

TEAMSTERS LOCAL 804 BY-LAWS

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BY-LAWS

Article I

This Local Union shall be known as DELIVERY AND WAREHOUSE EMPLOYEES LOCAL 804, in the Greater Metropolitan Area of New York, and is chartered by the INTERNATIONAL BROTHERHOOD OF TEAMSTERS.

Article II

Principal Office

Section 1: The principal office of this organization shall be located in the City of New York, State of New York, or at such other place as the Local Union Executive Board may designate. The organization may have such other sub-offices as the Local Union Executive Board may require from time to time.

Section 2: All books, records, and financial documents shall be kept at the principal office of the Local Union.

Article III

Declaration of Objective and Principles

Section 1: The DELIVERY AND WAREHOUSE EMPLOYEES UNION, LOCAL 804, in the Greater Metropolitan Area of New York, shall endeavor to unite into this organization all employees connected with delivery and warehousing in the Greater New York Area in order to advance and safeguard their economic and social welfare and to promote stable and just relations between management and employees. To accomplish these objectives, Local 804 pledges itself to the establishment of the following: adequate wage standards, high enough to give a decent living to every member and his or her family; to establish a uniform wage scale for similar work in order to eliminate inequalities among employees; shorter hours of work so that each member may have the opportunity of enjoying proper leisure, recreation and cultural development; to maintain for its members a reasonable assurance of continued employment; establish proper working conditions from a moral and physical point of view; to preserve the rights of collective bargaining and to maintain agreements with employers for such purposes. Local 804 will strive to preserve and extend the democratic process of our Country; protect civil liberties, and promote the economic and social welfare of its members and that of labor in general by political, educational and other community activity. Through unity of purpose and action, through collective bargaining and benefits derived from legislation, Local 804 is dedicated to the ideal of

making the jobs of its members the best jobs that can be devised from the point of view of wages, hours of work, physical conditions and human relationships.

Section 2:

(a) The additional objectives of this Local Union shall be:

- (1) To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age physical disability, sex or sexual orientation;
- (2) To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization;
- (3) To promote educational advancement and training for employees, members and officers;
- (4) To engage in cultural, civic, legislative, political, fraternal, charitable, welfare, social and other activities which further the interests of this organization and its membership, directly or indirectly;
- (5) To provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;
- (6) To protect and preserve the Union as an institution and to perform its legal and contractual obligations;
- (7) To carry out the objectives of the International Union as an affiliate thereof and its duties as such an affiliate;
- (8) To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these By-Laws and the International Constitution and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

(b) It is recognized that the problems with which this labor organization is accustomed to deal cannot be resolved in isolation, are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the Union may determine from time to time. We therefore determine and assert that the participation of this labor organization, individually and with other labor

organizations, in the pursuit and attainment of the objectives set forth herein are for the benefit of the organization and its members.

Article IV

Jurisdiction

This Local Union shall have jurisdiction over all employees without limitation, subject only to such conditions, restrictions or limitations as may be imposed by the International Constitution or proceedings duly conducted thereunder.

Article V

Membership

Section 1: Eligibility to membership in this Local Union shall be as set forth in the International Constitution, and applicants for membership shall comply with and be subject to the requirements imposed by these By-Laws and the International Constitution.

Section 2: Each applicant for membership in this Union shall fill out an application in the form prescribed by the Executive Board, and submit the same to the Secretary-Treasurer. All applications shall be subject to the approval of the Executive Board.

Section 3: An applicant shall be considered a member when he shall meet all the following requirements for membership:

- (a) He shall have executed a written application for membership on a form provided by the Secretary-Treasurer.
- (b) He shall have signed a dues check off authorization permitting the initiation fee to be withheld from earnings. If no dues authorization is signed, membership shall date from the first month for which dues are paid, once full payment of the initiation fee is completed. Or, he shall have tendered the initiation fee and one month's dues by cash.
- (c) The Local Union shall have accepted his application and dues.
- (d) He shall have signed the written application and accepted the oath of obligation as a member.
- (e) The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is first obligated to pay dues. If this Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the

member's dues obligation. All new members presenting themselves for initiation shall receive upon request a free copy of the International Constitution and Local By-Laws from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation or any duty or obligation imposed upon him by his oath of office, initiation or membership.

- (f) Every member, by virtue of his membership in the Local Union, authorizes his Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his employment with such employer in such manner as the Local Union or its officers deem to be in the best interests of the Local Union all subject to Article XII and other applicable provisions of the International Constitution relating to such matters. The Local Union and its officers, business representatives and agents may decline to process any grievance, complaint, difficulty or dispute if in their reasonable judgment such grievance, complaint or dispute lacks merit. The provisions of Article XII, Section 2 relating to areas, multi-area, national company-wide or industry-wide contracts, shall supersede any provision of this Section.
- (g) No member shall interfere with the elected officers or business agents of this organization in the performance of their duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that does not interfere with the individual rights of members. Each member and officer shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.

Section 4: Good Standing

- (a) A member shall lose his good standing in membership in the organization by acceptance of a withdrawal card, by suspension or expulsion from membership after appropriate proceedings consistent with the By-Laws or the Constitution, or by nonpayment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary checkoff agreement shall not be declared in bad standing merely because the employer fails to remit checkoff dues to the Local Union on or before the last business day of the month.
- (b) A member in a suspended status because of his failure to pay his dues or other obligations as required by the International Constitution and these By-Laws may reinstate his good standing by the payment of all delinquent dues and other financial obligations.

- (c) **ISSUANCE OF WITHDRAWAL CARDS:** Any member leaving the jurisdiction of the Union shall be granted an honorable withdrawal card by the Executive Board upon application to the Secretary-Treasurer, provided such member has met all his obligations to the Union at the time of such application. The holder of such honorable withdrawal card shall be subject to the provisions of the International Constitution.
- (d) A withdrawal card shall be issued to any member, including a Local Union Officer, who has retired, except that a member who continues to work at the craft, including employment with the International Union or any affiliate, shall be required to retain active membership.

Section 5: Responsibility of Members to the Local Union

- (a) Every member by virtue of his membership in this Local Union is obligated to abide by these By-Laws and the International Constitution with respect to his rights, duties, privileges and immunities conferred by them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.
- (b) No member or applicant for membership shall be discriminated against on account of age, sex, race, creed, color, national origin, physical disability, religion or sexual orientation.
- (c) All members must agree to abide by the Union's laws both International and Local, use all efforts to attend the meetings, pay all initiation fees, dues and assessments levied in accordance with the laws from time to time, be watchful of all that is said and done, and never forget their obligations.
- (d) No member shall engage in dual unionism or espouse dual unionism or disaffiliation or be a party to any activity to secure disestablishment of the Local Union as the collective bargaining agent for any employee.
- (e) No member seeking to resign from membership in any Local Union may do so except by submitting such resignation in writing to the Secretary-Treasurer of the Local Union. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing at the time of resignation shall be collectable by the Local Union in any appropriate forum. This shall not relieve any member of any obligation to comply with any other provision of this Constitution regarding acquisition of maintenance of membership in good standing.

