

UNITED TRANSPORTATION UNION



CONSTITUTION

Effective November 1, 2007

FORWARD

This Constitution was reviewed and revised by the Delegates attending the Tenth Quadrennial United Transportation Union Convention, held in Hollywood, Fla, August 13-17, 2007, and is the law by which our union is governed. As International President, it is my responsibility under Article 16, to interpret and enforce its provisions.

Amendments to Articles 2, 7, 10, 12, 19, 25, 32, 33, 37, 42, 73, 85, 90, 92, 93 and 94 were adopted during the 2007 Convention and the changes appear in bold print.

Internal references in this Constitution have been conformed to amendments favorably considered at the 2007 Convention.

A handwritten signature in black ink that reads "Paul C. Thompson". The signature is written in a cursive style with a large initial 'P' and 'T'.

Paul C. Thompson
International President

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UNITED TRANSPORTATION UNION CONSTITUTION

ARTICLE 1 NAME OF ORGANIZATION

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

ARTICLE 2 OFFICERS, BOARDS AND MEMBERS

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

31 Vacancies occurring in positions not subject to attrition shall be
32 filled as follows:
33 President – By the Assistant President
34 Assistant President – By a 2/3 vote of the Board of Directors
35 General Secretary and Treasurer – By a 2/3 vote of the Board of
36 Directors
37 National Legislative Director – By the Alternate Legislative Director
38 Canadian Legislative Director – By the Alternate Canadian
39 Legislative Director
40 Vice Presidents:
41 The Alternate Vice President from Canada shall fill a Canadian Vice
42 Presidential vacancy.
43 The Alternate Vice President from Rail Commuter Service shall fill
44 a Rail Commuter Service Vice President vacancy.
45 The Alternate Vice President from Yardmaster Service shall fill a
46 Yardmaster Vice President vacancy.
47 The Senior Alternate Vice President from the Bus Department shall
48 fill a Bus Vice Presidential vacancy.
49 Vice Presidential vacancies from the Eastern, Western and
50 Southern Territories shall be filled by the Senior Alternate
51 from the territory in which the vacancy occurs who shall
52 become the Junior Vice President.
53 Vacancies not otherwise provided for in this Article shall be filled
54 by a 2/3 vote of the Board of Directors.

55 (B) Boards:

- 56 Board of Directors – ***(effective 1-1-2008)***
 - 57 **The Board of Directors shall consist of the**
 - 58 **President, Assistant President, General Secretary**
 - 59 **and Treasurer, National Legislative Director, five**
 - 60 **(5) Senior U.S. Vice Presidents, the Canadian Vice**
 - 61 **President /Legislative Director, and one (1) Bus**
 - 62 **Vice President.**
- 63 Board of Trustees –
 - 64 The Board of Trustees shall consist of the International
 - 65 President, General Secretary and Treasurer and the Senior
 - 66 Canadian Vice President.
- 67 Board of Appeals – United States
 - 68 (Members must hold seniority in one of the crafts under
 - 69 the jurisdiction of the Board.)
 - 70 Five (5) Members
 - 71 One (1) from Engine Service
 - 72 One (1) from Road Service (Train Service)
 - 73 One (1) from Yard Service (Train Service)
 - 74 One (1) from Commuter Authorities
 - 75 One (1) from Bus Department

76 Board of Appeals – Canada
77 Three (3) members
78 Executive Boards –
79 Five (5) members
80 One (1) member must be from Canada
81 One (1) Alternate to Executive Board
82 The Alternate to the Executive Board shall fill a
83 vacancy occurring on the Board except that a
84 Canadian vacancy shall be filled by a Canadian
85 appointed from the Canadian Territory by a 2/3
86 vote of the Board of Directors.
87 (C) Members:
88 One (1) Delegate from each Local
89 (D) Attrition of Positions:
90 A position designated as attritable shall be eliminated
91 when the present incumbent vacates the position for
92 any reason.
93 (E) President Emeritus:
94 The Immediate Past President shall be President
95 Emeritus.
96 (F) American members will vote for the following Officers and
97 Boards:
98 President
99 Assistant President
100 General Secretary and Treasurer
101 National Legislative Director
102 Alternate National Legislative Director
103 Thirteen (13) Vice Presidents
104 Alternate Vice Presidents –
105 Two (2) from the Eastern Territory
106 Two (2) from the Western Territory
107 Two (2) from the Southern Territory
108 Two (2) from the Bus Department
109 One (1) from Yardmaster Service
110 One (1) from Rail Commuter Service
111 Board of Appeals – United States
112 Executive Board
113 (G) Canadian members will vote for the following Officers
114 and Boards:
115 President
116 Assistant President
117 General Secretary and Treasurer
118 Canadian Legislative Director
119 Alternate Canadian Legislative Director
120 Two (2) Vice Presidents from Canada

121 One (1) Alternate Vice President from Canada
122 Board of Appeals – Canada
123 Executive Board

**ARTICLE 3
HEADQUARTERS LOCATION**

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

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

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

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

**ARTICLE 5
DELEGATES**

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

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

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

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

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

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

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

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

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

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

ARTICLE 6

INTERNATIONAL UNION

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

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

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

13 The Board of Directors shall appoint, from among the Delegates, a
14 Constitution Committee consisting of not less than one (1) member from
15 each craft represented by the United Transportation Union.

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

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

ARTICLE 7

ELIGIBILITY FOR OFFICE

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

- 4 (a) Has attained age 65 or attains age 65 during the year of
5 election;
- 6 (b) Holds membership in any other union representing
7 transportation employees, other fields of employment,
8 trades and industries, whether in public or private
9 employment, except when a member is forced by
10 agreement to belong to another union;
- 11 (c) Is serving in an official capacity with a transportation
12 company, other fields of employment, trades and industries,
13 whether in public or private employment, except as
14 yardmaster where the United Transportation Union hold the
15 contract for yardmasters;
- 16 (d) Does not hold seniority rights in transportation service,
17 other fields of employment, trades and industries, whether
18 in public or private employment where the United
19 Transportation Union holds the contract, except this does
20 not apply when a member is dismissed from service and his
21 case is being appealed;
- 22 (e) Voluntarily elects to receive a rebate of dues from any
23 department will not be eligible to hold office in that
24 department and will not be eligible for the offices of
25 Delegate or Alternate Delegate, Legislative Representative,
26 or Alternate Legislative Representative;
- 27 (f) Is restricted from holding office by Labor-Management
28 Reporting and Disclosure Act;

29 (g) Is an elected officer of the International shall not be eligible
30 to the office of Delegate;

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

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

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

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

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

**ARTICLE 9
TERM OF OFFICE**

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

**ARTICLE 10
REPORTS OF OFFICERS**

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

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

ARTICLE 11
CANADIAN LANGUAGES

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

ARTICLE 12
INTERNATIONAL DUES AND ASSESSMENTS

1 The funds of the International shall be acquired by assessments of
2 dues in the amount of **\$22.50** per month on all members employed in
3 transportation service, other fields of employment, trades, and
4 industries, whether public or private employers.

