOCAL OFFICERS

- a) The elected officers enumerated in Article 52 of this Constitution shall assume their duties on January 1 following their election.
- b) Where a vacancy is filled in an interim election, the successful candidate will assume the duties of such office immediately.
- c) The officers assuming elected positions will be subject to the following obligation:

“Officers pledge on your honor to perform the duties of your respective office as required by the Constitution of the BLET-UTU; to bear true and faithful allegiance to the BLET-UTU and with complete good faith to support, advance, and carry out all official policies of the BLET-UTU; to deliver to your successor all books, papers, and other property of the BLET-UTU that may be in your possession at the end of your term of office; and at all times conduct yourself as becomes a member of the BLET-UTU.”

ARTICLE 55 - DUTIES OF THE LOCAL PRESIDENT

- a) The President shall preside at all meetings of the local, enforce the provisions of this Constitution and the by-laws of the local; and exercise general supervision over its affairs.
- b) The President shall decide all questions of law and order, subject to appeal to the local by any two (2) members.
- c) He/she shall appoint a majority of all committees and shall sign all documents that require authentication.
- d) The President shall see that the local officers respond to inquiries from the National Union and shall, with the Secretary and/or Treasurer, file all reports required of local by Federal, State, Provincial, or local laws, and countersign all disbursements issued by check.
- e) The President may speak on any subject before the local but he/she may not vote except, in case of a tie vote, on a matter not governed by these Bylaws. On issues governed by this Constitution or Local Bylaws, the President votes on matters his/her membership allows and casting a deciding (second vote) is not allowed.

ARTICLE 56 - DUTIES OF THE LOCAL VICE PRESIDENT

- a) The Vice President shall assist the President in the discharge of his/her duties and preside at meetings in the absence of the President.
- b) He/she shall appoint a minority of all committees and, if the President's office becomes vacant, shall discharge the duties and assume the responsibilities of the President for the remainder of the term.

ARTICLE 57 - THE LOCAL PAST PRESIDENT

When a local President has completed his/her term of office and a successor has been installed, he/she shall become the ranking Past President of the local and shall serve as such until succeeded. He/she shall thereafter be a Past President according to the regular order of succession.

ARTICLE 58 - DUTIES OF THE LOCAL PAST PRESIDENT

The Past President in the absence of the President and Vice President shall preside at local meetings.

ARTICLE 59 - DUTIES OF THE LOCAL SECRETARY

- a) The Secretary shall keep an accurate record of all proceedings, receive all communications, conduct the correspondence, and shall have charge of the records of the local.
- b) At each Local meeting, he/she shall furnish a report on all correspondence and communications received during the past month.
- c) He/she shall notify all officers of their election or appointment and shall notify other local of action taken by his/her local that might affect, interest, or concern them.
- d) The Secretary shall notify the National Secretary-Treasurer of all changes in the time and place of meetings and prepare and sign, all documents requiring his/her official signature as provided by this Constitution and by-laws of the local.
- e) He/she shall see that all notices required regarding elections and levying of assessments are sent in accordance with this Constitution.
- f) The Secretary shall perform the duties of the Treasurer in local that have combined those offices and shall, with the President, file all reports required by Federal, State, Provincial, or local laws.

ARTICLE 60 - DUTIES OF THE LOCAL TREASURER

- a) The Treasurer shall receive all money due to be collected by the local and give his/her receipt for the same.
- b) The Treasurer shall hold and keep secure all local funds and shall be bonded as provided in Article 55 of this Constitution.
- c) He/she shall sign all papers requiring his/her signature and perform other duties required by this Constitution and the by-laws of the local.
- d) He/she shall keep an accurate account for all receipts and expenditures of the local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the National Division or their representatives.
- e) The President of the local must countersign all disbursements issued by check. The Treasurer at the first meeting of the local following the disbursement shall report each disbursement.
- f) At each regular monthly meeting, the Treasurer shall furnish the Local President a copy of a financial report showing the previous month's balance of all funds held by the Local; all receipts and disbursements from those funds since the previous report; and a current ending balance.
- g) During the month of January of each year the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the local for the preceding year.
- h) The Board of Trustees will promptly audit the books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent has been verified, the Board members shall sign and submit the report to the first regular meeting of the local following the audit. The Board of Trustees shall then send a copy of the signed report to the National Secretary and Treasurer.
- i) The Treasurer shall be a member of all appointed local committees that receive or disburse money. When local action is taken approving the disbursement of funds that in the opinion of the Treasurer is in violation of provisions of this Constitution or the local's by-laws, he/she shall withhold payment for a period not to exceed thirty (30) days and report the matter at once to the National President. The Treasurer will then be governed by the National President's instructions regarding the expenditure involved, subject to appeal under the provisions of Article 79.
- j) The Treasurer shall notify the Treasurer of another local when he/she has knowledge that a member of his/her local is employed under the jurisdiction of the other local.
- k) It shall be the responsibility of the Treasurer to credit dues and assessments paid to the appropriate Local Committee of Adjustment and General Committee of Adjustment accounts of his/her local in accordance with the provisions of this Constitution.
- l) The Treasurer shall, with the President and Secretary, file all reports required by Federal, State, Provincial, and local laws.
- m) The secretary-treasurer of each Local shall send the monthly reports to the secretary-treasurer of the GCA.
- n) In case any secretary-treasurer shall fail to make his/her monthly reports and/or remittances, if necessary, to the GCA Secretary-Treasurer within ten (10) days from the time it shall become due, it shall be the duty of the GCA Secretary-Treasurer to notify the president of the local of the failure of said secretary-treasurer to make proper returns.

ARTICLE 61 - DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES IN THE UNITED STATES AND CANADA

- a) Local Legislative Representatives (or their Alternate) in the United States shall attend all meetings of their State or District Legislative Board.
- b) They shall handle on a local level, and report to their local the handling of all matters affecting their membership, dealing with federal or state law and regulations and all alleged unsafe or unsanitary working conditions found to exist or reported to them within their jurisdiction.
- c) They shall undertake to correct such conditions through appropriate measures consistent with the local and national policies of the BLET-UTU. If they are unable to correct the alleged unsafe or unsanitary working conditions, they will so report such to the State or District Legislative Director.
- d) They shall urge all members of the BLET-UTU to qualify and vote in all elections. When called upon, they shall give all possible assistance to the National Union and the State or District Legislative Boards.

- e) Local Legislative Representatives in Canada shall attend all meetings of their Provincial Legislative Board. They shall handle on a local level, and report to their Local the handling of all matters affecting their membership, dealing with federal or provincial law and regulations and all alleged unsafe or unsanitary working conditions found to exist or reported to them within their jurisdiction. They shall undertake to correct such conditions through appropriate measures, consistent with local and national policies of the BLET-UTU.
- f) If they are unable to correct these matters, they will so report to the Legislative Director.
- g) They shall, when called upon, give all possible assistance to the National Division and the Officers of the Canadian Legislative Department and the Provincial Legislative Boards.

ARTICLE 62 – DUTIES OF LOCAL MOBILIZATION DIRECTOR

The duties of the Local Mobilization Director shall include:

- a) Maintain a contact list for every member of the Local. Such list shall include but not be limited to:
 - 1. Name of member.
 - 2. Member's address.
 - 3. Member's phone number(s).
 - 4. Member's email address.
- b) Develop and maintain a method for quickly disseminating information to the Local members, State Legislative Boards, General Committees and the National Union.
- c) Such information shall include, but not be limited to:
 - 1. All mobilization information and instructions received from the National Union, General Committee and State legislative Mobilization Directors.
 - 2. All on-property job actions.
 - 3. The death or serious injury of any member of the Local.
 - 4. Information related to the health and welfare of the membership, as approved by the Local President.
- d) Any other duties as directed by action of the Local or by Local bylaws.

ARTICLE 63 - DUTIES OF THE LOCAL BOARD OF TRUSTEES

- a) The local Board of Trustees shall supervise the financial affairs of the local.
- b) Upon approval by the local the Board shall also have the authority to rent, purchase or lease property, office equipment, or necessary supplies.
- c) Additionally, the Board shall assure that the Treasurer and other local officers are bonded as required by this Constitution.
- d) The Board shall meet in the month of January of each year for the purpose of auditing the annual report of the Treasurer and verifying bank balances and cash on hand.
- e) If the Treasurer's annual report is found to be correct, the Board members shall endorse the report with their signatures, furnishing copies to the local and the National Secretary-Treasurer.

ARTICLE 64 - LOCAL ELECTIVE OFFICES OR POSITIONS DECLARED VACANT

- a) If any elected officer, Delegate, Legislative Representative or Committeeperson of a local becomes negligent in the performance of his/her duties and responsibilities as a local representative, the local may, after receiving petition from twenty-five (25) % of the active members, take action to notify him/her to appear at a designated meeting and show cause why his/her office or position should not be declared vacant.
- b) The notice must be in writing and will fully specify the complaints he/she will be required to answer.
- c) Fifteen days advance notice of the meeting must be given to the members. The notice can be given by posting to the Local's bulletin boards.
- d) If he/she fails to respond to the notice or if the explanations offered for his/her negligence are unsatisfactory, the local may, by majority vote of the involved members present at the meeting, declare his/her office or position vacant, unless he/she invokes the trial procedure as set forth in Article 78 within fifteen (15) days from the date of the aforementioned notice.

ARTICLE 65 - VACATIONS - LOCAL OFFICERS AND COMMITTEEPERSONS

- a) Officers and Committeepersons employed by their locals on a full time basis shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their local. Such vacations may be split but will not be carried over from one year to the next.
- b) Officers and Committeepersons employed by their local on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their "loss of time" wages with the local been earned with the carrier.
- c) However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the loss of time earnings with the local, provided the combined earnings would meet the requirements of the National Vacation Agreement.
- d) The treasurer shall pay vacation allowances provided herein from the appropriate local funds within ten (10) days after receipt of the vacation claim. This Article is intended to prevent any loss in vacation time and pay as a result of serving the local.

ARTICLE 66 - BONDING OF LOCAL OFFICERS

- a) The National President and the National Secretary-Treasurer shall arrange a plan for the bonding of local officers.
- b) Each local shall pay its pro rata share of the cost and expense of bonding under such rules and regulations as determined by the National President and the National Secretary-Treasurer.
- c) If a shortage in local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the evidence must be sent to the National Secretary-Treasurer by the President, Secretary, or other officers of the local having such knowledge.
- d) Auditors of the National Division shall audit local records in such cases and attempt to collect any shortage that may exist.

ARTICLE 67 - REGISTERS

- a) Locals shall maintain a register showing the name, address, and employment of their members.
- b) Locals shall also maintain an attendance register and require that every member who attends local meetings personally register his/her name and local division number therein.
- c) Local Secretaries shall be responsible for the maintenance of accurate registers by their local.

ARTICLE 68 - MEMBERSHIP

- a) Any person of good character, who is employed in a craft or vocation, whether public or private, represented by the BLET-UTU is eligible to membership.
- b) To gain admission or readmission, an applicant must execute and file with the local treasurer an official application for membership that must be accompanied by cash, check, or money order to cover one month's dues and assessments.
- c) Upon receipt of a properly executed application accompanied by the required dues and assessment, the local treasurer will issue to the applicant an official receipt and will promptly forward to the National Secretary-Treasurer, with a copy to the General Committee Secretary-Treasurer, the completed application, together with the required dues and assessments. The local treasurer will report at each meeting all admissions and readmissions occurring subsequent to the last meeting of the local.
- d) Notwithstanding the foregoing, the National President may waive compliance with the provisions of this Article where he/she is satisfied that an application for certification will be made by the (Name) to any Labour Relations Board in Canada; in such case, compliance by any person in Canada with the minimum requirements of the appropriate Labour Relations Board respecting membership in a trade union shall be considered as conferring membership upon such person.
- e) The official membership application form will include the following statement that will be subscribed to, and signed by, the applicant in the presence of an officer or member of the Local who shall witness the applicant's signature and certify by signature that he/she has done so:

"I pledge my honor to faithfully observe the Constitution of the BLET-UTU; including the by-laws of my local; to comply with the rules and regulations for the government of the BLET-UTU; not to make known to outsiders any private proceedings of the BLET-UTU; to faithfully perform all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as to promote basic union principles and at all times bear true and faithful allegiance to the BLET-UTU."