Section 6: Rights of Members

No provision of these By-Laws, rule of parliamentary procedure or action by the Local Union or its officers shall be administered in such a way as to deprive individual

members of their rights under applicable law and the following membership rights:

- (1) The right to nominate candidates or vote in elections or referendums of the Union.
- (2) The right to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings.
- (3) The right to meet and assemble freely with other members and to express any views, arguments, or opinions, and to express at meetings views upon candidates in an election of the Union or upon any business properly before the meeting, subject to the organization's established and reasonable rules.
- (4) The right to information concerning the conduct of the Local Union business.
- (5) The right to institute an action in any court or in a proceeding before any administrative agency, irrespective of whether the Local Union or its officers are defendants in the action, or to appear as a witness in a judicial, administrative or legislative proceeding, or to petition any legislator, subject to the exhaustion of remedies as required by the International Constitution and applicable law.
- (6) For the purpose of Article V, Section 6 only, the term "meeting" includes any public meeting to which members of the Local Union are invited.
- (7) All of the rights of the members set forth in Article V, Section 6 shall be subject to reasonable application and subject to the right of the Local Union to impose reasonable limitations upon the exercise of these rights by the members.

Section 7: Oath of Obligation

Every new member shall sign the following oath of obligation:

Fellow worker, you will now take an obligation that will bind you to the International Brotherhood of Teamsters and this Local Union, and that will in no way conflict with your religious belief or your duties as a citizen:

I, the undersigned, pledge my honor to faithfully observe the Constitution and the laws of the International Brotherhood of Teamsters and the By-Laws of this Local Union,

I pledge that I will comply with all the rules and regulations for the government of the International Union and this Local Union,

I will faithfully perform all the duties assigned to me to the best of my ability and skill,

I will conduct myself at all times in a manner as not to bring reproach upon my Union,

I shall take an affirmative part in the business and activities of the Union and accept and discharge my responsibilities during any authorized strike or lockout,

I pledge not to divulge to non-members the private business of this Union, unless authorized to reveal the same,

I will never knowingly harm a fellow member,

I will never discriminate against a fellow worker on account of race, color, religion, sex, age, physical disability, national origin or sexual orientation.

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

I will at all times bear true and faithful allegiance to the International Brotherhood of Teamsters and this Local Union.

Section 8: The membership of the Union may from time to time in discretion of the of the Executive Board, be divided into divisions corresponding to the nature of their work. These divisions may, with the help and assistance of the Executive Board, prepare and formulate the terms and conditions to be incorporated into collective bargaining agreements.

Article VI

Officers

Section 1: The officers of the Union shall be the President, Vice President, Secretary-Treasurer, Recording Secretary and three (3) Trustees. Those officers shall constitute the Executive Board of the Union.

Section 2: The term of office for all officers, Business Agents and Assistant Business Agents shall be for a period of three (3) years, commencing with the first day of January in the calendar year following the election.

Article VII

Duties of Officers

Section 1: Duties of the President

- (a) The President shall be the Principal Executive Officer of the Union. He shall preside at all meetings of the Union, keep order therein, and generally perform the duties pertaining to his office and such other duties as may be assigned by the Local Union Executive Board or membership from time to time. He shall enforce the provisions of the International Constitution and the By-Laws of the Local Union. He shall direct and supervise Business Agents, Assistant Business Agents and Organizers, and have full charge of all organizational work. He shall, in cooperation with Business Agents, Assistant Business Agents, and Organizers, make it his duty to familiarize himself with the facts concerning the operation of non-union employers in the jurisdiction of this Union, and he shall use his best judgment to organize them. He shall appoint all committees, subject, however, to the approval of the membership, at a regular or special meeting thereof, unless otherwise provided. He shall cast a deciding vote on all questions of equal division. He or his designee shall countersign all checks issued by the Secretary-Treasurer.
- (b) In the event of sickness or other disability of a Business Agent or Assistant Business Agent, he shall appoint a temporary Business Agent or Assistant Business Agent to act during the sickness or other disability. Such appointment, however, shall be subject to the approval of the Executive Board and it shall take effect only upon such approval.
- (c) He shall call such special meetings of the Union as he deems necessary with the approval of the Executive Board.

Section 2: Duties of the Principal Executive Officer

- (a) The President shall be the principal executive officer of this organization. He shall, in general supervise, conduct and control all of the business and affairs of the Local Union, its officers and Employees. He shall propose the salaries for the officers and Business Agents, and propose the allowances, direct and indirect disbursements, expenses and reimbursement of expenses for Officers and Business Agents which are to be established by the Local Union Executive Board, subject to approval by the general membership. Proposed changes in the salaries, allowances or expenses of the Officers and Business Agents shall be specifically set forth in the minutes of the Executive Board meeting at which such changes are proposed by the Principal Officer and at the General Membership meeting at which such changes are approved. Membership approval of salaries and benefits must be by specific motion at a duly noticed membership meeting. He shall determine the number of clerical employees of the Local Union, subject to the approval of the Executive Board. He shall also select the attorneys, accountants or other special or expert services to be

retained by the Local, subject to the approval of the Executive Board. In the event the Executive Board refuses to approve the Principal Officer's choice of expert services, the Principal Officer may present the choice to a duly noticed meeting of the membership for approval. He shall have charge and supervision of all the officers and employees of the Local Union including elected Business Agents. He shall have the power to appoint, suspend or discharge all appointive Business Agents, and appointive stewards, subject to the approval of the Executive Board. The principal executive officer shall also have charge of all labor controversies involving the Local Union.

- (b) The Principal Officer, subject to the provisions of Article XXIII, Section 3 of the International Constitution, together with the Secretary-Treasurer shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all checks on bank accounts, and perform such other duties as the International Constitution, these By-Laws or law may require of him.
- (c) The Principal Officer in conjunction with the Secretary-Treasurer shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Local Union, which have been properly incurred as provided herein. He shall have the authority to pay current operating expenses of the Local Union, including rents, utilities and maintenance of the Union Hall, salaries and expenses of officers and employees.
- (d) The Principal Officer shall have authority to interpret these By-Laws and to decide all of law thereunder, between meetings of the Local Union Executive Board.
- (e) The Principal Officer shall preside at meetings of the Local Union Executive Board, shall enforce the International Constitution, these By-Laws and the rules of order adopted by this Local Union and shall ensure that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office.

Section 3: Duties of the Vice President

It shall be the duty of the Vice President to preside at Local Union membership meetings in the absence of the President. He shall perform such other duties and render such assistance as may be directed by the principal executive officer or by the President.

Section 4: Duties of the Secretary Treasurer

- (a) The Secretary-Treasurer shall comply with the provisions of the International Constitution. He shall receive all monies of the Union and deposit the same in the name of the Union in such banks as may be designated by the Executive

Board. He shall have custody of the Official Seal and shall countersign all checks. He shall keep his books and records available at all times for inspection by the Executive Board.

