

UNITED TRANSPORTATION UNION



CONSTITUTION
Effective November 1, 2003

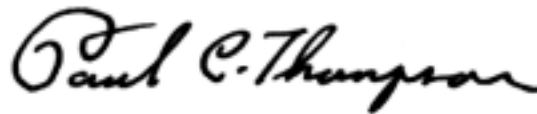
FORWARD

This Constitution was reviewed and revised by the Delegates attending the Ninth Quadrennial United Transportation Union Convention, held in Anaheim, California, July 28-August 1, 2003, and is the law by which our union is governed. As International President, it is my responsibility under Article 16, to interpret and enforce its provisions. Each officer and member should carefully review this Constitution for a better understanding of the aims and purposes of the union, your rights, benefits and opportunities as a member of the UTU.

Amendments to Articles 2, 5, 36, 75, and 84 were adopted during the 2003 Convention and the changes appear in bold print.

Internal references in this Constitution have been conformed to amendments favorably considered at the 2003 Convention.

The UTU Designated Legal Counsel Policy is published at the end of the Constitution pursuant to the adoption of a resolution carried by the delegates at the 2003 Convention.

A handwritten signature in black ink that reads "Paul C. Thompson". The signature is written in a cursive style with a large, stylized initial "P".

Paul C. Thompson
International President

UNITED TRANSPORTATION UNION CONSTITUTION

ARTICLE 1 NAME OF ORGANIZATION

1 This organization shall be known as the United Transportation
2 Union and shall consist of an International Union, sometimes referred to
3 as the "International," and a number of locals.

ARTICLE 2 OFFICERS, BOARDS AND MEMBERS

1 The International shall consist of the following Officers, Boards and
2 Members:
3 (A) Officers:
4 President
5 Assistant President
6 General Secretary and Treasurer
7 National Legislative Director
8 Alternate National Legislative Director
9 Canadian Legislative Director
10 Alternate Canadian Legislative Director
11 **Fifteen (15) Vice Presidents**
12 Two Vice Presidents shall be from Canada
13 One (1) Vice President shall be from the
14 membership having seniority in Rail Commuter
15 Service
16 One (1) Vice President shall be from the Bus Department
17 **One (1) Vice President shall be from the**
18 **membership having seniority in Yardmaster**
19 **Service**
20 Alternate Vice Presidents:
21 Two (2) from the Eastern Territory
22 Two (2) from the Western Territory
23 Two (2) from the Southern Territory
24 One (1) from Canada
25 One (1) from membership having seniority
26 in Rail Commuter Service
27 **One (1) from membership having seniority in**
28 **Yardmaster Service**
29 One (1) from the Bus Department from the
30 Western Territory (West of the Mississippi River)
31 One (1) from the Bus Department from the Eastern
32 Territory (East of the Mississippi River)

33 Vacancies occurring in positions not subject to attrition shall be
34 filled as follows:

35 President - By the Assistant President

36 Assistant President - By a 2/3 vote of the Board of Directors

37 General Secretary and Treasurer - By a 2/3 vote of the Board
38 of Directors

39 National Legislative Director - By the Alternate Legislative Director

40 Canadian Legislative Director - By the Alternate Canadian Legislative
41 Director

42 Vice Presidents:

43 The Alternate Vice President from Canada shall fill a Canadian
44 Vice Presidential vacancy.

45 The Alternate Vice President from Rail Commuter Service
46 shall fill a Rail Commuter Service Vice President Vacancy

47 **The Alternate Vice President from Yardmaster Service shall fill
48 a Yardmaster Vice President vacancy**

49 The Senior Alternate Vice President from the Bus Department
50 shall fill a Bus Vice Presidential vacancy.

51 Vice Presidential vacancies from the Eastern, Western and
52 Southern Territories shall be filled by the Senior Alternate
53 from the territory in which the vacancy occurs who shall be
54 come the Junior Vice President.

55 Vacancies not otherwise provided for in this Article shall be filled by
56 a 2/3 vote of the Board of Directors.

57 (B) Boards:

58 Board of Directors -

59 The Board of Directors shall consist of the President,
60 Assistant President, General Secretary and Treasurer,
61 National Legislative Director, Canadian Legislative
62 Director, four (4) Senior U.S. Vice Presidents, the
63 Senior Canadian Vice President, and one (1) Bus Vice
64 President.

65 Board of Trustees -

66 **The Board of Trustees shall consist of The
67 International President, General Secretary and
68 Treasurer and the Senior Canadian Vice
69 President.**

70 Board of Appeals - United States

71 (Members must hold seniority in one of the crafts
72 under the jurisdiction of the Board.)

73 Five (5) Members

74 One (1) from Engine Service

75 One (1) from Road Service (Train Service)

76 One (1) from Yard Service (Train Service)

77 One (1) from Commuter Authorities

78 One (1) from Bus Department

79 Board of Appeals - Canada
80 Three (3) members
81 Executive Board -
82 Five (5) members
83 One member must be from Canada
84 One (1) Alternate to Executive Board
85 The Alternate to the Executive Board shall fill a
86 vacancy occurring on the Board except that a
87 Canadian vacancy shall be filled by a Canadian
88 appointed from the Canadian Territory by a 2/3
89 vote of the Board of Directors.

90 (C) Members:

91 One (1) Delegate from each Local

92 (D) Attrition of Positions:

93 A position designated as attritable shall be eliminated
94 when the present incumbent vacates the position
95 for any reason.

96 (E) President Emeritus:

97 The Immediate Past President shall be President
98 Emeritus.

99 (F) American members will vote for the following Officers and
100 Boards:

101 President

102 Assistant President

103 General Secretary and Treasurer

104 National Legislative Director

105 Alternate National Legislative Director

106 **Thirteen (13) Vice Presidents**

107 Alternate Vice Presidents -

108 Two (2) from the Eastern Territory

109 Two (2) from the Western Territory

110 Two (2) from the Southern Territory

111 Two (2) from the Bus Department

112 **One (1) from Yardmaster Service**

113 One (1) from Rail Commuter Service

114 Board of Appeals - United States

115 Executive Board

116 (G) Canadian members will vote for the following Officers and
117 Boards:

118 President

119 Assistant President

120 General Secretary and Treasurer

121 Canadian Legislative Director

122 Alternate Canadian Legislative Director

123 Two (2) Vice Presidents from Canada

124 One Alternate Vice President from Canada

**ARTICLE 3
HEADQUARTERS LOCATION**

1 The headquarters of the United Transportation Union shall be
2 Cleveland, Ohio, except that one or more departments or offices of the
3 International Union may be located in other cities, if the Board of
4 Directors determines such action is necessary.

**ARTICLE 4
OFFICIAL SEAL, EMBLEM, AND RITUAL**

1 The United Transportation Union shall have an official seal,
2 emblem, and ritual which shall be selected by the Board of Directors.
3 All official documents emanating from the United Transportation Union
4 shall bear the imprint of its seal.

5 The General Secretary and Treasurer shall furnish each local with
6 an appropriate seal and all official documents emanating from the local
7 shall bear the imprint of its seal.

**ARTICLE 5
DELEGATES**

1 Each local shall elect a Delegate and an Alternate Delegate to the
2 International during the year preceding the quadrennial convention,
3 from the members of each local who have not voluntarily elected to
4 receive a rebate of dues from any department. They shall assume their
5 offices on January 1 of the year in which the convention is held and
6 serve for a period of four (4) years.

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

9 If the office of Delegate becomes vacant for any reason, the
10 Alternate Delegate will succeed to that office and the local will elect
11 another Alternate to fill the unexpired term of the Alternate Delegate.

12 The General Secretary and Treasurer shall furnish each local in
13 good standing with a credential form which shall be signed by the
14 President and Secretary of the local. The credential shall bear the seal
15 of the local and be furnished to the Delegate, which shall be
16 authorization to represent the local at the convention of the
17 International.

18 Delegates shall receive Vice President's daily rate of pay for their
19 services and per diem at the maximum rate allowed by the Internal
20 Revenue Service for the locality of the convention site, commencing on
21 the travel day prior to the opening day of the convention, the five

22 session days, and a travel day after the convention adjournment.

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

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

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

34 A full time General Chairperson, Legislative Director or Representa-
35 tive, or other committee member or officer, who serves as Delegate to
36 the International convention or some other position of the International,
37 will be paid the salary and expense allowance established for the
38 position he/she is filling or his/her regular salary and expense
39 allowance, whichever is the greater. If, under this arrangement, he/she
40 receives his/her regular salary and expense allowance, the salary and
41 expense allowance he/she would otherwise have received as Delegate
42 will be credited to the fund from which his/her regular salary and
43 expense allowance is paid.

44 **The General Secretary and Treasurer shall have printed in the**
45 **United Transportation Union directory the name, address, local**
46 **number and title, if any, of each Delegate and Alternate Delegate.**
47 **Directories will be mailed to each Delegate and Alternate**
48 **Delegate no later than one hundred and twenty (120) days prior**
49 **to the convention.**

ARTICLE 6

INTERNATIONAL UNION

1 The International Union shall convene in regular session
2 quadrennially beginning in 1971, at a time and place selected by the
3 Board of Directors and such regular or special session will not exceed
4 seven (7) consecutive calendar days - five session days and (2) travel
5 days (following each other in chronological sequence without break or
6 interruption). The place selected by the Board of Directors shall be
7 confined to the continental United States or Canada.

8 The International has jurisdiction over all subordinate bodies and all
9 subjects pertaining to the United Transportation Union, except as
10 provided in Article 80.

11 A majority of all Delegates in attendance at the convention shall
12 constitute a quorum for the transaction of business.

13 The Board of Directors shall appoint, from among the Delegates, a
14 Constitution Committee consisting of not less than one (1) member from

15 each craft represented by the United Transportation Union.

16 The International President and Assistant President shall appoint a
17 Committee on International Officers Reports consisting of not less than
18 one (1) member from each craft represented by the United Transporta-
19 tion Union and such other committees, guards, messengers, etc., as
20 may be necessary, to assist during the convention.

21 Officers and Delegates of the International will be furnished official
22 badges at the beginning of the convention.

ARTICLE 7

ELIGIBILITY FOR OFFICE

1 Unless otherwise provided, any member paying full dues shall be
2 eligible for election to any office in the United Transportation Union,
3 except a member who:

- 4 (a) Has attained age 65 or attains age 65 during the year of
5 election;
- 6 (b) Holds membership in any other union representing trans-
7 portation employees, other fields of employment, trades
8 and industries, whether in public or private employment,
9 except when a member is forced by agreement to belong
10 to another union;
- 11 (c) Is serving in an official capacity with a transportation
12 company, other fields of employment, trades and indus-
13 tries, whether in public or private employment, except as
14 yardmaster where the United Transportation Union holds
15 the contract for yardmasters;
- 16 (d) Does not hold seniority rights in transportation service,
17 other fields of employment, trades and industries, whether
18 in public or private employment where the United Trans-
19 portation Union holds the contract, except this does not
20 apply when a member is dismissed from service and his
21 case is being appealed;
- 22 (e) Voluntarily elects to receive a rebate of dues from any
23 department will not be eligible to hold office in that depart-
24 ment and will not be eligible for the offices of Delegate or
25 Alternate Delegate, Legislative Representative, or Alternate
26 Legislative Representative;
- 27 (f) Is restricted from holding office by Labor-Management
28 Reporting and Disclosure Act;
- 29 (g) Is an elected officer of the International shall not be eligible
30 to the office of Delegate.
- 31 (h) Is serving as a Local Officer (President, Vice President,
32 Secretary, Treasurer, Collector, Legislative Representative
33 and Trustee) and Local Committee of Adjustment Officers
34 (Local Chairperson, Vice Local Chairpersons and Secretary)

35
36

who serve on a part time basis need only be members in good standing to retain their office.

**ARTICLE 8
ELECTION AND INSTALLATION OF INTERNATIONAL OFFICERS**

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

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

7 Officers shall be elected by a secret ballot during each regular
8 convention of the United Transportation Union.

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

**ARTICLE 9
TERM OF OFFICE**

1 Officers of the International Union elected at a regular convention
2 shall assume their offices on January 1 following their election and shall
3 hold such office until January 1 following the adjournment of the next
4 quadrennial convention, subject to the provisions of the Constitution.

**ARTICLE 10
REPORTS OF OFFICERS**

1 Vice Presidents, National Legislative Director, and Canadian
2 Legislative Director shall make a report to the International President at
3 the conclusion of each assignment.

4 All Officers and Boards of the International shall submit a report to
5 the International President of their official acts and expenses incurred
6 during each year. This report will be mailed to the Delegate. A copy of
7 the report, together with vouchers and papers pertaining thereto, shall
8 be submitted to the Board of Trustees.

**ARTICLE 11
CANADIAN LANGUAGES**

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

ARTICLE 12
INTERNATIONAL DUES AND ASSESSMENTS

1 The funds of the International shall be acquired by assessments of
2 dues in the amount of \$20.50 per month on all members employed in
3 transportation service, other fields of employment, trades, and indus-
4 tries, whether public or private employers.

5 International dues will be apportioned to the various funds of the
6 International as follows:

7	Convention Fund	\$ 2.00
8	General Fund	15.50
9	Maintenance of Membership Fund	1.00
10	Public Relations Fund	.25
11	Strike Fund	.75
12	Education and Training Fund	1.00

13 The International Board of Directors may grant a reduction of
14 monthly International dues in situations where special circumstances
15 exist. Requests for reduced International dues must be presented to
16 the International Board of Trustees for consideration and subsequent
17 referral to the International Board of Directors with a recommendation.
18 Upon receipt of a Board of Trustees recommendation concerning a
19 local's request for reduced International dues, a decision will be issued
20 by the International Board of Directors within thirty (30) days.

21 For those members who hold membership in the United
22 Transportation Union, and who are now required to pay dues in the
23 B.L.E. in Canada under the Union Dues Agreement will now be allowed
24 to continue membership in the UTU by paying Insurance Premiums plus
25 \$1.00 per month into the General Fund, while they are forced to pay
26 dues to another organization, and the other organization holds the
27 contract, and the Union Dues Agreement is in effect.

28 All receipts for charter fees, local supplies, official publications, and
29 other sources not otherwise provided for shall be placed in the General
30 Fund.

31 Except as otherwise provided in this Constitution, all disbursements
32 for expenses incidental to conducting the business of the International
33 shall be paid from the General Fund. Monies drawn on the Canadian
34 Legislative Fund, on deposit in the General Fund, will be processed by
35 the Ottawa office. Expenses in connection with conventions, public
36 relation activities, strikes and maintenance of membership shall be paid
37 from the funds created for such purposes. There shall be no transfer of
38 funds from one account to another except upon approval by a majority
39 vote of the Board of Directors.

40 The International President and Assistant President, in conjunction
41 with a majority of the Board of Trustees, may increase the assessments
42 as may be necessary for the protection of the members and the United
43 Transportation Union, provided that such increases shall not exceed

44 \$2.00 per month and shall be used solely for the purpose for which
45 levied. The effective date of any increase of assessments of dues must
46 coincide with the requirements of any check-off Union Dues Agreement
47 in effect.

48 All funds of the International shall be deposited to the credit of the
49 International in a bank or banks selected by the Board of Trustees.

50 The Board of Trustees, in conjunction with the International
51 President, shall be the custodians of all funds, properties, securities,
52 books, documents, files, archives, and effects of the International and
53 shall, on behalf of the International, purchase, sell, or transfer such
54 securities as deemed advisable.

55 The International President and General Secretary and Treasurer
56 shall be equally responsible for the disbursements of funds and checks
57 shall bear the signatures of both, otherwise they shall be invalid.

ARTICLE 13

AMENDING CONSTITUTION

1 Proposed amendments to the Constitution may be submitted by any
2 subordinate body or an International Officer at any time prior to one
3 hundred and twenty (120) days before the convention begins.

4 All proposed amendments shall be submitted in writing to the
5 General Secretary and Treasurer to be referred to the Constitution
6 Committee. Each proposal shall be submitted separately, typewritten,
7 on standard paper, be properly identified, with a clear and concise
8 explanation given of the article to be amended.

9 The Constitution Committee shall be convened at the International
10 Headquarters during the year in which the convention is to be held for
11 the purpose of considering all proposed amendments. The Committee
12 shall prepare a report which shall include all amendments referred to it
13 for consideration. A copy of its report shall be submitted to each
14 Delegate, subordinate body, and International officer at least thirty (30)
15 days prior to the convention. The Committee shall report to the
16 convention all amendments recommended by it. The committee shall
17 not be empowered to make any proposals to the delegates that are not
18 presented to the committee in accordance with this Article.

19 A two-thirds vote of the Delegates present shall be necessary to
20 adopt amendments.

21 All amendments to the Constitution, except those which specify
22 otherwise, shall become effective on the first day of the third month
23 following adjournment of the convention at which they are adopted.

24 When any question of policy shall arise between conventions, or
25 any proposed change, alteration, or amendment in the Constitution is
26 suggested, which, in the opinion of a majority of the Board of Directors,
27 is of such importance and urgency that it should be submitted to the
28 Delegates; and when the calling of a special convention is not deemed

29 advisable; the proposal shall be submitted in writing to all Delegates by
30 the General Secretary and Treasurer.

31 The proposal shall be mailed to the Delegates of each local, all
32 subordinate bodies, and International officers by the General Secretary
33 and Treasurer within thirty (30) days after the action has been
34 authorized by the Board of Directors.

35 When the Delegates shall have had an opportunity to present the
36 proposal to the locals for discussion, they will cast their votes and return
37 them to the General Secretary and Treasurer. If two-thirds of the
38 Delegates voting favor the proposal, it shall have the same force and
39 effect as any action adopted at a convention.

40 It shall be the duty of the Board of Trustees to canvass, determine,
41 and certify the results of the vote as returned by the Delegates. The
42 General Secretary and Treasurer shall report the result of the vote to
43 the Delegates, all subordinate bodies, and International officers,
44 indicating how each Delegate voted. Any change, ratified or adopted,
45 shall become effective thirty (30) days from the date of certification,
46 unless the proposal provides for a different effective date.

47 The amendments to the Constitution enacted at the convention shall
48 be codified, printed, and sent to each member.

ARTICLE 14

SPECIAL CONVENTIONS

1 If two hundred (200) locals petition the General Secretary and
2 Treasurer for a special convention, for a specified purpose, and all of
3 these petitions are received within sixty (60) days after receipt of the
4 first petition, the General Secretary and Treasurer shall send to each
5 local in the United Transportation Union, within thirty (30) days
6 thereafter, a circular stating that two hundred (200) locals have
7 requested that a special convention be called for the purpose stated in
8 the petitions, and that each local, at a regular meeting, shall vote on the
9 question, "Shall a special convention be called for the purpose stated?"

10 If a majority of the members present vote "yes", then the circular
11 shall be endorsed, under local seal, by the Secretary, signed by the
12 President, and returned to the General Secretary and Treasurer. If a
13 majority of the members present vote "no", the same procedure shall
14 be followed.

15 The General Secretary and Treasurer shall set a date for the
16 tabulation of the ballots, not less than sixty (60) days after the issuance
17 of such circular, at which time the vote of the locals shall be returned to
18 his/her office for tabulation. No ballot received after the time set for
19 counting same shall be counted. The ballots shall be tabulated by the
20 Board of Trustees, or their representatives. If a majority of the votes
21 are favorable, the International President shall at once issue a call for a
22 special convention for the purpose stated, such convention to be held

23 not later than ninety (90) days after the tabulation of the ballots, and at
24 a place to be determined by the Board of Directors.

25 The General Secretary and Treasurer shall, as soon as possible
26 after the tabulation of the ballots, issue a circular to all subordinate
27 bodies and International officers, giving the vote of each local and the
28 results. All requests for a special convention, and the purpose for which
29 the convention is desired, shall be published in the first issue of the
30 International publication after the request is made.

ARTICLE 15

BONDING OF INTERNATIONAL OFFICERS AND EMPLOYEES

1 The Board of Trustees shall arrange for the bonding of International
2 officers and employees. The members of the Board of Trustees shall
3 be bonded for not less than \$500,000.00 each; all other officers and
4 employees, if required, shall be bonded for not less than \$25,000.00
5 each, all payable to the United Transportation Union.

ARTICLE 16

INTERNATIONAL PRESIDENT

1 The International President shall be the executive head of the
2 United Transportation Union, exercise general supervision over its
3 affairs and interests including all subordinate bodies and shall preside at
4 all sessions of International conventions.

5 The International President may employ sufficient personnel and
6 such other assistance as necessary to properly conduct the business
7 and affairs of the United Transportation Union.

8 The International President shall interpret all laws of the organiza-
9 tion, decide all questions arising therefrom, and decide all other
10 controversies not provided for under existing laws of the organization,
11 subject to appeal to the Board of Directors - all in conformity with this
12 Constitution.

13 Subject to Article 17, the International President shall perform all
14 duties and responsibilities assigned under the Constitution and such
15 other duties and responsibilities as may be necessary for the proper
16 conduct of the affairs of the organization and the accomplishment of its
17 objectives.