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

7	Convention Fund	\$ 2.00
8	General Fund	17.50
9	Maintenance of Membership Fund	1.00
10	Public Relations Fund	.25
11	Strike Fund	.75
12	Education and Training Fund	1.00

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

21 For those members who hold membership in the United
22 Transportation Union, and who are now required to pay dues **to**
23 **another union** in Canada under the Union Dues Agreement will now be
24 allowed to continue membership in the UTU by paying Insurance
25 Premiums plus **\$5.00** per month into the General Fund, while they are
26 forced to pay dues to another organization, and the other organization
27 holds the contract, and the Union Dues Agreement is in effect.

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

31 Except as otherwise provided in this Constitution, all
32 disbursements for expenses incidental to conducting the business of the
33 International shall be paid from the General Fund. Monies drawn on the
34 Canadian Legislative Fund, on deposit in the General Fund, will be

35 processed by the Ottawa office. Expenses in connection with
36 conventions, public relation activities, strikes and maintenance of
37 membership shall be paid from the funds created for such purposes.
38 There shall be no transfer of funds from one account to another except
39 upon approval by a majority vote of the Board of Directors.

40 The International President and Assistant President, in conjunction
41 with a majority of the Board of Trustees, may increase the assessments
42 as may be necessary for the protection of the members and the United
43 Transportation Union, provided that such increases shall not exceed
44 \$2.00 per month and shall be used solely for the purpose for which
45 levied. The effective date of any increase of assessments of dues must
46 coincide with the requirements of any check-off Union Dues Agreement
47 in effect.

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

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

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

ARTICLE 13

AMENDING CONSTITUTION

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

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

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

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

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

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

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

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

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

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

ARTICLE 14

SPECIAL CONVENTIONS

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

10 If a majority of the members present vote "yes", then the circular
11 shall be endorsed, under local seal, by the Secretary , signed by the

12 President, and returned to the General Secretary and Treasurer. If a
13 majority of the members present vote "no", the same procedure shall be
14 followed.

15 The General Secretary and Treasurer shall set a date for the
16 tabulation of the ballots, not less than sixty (60) days after the issuance
17 of such circular, at which time the vote of the locals shall be returned to
18 his/her office for tabulation. No ballot received after the time set for
19 counting same shall be counted. The ballots shall be tabulated by the
20 Board of Trustees, or their representatives. If a majority of the votes
21 are favorable, the International President shall at once issue a call for a
22 special convention for the purpose stated, such convention to be held
23 not later than ninety (90) days after the tabulation of the ballots, and at
24 a place to be determined by the Board of Directors.

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

ARTICLE 15

BONDING OF INTERNATIONAL OFFICERS AND EMPLOYEES

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

ARTICLE 16

INTERNATIONAL PRESIDENT

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

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

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

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

ARTICLE 17 DUTIES OF ASSISTANT PRESIDENT

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

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

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

ARTICLE 18 DUTIES OF VICE PRESIDENTS

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

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

ARTICLE 19 DUTIES OF THE GENERAL SECRETARY AND TREASURER

1 **The General Secretary and Treasurer will be assigned**
2 **exclusive jurisdiction and authority over the financial affairs of**
3 **the United Transportation Union, including operational**
4 **jurisdiction of all departments responsible for the accounting of**
5 **all receipts and disbursements. Financial jurisdiction and**
6 **authority shall include the supervision and control of**
7 **International and subordinate bodies located in the United**
8 **States and Canada. The General Secretary and Treasurer will**
9 **be stationed and all operations performed at the International**
10 **headquarters.**

11 **The General Secretary and Treasurer will prepare and**
12 **submit to the President and Assistant President a budget for**
13 **the financial operation of his/her office and the International**
14 **headquarters no later than the last day of January each year.**
15 **The General Secretary and Treasurer will determine the need**
16 **for office staff for his/her department, including field auditors,**
17 **and will be allowed reasonable office personnel with the**
18 **approval of the President and Assistant President. All**
19 **employees assigned to the finance department will work**
20 **directly under the jurisdiction of the General Secretary and**
21 **Treasurer. Disputes regarding staffing requirements,**
22 **jurisdiction and authority will be submitted to the Board of**
23 **Directors for resolution.**

24 **The General Secretary and Treasurer shall prepare an**
25 **annual budget for each fund authorized by the delegates under**
26 **the provisions of Article 12, no later March 1st of each calendar**
27 **year. After the President and Assistant President have**
28 **approved the annual budget, the Board of Directors will review**
29 **and authorize the final operational budget for the following**
30 **twelve month period.**

31 **Upon approval by the Board of Directors, the annual**
32 **budget will be published in the UTU News no later than the May**
33 **edition. In the event a budget has not been approved by May**
34 **1st the General Secretary and Treasurer will proceed to**
35 **authorize the printing of the budget as proposed.**

36 **The General Secretary and Treasurer shall furnish the**
37 **General Chairperson, State and District Legislative Director and**
38 **Provincial Legislative Board Chairperson a copy of the current**
39 **billing of each Local under their jurisdiction once each quarter.**

ARTICLE 20

ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

1 The Legislative Director of each State and the District of Columbia
2 shall form the Association of State Legislative Directors for the purpose
3 of coordinating concerted efforts for securing the enactment of laws and
4 regulations, or the repeal or modification of laws and regulations to
5 ensure the protection and welfare of the members of the United
6 Transportation Union, to exchange information regarding political and
7 legislative activities affecting United Transportation Union members and
8 to recommend a legislative agenda for the United Transportation Union.