- (b) The Secretary-Treasurer shall perform all the duties imposed upon Local Union Secretary-Treasurers by the International Constitution and these By-Laws, and in general perform all duties incident to the office and such other duties as from time to time may be assigned to him by the Principal Executive Officer, the Local Union Executive Board, or the members by resolution. He shall see that all notices and reports shall be given in accordance with the provisions of the International Constitution and these By-Laws or as required by law. He shall keep itemized records, showing the source of monies received and spent, and shall keep records, vouchers, work sheets, books and accounts and all resolutions to verify such reports.
- (c) The Secretary-Treasurer shall keep a correct account of all monies paid to and paid out by the Local Union and shall provide receipts for any dues, initiation fees, or other fees, assessments or fines or other monies received. The Secretary-Treasurer will not make any payments from the Local Union's funds until receiving bills or receipts evidencing the goods or services paid for. The Local Union Secretary-Treasurer shall enter all receipts in the name of the Local Union and shall deposit all monies in accordance with Article X, Section 9 of the International Constitution.
- (d) The Secretary-Treasurer upon request shall make available for inspection by any member or members at the Local Union's principal office during regular business hours any document which is subject by statute to such inspection. Copying of any financial record to which a member is entitled by law shall be permitted provided that the member pays the actual cost of duplication. Membership lists may not be copied.
- (e) The Secretary-Treasurer shall have custody of the records of the proceedings of all meetings of the Local Union and the Local Union Executive Board, as prepared by the Recording Secretary, or such person as is authorized to take such proceedings, and shall keep important documents, papers, correspondence, as well as files on contracts and agreements with employers. Upon the request of any person in writing or made in person to the Secretary-Treasurer during regular hours at the principal office, he shall provide one (1) copy of the collective bargaining agreement made by the Local Union with the employer of such person, if the person making such request establishes that he is an employee directly affected by such an agreement. The Secretary-Treasurer may require a receipt from such person. He shall also maintain at the principal office of the Local Union copies of agreements which affect members of this Union, which agreements shall be available for inspection by any member during the regular hours maintained at the principal office of the Local Union.
- (f) The Secretary-Treasurer must report the names and addresses of all new members coming into the Local Union to the General Secretary-Treasurer and shall send to the General Secretary-Treasurer a revised list of the names and addresses of all

members in good standing in the Local Union on a current basis. Membership lists shall not be open to inspection by any member except as, and to the extent, required by law.

- (g) Whenever a Secretary-Treasurer's term of office expires or is otherwise terminated, he must see that his successor is properly bonded and a copy of the bond sent to the office of the General Secretary-Treasurer before he transfers to his successor in office the funds, papers, documents, records, vouchers, worksheet books, money and other property of the organization. All such records, vouchers, worksheets, receipt books, reports and documents shall be preserved and retained at the Local Union's principal office for a period of six (6) years.
- (h) The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution upon request. The Secretary-Treasurer shall provide any member with a copy of the International Constitution and of these By-Laws upon request.
- (i) When directed by the Principal Officer, the Secretary-Treasurer shall have the power to employ, discharge, and supervise all clerical employees.

Section 5: Duties of the Recording Secretary

- (a) It shall be the function of the Recording Secretary to attend general membership meetings of the Local Union and the Local Union Executive Board and to keep minutes of the proceedings. Minutes shall reflect motions made at meetings and shall specify their adoption or rejection. Minutes shall specifically include all financial transactions approved at the meeting.
- (b) The Recording Secretary shall perform such other duties as the Union may require. He shall at the end of his term of office turn over to his successor all books, property and other belongings of the Union in his custody. His records shall be open for inspection by the Executive Board.
- (c) The Recording Secretary shall keep a record of the names of the members comprising each committee and handle all correspondence of the Local Union assigned by the Principal Executive Officer or authorized by member resolution. In his absence, the President shall appoint a member to act as Recording Secretary pro tempore who shall have the duties set forth above. The President shall appoint a member or members to keep minutes of every meeting of the members involved. Minutes of division or craft meetings shall be read and approved at the next following meeting of the division or craft involved. Minutes of meetings shall be official records of the Local Union and shall be maintained at the Local Union's principal office.

Section 6: Duties of Trustees

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

Section 7: Duties of Business Agents and Assistant Business Agents

- (a) Business Agents and Assistant Business Agents shall be elected.
- (b) Business Agents and Assistant Business Agents shall organize, service and negotiate in such establishments as they may be directed from time to time by the Executive Board. Business Agents and Assistant Business Agents shall operate under the general supervision of the Principal Officer. They shall render such reports as the Principal Officer and Executive Board may direct.

Article VIII

Officers Generally

Section 1: All officers of the International Union and affiliated bodies, when installed after election shall be required to take the following oath of office:

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

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

Section 2: All officers are required to carry out their respective duties. In the event an officer declines to perform his duties as prescribed by the International Constitution, these By-Laws or by law, he shall be subject to charges filed in accordance with Article XIX of the International Constitution and Article XIV of these By-Laws. In appropriate situations in which misconduct or failure to perform duties assigned by these By-Laws jeopardizes the interests of the Local Union, an officer may be subject to summary removal from office, in accordance with Article XIX, Section 1(f) of the International Constitution.

Section 3: The right to assume office or hold office or position in the Local Union, as distinguished from accrued or vested benefits, shall never be deemed a property right, but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under these By-Laws shall not be the basis for any personal liability against such officer.

Section 4: All officers of the Local Union must, as a condition of holding office, execute all necessary forms required by law to be filed with any federal or state agency either for or in behalf of the Local Union or as an officer or employee thereof, but accidental default shall not be considered a violation of the duty imposed by this Section.

Section 5: All officers in the performance of their duties shall adhere to the terms of these By-Laws and the International Constitution.

Section 6: Delegates to the Convention

All elected officers, Business Agents, and Assistant Business Agents of this Local Union shall by virtue of their office or elected position shall be delegates to other subordinate bodies and conventions thereof. If the total number of officers, elected Business Agents, and elected Assistant Business Agents is greater than the number of delegates permitted the Union, then the Principal Officer of the Local Union shall have first priority as a delegate. After the Principal Officer, the remaining delegates shall be selected from the salaried elected officers and elected Business Agents and Assistant Business Agents in the following priority: (1) Secretary-Treasurer, (2) Vice President, (3) Recording Secretary, (4) Trustees in order of number of votes received in the most recent election, (5) Elected Business Agents in order of number of votes received in the most recent election, and (6) Elected Assistant Business Agents in order of number of votes received in the most recent election.

Article IX

Powers and Duties of the Local Union Executive Board

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

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

- (a) Make and change rules and regulations not inconsistent with these By-Laws or the International Constitution for the management and conduct of the affairs of this Local Union;
- (b) Establish the allowances, direct and indirect disbursements, expenses and reimbursement of expenses for Officers and Business Agents, as proposed by the Local Union President and subject to the approval of the membership. Changes in the salaries, allowances or expenses of the Officers and Business Agents shall be specifically set forth in the minutes of the Executive Board meeting at which such changes are approved. Membership approval of salaries and benefits must be by specific motion at a duly noticed membership meeting. The Local Union Executive Board may establish a dues check off procedure for Local Union Officers and employees belonging to this Local Union;
- (c) Loan and borrow monies directly and indirectly for such purposes and with such security, if any, as it deems appropriate, and with such arrangements for repayment as it deems appropriate, all to the extent provided by law;
- (d) Approve the Principal Executive Officer's employment of attorneys, accountants, and such other special or expert services as may be required for the organization and secure an audit of the books of this organization by a certified public accountant at

least once a year;