- f) "Active service" shall be understood to mean employment in an operating craft on surface, subway, elevated lines, in steel plants or other industries, or holding seniority in such service, or those holding seniority as aforementioned and employed exclusively by the BLET-UTU, or appointed to official positions on railroads.
- g) "Active membership" shall be understood to mean employment in an operating craft on surface, subway, or elevated lines, or holding seniority as such, or those holding seniority as aforementioned and employed exclusively by the BLET-UTU, or appointed to official positions on railroads.
- h) Exceptions to Paragraphs (a) and (b) of this Article may be made on behalf of other groups of employees by the action of the Executive Council.
- i) "Membership" shall be understood to mean all persons belonging to and paying dues into the BLET-UTU, also honorary and excused members.
- j) Any BLET-UTU member dismissed from the service of a carrier will be considered in active service until after all investigations and appeals of his case are closed.

ARTICLE 69 - DUTIES OF MEMBERS

- a) Members of the BLET-UTU are obligated to pay all dues and assessments promptly, to attend all meetings of their local where reasonably possible to do so, to faithfully observe the provisions of this Constitution of the National Union and the by-laws of the local, to keep from outsiders the private proceedings of the BLET-UTU, to faithfully perform all the duties assigned to them to the best of their ability and skill.
- b) Members who are found to be in violation of these duties are subject to reprimand, suspension, or expulsion, as their local may determine, following a trial conducted in strict compliance with Article 78 of these Bylaws.

ARTICLE 70 - RIGHTS AND BENEFITS

Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of the BLET-UTU, unless dues and assessments are paid within the time specified herein.

ARTICLE 71 - SUSPENSIONS

- a) A member suspended for improper conduct shall, at the expiration of the time for which the member was suspended, be reinstated but shall not be required to pay dues and assessments accrued during the suspension.
- b) Should the member be accused of improper conduct during the suspension, the member shall be subject to charges.

ARTICLE 72 - READMISSION

- a) A member who has been suspended for non-payment of dues or assessments may be readmitted upon application on proper form, plus dues and assessments for the current month.
- b) Where union shop agreements are in effect, readmission will require payment of all back dues and assessments plus dues and assessments for the current month.
- c) A member expelled upon charges ordered by a convention, or one who was expelled for defrauding a local, shall secure a dispensation from the National President before presenting application for readmission.

ARTICLE 73 - CONTINUOUS MEMBERSHIP

Continuous membership in the former Brotherhood of Locomotive Engineers and Trainmen, the former United Transportation Union, or any of their predecessors and/or affiliates, in addition to service in the Merchant Marine during a national emergency and any military service, together with continuous membership in the BLET-UTU will be combined to compute total continuous membership in the BLET-UTU.

ARTICLE 74 - MEMBERSHIP CARDS

- a) The National Union shall annually supply a membership card to all members in good standing.
- b) Members totally disabled or having ten (10) years' continuous membership and who are retired from transportation service will be given a gold embossed card indicating life membership in the BLET-UTU.
- c) Such members shall be entitled to attend local meetings.

ARTICLE 75 - VISITING MEMBERS

- a) Visiting members of the BLET-UTU shall be admitted to local meetings upon presentation of a membership card.
- b) In case the identity of the visiting member is not known, further proof of membership may be required.

ARTICLE 76 - SURRENDERING CHARTER

- a) Any local wishing to surrender its charter may do so by majority vote of the members and shall notify the National President, who will appoint a responsible representative to take full charge of the charter and all property of the local for disposition.

ARTICLE 77 - POWER OF BLET-UTU NATIONAL PRESIDENT AND IBT GENERAL PRESIDENT TO APPOINT TRUSTEES - DUTIES AND OBLIGATIONS OF SUBORDINATE BODIES UNDER TRUSTEESHIP

- a) The National President may appoint a temporary trustee to take charge and control of the affairs of a Local or other subordinate body if he has or receives information which leads him to believe:
 - 1) Any of the officers of a local division or other subordinate body are dishonest or incompetent
 - 2) A Local or other subordinate body is not being conducted in accordance with the Constitution of the BLET-UTU or for the benefit of the membership
 - 3) A Local or other subordinate body is being conducted in such a manner as to jeopardize the interests of the BLET-UTU or its subordinate bodies
- b) Or, if the National President believes that such action is necessary for the purpose of:
 - 1) Correcting corruption or financial malpractice
 - 2) Assuring the performance of collective bargaining agreements or other duties of a bargaining representative
 - 3) Restoring democratic procedures
 - 4) Preventing any action which is disruptive of, or interferes with the performance of obligations of other members or subordinate bodies under collective bargaining agreements, or otherwise carrying out legitimate objects of the subordinate body.
- c) Before the appointment of such temporary trustee, the National President shall set a date and time for a hearing to be held at the regular meeting place of such Local or other subordinate body. The purpose the hearing is to determine whether such temporary trustee shall be appointed.
- d) Where, in the judgment of the National President, an emergency situation exists within the Local or other subordinate body, the temporary trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days and decision made within sixty (60) days after furnishing of the transcript of testimony;
- e) In all cases the Local or other subordinate body shall be advised of the reason for the appointment.
- f) Adequate notice at least ten (10) days prior to the date of the hearing shall be given to the Local or other

- subordinate body involved, and such hearing shall be open to all members of the BLET-UTU.
- g) In the case of all hearings conducted prior to or after the establishment of a trusteeship, the National President shall designate a panel composed of uninvolved members of the BLET-UTU, at least one (1) of whom shall be from the area involved. The National President may, at his discretion, appoint an employee of the BLET-UTU to such panel.
 - h) Such representatives shall make their recommendations to the National President in writing within sixty (60) days after the furnishing of the transcript of testimony, and the decision in the case shall be made by the National President, which decision shall be made within fifteen (15) days after such recommendations are received by him, and the decision shall be promptly transmitted to the Local or other subordinate body.
 - i) Appeals, if any, from determinations following such hearings shall be taken directly to the Executive Committee. Appeals, if any, from the decision of the Executive Committee shall be taken to the Executive Council by only the Local or subordinate body affected. Appeals, if any, from the decision of the Executive Council shall be taken to the Peer Review Board by any member of the Local or subordinate body affected.
 - j) The BLET-UTU shall not be responsible for any actions or activities of a Local or other subordinate body under trusteeship unless such actions or activities have been directed or authorized by the trustee.
 - k) The Executive Committee may modify or add to the procedures established herein for the purpose of assuring compliance with any applicable law.
 - l) The trustee shall be authorized and empowered to take full charge of the affairs of the Local or other subordinate body, to remove any or all officers and appoint temporary officers at any time during his trusteeship, and to take such other action as in his judgment is necessary for the preservation of the Local or other subordinate body and its interests. The terms of office or officers so removed shall terminate as of the date of removal.
 - m) The trustee shall report from time to time on the affairs and transactions of the Local or other subordinate body to the National President. His acts shall be subject to the supervision of the National President. The National President may remove trustees at any time and may appoint successor trustees. The National President may also appoint an administrative assistant to the trustee to assist such trustee in managing the day-to-day operations of the trustee Local or other subordinate body.
 - n) The removed officers shall turn over all funds, books and properties of the Local or other subordinate body to the trustee, who must render a receipt for the same.
 - o) Temporary officers and trustee must be members in good standing of Local of good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.
 - p) The trustee shall take possession of all the funds, books, papers and other properties of the Local or other subordinate body and tender a receipt for same. He shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worthy claims, as his judgment dictates, unless otherwise provided for in these Bylaws. In the event the charter of the Local or other subordinate body is suspended or revoked, all its funds, books, papers and other properties shall be forwarded to the National Secretary-Treasurer, who shall hold them for the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be transferred to the general fund.
 - q) In all cases of trusteeships, the trustee shall make a report to the National President at intervals of no more than every six (6) months, which report shall contain his recommendations with respect to whether the trusteeship shall be continued or terminated.
 - r) The first (1st) such report shall be made within six (6) months after the date of the decision following the hearing on the appointment of a trustee.
 - s) Additionally, the Local or other subordinate body, in regular or special membership meeting, by a majority vote, may petition the National President for the restoration of self-government, provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of the decision following the first hearing on the appointment of the trustee.
 - t) When a Local or other subordinate body petitions for restoration of self-government as herein provided, it shall be accorded a hearing which shall be commenced within thirty (30) days and decision made within sixty (60) days after the receipt of the transcript, which hearing shall be held in the same manner as provided in paragraph c) of this section relative to hearings on initial appointment of trustees.
 - u) When it is determined by the National President or the Executive Council that self-government be restored,

the trustee shall direct an election at such time as he may designate, any other provision of this Constitution to the contrary notwithstanding. The trustee shall install the officers elected at such election within thirty (30) days of completion of the election. Upon such installation the trusteeship shall terminate and the trustee shall return all remaining funds, property, books and papers to the appropriate officers of the Local or other subordinate body.

- v) Subsequent to the release of the Local or other subordinate body from trusteeship a terminal audit shall be prepared. The term of office of the newly elected officers shall be for not more than three (3) years, and the next election for officers shall take place in compliance with the provisions of this Constitution and applicable bylaws of the subordinate body.
- w) During the period from January 1, 200X through December 31, 200X, trusteeships may only be imposed, by the IBT General President, on BLET-UTU affiliated bodies with the consent of the National President of the BLET-UTU. The BLET-UTU may not be placed in trusteeship during this period.
- x) On and after January 1, 200X, in the event that the IBT General President should determine that conditions exist which would warrant imposing a trusteeship on any BLET-UTU affiliate he shall consult with the National President of the BLET-UTU and seek his assistance in resolving the problems before exercising his authority under Article VI, Section 5, of the IBT Constitution.
- y) This shall not prevent the IBT General President from taking immediate action where, in his discretion, the facts indicate the existence of a situation that is immediately dangerous to the BLET-UTU affiliate, the BLET-UTU, the IBT or any IBT affiliate. In such a situation the BLET-UTU National President shall be fully informed of the imposition of the trusteeship and the reasons such action was necessary.

ARTICLE 78 - TRIALS OF MEMBERS, LOCAL OFFICERS, DELEGATES COMMITTEEPERSONS, REPRESENTATIVES, GENERAL COMMITTEES OF ADJUSTMENT, AND LEGISLATIVE BOARDS

Charges and trials shall be handled in accordance with Article XIX of the IBT Constitution

ARTICLE 79 - APPEALS

- a) An officer or member of a local may appeal from an action or decision of a Local Committee of Adjustment to the appropriate General Chairperson; provided such appeal is filed with the General Chairperson within sixty (60) days from the date the action or decision occurred.
- b) In situations where the Local Committee of Adjustment constitutes the General Committee of Adjustment, appeals from actions or decisions of a Local Committee of Adjustment shall be decided by referendum vote of the members under the jurisdiction of the Local Committee of Adjustment, provided an appeal is filed with the local division secretary within sixty (60) days from the date of notice of such action or decision.
- c) A local or member of a local may appeal from an action or decision of a General Chairperson to the General Committee of Adjustment, provided the appeal is filed within sixty (60) days from the date of notice of such action or decision. Appeals to the General Committee of Adjustment must be filed with the Secretary of the General Committee of Adjustment and shall be acted upon not later than the next session of the General Committee of Adjustment.
- d) An appeal pending before a General Committee of Adjustment which has not been acted upon within ninety (90) days shall upon request of the appellant(s), be handled by the General Committee of Adjustment by a mail ballot of the members of the General Committee of Adjustment.
- e) Decisions rendered in appeals handled under the provisions of paragraphs a), b), c) and d) shall be final and binding, except decisions on seniority, and those which do not involve interpretations of the collective bargaining agreement may be appealed to the Peer Review Board.
- f) An appeal from a decision of the General Committee of Adjustment may be made to the Peer Review Board provided the appeal is filed with the National Secretary-Treasurer within ninety (90) days from the date of the decision of the General Committee of Adjustment.
- g) An officer or member of a local may appeal from an action or decision of a local to the National President, except as provided in paragraph (c) above. Such appeal shall be filed with the National President within sixty (60) days from the date the action or decision occurred.