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

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

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

19 A majority of Association Members shall constitute a quorum.

ARTICLE 21

DUTIES OF NATIONAL LEGISLATIVE DIRECTOR AND CANADIAN LEGISLATIVE DIRECTOR

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

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

17 The National Legislative Director shall keep the International
18 President advised on all bills and hearings before the Congress and other
19 Federal agencies, which affect the interest of the organization. He/she
20 shall furnish the International President copies of all bills introduced to
21 the Congress which may affect the organization, and such information as
22 will enable the International President to determine legislative policy on
23 such matters in accordance with the law of the organization. He/she
24 shall compile a voting record of the members of Congress on legislation
25 affecting the interests of labor. Such voting record shall be furnished
26 the International President, State, and District of Columbia Legislative
27 Boards, prior to each election and/or after the adjournment of Congress.
28 He/she shall submit recommendations to the International President for
29 candidates for Congress, based on voting records and other information
30 concerning each candidate. If there are differences of opinion between
31 the National Legislative Director and a State or District of Columbia
32 Legislative Board, such differences shall be submitted to the
33 International President, whose decision shall be final.

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

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

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

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

ARTICLE 22

BOARD OF TRUSTEES

1 The International President, General Secretary and Treasurer, and
2 the Senior Canadian Vice President shall comprise the members of the
3 Board of Trustees. The International President shall serve as
4 Chairperson; the Senior Canadian Vice President shall serve as Vice
5 Chairperson and the General Secretary and Treasurer shall serve as
6 Secretary. The Vice Chairperson shall act in behalf of the Chairperson

7 when so directed by the Chairperson. The Secretary shall keep a record
8 of all transactions and proceedings of the Board. The Board shall see
9 that the International officers discharge their financial duties faithfully
10 and efficiently and, where irregularity or neglect of duty is found, it shall
11 promptly prefer charges to the Executive Board, at all times acting
12 consistent with applicable Federal, State, and Provincial laws. The Board
13 shall submit a complete report to the International of all financial
14 business transacted during the period between conventions, together
15 with recommendations to promote the financial welfare of the
16 organization.

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

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

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

ARTICLE 23

DUTIES OF THE BOARD OF DIRECTORS

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

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

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

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

21 The Board of Directors may consider and implement plans of
22 unification, affiliation, or merger with another labor union. Any such

23 unification, affiliation, or merger shall be subject to convention approval
24 or ratification by the membership of the United Transportation Union.

ARTICLE 24 EXECUTIVE BOARD

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

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

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

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

ARTICLE 25 CHARGES AND TRIALS OF INTERNATIONAL OFFICERS

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

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

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

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

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

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

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

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

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

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

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

61 Before giving testimony, any witnesses who are members of the
62 United Transportation Union shall be required to make the following
63 affirmation:

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

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

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

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

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

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

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

ARTICLE 26

APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD

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

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

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

ARTICLE 27

BOARDS OF APPEALS

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

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

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

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

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

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

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

1 No officer, member, or subordinate body of the United
2 Transportation Union shall resort to the civil courts to correct or redress
3 any alleged grievance or wrong, or to secure any alleged rights from or
4 against any officer, member, subordinate body, or the United
5 Transportation Union until such officer, member, or subordinate body
6 shall have first exhausted all remedy by appeal provided in this
7 Constitution for the settlement and disposition of any such rights,
8 grievances, or wrongs.

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

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

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

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

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

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

18 When a member serving the International on a part-time basis
19 suffers a loss of earnings from his/her carrier resulting in a reduction or
20 loss of his/her vacation pay from the carrier, he/she shall receive from

21 the department of the International in which he served the amount of
22 vacation pay lost as result of his/her services with the International.

ARTICLE 30 FISCAL YEAR

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

ARTICLE 31 RETIREMENT OF OFFICERS AND EMPLOYEES

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

ARTICLE 32 PRINTING AND SUPPLIES

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

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

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

ARTICLE 33 OFFICIAL PUBLICATIONS

1 **Official print publications and all electronic media, web,**
2 **communications shall be issued regularly** by the United
3 Transportation Union which shall be under the business management of
4 the International President and General Secretary and Treasurer. The
5 International President shall be Editor-in-Chief and employ such editorial
6 and other assistance as necessary. The publications shall be furnished

7 to all active members of the United Transportation Union and to widows
8 and retired members who make **requests for the print publications,**
9 **and or electronic media, web, communications, provide they**
10 **keep the International** advised as to their correct address. All money
11 for subscriptions shall be paid to the General Secretary and Treasurer
12 and credited to the General Fund of the International.

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

ARTICLE 34

ENDORSEMENT OF SOUVENIRS, ETC.

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

5 Locals, subject to prior approval of the International President,
6 may issue advertising, programs, time books, or other publications of
7 general interest in the name of the United Transportation Union for local
8 purposes, when properly authorized by the local(s) interested, providing
9 the net proceeds there from go to the locals making such authorization.

10 Where two (2) or more locals are located in the same city or sub-
11 section in which such publications are to be issued, all locals will be
12 given an opportunity to participate in the project.

ARTICLE 35

ORDER OF BUSINESS OF THE INTERNATIONAL CONVENTION

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

ARTICLE 36
RULES OF ORDER, INTERNATIONAL CONVENTION

1 The rules of order for conventions of the International shall be
2 Robert's Rules of Order, Revised, except as otherwise provided in the
3 following rules:

4 1. These rules may be amended at any regular meeting of the
5 International by a majority vote of the Delegates present.

6 2. The daily sessions of the convention shall begin at 9:00 a.m.
7 and adjourn at 2:00 p.m. Evening sessions may be called by a majority
8 vote of the Delegates to begin at 8:00 p.m. Instead of a roll call,
9 appropriate checks shall be collected from the Delegates as a means of
10 recording attendance.

11 3. The convention shall meet daily excepting Saturdays, Sundays,
12 and legal holidays and, for parliamentary purposes, shall be considered
13 to be in continuous session until adjourned on the last day.

14 4. The General Secretary and Treasurer shall supply each Officer
15 and Delegate with a list of Delegates and standing committees.
16 Proceedings of each day's meeting shall be printed and shall be
17 distributed the following morning.

18 5. Officers and Delegates shall be admitted upon display of their
19 identification badge and will take their seats without ceremony.