- (e) On behalf of the Local Union, its officers, employees or members, initiate, defend, compromise, settle, arbitrate or release or pay the expenses and cost of any legal proceedings or actions of any nature, subject to the provisions of Article IX, Section 9 (c) of the International Constitution, if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the intent of the organization;
- (f) Fill all vacancies in office which occur during the term of such office for the entire remainder of the unexpired term, in the manner provided in Article XXII, Section 9 of the International Constitution;
- (g) Transact all business and manage and direct the affairs the Local Union between membership meetings, except as may otherwise be herein provided; delegate when necessary any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or agent be ratified by the Local Union Executive Board; the Local Union Executive Board shall designate other officers for the President or Secretary-Treasurer for the purpose of signing checks to pay bills, or to exercise any other functions of their office in the event that either shall become ill or otherwise incapacitated;
- (h) Lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization any and all real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its affairs, and which the organization is authorized to acquire, at such price or consideration and generally on such terms and conditions as it thinks fit, and at its discretion pay therefore either wholly or partly in money or otherwise. Specific authorization at a membership meeting shall be required for such expenditures, excepting for routine expenditures not of a substantial nature;
- (i) Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion the Local Union's interest would thereby be promoted, subject to approval, except as to the form of the transaction, at a membership meeting;
- (j) Create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership, and to every other act or thing necessary to effectuate the same;
- (k) Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, all subject to approval (except to form) by the membership;
- (l) Appoint trustees of Health and Welfare or Pension Trust Funds negotiated directly by the Local Union, and to which the Local is the only Union party. The Local Union Executive Board will include, as a regular item at each General Membership Meeting,

a report on these funds. The Local Union Executive Board will request that the Health and Welfare and Pension Trust Funds make the maximum information available to participants, upon request by same, as provided for by all applicable law, including the Pension Protection Act.

- (m) Determine the membership which shall vote on agreements and strikes, and the composition of other membership meetings, and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these By-Laws;
- (n) Determine the manner in which referendums shall be held, subject to review and modification by the General President, as permitted by Article VI, Section 1 (h) of the International Constitution;
- (o) Affiliate this Local Union with Joint Council No. 16 and, in addition, such other subordinate bodies of the International Brotherhood of Teamsters as it shall be required to do and maintain such affiliations in good standing at all times;
- (p) Enter into jurisdictional settlements and comply with jurisdictional awards in behalf of the Local Union, in accordance with the policies and directives of the International Union;
- (q) Review interpretations of these By-Laws rendered between meetings by the Principal Executive Officer. Disputes over the interpretation of these By-Laws shall be submitted to the General President, pursuant to Article VI, Section 2 (a) of the International Constitution;
- (r) Do all acts not expressly authorized herein which are necessary or proper in implementation of the above duties for the protection of the property of the Local and for the benefit of the organization and members.

Section 2: The Local Union Executive Board shall have the duty to investigate any alleged breach of fiduciary duty when circumstances so warrant and to take appropriate action if the investigation so merits.

Section 3: The Local Union Executive Board shall hold meetings at such time and place as shall be determined by the President, upon notice to all Board members. The President shall have the right to vote on any question pending before said meeting except where such vote would create a tie. The meetings of the Local Union Executive Board shall be no less frequent than meetings of the Local Union.

Section 4: A majority of the Local Union Executive Board shall constitute a quorum for the transaction of business at any meeting of the Board. The action of a majority of the Local Union Executive Board present at a meeting at which a quorum is present shall be the action of the Board.

Section 5: As to all matters regarding action by the Local Union Executive Board, and when the Executive Board is not in formal session, the Executive Board may act by telegram, facsimile letter or telephone. When action by the Local Union Executive Board is required, the Principal Executive Officer may obtain same by telegraphing, writing or telephoning the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner, provided, however, that whenever action is sought by any of the foregoing methods, all members of the Executive Board shall be polled. Such action so taken by the majority of the members of the Local Union Executive Board shall constitute action of the Board as though the Board were in formal session, provided, however, that any such action be confirmed at the next formal session of the Executive Board.

Section 6: If the Executive Board is deadlocked for two consecutive meetings on any matter within its exclusive authority under this Section of the By-Laws, the matter shall be referred to the membership for resolution.

Section 7: By action of the Local Union Executive Board, which action shall be recorded in the Executive Board minutes, members of the Board who are not full-time paid officers or employees of the organization may be paid their expenses, including wages lost, if any, for attendance at each meeting of the Board. However, officers who are full-time employees of the Local Union shall not receive additional payments for attendance at Executive Board or membership meetings.

Article X

Meetings

Section 1: General Membership Meetings

- (a) There shall be quarterly regular general membership meetings. Notice of the membership meeting dates shall be posted at the beginning of each year. Special general membership meetings shall be held at such other times as may be directed by the Executive Board.
- (b) Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to these By-Laws and the rules and regulations adopted by the Local Union Executive Board pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with the Local Union's performance of its legal or contractual obligations. The presiding Chairman has the authority to maintain order at membership meetings, including the ejection of any member whose conduct constitutes a threat to the orderly conduct of the business of the meeting.
- (c) At any time when in the judgment of the presiding Chairman of the meeting it appears

that the meeting has become so disorderly as to prevent proper deliberation on the matters which might properly come before the meeting, the presiding Chairman shall have the right to adjourn such meeting forthwith, upon his own motion, and without second, and even though there may be other motions upon the floor. There shall be no appeal from such action since it is taken as a result of conditions which would prevent orderly consideration of the appeal by the meeting.

- (d) If such action is taken by the presiding Chairman, the time and place for a subsequent meeting, if there is to be one, shall be determined by the Local Union Executive Board. If no such determination is made, then the next meeting shall be the next regularly scheduled meeting.
- (e) The rights of members to attend meetings, to remain in such meetings or to participate in matters which come before such meetings are subject to the above powers and duties of the presiding Chairman and of the Local Union Executive Board.
- (f) The Local Union Executive Board is authorized to hold membership meetings on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. There shall be no limitation on the right of any member to be heard at any such separate meeting provided herein on all matters which apply to the general membership, but such member shall be permitted to vote only at such separate division, craft or place of employment meeting to which he has been assigned.
- (g) On all matters which apply to the general membership, the votes of members at meetings of particular divisions, crafts or places of employment shall be totaled and members attending such meetings may, when authorized by the Local Union Executive Board, vote separately on approval or disapproval of, or on matters arising under, contracts applicable only to them, and strikes or other activities in which only they will participate.

Section 2: Quorum

The quorum of a general membership meeting shall be thirty (30). The Local Union Executive Board shall establish the number constituting the quorum for division, craft or place of employment meetings.

Section 3: Referendum

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

Section 4: Subject to the provisions of Article VI, Section 1 (h) of the International Constitution, every member eligible to vote in an election under Section 17 (C) (1) shall be eligible to vote on any question before the membership meeting or in a referendum, except that members who are on layoff but who retain seniority at a company may vote on proposed collective bargaining agreements which affect them even if they are inactive by virtue of having taken a withdrawal card.

Article XI

Shop Stewards

Section 1: Shop Stewards shall be elected by majority vote of the members in the unit represented by such steward. Only members who are employed on a regular basis within the jurisdiction of the Union shall be eligible to be elected Shop Steward. The Executive Board shall determine the unit to be represented by such steward. The term of stewards shall be one (1) year. Election for stewards shall be in the month of April or May.

Section 2: The Executive Board shall be empowered to remove any steward for incompetency, dishonesty or other just cause. The Executive Board may remove such steward pending a trial upon charges. The Principal Officer shall appoint a replacement to complete the term of any steward who is removed. In such units where no candidates are proposed for election, the Executive Board may appoint stewards to serve a one year term.

Section 3: Each Shop Steward shall receive two dollars (\$2.00) with respect to each monthly dues payment deposited in the general fund on account of regular employees represented by him/her. Each shop steward shall submit to the Secretary-Treasurer a list of members represented by him/her every April and October, and upon request.