- h) A member or subordinate body may appeal to the Executive Council from an interpretation of this Constitution made by the National President, provided such appeal is filed with the National Secretary-Treasurer within ninety (90) days from the date the decision by the National President was made.
- i) Actions or decisions of Trial Boards convened under Article 78 may be appealed to the National President, provided such appeal is filed with the National Secretary-Treasurer within ninety (90) days from the date on which the action or decision occurred. The National Secretary-Treasurer will acknowledge the appeal and present all papers relating to the appeal to the National President.
- j) The National President will promptly render a decision on the appeal which shall be final and binding, except as in k) below, on all parties unless appealed to and reversed or modified by the Executive Council. Appeals to the Executive Council must be filed with the National Secretary-Treasurer within ninety (90) days from the date of the decision by the National President.
- k) Decisions rendered in appeals handled under the provisions of paragraphs g), h), i) and j) may be appealed to the Peer Review Board.
- l) Decisions rendered by the Peer Review Board will be final and binding.
- m) In all appeals as provided herein the party whose action or decision is being appealed shall be allowed sixty (60) days from the date the appeal is filed to reply to the appeal.
- n) All appeals must be in writing, contain the pertinent facts involved, and set forth the basis of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply thereto, and all related correspondence. Copies of decisions involving appeals will be furnished all interested parties.

ARTICLE 80 - CONSIDERATION OF GRIEVANCES

- a) Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction.
- b) Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer.
- c) A report by the committee will be made at the next meeting.
- d) When grievances are being considered by a local, only those members employed in the craft on the territory involved shall be permitted to vote.
- e) If more than one (1) craft is involved the grievance shall be considered and determined separately by each craft.
- f) Any grievance involving positions and rank on seniority rosters shall be reviewed and corrected when and if factual evidence is presented to show an error in record keeping.

ARTICLE 81 - PRESERVATION OF CRAFT AUTONOMY

- a) In all collective bargaining processes, the objective of each craft shall be protected and advanced. In furtherance of this objective, craft autonomy will be honored in concerted movements or national handling by requiring membership ratification of national agreements by a majority secret ballot vote as required in Article 19 of this Constitution of the participating memberships of each of the represented crafts.
- b) Local working conditions of a craft over which a local has jurisdiction may not be revised or changed unless authorized to do so by a majority of the votes cast by the members affected and working in the craft. Such a proposal must be read at two (2) regular or special meetings and thereafter, all affected members have been notified of the proposal and the date on which the proposal will be considered. If more than one craft is affected, the issue shall be determined by a majority vote of each and every affected craft, i.e., in the event any one of the crafts affected rejects the issue, the matter shall remain unchanged.
- c) In the event 25% of the members working in a craft in the territory involved petition the local to circulate a referendum ballot, on any issue to be voted upon involving a change in local working conditions in the territory over which the local has jurisdiction, a referendum ballot will be circulated. Only those members assigned in the craft and working in the territory affected shall be permitted to vote. A majority of the votes cast shall determine the issue. An issue decided by referendum vote can be changed only by another referendum vote.
- d) General Committees of Adjustment, by a majority vote, may recommend the revision of general or system schedule rules, amending existing rules, or establish new rules, except General Committees of Adjustment

consolidated on or after date of unification with other General Committees of Adjustment and/or officers representing BLET/UTU, assisting those General Committees of Adjustment, shall not recommend amending general or system schedule rules of any craft unless authorized to do so by a majority vote of the representatives of that craft on the General Committee.

- e) When a General Committee of Adjustment reaches a tentative agreement that directly affects only one craft, only the membership then working in that craft - as determined by where most recent monthly membership dues are paid - will vote on ratification of system agreements that may be tied to national concerted movements and system movements initiated by the General Committee of Adjustments.
- f) When voting on matters involving wages, rules, working conditions, or elections held in a local meeting is by craft vote, the craft in which a member is entitled to vote shall be the craft in which he/she is working and assigned, irrespective of local affiliation, at the time the vote is taken. In the event referendum procedures are used for such voting the craft in which a member is entitled to vote shall be the craft in which he/she is working and assigned on the date prior to the date the ballots are mailed by the Secretary.
- g) The provisions of this Article may not be changed by the National Union, except, upon the approval of a majority vote of the members of each of the crafts represented by the BLET-UTU.

ARTICLE 82 - LOCAL COMMITTEES OF ADJUSTMENT

- a) Each local shall elect a Local Committee of Adjustment for each craft represented, consisting of a Chairperson, one or more Vice Chairpersons, and a Secretary. The Committee may meet as frequently as they determine to be necessary to handle matters of concern.
- b) Additional Local Committees of Adjustment may be formed to represent members on a separate seniority district. Such committee persons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.
- c) Each Local Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such committee. The chairperson of each Local Committee of Adjustment will represent that Local Committee of Adjustment on the General Committee of Adjustment.
- d) When required, it shall be the duty of the Chairperson of the Local Committee of Adjustment to furnish the treasurer of the local and the interested General Chairpersons the names of non-members and members who have been taken out of service, or who have been returned to service. Additionally the Chairperson of the Local Committee of Adjustment will assist in furnishing information to the treasurer as to the names of employees working under the jurisdiction of his/her committee.
- e) It shall be the duty of the Chairperson of the Local Committee of Adjustment to promptly handle claims and grievances when presented in accordance with these Bylaws. He/she shall be authorized to file claims and grievances including those where time has not been claimed, or where claims were incorrectly and/or improperly filed. He/she shall report on the handling of all claims and grievances at the next Local meeting.
- f) Should the Local Chairperson fail to satisfactorily adjust any case presented he/she may refer same to the General Chairperson with the complete facts and history of the case including copies of correspondence exchanged with local officials.
- g) It shall be the duty of the Vice Chairperson and the Secretary to handle matters referred to the Local Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee shall act as Chairperson when the Chairperson is unable to perform his/her duties, and in case of a permanent vacancy in the office he/she shall act as Chairperson until the office is filled as provided in these Bylaws. When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.
- h) Local Committees shall not take grievances to the general officers of an employer, except through the General Chairperson, and will not be permitted to enter into any agreement or understanding or change an agreement or understanding unless approved and signed by the General Chairperson and the designated carrier representative.
- i) Local Committees of Adjustment may consolidate their Committees under such terms and conditions as they deem appropriate, subject to approval by a majority of the members under the jurisdiction of each Committee involved.

- j) In the event 25% of the members, working in a craft under the jurisdiction of a Local Committee of Adjustment, petition the Secretary of their local to circulate a referendum ballot on a proposition of discontinuing their Local Committee of Adjustment and to be placed under the jurisdiction of another Local Committee in the same local, the Secretary will circulate a ballot on the proposition among the members represented by each respective Local Committee of Adjustment. Upon approval by a majority vote of the members represented by each respective Local Committee, the Local Committee to be discontinued will, within fifteen (15) days from the date of such approval, make an orderly transfer of the property, funds, and files to the Local Committee assuming jurisdiction.
- k) Compensation and expenses for members of the Local Committee shall be determined by the members of the local under the jurisdiction of the Committee. The Local Committeeperson when authorized by the General Chairperson to perform service in connection with General Committee matters shall be compensated from the General Committee Fund.

ARTICLE 83 - GENERAL COMMITTEE OF ADJUSTMENT

- a) The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General Committee of Adjustment shall be a member of such General Committee of Adjustment.
- b) The officers of a General Committee of Adjustment shall be a General Chairperson, one or more Vice Chairpersons, and a Secretary-Treasurer. The officers of a General Committee must hold seniority rights in one of the crafts under the jurisdiction of such General Committee.
- c) Each General Committee of Adjustment shall hold a reorganization meeting in **January 200X** and triennially thereafter. Beginning with this meeting not more than two (2) officers of a General Committee shall be elected from any one craft when such Committee represents only two crafts, and not more than one officer from any one craft when such Committee represents more than two crafts, except by unanimous consent of the full General Committee.
- d) If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent his/her Local Committee of Adjustment.
- e) Incumbent officers and members of the General Committee and any member holding seniority in the craft represented by the General Committee shall be eligible for election to the office of General Chairperson and Secretary-Treasurer, and any other full-time officer positions on the General Committee. Only Local Chairpersons members of the General Committee shall be eligible for election to the office of part-time Vice General Chairperson. Officers, except General Chairperson, who are not Local Chairpersons may speak but shall have no vote in the General Committee.
- f) The officers of a General Committee shall be elected by secret ballot vote of the members of the General Committee during the triennial meeting except as otherwise provided herein.
- g) The Chairman and any other full-time officer positions on the General Committee shall be elected by a ballot referendum vote, as prescribed in the sections of this Article below, of the eligible members holding membership in the locals under the jurisdiction of the General Committee.
- h) Candidates shall be allowed to form slates as prescribed in Article 18 c) of this Constitution.
- i) Each local under the jurisdiction of the General Committee, after giving at least thirty (30) days prior notice thereof, shall schedule a meeting to be held prior to **September 1**, at which nominations for General Chairperson will be accepted.
- j) Nominations for General Chairperson will only be accepted when a petition is signed by at least two (2) % of the members holding seniority rights in one of the crafts and holding membership in one of the locals under the jurisdiction of the General Committee. The petition shall be presented to the Secretary of the local no later than the meeting scheduled to accept such nominating petitions.
- k) The Local Secretary shall certify the names of candidates, or if no nominations were received, and forward same to the National President by certified mail no later than ten (10) days after the nominating meeting. The National President shall have prepared ballots placing the names of the candidates in alphabetical order. The National President shall send a ballot as described in Article 18 to each member entitled to vote no later than **September 25**. Only members employed under the jurisdiction of a General Committee of Adjustment shall be eligible to vote in the referendum election for the officers of such Committee. The National

President shall request a list of eligible voters to be prepared by the National Secretary -Treasurer showing the names and addresses of the members paying General Committee assessments to that General Committee for the month of July preceding the election.