ARTICLE 17

DUTIES OF ASSISTANT PRESIDENT

1 The Assistant President shall assist the International President in
2 the performance of his/her duties and in the formulation of all policies
3 and programs of the United Transportation Union. He/she shall perform
4 such other duties as may be assigned by the International President and

5 as may be required by the Constitution.

6 In the event the office of the International President becomes
7 vacant as a result of death, resignation, or removal, the Assistant
8 President will immediately assume the duties of the International
9 President.

10 The office of the Assistant President will be located at the
11 Headquarters of the UTU International.

ARTICLE 18 DUTIES OF VICE PRESIDENTS

1 The Vice Presidents shall perform such duties as may be assigned
2 by the International President or as may be required by the Constitution.

3 Vice Presidents shall be assigned a headquarters location, and with
4 the approval of the International President may be permitted to provide
5 office headquarters and employ such assistance as may be necessary.
6 The office rent, authorized assistance, telephone service, and supplies
7 to be paid from the General Fund.

ARTICLE 19 DUTIES OF THE GENERAL SECRETARY AND TREASURER

1 The General Secretary and Treasurer shall be the chief financial
2 officer of the United Transportation Union and shall receive and collect
3 all monies due the United Transportation Union, pay all bills of the
4 United Transportation Union, countersign all checks and drafts requiring
5 his/her signature, and such other papers as may be necessary in the
6 transaction of the business of his/her office; jointly, with the
7 International President, sign and seal all charters and dispensations; at
8 each quadrennial convention submit a complete report of the activities
9 of his/her office for the four-year period, including the receipts and
10 expenditures of all funds; with the International President, make all
11 arrangements for conventions of the United Transportation Union; and
12 perform such other duties as may be assigned by the International
13 President and as may be required by this Constitution.

14 The General Secretary and Treasurer shall furnish the General
15 Chairperson, State and District Legislative Director and Provincial
16 Legislative Board Chairperson a copy of a current billing of each Local
17 under their jurisdiction once each quarter.

ARTICLE 20 ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

1 The Legislative Director of each State and the District of Columbia
2 shall form the Association of State Legislative Directors for the purpose
3 of coordinating concerted efforts for securing the enactment of laws and

4 regulations, or the repeal or modification of laws and regulations to
5 ensure the protection and welfare of the members of the United
6 Transportation Union, to exchange information regarding political and
7 legislative activities affecting United Transportation Union members and
8 to recommend a legislative agenda for the United Transportation Union.

9 The International president will convene the Association during the
10 year 1996, and quadrennially thereafter. State Legislative Directors
11 shall be members of the Association and shall represent their State
12 Legislative Boards at each meeting with salaries and proper expenses to
13 be paid from the International General Fund.

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

17 By-laws consistent with the provisions of this constitution will be
18 adopted at the 1996 meeting.

19 A majority of Association Members shall constitute a quorum.

ARTICLE 21

DUTIES OF NATIONAL LEGISLATIVE DIRECTOR AND CANADIAN LEGISLATIVE DIRECTOR

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

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

17 The National Legislative Director shall keep the International
18 President advised on all bills and hearings before the Congress and
19 other Federal agencies, which affect the interest of the organization.
20 He/she shall furnish the International President copies of all bills
21 introduced to the Congress which may affect the organization, and such
22 information as will enable the International President to determine
23 legislative policy on such matters in accordance with the law of the
24 organization. He/she shall compile a voting record of the members of
25 Congress on legislation affecting the interests of labor. Such voting

26 record shall be furnished the International President, State, and District
27 of Columbia Legislative Boards, prior to each election and/or after the
28 adjournment of Congress. He/she shall submit recommendations to the
29 International President for candidates for Congress, based on voting
30 records and other information concerning each candidate. If there are
31 differences of opinion between the National Legislative Director and a
32 State or District of Columbia Legislative Board, such differences shall be
33 submitted to the International President whose decision shall be final.

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

42 (b) The Canadian Legislative Director shall devote his/her efforts to
43 secure the enactment, modification, or repeal of laws in accordance
44 with the legislative policy of the organization. He/she shall handle all
45 legislative matters referred to him/her by the International President.
46 He/she shall collect and compile statistics in legislation affecting the
47 organization, which shall be included in his/her report to the
48 Convention. Copies of his/her report shall be furnished Canadian and
49 Provincial Legislative Boards and to members on request.

50 The Canadian Legislative Director shall handle with the proper
51 agency of the Canadian Government alleged violations of Canadian law,
52 as brought to his/her attention, which involve the safety and welfare of
53 our membership covered by such law. He/she will, when authorized by
54 the International President, represent the United Transportation Union
55 and/or the International President before agencies and committees of
56 the government and in such other capacities as the International
57 President may direct.

58 Headquarters for the Canadian Legislative Department shall be
59 maintained in Ottawa, Ontario. The Canadian Legislative Director shall
60 remain at the Capital while Parliament is in session, and at such other
61 times as in the opinion of the International President, promotion of
62 legislative interests of the organization may require. He/she shall
63 maintain supervision over all legislative questions of Canadian
64 enactment and shall cooperate with, and assist, the officers of the
65 Provincial Legislative Boards when such action is required. He/she may
66 employ sufficient personnel and such assistants as necessary to
67 properly conduct the business of the department, subject to the
68 approval of the International President.

ARTICLE 22

BOARD OF TRUSTEES

1 The International President, General Secretary and Treasurer, and
2 the Senior Canadian Vice President shall comprise the members of the
3 Board of Trustees. The International President shall serve as
4 Chairperson; the Senior Canadian Vice President shall serve as Vice
5 Chairperson and the General Secretary and Treasurer shall serve as
6 Secretary. The Vice Chairperson shall act in behalf of the Chairperson
7 when so directed by the Chairperson. The Secretary shall keep a
8 record of all transactions and proceedings of the Board. The Board
9 shall see that the International officers discharge their financial duties
10 faithfully and efficiently and, where irregularity or neglect of duty is
11 found, it shall promptly prefer charges to the Executive Board, at all
12 times acting consistent with applicable Federal, State, and Provincial
13 laws. The Board shall submit a complete report to the International of
14 all financial business transacted during the period between conventions,
15 together with recommendations to promote the financial welfare of the
16 organization.

17 The Board shall examine and audit the books and accounts of the
18 International officers annually and shall employ an expert accountant for
19 such audit.

20 It shall provide for extraordinary expenses of the organization and
21 shall receive the bonds of all International officers and, if approved,
22 each member shall endorse the bond with his/her signature before it is
23 placed on file with the General Secretary and Treasurer.

24 They shall perform such other duties as required by the Constitution
25 and as assigned by the International President.

ARTICLE 23

DUTIES OF THE BOARD OF DIRECTORS

1 The Board of Directors shall meet on the first Tuesday in the
2 months of April and October, and on call of the International President,
3 to consider all matters coming before it.

4 In circumstances in which an International officer is temporarily
5 unable to perform the duties of his/her office due to illness or absence,
6 the Board of Directors may designate an officer who will assume the
7 duties of the ill or absent officer until he/she is in position to resume the
8 duties of his/her office.

9 A majority of the Board of Directors shall decide matters coming
10 before the Board, except as otherwise provided in this Constitution.
11 Members of the Board of Directors must attend and participate in all
12 Board meetings, unless prevented by illness or emergency.

13 A member of the Board of Directors will not be permitted to
14 participate in the Board's consideration of, or decision on, appeals taken
15 from his/her actions or decisions. Board members will vote on all
16 decisions and actions taken by the Board and will not be allowed to
17 abstain from voting, except as stated herein above concerning his/her
18 actions or decisions. The Annual Report shall show how each Member

19 of the Board of Directors voted on all appeals brought pursuant to
20 Article 75 II immediately following the decision.

21 The Board of Directors may consider and implement plans of
22 unification, affiliation, or merger with another labor union. Any such
23 unification, affiliation, or merger shall be subject to convention approval
24 or ratification by the membership of the United Transportation Union.

ARTICLE 24 EXECUTIVE BOARD

1 The Executive Board, immediately after its election, shall meet and
2 elect a Chairperson and a Secretary. The Board shall promptly
3 investigate charges preferred against International officers as provided
4 in Article 25.

5 The Board shall file with the General Secretary and Treasurer a
6 copy of all evidence considered by it and shall present a report of all
7 charges considered, together with its verdict to the quadrennial
8 convention.

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

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

ARTICLE 25 CHARGES AND TRIALS OF INTERNATIONAL OFFICERS

1 Charges may be preferred against International officers for failure
2 to perform their duties and fulfill their responsibilities in accordance with
3 their obligation of office and as required by this Constitution. Any officer
4 against whom charges have been preferred shall receive a fair and
5 impartial trial.

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

10 Charges shall clearly specify the alleged offense(s) together with
11 the article(s) of this Constitution and/or those obligations and
12 responsibilities which it is alleged have been violated.

13 The Chairperson must forward a copy of the charges by certified
14 mail to the accused and other members of the Board. The accused has
15 ten (10) days from the date of said mailing to respond to the charges.
16 The response must be in writing and forwarded by certified mail to the

17 Chairperson and the member preferring the charges.

18 If a majority of the Board considers the evidence submitted
19 sufficient to proceed, the Chairperson shall set a date and time for trial
20 to be held and notify the parties. The Chairperson shall give the
21 accused and the member preferring the charges not less than fifteen
22 (15) days notice prior to the convening of the Executive Board to try the
23 accused.

24 The Board shall convene at the headquarters location on the date
25 appointed and proceed to try the accused. Each party to a trial shall
26 have the privilege of designating any person, except a Board member or
27 a party involved in the charges or proceedings, to act as his/her
28 counselor or representative in the trial proceedings.

29 Ten (10) days before trial, the member preferring the charges and
30 the accused shall forward by certified mail to the Chairperson of the
31 Board and to the opposing party a list of names of witnesses which they
32 intend to call at the trial in support, or defense, of the charges. The
33 member preferring charges, either in person or through his/her counsel
34 or representative, shall act as prosecutor in the case.

35 Should the accused fail to appear for trial after notice as prescribed
36 in the foregoing, should he/she appear but refuse to comply with the rules
37 for the conduct of the trial prescribed by this Constitution or the Board, or
38 should he/she engage in conduct designed to obstruct his/her trial, the
39 Board shall proceed to conduct the trial in his/her absence. The accused,
40 the member preferring charges, their counsel or representative(s), or any
41 witnesses who are guilty of misconduct before the Board shall be
42 excluded thereafter from the trial proceedings, and the trial shall continue
43 in their absence.

44 The Board shall arrange for a transcript of the trial proceedings. A
45 copy of the transcript shall be furnished to each party without cost.

46 In all trials, the testimony of witnesses shall be taken orally in front
47 of the members of the Board. Both parties to the trial shall be given full
48 opportunity to present any witnesses and all relevant evidence and
49 exhibits which they deem necessary to a proper presentation of their
50 case. They shall also be entitled to cross-examine witnesses of the
51 other party. The Board may, on its own, request such witnesses and
52 documents as it deems necessary.

53 Should a witness be unable to attend any trial session of the Board,
54 because of age, sickness, infirmity or for other good cause shown, the
55 evidence of such witnesses may be taken in deposition form before a
56 notary public or other civil officer authorized to administer oaths. Said
57 deposition shall be admissible evidence to the extent it would be at the
58 trial proceedings, provided the adverse party, his/her counsel or
59 representative is given the opportunity of being present and cross-
60 examining the witness when the deposition is taken.

61 Before giving testimony, any witnesses who are members of the

62 United Transportation Union shall be required to make the following
63 affirmation:

64 "Do you solemnly affirm upon your honor as a
65 member of the United Transportation Union that
66 the evidence to be given by you in this case shall
67 be the truth and nothing but the truth?"

68 Any witness who is not a member of the United Transportation Union, shall
69 take an oath or solemn affirmation to testify truthfully.

70 All persons shall be excluded from trial sessions except members of
71 the Trial Board, parties to the trial and their counsel or representative, the
72 witness who is testifying, and the reporter or person transcribing the
73 testimony.

74 After all evidence has been presented and arguments made by all
75 parties or their counsel, the Trial Board shall conclude the trial and, as
76 soon as practicable, assemble in executive session for consideration of its
77 decision.

78 The Board shall render its decision in writing within thirty (30) days
79 following the date upon which the trial was concluded. If the accused is
80 found not guilty, he/she shall be exonerated.

81 If the accused is found guilty, the Board shall fix the penalty to be
82 assessed which shall be censure, suspension, or removal from office.
83 Such decision shall contain a statement of the pertinent facts involved, the
84 violations charged, and the penalty to be imposed. Such decision and
85 penalty shall be final and binding unless reversed upon appeal as provided
86 in Article 26.

87 The Board shall forward copies of its decision by certified mail to the
88 accused and the party preferring charges. Copies shall also be mailed to
89 the International President, General Secretary and Treasurer, and all
90 locals.

ARTICLE 26

APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD

1 An International officer censured, suspended, or removed by the
2 Executive Board may appeal to the convention by submitting his/her
3 appeal in writing to the Chairperson of the Executive Board, with a copy
4 to the General Secretary and Treasurer, at least thirty (30) days prior to
5 the opening of the convention. If the decision being appealed is
6 rendered less than thirty (30) days prior to the opening of the
7 convention, the appellant may appeal his/her case to the convention
8 provided he/she notifies the Board and the General Secretary and
9 Treasurer of his/her intention to appeal within twenty-four (24) hours
10 after having been notified of the Board's decision.

11 The appeal shall be presented to the convention by the appellant,

12 or his/her counsel, together with any new evidence developed. The
13 appellant, or his/her counsel, and the Board shall submit their
14 arguments. The question shall then be put, "Shall the decision of the
15 Board be sustained?" The vote shall be taken on this question without
16 debate. A majority vote in favor of the question shall sustain the
17 decision of the Executive Board. A majority vote against the question
18 shall reverse the decision of the Executive Board.

19 An officer who is removed from office may not again serve in any
20 office of the United Transportation Union except upon the approval of
21 the Board of Directors.

ARTICLE 27
BOARDS OF APPEALS

1 Immediately after their election, the members of the Boards of
2 Appeals shall meet and elect a Chairperson and Secretary. The
3 Secretary shall keep a correct record of the proceedings of the Board.
4 A record shall be taken of all oral testimony for the use of the Board in
5 making its final decisions.

6 The Boards of Appeals shall meet semiannually, on the second
7 Monday of January and July, and at such other times as may be
8 necessary, at the headquarters locations, to consider and determine all
9 appeals submitted under the provisions of this Constitution. A majority
10 of a Board shall decide all appeals coming before that Board. It shall
11 have no authority to consider and determine any other matter, nor to
12 refer any case to any other tribunal of the organization for a decision
13 except questions arising as to the application of organization law shall
14 be referred to the International President.

15 The Boards shall give a clear and concise report of each appeal
16 properly submitted to it. Such report shall consist of a statement of all
17 material facts involved in the appeal, the contentions of the parties and
18 the decision of the Board, stating the reasons upon which the decision is
19 based. All decisions shall be released by the Boards without delay.

20 In an appeal involving a Board member's local, such Board member
21 must disqualify himself/herself and be excused by the Chairperson of
22 the Board. The original decision shall be signed by each member of the
23 Board participating and, following each signature, the word "for" or
24 "against" shall be written indicating his/her vote on the matter. Copies
25 of all decisions shall contain the names of the Board members
26 participating. Decisions of the Boards of Appeals shall be final and
27 binding and shall not be appealable to the convention.

28 The Boards shall, at the conclusion of each meeting, submit a
29 report properly authenticated to all interested subordinate bodies and
30 International officers.

31 A member of the Boards of Appeals shall not represent the
32 International in any other capacity while serving as a member of the
33 Board.

ARTICLE 28
OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT
RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE
IN ACCORDANCE WITH THIS CONSTITUTION

1 No officer, member, or subordinate body of the United
2 Transportation Union shall resort to the civil courts to correct or redress
3 any alleged grievance or wrong, or to secure any alleged rights from or
4 against any officer, member, subordinate body, or the United
5 Transportation Union until such officer, member, or subordinate body

6 shall have first exhausted all remedy by appeal provided in this
7 Constitution for the settlement and disposition of any such rights,
8 grievances, or wrongs.

9 Any officer, member, or subordinate body of the United
10 Transportation Union violating the provisions of this Article shall be
11 subject to charges and trials as provided by this Constitution.

ARTICLE 29
COMPENSATION AND VACATION BENEFITS OF INTERNATIONAL
OFFICERS, BOARD MEMBERS AND STAFF MEMBERS

1 Adjustments in salaries of International officers, Board members
2 and Staff members will be made in the same proportion as increases or
3 decreases in wages received by employees represented by the United
4 Transportation Union.

5 All officers, Board members and Staff members, devoting full time
6 to the service of the International, shall receive their salary in equal
7 payments bi-weekly.

8 Members of the Board of Appeals, Executive Board, and other
9 appointed committees shall receive their salary not less frequently than
10 bi-weekly while in session, or when the work for which they have been
11 assembled is completed.

12 International officers, Board members, and Staff members, and
13 representatives devoting full time to the service of the International will
14 be entitled to the same vacation benefits for which they would have
15 qualified with their carrier under the National Vacation Agreement. The
16 method of handling vacations shall be determined by the International
17 President and General Secretary and Treasurer.

18 When a member serving the International on a part-time basis
19 suffers a loss of earnings from his/her carrier resulting in a reduction or
20 loss of his/her vacation pay from the carrier, he/she shall receive from
21 the department of the International in which he served the amount of
22 vacation pay lost as a result of his/her services with the International.

ARTICLE 30
FISCAL YEAR

1 The fiscal year of the United Transportation Union and all its
2 subordinate bodies shall begin on the 1st day of January and end on the
3 31st day of December of the same year.

ARTICLE 31
RETIREMENT OF OFFICERS AND EMPLOYEES

1 All officers and employees of the United Transportation Union shall
2 be retired from the service of the United Transportation Union on the
3 last day of the year in which they attain age seventy (70).

**ARTICLE 32
PRINTING AND SUPPLIES**

1 The International President and the General Secretary and
2 Treasurer shall receive bids and award contracts for printing
3 International and local supplies, and other necessary printing. The
4 printing of local supplies shall be under the supervision of the General
5 Secretary and Treasurer. Locals outside the United States may have
6 their printing done, with the exception of official receipts, membership,
7 and transfer cards, which must be procured from the International. All
8 forms provided by such locals must be submitted to the General
9 Secretary and Treasurer for his/her approval before being printed.

10 All supplies shall be furnished locals at cost by the General
11 Secretary and Treasurer and must bear the imprint of the United
12 Transportation Union seal.

13 All printed matter purchased by the International shall bear the
14 union label.

**ARTICLE 33
OFFICIAL PUBLICATIONS**

1 Official National and Canadian publications shall be issued regularly
2 by the United Transportation Union which shall be under the business
3 management of the International President and General Secretary and
4 Treasurer. The International President shall be Editor-in-Chief and
5 employ such editorial and other assistance as necessary. The
6 publications shall be furnished to all active members of the United
7 Transportation Union and to widows and retired members who make
8 request for the publications, provided they keep the International
9 advised as to their correct address. All money for subscriptions shall be
10 paid to the General Secretary and Treasurer and credited to the General
11 Fund of the International.

12 The expense of maintaining the publications shall be paid from the
13 General Fund of the International and the amount paid pro-rated
14 quarterly against the various funds of the International on a percentage
15 basis agreed to by the International President, and the Board of
16 Trustees.

**ARTICLE 34
ENDORSEMENT OF SOUVENIRS, ETC.**

1 The International or locals shall not endorse articles of
2 merchandise. Locals shall not sell or grant to any person the right to
3 solicit advertisements or issue souvenirs or like objects in the name of
4 the United Transportation Union.

5 Locals, subject to prior approval of the International President, may
6 issue advertising, programs, time books, or other publications of

7 general interest in the name of the United Transportation Union for local
8 purposes, when properly authorized by the local(s) interested, providing
9 the net proceeds therefrom go to the locals making such authorization.
10 Where two (2) or more locals are located in the same city or sub-
11 section in which such publications are to be issued, all locals will be
12 given an opportunity to participate in the project.

ARTICLE 35

ORDER OF BUSINESS OF THE INTERNATIONAL CONVENTION

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

ARTICLE 36

RULES OF ORDER, INTERNATIONAL CONVENTION

- 1 The rules of order for conventions of the International shall be
2 Robert's Rules of Order, Revised, except as otherwise provided in the
3 following rules:
- 4 1. These rules may be amended at any regular meeting of the
5 International by a majority vote of the Delegates present.
 - 6 2. The daily sessions of the convention shall begin at 9:00 a.m.
7 and adjourn at 2:00 p.m. Evening sessions may be called by a majority
8 vote of the Delegates to begin at 8:00 p.m. Instead of a roll call,
9 appropriate checks shall be collected from the Delegates as a means of
10 recording attendance.
 - 11 3. The convention shall meet daily excepting Saturdays, Sundays,
12 and legal holidays and, for parliamentary purposes, shall be considered
13 to be in continuous session until adjourned on the last day.
 - 14 4. The General Secretary and Treasurer shall supply each Officer
15 and Delegate with a list of Delegates and standing committees.
16 Proceedings of each day's meeting shall be printed and shall be
17 distributed the following morning.
 - 18 5. Officers and Delegates shall be admitted upon display of their
19 identification badge and will take their seats without ceremony.
 - 20 6. No person except Officers and Delegates of the International

21 shall be admitted to the floor reserved for Delegates. Other officers and
22 members of the United Transportation Union may attend the convention
23 as visitors on presentation of a receipt for current dues or membership
24 card.