Section 4: The Shop Steward shall process all complaints which shall be reduced to writing and filed in the office of the Union. In his absence, the Shop Steward will designate as many alternates as is necessary to have complete coverage at all times. The Shop Steward shall perform such other duties as the Executive Board may direct.

Section 5: Shop Stewards shall constitute a council for the purpose of advising and consulting with the Executive Board in the formulation of policies that may be necessary for the success of the Union. The Shop Stewards council shall meet prior to each regular general membership meeting.

Article XII

Nominations and Elections of Officers

Section 1: Nominations of all offices to be filled in a local union officers election shall be made at a regular general membership meeting held in October of the election year and at least thirty (30) days prior to the mailing of the ballots.

Section 2: Election for all Officers, Business Agents and Assistant Agents shall be held by mail ballot, not less than thirty (30) days after nominations have been closed. The Local Union Executive Board should set the dates of the election and make sure other relevant arrangements for the convenience to the greatest possible participation by all the members.

Section 3: The election shall be conducted by an Elections and Objections Committee consisting of three members in good standing. The members of the Committee shall be appointed by the President. The Committee shall pass upon the qualifications of all nominees, subject to review by the Secretary-Treasurer, and it shall prescribe rules and regulations subject to the approval of the Executive Board, for the conduct of the election.

Section 4: All elections shall be by secret mail ballot, subject to the provisions of the International Constitution.

Section 5:

- (a) Prior to the nomination meeting the Secretary-Treasurer shall review the eligibility to hold office of any member at such member's request and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member. Any appeal by a member from an eligibility decision of the Secretary-Treasurer shall be made, in writing, within forty-eight (48) hours after receipt of the ruling to the General President, in accordance with Article XXII, Section 5 (a) of the International Constitution.

- (b) After the nomination meeting, but not less than three (3) weeks before the holding of an election, the Elections and Objections Committee shall determine which candidates are eligible to run for office. The Elections and Objections Committee shall report its determinations to the Secretary-Treasurer, who shall immediately notify all nominees of their eligibility status and shall specifically notify any disqualified nominee of the reason for said disqualification. Any appeal by a member to a ruling that he is ineligible to run for office shall be made pursuant to and shall be subject to applicable provisions of the International Constitution.

Section 6: As soon as possible after the closing of the mail balloting, the Elections and Objections Committee shall tally the ballots and announce the result of the voting. The Committee shall establish verifiable procedures which guarantee the secrecy and safekeeping of all returned ballots.

Section 7: All objections to the conduct of any election or the announcement of the results shall be made pursuant to and shall be subject to applicable provisions of the International Constitution.

Section 8: Eligibility of Members

- (a) To be eligible to run for any office in the Union a member must comply with the provisions of the International Constitution. Every member whose dues are paid up through the month which is prior to the month in which the nominations or elections is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his Employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office in the Local Union, by the reason of a delay or default in the payment of dues by the Employer to the Local Union.
- (b) To be eligible for election to any office in this Local Union, a member must be in continuous good standing in this Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5 of the International Constitution concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in this Local Union because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments.
- (c) Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) months good standing status required by this Section as a condition of eligibility for office. No member shall lose his good standing status for any month in which his dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union. However, a member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.
- (d) Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, may have their eligibility determined in accordance with Article II, Section 4 (a) (4) of the International Constitution.

Section 9: Nominations

- (a) Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of special meetings, at which meetings nominations and the conduct of the election shall be the sole order of business.
- (b) Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Candidates are advised to verify the good standing of their nominator and second prior to the nomination meeting.
- (c) Every member eligible to nominate candidates shall be entitled to nominate or second the nomination of one (1) candidate, but only one (1) for each office open. Prospective candidates may not nominate themselves nor second their own nomination.
- (d) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made.
- (e) In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nomination meeting, effective as of the conclusion of the term of the incumbent.
- (f) A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made in person, and may accept nomination for only one office. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed.
- (g) If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Article IX, Section 1 (f).
- (h) If there is only one nominee for an office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly-elected Local Union Executive Board.

Section 10: Elections

- (a) After the nomination meeting, but not less than 20 days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be mailed to each member at his last known home address, if no notice has previously been sent. The election shall be conducted by mail referendum balloting in accordance with the procedures promulgated by the International Union and United States Department of Labor. Ballots shall be mailed to all active members and shall be returnable to a secure post office box no earlier than thirty (30) days after the nomination meeting. The Elections and Objections Committee shall supervise the distribution, collection and tabulation of the ballots. Candidates shall have the right to have their observers present at all phases of the ballot processing procedure.
- (b) Voting shall be conducted by secret mail referendum ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one vote. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union By-Laws, including the authority to use absentee balloting without membership approval.
- (c) Candidates shall have the right to be present at the counting of the ballots. Each candidate, at his own expense, may designate an observer other than himself to be present at the counting of the ballots who must be a member of the Local Union in good standing. Candidates or observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. If votes are challenged, such challenge shall be made in writing at the time of the election with specific reasons for such challenge. Challenges shall be investigated to determine their validity if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon. Each candidate shall verify with the Election and Objections Committee the tally of ballots.
- (d) To be eligible to vote in the election, a member must have his dues paid up through the month prior to the month in which the election is completed. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto, except in the case of Trustees, in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of President of the Local Union, in which case there shall be a reelection between only the candidates who have tied for the highest number of votes for that office. The officers-elect shall be installed at the next meeting following their election. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation. Except as provided above, no runoff election shall be held.

- (e) No officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than fifteen (15) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation. No officer may hold another office in any other Local Union (other than a trustee Local Union) during his term of office, except by authorization of the General President and the Local Union involved.
- (f) There shall be no write-in candidates and any ballot containing a write-in shall be void insofar as the vote of that office is concerned and such ballot for the office shall not be considered as having been cast in determining the vote for that office.
- (g) During the period between the date of election and the end of the term of office no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make extraordinary expenditures in the future, without the approval of the Officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, Section 4 (e) of the International Constitution. In the event the election results in a new complement of officers, the outgoing officers must comply with the restrictions in Article XXII, Section 2 (b) of the International Constitution regarding entering into contracts for personal services.

Section 11: Duties of the Secretary-Treasurer in Connection with Nominations and Election

- (a) The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nominations give notice, as above provided, to the membership of the time, place and date and the offices for which nominations will be in order in connection with the election. Such notice shall be given in the manner determined by the Local Union Executive Board, consistent with these rules.
- (b) Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the membership of the Local, at least twenty (20) days prior to any election date, of the dates of the election and other relevant arrangements by mailing such notice to the member's last known home address. Said notice shall also indicate the number of offices upon which voting shall be held.
- (c) Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost in advance. The Secretary-Treasurer shall not delay the distribution of any candidates mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the Local Union no later than a reasonable number of days prior to the election and all

candidates shall be given reasonable notice of the cutoff date. The Secretary-Treasurer may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.

- (d) The Secretary-Treasurer, to the extent required by law, shall upon reasonable notice make available for inspection by any bona fide candidate the membership list of the Local Union covered by union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Secretary-Treasurer or his designee.
- (e) The Secretary-Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost hereof and the amount received therefore, and shall also retain a copy of the notices of nominations and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots, ballot return envelopes and other such records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one (1) year.