- l) The National President shall arrange for the National Secretary -Treasurer to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the National Secretary - Treasurer and shall not be opened prior to the date set for tabulation.
- m) The National Secretary -Treasurer will tabulate the ballots between **October 10** and **October 25** and shall notify the General Chairperson and candidates the date set for tabulating the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own expense.
- n) The National Secretary -Treasurer shall immediately notify the National President, General Chairperson, candidates, and each local the results of the election; and the Chairperson elected shall assume the office 14 days after notification.
- o) The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the National Secretary - Treasurer shall be governed by the applicable provisions of Article 53 of this Constitution.
- p) A defeated General Chairperson shall not sign system agreements unless they are also signed by the Vice Chairperson and Secretary of the General Committee. A defeated General Chairperson shall not close out pending cases unless concurred in by the Vice Chairperson and Secretary of the General Committee.
- q) The cost of a referendum election for General Chairperson shall be considered as General Committee expense under Article 84 of this Constitution, and such expense shall be paid by the General Secretary - Treasurer from the appropriate General Committee fund.
- r) The Chairperson of each General Committee of Adjustment shall convene the full Committee between **January 1** and **April 30** following the completion of the triennial elections for Local Committees of Adjustment, or as soon thereafter as elections are completed, and triennially thereafter. Actions of the General Committee shall be retroactive to **January 1** of that year. In the event the Chairperson fails to convene the Committee, the National President shall convene the Committee on request of one or more locals.
- s) A General Chairperson shall have no vote in General Committee meetings except in case of a tie vote on matters other than elections; the Chairperson will cast the deciding vote. In case of a tie vote in a Committee election after five (5) secret ballots the Chairperson shall then be permitted to vote.
- t) Each General Committee of Adjustment may adopt its by-laws and procedures, establish salaries, set the amount of General Committee of Adjustment dues, and such other matters necessary for its operation, subject to the provisions of this Constitution. In no case will the salaries of General Committee officers exceed that of the National President.
- u) A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property the Local Committee of Adjustment shall constitute the General Committee of Adjustment.
- v) The Secretary of the General Committee shall promptly notify the National President in the event of a vacancy in the office of Chairperson. The National President shall order an election, to be held in accordance with the provisions of this Article to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of his/her election will fill the vacancy.
- w) Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows: The Chairperson will set a period in which any member of the Committee may nominate another member of the Committee to fill the office. When the period for making nominations has expired, the Chairperson shall prepare ballots, placing the names of the candidates in alphabetical order. He/she shall furnish ballots to each member of the Committee, with notification as to the date on which the ballots must be returned for tabulation. On the date specified the Chairperson, with the assistance of at least two members of the Committee or two officers of the nearest local shall tabulate the ballots and certify the results to the Secretary of the General Committee. The Secretary of the General Committee shall report the results of the election to the locals and members of the General Committee.

- x) General Chairpersons or Executive Committee of General Committees of Adjustment may voluntarily consolidate their committees under such terms and conditions as they deem appropriate subject to approval by a majority vote of the members working under the jurisdiction of each General Committee of Adjustment involved and the National President.
- y) In the event 25% of the members working under the jurisdiction of a General Committee of Adjustment petition the Secretary of the General Committee to circulate a referendum ballot on a proposition of discontinuing the officers of their committee and consolidating their committee under the officers of another committee holding similar jurisdiction on the same property, the Secretary will prepare a ballot on the proposition to be circulated among the members involved by the Secretaries of the locals involved. Upon approval by a majority vote of the membership represented by such committee, a referendum ballot will be circulated among the membership represented by the other General Committee of Adjustment involved in the consolidation. Upon approval by a majority vote of the membership under the jurisdiction of such other committee, the officers of the committee being dissolved will, within sixty (60) days, make an orderly transfer of the property, funds, and files to the committee having jurisdiction.
- z) If, as a result of the referendum vote, it is the desire of the membership represented by the two General Committees to consolidate, a referendum election will be held as provided in this Article to elect a General Chairperson from the two incumbent General Chairpersons.
- aa) Nothing in this Article shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the consolidated General Committee to relocate his/her residence as a result of a consolidation of General Committees.

ARTICLE 84 - GENERAL COMMITTEE OF ADJUSTMENT FINANCING

- a) Each General Committee of Adjustment shall maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.
- b) Any member who is paid at a less than 100% of his/her craft pay rate due to BLET-UTU contract provisions shall pay no more than 80% of all General Committee dues assessments. (Example: Conductors paid on progressive rate scales shall pay no more than 80% of each dues assessment until such time as they receive 100% pay scale).
- c) Any member working in a position whose pay rate is less than trainmen's entry level rate due to BLET-UTU contract provisions shall pay no more than 50% of all General Committee dues assessments. (Example: Trainee engineers shall pay no more than fifty (50%) per cent dues assessments as long as they are receiving less than trainmen's entry level rate).
- d) The secretary-treasurer shall remit national dues and assessments to the National Secretary-Treasurer and shall also remit local and legislative board assessments to the secretary-treasurer of the local and the legislative board, respectively, on or before the 20th day of the next succeeding month for which such dues and assessments are collected.
- e) He/she shall render a quarterly financial itemized report of all receipts and disbursements to each local, the general chairman and the National President and at the expiration of his term of office deliver to his successor all books, papers, files and funds of the GCA.
- f) Dues, assessments, salaries, expenses, and other allowances established for the maintenance of General Committees, and in effect as of the effective date of unification, shall remain in effect, subject to change as provided herein.
- g) Any proposition to establish or abolish full-time salaried officers of a General Committee of Adjustment or to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of General Committees shall be submitted to the members of the General Committee while in session or by mail by the appropriate officer of the General Committee setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the General Committee before being made effective.
- h) All reasonable and proper expenses of a General Committee, officer, or member thereof when in the service of a General Committee shall be allowed as expense of the General Committee. An itemized statement of

expenses incurred, with receipts for all items in excess of \$5.00, and any amount due for services rendered shall be submitted to the Chairperson of the General Committee of Adjustment.

- i) When such statements are approved they shall be submitted to the General Committee Secretary-Treasurer for prompt payment.
- j) Where not otherwise provided for, the General Chairperson may rent office space, purchase office equipment, and employ such clerical assistance as necessary, when authorized to do so by a majority vote of the General Committee in session or by mail or electronic vote between sessions.

ARTICLE 85 - DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

- a) General Committee of Adjustment shall have authority to make and interpret agreements with representatives of transportation companies covering rates of pay, rules, or working conditions - subject to membership ratification in accordance with the provisions of this Article.
- b) Proposed agreements which appear to be in conflict with provisions of existing National Agreements or the policy of the National must first be submitted to the National President who, in conjunction with the Executive Council, will determine the propriety of the agreements. The decision of the National President and the Executive Council will be subject to Appeal as described in Article 79 of this Constitution.
- c) General Committees shall investigate all matters properly submitted to them and shall have the authority to alter, amend, add to, or strike out any part, or all, of any matter submitted to them.
- d) In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request the assistance of the National President. Upon receipt of such request, the National President or his/her representative shall meet with the General Chairperson, renew efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority held by the General Committee to progress the matter to a conclusion.
- e) Any system or local adjustments agreed to by the National President or his/her representatives shall be subject to a majority vote of the Local members affected.
- f) In the event the National President or his/her representative and the Committee are unable to reach a satisfactory adjustment of the matter, the National President may order a strike on all or any portion of the company involved. Such strike action must be authorized by a majority vote of the members of the Locals under the jurisdiction of the General Committee. Such vote may be taken by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.
- g) Between sessions of the General Committee of Adjustment, the Chairperson of such Committee shall exercise all rights, privileges, and authority vested in the General Committee, except as otherwise directed by the General Committee, or its bylaws, while in session, subject to the membership ratification provisions of this Article.
- h) The General Chairperson may make use of telephone conference calls or other electronic means in order to call the General Committee into special session.
- i) All members of the General Committee shall be notified three (3) days in advance of such meetings. The minutes of such meetings shall be recorded and a copy furnished to the Secretary-Treasurer of each Local in the General Committee within 30 days of the special session.
- j) The General Chairperson must poll the entire membership holding seniority and working in the craft involved on the property by secret referendum ballot, as prescribed in Section 18 of this Constitution, prior to signing any system agreements and be governed by the majority of the votes cast.
- k) Upon completion of the balloting for a system agreement, the General Chairperson(s) will prepare a report designating the result of the vote. A copy of the report shall be submitted to each affected local within 30 days after the close of balloting.
- l) The General Chairperson must poll the affected Local Chairperson(s) prior to signing any local agreement and be governed by the majority of the votes cast. A General Committee of Adjustment shall adopt procedures requiring the involved Local Chairperson(s) to poll his/her affected membership, by secret ballot, prior to casting his/her vote.
- m) Upon completion of the balloting for a local agreement, the General Chairperson will prepare a report designating the result of the vote of each Local Committee. A copy of the report shall be submitted to each affected local within thirty (30) days after the close of the balloting.

- n) A General Committee may elect from its members a subcommittee and vest such committee with authority of the General Committee of Adjustment to adjust such matters as may be assigned to it by the General Committee. The Chairperson of the General Committee shall be Chairperson of all such subcommittees.
- o) General Committees or subcommittees of General Committees of Adjustment making settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the interested Local Chairpersons and Secretary of the local in which the matters originated of the action taken.
- p) Actions or decisions of a General Committee shall be binding upon the members and Locals under the jurisdiction of such General Committee unless reversed or modified upon appeal as provided in Article 79 of this Constitution.

ARTICLE 86 - CHAIRPERSON OF GENERAL COMMITTEE OF ADJUSTMENT

- a) The Chairperson of a General Committee of Adjustment shall be its executive head, preside over all meetings, and exercise general supervision over its affairs and interests.
- b) The Chairperson shall furnish a quarterly report of his/her activities to all Local Chairpersons and locals under his/her jurisdiction and use such other means as necessary to keep the membership well informed.
- c) He/she shall attach to the report an itemized statement of receipts and disbursements of his/her Committee that shall be furnished by the General Secretary and Treasurer in sufficient number for distribution with this report.
- d) The Chairperson shall convene the General Committee upon written request of a member of said Committee provided a majority of the Committee concurs in such request.
- e) The Chairperson shall perform such other duties as may be required by the General Committee, or its bylaws and this Constitution.

ARTICLE 87 - VICE CHAIRPERSONS OF GENERAL COMMITTEE OF ADJUSTMENT

- a) The Vice Chairpersons of a General Committee of Adjustment shall act for or on behalf of the Chairperson when so directed by the Chairperson.
- b) They shall perform such other duties as may be delegated to them by the General Committee of Adjustment or its bylaws.

ARTICLE 88 - SECRETARY-TREASURER OF GENERAL COMMITTEE OF ADJUSTMENT

- a) The secretary-treasurer shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution; and he shall notify the National President when the general committee will convene and the nature of the business to be transacted.
- b) He/she will furnish each Local on the system a copy of the minutes of each session of the GCA, which shall include the number of each Local represented, together with the assessable members of each. Such copy shall be furnished within thirty (30) days of the close of each session.
- c) The secretary-treasurer shall remit national dues and assessments to the National Secretary-Treasurer and shall also remit Local and Legislative Board assessments to the secretary-treasurer of the Local and the Legislative Board, respectively, on or before the 20th day of the next succeeding month for which such dues and assessments are collected.
- d) He shall render a quarterly financial itemized report of all General Committee receipts and disbursements to each Local, the general chairman and the National President, and at the expiration of his term of office deliver to his successor all books, papers, files and funds of the GCA.
- e) The Secretary-Treasurer shall perform such other duties as might be required by the General Committee of Adjustment or its bylaws and this Constitution.
- f) He/she shall issue notices of meetings when so directed by the General Chairperson. He/she shall have charge of the books and papers of the Committee pertaining to this office.
- g) He shall furnish the National President a copy of the minutes of each session of the GCA.
- h) He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with respect to the general committee consistent with this Constitution
- i) Any member, working under the jurisdiction of a General Committee, is entitled to receive, upon written

request, copies of any General Committee Secretary-Treasurer's reports. Such member may be required to pay reasonable copying and mailing expense.

ARTICLE 89 – GENERAL COMMITTEE MOBILIZATION

General Committees of the BLET-UTU shall at the installation of officers following the regular triennial election of officers, elect from the General Committee a member to additionally serve as General Committee Mobilization Director. The duties of the General Committee Mobilization Director shall include:

- a) Maintain a contact list for every member of the General Committee. Such list shall include but not be limited to:
 - 1) Name of member.
 - 2) Member's Local Number.
 - 3) Member's address.
 - 4) Member's phone number(s).
 - 5) Member's email address.
- b) Maintain a similar contact list for all Local Mobilization Directors under the jurisdiction of the General Committee.
- c) Develop and maintain a method for quickly disseminating information to the National Union, State Legislative Board(s) and Local Mobilization Directors and to the Local members.
 - 1) Such information shall include, but not be limited to:
 - 2) All mobilization information and instructions received from the National Mobilization Director.
 - 3) All on-property job actions.
 - 4) Any death or serious injury of any BLET-UTU General Committee member in an on-the-job accident.
 - 5) Information related to the health and welfare of the membership, as approved by the General Chairman.
- d) Any other duties as directed by a majority vote of the General Committee or by the General Committee bylaws.