25 7. The International President, or in his/her absence, the Assistant
26 President, shall preside. He/she may speak to points of order in
27 preference to other Officers and Delegates. He/she shall decide points
28 of order without debate, subject to appeal by five (5) or more
29 Delegates. No Delegate may speak more than once on such appeal.

30 8. No main motion shall be debated until it has been scheduled and
31 stated by the presiding officer who may require the motion to be put in
32 writing before it is stated.

33 9. While in the Committee of the Whole, a Delegate may speak but
34 once on any subject or motion. The maker of a motion may close
35 debate but will not be permitted to speak in excess of five (5) minutes in
36 the exercise of this right.

37 10. After a question has been decided, any two (2) Delegates who
38 voted with the majority may, at any time during the session, move to
39 reconsider the question. No debate will be permitted on such motions.
40 Should the motion to reconsider be carried, the question at issue may
41 then be debated in the same manner as a new motion.

42 11. When a question is put, every Delegate in the assembly must
43 vote on it unless excused by a majority vote of the Delegates.

44 12. Except as provided in Article 6, a majority of each committee
45 will be appointed by the International President and a minority by the
46 Assistant President. The person named first on a committee shall be
47 the chairperson.

48 13. A yea and nay vote will be taken on any question when called
49 for by one-third of the Delegates present.

50 14. The convention is prohibited from considering proposed
51 constitutional amendments not previously presented to the Constitution
52 Committee.

53 15. All constitutional changes recommended by the Constitution
54 Committee and all such proposals printed and distributed to Officers and
55 Delegates will show the current constitutional provision and the
56 proposed change printed on the same sheet in a manner which will
57 permit easy and accurate comparison. Portions of the Constitution
58 which are not involved in amendment proposals will not be read during
59 sessions of the Committee of the Whole and such portions will,
60 therefore, be identified and passed upon by making appropriate
61 references to their number and/or title.

62 16. Affirmative action by the Committee of the Whole in rescinding
63 a former action is not subject to a motion to reconsider. If the motion
64 to rescind in a case of this kind fails to carry, a motion to reconsider
65 would be proper but the matter can be acted upon but once.

66 17. During debate the presiding officer will recognize the Delegate
67 first in line before each microphone in series beginning with microphone

68 No. 1, and continuing through the number of microphones on the floor
69 before again recognizing microphone No. 1. Recognition shall be
70 alternated between proponents and opponents on all questions, odd
71 number microphones for proponents, and even numbers for opponents.
72 When a Delegate wishes to speak he/she shall proceed to one of the
73 microphones. When recognized by the presiding officer, the Delegate
74 shall give his/her name and local number. He/she shall confine remarks
75 to the pending question.

76 18. If the report of a committee is adopted, the report becomes
77 the act of the convention. If the report fails of adoption, it may be
78 referred back to the committee for further consideration.

79 19. The report of the Committee on International Officers' Reports
80 will be distributed to Delegates on the first day of the convention. The
81 report will be considered, without reading, as a special order of
82 business on the fourth day of the convention.

83 20. Documents of interest to the convention shall be printed in the
84 minutes without being read to the convention. This includes resolutions
85 and other matters which direct themselves to appropriate committees
86 for consideration prior to being brought to the floor of the convention.

87 21. Reports of the Sick Committee will be printed in each day's
88 minutes.

89 22. The daily sessions of the convention may be opened with a
90 prayer by a member of the clergy or, in the absence of same, by a
91 Delegate.

92 23. The General Secretary and Treasurer may advance travel
93 allowances and per diem payments to Delegates upon request without
94 approval of the convention.

95 24. While in the Committee of the Whole, a motion to stop debate
96 shall apply only to the specific subject then under debate.

97 25. Election of International officers will commence not later than
98 the first order of business on the **first Tuesday** of the convention.

99 When electing International officers the following rules will apply:
100 Where an individual officer or position is involved, and no candidate
101 receives a majority of legal votes cast on the first ballot, and there are
102 more than three (3) candidates on the ballot, all candidates except the
103 top three (3) will be dropped. Thereafter, the candidates receiving the
104 lowest number of votes will be dropped on each ballot, until one of the
105 candidates receives a majority of legal votes cast. In placing the names
106 of candidates on ballots or voting machines, the names of incumbent
107 officers shall appear first with the names of other candidates following
108 in alphabetical order. When elections are run simultaneously no
109 member may be a candidate for more than one office or position.

110 In addition to the foregoing the following procedure will govern the
111 election of International officers:

112 After the election of the President, the election of the Assistant
113 President will be conducted. After the election of the Assistant
114 President, the General Secretary and Treasurer shall be elected. After

115 the election of the General Secretary and Treasurer, the National
116 Legislative Director and Canadian Legislative Director will be elected.
117 Nominations will be accepted for Vice Presidential positions 1 through
118 **15**, until there are four contested positions after which an election shall
119 be conducted. In other words, it is contemplated that contested Vice
120 President positions will be elected simultaneously in groups of four, until
121 all Vice President positions are filled.

122 The Alternate National Legislative Director, and the Alternate
123 Canadian Legislative Director shall be elected next. Alternate Vice
124 Presidents shall be elected as follows - First Alternate in the Eastern
125 territory, First Alternate in the Western territory, First Alternate in the
126 Southern territory, Alternate Canadian Vice President, First Alternate
127 Bus Vice President in the Western territory, Alternate Commuter Vice
128 President, **and Alternate Yardmaster Vice President** to be elected
129 simultaneously. Second Alternate in the Eastern territory, Second
130 Alternate in the Western territory, Second Alternate in the Southern
131 territory, and Second Alternate Bus Vice President in the Eastern
132 territory, to be elected simultaneously.

133 Boards of Appeals will be elected simultaneously. The United
134 States Board - (Five members). One (1) member from engine service,
135 position one; one (1) member from road train service, position two; one
136 (1) member from yard train service, position three; one (1) member
137 from Commuter Authorities, position four; and one (1) member from
138 the Bus Department, position five. The Canadian Board - (Three
139 members). Three (3) positions At Large.

140 Executive Board - (Five members). Four (4) members from the
141 United States in position one, two, three, and four and one member
142 from Canada in position five will be elected simultaneously.

143 Alternate to the Executive Board - One (1) Alternate to the
144 Executive Board to be elected from the United States.

145 The demarcation lines for the various territories are as follows:

146 Western Territory - All territory lying west of and including the
147 southern lines of the Illinois Central Railroad (prior to the merger with
148 the Gulf Mobile and Ohio) and lying on the West side of Lake Michigan,
149 and south of Lake Superior, and northwest of a line laid through Sault
150 Ste. Marie, Michigan, and shall be bounded on the South side by the
151 Mexican border.

152 Eastern Territory - Shall be composed of the territory east of the
153 aforementioned line and north of the lines of the Chesapeake and Ohio
154 Railway.

155 Southern Territory - Shall comprise the territory south of and
156 including the Chesapeake and Ohio Railway and as far west as the
157 Illinois Central Line, mentioned as the boundary of the Western
158 Territory. Lines of the former Gulf Mobile and Ohio shall be included in
159 the Southern Territory.

160 26. When an election for a particular office or board is
161 commenced, the same must be completed before the convention

162 adjourns for the day.

163 27. International officers may speak but shall have no vote in

164 convention.

ARTICLE 37
PRINTING AND DISTRIBUTION OF CONSTITUTION

1 Copies of the Constitution shall be furnished to all members of the
2 United Transportation Union and sufficient copies shall be printed in
3 French and made available to French speaking members of the United
4 Transportation Union in Canada.

ARTICLE 38
SAVING CLAUSE

1 The International President, with the approval of the Board of
2 Directors, may take such action as may be deemed necessary to meet
3 situations not covered in this Constitution in order to protect the interest
4 of the membership and the United Transportation Union.

5 If any portion of this Constitution is found to be in violation of a
6 Federal, State, or Provincial law, such law shall supersede that portion
7 of this Constitution, but only to the extent and within the limits of the
8 law, and provided that any change shall not affect the validity of the
9 remaining portions of this Constitution.

ARTICLE 39
LOCALS

1 Employees in transportation service, other fields of employment,
2 trades and industries, whether public or private employees, desiring to
3 organize a local shall apply to the International President for a charter.
4 The application must be accompanied by a fee of \$50.00 to cover the
5 cost of necessary supplies for the local.

6 Should the application be favorably considered by the International
7 President, the General Secretary and Treasurer shall issue a charter,
8 properly signed under official seal, and forward to the person
9 designated. The International President will direct an officer of the
10 International to organize the local and install the elected officers in
11 accordance with this Constitution.

12 By-laws for their special government, which do not conflict with this
13 Constitution, may be adopted, subject to the approval of the
14 International President.

15 The International President shall assign each local a number
16 and thereafter it shall be known as "United Transportation Union
17 Local No.____."

ARTICLE 40
JURISDICTION AND AUTHORITY

1 The jurisdiction of locals shall be that which existed on the date of
2 unification. Changes in jurisdiction may be made by the International

3 President after giving the interested General Chairperson an opportunity
4 to file recommendations regarding the matter. The local shall have
5 jurisdiction over all members of the United Transportation Union
6 employed under its jurisdiction.

7 The decision of a local on all matters within its authority shall be
8 final, unless appealed in accordance with the provisions of this
9 Constitution and reversed.

10 Jurisdiction and authority shall not extend to the transfer of
11 members from one local to another local to result in any local of twenty-
12 five (25) or more members being closed. Henceforth the International
13 President shall not make changes in jurisdiction of locals which would
14 result in closing a local whose membership is twenty-five (25) or more
15 members.

16 A local may discipline its members for misconduct or violation of
17 their obligation.

ARTICLE 41

MEMBERSHIP

1 Any person of good moral character who is employed in a craft or
2 vocation, whether public or private employment, represented by the
3 United Transportation Union is eligible to membership.

4 To gain admission or readmission, an applicant must execute and
5 file with the local Treasurer an official application for membership which
6 must be accompanied by cash, check, or money order to cover one
7 month's dues and assessments.

8 No application for admission or readmission shall be accepted by
9 the Treasurer or considered in any manner until three (3) members of
10 the local have signed the same certifying that to the best of their belief
11 the applicant is of good moral character and if admitted to membership
12 in the United Transportation Union will be a worthy member. Upon
13 receipt of a properly executed application accompanied by the required
14 dues and assessment, the local Treasurer will issue to the applicant an
15 official receipt and will promptly forward to the General Secretary and
16 Treasurer the completed application, together with the required dues
17 and assessments. The local Treasurer will report at each meeting all
18 admissions and readmissions occurring subsequent to the last meeting
19 of the local.

20 Notwithstanding the foregoing the International President may
21 waive compliance with the provisions of this Article where he/she is
22 satisfied that an application for certification will be made by the United
23 Transportation Union to any Labour Relations Board in Canada; in such
24 case, compliance by any person in Canada with the minimum
25 requirements of the appropriate Labour Relations Board respecting
26 membership in a trade union shall be considered as conferring
27 membership upon such person.

28 The official membership application form will include the following

29 statement which will be subscribed to, and signed by, the applicant in
30 the presence of an officer or member of the local who shall witness the
31 applicant's signature and certify by signature that he/she has done so:

32 "I pledge my honor to faithfully observe the Constitution
33 and Laws of the United Transportation Union, including
34 the by-laws of my local; to comply with the rules and
35 regulations for the government of the United
36 Transportation Union; not to make known to outsiders
37 any private proceedings of the United Transportation
38 Union; to faithfully perform all the duties assigned to me
39 to the best of my ability and skill; to so conduct myself at
40 all times as not to bring reproach upon my union and at
41 all times bear true and faithful allegiance to the United
42 Transportation Union."

ARTICLE 42 CONTINUOUS MEMBERSHIP

1 Continuous membership in the former Order of Railroad Conductors
2 and Brakemen, Brotherhood of Locomotive Firemen and Enginemen,
3 Brotherhood of Railroad Trainmen, or Switchmen's Union of North
4 America in addition to service in the Merchant Marine during a national
5 emergency and any military service together with continuous
6 membership in the United Transportation Union will be combined to
7 compute total continuous membership in the United Transportation
8 Union.

ARTICLE 43 MEMBERSHIP CARDS

1 Members of the United Transportation Union, upon written request
2 to the Treasurer of their local during the month of December, will be
3 furnished a membership traveling card for the following year. Such
4 cards shall bear the number and seal of the local, and the signature of
5 the President and Treasurer of the local. The title, if any, and the
6 continuous membership record of the member shall also be shown
7 thereon.

8 Members totally disabled or having twenty (20) years' continuous
9 membership as provided in Article 42 and are retired from
10 transportation service will be given a gold embossed card indicating life
11 membership in the United Transportation Union. Such members shall
12 be entitled to attend local meetings.

ARTICLE 44 AUTHORITY TO REPRESENT

1 Every member of the United Transportation Union grants complete

2 authority to the United Transportation Union and any of its constituted
3 representatives to act in said member's behalf for the purpose of
4 disposing, in any manner, of any and all of said member's claims,
5 complaints, or grievances against their employer; and to submit such
6 claims, complaints, or grievances for determination to any person,
7 board, or other tribunal provided by law or otherwise as may be
8 deemed to be necessary. The United Transportation Union shall have
9 authority to receive notice of hearings, or to waive hearing, and to
10 appear for, represent, and act for its members before any person,
11 board, or other tribunal in connection with consideration and
12 determination of claims, complaints, or grievances, subject to the right
13 of appeal in accordance with the provisions of this Constitution, except
14 where the member involved serves reasonable written notice on the
15 United Transportation Union to the contrary.

16 Decisions reached disposing of or settling claims, complaints, and
17 grievances referred to herein shall be furnished in writing, within thirty
18 (30) days after such decision, to the Local Chairperson and Secretary of
19 the local submitting such claims, complaints, and grievances.

ARTICLE 45

DUTIES OF MEMBERS

1 Members of the United Transportation Union are obligated to pay all
2 dues and assessments promptly, to attend all meetings of their local
3 where reasonably possible to do so, to faithfully observe the provisions
4 of the Constitution of the International and the by-laws of the local, to
5 keep from outsiders the private proceedings of the United
6 Transportation Union, to faithfully perform all the duties assigned to
7 them to the best of their ability and skill, and to so conduct themselves
8 at all times as not to bring reproach upon the United Transportation
9 Union. Members who are found to be in violation of these duties are
10 subject to reprimand, suspension, or expulsion, as their local may
11 determine, following a trial conducted in strict compliance with Article
12 74 of this Constitution.

ARTICLE 46

VISITING MEMBERS

1 Visiting members of the United Transportation Union shall be
2 admitted to local meetings upon presentation of an official receipt for
3 the current month's dues or life membership card. In case the identity
4 of the visiting member is not known, further proof of membership may
5 be required.

ARTICLE 47

TRANSFER OF MEMBERS

1 (a) In the event the charter of a local is revoked or surrendered
2 the members shall be transferred to a local having jurisdiction over their
3 current employment. The local having jurisdiction will be designated by
4 the International President and such members will be transferred on the
5 date such revocation or surrender is effective.

6 (b) Following the date of unification, members in active service
7 must become members and maintain membership in the local having
8 jurisdiction over the craft in which assigned on the seniority territory on
9 which employed. Thereafter, if a member is assigned to another craft
10 under the jurisdiction of another local for a period in excess of ninety
11 (90) days the Treasurer of the local with which the member is affiliated
12 shall, upon receipt of written request from the Treasurer of the local
13 under whose jurisdiction the member is working, issue a transfer
14 certificate for the member.

15 Nothing in this section shall prohibit a member from voluntarily
16 transferring to another Local in less than ninety (90) days provided
17 he/she is working under the jurisdiction of that Local.

18 (c) Notwithstanding the foregoing, and in circumstances in which
19 two (2) or more locals have identical jurisdiction a member may, upon
20 written request, transfer his/her membership from one such local to the
21 other.

22 (d) General Chairpersons, Local Presidents, Local Chairpersons,
23 First Vice Local Chairpersons, Secretary and Treasurers, and Legislative
24 Representatives shall not be subject to the aforementioned transfer
25 requirements.

26 (e) Transfer certificates will be in the form prescribed by the
27 General Secretary and Treasurer and completed in quadruplicate by the
28 Local Treasurer, forwarding the original to the local requesting the
29 transfer, the second copy to the General Secretary and Treasurer, the
30 third copy to the member being transferred, and retaining the fourth
31 copy for his/her records. Upon the completion of this transaction, the
32 member will be obliged to pay dues and assessments, effective on the
33 first day of the following month, to the local to which transferred.

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

ARTICLE 48

LOCAL FUNDS

1 Each local shall maintain a local fund to pay the expenses of the
2 local, by levying local dues on all in-service members. The amount of
3 local dues shall be established by the members present, voting by
4 secret ballot, when the local is organized.

5 No change in local dues, the daily rate or salary established for
6 local officers or legislative representatives, or the levying of a special
7 assessment, may be considered by a local until notice of such
8 proposition has been read at one (1) regular or special meeting and all
9 members have been notified of the proposition and date on which the
10 proposition will be considered. Any proposition to change local dues,
11 the daily rate or salary established for local officers or legislative
12 representatives, or the levying of a special assessment, must be
13 approved by a majority vote of the members, voting by secret ballot, in
14 attendance when the proposition is considered.

15 Each local shall maintain a local committee fund to pay the cost of
16 representation by the Local Committee of Adjustment by levying local
17 committee dues, as established by the members present under its
18 jurisdiction, voting by secret ballot, when the committee is established.

19 No change in Local Committee dues, the daily rate or salary
20 established for Local Committeepersons, or the levying of a special
21 assessment may be considered until such proposition has been read at
22 one (1) regular or special meeting and all members working under the
23 jurisdiction of the Local Committee have been notified of the proposition
24 and date on which the proposition will be considered. Any proposition
25 to change Local Committee dues, daily rate or salary of Local
26 Committeepersons, or to levy a special assessment must be approved
27 by a majority vote of the members working under the jurisdiction of the
28 Local Committee involved, voting by secret ballot, who are in attendance
29 when the proposition is considered.

30 The effective date of any increase in local, local committee of
31 adjustment dues, or special assessments must coincide with the
32 requirements of any checkoff of Union Dues Agreement in effect.

ARTICLE 49

PAYMENT OF DUES AND ASSESSMENTS

1 The dues and assessments of members shall be paid in advance,
2 before the first day of the month in which they are due. Any member
3 who fails to pay his/her dues and assessments within the time provided
4 shall be suspended without notice or further action.

5 No member shall be considered in arrears for dues and
6 assessments when his/her employer has withheld from their pay money
7 for such dues and assessments, pursuant to a dues check-off
8 agreement, and the employer has delayed or defaulted payment to the
9 local.

10 A member who for any reason, including sickness and disability, is
11 not engaged in transportation service, other fields of employment,
12 trades, and industries, whether in public or private employment where
13 the United Transportation Union holds the contract, or in the service of
14 the United Transportation Union for a full calendar month (excluding
15 his/her vacation) shall, upon submitting to the General Secretary and

16 Treasurer and the local Treasurer written request on the prescribed
17 form, be relieved from the payment of all dues and assessments for
18 subsequent calendar months until he/she again returns to transportation
19 service, other fields of employment, trades, and industries, whether in
20 public or private employment where the United Transportation Union
21 holds the contract, or service with the United Transportation Union.
22 Such member will promptly report to the local Treasurer his/her date of
23 return to active service with the employer and will be obligated to pay
24 full dues and assessments beginning with the first month thereafter.

25 During the period in which members request relief and are relieved
26 from the payment of dues and assessments in accordance with this
27 Article, they shall continue to enjoy all privileges of membership, except
28 they shall not be permitted to vote in elections or on any other subject
29 involving grievances, hours or mileage limitation, or other methods of
30 work distribution.

31 The local Treasurer, in cooperation with the local President and the
32 local Chairperson involved, will maintain a close check of the roster of
33 members who are relieved from the payment of full dues and
34 assessments under the provisions of this Article with a view towards
35 avoiding the abuse of this privilege. In addition, the local Treasurer will,
36 at each regular meeting of the local, read for the benefit of members
37 present the roster of members who have been excused from the
38 payment of full dues and assessments.

39 Where the reason for a member not being engaged in
40 transportation service, other fields of employment, trades, and
41 industries, whether in public or private employment where the United
42 Transportation holds the contract, or in the service of the United
43 Transportation Union is sickness or disability the local, upon receipt of
44 written request from the member, may by majority vote of the
45 members present at any regular meeting authorize the local Treasurer
46 to pay the member's remaining dues and assessments for such period
47 as the local might determine. The written request shall be a condition
48 precedent to the member's rights under this paragraph.