20 6. No person except Officers and Delegates of the International
21 shall be admitted to the floor reserved for Delegates. Other officers and
22 members of the United Transportation Union may attend the convention
23 as visitors on presentation of a receipt for current dues or membership
24 card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86 committees for consideration prior to being brought to the floor of the
87 convention.

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

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

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

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

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

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

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

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

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

131 Alternate in the Western territory, Second Alternate in the Southern
132 territory, and Second Alternate Bus Vice President in the Eastern
133 territory, to be elect simultaneously.

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

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

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

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

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

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

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

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

164 27. International officers may speak but shall have no vote in
165 convention.

ARTICLE 37

PRINTING AND DISTRIBUTION OF CONSTITUTION

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

6 **members via electronic media, the United Transportation Union**
7 **International web page.**

ARTICLE 38 SAVING CLAUSE

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

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

ARTICLE 39 LOCALS

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

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

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

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

ARTICLE 40 JURISDICTION AND AUTHORITY

1 The jurisdiction of locals shall be that which existed on the date of
2 unification. Changes in jurisdiction may be made by the International
3 President after giving the interested General Chairperson an opportunity
4 to file recommendations regarding the matter. The local shall have

5 jurisdiction over all members of the United Transportation Union
6 employed under its jurisdiction.

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

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

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

ARTICLE 41

MEMBERSHIP

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

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

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

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

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

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

ARTICLE 42 CONTINUOUS MEMBERSHIP

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

ARTICLE 43 MEMBERSHIP CARDS

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

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

ARTICLE 44
AUTHORITY TO REPRESENT

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

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

ARTICLE 45
DUTIES OF MEMBERS

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

ARTICLE 46
VISITING MEMBERS

1 Visiting members of the United Transportation Union shall be
2 admitted to local meetings upon presentation of an official receipt for
3 the current month’s dues or life membership card. In case the identity

4 of the visiting member is not known, further proof of membership may
5 be required.

ARTICLE 47

TRANSFER OF MEMBERS

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

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

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

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

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

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

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

**ARTICLE 48
LOCAL FUNDS**

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

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

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

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

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

**ARTICLE 49
PAYMENT OF DUES AND ASSESSMENTS**

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

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

10 A member who for any reasons, including sickness and disability,
11 is not engaged in transportation service, other fields of employment,
12 trades, and industries, whether in public or private employment where
13 the United Transportation Union holds the contract, or in the service of
14 the United Transportation Union for a full calendar month (excluding
15 his/her vacation) shall, upon submitting to the General Secretary and
16 Treasurer and the local Treasurer written request on the prescribed
17 form, be relieved from the payment of all dues and assessments for
18 subsequent calendar months until he/she again returns to transportation
19 service, other fields of employment, trades, and industries, whether in
20 public or private employment where the United Transportation Union
21 hold the contract, or service with the United Transportation Union. Such
22 member will promptly report to the local Treasurer his/her date of return
23 to active service with the employer and will be obligated to pay full dues
24 and assessments beginning with the first month thereafter.

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

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

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

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

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

ARTICLE 50 SUSPENSIONS

1 A member suspended for improper conduct shall, at the expiration
2 of the time for which the member was suspended, be reinstated but
3 shall not be required to pay dues and assessments accrued during the
4 suspension. Should the member be accused of improper conduct during
5 the suspension, the member shall be liable to charges.

ARTICLE 51 READMISSION

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

ARTICLE 52 REGISTERS

1 Locals shall maintain a register showing the name, address, and
2 employment of their members.

3 Locals shall also maintain an attendance register and require that
4 every member who attends local meetings personally register his/her
5 name and local number therein.

6 Local Secretaries shall be responsible for the maintenance of
7 accurate registers by their local.

**ARTICLE 53
RIGHTS AND BENEFITS**

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

**ARTICLE 54
LOCAL MAINTENANCE OF MEMBERSHIP FUND**

1 When authorized by a majority vote of its membership, a local
2 may establish a Maintenance of Membership fund by levying an
3 assessment of \$1.00 per member for one month or transferring an
4 equivalent amount from the local fund.

5 The purpose of the Maintenance of Membership fund is to provide
6 a fund from which the local Treasurer may, without written request from
7 the member or advance approval of the local, advance the dues and
8 assessments of members who do not pay the same in advance before
9 the first day of the month. The Treasurer will not advance the dues and
10 assessments of a member who submits, before the first day of the
11 month, written request for a termination of membership.

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

**ARTICLE 55
TIME AND PLACE OF MEETING**

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

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

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

ARTICLE 56 OFFICERS AND LOCALS

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

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

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

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

ARTICLE 57 ELECTIONS IN LOCALS

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

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

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

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

12 An election for Delegate and Alternate Delegate shall be held in
13 November, 1970, and quadrennially thereafter. In locals having

14 jurisdiction over more than one craft, the Delegate and Alternate
15 Delegate must be elected from different crafts.

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

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

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

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

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

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

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

45 The leaflet containing voting instructions shall contain the
46 following:

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

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

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

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

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

87 The Board of Trustees shall be elected by a majority of the ballots
88 cast.

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

92 When only one (1) nomination has been received for an office the
93 member so nominated will be declared elected on the day set for the
94 tabulation of ballots and election.

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

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

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

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

111 Local Officers, Committeepersons, Legislative Representatives and
112 Delegates upon leaving office must promptly transfer all property, funds,
113 securities, equipment and other effects of their office to their successor.
114 Any member failing to comply with the provisions of this paragraph shall
115 be suspended from membership in the United Transportation Union.

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

ARTICLE 58

INSTALLATION OF LOCAL OFFICERS

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

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

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

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

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

25 yourself as becomes a member of the United
26 Transportation Union?"
27 The officers being installed shall respond:
28 "I do."
29 The installing officer shall then say:
30 "You are defined in the Constitution of the United
31 Transportation Union and in the by-laws of this local.
32 Should an emergency arise which is not covered by these
33 laws you are expected to exercise good judgment and
34 common sense in order to advance the best interest of
35 the United Transportation Union."
36 "You will now assume your respective stations."