ARTICLE 90 - VACATIONS - GENERAL COMMITTEEPERSONS

- a) Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.
- b) Officers and members of General Committees of Adjustment employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Committee been earned with the carrier except, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the Committee, provided such earnings meet the requirements of the National Vacation Agreement.
- c) Vacation allowances provided herein shall be paid by the Secretary-Treasurer of the General Committee of Adjustment from the General Committee of Adjustment fund upon approval of the vacation claim by the General Chairperson and Secretary of the General Committee of Adjustment.
- d) This Article is intended to prevent any loss in vacation time and pay as a result of serving the General Committee.

ARTICLE 91 - MERGERS, LEASES, COORDINATIONS, ETC.

- a) When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority district to another on the same carrier and such affects the seniority rights of

employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work.

- b) Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.
- c) General Committees of Adjustment shall give consideration to all factors involved, including but not limited to engine hours worked, cars and tonnage handled where applicable, and mileage of operations on each seniority district or territory involved prior to the change in operation, consolidation, or the diversion or re-routing of traffic.
- d) In circumstances in which a carrier establishes a new line and no seniority rights exist, employees from the line from which traffic is diverted will be transferred to the new line in equal percentage to the mileage of the traffic diverted from the old line.
- e) If the portion of line transferred is insufficient in extent to constitute a separate seniority district, the employees taken over therewith in the merger may be placed on the roster of the proper seniority district to which the merged line is attached with seniority on such roster in their respective classes from a date not later than the date of merger.
- f) In applying this Article to bus lines the National Union and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.
- g) Disputes arising under this Article that cannot be resolved by the General Committee(s) of Adjustment shall be referred to the s National President. The National President shall promptly assign an officer to assist the General Committee(s) of Adjustment involved in resolving the dispute.
- h) Such assisting officer shall be agreed upon by the affected General Chairmen. Failing to resolve the dispute the officer shall make a complete report and recommendation to the National President who, in turn, shall decide the dispute.
- i) Any local or member of a local affected by action or decision of a General Chairperson, Sub Committee of the General Committee of Adjustment or General Committee of Adjustment, or by the decision of the National President with respect to this Article may appeal such action or decision as prescribed in Section 79 of this Constitution, provided such appeal is filed with the General Secretary and Treasurer within ninety (90) days from the date of the action or decision.
- j) The parties involved in the appeal shall be allowed thirty (30) days from the date the appeal is filed in which to reply to the appeal and shall exchange copies of the appeal and reply to the appeal.

ARTICLE 92 - ASSOCIATION OF GENERAL CHAIRPERSONS

- a) The Chairpersons of the General Committees of Adjustment in each region, as hereinafter set forth, shall form an Association of General Chairpersons, each to function independently of the other, for the purpose of formulating concerted movements relating to wages, rules, and working conditions of transportation service employees in their region.
 - 1. Western Association: Shall be composed of all territory lying west of and including the Southwestern Lines of the Illinois Central and lying on the west side of Lake Michigan and south of Lake Superior and west of the line drawn through Duluth, and shall be bounded on the south by the Mexican border and on the north by the Canadian border.
 - 2. Eastern Association: Shall be composed of the territory east of the aforementioned line of the Western Association, north of the lines of the Chesapeake & Ohio Railway and south of the Canadian border.
 - 3. Southeastern Association: Shall be composed of the territory south of and including the Chesapeake & Ohio Railway and as far west as the Illinois Central Lines mentioned as the boundary of the Western Association.
- b) All General Chairpersons shall be members of the Association of General Chairpersons in their respective districts as outlined above.
- c) Members of the Association of General Chairpersons shall attend all meetings of their Association and represent their committees with pay and proper expenses to be paid from the General Fund of the National Union.

- d) The National President shall convene the General Chairpersons during the year **200X** for the purpose of organizing the Association in each district.
- e) Each district shall elect, by secret ballot, a Chairperson, a Vice Chairperson, Delegate to the National Union Executive Council and a Secretary to serve as officers of their Association.
- f) The Delegate to the National Union Executive Council shall be a full voting member of the National Union Executive Council and shall represent the General Chairman's Association and the members of its subordinate bodies.
- g) Following the reorganization of General Committees in **200X**, and triennially thereafter, the National President shall convene the Association of General Chairpersons for the purpose of reorganizing and electing officers.
- h) Each Association shall adopt by-laws for its special government consistent with the provisions of this Constitution.
- i) The Association will be convened by the National President whenever necessary and may be convened by him when a majority of the General Chairpersons within a district of the Association request a special meeting, provided the requests are uniform in object and purpose and the meeting is limited to subjects over which the Association has jurisdiction.

ARTICLE 93 – WAGE, RULES & WORKING CONDITIONS MOVEMENTS

- a) In any general or concerted wage-rules movement the National President shall appoint a negotiating committee representative of each of the former organizations and crafts represented by them which are involved in the movement. The negotiating committee shall assist in the prosecution of the wage-rules movement as directed by the National President.
- b) Subject to any General Committee of Adjustment's right to opt to engage in local handling, the Committee will conduct the bargaining on behalf of each of the crafts and shall have the authority to reach tentative agreements. In the event any transportation company refuses to be represented by the conference committee representing the companies in a general or concerted movement, the National President may exclude the General Committee of Adjustment on such company from participation in the movement. Such exclusion will be subject to approval of a majority vote of the Association.
- c) In national handling the National President cannot accept any proffer of arbitration unless he has received a majority approval of the members from each of the crafts involved in the movement. Such approval shall be by secret ballot vote as prescribed in Article 19 of this Constitution.
- d) Following receipt of an offer of settlement, each General Chairperson shall have thirty (30) days to submit questions pertaining to the offer.
- e) The negotiating committee will consolidate the submitted questions into a single, uniform list. When the answers to these questions are determined by the negotiating committee and the carriers' representatives, the agreed upon questions and answers will be distributed to the General Chairpersons and made a part of the final offer of settlement.
- f) A majority of the members voting of each of the crafts to be covered or affected by the terms of the proposed agreement shall be required to ratify the offer of settlement.
- g) A verbatim copy of the settlement shall be submitted, by the National President, to each local involved in the movement, in sufficient quantity to permit circulation to the membership, and/or a verbatim copy may be mailed to each member in a special edition of the BLET/UTU newsletter. Recommendations of the National President and/or Negotiating Committee may be included along with a digest or summary of the provisions of the settlement.
- h) The vote shall be a secret ballot vote as prescribed in Article 19 of this Constitution. Agreements shall be sent via first-class mail in an envelope marked "Important - Agreement and Ballot Enclosed". The final result and tabulation of voting shall be furnished to each local involved in the movement and shall be printed in the BLET/UTU News and immediately posted on the BLET-UTU website.

ARTICLE 94 - STRIKES

- a) **Authority for Taking Strike Vote and Withdrawing from or Returning to Service on Railroads or Systems:**

- 1) In the event of a question of wages or other causes where the BLET-UTU is likely to be involved in an issue with a railroad company or when a strike is in progression on any road, no one will be permitted to take an active part in the deliberations of any Local while the question at issue is under discussion unless he is in active service as a locomotive engineer or trainman as defined in Article 68 of this Constitution.
- 2) The members on every railroad shall settle their grievances with their own General Committee of Adjustment, if possible. Failing to do so, the General Chairman, upon approval of a majority of the General Committee, shall have full power to poll the members of the Locals under jurisdiction of the General Committee. The members of such Locals shall decide whether they will quit work or not by a majority of the secret ballots cast by all the members employed on the system where the grievances exists, except as provided in section 3 below. Engineers or trainmen belonging to Locals who are not employed on the system where the trouble exists shall not be allowed to vote upon the questions in controversy.
- 3) In case of an emergency where delay would seriously jeopardize the welfare of those involved, the General Chairman, upon two-thirds (2/3) approval of the General Committee, may authorize an immediate strike. In such case, the General Chairman shall notify the National President prior to commencement of the strike.
- 4) If a majority of the membership casting a ballot on the road or system vote in favor of a strike, the general chairman shall set a strike date and withdraw the members on such road or system from service, unless a satisfactory settlement is reached. Such strike date shall be approved by a majority of the General Committee.
- 5) In the event it is decided to strike, the membership on the railroad where the strike is in effect shall be sustained by the BLET-UTU. Should it be necessary, the Executive Council of the BLET-UTU shall be empowered to levy an assessment on the active membership of the BLET-UTU. Such assessment will not be effective beyond the next session of the BLET-UTU, at which time it will be continued, discontinued or revised.
- 6) On any railroad where a strike is called or is in progress, the General Chairman, with approval of two-thirds (2/3) majority of the General Committee, on the railroad involved, shall have absolute power to declare the strike off. Should the strike continue for five (5) days or longer, the power to declare the strike off shall be vested in the members of the Locals under the jurisdiction of the GCA on the road or system. Such decision will be by a secret ballot, majority vote of the membership.

b) Authority for Taking Strike Vote and Withdrawing from or Returning to Service on a National Level:

- 1) In the case of National Contract negotiations, the National President with two-thirds (2/3) majority of the Executive Council, may authorize a strike authorization vote of the eligible members of BLET-UTU. Such vote will be by secret ballot and a strike shall be authorized when approved by a majority of those casting ballots. Whenever a negotiating committee recommends rejection or acceptance of a contract offer, the members shall vote to ratify the negotiating committee decision. BLET-UTU members have final authority to accept or reject any contract. In cases where the members vote to reject a contract, they shall, additionally, vote on whether to strike or continue negotiating.
- 2) In case of an emergency where delay would seriously jeopardize the welfare of those involved, the National President, upon two-thirds (2/3) approval of the Executive Council, may authorize a general strike. In such case, the strike shall not be of more than three (3) days duration unless approved by a secret ballot, majority vote of the eligible members of BLET-UTU. Locals shall hold such vote of their members within two (2) days of the commencement of the strike; and shall immediately report the results of the vote to the National Secretary-Treasurer.
- 3) In case of a general strike, it shall require a majority vote of the eligible members of BLET-UTU before the strike is officially called off. The National President with two-thirds (2/3) majority approval of the Executive Council may order the members to return to work, tentatively, until such vote is taken.