49 Dues and assessments advanced for the benefit of sick or disabled
50 members under the foregoing paragraph represent a loan to the
51 member. The local shall designate a date on or before which the
52 amount advanced should be repaid. If repayment is not made within
53 the time specified the member shall be suspended for non-payment of
54 dues.

55 It shall be the duty of the members to keep the Local Secretary and
56 Treasurer advised of their current home address.

ARTICLE 50

SUSPENSIONS

1 A member suspended for improper conduct shall, at the expiration
2 of the time for which the member was suspended, be reinstated but

3 shall not be required to pay dues and assessments accrued during the
4 suspension. Should the member be accused of improper conduct
5 during the suspension, the member shall be liable to charges.

ARTICLE 51 READMISSION

1 A member who has been suspended for non-payment of dues or
2 assessments may be readmitted upon application on proper form and
3 the payment of all money due up to the date of his/her suspension, plus
4 dues and assessments for the current month and a reinstatement fee of
5 \$1.00. Where less than one calendar month has elapsed, no
6 reinstatement fee will be required. A member expelled for causes other
7 than non-payment of dues or assessments shall not be readmitted in
8 less than six (6) months. A member expelled upon charges ordered by
9 a convention, or one who was expelled for defrauding a local, shall
10 secure a dispensation from the International President before
11 presenting application for readmission.

ARTICLE 52 REGISTERS

1 Locals shall maintain a register showing the name, address, and
2 employment of their members.
3 Locals shall also maintain an attendance register and require that
4 every member who attends local meetings personally register his/her
5 name and local number therein.
6 Local Secretaries shall be responsible for the maintenance of
7 accurate registers by their local.

ARTICLE 53 RIGHTS AND BENEFITS

1 Except as otherwise provided in this Constitution, no member shall
2 be entitled to any of the rights or benefits of the United Transportation
3 Union, unless dues and assessments are paid within the time specified
4 herein.

ARTICLE 54 LOCAL MAINTENANCE OF MEMBERSHIP FUND

1 When authorized by a majority vote of its membership, a local may
2 establish a Maintenance of Membership fund by levying an assessment
3 of \$1.00 per member for one month or transferring an equivalent
4 amount from the local fund.
5 The purpose of the Maintenance of Membership fund is to provide a
6 fund from which the local Treasurer may, without written request from

7 the member or advance approval of the local, advance the dues and
8 assessments of members who do not pay the same in advance before
9 the first day of the month. The Treasurer will not advance the dues and
10 assessments of a member who submits, before the first day of the
11 month, written request for a termination of membership.

12 When dues and assessments are advanced from the Maintenance
13 of Membership fund, the member involved must reimburse the fund for
14 the amount of the dues and assessments plus a service charge of
15 \$1.00. Should the member fail to repay this amount during the month
16 for which the advance was made, the Treasurer will make no further
17 advances for benefits until the member has paid the indebtedness. If
18 the member is subsequently suspended for non-payment of dues or
19 discontinues membership in any other manner, the amount of
20 indebtedness to the Maintenance of Membership fund will be deducted
21 from any payment that may be due said member from the International
22 or the local. If recovery of the amount due the Maintenance of
23 Membership fund is not accomplished in this manner, the suspended
24 member will not be readmitted to membership until the amount due has
25 been paid.

ARTICLE 55

TIME AND PLACE OF MEETING

1 A local shall hold at least one regular meeting each month at the
2 time and place specified in its by-laws. Upon reasonable notice to the
3 members and the International President a local may take action to
4 change the place and time of meeting in the same town or city in
5 accordance with its by-laws.

6 Special meetings may be called by the President of the local and
7 the purpose thereof must be stated. The President shall call a special
8 meeting, upon receipt of written request of five (5) members in good
9 standing, stating the purpose for which the meeting is requested. In the
10 absence of the President, the meeting shall be called by the Vice
11 President or Secretary. Reasonable notice of special meetings shall be
12 given to all members and no business shall be transacted except that
13 for which a special meeting is called.

14 Five (5) members in good standing shall constitute a quorum for
15 the transaction of business.

ARTICLE 56

OFFICERS OF LOCALS

1 The elective officers of a local shall consist of a President, Vice
2 President, Secretary and Treasurer, and a Board of Trustees consisting
3 of three (3) members. By action of a local, the office of Secretary and
4 Treasurer may be separated and elections held to fill each office. A
5 local having fifty (50) or more members may create the office of

6 Collector.

7 The President of the local may appoint officers consisting of guards,
8 committees, and stewards as necessary to conduct the functions of the
9 local.

10 Stewards will be responsible for the interchange of information and
11 communication between local officers and the membership. They shall
12 not be vested to act with any authority reserved to elected officers.

13 The elective and appointed officers shall serve for a period of three
14 (3) years or until their successors assume office. No member may fill
15 more than one (1) of these elective offices at the same time.

ARTICLE 57 ELECTIONS IN LOCALS

1 The election for officers of a local shall be held in November, 1969,
2 and each three (3) years thereafter.

3 An election to fill the offices of Local Committees of Adjustment
4 shall be held in November, 1970, and quadrennially thereafter.

5 An election for Legislative Representatives and Alternate Legislative
6 Representatives shall be held in November, 1971, and quadrennially
7 thereafter. Candidates for these offices must be qualified voters.

8 Local Committeepersons and Legislative Representatives shall
9 assume their office on January 1, following the year of the Quadrennial
10 election.

11 An election for Delegate and Alternate Delegate shall be held in
12 November, 1970, and quadrennially thereafter. In locals having
13 jurisdiction over more than one craft, the Delegate and Alternate
14 Delegate must be elected from different crafts.

15 Officers stipulated in this Article shall be elected by secret ballot at
16 a November meeting of the local, or by referendum vote, as provided by
17 existing by-laws or procedures of each local. Nominations must be filed
18 with the Secretary not later than the last regular meeting in October in
19 the year of election. Where nominations are made by nominating
20 petition, at least five (5) members eligible to vote shall sign the petition.

21 The Secretary shall promptly acknowledge receipt of all petitions and
22 read them at the last regular meeting in October.

23 The members present at the last regular meeting in October shall
24 set the date on which the ballots shall be counted and the election held.

25 The Secretary shall prepare ballots showing the names of all
26 candidates and the offices for which they are nominated.

27 Incumbent officers shall appear first with names of other
28 candidates following in alphabetical order.

29 The ballots shall be prepared so as to provide a square opposite
30 each candidate's name in which the voter can mark his/her preference
31 of candidates.

32 In locals having more than one Local Committee of Adjustment for
33 different crafts, the Secretary will provide a separate ballot for all
34 eligible voters of each craft working under the jurisdiction of the
35 committee involved.

36 When voting by mail referendum the ballot shall be mailed by
37 government first-class mail to each member eligible to vote in
38 envelopes bearing a return address the same as the Post Office address
39 on the "Ballot" envelopes. Ballots shall be mailed at least fifteen (15)
40 days prior to the date set to tabulate the ballots, together with a leaflet
41 containing voting instructions, an envelope marked "A", and a stamped
42 envelope marked "Ballot" addressed to the Secretary in care of the
43 postmaster for mailing by the voter.

44 The leaflet containing voting instructions shall contain the following:

45 "Instructions for voting by mail: The voter will make a
46 mark in the square of his/her choice, fold, and place
47 the ballot in the envelope marked `A' and seal. Place
48 sealed envelope `A' in envelope marked `Ballot' and
49 seal. Place name and address in upper left-hand
50 corner of envelope marked 'Ballot' and mail. Do not
51 place any mark of identification on the ballot or the
52 envelope marked `A' that would destroy the secrecy of
53 the ballot."

54 The Secretary shall arrange with the postmaster for a post office
55 box. The key or combination of such box shall remain in possession of
56 the postmaster. Such arrangement shall be confirmed by letter.

57 On the day set for the tabulation of the ballots and election, the
58 President will appoint three (3) tellers. A copy of the letter confirming
59 the arrangement with the postmaster will be furnished the tellers which
60 will authorize the postmaster to deliver the contents of the box to the
61 tellers at a given hour.

62 The tellers shall return to the local and canvass the ballots. They
63 will check the names on the envelopes marked "Ballot" against the list of
64 eligible voters furnished by the Secretary, open the envelopes marked
65 "Ballot", and remove the envelopes marked "A". After all envelopes
66 marked "Ballot" have been opened, and emptied, the envelopes marked
67 "A" shall be opened, ballots removed, and canvassed by the tellers.
68 The results shall be reported to the President of the local in writing.

69 The candidate receiving a majority of the votes cast for a given
70 office shall be declared elected. If no one (1) of the candidates for a
71 given office receives a majority of the votes cast, another ballot shall be
72 submitted to all eligible voters upon which shall appear only the names
73 of the two (2) candidates receiving the highest numbers of votes cast
74 for that office. If any number of the candidates for a given office are
75 tied for the highest number of the votes cast, another ballot shall be
76 submitted to all eligible voters upon which shall appear only the names
77 of the candidates receiving the highest number of votes cast for that
78 office. If one (1) candidate receives the highest number but that
79 number does not constitute a majority of the votes cast for a given
80 office and any number of candidates are tied for the second highest
81 number of votes cast, another ballot shall be submitted to all eligible
82 voters upon which shall appear only the name of the candidate receiving
83 the highest number and the names of the candidates receiving the
84 second highest number of the votes cast for that office.

85 The Board of Trustees shall be elected by a majority of the ballots
86 cast.

87 The Secretary will keep all election records for one (1) year,
88 including used, unused and void ballots, eligible list, tally sheets, and
89 "ballot" envelopes used to mail in marked ballots.

90 When only one (1) nomination has been received for an office the
91 member so nominated will be declared elected on the day set for the

92 tabulation of ballots and election.

93 In the event of a permanent vacancy in any office, the local shall
94 proceed to fill the vacancy in accordance with the by-laws of the local or
95 as provided in this Article; except the Vice President shall succeed to the
96 office of President, the Alternate Legislative Representative shall
97 succeed to the office of Legislative Representative, and the Alternate
98 Delegate shall succeed to the office of Delegate.

99 In elections for Local Committees of Adjustment, only members in
100 service under the jurisdiction of such committee will be notified of such
101 election and permitted to file or sign nominating petitions and vote.

102 Locals failing to complete their regular elections during the month
103 of November, must notify the International President the reason therefor
104 and the date set for the completion of the election.

105 Locals must, following each election of officers or succession to
106 office, promptly notify the General Secretary and Treasurer, interested
107 General Chairpersons, and State, District, and Provincial Legislative
108 Boards of the names and addresses of the new officers.

109 Local Officers, Committeepersons, Legislative Representatives and
110 Delegates upon leaving office must promptly transfer all property, funds,
111 securities, equipment and other effects of their office to their successor.

112 Any member failing to comply with the provisions of this paragraph
113 shall be suspended from membership in the United Transportation
114 Union.

115 Candidates may have observers present during the counting and
116 tallying process including the tallying of the ballots, totaling, recording,
117 and reporting of tally sheets. In a mail ballot election, candidates may
118 have observers present at the preparation and mailing of the ballots,
119 their receipt, opening, and counting.

ARTICLE 58

INSTALLATION OF LOCAL OFFICERS

1 The elective and appointive officers enumerated in Article 56 shall
2 be installed as soon as possible following their election and shall
3 assume their duties on January 1 or as soon thereafter as they are
4 installed.

5 They must present themselves at a regular or special meeting for
6 installation within sixty (60) days following their election or appointment
7 and failing to do so, their office will be declared vacant.

8 Where a vacancy is filled in an interim election, the successful
9 candidate will assume the duties of such office immediately upon
10 installation.

11 The installation ceremony shall be performed by the ranking or the
12 most recent Past President, or if no Past President is available, by a
13 member named by the officer presiding at the meeting. The officers to
14 be installed will be called before the installing officer who will read the
15 following obligation:

16 "Do you hereby pledge on your honor to perform the
17 duties of your respective offices as required by the
18 Constitution of the United Transportation Union; to bear
19 true and faithful allegiance to the United Transportation
20 Union and with complete good faith to support, advance,
21 and carry out all official policies of the United
22 Transportation Union; to deliver to your successor all
23 books, papers, and other property of the United
24 Transportation Union that may be in your possession at
25 the end of your term of office; and at all times conduct
26 yourself as becomes a member of the United
27 Transportation Union."

28 The officers being installed shall respond:

29 "I do."

30 The installing officer shall then say:

31 "Your duties are defined in the Constitution of the
32 United Transportation Union and in the by-laws of this
33 local. Should an emergency arise which is not covered
34 by these laws you are expected to exercise good
35 judgment and common sense in order to advance the
36 best interest of the United Transportation Union."

37 "You will now assume your respective stations."

ARTICLE 59 DUTIES OF THE LOCAL PRESIDENT

1 The President shall preside at all meetings of the local, enforce the
2 provisions of this Constitution and the by-laws of the local, and exercise
3 general supervision over its affairs. The President shall decide all
4 questions of law and order, subject to appeal to the local by any two (2)
5 members. He/she shall appoint a majority of all committees and shall
6 sign all documents that require authentication.

7 The President shall see that the local officers respond to inquiries
8 from the International and shall, with the Secretary and/or Treasurer,
9 file all reports required of locals by Federal, State, Provincial, or local
10 laws, and countersign all disbursements issued by check or draft.

11 The President may speak on any subject before the local but he/she
12 may not vote except, in case of a tie vote, on a matter upon which
13 he/she is otherwise eligible to vote shall cast the deciding ballot.

ARTICLE 60 DUTIES OF THE LOCAL VICE PRESIDENT

1 The Vice President shall assist the President in the discharge of
2 his/her duties and preside at meetings in the absence of the President.
3 He/she shall appoint a minority of all committees and, if the President's

4 office becomes vacant, shall discharge the duties and assume the
5 responsibilities of the President for the remainder of the term.

ARTICLE 61
THE LOCAL PAST PRESIDENT

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

ARTICLE 62
DUTIES OF THE LOCAL PAST PRESIDENT

1 The Past President shall install the officers of the local and, in the
2 absence of the President and Vice President, shall preside at local
3 meetings.

ARTICLE 63
DUTIES OF THE LOCAL SECRETARY

1 The Secretary shall keep an accurate record of all proceedings,
2 receive all communications, conduct the correspondence, and shall have
3 charge of the seal and records of the local. He/she shall notify all
4 officers of their election or appointment and shall notify other locals of
5 action taken by his/her local which might affect, interest, or concern
6 them.

7 The Secretary shall notify the General Secretary and Treasurer of
8 all changes in the time and place of meetings and prepare, sign, and
9 affix the seal to all documents requiring his/her official signature as
10 provided by the Constitution and by-laws of the local.

11 He/she shall see that all notices required regarding elections and
12 levying of assessments are sent in accordance with this Constitution.
13 The Secretary shall perform the duties of the Treasurer in locals that do
14 not provide for the separation of the offices of Secretary and Treasurer
15 and shall, with the President and Treasurer, file all reports required by
16 Federal, State, Provincial, or local laws.

ARTICLE 64
DUTIES OF THE LOCAL TREASURER

1 The Treasurer shall receive all money due to be collected by the
2 local and give his/her receipt for the same. Where a local maintains the
3 office of Collector, the provisions of Article 65 will apply. The Treasurer
4 shall hold and keep secure all local funds and shall be bonded as
5 provided in Article 71 of this Constitution. He/she shall sign all papers
6 requiring his/her signature and perform other duties required by this

7 Constitution and the by-laws of the local. He/she shall keep an accurate
8 account for all receipts and expenditures of the local on forms provided
9 for that purpose. These records shall be open at all times for inspection
10 and audit by officers of the International or their representatives.

11 The Treasurer shall promptly, but not later than the 20th day of
12 each month, remit to the General Secretary and Treasurer all monies
13 due the International. All disbursements issued by check or draft must
14 be countersigned by the President of the local. Each disbursement shall
15 be reported by the Treasurer at the first meeting of the local following
16 the disbursement.

17 During the month of January of each year the Treasurer shall
18 submit to the Board of Trustees a report in duplicate, on the form
19 prescribed for that purpose, showing all receipts and disbursements of
20 the local for the preceding year. The Board of Trustees will promptly
21 audit the books and, if the Treasurer's report is found to be correct and
22 the cash on hand or its equivalent has been verified, the Board
23 members shall sign and submit the report to the first regular meeting of
24 the local following the audit. A copy of the signed report shall then be
25 sent to the General Secretary and Treasurer by the Board of Trustees.

26 The Treasurer shall be a member of all local committees which
27 receive or disburse money. When local action is taken approving the
28 disbursement of funds which in the opinion of the Treasurer is in
29 violation of provisions of this Constitution or the local's by-laws, he/she
30 shall withhold payment for a period not to exceed thirty (30) days and
31 report the matter at once to the International President. The Treasurer
32 will then be governed by the International President's instructions
33 regarding the expenditure involved, subject to appeal.

34 The Treasurer shall notify the Treasurer of another local when
35 he/she has knowledge that a member of his/her local is employed
36 under the jurisdiction of the other local.

37 It shall be the responsibility of the Treasurer to credit dues and
38 assessments paid to the appropriate Local Committee of Adjustment
39 and General Committee of Adjustment accounts of his/her local in
40 accordance with the provisions of this Constitution.

41 The Treasurer shall, with the President and Secretary, file all
42 reports required by Federal, State, Provincial, and local laws.

ARTICLE 65

DUTIES OF THE LOCAL COLLECTOR

1 The Collector shall receive all money due the local and will give
2 receipt therefor. He/she shall, prior to the first day of each month,
3 report to the local Treasurer on the required forms all money received
4 during the current month and shall pay to the local Treasurer the
5 amount so collected. His/her records shall be open at all times for

6 inspection and audit by officers of the International or their
7 representatives. He/she shall be bonded as provided in Article 71 of
8 this Constitution.

ARTICLE 66
DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES IN THE UNITED STATES AND CANADA

1 (a) Local Legislative Representatives in the United States shall
2 attend all meetings of their State or District Legislative Board. They
3 shall report to their locals regarding the handling of all alleged unsafe or
4 unsanitary working conditions found to exist, or reported to them, within
5 their jurisdiction. They shall undertake to correct such conditions
6 through appropriate measures consistent with the local and national
7 policies of the United Transportation Union. If they are unable to
8 correct the alleged unsafe or unsanitary working conditions, they will so
9 report to the International President and the National Legislative Director
10 regarding Federal matters and to the State or District Legislative
11 Director regarding State or District matters. They shall urge all
12 members of the United Transportation Union to qualify and vote in all
13 elections. When called upon, they shall give all possible assistance to
14 the International President, National Legislative Director, State or District
15 Legislative Director, and the officers of the State or District Legislative
16 Boards, subject to the supervision of the local.

17 (b) Local Legislative Representatives in Canada shall attend all
18 meetings of their Provincial Legislative Board. They shall handle on a
19 local level, and report to their local the handling of all matters affecting
20 their membership, dealing with federal or provincial law and all alleged
21 unsafe or unsanitary working conditions found to exist or reported to
22 them within their jurisdiction. They shall undertake to correct such
23 conditions through appropriate measures, consistent with the local and
24 national policies of the United Transportation Union.

25 If they are unable to correct these matters, they will so report to
26 the Chairperson of their Provincial Legislative Board, the Canadian
27 Legislative Director and the International President.

28 They shall, when called upon, give all possible assistance to the
29 International President, the Canadian Legislative Director and the
30 Officers of the Canadian and Provincial Legislative Boards, subject to the
31 supervision of their local.

ARTICLE 67
DUTIES OF THE LOCAL BOARD OF TRUSTEES

1 The local Board of Trustees shall supervise the financial affairs of
2 the local. Upon approval by the local the Board shall also have the
3 authority to rent, lease, or purchase property, office equipment, or
4 necessary supplies. Additionally, the Board shall assure that the
5 Treasurer and other local officers are bonded as required by this
6 Constitution.

7 The Board shall meet in the month of January of each year for the
8 purpose of auditing the annual report of the Treasurer and verifying
9 bank balances and cash on hand. If the Treasurer's annual report is
10 found to be correct, the Board members shall endorse the report with
11 their signatures, furnishing copies to the local and the General Secretary
12 and Treasurer.

ARTICLE 68

LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT

1 If any elected officer, Legislative Representative or
2 Committeeperson of a local becomes negligent in the performance of
3 his/her duties and responsibilities as a local representative, the local
4 may, after due deliberation, take action to notify him/her to appear at a
5 designated meeting and show cause why his/her office or position
6 should not be declared vacant. The notice must be in writing and will
7 fully specify the complaints he/she will be required to answer. If he/she
8 fails to respond to the notice or if the explanations offered for his/her
9 negligence are unsatisfactory, the local may, by majority vote of the
10 members involved present at the meeting, declare his/her office or
11 position vacant, unless he/she invokes the trial procedure as set forth in
12 Article 74 within fifteen (15) days from the date of the aforementioned
13 notice.