Section 12: Nomination and Election Protests

- (a) Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charge shall be made in writing by such member within forty-eight (48) hours of his knowledge of the event complained of and shall specify the exact nature and specifications of protest. Such protest or charges shall be made to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable to the General President, pursuant to the provisions of Article VI, Section 2 of the International Constitution.
- (b) In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two (72) hours setting forth the exact nature and specifications of the protest and his claim as to how it has affected the outcome of the election. Such protest or charge shall be made to the Secretary-Treasurer of the Joint Council, or State Conference, if there is no Joint Council, with which the Local Union is affiliated then the protest or charge shall be referred to the Executive Board for disposition. The decision of the Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention.

Article XIII

Dues, Assessments and Initiation Fees

Section 1: The minimum monthly dues of this organization shall be calculated on the basis of the formula set forth in article X, Section 3 (d) of the International Constitution. In no event shall monthly dues be less than the minimum established in the International Constitution. Dues may be increased above the foregoing levels as required by the International Constitution or upon the recommendation of the Local Union Executive Board and the approval of the membership voting by secret ballot in accordance with applicable law. Dues are due and payable on or before the last business day of the current month.

Section 2: Any member in arrears in dues, fines, assessments or other charges for a period of three (3) months shall stand automatically suspended from all rights and privileges of membership at the end of the third month. Any member so suspended shall be required to pay dues during the period of suspension, and shall be restored to good standing only after payment of delinquent dues and a reinitiation fee as set by the Executive Board of the Local Union. Any applicant for reinstatement must be voted upon and obligated as a new member.

Section 3: The obligation of a member to pay dues shall not accrue while such member is out on a withdrawal card duly issued pursuant to the provisions of the International Constitution and these By-Laws.

Section 4:

- (a) Initiation fees for new applicants employed on a regular full-time basis within the jurisdiction of the Union shall be Two Hundred Fifty Dollars (\$250.00). Initiation fees for new applicants employed on a regular part-time basis within the jurisdiction of the Union shall be One Hundred Fifty Dollars (\$150.00). Reinitiation fees shall be Two Hundred Fifty Dollars (\$250.00) for regular full-time employees and One Hundred Fifty Dollars (\$150.00) for regular part-time employees. Initiation fees for regular part-time employees who have paid their One Hundred Fifty Dollars (\$150.00) initiation fee and later accepted a position as a regular full-time employee shall be One Hundred Dollars (\$100.00). Increases in initiation fees shall be made upon the recommendation of the Executive Board and the approval of the membership voting by secret ballot in accordance with applicable law. The Executive Board may waive or reduce initiation fees for newly organized groups. The Local Union Executive Board shall have the power to waive, or reduce, on a non-discriminatory basis, the payment of delinquent dues, assessments or reinitiation fees.
- (b) General or special assessments and levies may be made from time to time in the manner provided hereinafter.
- (c) Any increase in the rate of dues or initiation fees or the levying of any general or

special assessment by the Local Union shall be made at a general or special membership meeting in accordance with the following procedures:

- (1) Reasonable notice shall be given of the meeting at which the membership will consider the question of whether or not such dues, initiation, or reinstatement fees, general or special assessment shall be increased or levied. The notice shall indicate that a proposed increase or assessment is to be voted on;
- (2) At the meeting called as provided in this Section, voting shall be by secret ballot of the members in attendance;
- (3) A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue;
- (4) This provision supersedes Article XVII (Amendments) with respect to changing the dues and fees set forth in these By-Laws;
- (5) Nothing contained in this Section shall preclude the Local Union Executive Board, in the exercise of its discretion, from directing that a membership vote on issues involving dues, fees, or assessments be conducted by mail ballot referendum after appropriate notice and with safeguards for preserving the secrecy of the balloting.

Note: The members cannot waive the requirement that a secret ballot be conducted to approve these financial transactions.

Article XIV

Charges, Trials and Appeals

Section 1: All charges, trials and appeals shall be in accordance with the procedures set forth in Article XIX of the International Constitution.

Section 2: Each member of the Union shall have the right to fair treatment in the application of union rules and law in accordance with the International Constitution and these By-Laws. In applying the rules and procedures relating to union discipline, the essential requirements of due process of law (that is, notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law. Recognizing that these requirements of fairness and due process of law will be administered by groups of laboring men and women, this Local Union adopts the following procedures which supplement the requirements of Article XIX of the International Constitution. The following procedural guides are designed to attain justice both to the individual member and the organization, and in instances where deviations from such procedures are not such as to substantially affect the member's substantive right, these procedures are not to constitute technically precise requirements of strict pleadings of courts of law.

Section 3: Charges and Trials

(a) Charges

(1) Charges shall be in writing and signed by those filing same and must be filed in duplicate with the Secretary-Treasurer of the body which is to hear the charges, who shall serve the charges and notice of the hearing upon the accused either in person or by mail at least ten (10) days prior to a hearing. No hearing on any appeal shall be less than ten (10) days from the date on which the notice of the hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of the International Constitution or these By-Laws allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. If charges are filed, the charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. He may not subsequently file additional charges based upon facts of which he had knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five years before the discovery of the conduct giving rise to the charge is barred and shall be rejected by the Secretary-Treasurer except charges based upon the non-payment of dues, assessments and other financial obligations. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same or arise under the same circumstances as prior internal Union charges against such member or officer provided that a decision was rendered on those prior charges. Charges may be preferred against a suspended member or an inactive member who has been issued a withdrawal card.

(2) The basis for charges against members and Local Union officers, for which they shall stand trial, consist of, but are not limited to, the following:

(A) Violation of any specific provision of the Constitution, or failure to perform any of the duties specified thereunder.

(B) Breaching a fiduciary obligation owed to any labor organization by any act of embezzlement or conversion of Union's funds or property.

- (C) Violation of the oath of loyalty to the Local Union and the International.
- (D) Violation of the oath of office.
- (E) Gross disloyalty, or conduct unbecoming a member.
- (F) If an officer, gross inefficiency which shall hinder and impair the interest of the Local Union or of the International.
- (G) Crossing an authorized primary picket line established by the Local Union or any other subordinate body affiliated with the International Union.
- (H) Misappropriation.
- (I) Secession, or fostering the same.
- (J) Abuse of fellow members and officers by written or oral communication.
- (K) Abuse of fellow members or officers in the meeting hall.
- (L) Activities which tend to bring the Local Union or the International into disrepute.
- (M) Knowingly associating with any member or associate of any organized crime family or any other criminal group.
- (N) Disobedience to the regulations, rules, mandates, and decrees of the Local Union or of the officers of the International.

(b) Trials

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

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

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

Section 4: Any member who (1) knowingly goes to work or remains in the employment of any person, firm or corporation, whose men are on strike or locked out, unless he has permission of the International, the Joint Council or his Local Union, (2) knowingly gives or attempts to give directly or indirectly, any information to any employer on an unfair list or whose men trying to prevent an increase in hours of labor, or a decrease in wages, for the purpose of assisting such employer, or for any gain or promise of gain, (3) knowingly goes to work or remains in the employment of any person, firm or corporation on an unfair list of the International, the Joint Council, or his Local Union, may be tried in the manner provided for the trial of other offenses.

Section 5: All members shall report for picket duty promptly and faithfully at such time and place as required to do so by order of the Local Union Executive Board or the President. Failure to comply with such directing shall subject the member in question to such penalty as may be imposed by the Executive Board.

Section 6: Any dispute between a member and this Local Union involving a matter other than charges filed against a member, shall be heard by the Executive Board and shall be subject to the same appeal procedure as set forth in Article XIX of the International Constitution.