ARTICLE 59 DUTIES OF THE LOCAL PRESIDENT

1 The President shall preside at all meetings of the local, enforce the
2 provisions of this Constitution and the by-laws of the local, and exercise
3 general supervision over its affairs. The President shall decide all
4 questions of law and order, subject to appeal to the local by any two (2)
5 members. He/she shall appoint a majority of all committees and shall
6 sign all documents that require authentication.
7 The President shall see that the local officers respond to inquiries
8 from the International and shall, with the Secretary and/or Treasurer,
9 file all reports required of locals by Federal, State, Provincial, or local
10 laws, and countersign all disbursements issued by check or draft.
11 The President may speak on any subject before the local but
12 he/she may not vote except, in case of a tie vote, on a matter upon
13 which he/she is otherwise eligible to vote shall cast the deciding ballot.

ARTICLE 60 DUTIES OF THE LOCAL VICE PRESIDENT

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

ARTICLE 61 THE LOCAL PAST PRESIDENT

1 When a local President has completed his/her term of office and a
2 successor has been installed, he/she shall become the ranking Past
3 President of the local and shall serve as such until succeeded. He/she

4 shall thereafter be a Past President according to the regular order of
5 succession.

ARTICLE 62 DUTIES OF THE LOCAL PAST PRESIDENT

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

ARTICLE 63 DUTIES OF THE LOCAL SECRETARY

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

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

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

ARTICLE 64 DUTIES OF THE LOCAL TREASURER

1 The Treasurer shall receive all money due to be collected by the
2 local and give his/her receipt for the same. Where a local maintains the
3 office of Collector, the provisions of Article 65 will apply. The Treasurer
4 shall hold and keep secure all local funds and shall be bonded as
5 provided in Article 71 of this Constitution. He/she shall sign all papers
6 requiring his/her signature and perform other duties required by this
7 Constitution and the by-laws of the local. He/she shall keep an accurate
8 account for all receipts and expenditures of the local on forms provided
9 for that purpose. These records shall be open at all times for inspection
10 and audit by officers of the International or their representatives.

11 The Treasurer shall promptly, but not later than the 20th day of
12 each month, remit to the General Secretary and Treasurer all monies

13 due the International. All disbursements issued by check or draft must
14 be countersigned by the President of the local. Each disbursement shall
15 be reported by the Treasurer at the first meeting of the local following
16 the disbursement.

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

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

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

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

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

ARTICLE 65

DUTIES OF THE LOCAL COLLECTOR

1 The Collector shall receive all money due the local and will give
2 receipt therefore. He/she shall, prior to the first day of each month,
3 report to the local Treasurer on the required forms all money received
4 during the current month and shall pay to the local Treasurer the
5 amount so collected. His /her records shall be open at all times for
6 inspection and audit by officers of the International or their
7 representatives. He/she shall be bonded as provided in Article 71 or this
8 Constitution.

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

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

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

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

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

ARTICLE 67
DUTIES OF THE LOCAL BOARD OF TRUSTEES

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

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

ARTICLE 68
LOCAL ELECTIVE OFFICE OR POSITION DECLARE VACANT

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

ARTICLE 69
LOCAL APPOINTIVE OFFICE DECLARED VACANT

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

ARTICLE 70
VACATIONS – LOCAL OFFICERS AND COMMITTEEPERSONS

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

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

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

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

ARTICLE 71 BONDING OF LOCAL OFFICERS

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

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

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

ARTICLE 72 SURPLUS ASSETS OF LOCALS

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

4 The Board of Trustees shall be the custodian of such assets
5 deposited. The deposits shall be placed in a suitable safety deposit box.
6 At least two (2) members of the Board of Trustees shall be present
7 when assets are deposited or the deposit box is opened.

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

11 Assets deposited with the International must be shown by the
12 Treasurer as part of the balance on hand to the credit of the local.
13 Deposits may be withdrawn at any time upon submitting to the General
14 Secretary and Treasurer a resolution adopted by local action, signed by
15 the President and Treasurer, and bearing the local seal.

ARTICLE 73
REVOKING OR SURRENDERING LOCAL CHARTERS

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

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

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

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

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

38 An expelled or suspended member whose local is defunct may file
39 application for admission into the local then holding jurisdiction over
40 his/her employment. Such application shall be treated and progressed
41 as if it were an application for readmission under the provisions of Article
42 51 of this Constitution.

43 Any local wishing to surrender its charter may do so by majority
44 vote of the members and shall notify the International President who will
45 appoint a responsible representative to take full charge of the charter
46 and all property of the local for disposition in accordance with this
47 Article.

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

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

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

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

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

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

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

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

35 held within thirty (30) days from the meeting at which the charges were
36 presented.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

122 If removal from office and/or expulsion from membership is the
123 penalty, such removal and/or expulsion shall become effective on the

124 date the Trial Board's decision is delivered to the accused by certified
125 mail.

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

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

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

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

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

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

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

167 Should the accused fail to appear for trial after notice as
168 prescribed in the foregoing, should he/she appear but refuse to comply

169 with the rules for the conduct of the trial prescribed by this Constitution
170 or the Trial Board, or should he/she engage in conduct designed to
171 obstruct his/her trial, the Trial Board shall proceed to conduct the trial in
172 his/her absence. The accused, the party preferring charges, counsel or
173 other representative for either party, or any witnesses who are guilty of
174 misconduct before the Trial Board shall be excluded thereafter from the
175 trial proceedings and the trial shall continue in their absence.

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

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

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

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

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

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

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

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

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

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

ARTICLE 75 APPEALS

I – TO THE BOARD OF APPEALS

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

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

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

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

21 (e) An appeal pending before a General Committee of Adjustment
22 which has not been acted upon within ninety (90) days shall be referred
23 by the Secretary of the General Committee of Adjustment to the Board
24 of Appeals for a decision, provided the appellant makes a request to do

25 so to the Secretary of the General Committee at least thirty (30) days
26 prior to the date the Board of Appeals is scheduled to convene.

27 (f) An appeal from the decision of the General Committee of
28 Adjustment may be made to the Board of Appeals provided the appeal is
29 filed with the General Secretary and Treasurer within ninety (90) days
30 from the date of the decision of the General Committee of Adjustment.

II – TO THE BOARD OF DIRECTORS

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

6 (b) Actions or decisions of Trial Boards may be appealed to the
7 International President, provided such appeal is filed with the General
8 Secretary and Treasurer within ninety (90) days from the date on which
9 the action or decision occurred. The General Secretary and Treasurer
10 shall docket the appeal and present all papers relating to the appeal to
11 the International President.