ARTICLE 69

LOCAL APPOINTIVE OFFICE DECLARED VACANT

1 If any appointed officer or committeeperson is negligent in
2 performing his/her duties as a local representative, the President of the
3 local may declare the office vacant and appoint a successor at any
4 regular meeting.

ARTICLE 70

VACATIONS - LOCAL OFFICERS AND COMMITTEEPERSONS

1 Officers and Committeepersons employed by their locals on a full-
2 time basis shall be granted vacation with pay, consistent with the terms
3 of the National Vacation Agreement, based upon earnings from their
4 local. Such vacations may be split but will not be carried over from one
5 year to the next.

6 Officers and Committeepersons employed by their locals on a part-
7 time basis shall be paid the difference between the amount of vacation
8 pay allowed by their carrier and the amount of vacation pay they would
9 have received had their wages with the local been earned with the
10 carrier. However, if they do not work a sufficient amount of time with

11 their carrier to qualify for a vacation, they shall be allowed a vacation
12 with pay, consistent with the terms of the National Vacation Agreement,
13 based upon their total earnings with the carrier and the local.

14 Vacation allowances provided herein shall be paid by the Treasurer
15 from the appropriate local funds within ten (10) days after receipt of the
16 vacation claim. This Article is intended to prevent any loss in vacation
17 time and pay as a result of serving the local.

ARTICLE 71 BONDING OF LOCAL OFFICERS

1 The International President and the General Secretary and
2 Treasurer shall arrange a plan for the bonding of local officers. Each
3 local shall pay its pro rata share of the cost and expense of bonding
4 under such rules and regulations as determined by the International
5 President and the General Secretary and Treasurer.

6 If a shortage in local funds is found to exist or there is evidence that
7 a shortage may exist, immediate notice with details and a statement of
8 the evidence must be sent to the General Secretary and Treasurer by
9 the President, Secretary, or other officers of the local having such
10 knowledge.

11 Auditors of the International will audit local records in such cases
12 and attempt to collect any shortage that may exist.

ARTICLE 72 SURPLUS ASSETS OF LOCALS

1 A local may deposit surplus assets with the International. Locals
2 making such deposits shall be responsible for the pro rata share of
3 expenses incidental thereto.

4 The Board of Trustees shall be the custodian of such assets
5 deposited. The deposits shall be placed in a suitable safety deposit box.

6 At least two (2) members of the Board of Trustees shall be present
7 when assets are deposited or the deposit box is opened.

8 The General Secretary and Treasurer shall maintain a record of the
9 deposits and attend to the collection of any income due thereon and
10 remit same to the local involved.

11 Assets deposited with the International must be shown by the
12 Treasurer as part of the balance on hand to the credit of the local.

13 Deposits may be withdrawn at any time upon submitting to the General
14 Secretary and Treasurer a resolution adopted by local action, signed by
15 the President and Treasurer, and bearing the local seal.

ARTICLE 73

REVOKING OR SURRENDERING LOCAL CHARTERS

1 The charter of a local may be revoked by the International
2 President for any of the following reasons:

- 3 1. Improper conduct.
- 4 2. Neglecting or refusing to conform to the provisions
5 of this Constitution or the local's by-laws.
- 6 3. Neglecting or refusing to make required returns and
7 reports.
- 8 4. Neglecting or refusing to hold at least one (1)
9 regular meeting each month.
- 10 5. Neglecting or refusing to elect and install a
11 successor to an officer who was removed from
12 office.
- 13 6. Neglecting or refusing to bring an officer or member
14 to trial when directed to do so by the International
15 President.

16 No charter shall be revoked until the International President has
17 given at least thirty (30) days written notice to the President and
18 Secretary of the local and the interested general chairpersons of his
19 intention to revoke the charter and an International officer has attended
20 a designated regular meeting of the local for the purpose of
21 investigating the matter and giving the officers and members of the
22 local an opportunity to be heard.

23 A local whose charter has been revoked shall be known as a
24 defunct local. All property, funds, and securities of a defunct local shall
25 automatically be vested in the local(s) into which its members are
26 transferred, on a pro rata basis, as of the date the charter is revoked.
27 The International President, after consultation with the interested
28 general chairpersons, shall designate the local(s) into which the defunct
29 local's members will be transferred consistent with such changes in
30 jurisdiction as might become necessary as a result of closing the local.

31 The officers of a defunct local shall deliver to the General Secretary
32 and Treasurer, within thirty (30) days after its charter is revoked, the
33 charter, seal, and other supplies furnished by the International together
34 with all funds, securities, and other effects of the local. Local officers
35 who fail to comply with the provisions of this paragraph shall be
36 suspended from membership in the United Transportation Union.

37 An expelled or suspended member whose local is defunct may file
38 application for admission into the local then holding jurisdiction over
39 his/her employment. Such application shall be treated and progressed
40 as if it were an application for readmission under the provisions of
41 Article 51 of this Constitution.

42 Any local wishing to surrender its charter may do so by majority
43 vote of the members and shall notify the International President who

44 will appoint a responsible representative to take full charge of the
45 charter and all property of the local for disposition in accordance with
46 this Article.

ARTICLE 74
CHARGES AND TRIALS - OFFICERS, COMMITTEEPERSONS, AND
MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT, AND
LEGISLATIVE BOARDS

1 (a) Charges may be preferred against a local officer,
2 committeeperson, or member for failure to fulfill the obligations and
3 responsibilities imposed upon them by this Constitution and/or the by-
4 laws of the local.

5 Charges must be made in writing and shall clearly specify the
6 alleged offense(s) together with the article(s) of this Constitution
7 and/or those portions of the local by-laws, which it is alleged have been
8 violated.

9 Charges must be signed by the party preferring them. He/she shall
10 then forward the charges by certified mail to the Secretary of the local
11 in which the accused holds membership unless the alleged offense was
12 committed under the jurisdiction of another local, in which case the
13 charges will be sent to the Secretary of that local.

14 A local officer or committeeperson against whom charges have
15 been preferred shall continue in office while under charges unless
16 otherwise voted by the local.

17 A member shall not be suspended for non-payment of dues while
18 under charges. The local Treasurer is authorized to pay such
19 membership dues from the local fund until the charges have been tried
20 and determined. The money involved will be considered as a loan to
21 the member and unless repaid on or before a day designated by the
22 local the member will be suspended for non-payment of dues.

23 The local will consider the charges at its first regular meeting
24 following their receipt by the Secretary of the local and unless charges
25 are found to be completely lacking in substance or merit the local will
26 accept the charges and authorize a trial.

27 A Trial Board consisting of five (5) members of the local working in
28 the craft of the accused shall be elected by the local and the Trial Board
29 shall elect from its members a Chairperson and a Secretary and
30 proceed to try the case. Within three (3) days of their first meeting the
31 Secretary of the Trial Board shall send to the accused by certified mail a
32 copy of the charges and notice of the date, time, and place of trial. The
33 date selected for the trial must permit not less than fifteen (15) days'
34 advance notice to both parties involved in the trial. The trial shall be
35 held within thirty (30) days from the meeting at which the charges were
36 presented.

37 The Secretary of the Trial Board shall send by certified mail the
38 same information relative to the trial to the party preferring the charges
39 along with instructions to attend the trial for the purpose of submitting
40 evidence and testimony in support of the charges and to participate in
41 cross-examination by or on behalf of the accused.

42 The majority of the Trial Board shall constitute a quorum and, in
43 the absence of a quorum, no trial shall be held and the Trial Board will
44 report the circumstances to the local at its next meeting. If the local
45 elects to continue the trial the Chairperson of the Trial Board will then
46 set another date for the trial and notify all parties involved of the time,
47 place, and date of the rescheduled trial which shall be held within thirty
48 (30) days.

49 No member of a Trial Board shall be directly or indirectly involved
50 as a party, witness, or otherwise in the conduct giving rise to the
51 charges preferred against the accused. In the event any of the
52 members of a Trial Board are so involved they shall be disqualified to sit
53 and the local shall elect a substitute member.

54 Each party to a trial shall have the privilege of designating any
55 party, except a party involved in the charges or proceedings, to act as
56 his/her representative or counsel in the trial proceedings.

57 The party preferring the charges shall deliver in writing to the
58 Chairperson of the Trial Board a list of the names of witnesses which
59 he/she intends to call in support of the charges. He/she shall furnish a
60 copy of such list to the accused and shall also act as prosecutor in the
61 case either in person or through his/her counsel or representative.

62 For good cause any party may request a postponement of the date
63 set for trial. Such request shall be addressed to the Chairperson of the
64 Trial Board and shall be subject to approval or rejection within the
65 discretion of the members of the Trial Board. Such postponement shall
66 not exceed ninety (90) days.

67 Should the accused fail to appear for trial after being notified as
68 prescribed in the foregoing, should he/she appear but refuse to comply
69 with the rules for the conduct of the trial prescribed by this Constitution,
70 the local by-laws, or the Trial Board, or should he/she engage in
71 conduct designed to obstruct the trial, the Trial Board shall proceed to
72 conduct the trial in his/her absence. The accused, the party preferring
73 charges, counsel or other representative for either party, or any
74 witnesses who are guilty of misconduct before the Trial Board shall be
75 excluded thereafter from the trial proceedings and the trial shall
76 continue in their absence.

77 The Trial Board shall arrange for a transcript of the trial
78 proceedings. A copy of the transcript shall be furnished to each party
79 without cost.

80 Both parties to the trial shall be given full opportunity to present any
81 witnesses and all relevant evidence and exhibits which they deem

82 necessary to a proper presentation of their case and shall be entitled to
83 cross-examine witnesses of the other party. Should a witness be
84 unable to attend any trial session of the Trial Board, the evidence of
85 such witness may be taken in deposition form before a notary public or
86 other civil officer authorized to administer oaths. Said deposition shall
87 be admissible evidence at the trial proceedings provided the adverse
88 party or his/her counsel is given the opportunity of being present and
89 cross-examining the witness when the deposition is taken.

90 Before giving testimony, any witnesses who are members of the
91 United Transportation Union shall be required to make the following
92 affirmation:

93 "Do you solemnly affirm upon your honor as a
94 member of the United Transportation Union that
95 the evidence to be given by you in this case shall
96 be the truth and nothing but the truth?"

97 All persons shall be excluded from trial sessions except the
98 members of the Trial Board, parties to the trial and their counsel or
99 representative, the witness who is testifying, and the reporter or person
100 transcribing the testimony.

101 After all evidence has been presented and arguments made by all
102 parties or their counsel, the Trial Board shall conclude the trial and, as
103 soon as practicable, assemble in executive session for consideration of
104 its decision.

105 The Trial Board shall render its decision in writing within fifteen
106 (15) days following the date upon which the trial was concluded. If the
107 accused is found guilty, the Trial Board shall fix the penalty to be
108 assessed which shall be reprimand, removal from office, suspension, or
109 expulsion from membership. Such decision shall contain a statement of
110 the pertinent facts involved, the violations charged, and the penalty to
111 be imposed if the verdict is one of guilt. Such decision and penalty shall
112 be final and binding unless reversed or modified upon appeal as
113 provided in Article 75 of this Constitution.

114 The Trial Board shall forward copies of its decision by certified mail
115 to the accused and the party preferring the charges. Copies shall also
116 be mailed to the International President, General Secretary and
117 Treasurer, and the Secretary of the local.

118 If suspension is the penalty prescribed by the Trial Board, such
119 suspension will be for not more than two (2) months beginning with the
120 first day of the month following the month in which the Trial Board
121 renders its decision.

122 If removal from office and/or expulsion from membership is the
123 penalty, such removal and/or expulsion shall become effective on the
124 date the Trial Board's decision is delivered to the accused by certified
125 mail.

126 If reprimand is the penalty, the accused shall be summoned to

127 attend a regular meeting of the local to be reprimanded by the
128 President. If he/she fails to attend, the accused shall be suspended
129 from membership until he/she does attend a meeting to receive the
130 reprimand. If the failure to attend continues until the close of the month
131 following the month in which the accused was summoned, he/she shall
132 be expelled.

133 (b) Charges may be preferred against officers and members of
134 General Committees of Adjustment or Legislative Boards for failure to
135 fulfill the obligations and responsibilities imposed upon them by this
136 Constitution and by their General Committee of Adjustment or
137 Legislative Board.

138 Charges must be made in writing and shall clearly specify the
139 alleged offense(s) together with the article(s) of this Constitution and/or
140 those obligations and responsibilities which it is alleged have been
141 violated.

142 Charges must be signed by the party preferring them. Said party
143 shall forward copies by certified mail to the accused, the International
144 President, and the Secretary of the General Committee of Adjustment or
145 Secretary of the Legislative Board as the case may be. The International
146 President shall promptly furnish copies of the charges to all members of
147 the General Committee of Adjustment or Legislative Board involved.

148 If in the opinion of the majority of the members of the General
149 Committee of Adjustment or Legislative Board the charges warrant
150 trying the accused, the International President shall give the accused
151 and the party preferring the charges fifteen (15) days' notice prior to
152 the convening of a Trial Board to try the accused. The Trial Board shall
153 consist of not more than five (5) members appointed by the
154 International President from among those members of the General
155 Committee of Adjustment or Legislative Board, as the case may be, who
156 are not involved in the charges. The first named shall be chairperson.
157 A majority of the Trial Board shall constitute a quorum. The Trial Board
158 shall meet at the time and place chosen by the International President,
159 elect a Secretary, and proceed to try the case.

160 Each party to a trial shall have the privilege of designating any
161 party, except a party involved in the charges or proceedings, to act as
162 his/her counsel or representative in the trial proceedings.

163 The party preferring the charges shall deliver in writing to the
164 Chairperson of the Trial Board a list of names of witnesses which
165 he/she intends to call in support of the charges and shall furnish a copy
166 to the accused. The accuser shall also act as prosecutor in the case
167 either in person or through his/her counsel or representative.

168 Should the accused fail to appear for trial after notice as prescribed
169 in the foregoing, should he/she appear but refuse to comply with the
170 rules for the conduct of the trial prescribed by this Constitution or the
171 Trial Board, or should he/she engage in conduct designed to obstruct

172 his/her trial, the Trial Board shall proceed to conduct the trial in his/her
173 absence. The accused, the party preferring charges, counsel or other
174 representative for either party, or any witnesses who are guilty of
175 misconduct before the Trial Board shall be excluded thereafter from the
176 trial proceedings and the trial shall continue in their absence.

177 The Trial Board shall arrange for a transcript of the trial
178 proceedings. A copy of the transcript shall be furnished to each party
179 without cost.

180 Both parties to the trial shall be given full opportunity to present any
181 witnesses and all relevant evidence and exhibits which they deem
182 necessary to a proper presentation of their case and shall be entitled to
183 cross-examine witnesses of the other party. Should a witness be
184 unable to attend any trial session of the Trial Board, the evidence of
185 such witnesses may be taken in deposition form before a notary public
186 or other civil officer authorized to administer oaths. Said deposition
187 shall be admissible evidence at the trial proceedings provided the
188 adverse party or his/her counsel is given the opportunity of being
189 present and cross-examining the witness when the deposition is taken.

190 Before giving testimony, any witnesses who are members of the
191 United Transportation Union shall be required to make the following
192 affirmation:

193 "Do you solemnly affirm upon your honor as a member
194 of the United Transportation Union that the evidence to
195 be given by you in this case shall be the truth and
196 nothing but the truth?"

197 All persons shall be excluded from trial sessions except members of
198 the Trial Board, parties to the trial and their counsel or representative,
199 the witness who is testifying, and the reporter or person transcribing
200 the testimony.

201 After all evidence has been presented and arguments made by all
202 parties or their counsel, the Trial Board shall conclude the trial and, as
203 soon as practicable, assemble in executive session for consideration of
204 its decision.

205 The Trial Board shall render its decision in writing within fifteen
206 (15) days following the date upon which the trial was concluded. If the
207 accused is found guilty, the Trial Board shall fix the penalty to be
208 assessed which shall be reprimand or removal from office. Such
209 decision shall contain a statement of the pertinent facts involved, the
210 violations charged, and the penalty to be imposed if the verdict is one of
211 guilt. Such decision and penalty shall be final and binding unless
212 reversed or modified upon appeal as provided in Article 75 of this
213 Constitution.

214 The Trial Board shall forward copies of its decision by certified mail
215 to the accused and the party preferring the charges. Copies shall also
216 be mailed to the International President, General Secretary and

217 Treasurer, and members of the General Committee of Adjustment or
218 Legislative Board.

219 If reprimand is the penalty, the International President shall issue
220 the reprimand in writing to the accused and furnish all members of the
221 General Committee of Adjustment or Legislative Board a copy of the
222 reprimand.

223 If removal from office is the penalty, such removal shall become
224 effective on the date the Trial Board's decision is delivered to the
225 accused by certified mail. An officer or member thus removed may not
226 again serve in any office of the United Transportation Union except upon
227 approval of the International President.

ARTICLE 75

APPEALS

1 I - TO THE BOARD OF APPEALS

2 (a) An officer or member of a local may appeal from an action or
3 decision of a local to the Board of Appeals, except as provided in
4 Paragraph (c) below. Such appeal shall be filed with the General
5 Secretary and Treasurer within ninety (90) days from the date the
6 action or decision occurred.

7 (b) A subordinate body may appeal an action or decision against it
8 to the Board of Appeals, provided such appeal is filed with the General
9 Secretary and Treasurer within ninety (90) days from the date the
10 action or decision occurred.

11 (c) An officer or member of a local may appeal from an action or
12 decision of a Local Committee of Adjustment to the appropriate General
13 Chairperson, provided such appeal is filed with the General Chairperson
14 within ninety (90) days from the date the action or decision occurred.

15 (d) A local or member of a local may appeal from an action or
16 decision of a General Chairperson to the General Committee of
17 Adjustment, provided the appeal is filed within ninety (90) days from the
18 date the action or decision occurred. Appeals to the General Committee
19 of Adjustment must be filed with the Secretary of the General
20 Committee and shall be acted upon not later than the next session of
21 the General Committee of Adjustment.

22 (e) An appeal pending before a General Committee of Adjustment
23 which has not been acted upon within ninety (90) days shall be referred
24 by the Secretary of the General Committee of Adjustment to the Board
25 of Appeals for a decision, provided the appellant makes a request to do
26 so to the Secretary of the General Committee at least thirty (30) days
27 prior to the date the Board of Appeals is scheduled to convene.

28 (f) An appeal from the decision of the General Committee of
29 Adjustment may be made to the Board of Appeals provided the appeal

30 is filed with the General Secretary and Treasurer within ninety (90) days
31 from the date of the decision of the General Committee of Adjustment.

33 **II - TO THE BOARD OF DIRECTORS**

34 (a) A member or subordinate body may appeal to the Board of
35 Directors from an interpretation of this Constitution made by the
36 International President, provided such appeal is filed with the General
37 Secretary and Treasurer within ninety (90) days from the date the
38 decision by the International President was made.

39 (b) Actions or decisions of Trial Boards may be appealed to the
40 International President, provided such appeal is filed with the General
41 Secretary and Treasurer within ninety (90) days from the date on which
42 the action or decision occurred. The General Secretary and Treasurer
43 shall docket the appeal and present all papers relating to the appeal to
44 the International President.

45 The International President will promptly render a decision on the
46 appeal which shall be final and binding on all parties unless appealed to
47 and reversed or modified by the Board of Directors. Appeals to the
48 Board of Directors must be filed with the General Secretary and
49 Treasurer within ninety (90) days from the date of the decision by the
50 International President.

51 (c) Decisions rendered by the Board of Directors on appeals
52 referable to the Board shall be final and binding.

53 **III-PROCEDURES**

54 In all appeals as provided herein the party whose action or decision is
55 being appealed shall be allowed sixty (60) days from the date the appeal
56 is filed to reply to the appeal.

57 All appeals must be in writing, contain the pertinent facts involved,
58 and set forth the basis of the appeal. The parties involved in an appeal
59 shall exchange copies of the appeal and the reply thereto, and all
60 related correspondence. **Copies of decisions involving appeals, will
61 be in writing, contain the pertinent facts involved, provide the
62 rationale leading to the decision and be furnished all interested
63 parties.**

ARTICLE 76 LOCAL RULES OF ORDER

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

ARTICLE 77
CONDUCT OF LOCAL MEETINGS

1 Meetings of the local shall be opened by the President, Vice
2 President, Past President, or in their absence by any other officer or
3 member with the following statement:

4 "I now declare this meeting of United Transportation
5 Union Local No. _____ open for the transaction of
6 such business as may properly come before it."