c) Strike Rules and Benefits

- 1) Every member of the BLET-UTU shall be duty bound to comply with strike orders of the BLET-UTU. A member who neglects or refuses to do so and who takes the place or performs the duties of a striking member shall be expelled from the BLET-UTU, upon conviction thereof under the trial procedures of this Constitution.
- 2) All eligible members shall be given due notice of any vote to call or end any strike and shall be given the opportunity to vote on the issue.
- 3) Strikes inaugurated by the BLET-UTU - Members of crafts represented by the BLET-UTU who engage in a strike inaugurated by the BLET-UTU, including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.
- 4) Strikes inaugurated by other recognized Unions - Members of the BLET-UTU, who are unemployed due to any recognized union representing employees of the railroads or other transportation companies being on strike, shall be allowed strike benefits for a period not to exceed sixty (60) days as though they were active participants in the strike. However, the sixty (60) days limit may be extended in unusual circumstances determined by the National President and the Executive Council.
- 5) Qualifications - In order to qualify for strike benefits, members must register each day, and perform or be available to perform picket duty as required by the local having jurisdiction. A member must verify his/her correct address and social security number with the Local Treasurer for the purpose of mailing benefit checks.
- 6) Strike benefits will be \$50.00 per day and will not exceed a maximum of \$600.00 per month.
- 7) Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days as the result of one strike. However, the one hundred twenty (120) days' limit may be extended in unusual circumstances determined by the National President and the Executive Council.
- 8) Procedures for claiming benefits - Upon inauguration of a strike by the BLET-UTU or upon authorization of strike benefits to BLET-UTU members in the case of a recognized Union representing employees of railroads or other transportation companies being on strike, the National President shall notify the National Secretary-Treasurer accordingly.
- 9) Upon receipt of such notification, the National Secretary-Treasurer shall prepare a list, in duplicate, and furnish each local involved, showing all members of each local having jurisdiction over striking members or members who may be affected by a strike by the BLET-UTU or a recognized union, as they appear on monthly billing including home addresses, space for social security number or social insurance number, occupation and length of service which shall be identified as Form #1.
- 10) The President and Treasurer of each local shall complete Form #1 by filling in the required blanks and return one (1) copy to the National Secretary-Treasurer within ten (10) days. Form #1 must be signed by the President and Treasurer of the local and notarized by a notary public.
- 11) Upon return of Form #1, the National Secretary-Treasurer shall prepare a strike payroll, in duplicate, from the information contained therein. The strike payroll shall be known as Form #2 and shall list striking members in alphabetical order with space provided for number of days for which payment is claimed and amount of payment due.
- 12) The local treasurer will fill in the spaces as indicated noting any changes from Form #1, i.e., additions, deletions, exempt from dues requirement, sick or injured, vacation, death, retired, or members who, for any reason, are not available for picketing or other duties required by the local. The treasurer shall return the completed Form #2 on the 15th and the last day of the month.
- 13) Upon receipt of strike payrolls, the National Secretary-Treasurer shall issue checks drawn upon the strike fund for payment.
- 14) The National Secretary-Treasurer will mail strike benefits to all members entitled to receive benefits, whose proper address appears on Form #1. A copy of Form #2 will be mailed to the Local Treasurer.
- 15) In the event of a general strike by the BLET-UTU or by other unions representing employees of railroads or other transportation companies, the National President in conjunction with the Vice President or other officer handling the strike and upon two-thirds (2/3) majority of the Executive Council, may suspend all strike benefits if such action becomes necessary for the protection of the BLET-UTU funds.
- 16) When a strike of any other labor organization is in effect and danger to the safety of our members exists

in or about the area affected by the strike, and/or if there exists any substantial present or potential threat of danger to the members enroute to or from their work, and/or to the members' families, it is the policy of the BLET-UTU to support its members in declining to enter the territory directly affected.

ARTICLE 95 - UNITED STATES LEGISLATIVE DEPARTMENT

- a) The Legislative Representatives of each local in each State and in the District of Columbia shall form a State or District Legislative Board, for the purpose of protecting the legislative interests of the members under its jurisdiction.
- b) The officers of a State or District Legislative Board shall be a Director, Assistant Director, Alternate Director, Mobilization Director, one or more other Assistant Directors, if desired by the Legislative Board, and a Secretary -Treasurer. Such officers shall also be the Executive Committee of such Legislative Board.
- c) Where there currently is multiple State or District Boards, such Boards and officers will be merged in accordance with Section 11 of the Unification Agreement.
- d) Nothing in this Article shall prevent a Legislative Board from providing a residence property settlement, moving expenses and transfer allowance for a Legislative Director who is required by the consolidated Legislative Board to relocate his/her residence as a result of a consolidation of State Legislative Boards.
- e) The Legislative Director of each State or District Legislative Board shall convene the full Legislative Board not later than April 30th following the completion of the triennial elections for Local Legislative Representatives for reorganization purposes, if necessary, which shall include the election of officers and adoption of by-laws and procedures.
- f) Beginning with the first reorganization meeting, not more than two (2) officers of the Executive Committee shall be elected from any one craft except by a two-thirds (2/3) vote of the Legislative Board.
- g) Incumbent officers and members of the Legislative Board and any member holding seniority in the craft represented by the (Name) and employed under the jurisdiction of the Legislative Board, shall be eligible for election to the office of Director and Secretary-Treasurer, and any other full-time officer positions on the Board. Only Local Legislative Representatives who are members of the Legislative Board shall be eligible for election to the remaining Board offices. Officers, except Legislative Director, who are not Local Legislative Representatives may speak but shall have no vote in the Legislative Board.
- h) The officers of a Legislative Board shall be elected by secret ballot vote of the members of the Board during the triennial meeting except as otherwise provided herein.
- i) The Legislative Director and any other full-time officer positions on the Board shall be elected by a ballot referendum vote, as prescribed in Article 19 of this Constitution, of the members holding membership in the locals under the jurisdiction of the Board.
- j) Candidates shall be allowed to form slates as prescribed in Article 18 c) of this Constitution.
- k) Each local under the jurisdiction of the Board, after giving at least thirty (30) days prior notice thereof, shall schedule a meeting to be held prior to September 1, at which nominations for Legislative Director and any other full-time offices of the Legislative Board will be accepted.
- l) Nominations for such offices will only be accepted when a petition is signed by at least two (2) % of the members holding seniority rights in one of the crafts and holding membership in one of the locals under the jurisdiction of the Legislative Board. The petition shall be presented to the Secretary of the local no later than the meeting scheduled to accept such nominating petitions.
- m) The Local Secretary shall certify the names of candidates, or if no nominations were received, and forward same to the Legislative Board Secretary by certified mail no later than ten (10) days after the nominating meeting. The Legislative Director shall have prepared ballots placing the names of the candidates in alphabetical order. The Legislative Board Secretary shall send a ballot as described in Article 53 to each member entitled to vote no later than **September 25**.
- n) Only members employed under the jurisdiction of a Legislative Board shall be eligible to vote in the referendum election for the officers of such Committee. The Legislative Director shall request a list of eligible voters to be prepared by the National Secretary -Treasurer showing the names and addresses of the members paying Legislative Board assessments to that Board for the month of July preceding the election.

- o) The Legislative Director shall arrange for the Legislative Board Secretary to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the Legislative Board Secretary and shall not be opened prior to the date set for tabulation.
- p) The Legislative Board Secretary will tabulate the ballots between **October 10** and **October 25** and shall notify the Legislative Director and candidates the date set for tabulating the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own expense.
- q) The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives, a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the Legislative Board Secretary shall be governed by the applicable provisions of Article 53.
- r) The Legislative Board Secretary shall immediately notify the National President, Legislative Director, candidates, and each local the results of the election; and the elected candidate shall assume the office 14 days after notification.
- s) If the Local Legislative Representative is unable to attend a meeting of the full State or District Legislative Board, the Alternate Legislative Representative of such local shall attend the meeting and represent their local but, as such, he/she shall not be eligible for election as a part-time officer of the Legislative Board. The absent Legislative Representative shall be eligible for election as an officer of the Legislative Board.
- t) Officers of the Executive Committee shall assume the duties of their offices upon election and their term of office shall be for three (3) years. The State or District Director will cast the deciding vote in case of a tie vote on matters other than elections. In case of a tie vote in elections after the fifth secret ballot, the State or District Legislative Director shall then be permitted to vote.
- u) In states or districts where there is a Legislative Director and an Assistant Legislative Director, the Assistant Legislative Director shall fill a vacancy in the office of Legislative Director. The Alternate Legislative Director shall fill a vacancy in the office of Assistant Legislative Director. Any other vacancy shall be filled by a majority vote of the Legislative Board in accordance with the Board's by-laws and procedures.
- v) The Director of each State or District Legislative Board shall preside over all meetings. He/she shall issue the necessary summons to convene the Executive Committee and/or Legislative Board as required by this Constitution and at such other times as may be necessary.
- w) Each State or District Legislative Board shall adopt its by-laws and procedures, including the filling of vacancies, establishing salaries, setting the amount of Legislative Board dues, and such other matters necessary for its operation, subject to the provisions of this Constitution.
- x) In no case will the salaries of full time Board members exceed that of the National President.

ARTICLE 96 - STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

- a) Each State or District Legislative Board must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of such State or District Legislative Board through assessments levied upon the members under their jurisdiction.
- b) Any member who is paid at a less than 100% of his/her craft pay rate due to BLET-UTU contract provisions shall pay no more than 80% of all Legislative Board dues assessments. (Example: Conductors paid on progressive rate scales shall pay no more than 80% of each dues assessment until such time as they receive 100% pay scale).
- c) Any member working in a position whose pay rate is less than trainmen's entry level rate due to BLET-UTU contract provisions shall pay no more than 50% of all Legislative Board dues assessments. (Example: Trainee engineers shall pay no more than fifty (50%) per cent dues assessments as long as they are receiving less than trainmen's entry level rate).
- d) The State or District Legislative Board funds shall be deposited by the Legislative Board Secretary-Treasurer and shall be used to pay the salaries, expenses, and other allowances necessary for the maintenance of the State or District Legislative Board.
- e) Dues, assessments, salaries, expenses, and other allowances established for the maintenance of State or District Legislative Boards and in effect as of **January 1, 200X**, shall remain in effect subject to change as provided herein.

- f) Any proposition to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of the State or District Legislative Boards shall be submitted to the members of the State or District Legislative Board while in session or by mail by the Secretary of the State or District Legislative Board setting forth the specific change and effective date of such change.
- g) Such proposition must be approved by a majority vote of the members of the State or District Legislative Board before being made effective. Any such proposition to increase dues or assessments will not be proposed more than once every three (3) years nor exceed two (\$2.00) per month unless submitted to a referendum vote of the members of the Locals under the jurisdiction of the Board.
- h) All reasonable and proper expenses of a State or District Legislative Board, Executive Committee, or officer or member thereof when in the service of a Legislative Board shall be allowed as expense of the Legislative Board.
- i) An itemized statement of expenses incurred, with receipts for all items in excess of \$5.00, and any amount due for services rendered shall be submitted to the Director of the Legislative Board. When such statements are approved they shall be submitted to the Legislative Board Secretary-Treasurer for prompt payment.
- j) The State or District Legislative Director may rent office space, purchase necessary office equipment, and employ such clerical assistance as necessary when authorized to do so by a majority vote of the Board in session or by mail vote between sessions.

ARTICLE 97 - DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS

- a) The Executive Committee of each State or District Legislative Board may be convened by the Director at least forty-five (45) days, where possible, prior to each primary and general election, for the purpose of endorsing candidates for State offices and to make recommendations for candidates for the U.S. Senate and the House of Representatives and to transact such other business as may be necessary.
- b) State and District Directors will promptly advise the National President and the National Legislative Department of all endorsements of State Candidates and recommendations for Members of Congress made by the Executive Committee.
- c) The State or District Legislative Directors may remain in the State or District capitol during sessions of the Legislature, when so authorized by the Legislative Board, and shall devote all of their time to securing the enactment of such laws, or the repeal or modification of such other laws as directed by the Legislative Board.
- d) They shall organize opposition to and appear before appropriate agencies to oppose discontinuance of any mode of transportation under the jurisdiction of this union. They shall urge compliance with all laws that protect the welfare of members of the BLET-UTU and shall promptly report violations of State laws and regulations to the proper State enforcement agency.
- e) Violations of all federal laws and regulations shall be reported to the National Legislative Department, and said report will indicate whether the violation also has been reported to the proper federal agency.
- f) The Secretary of the State or District Legislative Board shall keep a record and make a report of the proceedings of all meetings of the Legislative Board and the Executive Committee.
- g) A copy of that report shall be furnished to National President, National Legislative Department, Legislative Representatives, and Secretary of each Local under the jurisdiction of the Board.
- h) Full-time Legislative Directors shall make a quarterly report of their activities to Secretaries and Legislative Representatives of all locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of the Board. A copy of this report shall be furnished the National President, the National Legislative Department and the Secretary-Treasurer of each constituent Local.
- i) Any member, working under the jurisdiction of a State Legislative Board, is entitled to receive, upon written request, copies of any State Legislative Board reports. Such member may be required to pay reasonable copying and mailing expense.
- j) Part-time State or District Legislative Directors or Assistant Directors may, when recommended by the Executive Committee, visit Locals and appear before commissions or other agencies on behalf of the BLET-UTU. They shall be authorized to cooperate with other organizations to this end. They shall perform such other duties as may be required by their Legislative Board by-laws and this Constitution.