12 The International President will promptly render a decision on the
13 appeal which shall be final and binding on all parties unless appealed to
14 and reversed or modified by the Board of Directors. Appeals to the
15 Board of Directors must be filed with the General Secretary and
16 Treasurer within ninety (90) days from the date of the decision by the
17 International President.

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

III – PROCEDURES

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

4 All appeals must be in writing, contain the pertinent facts involved,
5 and set forth the basis of the appeal. The parties involved in an appeal
6 shall exchange copies of the appeal and the reply thereto, and all related
7 correspondence. Copies of decisions involving appeals, will be in writing,
8 contain the pertinent facts involved, provide the rationale leading to the
9 decision and be furnished all interested parties.

ARTICLE 76
LOCAL RULES OF ORDER

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

ARTICLE 77
CONDUCT OF LOCAL MEETINGS

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

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

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

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

ARTICLE 78

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

ARTICLE 79
CONSIDERATION OF GRIEVANCES

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

7 When grievances are being considered by a local, only those
8 members employed in the craft on the territory, involved shall be
9 permitted to vote, provided that at least five (5) such members must be
10 present before any action can be taken. If more than one (1) craft is
11 involved the grievance shall be considered and determined separately by
12 each craft.

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

ARTICLE 80
PRESERVATION OF CRAFT AUTONOMY

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

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

17 (c) General Committees of Adjustment, by a majority vote, may
18 authorize the revision of general or system schedule rules, amend
19 existing rules, or establish new rules, except, General Committees of
20 Adjustment consolidated on or after date of unification with other

21 General Committees of Adjustment and/or officers representing United
22 Transportation Union, assisting those General Committees of
23 Adjustment, shall not revise or amend general or system schedule rules
24 of any craft unless authorized to do so by a majority vote of the
25 representatives of that craft on the General Committee.

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

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

ARTICLE 81

LOCAL COMMITTEES OF ADJUSTMENT

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

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

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

22 It shall be the duty of the Chairperson of the Local Committee of
23 Adjustment to promptly handle claims and grievances when presented in
24 accordance with Article 79. He/she shall be authorized to file claims and

25 grievances including those where time has not been claimed, or where
26 claims were incorrectly and/or improperly filed. He/she shall report on
27 the handling of all claims and grievances at the next local meeting.

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

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

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

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

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

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

ARTICLE 82
GENERAL COMMITTEE OF ADJUSTMENT

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

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

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

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

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

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

38 The Chairperson of a General Committee of Adjustment may be
39 elected by referendum vote instead of by General Committee vote as
40 provided for in the preceding paragraph if two-thirds (2/3) of the Local
41 Chairpersons under the jurisdiction of a General Committee, prior to
42 August 1 preceding the year of the regular quadrennial meeting of the

43 General Committee, vote for and advise the International President in
44 writing of their desire to have the Chairperson of that Committee elected
45 by referendum vote.

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

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

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

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

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

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

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

86 The candidate receiving a majority of the votes cast shall be
87 declared elected. If no candidate receives a majority on the first ballot,

88 all but the two candidates receiving the largest vote will be dropped
89 from the ballot, and a second election will be held in the same manner.
90 In case of a tie, the General Secretary and Treasurer shall be governed
91 by the applicable provisions of Article 57.

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

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

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

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

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

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

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

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

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

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

138 The Secretary of the General Committee shall promptly notify the
139 International President in the event of a vacancy in the office of
140 Chairperson. The International President shall order an election, to be
141 held in accordance with the provisions of this Article, to fill the vacancy.
142 In the interim the Vice General Chairperson designated by the
143 Committee at the time of his/her election will fill the vacancy.

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

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

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

177 within sixty (60) days, make an orderly transfer of the property, funds,
178 and files to the committee having jurisdiction.

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

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

**ARTICLE 83
RETIRED MEMBERS**

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

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

**ARTICLE 84
GENERAL COMMITTEE FINANCING**

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

5 The General Committee fund shall be deposited with the General
6 Secretary and Treasurer and shall be used to pay the salaries, expenses,
7 and other allowances necessary for the maintenance of the General
8 Committee. The General Secretary and Treasurer shall furnish each

9 interested Local Treasurer and the General Chairperson a monthly report
10 showing the division of dues and assessments.

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

15 Any proposition to establish or abolish full-time salaried officers of
16 a General Committee or to increase or decrease dues, assessments,
17 personal expense, or other allowances established for the maintenance
18 of General Committees shall be submitted to the members of the
19 General Committee while in session or by mail by the appropriate officer
20 of the General Committee setting forth the specific change and effective
21 date of such change. Such proposition must be approved by a majority
22 vote of the members of the General Committee before being made
23 effective.

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

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

ARTICLE 85

DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

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

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

9 In the event a matter cannot be satisfactorily adjusted, the
10 General Chairperson may request the assistance of the International
11 President. Upon receipt of such request, the International President or
12 his/her representative shall meet with the General Chairperson, renew
13 efforts to obtain a satisfactory adjustment of the matter and shall be

14 vested with the same authority held by the General Committee to
15 progress the matter to a conclusion. Any system or local adjustments
16 agreed to by the International President or his/her representatives, shall
17 be subject to a majority vote of local chairpersons affected.

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

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

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

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

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

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

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

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

56 Actions or decisions of a General Committee shall be binding upon
57 the members and locals under the jurisdiction of such General

58 Committee unless reversed or modified upon appeal as provided in
59 Article 75 of this Constitution.

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

ARTICLE 86
VACATIONS – GENERAL COMMITTEEPERSONS

1 Full-time officers and employees of General Committees of
2 Adjustment shall be granted vacation with pay, consistent with the terms
3 of the National Vacation Agreement, based upon earnings from their
4 Committee. Such vacations may be split if desired but will not be carried
5 over from one year to the next.

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

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

ARTICLE 87
CHAIRPERSON OF GENERAL COMMITTEE

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

4 The Chairperson shall furnish a quarterly report of his/her
5 activities to all Local Chairpersons and locals under his/her jurisdiction
6 and use such other means as necessary to keep the membership well
7 informed. He/she shall attach to the report an itemized statement of
8 receipts and disbursements of his/her Committee which shall be
9 furnished by the General Secretary and Treasurer in sufficient number
10 for distribution with this report.

