SHEET METAL | AIR | RAIL | TRANSPORTATION

SMART

Constitution and Ritual

Revised and amended by the authority of the

3rd SMART GENERAL CONVENTION

Held in Las Vegas, Nevada | August 12-16, 2024

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of the International Association of Sheet Metal, Air, Rail and Transportation Workers

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Vice President/International Representative

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General Vice President
Vice President/International Representative

GENERAL OFFICE ADDRESS
United Unions Building, 1750 New York Avenue, N.W., Washington, D.C. , 20006-5386

Constitution and Ritual

OF THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS

Affiliated with American Federation of Labor and Congress of Industrial Organizations, North America's Building Trades Unions, Metal Trades Department, Maritime Trades Department, Union Label and Service Trades Department, Transportation Trades Department, Public Employee Department, and Railway Labor Executives' Association, and the Canadian Labour Congress.

REVISED AND AMENDED BY AUTHORITY OF
3RD SMART GENERAL CONVENTION
HELD AT LAS VEGAS, NEVADA
AUGUST 12–16, 2024

Preamble

Realizing the advantage and necessity of cooperative effort properly and legally directed to fully develop and demonstrate the possibilities of our trade in the various fields of industry and to protect our rights in connection therewith, we hereby pledge our united efforts and support as members of the International Association of Sheet Metal, Air, Rail and Transportation Workers to the accomplishment of said purpose.

In this age of organized effort, it is essential that those engaged at our trade must likewise organize in order to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every good citizen is entitled in return for their labor from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay.

For reasons stated herewith, we adopt this Constitution and Ritual and pledge our support and allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers of the United States and Canada, and as members thereof, we agree to be governed by the provisions, requirements, purpose and intent of this Constitution and all subsequent amendments thereto.

Article Twenty-One B (21B) sets forth the political structure and functioning of the Transportation Division including the selection, authority, duties and responsibilities of its officers. Other parts of the Constitution govern the operation of the association as a whole, including the Transportation Division. Where application of other parts of the Constitution to the Transportation Division would negate the provisions of Article Twenty-One B (21B), it is presumed that this is not the intent of the Constitution. Some provisions of the Constitution plainly apply to sheet metal workers and are to be interpreted as applying only to sheet metal workers unless there is no conflict between such provisions and Article Twenty-One B (21B) and application is necessary to address questions not answered in Article Twenty-One B (21B) or to provide uniformity in the administration of the association.

Table of Contents

ARTICLE ONE (1)
International Association 1

Section 1: Name and Location 1
Section 2: Membership 1
Section 3: Government 1–2
Section 4: Government Between Conventions 2
Section 5: Trade Jurisdiction 2-20
Section 6: Revenue and Funds 20-25
Section 7: Dissolution 25
Section 8: Assessments 25-27
Section 9: Insurance Benefits 27-28
Section 10: Responsibility 28

ARTICLE TWO (2)
General Officers 28

Section 1: Numbers and Titles 28-29
Section 1(a): Support for Campaign 29
Section 2: Qualifications 29
Section 3: Automatic Convention Delegates 30
Section 4: Mandatory Tender of Resignation 30
Section 5: Time of Election 31
Section 6: Method of Election 31-32
Section 7: Election Protest 32
Section 8: Term of Office 32
Section 9: Filling Vacancy in Office of General President 33
Section 10: Filling Vacancy in Office of General Secretary-Treasurer 33

Section 11: Filling Vacancies in Other General Offices 33-34
Section 12: Compensation and Expenses 34-35
Section 13: Pensions 35
Section 14: Charges and Trials of General Officers 36-38
Section 15: Surrender of Property 37