- k) All proposed legislation and bills introduced that may be detrimental to labor shall be submitted to the National President and the National Legislative Department.
- l) Questions of jurisdiction involving Legislative Boards and General Committees of Adjustment pertaining to laws, abandonment, and/or borderline matters shall be referred to the National President for decision.
- m) Any member using his/her influence in the name of the BLET-UTU to defeat any action taken by the National Legislative Department or a State or District Legislative Board shall, upon conviction thereof, be expelled.
- n) Officers and members of State and District Legislative Boards shall be under the direction of, and cooperate with, the National Legislative Department on all National Legislative policies and proposed federal legislation established by the National President or Executive Council. They shall cooperate with the Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of the BLET-UTU.
- o) On any legislative issue that involves the discontinuance of specific craft service positions on railroads, the Executive Committee will authorize a Legislative Board officer of that specific craft to handle such issues under the supervision of the Executive Committee.

ARTICLE 98 – STATE, PROVINCIAL OR DISTRICT LEGISLATIVE BOARD MOBILIZATION

- a) State, Provincial or District Legislative Boards of the BLET/UTU shall at the installation of officers following the regular triennial election of officers; elect from the Legislative Board a member to additionally serve as Legislative Board Mobilization Director. The duties of the Legislative Board Mobilization Director shall include:
 - 1) To maintain a contact list for every member of the State Legislative Board. Such list shall include but not be limited to:
 - i. Name of member.
 - ii. Member’s Local Number.
 - iii. Member’s address.
 - iv. Member’s phone number(s).
 - v. Member’s email address.
 - 2) Maintain a similar contact list for all Local Mobilization Committees under the jurisdiction of the State Legislative Board.
 - 3) Develop and maintain a method for quickly disseminating information to the National Union, constituent General Committees and Local Mobilization Committees and to the Local members.
 - 4) Such information shall include, but not be limited to:
 - i. Any concerted action requested by the State Legislative Board Chairperson.
 - ii. Information related to the health and welfare of the membership, as approved by the State legislative Board Chairman.
 - 5) Any other duties as directed by a majority vote of the Legislative Board or by the Legislative Board bylaws.

ARTICLE 99 - VACATIONS - STATE, PROVINCIAL OR DISTRICT LEGISLATIVE BOARDS

- a) Full-time officers and employees of State, Provincial, or District Legislative Boards shall be granted vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based upon earnings from their Boards. Such vacations may be split but will not be carried over from one year to the next.
- b) Officers and members of such Legislative Boards employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Legislative Board been earned with the carrier.
- c) However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay consistent with the terms of the appropriate Vacation Agreement based upon their total earnings with the carrier and the Legislative Board, provided the earnings meet the requirements of the applicable Vacation Agreement.

- d) This Article is intended to prevent any loss in vacation time and pay as a result of serving the Legislative Board.

ARTICLE 100 - CANADIAN LEGISLATIVE DEPARTMENT

- a) The Legislative Representatives of each Local in each Province shall form a Provincial Legislative Board, for the purpose of protecting the legislative interests of the members under its jurisdiction.
- b) The officers of a Provincial Legislative Board shall be a Director, Assistant Director, Alternate Director, Mobilization Director, one or more other Assistant Directors, and a Secretary and/or Treasurer where required by provincial law. Such officers shall also be the Executive Committee of such Provincial Legislative Board.
- c) Where there currently are multiple Provincial Legislative Boards, such Boards will be merged in accordance with Section 11 of the Unification Agreement.
- d) Nothing in this Article shall prevent a Legislative Board from providing a residence property settlement, moving expenses and transfer allowance for a Provincial Legislative Director who is required by the consolidated Legislative Board to relocate his/her residence as a result of a consolidation of Provincial Legislative Boards.
- e) The Provincial Legislative Director shall convene the full Legislative Board not later than April 30th following the completion of the triennial elections for Local Legislative Representatives for reorganization purposes, if necessary, which shall include the election of officers and adoption of by-laws and procedures.
- f) Beginning with the first reorganization meeting, not more than two (2) officers of the Executive Committee shall be elected from any one craft except by a two-thirds (2/3) vote of the Legislative Board.
- g) Incumbent officers and members of the Legislative Board and any member holding seniority in the craft represented by the (Name) and employed under the jurisdiction of the Legislative Board, shall be eligible for election to the office of Director and Secretary-Treasurer, and any other full-time officer positions on the Board. Only Local Legislative Representatives who are members of the Legislative Board shall be eligible for election to the remaining Board offices. Officers, except Legislative Director, who are not Local Legislative Representatives may speak but shall have no vote in the Legislative Board.
- h) The officers of a Legislative Board shall be elected by secret ballot vote of the members of the Board during the triennial meeting except as otherwise provided herein.
- i) The Legislative Director and any other full-time officer positions on the Board shall be elected by a ballot referendum vote, as prescribed in Article 19 of this Constitution, of the members holding membership in the locals under the jurisdiction of the Board.
- j) Candidates for such offices shall be allowed to form slates as prescribed in Article 18 c) of this Constitution.
- k) Each local under the jurisdiction of the Board, after giving at least thirty (30) days prior notice thereof, shall schedule a meeting to be held prior to September 1, at which nominations for Legislative Director and any other full-time offices of the Legislative Board will be accepted.
- l) Nominations for such offices will only be accepted when a petition is signed by at least two (2) % of the members holding seniority rights in one of the crafts and holding membership in one of the locals under the jurisdiction of the Legislative Board. The petition shall be presented to the Secretary of the local no later than the meeting scheduled to accept such nominating petitions.
- m) The Local Secretary shall certify the names of candidates, or if no nominations were received, and forward same to the Legislative Board Secretary by certified mail no later than ten (10) days after the nominating meeting. The Legislative Director shall have prepared ballots placing the names of the candidates in alphabetical order. The Legislative Board Secretary shall send a ballot as described in Article 53 to each member entitled to vote no later than **September 25**. Only members employed under the jurisdiction of a Legislative Board shall be eligible to vote in the referendum election for the officers of such Committee. The Legislative Director shall request a list of eligible voters to be prepared by the National Secretary - Treasurer showing the names and addresses of the members paying Legislative Board assessments to that Board for the month of July preceding the election.
- n) The Legislative Director shall arrange for the Legislative Board Secretary to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the Legislative Board Secretary and shall not be opened prior to the date set for tabulation.

- o) The Legislative Board Secretary will tabulate the ballots between **October 10** and **October 25** and shall notify the Legislative Director and candidates the date set for tabulating the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own expense.
- p) The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the Legislative Board Secretary shall be governed by the applicable provisions of Article 53 of this Constitution.
- q) The Legislative Board Secretary shall immediately notify the National President, Legislative Director, candidates, and each local the results of the election; and the elected candidate(s) shall assume the office 14 days after notification.
- r) If the Local Legislative Representative is unable to attend a meeting of the full Provincial Legislative Board, the Alternate Legislative Representative of such local shall attend the meeting and represent their local but, as such, he/she shall not be eligible for election as a part-time officer of the Legislative Board. The absent Legislative Representative shall be eligible for election as an officer of the Legislative Board.
- s) The Provincial Legislative Director will cast the deciding vote in case of a tie vote on matters other than elections. In case of a tie vote in elections after the fifth secret ballot, the Provincial Legislative Director shall then be permitted to vote.
- t) In a Province where there is a Legislative Director and an Assistant Legislative Director, the Assistant Legislative Director shall fill a vacancy in the office of Legislative Director. The Alternate Legislative Director shall fill a vacancy in the office of Assistant Legislative Director. Any other vacancy shall be filled by a majority vote of the Legislative Board in accordance with the Board's by-laws and procedures.
- u) The Director of each Provincial Legislative Board shall preside at the Board meetings. He/she shall issue the necessary summons to convene the Executive Committee as required by this Constitution and at such other times as may be necessary.
- v) Each Provincial Legislative Board may adopt its by-laws and procedures, including the filling of vacancies, establishing salaries, setting the amount of Legislative Board dues, and such other matters necessary for its operation, subject to the provisions of this Constitution.
- w) In no case will the salaries of full time Board members exceed that of the National President.

ARTICLE 101 - PROVINCIAL LEGISLATIVE BOARD FINANCING

- a) Each Provincial Legislative Board must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of such Provincial Legislative Board through assessments levied upon the members under their jurisdiction.
- b) Any member who is paid at a less than 100% of his/her craft pay rate due to BLET-UTU contract provisions shall pay no more than 80% of all Provincial Legislative Board dues assessments. (Example: Conductors paid on progressive rate scales shall pay no more than 80% of each dues assessment until such time as they receive 100% pay scale).
- c) Any member working in a position whose pay rate is less than trainmen's entry level rate due to BLET-UTU contract provisions shall pay no more than 50% of all Provincial Legislative Board dues assessments. (Example: Trainee engineers shall pay no more than fifty (50%) per cent dues assessments as long as they are receiving less than trainmen's entry level rate).
- d) The Provincial Legislative Board funds shall be deposited by the Legislative Board Secretary-Treasurer and shall be used to pay the salaries, expenses, and other allowances necessary for the maintenance of the Provincial Legislative Board.
- e) Dues, assessments, salaries, expenses, and other allowances established for the maintenance of Provincial Legislative Boards and in effect as of **January 1, 200x**, shall remain in effect subject to change as provided herein.
- f) Any proposition to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of the Provincial Legislative Boards shall be submitted to the members of the Provincial Legislative Board while in session or by mail by the Secretary of the Provincial Legislative Board setting forth the specific change and effective date of such change.

- g) Such proposition must be approved by a majority vote of the members of the State or District Legislative Board before being made effective. Any such proposition to increase dues or assessments will not be proposed more than once every three (3) years nor exceed two (\$2.00) per month unless submitted to a referendum vote of the members of the Locals under the jurisdiction of the Board.
- h) All reasonable and proper expenses of a Provincial Legislative Board, Executive Committee, or officer or member thereof when in the service of a Legislative Board shall be allowed as expense of the Legislative Board.
- i) An itemized statement of expenses incurred, with receipts for all items in excess of \$5.00, and any amount due for services rendered shall be submitted to the Director of the Legislative Board. When such statements are approved they shall be submitted to the Legislative Board Secretary -Treasurer for prompt payment.
- j) The Provincial Legislative Director may rent office space, purchase necessary office equipment, and employ such clerical assistance as necessary when authorized to do so by a majority vote of the Board in session or by mail vote between sessions.

ARTICLE 102 - DUTIES OF PROVINCIAL LEGISLATIVE BOARDS

- a) The Executive Committee of each Provincial Legislative Board may be convened by the Director at least forty-five (45) days, where possible, prior to each primary and general election, for the purpose of endorsing candidates for Provincial offices and to make recommendations for candidates for the Canadian Parliament and to transact such other business as may be necessary.
- b) The Provincial Legislative Directors will promptly advise the National President and the Canadian Legislative Department of all endorsements of Provincial Candidates and recommendations for Members of Parliament made by the Executive Committee.
- c) The Provincial Legislative Directors may remain in the Provincial capitol during sessions of the Legislative Assembly, when so authorized by the Legislative Board, and shall devote all of their time to securing the enactment of such laws, or the repeal or modification of such other laws as directed by the Legislative Board.
- d) They shall organize opposition to and appear before appropriate agencies to oppose discontinuance of any mode of transportation under the jurisdiction of this Union. They shall urge compliance with all laws that protect the welfare of members of the BLET-UTU and shall promptly report violations of Provincial laws and regulations to the proper Provincial enforcement agency.
- e) Violations of all federal laws and regulations shall be reported to the Canadian Legislative Department, and said report shall indicate whether the violation has also been reported to the proper agency.
- f) The Secretary of the Provincial Legislative Board shall keep a record and make a report of the proceedings of all meetings of the Legislative Board and the Executive Committee.
- g) A copy of the report shall be furnished to the National President, the Canadian Legislative Department, and the Legislative Representative and Secretary of each Local under the jurisdiction of the Board.
- h) Full-time Provincial Legislative Directors shall make a quarterly report of their activities to Secretaries and Legislative Representatives of all Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of the Board. A copy of this report shall be furnished to the National President, the Canadian Legislative Department and the Secretary of each Local under its jurisdiction.
- i) Any member, working under the jurisdiction of a Provincial Legislative Board, is entitled to receive, upon written request, copies of any Provincial Legislative Board report. Such member may be required to pay reasonable copying and mailing expense.
- j) Part-time Legislative Directors or Assistant Directors may, when recommended by the Executive Committee, visit Locals and appear before commissions or other agencies on behalf of the BLET-UTU. They shall be authorized to cooperate with other organizations to this end. They shall perform such other duties as may be required by their Legislative Board By-laws and this Constitution.
- k) All proposed Provincial legislation and bills introduced that may be detrimental to labor shall be submitted to the National President and the Canadian Legislative Department.
- l) Questions of jurisdiction involving Legislative Boards and General Committees pertaining to laws, abandonment, and/or borderline matters shall be referred to the National President for decision.