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

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

ARTICLE 88 VICE CHAIRPERSONS OF GENERAL COMMITTEE

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

ARTICLE 89 SECRETARY OF GENERAL COMMITTEE

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

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

ARTICLE 90 MERGERS, LEASES, COORDINATIONS, ETC.

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

11 herein, is intended to mean some reasonable degree of regularity in
12 excess of thirty (30) days.

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

18 In circumstances in which a new line is established by a carrier
19 and no seniority rights exist, employees from the line from which traffic
20 is diverted, will be transferred to the new line in equal percentage to the
21 mileage of the traffic diverted from the old line. If the portion of line
22 transferred is insufficient in extent to constitute a separate seniority
23 district, the employees taken over therewith in the merger may be
24 placed on the roster of the proper seniority district to which the merged
25 line is attached with seniority on such roster in their respective classes
26 from a date not later than the date of merger.

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

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

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

ARTICLE 91

ASSOCIATION OF GENERAL CHAIRPERSONS

1 The Chairpersons of the General Committees in each district, as
2 hereinafter set forth, shall form an Association of General Chairpersons,
3 each to function independently of the other, for the purpose of

4 formulating concerted movements relating to wages, rules, and working
5 conditions of transportation service employees in their district.

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

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

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

11 All General Chairpersons on properties where the combined
12 membership represented by the United Transportation Union is one
13 hundred (100) or more, shall be members of the Association of General
14 Chairpersons in their respective districts as outlined above. Where the
15 combined membership represented by the United Transportation Union
16 on a property is less than one hundred (100) the General Chairpersons
17 on that property shall elect one of their group to be a member of the
18 Association in their respective districts. Members of the Association of
19 General Chairpersons shall attend all meetings of their Association and
20 represent their committees with pay and proper expenses to be paid
21 from the General Fund of the International.

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

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

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

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

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

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

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

59 When in the judgment of the International President and the
60 negotiating committee a final offer of settlement has been received, the
61 offer with the committee's recommendation shall be submitted by
62 referendum to the Membership of the crafts involved in the movement
63 for their acceptance or rejection. Following receipt of the offer of
64 settlement, each General Chairperson shall have fifteen (15) days to
65 submit questions pertaining to the offer. The negotiating committee
66 will, consolidate the submitted questions into a single, uniform list.
67 When the answers to these questions are determined by the negotiating
68 committee and the carriers' representatives, the agreed upon questions
69 and answers will be distributed to the General Chairpersons and made a
70 part of the offer of settlement.

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

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

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

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

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

ARTICLE 92 STRIKES

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

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

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

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

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

31 The International President and the General Committee of
32 Adjustment may terminate a strike or discontinue any and all strike

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

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

46 Strikes inaugurated by other recognized Unions – Members of the
47 United Transportation Union, who are unemployed due to any
48 recognized union representing employees of the railroads or other
49 transportation companies being on legal strike, shall be allowed strike
50 benefits for a period not to exceed sixty (60) days as though they were
51 active participants in the strike. However, the sixty (60) days limit may
52 be extended in unusual circumstances determined by the International
53 President, and the Board of Trustees.

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

60 Strike benefits will be **\$100.00** per day and will not exceed a
61 maximum of **\$1,200.00** per month.

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

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

73 Upon receipt of such notification, the General Secretary and
74 Treasurer shall prepare a list, in duplicate, and furnish each local
75 involved, showing all members of each local having jurisdiction over
76 striking members or members who may be affected by a legal strike or a
77 recognized union as they appear on monthly billing including home

78 addresses, space for social security number or social insurance number,
79 occupation and length of service which shall be identified as Form #1.
80 The President and Treasurer of each local shall complete Form #1 by
81 filling in the required blanks and return one (1) copy to the General
82 Secretary and Treasurer within ten (10) days. Form #1 must be signed
83 by the President and Treasurer of the local and notarized by a notary
84 public.

85 Upon receipt of Form #1, the General Secretary and Treasurer
86 shall prepare a strike payroll, in duplicate, from the information
87 contained therein. The strike payroll shall be known as Form #2 and
88 shall list striking members in alphabetical order with space provided for
89 number of days for which payment is claimed and amount of payment
90 due. The local treasurer will fill in the spaces as indicated noting any
91 changes from Form #1, i.e., additions, deletions, E-49, sick or injured,
92 vacation, death, retired, or members who, for any reason, are not
93 available for picketing or other duties required by the local. The
94 treasurer shall return the completed Form #2 on the 15th and the last
95 day of the month. The local seal must be affixed to all payrolls.

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

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

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

ARTICLE 93

UNITED STATES LEGISLATIVE DEPARTMENT

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

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

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

17 Beginning in 1972 the Chairperson of each State and District
18 Legislative Board shall convene the full Legislative Board not later than
19 **May 31st** following the completion of the quadrennial elections for Local
20 Legislative Representatives for reorganizational purposes which shall
21 include the election of officers and adoption of by-laws and procedures.

22 Beginning with the first reorganization meeting not more than two
23 (2) officers of the Executive Committee shall be elected from any one
24 craft except by a two-thirds (2/3) vote of the Legislative Board.

25 Incumbent officers and members of the Legislative Board shall be
26 eligible for election to the offices of the Executive Committee.

27 Nothing in this Article shall prevent a Legislative Board from
28 providing a residence property settlement, moving expenses and
29 transfer allowance for a Legislative Director who is required by the
30 consolidated Legislative Board to relocate his/her residence as a result of
31 a consolidation of State Legislative Boards.

32 If the Local Legislative Representative is unable to attend a
33 meeting of the full State or District Legislative Board, the Alternate
34 Legislative Representative of such local shall attend the meeting and
35 represent his/her local.

36 The officers of the Executive Committee and Alternate State
37 Legislative Director shall be elected by secret ballot of the members of
38 the Legislative Board during the quadrennial meeting except as
39 otherwise provided herein.

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

44 Officers of the Executive Committee shall assume the duties of
45 their offices upon election and their term of office shall extend for four
46 (4) years.

47 The Director will cast the deciding vote in case of a tie vote on
48 matters other than elections. In case of a tie vote in elections after the
49 fifth secret ballot, the Director shall then be permitted to vote.