ARTICLE THREE (3)
General President 38

Section 1: General Duties and Authority 38-40
Section 2: Supervision of Local Unions, Councils, Local Committees of Adjustment, General Committees of Adjustment, Safety and Legislative Boards and Officers Thereof 40-45
Section 3: Supervision of Individual Members 45
Section 4: Meetings of Business Managers, Business Representatives and Regional Council Presidents, Managers and Representatives 46
Section 5: Attorneys 46
Section 6: Reports 46
Section 7: No Title 46
Section 8: No Title 46
Section 9: General President Emeritus 47
Section 10: No Title 47

ARTICLE FOUR (4)
General Vice Presidents 47

Section 1: General Duties 47-48

ARTICLE FIVE (5)
General Secretary-Treasurer 48

Section 1: General Duties 48-51

ARTICLE SIX (6)
General Executive Council 51

Section 1: No Title 51-52
Section 2: General Duties 52
Section 3: Finance Committee 52-54
Section 4: Procedure When Not in Session 54
Section 5: Reports 54

ARTICLE SEVEN (7)
General Conventions 54

Section 1: Time and Place 54-55
Section 2: Representation and Vote 55-56
Section 3: Qualifications and Election of Delegates 56-57
Section 4: Committee on Credentials
and General Secretary-Treasurer's Report 57-58
Section 5: Delegate Credentials 58
Section 6: Delegate Compensation 59
Section 7: Constitution Committee: Appointment and General Duties 59
Section 8: Committees General 60
Section 9: Committee Compensation 60-61
Section 10: Quorum 61
Section 11: Order of Business 61-62
Section 12: Attendance of General Officers 62
Section 13: Convention Guests 62
Section 14: Special Conventions 62-63
Section 15: Resolutions 63
Section 16: No Title 64

ARTICLE EIGHT (8)
International Staff 64

Section 1: Appointment 64
Section 2: Qualifications 64
Section 3: Duties 64-65
Section 4: Director's Offices 65
Section 5: Compensation 65-66

ARTICLE NINE (9)
State, Provincial, District and Regional Councils 66

Section 1: Organization 66
Section 2: Charter Application 66-67
Section 3: Government 67
Section 4: Pensions 67
Section 5: Regional Councils 67
Section 6: Charter Application 68
Section 7: Government 68

ARTICLE TEN (10)
Local Unions 68

Section 1: Charters 68-69
Section 2: Revenues, Fees And Dues 69-79
Section 3: Assessments 79
Section 4: Government 79
Section 5: Local Rules, Regulations and Policies 79-80
Section 6: Meetings 80-82
Section 7: Merger or Separation 82
Section 8: Voluntary Dissolution 82-83
Section 9: Automatic Suspension and Forfeiture of Charter 83

Section 10: Surrender of Property 84-85
Section 11: Reports 85-86
Section 12: Official Supplies 86
Section 13: Local Union Funds 86-87
Section 14: Disbursements 87
Section 15: Committees 87-88
Section 16: Appeals for Aid 88
Section 17: General Obligations 88-89

ARTICLE ELEVEN (11)
Local Union or Council Benefit Plans 89
Section 1: Responsibility 89-90

ARTICLE TWELVE (12)
Local Union Officers, Business Managers,
and Business Representatives 90
Section 1: Number of Officers and Titles 90-91
Section 1(a): Support for Campaign 91
Section 2: Number of Business Managers and Business Representatives 91-92
Section 3: Qualifications 92-94
Section 4: Nomination 94
Section 5: Notice 94
Section 6: Elections 95-98
Section 7: Term of Office 98
Section 8: Vacancies 98-99
Section 9: Salaries 99-100
Section 10: Pensions 100-102
Section 11: Removal 102-103
Section 12: Training 103

ARTICLE THIRTEEN (13)
Duties of Local Union Officers, Business Manager, and Business Representatives 104

Section 1: Duties of Local Union President 104

Section 2: Duties of Local Union Vice President 104

Section 3: Duties of Recording Secretary 104-105

Section 4: Duties of Financial Secretary-Treasurer 105-110

Section 5: Duties of Trustees 110-111

Section 6: Duties of Conductor 111

Section 7: Duties of Warden 111

Section 8: Duties of Business Manager, Business Representatives and Organizers 111-113