7 The following order of business is suggested but locals may alter
8 the suggested order of business as necessary to suit their
9 requirements:

- 10 1. Roll call of officers
- 11 2. Reading minutes of the previous meeting
- 12 3. Admission of new members
- 13 4. Treasurer's report
- 14 5. Reports of officers and committees
- 15 6. Communications
- 16 7. Unfinished business
- 17 8. New business
- 18 9. Bills of allowance
- 19 10. Nomination of officers and committee persons
- 20 11. Election and installation of officers
- 21 12. Safety first
- 22 13. Ways and means of improving the United
23 Transportation Union
- 24 14. Closing

ARTICLE 78

**NOTE: The provisions of Article 78 were declared void by the
Federal Court ruling in Civil Action No. 97-5732 (NHP) and the
Article has been deleted from the Constitution per Article 38.**

ARTICLE 79
CONSIDERATION OF GRIEVANCES

1 Grievances must be reduced to writing, contain complete
2 information on the subject matter and be submitted to the Local
3 Committee of Adjustment holding jurisdiction. Grievances involving
4 violations of the agreement, reinstatement, safety, or health and
5 welfare shall be given prompt handling with local officials of the
6 employer. A report by the committee will be made at the next meeting.

7 When grievances are being considered by a local, only those
8 members employed in the craft on the territory involved shall be

9 permitted to vote, provided that at least five (5) such members must be
10 present before any action can be taken. If more than one (1) craft is
11 involved the grievance shall be considered and determined separately
12 by each craft.

13 In the absence of a collective bargaining agreement to the contrary,
14 no grievance involving requests for reinstatement shall be accepted
15 after the expiration of two (2) years from the date of dismissal. Any
16 grievance involving positions and rank on seniority rosters shall be
17 reviewed and corrected when and if factual evidence is presented to
18 show an error in record keeping.

ARTICLE 80

PRESERVATION OF CRAFT AUTONOMY

1 (a) Local working conditions of a craft over which a local has
2 jurisdiction may not be revised or changed unless authorized to do so by
3 a majority of the votes cast by the members affected and working in the
4 craft. Such a proposal will not be voted upon prior to the first meeting
5 following that in which the proposition was presented. If more than one
6 craft is affected, the issue shall be determined by a majority vote of
7 each and every affected craft, i.e., in the event any one of the crafts
8 affected rejects the issue, the matter shall remain unchanged.

9 (b) In the event 25% of the members working in a craft in the
10 territory involved petition the local to circulate a referendum ballot, on
11 any issue to be voted upon involving a change in local working
12 conditions in the territory over which the local has jurisdiction, a
13 referendum ballot will be circulated. Only those members assigned in
14 the craft and working in the territory affected shall be permitted to vote.
15 A majority of the votes cast shall determine the issue. An issue
16 decided by referendum vote can be changed only by another
17 referendum vote.

18 (c) General Committees of Adjustment, by a majority vote, may
19 authorize the revision of general or system schedule rules, amend
20 existing rules, or establish new rules, except, General Committees of
21 Adjustment consolidated on or after date of unification with other
22 General Committees of Adjustment and/or officers representing United
23 Transportation Union, assisting those General Committees of Adjust-
24 ment, shall not revise or amend general or system schedule rules of any
25 craft unless authorized to do so by a majority vote of the
26 representatives of that craft on the General Committee.

27 (d) When voting on matters involving wages, rules, working
28 conditions, or elections held in a local meeting is by craft vote, the craft
29 in which a member is entitled to vote shall be the craft in which he/she
30 is assigned, irrespective of local affiliation, at the time the vote is taken.
31 In the event referendum procedures are used for such voting the craft

32 in which a member is entitled to vote shall be the craft in which he/she
33 is assigned on the date prior to the date the ballots are mailed by the
34 Secretary.

35 (e) The provisions of this Article may not be changed by the
36 International Union, except, upon the approval of a majority vote of the
37 members of each of the crafts represented by the United Transportation
38 Union.

ARTICLE 81

LOCAL COMMITTEES OF ADJUSTMENT

1 Each local shall elect a Local Committee of Adjustment, consisting
2 of a Chairperson, one or more Vice Chairpersons, and a Secretary.
3 Additional Local Committees of Adjustment may be formed to represent
4 members on a separate seniority district or when employed in a
5 separate craft represented by the United Transportation Union. Such
6 committeepersons must hold seniority rights in one of the crafts under
7 the jurisdiction of the Local Committee.

8 The International President may grant dispensation for the
9 establishment of separate Local Committees of Adjustment for the
10 members of a local working in one of the various crafts represented by
11 the United Transportation Union. Each Local Committee shall be
12 maintained by dues and/or assessments levied upon the members
13 under the jurisdiction of such committee.

14 When required, it shall be the duty of the Chairperson of the Local
15 Committee of Adjustment to furnish the Treasurer of the local and the
16 interested General Chairpersons the names of non-members and
17 members who have been taken out of service, or who have been
18 returned to service. Additionally the Chairperson of the Local
19 Committee of Adjustment will assist in furnishing information to the
20 Treasurer as to the names of employees working under the jurisdiction
21 of his/her committee.

22 It shall be the duty of the Chairperson of the Local Committee of
23 Adjustment to promptly handle claims and grievances when presented
24 in accordance with Article 79. He/she shall be authorized to file claims
25 and grievances including those where time has not been claimed, or
26 where claims were incorrectly and/or improperly filed. He/she shall
27 report on the handling of all claims and grievances at the next local
28 meeting.

29 Should the Local Chairperson fail to satisfactorily adjust any case
30 presented he/she may refer same to the General Chairperson with the
31 complete facts and history of the case including copies of
32 correspondence exchanged with local officials.

33 It shall be the duty of the Vice Chairperson to handle matters
34 referred to the Local Committee when so directed by the Chairperson.

35 The Vice Chairperson of the Local Committee shall act as Chairperson
36 when the Chairperson is unable to perform his/her duties, and in case
37 of a permanent vacancy in the office he/she shall act as Chairperson
38 until the office is filled as provided in Article 57. When more than one
39 Vice Chairperson is elected to a Local Committee of Adjustment, the
40 Local Committee shall designate the Vice Chairperson who shall act as
41 required by this paragraph.

42 Local Committees shall not take grievances to the general officers
43 of an employer, except through the General Chairperson, and will not be
44 permitted to enter into any agreement or understanding or change an
45 agreement or understanding unless approved and signed by the General
46 Chairperson and the designated carrier representative.

47 Local Committees of Adjustment may consolidate their Committees
48 under such terms and conditions as they deem appropriate, subject to
49 approval by a majority of the members under the jurisdiction of each
50 Committee involved.

51 In the event 25% of the members, working in a craft under the
52 jurisdiction of a Local Committee of Adjustment, petition the Secretary
53 of their local to circulate a referendum ballot on a proposition of
54 discontinuing their Local Committee of Adjustment and to be placed
55 under the jurisdiction of another Committee in the same local, the
56 Secretary will circulate a ballot on the proposition among the members
57 represented by each respective Local Committee of Adjustment. Upon
58 approval by a majority vote of the members represented by each
59 respective Committee, the Committee to be discontinued will, within
60 fifteen (15) days from the date of such approval, make an orderly
61 transfer of the property, funds, and files to the Committee assuming
62 jurisdiction.

63 Compensation and expenses for members of the Local Committee
64 shall be determined by the members of the local under the jurisdiction
65 of the Committee. The Local Committeeperson when authorized by the
66 General Chairperson to perform service in connection with General
67 Committee matters shall be compensated from the General Committee
68 Fund.

ARTICLE 82

GENERAL COMMITTEE OF ADJUSTMENT

1 The Chairperson of each Local Committee of Adjustment under the
2 jurisdiction of a General Committee of Adjustment shall be a member of
3 such General Committee of Adjustment. Local Chairpersons
4 representing yardmasters only, may be members of the General
5 Committee representing yard/switchpersons subject to approval of such
6 General Committee.

7 The officers of a General Committee of Adjustment shall be a

8 General Chairperson, one or more Vice Chairpersons, and a Secretary.
9 The officers of a General Committee must hold seniority rights in one of
10 the crafts under the jurisdiction of such General Committee.

11 Each General Committee of Adjustment shall hold a quadrennial
12 meeting in January of 1971. Beginning with this meeting not more than
13 two (2) officers of a General Committee shall be elected from any one
14 craft when such Committee represents only two crafts, and not more
15 than one officer from any one craft when such Committee represents
16 more than two crafts, except by unanimous consent of the full General
17 Committee.

18 If a Chairperson of a Local Committee of Adjustment is unable to
19 attend a meeting of the General Committee, the Vice Chairperson of
20 such Committee shall attend the meeting and represent his/her local,
21 but as such, he/she shall not be eligible for election as an officer of the
22 General Committee, except that of General Chairperson. The absent
23 Local Chairperson shall be eligible for election as an officer of the
24 General Committee of Adjustment.

25 Incumbent officers and members of the General Committee, and
26 any member holding seniority in the craft represented by the General
27 Committee shall be eligible for election to the office of General
28 Chairperson. Only members of the General Committee shall be eligible
29 for election to the office of Vice General Chairperson, or Secretary of
30 the Committee. A General Committee requiring the full-time services of
31 a Vice General Chairperson or Secretary may re-elect such officers,
32 without their being re-elected as Local Chairperson. In such cases
33 these officers may speak but shall have no vote in the General
34 Committee.

35 The officers of a General Committee shall be elected by secret vote
36 of the members of the General Committee during the quadrennial
37 meeting except as otherwise provided herein.

38 The Chairperson of a General Committee of Adjustment may be
39 elected by referendum vote instead of by General Committee vote as
40 provided for in the preceding paragraph if two-thirds (2/3) of the Local
41 Chairpersons under the jurisdiction of a General Committee, prior to
42 August 1 preceding the year of the regular quadrennial meeting of the
43 General Committee, vote for and advise the International President in
44 writing of their desire to have the Chairperson of that Committee
45 elected by referendum vote.

46 Upon receipt of such request the International President will notify
47 the locals under the jurisdiction of that General Committee that a
48 referendum election for General Chairperson will be held.

49 Each local under the jurisdiction of the General Committee, after
50 giving at least fifteen (15) days prior notice thereof, shall schedule a
51 meeting to be held prior to October 1, at which nominations for General
52 Chairperson will be accepted.

53 Nominations for General Chairperson will only be accepted when a
54 petition is signed by at least five (5) members holding seniority rights in
55 one of the crafts and holding membership in one of the locals under the
56 jurisdiction of the General Committee. The petition shall be presented
57 to the Secretary of the local no later than the meeting scheduled to
58 accept such nominating petitions.

59 The Local Secretary shall certify the names of candidates and
60 forward same to the International President by certified mail no later
61 than ten (10) days after the nominating meeting. The International
62 President shall have prepared ballots placing the name of the incumbent
63 candidate on the ballot first and the names of the other candidates in
64 alphabetical order. The International President shall send a ballot as
65 described in Article 57 to each member entitled to vote no later than
66 October 25. Only members employed under the jurisdiction of a
67 General Committee of Adjustment shall be eligible to vote in the
68 referendum election for the Chairperson of such Committee. The
69 International President shall request a list of eligible voters to be
70 prepared by the General Secretary and Treasurer showing the names
71 and addresses of the members paying General Committee assessments
72 to that General Committee for the month of August preceding the
73 election.

74 The International President shall arrange for the General Secretary
75 and Treasurer to receive and tabulate the ballots. The envelope
76 addressed for the return of such ballot shall be addressed to the
77 General Secretary and Treasurer and shall not be opened prior to the
78 date set for tabulation.

79 The General Secretary and Treasurer will tabulate the ballots
80 between November 10 and November 15 and shall notify the General
81 Chairperson and candidates the date set for tabulating the ballots. Each
82 candidate, or his/her representative, may witness the tabulation at
83 his/her own expense.

84 The General Secretary and Treasurer shall immediately notify the
85 International President, General Chairperson, candidates, and each local
86 the results of the election.

87 The candidate receiving a majority of the votes cast shall be
88 declared elected. If no candidate receives a majority on the first ballot,
89 all but the two candidates receiving the largest vote will be dropped
90 from the ballot, and a second election will be held in the same manner.

91 In case of a tie, the General Secretary and Treasurer shall be governed
92 by the applicable provisions of Article 57.

93 A defeated General Chairperson shall not sign system agreements
94 unless they are also signed by the Vice Chairperson and Secretary of
95 the General Committee. A defeated General Chairperson shall not close
96 out pending cases unless concurred in by the Vice Chairperson and
97 Secretary of the General Committee.

98 The cost of a referendum election for General Chairperson shall be
99 considered as General Committee expense under Article 84, and such
100 expense shall be paid by the General Secretary and Treasurer from the
101 appropriate General Committee fund.

102 The Chairperson of each General Committee of Adjustment shall
103 convene the full Committee between January 1 and May 31 following
104 the completion of the quadrennial elections for Local Committees of
105 Adjustment, or as soon thereafter as elections are completed, and
106 quadrennially thereafter. Actions of the General Committee shall be
107 retroactive to January 1 of that year. In the event the Chairperson fails
108 to convene the Committee, the Committee shall be convened by the
109 International President on request of one or more locals.

110 When the Chairperson had been elected by referendum vote, the
111 results of the vote shall be announced on the first day of the
112 quadrennial meeting and the Chairperson elected shall immediately
113 assume the office.

114 A General Chairperson shall have no vote in General Committee
115 meetings except in case of a tie vote on matters other than elections,
116 the Chairperson will cast the deciding vote. In case of a tie vote in a
117 Committee election after five (5) secret ballots the Chairperson shall
118 then be permitted to vote.

119 Each General Committee of Adjustment may adopt its by-laws and
120 procedures, establish salaries, set the amount of General Committee of
121 Adjustment dues, and such other matters necessary for its operation,
122 subject to the provisions of this Constitution.

123 The International President may grant dispensation for the
124 establishment of separate General Committees of Adjustment for the
125 various crafts represented by the United Transportation Union. Each
126 such Committee shall be maintained by dues and/or assessments levied
127 upon the members under the jurisdiction of such Committee.

128 If less than three (3) locals are located on a property, the General
129 Chairperson shall be elected by referendum vote.

130 A General Chairperson may not serve as Local Chairperson, except
131 when there is only one local on a property the Local Committee of
132 Adjustment shall constitute the General Committee of Adjustment.

133 In Bus Department Locals where there is one Local on a property,
134 General Committees of Adjustment and/or officers representing the
135 United Transportation Union, shall not revise or amend general or
136 system schedule rules unless authorized to do so by a majority of votes
137 cast by the members of the craft under the jurisdiction of the General
138 Committee.

139 The Secretary of the General Committee shall promptly notify the
140 International President in the event of a vacancy in the office of
141 Chairperson. The International President shall order an election, to be
142 held in accordance with the provisions of this Article, to fill the vacancy.

143 In the interim the Vice General Chairperson designated by the
144 Committee at the time of his/her election will fill the vacancy.

145 Vacancies in the office of Vice General Chairperson or Secretary of
146 the General Committee shall be filled by a majority vote of the General
147 Committee, while in session, or by secret ballot conducted by mail as
148 follows: The Chairperson will set a period in which any member of the
149 Committee may nominate another member of the Committee to fill the
150 office. When the period for making nominations has expired, the
151 Chairperson shall prepare ballots, placing the names of the candidates
152 in alphabetical order. He/she shall furnish ballots to each member of
153 the Committee, with notification as to the date on which the ballots
154 must be returned for tabulation. On the date specified, the
155 Chairperson, with the assistance of at least two members of the
156 Committee or two officers of the nearest local, shall tabulate the ballots
157 and certify the results to the Secretary of the General Committee. The
158 Secretary of the General Committee shall report the results of the
159 election to the locals and members of the General Committee.

160 General Chairpersons or Executive Committee of General
161 Committees of Adjustment may voluntarily consolidate their committees
162 under such terms and conditions as they deem appropriate subject to
163 approval by a two-thirds (2/3) vote of the members of each General
164 Committee of Adjustment involved and the International President.

165 In the event 25% of the members working under the jurisdiction of
166 a General Committee of Adjustment petition the Secretary of the
167 General Committee to circulate a referendum ballot on a proposition of
168 discontinuing the officers of their committee and consolidating their
169 committee under the officers of another committee holding similar
170 jurisdiction on the same property, the Secretary will prepare a ballot on
171 the proposition to be circulated among the members involved by the
172 Secretaries of the locals involved. Upon approval by a majority vote of
173 the membership represented by such committee, a referendum ballot
174 will be circulated among the membership represented by the other
175 General Committee of Adjustment involved in the consolidation. Upon
176 approval by a majority vote of the membership under the jurisdiction of
177 such other committee, the officers of the committee being dissolved
178 will, within sixty (60) days, make an orderly transfer of the property,
179 funds, and files to the committee having jurisdiction.

180 If as a result of the referendum vote it is the desire of the
181 membership represented by the two General Committees to
182 consolidate, a referendum election will be held as provided in this
183 Article to elect a General Chairperson from the two incumbent General
184 Chairpersons. The defeated General Chairperson will become an
185 assistant General Chairperson of the consolidated General Committee
186 and shall be placed in no worse position with respect to salary or
187 compensation. His/her term of office as assistant will expire at the

188 same time as the General Chairperson at the next quadrennial meeting.
189 Nothing in this Article shall prevent a General Committee from
190 providing a residence property settlement, moving expense, and
191 transfer allowance for a General Chairperson who is required by the
192 consolidated General Committee to relocate his/her residence as a
193 result of a consolidation of General Committees.

ARTICLE 83 RETIRED MEMBERS

1 Members of the United Transportation Union retired from service on
2 account of age shall be assessed International dues of 75 cents per
3 month, to be collected in a manner prescribed by the President and
4 General Secretary and Treasurer. Retired members paying the 75
5 cents per month assessment shall be members of the United
6 Transportation Union Retirees Association so long as such dues are
7 paid. Provided, however, that the President with the concurrence of the
8 Board of Directors may increase the dues from 75 cents per month to
9 \$1.00 per month.

10 Payment of the aforementioned dues by retired members shall in
11 no way affect the voting rights of such retired members of the United
12 Transportation Union.

ARTICLE 84 GENERAL COMMITTEE FINANCING

1 Each General Committee of Adjustment must maintain a fund
2 sufficient to pay all salaries and expenses necessary for the
3 maintenance of the Committee through assessments upon the members
4 under their jurisdiction.

5 The General Committee fund shall be deposited with the General
6 Secretary and Treasurer and shall be used to pay the salaries,
7 expenses, and other allowances necessary for the maintenance of the
8 General Committee. The General Secretary and Treasurer shall furnish
9 each interested Local Treasurer and the General Chairperson a monthly
10 report showing the division of dues and assessments.

11 Dues, assessments, salaries, expenses, and other allowances
12 established for the maintenance of General Committees, and in effect as
13 of the effective date of unification, shall remain in effect, subject to
14 change as provided herein.

15 Any proposition to establish or abolish full-time salaried officers of a
16 General Committee or to increase or decrease dues, assessments,
17 personal expense, or other allowances established for the maintenance
18 of General Committees shall be submitted to the members of the
19 General Committee while in session or by mail by the appropriate officer

20 of the General Committee setting forth the specific change and effective
21 date of such change. Such proposition must be approved by a majority
22 vote of the members of the General Committee before being made
23 effective.

24 All reasonable and proper expenses of a General Committee,
25 officer, or member thereof when in the service of a General Committee
26 shall be allowed as expense of the General Committee. An itemized
27 statement of expenses incurred, with receipts for all items in excess of
28 **\$24.00**, and any amount due for services rendered shall be submitted
29 to the Chairperson of the General Committee. When such statements
30 are approved they shall be submitted to the General Secretary and
31 Treasurer for prompt payment. A copy of all such statements shall be
32 furnished to the Secretary of the General Committee.

33 Where not otherwise provided for, the General Chairperson may
34 rent office space, purchase office equipment, and employ such clerical
35 assistance as necessary, when authorized to do so by a majority vote of
36 the General Committee in session or by mail vote between sessions.

ARTICLE 85

DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

1 General Committees of Adjustment shall have authority to make
2 and interpret agreements with representatives of transportation
3 companies covering rates of pay, rules, or working conditions - subject
4 to membership ratification in accordance with the provisions of this
5 Article.

6 General Committees shall investigate all matters properly submitted
7 to them and shall have the authority to alter, amend, add to, or strike
8 out any part, or all, of any matter submitted to them.

9 In the event a matter cannot be satisfactorily adjusted, the General
10 Chairperson may request the assistance of the International President.
11 Upon receipt of such request, the International President or his/her
12 representative shall meet with the General Chairperson, renew efforts
13 to obtain a satisfactory adjustment of the matter and shall be vested
14 with the same authority held by the General Committee to progress the
15 matter to a conclusion. Any system or local adjustments agreed to by
16 the International President or his/her representatives, shall be subject
17 to a majority vote of local chairpersons affected.

18 In the event the International President or his/her representative
19 and the Committee are unable to reach a satisfactory adjustment of the
20 matter, the International President may order a strike on all or any
21 portion of the company involved. Such strike action must be authorized
22 by a two-thirds vote of the members of the General Committee. Such
23 vote may be taken by wire, mail, or personal contact with written
24 confirmation as the General Chairperson may direct.

25 Between sessions of the General Committee of Adjustment, the
26 Chairperson of such Committee shall exercise all rights, privileges, and
27 authority vested in the General Committee, except as otherwise directed
28 by the General Committee while in session, subject to the membership
29 ratification provisions of this Article.