50 In states where there is a Legislative Director and an Assistant
51 Legislative Director, a vacancy in the office of Legislative Director shall
52 be filled by the Assistant Legislative Director. A vacancy in the office of
53 Assistant Legislative Director shall be filled by the Alternate Legislative
54 Director. Any other vacancy shall be filled by a majority vote of the
55 Legislative Board in accordance with the Board's by-laws and
56 procedures.

57 The Chairperson of each State or District Legislative Board shall
58 preside over all meetings. He/she shall, through the Secretary of the
59 Legislative Board, issue the necessary summons to convene the
60 Executive Committee and/or Legislative Board as required by this
61 Constitution and at such other times as may be necessary.

62 Each State or District Legislative Board may adopt its by-laws and
63 procedures, including the filling of vacancies, establishing salaries,
64 setting the amount of Legislative Board dues, and such other matters
65 necessary for its operation, subject to the provisions of this Constitution.

ARTICLE 94

STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

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

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

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

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

21 All reasonable and proper expenses of a State or District
22 Legislative Board, Executive Committee, or officer or member thereof
23 when in the service of a Legislative Board shall be allowed as expense of
24 the Legislative Board. An itemized statement of expenses incurred, with
25 receipts for all items in excess of **\$24.00**, and any amount due for

26 services rendered shall be submitted to the Director of the Legislative
27 Board. When such statements are approved they shall be submitted to
28 the General Secretary and Treasurer for prompt payment. A copy of all
29 such statements shall be furnished to the Secretary of the Legislative
30 Board.

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

ARTICLE 95

DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS

1 The Executive Committee of each State or District Legislative
2 Board may be convened by the Director at least forty-five (45) days,
3 where possible, prior to each primary and general election, for the
4 purpose of endorsing candidates for State offices and to make
5 recommendations for candidates for the U.S. Senate and the House of
6 Representatives and to transact such other business as may be
7 necessary.

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

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

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

28 The Secretary of the State or District Legislative Board shall keep
29 a record and make a report of the proceedings of all meetings of the
30 Legislative Board and the Executive Committee and shall furnish the
31 Legislative Representative and Secretary of each local, under the

32 jurisdiction of the Board, and the International President with a copy of
33 the report.

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

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

48 All proposed legislation shall be submitted to the International
49 President for approval and copies of all bills introduced which may be
50 detrimental to labor shall be forwarded by Legislative Directors to the
51 International President.

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

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

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

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

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

1 Full-time officers and employees of State, Provincial, or District
2 Legislative Boards shall be granted vacation with pay, consistent with

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

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

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

ARTICLE 97

CANADIAN LEGISLATIVE DEPARTMENT

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

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

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

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

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

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

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

33 The Chairpersons of the Provincial Legislative Boards in Canada
34 shall constitute the Canadian Legislative Board and shall be convened at
35 the capital by the retiring Chairperson of the Board, or by the
36 International President, within a reasonable time after the several
37 Provincial Legislative Boards have been organized. It shall meet as such
38 other times as determined by a majority of its members. At the
39 quadrennial meeting, a Chairperson, Vice Chairperson, and Secretary
40 shall be elected whose terms of office shall be four (4) years or until
41 their successors have qualified. If a vacancy occurs in any office of the
42 Canadian Legislative Board during the interim between reorganization
43 meetings, a successor from among the Chairpersons of the Provincial
44 Legislative Boards shall be elected to fill the vacancy by the remaining
45 officers.

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

ARTICLE 98

DUTIES OF THE CANADIAN LEGISLATIVE BOARD AND PROVINCIAL LEGISLATIVE BOARDS

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

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

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

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

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

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

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

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

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

ARTICLE 99
CANADIAN LEGISLATIVE AND/OR PROVINCIAL LEGISLATIVE
BOARDS FINANCING

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

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

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

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

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

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

ARTICLE 100
DECLARATION OF POLICY OF THE UNITED TRANSPORTATION
UNION REGARDING INTERNATIONAL EMPLOYEES

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

- 4 (a) Join, organize or assist in organizing a labor organization or
5 association of their choice.

6 (b) Determine their bargaining representatives in accordance
7 with applicable Federal or State laws.

8 (c) Bargain collectively through their duty designated bargaining
9 representatives.

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

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

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

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

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

All Designated Legal Counsel (DLC) shall agree as a condition of becoming or remaining a DLC that he or she will be subject to and fully comply with the Rules of Conduct and decisions of the UTU Board of Ethics and Qualifications whose decisions shall be final, binding and conclusive. Each DLC shall, as a condition of becoming or remaining a DLC, shall specifically in writing waive any and all recourse to any court of law or any tribunal to challenge any action or decision of the Board, its members, or the officers and agents of the UTU which in any way relates to the DLC program.

All DLC shall agree as a condition of becoming or remaining UTU Designated Legal Counsel that he or she will comply with and be subject to the ABA Model Rules of Professional Conduct as well as the state-law professional responsibility rules and canons for the jurisdiction in which they practice.

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

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

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

Any and all payments, and gifts over \$100 in value, given by any DLC to any UTU or UTUIA officers, or staff member or other employee at the International, General Committee or Local level, or to any member, shall be reported to the Board of Ethics through the General Counsel's office on a form to be provided. Such report shall fully disclose the details of any payment or gift of whatever kind whether related or unrelated to Federal Employer's Liability Act (FELA) cases.

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

No DLC, under any circumstances, at any time, shall become involved in union politics. DLC's may, but are not required to, sponsor generic union social and fraternal events and Regional Meetings to promote unity and education among the union's officers and members.

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

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

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

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

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

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

Any civil, criminal, administrative or bar complaint, investigation or proceeding commenced against a DLC by any union member or governmental entity shall be immediately reported to the Board of Ethics.

If a state bar association or other body recommends a finding that a DLC or a member of their firm violated ethical obligations, or such violations are found by any court or other adjudicatory body, the DLC shall immediately notify the Board of Ethics.

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

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

The failure to comply with any of these Rules shall be cause for sanctions up to and including immediate revocation of the DLC designation by the UTU Board of Ethics and Qualifications, and in the case of UTU members, referral to the International President for corrective action consistent with the UTU Constitution.

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

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