- m) Any member using his/her influence in the name of the BLET-UTU to defeat any action taken by the Canadian Legislative Department or Provincial Legislative Boards shall, upon conviction thereof, be expelled.
- n) Officers and members of Provincial Legislative Boards shall be under the direction of, and cooperate with, the Canadian Legislative Department on all Canadian Legislative policies and proposed federal legislation established by the National President or the Executive Council. They shall cooperate with the Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of the BLET-UTU.
- o) On any legislative issue that involves the discontinuance of any specific craft service positions on railroads, the Executive Committee will authorize a Legislative Board officer of that specific craft to handle such issues under the supervision of the Executive Committee.

ARTICLE 103 - ASSOCIATIONS OF STATE, DISTRICT, AND PROVINCIAL LEGISLATIVE DIRECTORS

- a) The Legislative Directors of each State, the District of Columbia, and Province shall form Associations in the United States and Canada, for the purpose of coordinating concerted efforts for securing the enactment of laws and regulations, or the repeal or modification of laws and regulations, to ensure the protection and welfare of the members of the BLET-UTU, in their respective countries, and to exchange information regarding political and legislative activities affecting BLET-UTU members and to recommend a legislative agenda for the Organization.
- b) The National President will convene the Associations during the year **200X**, and triennially thereafter. Legislative Directors shall be members of the Associations and shall represent their Legislative Boards at each meeting with salaries and proper expenses to be paid from the National Union General Fund.
- c) The Officers of the Associations shall be a Chairperson, Vice Chairperson, Secretary and Treasurer to be elected by secret ballot during the **200X** meeting and triennially thereafter.
- d) By-laws consistent with the provisions of this Constitution shall be adopted at their **200X** meetings. A majority of members of each Association shall constitute a quorum.

ARTICLE 104 – COMPLIANCE FOR OFFICERS, EMPLOYEES AND MEMBERS CONCERNING FELA DESIGNATED LEGAL COUNSEL AND EMPLOYERS

- a) **Appointment and Qualifications of Designated Legal Counsel**
 - 1) Appointment as Designated Legal Counsel, or removal of such appointment, shall be made by either:
 - i) A majority vote of the Executive Council, or
 - ii) A majority vote of the National Union Delegates in Convention convened.
 - 2) For an applicant to be considered for designation, at least ten (10) members of the BLET-UTU must, in written form, recommend such applicant.
 - 3) Counsel must have an established record of successful litigation experience and must have tried at least twelve (12) cases to verdict.
 - 4) Counsel must have a favorable rating from Martindale-Hubbell.
 - 5) Counsel must have current malpractice insurance in the amount of \$1,000,000.00.
 - 6) Counsel may not be considered as Designated Legal Counsel if he or she holds any elected or appointed position within any labor organization.
 - 7) The Designated Legal Counsel program is designed so only an individual attorney is designated and not a law firm. However, it is recognized that members of a Designated Legal Counsel’s law firm may perform legal work on behalf of the BLET-UTU or its members.
 - 8) All Designated Legal Counsel (DLC) shall agree as a condition of becoming or remaining a DLC that he or she will be subject to and fully comply with the Rules of Conduct and decisions of the BLET-UTU whose decisions shall be final, binding and conclusive.
 - 9) Each DLC shall, as a condition of becoming or remaining a DLC, shall specifically in writing waive any and all recourse to any court of law or any tribunal to challenge any action or decision of the BLET-UTU, its member, or the officers and agents of the UTU-BLET which in any way relates to the DLC program.
 - 10) All DLC shall agree as a condition of becoming or remaining BLET-UTU Designated Legal Counsel

that he or she will comply with and be subject to the ABA Model Rules of Professional Conduct as well as the state-law professional responsibility rules and canons for the jurisdiction in which they practice.

- 11) If a state bar association or other body recommends a finding that a DLC or a member of their firm violated ethical obligations, or such violations are found by any court or other adjudicatory body, the DLC shall immediately be removed, by the Executive Board, as Designated Legal Counsel.
- 12) It is recognized that upon the death or retirement of Designated Legal Counsel, numerous legal matters in progress exist within the firm. For this reason, great weight should be given to the speedy appointment of a new Designated Legal Counsel upon the recommendation of the retiring Designated Counsel.

b) Rules of Conduct for BLET-UTU FELA Designated Legal Counsel

- 1) No prospective or current DLC shall aid or abet any officer, employee or member of the BLET-UTU in the violation of their fiduciary duty.
- 2) No prospective or current DLC shall offer or attempt to improperly influence any decision of an agent of the BLET-UTU.
- 3) Counsel will automatically be removed as Designated Legal Counsel if he or she is suspended or disbarred from the practice of law in any state.
- 4) Counsel is prohibited from engaging, either directly or indirectly, in the Union's politics. This prohibition is all encompassing. Counsel shall not contribute financially, seek support for or against, nor attempt to influence any election or vote of any Union member or any Union issue requiring ballot or vote.
- 5) Counsel is strictly forbidden from offering or giving any gratuity, payment or gift to any BLET-UTU member, officer or employee for the purpose of obtaining representation of an injured member. Counsel is strictly prohibited from sharing any portion of a fee earned with any BLET-UTU member, officer or employee.
- 6) Any DLC solicited for a payment, gift, gratuity or contribution by any BLET-UTU or UTUIA officer, staff member, employee, or member must report the details including the date, time and amount of such solicitation to every member of the National Union Executive Council immediately and in writing. This is in addition to and not a substitute for any other legal or ethical requirement that may attach.
- 7) Any and all payments, and gifts over fifty dollars (\$50.00) in value, given by any DLC to any BLET-UTU or UTUIA officer, or staff member or other employee at the National, General Committee or Local level, or to any member, shall be reported to the National Executive Council through the General Counsel's office on a form to be provided. Such report shall fully disclose the details of any payment or gift of whatever kind whether related or unrelated to Federal Employer's Liability Act (FELA) cases.
- 8) The employment of or provision of office space to full-time BLET-UTU elected officers, staff, employees or active members is prohibited.
- 9) Designated Legal Counsels may, but are not required to, sponsor generic union social and fraternal events and Regional Meetings to promote unity and education among the union's officers and members.
- 10) Counsel must give injured members free advice in connection with their injury, and render assistance to them in related matters (RUIA, etc.) and should return all members' calls related to such issues.
- 11) Counsel may not charge to the injured members he represents more than 25% of the gross settlement or award, or 33 1/3 % of the net settlement or award. All costs charged an injured member shall be reasonable and incurred as a direct result of representation of the injured member.
- 12) Each DLC and members of their firm must be willing to handle all actionable injury cases, not only those of high potential recovery.
- 13) When requested, Counsel must provide, in written form, a full accounting and breakdown of expenses incurred, fees charged, or any other expenditures or deductions from the proceeds of the settlement or verdict.
- 14) Counsel may not refer the case of an injured union member to any other attorney for handling, except one designated by the Union; however Counsel may, as needed, designate a local attorney to assist with the handling of a member's case, as long as Counsel retains control of the case and remains fully responsible and accountable to the injured employee.
- 15) Counsel shall take an active part in matters of concern to railroad employees and the rail industry.
- 16) Counsel will, at all times, be required to support the legislative programs of the Union as the President

may request.

- 17) Counsel will make himself or herself available to attend Regional and Division meetings for the purpose of explaining to members their rights under the Federal Employers' Liability Act.
- 18) Counsel fully agrees when requested to attend any meeting (Regional or Otherwise) that it will be approved by the National Division and he or she will abide by the rules that all such meetings are to jointly and equally sponsored by all Counsel in attendance.
- 19) Any civil, criminal, administrative or bar complaint, investigation or proceeding commenced against a DLC by any union member or governmental entity shall be immediately reported to the National Union Executive Council.
- 20) DLCs should immediately advise the BLET-UTU General Counsel if there is any significant change in the membership of their firms (e.g. merger, consolidation, departures, etc.).
- 21) The failure to comply with any of these Rules shall be cause for sanctions up to and including immediate revocation of the DLC designation by the BLET-UTU.

c) Rules of Conduct for Members, Officers, and Employees of the BLET-UTU Concerning Employers and FELA Designated Legal Counsel

- 1) The BLET-UTU members, officers, employees and representatives have a duty to exercise their authority solely on behalf of and for the benefit of the BLET-UTU and its members.
- 2) Every officer and employee of the National Division, each General Committee of Adjustment, State Legislative Boards and Locals, and members of the BLET-UTU shall comply with the following requirements:
 - i) Read and periodically review the provisions of this Article;
 - ii) Abide by such rules insofar as they are applicable to members, officers and employees;
 - iii) Refrain from any action that causes or may cause Designated Legal Counsel or anyone thereof, to violate the Rules of Conduct. A member, officer or employee may not solicit or accept gifts, payments, monies, loans promises or agreements therefore, or anything of value (including reimbursed expenses) given because of his or her position in the organization, from any employer or DLC:
 - A) Who is attempting to promote the officer's or employee's candidacy for office; or
 - B) Who is attempting to influence any election on any issue within the organization requiring a vote; or
 - C) Who has interests that may be substantially affected by the performance of a member's, officer's or employee's duties.
- 3) Any prohibited gifts, payments, monies, loans promises or agreements therefore, or anything of value (including reimbursed expenses) offered or paid by an employer or DLC, to any member, officer or employee of the BLET-UTU, shall be immediately reported, by such member, to the National Union Executive Council. Members who are offered or paid such fee shall also immediately notify the officers of their Local.
- 4) A gift does not include items of little value such as plaques and greeting cards.
- 5) A gift from an employer to a member or officer does not include items given to all members as a result of employment.
- 6) Unless the frequency would appear to be improper, a member, officer or employee may accept food, refreshments and materials provided at a conference or widely attended gathering or certain other events which an officer or employee attends in his official capacity.
- 7) Under no circumstances is a referral fee to be paid to any BLET-UTU member, officer or employee who recommends the DLC to an injured employee. If such a fee is offered or paid, the National Union Executive Council shall be immediately notified. Members who are offered or paid such fee shall also immediately notify the officers of their Local.
- 8) The failure to comply with any of these Rules shall be cause for charges in compliance with Article 78 of this Constitution against the member or officer.

ARTICLE 105 - SAVING CLAUSE

- a) The National President with the approval of the Executive Council may take such action as may be deemed necessary to meet situations not covered in this Constitution in order to protect the interest of the membership and the BLET-UTU.
- b) If any portion of this Constitution is found to be in violation of a Federal, State, or Provincial law, such law shall supersede that portion of this Constitution, but only to the extent and within the limits of the law, and provided that any change shall not affect the validity of the remaining portions of this Constitution.