30 The General Chairperson must poll the entire membership holding
31 seniority and working in the craft involved on the property by mail
32 referendum ballot prior to signing any system agreements and be
33 governed by the majority of the votes cast.

34 Upon completion of the balloting for a system agreement, the
35 General Chairperson will prepare a report designating the result of the
36 vote. A copy of the report shall be submitted to each affected Local
37 within 30 days after the close of balloting.

38 The General Chairperson must poll the affected Local Chairpersons
39 prior to signing any Local agreement and be governed by the majority of
40 the votes cast.

41 Upon completion of the balloting for a Local agreement, the General
42 Chairperson will prepare a report designating the result of the vote of
43 each Local Committee. A copy of the report shall be submitted to each
44 affected Local within thirty (30) days after the close of the balloting.

45 A General Committee may elect from its members a sub-committee
46 and vest such committee with authority of the General Committee of
47 Adjustment to adjust such matters as may be assigned to it by the
48 General Committee. The Chairperson of the General Committee shall
49 be Chairperson of all such sub-committees.

50 General Committees or sub-committees of General Committees of
51 Adjustment making settlement of matters referred to them shall, within
52 thirty (30) days of such settlement, notify the interested Local
53 Chairpersons and Secretary of the locals in which the matters originated
54 of the action taken.

55 Actions or decisions of a General Committee shall be binding upon
56 the members and locals under the jurisdiction of such General
57 Committee unless reversed or modified upon appeal as provided in
58 Article 75 of this Constitution.

(NOTE: Delegates moved that this Article 85 would be interpreted that a UTU Engineer working under a BLE agreement would vote as a fireman on any agreement involving firemen.)

ARTICLE 86

VACATIONS - GENERAL COMMITTEEPERSONS

1 Full-time officers and employees of General Committees of
2 Adjustment shall be granted vacation with pay, consistent with the terms

3 of the National Vacation Agreement, based upon earnings from their
4 Committee. Such vacations may be split if desired but will not be carried
5 over from one year to the next.

6 Officers and members of General Committees employed on a part-
7 time basis shall be paid the difference between the amount of vacation
8 pay allowed by their carrier and the amount of vacation pay they would
9 have received had their wages with the General Committee been
10 earned with the carrier except, if they do not work a sufficient amount
11 of time with their carrier to qualify for a vacation, they shall be allowed
12 a vacation with pay, consistent with the terms of the National Vacation
13 Agreement, based upon their total earnings with the carrier and the
14 General Committee.

15 Vacation allowances provided herein shall be paid by the General
16 Secretary and Treasurer from the General Committee fund upon
17 approval of the vacation claim by the General Chairperson and
18 Secretary of the General Committee. This Article is intended to prevent
19 any loss in vacation time and pay as a result of serving the General
20 Committee.

**ARTICLE 87
CHAIRPERSON OF GENERAL COMMITTEE**

1 The Chairperson of a General Committee of Adjustment shall be its
2 executive head, preside over all meetings, and exercise general
3 supervision over its affairs and interests.

4 The Chairperson shall furnish a quarterly report of his/her activities
5 to all Local Chairpersons and locals under his/her jurisdiction and use
6 such other means as necessary to keep the membership well informed.

7 He/she shall attach to the report an itemized statement of receipts and
8 disbursements of his/her Committee which shall be furnished by the
9 General Secretary and Treasurer in sufficient number for distribution
10 with this report.

11 The Chairperson shall convene the General Committee upon
12 request of a member of said Committee provided (1) a 2/3 majority of
13 the Committee concurs in such request, and (2) sufficient funds are
14 available.

15 The Chairperson shall perform such other duties as may be
16 required by the General Committee and this Constitution.

**ARTICLE 88
VICE CHAIRPERSONS OF GENERAL COMMITTEE**

1 The Vice Chairpersons of a General Committee of Adjustment shall
2 act for or on behalf of the Chairperson when so directed by the
3 Chairperson. They shall perform such other duties as may be delegated

4 to them by the General Committee of Adjustment.

ARTICLE 89
SECRETARY OF GENERAL COMMITTEE

1 The Secretary of a General Committee of Adjustment shall keep a
2 record of the proceedings of each meeting. He/she shall issue notices
3 of meetings when so directed by the General Chairperson. He/she shall
4 have charge of the books and papers of the Committee pertaining to
5 this office. The Secretary shall prepare and furnish the International
6 President, General Secretary and Treasurer, each local Chairperson,
7 and each local Secretary a copy of the proceedings of the Committee
8 within twenty (20) days of the close of each session. He/she shall notify
9 the International President the names and addresses of the General
10 Committee immediately following their election.

11 The Secretary shall perform such other duties as might be required
12 by the General Committee and this Constitution.

ARTICLE 90
MERGERS, LEASES, COORDINATIONS, ETC.

1 When, through lease, purchase, merger, consolidation or other
2 cause, a line or lines of a carrier or a portion thereof is taken over by
3 another carrier or where, because of establishment of a new line by an
4 existing carrier or for other reasons, traffic is permanently diverted from
5 one carrier to another or from one road and/or yard seniority district to
6 another on the same carrier and such affects the seniority rights of
7 employees on such carriers, General Committees of Adjustment shall
8 arrange for a fair and equitable division of the work. Prior seniority
9 rights of employees to service on their former seniority district or
10 territory shall be preserved to the extent possible. Permanently, as
11 used herein, is intended to mean some reasonable degree of regularity
12 in excess of thirty (30) days.

13 General Committees shall give consideration to all factors involved,
14 including but not limited to hours worked, cars and tonnage handled
15 where applicable, and mileage of operations on each seniority district or
16 territory involved prior to the change in operation, consolidation, or the
17 diversion or re-routing of traffic.

18 In circumstances in which a new line is established by a carrier and
19 no seniority rights exist, employees from the line from which traffic is
20 diverted, will be transferred to the new line in equal percentage to the
21 mileage of the traffic diverted from the old line. If the portion of line
22 transferred is insufficient in extent to constitute a separate seniority
23 district, the employees taken over therewith in the merger may be
24 placed on the roster of the proper seniority district to which the merged

25 line is attached with seniority on such roster in their respective classes
26 from a date not later than the date of merger.

27 In applying this Article to bus lines the International and its
28 Legislative Department will intervene with the ICC for a reservation of
29 jurisdiction, for the imposition of conditions, for at least three (3) years
30 for employees who may be adversely affected.

31 Disputes arising under this Article which cannot be resolved by the
32 General Committee or General Committees shall be referred to the
33 International President. The International President shall promptly
34 assign an officer to assist the General Committee or General
35 Committees involved in resolving the dispute. Failing to resolve the
36 dispute the officer shall make a complete report and recommendation to
37 the International President who, in turn, shall decide the dispute.

38 Any local or member of a local affected by action or decision of a
39 Chairperson, Sub General Committee or General Committee, or by the
40 decision of the International President with respect to this Article may
41 appeal such action or decision to the Board of Appeals, provided such
42 appeal is filed with the General Secretary and Treasurer within ninety
43 (90) days from the date of the action or decision. The Chairperson, Sub
44 General Committee, General Committee, or International President, as
45 the case may be, shall be allowed thirty (30) days from the date the
46 appeal is filed in which to reply to the appeal. The parties involved in
47 an appeal shall exchange copies of the appeal and reply to the appeal.

ARTICLE 91

ASSOCIATION OF GENERAL CHAIRPERSONS

1 The Chairpersons of the General Committees in each district, as
2 hereinafter set forth, shall form an Association of General Chairpersons,
3 each to function independently of the other, for the purpose of
4 formulating concerted movements relating to wages, rules, and working
5 conditions of transportation service employees in their district.

6 District No. 1 shall include all rail lines in the United
7 States.

8 District No. 2 shall include all rail lines in Canada.

9 District No. 3 shall include all bus lines in the United
10 States and Canada.

11 All General Chairpersons on properties where the combined
12 membership represented by the United Transportation Union is one
13 hundred (100) or more, shall be members of the Association of General
14 Chairpersons in their respective districts as outlined above. Where the
15 combined membership represented by the United Transportation Union
16 on a property is less than one hundred (100) the General Chairpersons
17 on that property shall elect one of their group to be a member of the
18 Association in their respective districts. Members of the Association of

19 General Chairpersons shall attend all meetings of their Association and
20 represent their committees with pay and proper expenses to be paid
21 from the General Fund of the International.

22 The International President shall convene the General Chairpersons
23 during the year 1969 for the purpose of organizing the Association in
24 each district. Each district shall elect, by secret ballot, a Chairperson, a
25 Vice Chairperson, and a Secretary to serve as officers of their
26 Association.

27 Following the reorganization of General Committees in 1971, and
28 quadrennially thereafter, the International President shall convene the
29 Association of General Chairpersons for the purpose of reorganizing and
30 electing officers.

31 Each Association shall adopt by-laws for its special government
32 consistent with the provisions of this Constitution.

33 The Association will be convened by the International President
34 whenever necessary and will be convened by him when a majority of
35 the General Chairpersons within a district of the Association request a
36 special meeting, provided the requests are uniform in object and
37 purpose and the meeting is limited to subjects over which the
38 Association has jurisdiction.

39 In any general or concerted wage-rules movement, members in an
40 Association cannot withdraw support of a movement which has been
41 approved by a two-thirds vote of the members of an Association, unless
42 sanction thereto is given by a majority vote of eligible members of the
43 Association and approved by the International President. In the event
44 any transportation company refuses to be represented by the
45 conference committee representing the companies in a general or
46 concerted movement, the International President may exclude the
47 General Committee on such company from participation in the
48 movement.

49 A strike may be authorized by the International President in support
50 of a general or concerted wage-rules movement, provided such action
51 is approved by a two-thirds vote of the members in any Association.
52 Such vote may be taken as the International President may direct by
53 mail, wire, or while in session.

54 In any general or concerted wage-rules movement the International
55 President and Assistant President shall appoint a negotiating committee
56 representative of each of the former organizations and crafts
57 represented by them which are involved in the movement. The
58 negotiating committee shall assist in the prosecution of the wage-rules
59 movement as directed by the International President.

60 When in the judgment of the International President and the
61 negotiating committee a final offer of settlement has been received, the
62 offer with the committee's recommendation shall be submitted by
63 referendum to the Membership of the crafts involved in the movement

64 for their acceptance or rejection. Following receipt of the offer of
65 settlement, each General Chairperson shall have fifteen (15) days to
66 submit questions pertaining to the offer. The negotiating committee
67 will, consolidate the submitted questions into a single, uniform list.
68 When the answers to these questions are determined by the negotiating
69 committee and the carriers' representatives, the agreed upon questions
70 and answers will be distributed to the General Chairpersons and made a
71 part of the offer of settlement.

72 A majority of the members voting of each of the crafts to be
73 covered or affected by the terms of the proposed agreement shall be
74 required to ratify the offer of settlement.

75 The terms of the settlement shall be submitted, by the International
76 President, to each Local involved in the movement, in sufficient quantity
77 to permit circulation to the membership, and/or the terms may be
78 mailed to each member in a special edition of the UTU News.
79 Recommendations of the President and/or Negotiating Committee may
80 be included along with a digest or summary of the provisions of the
81 settlement.

82 The Board of Directors shall establish and publish procedures for
83 the conduct of referendum elections which shall thereafter be contained
84 as an appendix to this Article; guaranteeing each affected member the
85 right-to-vote on wages, rules and working conditions.

86 Voting and tabulation of the results must be completed within
87 twenty-one (21) days from the date the proposal is dispatched or
88 presented by the International President. The final result and tabulation
89 of voting shall be furnished to each Local involved in the movement and
90 shall be printed in the UTU News.

APPENDIX: Agreements shall be sent via first-class mail in
an envelope marked "Important - Agreement
and Ballot Enclosed". The ballot will be a self-
addressed, postage paid post card that will
contain space for the member to print name,
local number and railroad employer, **or a
telephone electronic voting system
supervised by the American Arbitration
Association or similar neutral organization.**

ARTICLE 92 STRIKES

1 When a strike has been inaugurated by the United Transportation
2 Union, the International President shall be the recognized leader and
3 shall have authority, in conjunction with the Board of Trustees, to
4 appropriate from the Strike Fund such money for legal assistance and

5 incidental expenses as may be required for a successful prosecution of
6 the strike.

7 Every member of the United Transportation Union shall be duty
8 bound to comply with strike orders of the United Transportation Union.
9 A member who neglects or refuses to do so and who takes the place or
10 performs the duties of a striking member shall be expelled from the
11 United Transportation Union upon conviction thereof under the trial
12 procedures of this Constitution.

13 Any member of the United Transportation Union who crosses the
14 picket lines of the United Transportation Union, or the picket lines of any
15 other railroad union(s) that the United Transportation Union has
16 recognized as on legal authorized strike, for the purpose of assisting the
17 struck carrier(s) by rendering service, consultation, or advice for wages,
18 profit, gain, or gratis, will pay a fine of one thousand dollars
19 (\$1,000.00), and in addition to such fine if such member received any
20 wages, compensation, or remuneration for time, expense, consultation,
21 for service rendered to such carrier(s) during the strike that member
22 will also be fined two dollars (\$2.00) for every one dollar (\$1.00)
23 received upon conviction thereof under the trial procedures of this
24 Constitution.

25 The cost and expense of such trials will be borne solely by the locals
26 conducting the trials and all fines collected by such locals will be retained
27 by the local conducting the trial.

28 Any member of the United Transportation Union who participates in
29 a strike which has not been legally authorized shall be expelled from the
30 United Transportation Union upon conviction thereof under the trial
31 procedures of this Constitution.

32 The International President and the General Committee of
33 Adjustment may terminate a strike or discontinue any and all strike
34 benefits. In the event of a difference of opinion between the
35 International President and the General Committee of Adjustment as to
36 the advisability of terminating a strike the matter shall be referred to the
37 Board of Directors for a final decision. A difference of opinion as to the
38 discontinuance of strike benefits shall be decided by the Board of
39 Trustees.

40 Strikes inaugurated by the United Transportation Union - Members
41 of crafts represented by the United Transportation Union who engage in
42 a strike inaugurated by the United Transportation Union, including
43 striking members who were employed under the jurisdiction of another
44 organization, will be paid strike benefits as provided herein beginning
45 with the third day following the day on which the strike was
46 inaugurated.

47 Strikes inaugurated by other recognized Unions - Members of the
48 United Transportation Union, who are unemployed due to any
49 recognized union representing employees of the railroads or other

50 transportation companies being on legal strike, shall be allowed strike
51 benefits for a period not to exceed sixty (60) days as though they were
52 active participants in the strike. However, the sixty (60) days limit may
53 be extended in unusual circumstances determined by the International
54 President, and the Board of Trustees.

55 Qualifications - In order to qualify for strike benefits, members must
56 withdraw from service at the outset of the strike, register each day, and
57 perform or be available to perform picket duty as required by the local
58 having jurisdiction. A member must verify his/her correct address and
59 social security number with the Local Treasurer for the purpose of
60 mailing benefit checks.

61 Strike benefits will be \$50.00 per day and will not exceed a
62 maximum of \$600.00 per month.

63 Strike benefits shall be allowed for a period not to exceed one
64 hundred twenty (120) days as the result of one strike. However, the
65 one hundred twenty (120) days' limit may be extended in unusual
66 circumstances determined by the International President, and the Board
67 of Trustees, except as specified in lines 35-43.

68 Procedures for claiming benefits - Upon inauguration of a strike by
69 the United Transportation Union or upon authorization of strike benefits
70 to UTU members in the case of a recognized Union representing
71 employees of railroads or other transportation companies being on legal
72 strike, the International President of the UTU shall notify the General
73 Secretary and Treasurer accordingly.

74 Upon receipt of such notification, the General Secretary and
75 Treasurer shall prepare a list, in duplicate, and furnish each local
76 involved, showing all members of each local having jurisdiction over
77 striking members or members who may be affected by a legal strike or
78 a recognized union as they appear on monthly billing including home
79 addresses, space for social security number or social insurance number,
80 occupation and length of service which shall be identified as Form #1.
81 The President and Treasurer of each local shall complete Form #1 by
82 filling in the required blanks and return one (1) copy to the General
83 Secretary and Treasurer within ten (10) days. Form #1 must be signed
84 by the President and Treasurer of the local and notarized by a notary
85 public.

86 Upon return of Form #1, the General Secretary and Treasurer shall
87 prepare a strike payroll, in duplicate, from the information contained
88 therein. The strike payroll shall be known as Form #2 and shall list
89 striking members in alphabetical order with space provided for number
90 of days for which payment is claimed and amount of payment due. The
91 local treasurer will fill in the spaces as indicated noting any changes
92 from Form #1, i.e., additions, deletions, E-49, sick or injured, vacation,
93 death, retired, or members who, for any reason, are not available for
94 picketing or other duties required by the local. The treasurer shall

95 return the completed Form #2 on the 15th and the last day of the
96 month. The local seal must be affixed to all payrolls.

97 Upon receipt of strike payrolls, the General Secretary and
98 Treasurer, when directed by the International President, shall issue
99 checks drawn upon the strike fund for payment. The General Secretary
100 and Treasurer will mail strike benefits to all members entitled to receive
101 benefits, whose proper address appears on Form #1. A copy of Form
102 #2 will be mailed to the Local Treasurer.

103 In the event of a general strike by the United Transportation Union
104 or by other unions representing employees of railroads or other
105 transportation companies, the International President in conjunction
106 with the Vice President or other officer handling the strike and the Board
107 of Trustees, may suspend all strike benefits if such action becomes
108 necessary for the protection of the United Transportation Union's funds.

109 When a strike of any other nationally recognized labor organization
110 is in effect and danger to the safety of our members exists in or about
111 the area affected by the strike, and/or if there exists any substantial
112 present or potential threat of danger to the members enroute to or from
113 their work, and/or to the members' families, it is the policy of the United
114 Transportation Union to support its members in declining to enter the
115 territory directly affected.

ARTICLE 93

UNITED STATES LEGISLATIVE DEPARTMENT

1 The Legislative Representatives of each local in each State and in
2 the District of Columbia, shall form a State or District Legislative Board
3 for the purpose of protecting the legislative interests of the members
4 under its jurisdiction.

5 Officers of a State or District Legislative Board shall be a
6 Chairperson, one or more Vice Chairpersons, Secretary and/or
7 Treasurer where required by state law, and a State or District
8 Legislative Director, an Assistant State Legislative Director where
9 desired by the State Legislative Board. Such officers shall also be the
10 Executive Committee of such State or District Legislative Board.

11 In states where prior to the first reorganization meeting in 1972
12 there were salaried State Legislative Directors on a full-time basis, the
13 Board shall retain such positions; provided, any proposition to establish
14 or abolish a salaried State Legislative Director, or Assistant Legislative
15 Director on a full-time basis must be approved by a two-thirds (2/3)
16 majority vote of the members of the Legislative Board.

17 Beginning in 1972 the Chairperson of each State and District
18 Legislative Board shall convene the full Legislative Board not later than
19 May 1st following the completion of the quadrennial elections for Local
20 Legislative Representatives for reorganizational purposes which shall

21 include the election of officers and adoption of by-laws and procedures.
22 Beginning with the first reorganization meeting not more than two
23 (2) officers of the Executive Committee shall be elected from any one
24 craft except by a two-thirds (2/3) vote of the Legislative Board.
25 Incumbent officers and members of the Legislative Board shall be
26 eligible for election to the offices of the Executive Committee.
27 Nothing in this Article shall prevent a Legislative Board from
28 providing a residence property settlement, moving expenses and
29 transfer allowance for a Legislative Director who is required by the
30 consolidated Legislative Board to relocate his/her residence as a result
31 of a consolidation of State Legislative Boards.
32 If the Local Legislative Representative is unable to attend a meeting
33 of the full State or District Legislative Board, the Alternate Legislative
34 Representative of such local shall attend the meeting and represent
35 his/her local.
36 The officers of the Executive Committee and Alternate State
37 Legislative Director shall be elected by secret ballot of the members of
38 the Legislative Board during the quadrennial meeting except as
39 otherwise provided herein.
40 The candidate receiving a majority of the votes cast shall be
41 declared elected. If no candidate receives a majority on the first ballot,
42 all but the two candidates receiving the largest vote will be dropped
43 from the ballot, and a second election will be held in the same manner.
44 Officers of the Executive Committee shall assume the duties of their
45 offices upon election and their term of office shall extend for four (4)
46 years.
47 The Director will cast the deciding vote in case of a tie vote on
48 matters other than elections. In case of a tie vote in elections after the
49 fifth secret ballot, the Director shall then be permitted to vote.
50 In states where there is a Legislative Director and an Assistant
51 Legislative Director, a vacancy in the office of Legislative Director shall
52 be filled by the Assistant Legislative Director. A vacancy in the office of
53 Assistant Legislative Director shall be filled by the Alternate Legislative
54 Director. Any other vacancy shall be filled by a majority vote of the
55 Legislative Board in accordance with the Board's by-laws and
56 procedures.
57 The Chairperson of each State or District Legislative Board shall
58 preside over all meetings. He/she shall, through the Secretary of the
59 Legislative Board, issue the necessary summons to convene the
60 Executive Committee and/or Legislative Board as required by this
61 Constitution and at such other times as may be necessary.
62 Each State or District Legislative Board may adopt its by-laws and
63 procedures, including the filling of vacancies, establishing salaries,
64 setting the amount of Legislative Board dues, and such other matters
65 necessary for its operation, subject to the provisions of this Constitution.