Section 7: Rights of the Accused. Throughout the proceeding, there shall be a presumption of innocence in favor of the accused. In order to be sustained, the charges must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross examine adverse witnesses. The charging party, the accused and the Local Union Executive Board may select only a member in good standing of the Local Union to represent them at a hearing conducted before any trial or appellate body. Witnesses need not be members of the Union. The hearings shall be open to other members, subject to the

discretion of the Local Union Executive Board in maintaining order and in excluding witnesses except when testifying.

Section 8: Action by the Local Union Executive Board. The Local Union Executive Board shall have the authority to determine the manner of reporting the hearings and shall have authority to exclude any method not authorized by it. Any request by a party that a verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honored. If the Local Union Executive Board decides to have a transcript or recording of the hearing made, the Local Union Executive Board shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any interested party for copying or consultation without cost.

Section 9: Within a reasonable time after completion of the hearing, the Local Union Executive Board shall decide the case. The decision of the Local Union Executive Board shall be in writing and contain the charges, its own factual findings and decision, and a notice to the parties informing them of the proper body to which they may appeal, and the time within which the appeal must be filed. A copy of the decision of the Local Union Executive Board must be forwarded to the parties without delay. A copy of all documents in the proceedings shall be kept available at The Local Union's principal office until final disposition is made of the case.

Section 10: Appeals. Appeals shall be taken pursuant to the provisions of Article XIX of the International Constitution.

Section 11: In the event of non-compliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, Officer or Local Union shall stand suspended from rights and privileges under the International Constitution until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.

Article XV

Expenses, Automobiles and Benefits

Section 1: Allowances. Recognizing that the officers and representatives of this organization do not work regularly scheduled hours and receive no compensation for overtime or premium pay; also recognizing that such individuals are required to pay varying amounts for lodging and meals depending upon the city to which they travel, which amounts are sometimes less, but more often more than the allowances given them; and recognizing that they must participate in cultural, civic, legislative, political, fraternal, educational, charitable, social and other activities in addition to their specific duties as provided in the

Constitution and these By-Laws, that such activities benefit the organization and its members and that the time spent in such activities is unpredictable and unascertainable, such officers and representatives may be granted an allowance (both for in town and out of town work, respectively, which in the case of out of town work shall include hotel and meal expenditures) in such amount (daily, weekly, or monthly) as the Local Union Executive Board may determine. Where such an allowance has been granted, there shall be no need to make a daily or other accounting to the Local Union membership.

Section 2: In addition to the allowances set forth above, an officer and employee may be reimbursed for, or credit provided for, all other expenses incurred in connection with their activities, provided that no officer or employee receives more than one payment for the same expense.

Section 3: Expenses: When a representative of the organization is engaged in activities in the interest of or for the benefit of the organization and its members within the scope of his authority, the labor organization shall pay the expenses incurred therein, or reimburse the representative upon receipt of itemized vouchers from him or the supplier of such services, provided that the representative does not receive an allowance for these expenses or reimbursement from any other source.

Section 4: Automobile Allowance: The Local Union may provide its officers or representatives with automobiles upon authorization of the membership, or in lieu thereof, they may be paid an allowance for use of their automobiles in such amount or at such rate as shall be approved by the Local Union Executive Board. In such instances where the Local Union provides an automobile, title to the automobile shall remain at all times in the name of the Local Union. It is recognized that such officers or employees are required to be on constant call at all times, may be required to garage such automobiles and are responsible for their safeguarding. Accordingly, for the convenience of the Union and partial compensation for such additional responsibilities, such officers shall be permitted private use of such automobiles on round-the-clock, continuous basis, including private use when automobiles are not required on Union business, except that they shall personally pay for gasoline and oil used on any single trip exceeding two hundred miles. Upon authorization of the Local Union Executive Board, the Principal Executive Officer is empowered to sell, exchange, or lease automobiles or arrange financing therefore in behalf of the Local Union.

Section 5: Fringe Benefits.

a) The Local Union Executive Board may, from time to time, provide the terms and conditions of employment for officers, employees and representatives of this organization including, but not limited to, such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave, and, in connection therewith, any disability or sickness, health and welfare and retirement benefits and activities, and facilities relating thereto, and may from time to time provide changes therein. Any such benefit when approved by the Local Union Executive Board shall be specifically set forth in the minutes of the Executive Board meetings. In no event may any officer or employee reacquire accrued vacation time once

an officer or employee has received a cash payment in lieu or on account of such accrued time.

b) (1) It is the stated policy of Local 804 that vacation leave should be utilized in the year in which it is earned. However, in the event that this is not possible, an officer or employee may elect to carry over no more than three (3) weeks of vacation in a single year, up to a lifetime maximum of nine (9) weeks of accrued and unused vacation.

(2) Vacation leave carried over, as set forth above, must be used. Except in extraordinary circumstances, as determined by the Principal Officer and reported to the membership, no officer or employee may receive a cash payment in lieu of vacation. If a cash payment as set forth above is made, the rate of pay shall be the rate in effect at the time the vacation was earned.

(3) The Local Union Executive Board shall establish procedures for recording vacations and monitoring compliance with the vacation provisions of these By-Laws.

Article XVI

Bonding

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

Section 2: If the Local Union Executive Board, in its sole judgment, believes that it would be to the advantage of this organization to join with the International and/or any or all of its subordinate bodies or affiliated Local Unions in obtaining a bond or bonds covering persons in this Local Union and such other organizations under a bond or bonds issued to said International Union or other subordinate body, then, in such event the Local Union Executive Board is authorized and empowered to enter into such arrangements and pay from the general funds of this Local Union the cost for bonding these persons in this Local Union, but such surety coverage shall conform to the requirements set forth in Section 1.

Section 3: Should the bond of any person required to be bonded be cancelled after surety coverage has been afforded, then such person shall be allowed thirty (30) days within which to arrange either for reinstatement of his coverage or the substitution of another bond meeting the requirements of Section 1 to take place of the cancelled bond.

However, during the period such person or new officer is not covered by such surety bond, the Local Union Executive Board shall make whatever arrangements shall be necessary to relieve such person of the handling of any money or property of the Local Union.

Section 4: If an employee or officer referred to in Section 3 cannot within thirty (30) days provide the surety bond required in conformity with the provisions of Section 1, the Local Union Executive Board shall be authorized and empowered to permit him to remain in his office or position under such arrangements as it may consider reasonable, but shall not require or permit him to handle any of the money or control any of the property of the Local Union.

Article XVII

Amendments

Section 1: Amendments to these By-Laws may be proposed by the Executive Board or by a submission in writing, signed by not less than two hundred (200) members in good standing. Proposed amendments shall be read at a general membership meeting and shall be distributed and voted upon at the next regular membership meeting, unless the Executive Board provides for earlier distribution. Proposed amendments approved by 50% vote of the members present and voting shall be submitted and shall take effect upon approval of the General President.

Section 2: Under no circumstances may these By-Laws be amended during a term of office to affect or modify the powers and duties of the incumbent officers or elected business agents. Such amendments may be made effective only as of the beginning of the next term of office.

Section 3: Amendments to these By-Laws are subject to the approval of the General President, as provided in Article VI, Section 4 of the International Constitution and shall not be effective until such approval has been given.

Section 4: Nothing contained in Article XVII of these By-Laws shall preclude the Local Union Executive Board in the exercise of its discretion, from directing that a membership vote be conducted by mail referendum after appropriate notice and with safeguards to ensure the integrity of the balloting.