ARTICLE 94
STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

1 Each State or District Legislative Board must maintain a fund
2 sufficient to pay all salaries and expenses necessary for the
3 maintenance of such State or District Legislative Board through
4 assessments levied upon the members under their jurisdiction.

5 The State or District Legislative Board funds shall be deposited with
6 the General Secretary and Treasurer and shall be used to pay the
7 salaries, expenses, and other allowances necessary for the
8 maintenance of the State or District Legislative Board.

9 Dues, assessments, salaries, expenses, and other allowances
10 established for the maintenance of State or District Legislative Boards
11 and in effect as of January 1, 1969, shall remain in effect subject to
12 change as provided herein.

13 Any proposition to increase or decrease dues, assessments,
14 personal expense, or other allowances established for the maintenance
15 of the State or District Legislative Boards shall be submitted to the
16 members of the State or District Legislative Board while in session or by
17 mail by the Secretary of the State or District Legislative Board setting
18 forth the specific change and effective date of such change. Such
19 proposition must be approved by a majority vote of the members of the
20 State or District Legislative Board before being made effective.

21 All reasonable and proper expenses of a State or District Legislative
22 Board, Executive Committee, or officer or member thereof when in the
23 service of a Legislative Board shall be allowed as expense of the
24 Legislative Board. An itemized statement of expenses incurred, with
25 receipts for all items in excess of \$5.00, and any amount due for
26 services rendered shall be submitted to the Director of the Legislative
27 Board. When such statements are approved they shall be submitted to
28 the General Secretary and Treasurer for prompt payment. A copy of all
29 such statements shall be furnished to the Secretary of the Legislative
30 Board.

31 The State or District Legislative Director may rent office space,
32 purchase necessary office equipment, and employ such clerical
33 assistance as necessary when authorized to do so by a majority vote of
34 the Board in session or by mail vote between sessions.

ARTICLE 95
DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS

1 The Executive Committee of each State or District Legislative Board
2 may be convened by the Director at least forty-five (45) days, where
3 possible, prior to each primary and general election, for the purpose of

4 endorsing candidates for State offices and to make recommendations
5 for candidates for the U.S. Senate and the House of Representatives
6 and to transact such other business as may be necessary.

7 State Legislative Directors will promptly advise the International
8 President and the National Legislative Director of all endorsements of
9 State Candidates and recommendations for Members of Congress made
10 by the Executive Committee.

11 The State or District Legislative Directors may remain in the capitol
12 during sessions of the Legislature, when so authorized by the Legislative
13 Board, and shall devote all of his/her time to securing the enactment of
14 such laws, or the repeal or modification of such other laws as directed
15 by the Legislative Board. He/she shall organize opposition to and
16 appear before appropriate agencies to oppose discontinuance of trains
17 and buses. He/she shall urge compliance with all laws which protect
18 the welfare of members of the United Transportation Union and shall
19 promptly report violations of State laws and regulations to the proper
20 State enforcement agency. Violations of all Federal laws and
21 regulations shall be reported to the National Legislative Director or
22 proper Federal agency.

23 An additional Director or Directors may remain at the capitol to
24 assist in legislative matters, when recommended by the Executive
25 Committee and approved by the International President. He/she shall
26 perform such duties as may be assigned by the International President.

27 The Secretary of the State or District Legislative Board shall keep a
28 record and make a report of the proceedings of all meetings of the
29 Legislative Board and the Executive Committee and shall furnish the
30 Legislative Representative and Secretary of each local, under the
31 jurisdiction of the Board, and the International President with a copy of
32 the report.

33 Full-time Legislative Directors shall make a quarterly report of their
34 activities to Secretaries and Legislative Representatives of all locals
35 under their jurisdiction and use such other means as necessary to keep
36 the membership well informed. They shall attach to the report an
37 itemized statement of receipts and disbursements of the Board which
38 shall be furnished them by the General Secretary and Treasurer. A
39 copy of this report shall be furnished the International President.

40 Part-time State or District Legislative Directors or Assistant
41 Directors may, when recommended by the Executive Committee and
42 approved by the International President, visit locals and appear before
43 commissions or other agencies in the United Transportation Union's
44 behalf. They shall be authorized to cooperate with other organizations
45 to this end. They shall perform such other duties as may be required by
46 their Legislative Board by-laws and this Constitution.

47 All proposed legislation shall be submitted to the International
48 President for approval and copies of all bills introduced which may be

49 detrimental to labor shall be forwarded by Legislative Directors to the
50 International President.

51 Questions of jurisdiction involving Legislative Boards and General
52 Committees pertaining to laws, abandonments, and/or borderline
53 matters shall be referred to the International President for decision.

54 Any member using his/her influence in the name of the United
55 Transportation Union to defeat any action taken by the National
56 Legislative Director or a State or District Legislative Board shall, upon
57 conviction thereof, be expelled.

58 Officers and members of State and District Legislative Boards shall
59 be under the direction of, and cooperate with, the National Legislative
60 Director on all National Legislative policies and proposed Federal
61 legislation established by the International or the Board of Directors.
62 They shall cooperate with the Auxiliary and other groups on matters of
63 mutual interest consistent with the legislative policies of the United
64 Transportation Union.

65 On any legislative issue which involves the discontinuance of
66 engine-service positions on railroads, the Executive Committee will
67 authorize an engine-service officer of the Legislative Boards to handle
68 such issues under the supervision of the Executive Committee.

ARTICLE 96 VACATIONS - STATE, PROVINCIAL, OR DISTRICT LEGISLATIVE BOARDS

1 Full-time officers and employees of State, Provincial, or District
2 Legislative Boards shall be granted vacation with pay, consistent with
3 the terms of the appropriate Vacation Agreement, based upon earnings
4 from their Boards. Such vacations may be split but will not be carried
5 over from one year to the next.

6 Officers and members of such Legislative Boards employed on a
7 part-time basis shall be paid the difference between the amount of
8 vacation pay allowed by their carrier and the amount of vacation pay
9 they would have received had their wages with the Legislative Board
10 been earned with the carrier. However, if they do not work a sufficient
11 amount of time with their carrier to qualify for a vacation, they shall be
12 allowed a vacation with pay consistent with the terms of the appropriate
13 Vacation Agreement based upon their total earnings with the carrier
14 and the Legislative Board.

15 Vacation allowances provided herein shall be paid by the General
16 Secretary and Treasurer from the appropriate Legislative Board fund
17 upon approval of the vacation claim by the Chairperson and Secretary of
18 the Legislative Board. This Article is intended to prevent any loss in
19 vacation time and pay as a result of serving the Legislative Board.

ARTICLE 97
CANADIAN LEGISLATIVE DEPARTMENT

1 For the purpose of protecting the legislative interests of its
2 members in Canada, the United Transportation Union shall maintain a
3 department to be known as the Canadian Legislative Department of the
4 United Transportation Union.

5 The International President shall call for the convening of the
6 Legislative Representatives in each of the Provinces in the month of
7 January following the quadrennial elections or as soon thereafter as the
8 elections are completed. He/she shall schedule such meetings so that
9 the Canadian Legislative Director may attend the meeting in each
10 Province.

11 Upon receipt of such call, all locals in each Province shall arrange to
12 send their Legislative Representative to the meeting in the Province and
13 shall provide him/her with a credential bearing the local seal and the
14 signatures of the local President and Secretary.

15 Meetings of Legislative Representatives shall be held in the capital
16 city of the Province, unless otherwise desired by a majority of the locals
17 in that Province.

18 When the Legislative Representatives meet, they shall organize a
19 Provincial Legislative Board by the election of a Chairperson, Vice
20 Chairperson, and Secretary, whose terms of office shall be four (4)
21 years or until their successors have qualified. Not more than one (1)
22 officer of the Executive Committee shall be elected from any one craft,
23 except by a two-thirds vote.

24 The International President shall convene an interim meeting of the
25 Canadian Provincial Legislative Boards two (2) years from the date of
26 the organization meetings of these Boards and the Canadian Legislative
27 Director may attend such meetings.

28 If a vacancy occurs in any office of a Provincial Legislative Board,
29 other than the office of Chairperson, a successor shall be appointed to
30 fill the vacancy by the remaining executive officers of the Board. If a
31 vacancy occurs in the office of Chairperson, the Vice Chairperson shall
32 fill the vacancy, in which event the Vice Chairperson shall be appointed.

33 The Chairpersons of the Provincial Legislative Boards in Canada shall
34 constitute the Canadian Legislative Board and shall be convened at the
35 capital by the retiring Chairperson of the Board, or by the International
36 President, within a reasonable time after the several Provincial Legislative
37 Boards have been organized. It shall meet at such other times as deter-
38 mined by a majority of its members. At the quadrennial meeting, a
39 Chairperson, Vice Chairperson, and Secretary shall be elected whose
40 terms of office shall be four (4) years or until their successors have
41 qualified. If a vacancy occurs in any office of the Canadian Legislative

42 Board during the interim between reorganization meetings, a successor
43 from among the Chairpersons of the Provincial Legislative Boards shall be
44 elected to fill the vacancy by the remaining officers.

45 Each Canadian Legislative Board and/or Provincial Legislative Board
46 may adopt by-laws for its special government consistent with the
47 provisions of this Constitution.

ARTICLE 98

DUTIES OF THE CANADIAN LEGISLATIVE BOARD AND PROVINCIAL LEGISLATIVE BOARDS

1 The Canadian Legislative Board may do and authorize such things as
2 are not inconsistent with the laws and policy of the United Transportation
3 Union which shall be of benefit in carrying out the purpose of this
4 department. All proposed legislation shall be submitted to the
5 International President for approval and copies of all bills introduced
6 which in the opinion of the officers of the Canadian Legislative Board may
7 be detrimental to labor shall be forwarded to the International President.

8 The function of the Canadian Legislative Board shall be to
9 coordinate concerted efforts for securing the enactment of laws and
10 regulations, or the repeal or modification of laws and regulations to
11 ensure the protection and welfare of the members of the United
12 Transportation Union, to exchange information regarding political and
13 legislative activities affecting United Transportation Union members and
14 to recommend a legislative agenda for the United Transportation Union.

15 The Provincial Legislative Boards shall keep closely in touch with all
16 matters affecting members of the United Transportation Union in their
17 respective Provinces. The Board shall use every means to have legislation
18 enacted whereby conditions affecting the members of the United
19 Transportation Union shall be improved. They shall also consider matters
20 of general Canadian interest and make recommendations to the Canadian
21 Legislative Board relative thereto.

22 When the legislative interests of the United Transportation Union
23 are threatened the Chairperson may call a meeting of the officers of the
24 Legislative Board. When they meet, if one-fourth of the locals request
25 that all local Legislative Representatives should be convened, they shall
26 issue the call for such meeting upon its approval by the International
27 President.

28 Any members who uses his/her influence in the name of the United
29 Transportation Union to defeat any action taken by the Canadian
30 Legislative Director, Canadian Legislative Board, or a Provincial
31 Legislative Board shall, upon conviction thereof, be expelled. The
32 charter of a local using its influence in like manner may be suspended

33 or revoked by the International President.

34 At the close of each session of the Canadian Legislative Board, the
35 Secretary shall prepare a report of all business transacted and send a
36 copy to each local in Canada, the International President, and the
37 Canadian Legislative Director. This report shall include an itemized bill
38 for all services rendered. At the close of each year, and at such other
39 times as may be necessary, the Canadian Legislative Director shall
40 make reports to all locals in Canada and the International President.

41 The Chairperson of a Provincial Legislative Board shall, at the close
42 of each Provincial meeting, make a report of all legislation presented to
43 the meeting and send a copy to the International President, General
44 Secretary and Treasurer, Chairperson and Secretary of the Canadian
45 Legislative Board, Canadian Legislative Director, and all locals in the
46 Province. This report shall include an itemized bill for all services
47 rendered.

48 Officers of Provincial Legislative Boards and officers and members
49 of the Canadian Legislative Board shall cooperate with other
50 organizations in Canadian legislative matters regarded as mutually
51 beneficial. They shall perform such other duties as may be required by
52 their Legislative Board and this Constitution.

53 Officers and members of Provincial Legislative Boards shall
54 cooperate with the Canadian Legislative Director on all Canadian
55 legislative policies and proposed Federal legislation as established by
56 the International or the Board of Directors.

ARTICLE 99

CANADIAN LEGISLATIVE AND/OR PROVINCIAL LEGISLATIVE BOARDS FINANCING

1 The Canadian Legislative and/or Provincial Legislative Boards must
2 maintain a fund, sufficient to pay all salaries and expenses necessary
3 for the maintenance of such Boards, through assessments levied upon
4 the members under their jurisdiction.

5 The Canadian Legislative and/or Provincial Legislative Boards' funds
6 shall be deposited with the General Secretary and Treasurer and shall
7 be used to pay the salaries, expenses and other allowances necessary
8 for the maintenance of such Boards.

9 Dues, assessments, salaries, expenses, and other allowances
10 established for the maintenance of these Boards and in effect as of
11 January 1, 1969, shall remain in effect subject to change as provided
12 herein.

13 Any proposition to increase or decrease dues, assessments,
14 personal expense, or other allowances established for the maintenance
15 of these Boards shall be submitted to the members of such Board while
16 in session or by mail by the Secretary of the Board involved setting forth

17 the specific change and effective date of such change. Such proposition
18 must be approved by a majority vote of the members of that Board
19 before being made effective.

20 All reasonable and proper expenses of a Canadian Legislative
21 and/or Provincial Legislative Board, subcommittee or member thereof
22 when in the service of a Board, shall be allowed as expense of the
23 Board. Such expenses, when submitted to the General Secretary and
24 Treasurer for payment, shall be itemized and receipts furnished for all
25 items in excess of \$5.00.

26 An itemized statement of expenses incurred and any amount due
27 for services rendered by a member of the Board shall be submitted to
28 the Chairperson of the appropriate Board. When such statements are
29 approved they shall be submitted to the General Secretary and
30 Treasurer for prompt payment. A copy of all such statements shall be
31 furnished the Secretary of the appropriate Board.

ARTICLE 100

DECLARATION OF POLICY OF THE UNITED TRANSPORTATION UNION REGARDING INTERNATIONAL EMPLOYEES

1 (1) No officer or other representative of the United Transportation
2 Union shall deny or in any way question the right of International
3 employees to:

- 4 (a) Join, organize or assist in organizing a labor organization
5 or association of their choice.
- 6 (b) Determine their bargaining representatives in accordance
7 with applicable Federal or State laws.
- 8 (c) Bargain collectively through their duly designated
9 bargaining representatives.

10 (2) The United Transportation Union will as a matter of policy
11 maintain for its International employees the same wages and working
12 conditions presently enjoyed by such employees, including the practice
13 of increasing or decreasing rates of pay based upon general increases
14 or decreases in the pay of train and yard service employees
15 represented by the United Transportation Union.

16 (3) International employees will receive no preferential treatment
17 based upon membership in the United Transportation Union or the
18 absence of such membership.

19 (4) For the information and guidance of International officers and
20 employees, the International President will compile and publish a
21 manual showing the wages and working conditions applicable to
22 International employees. If and when changes are made appropriate
23 supplements will be issued for inclusion in said manual. All International
24 officers and employees will be furnished with copies of this manual and
25 the supplements thereto.

26 (5) If and when International employees establish a collective
27 bargaining procedure in accordance with applicable State or Federal
28 laws and through the exercise of that procedure an agreement covering
29 wages and working conditions of International employees is
30 consummated, Item 2, hereof, becomes void and of no effect.

The following Designated Legal Counsel policy is published here pursuant to the adoption of a resolution carried in executive session on the fourth day of the Ninth Convention of the United Transportation Union (July 31, 2003) at Anaheim, California:

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 UTU Board of Ethics and Qualifications whose decisions shall be final, binding and conclusive. 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 Board, its member, or the officers and agents of the UTU which in any way relates to the DLC program.

All DLC shall agree as a condition of becoming or remaining 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.

The agents of the Union, its officers, staff, and representatives have a duty to exercise their authority solely on behalf of and for the benefit of the UTU and its members. The agents of the union must set aside their personal interests and act in the best interests of the Union and its members. No prospective or current DLC shall aid or abet anyone in the violation of their fiduciary duty.

Because an agent of the UTU must make each decision based solely on the best interests of the union, it is necessary that the agent be free of improper outside influences that would interfere with an ordinary person's objectivity in making the decision. Any such influence creates a prohibited conflict of interest. No prospective or current DLC shall offer or attempt to improperly influence any decision of an agent of the UTU.

Any DLC solicited for a payment or contribution by any UTU or UTUIA officer, staff member, employee, or member must report the details including the date, time and amount of such solicitation to the Board of Ethics immediately and in writing. This is in addition to and not a substitute for any other legal or

ethical requirement that may attach.

Any and all payments, and gifts over \$100 in value, given by any DLC to any UTU or UTUIA officer, or staff member or other employee at the International, General Committee or Local level, or to any member, shall be reported to the Board of Ethics 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.

All DLC's will be permitted to become members of UTU, paying all dues except General Committee of Adjustment dues, and should be available and willing to attend their local's meetings and answer questions concerning the FELA and related laws.

No DLC, under any circumstances, at any time, shall become involved in union politics. DLC's 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.

Any request by a UTU member for a political contribution from a DLC and any provision by a DLC of a political contribution of any kind including, without limitation, anything of value such as money, goods, services or entertainment to or on behalf of a candidate for union office is absolutely prohibited. Any such solicitation must be immediately reported to the Board of Ethics. The employment of or provision of office space to full-time UTU elected officers, staff or employees is prohibited.

Under no circumstances is a referral fee to be paid to any UTU member or union officer who recommends the DLC to an injured employee. If such a fee is requested, the Board of Ethics shall be immediately notified.

As provided in ABA Model Rule 5.4: "A lawyer or law firm shall not share legal fees with a non-lawyer." Any contingency fee charged by a DLC in cases involving a UTU member concerning an on-the-job injury under FELA and related laws will not exceed 25 percent of the recovery, exclusive of costs.

Each DLC and members of their firm must be willing to give advice concerning the rights and liabilities of union members for on-the-job injury under FELA and related laws will not exceed 25 percent of the recovery, exclusive of costs.

Each DLC and members of their firm must be willing to handle all actionable injury cases, not only those of high potential recovery. They must also be willing to handle related matters on an injured member's behalf at the Railroad Retirement Board.

DLC's and members of their firm must be willing to give advice concerning the rights and liabilities of union members for on-the-job injuries, either by telephone or by interview, at no cost to the union member, and should return all members' calls related to such issues.

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 Board of Ethics.

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 notify the Board of Ethics.

DLC's should immediately advise the UTU General Counsel if there is any significant change in the membership of their firms (e.g., merger, consolidation, departures, etc.).

No appointment of DLC shall be made by the International President of the UTU unless the ethical and professional qualifications of such candidate shall be certified following a thorough review by the UTU Board of Ethics and Qualifications prior to such an appointment.

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 UTU Board of Ethics and Qualifications, and in the case of UTU members, referral to the International President for corrective action consistent with the UTU Constitution.

There shall be established a UTU Board of Ethics and Qualifications ("Board of Ethics"). The Board shall consist of three members: the Neutral decision-maker, whose title shall be Chairperson of the Board; the UTU General Counsel, who shall serve as Secretary and be responsible for its administration in the receipt, investigation and docketing of complaints and other correspondence; and a Board Counsel who shall be an experienced attorney in private practice and shall serve as counsel to the Chairperson of the Board. Board Counsel shall investigate any complaints filed with the Board through the General Counsel and otherwise assist in the development of the record to be presented to the Chairperson of the Board. The Chairperson of the Board shall be an experienced Neutral who shall be the sole decision-maker on matters of qualifications or complaints before the Board. The General Counsel shall choose the Board Counsel, and they both shall choose the Chairperson of the Board. The independent

judgement of the Board shall be protected and preserved. The Chairperson of the Board shall have a five-year term, and may only be removed for misfeasance or nonfeasance.

The Board shall adopt the foregoing Rules of Conduct and such others as are deemed appropriate. The Board shall establish a procedure for the certification of proposed DLC based on their ethical and professional qualifications. The Board shall adopt a complaint procedure to review inquiries or complaints concerning alleged violation of the Rules of Conduct. The procedure is intended to be informal and the record shall be based in the written submissions of the parties and witness interviews.

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ELECTIONS

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Local officers			X			X			X	
Local committees				X				X		
Delegate				X				X		
Legislative representative	X				X				X	
General chairpersons	X			(1)	X			(1)	X	
State legislative director		X				X				X
International	X				X				X	

(1) For chairperson – if elected by referendum