Article XVIII

Rules and Conduct of Debate

These rules are to be read in conjunction with the provisions of the International Constitution. Matters not specifically set forth herein shall be governed by Roberts Rules of Order.

Article XIX

International Constitution

Section 1: The Local Union acknowledges that the Constitution of the International Brotherhood of Teamsters, supersedes any provisions of these By-Laws herewith or hereinafter adopted which may be inconsistent with such Constitution. The Local Union hereby re-adopts, as its Constitution, such International Constitution, and incorporates herein by reference, as thoughtfully set forth herein, all such provisions of such Constitution, as it may be interpreted, modified, or amended from time to time, which are applicable to Local Union matters and affairs, and shall perform all the duties imposed upon a Local Union by such Constitution.

Section 2: These By-Laws are subject to the Constitution and By-Laws of the International Brotherhood of Teamsters and applicable Conference and Joint Council By-Laws.

Section 3: Neither this Local Union, nor any of its officers, business representatives or employees, has the power to make any contract or agreement or to incur any liability which shall be binding upon the International Union or any of its affiliates other than this Local Union unless the written consent of the governing body or executive officer thereof has first been obtained authorizing such action. Neither this Local Union or any of its officers, representatives or employees has been authorized or empowered to act as an agent of the International Union or any of its affiliated bodies and shall not be deemed an agent for any such body unless expressly authorized in writing by the governing body of such body to act in that capacity. No agreement or contract shall be binding upon this Local Union unless executed and delivered by its duly authorized officers, and a contract or agreement for personal services shall not be binding beyond the expiration of the term of the Executive Board at the time such contract or agreement is made. This shall not prevent a Local Union Executive Board from entering into a bona fide collective bargaining agreement with another union covering Local Union employees, subject to the requirements of Article XXII, Section 2 (b) of the International Constitution.

Article XX

Ratification of Agreements and Strikes

Section 1: Whenever a collective bargaining agreement that covers the members of this Local Union is about to be negotiated, the Executive Board shall establish a Contract Committee consisting of the President, other local union officers, and rank and file members covered by the agreement.

The Contract Committee shall 1) keep the membership informed during the bargaining process by meetings, bulletins, and/or other means, and 2) unite and mobilize the membership, and when necessary, labor and/or community support, to win the strongest possible contract. Ratifications of agreements or modifications to agreements shall be

subject to vote by secret ballot election at a meeting called by the Principal Officer or, in the case of area-wide, conference-wide, or national agreements, in accordance with the Constitution and rules adopted by such bargaining group, except that where the General Executive Board has directed the Local Union to refrain from executing such agreement, no proposed agreement shall be considered ratified by any vote until and unless it is specifically approved by the General Executive Board. Where a final contract proposal has been reduced to writing at the time it is to be submitted for vote, copies of the written proposal shall be made available to the affected membership.

Section 2: If a settlement cannot be reached in connection with the negotiations or modification of a collective bargaining agreement between the members of this Local Union and an employer after the officers have used reasonable means of achieving a settlement through the process of collective bargaining, the matter shall be subject to the strike procedure, conditions and qualifications set forth in the Constitution. The Local Union Executive Board may, in its discretion, provide that the strike vote be limited to the members employed in a particular division, craft or place of employment. In such cases where area-wide, conference-wide or national agreements are involved, it is understood that the specified majorities of the members covered by such agreement must vote to strike as set forth in Article XII, Section 1 or 2 of the Constitution, and in such event, such strike vote shall apply to this Local Union, irrespective of the individual vote of this Local Union on that question.

Section 3: Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement. Nor shall a strike vote be required for a strike in support of demands that an employer agree to the terms and conditions of an agreement already negotiated and approved on a state, multi-state, multi-area, multi-employer or national, company-wide or area basis of which unit such employer is a member. In either case, the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also, with the approval of the General President, terminate such strike without vote.

Section 4: Out-of-Work benefits shall be payable to members only as provided by and in accordance with the Constitution. The Secretary-Treasurer shall be responsible for securing of such benefits where the Local Union is eligible to receive them, executing all documents required by the International and returning all monies to the International Union remaining unused by the Local Union at the close of the strike or lockout.

Section 5: The Secretary-Treasurer shall submit to Joint Council 16 two copies of all proposed collective bargaining agreements with a company in an industry in which there is an area standard established by pre-existing agreements thereto. If no Joint Council exists, such proposals shall be submitted to the State Conference for its approval. In those cases where the proposed agreement is for operations which are already subject to an area-wide agreement, or a prospective area-wide agreement is already planned, the proposed agreement shall be submitted to the Director of the appropriate Trade Conference or Division for approval before submission to the employer.

Section 6: True copies of final agreements arrived at by the Local Union shall be filed by the Secretary-Treasurer with the Economics and Contracts Department of the International Union within sixty (60 days) after execution, together with a list of the names and locations of employers and number of employees covered by such agreements. The Secretary-Treasurer shall, as of January first of each year, submit to the Economics and Contracts Department of the International Union a list of agreements in effect, showing the name of the employer or employers, parties thereto, location or locations, and the expiration date.

Article XXI

Savings Clause

Section 1: If any provision of these By-Laws shall be declared invalid or inoperative by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Local Union Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and instead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any section or subsection of these By-Laws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such section or subsection to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

Section 2: Where used in these By-Laws, words in the masculine also shall be read and construed as in the feminine in all cases where such construction would so apply.

Article XXII

Dissolution

This Union shall not be dissolved as long as seven (7) members in good standing express the desire to continue operation of the Union.

Adopted at a general membership meeting held on September 25, 1994

Amendments approved by General President Ron Carey on April 24, 1995.

Amendment to Article VIII, Section 1 voted on and adopted as mandatory language by the Delegates at the 25th International Convention.

Amendment to Article XI, Section 1 voted on and adopted at a general membership meeting held on October 20, 1996.

Amendment to Article XI, Section 1 approved by General President Ron Carey on October 30, 1996.

Amendment to Article XI, Section 3 voted on and adopted at a general membership meeting held on April 22, 2007.

Amendment to Article XI, Section 3 approved by General President James Hoffa on June 30, 2007.

Amendment to Article IX, Section 1 voted on and adopted at a general membership meeting held on April 20, 2008.

Amendment to Article IX, Section 1 approved by General President James Hoffa on June 30, 2008.

Amendment to Article XX, Section I voted on and adopted at a general membership meeting on April 20, 2008.

Amendment to Article XX, Section 1 approved by General President James Hoffa on June 30, 2008.

Amendments to Article III, Section 2, Article V, Sections 3, 5 and 7, Article VIII, Section 1, Article IX, Sections 1 and 7, Article XII, Sections 8 and 10, Article XIII, Section 4, Article XIV, Sections 3 and 8, Article XIX, Section 3, and Article XX, Sections 5 and 6 were voted on and adopted as mandatory language by the Delegates at the 27th International Convention.

Amendments to Article IX, Section 7, Article XIII, Sections 1 and 4, and Article XX, Sections 5 and 6 voted on and adopted at a general membership meeting on June 13, 2010.

Amendments to Article IX, Section 7, Article XIII, Sections 1 and 4, and Article XX, Sections 5 and 6 approved by General President James Hoffa on July 29, 2010.

Mandatory revisions to Article V, Sections 3(b) and 3(e); Article XIII, Sections 1 and 4 approved by General President James Hoffa on September 7, 2010.