Section 9: Convention Delegates 113

ARTICLE FOURTEEN (14)
Local Union Executive Board 114

Section 1: Membership 114

Section 2: Meetings 114

Section 3: Duties 114-115

ARTICLE FIFTEEN (15)
Stewards 115

Section 1: Appointment 115

Section 2: Duties 115-116

ARTICLE SIXTEEN (16)
Membership 116

Section 1: Qualifications 116-119

Section 2: Application for Membership 120

Section 3: Initiation and Reinitiation 120-121

Section 4: Forfeiture of Initiation Fee 122
Section 5: Unauthorized Fees 122
Section 6: Withdrawal Cards 122-125
Section 7: Limited Membership 125-126
Section 8: Members Entering The Armed Forces 126-128
Section 9: Transfer Cards 128-132
Section 10: Portability of Labor/Travelers 132-134
Section 11: Suspension of Delinquent Members 135
Section 12: Reinstatement 135-137
Section 13: Maintenance of Good Standing 137-138
Section 14: Resignation 138-139
Section 15: Honorary Member 139

ARTICLE SEVENTEEN (17)
Misconduct and Penalties 139
Section 1: Officers, Members and Representatives 139-142
Section 2: Local Unions, Councils, Committees and Boards 142

ARTICLE EIGHTEEN (18)
Charges and Trials 142
Section 1: Officers, Representatives or Members of Local Unions or Councils 142-144
Section 2: Trial in Local Unions 144-148
Section 3: Trial by International Trial Board 148-149
Section 4: Former or Inactive Members 150
Section 5: Summary Disposition 150
Section 6: Fines 151-152

ARTICLE NINETEEN (19)
Appeals 152

Section 1: Who May Appeal 152
Section 2: Appeals Procedure 153-155
Section 3: Decisions on Appeal 155-156
Section 4: Appeals to the General Convention 156-157
Section 5: Compliance Pending Appeal 157-158
Section 6: Deferred Appeals 158
Section 7: No Title 158
Section 8: Appeals to Courts 158-159

ARTICLE TWENTY (20)
Official Communications 159

Section 1: No Title 159
Section 2: No Title 159
Section 3: No Title 159

ARTICLE TWENTY-ONE A (21A)
Railroad, Mechanical and Engineering Department 160

Section 1: Jurisdiction and Authority 160
Section 2: Government 160-161
Section 3: General Committee Convention 161
Section 4: General Committee Officers 161-162
Section 5: Duties of General Chairperson 163-164
Section 6: Financial Secretary-Treasurer 164-165
Section 7: Trustees 165
Section 8: Revenue and Funds 165
Section 9: Collective Bargaining 166
Section 10: Compliance 166-167

Section 11: Initiation Fee, Reinitiation Fee & Reinstatement Fees and Withdrawal Cards 167-171

Section 12: Local Chairperson 171-172

ARTICLE TWENTY-ONE B (21B)
Transportation Division 172

Section 1: Name of Division 173

Section 2: Transportation Division Officers, Boards and Members 173-175

Section 3: Removed 175

Section 4: Removed 176

Section 5: Delegates 176-177

Section 6: Transportation Division Convention 177-178

Section 7: Eligibility for Transportation Division Office 178-179

Section 8: Election and Installation of Transportation Division Officers 179-180

Section 9: Term of Office 180

Section 10: Reports of Officers 180

Section 11: Deleted in its Entirety 180

Section 12: Transportation Division Dues and Assessments 180-182

Section 13: Removed 182

Section 14: Removed 182

Section 15: Bonding of Transportation Division Officers and Employees 182

Section 16: President Transportation Division 183-184

Section 17: Removed 184

Section 18: Duties of the Vice President-International Representatives 184

Section 19: Removed 184

Section 20: Association of Safety and Legislative Directors 185

Section 21: Duties of National Safety and Legislative Director **185-187**

Section 22: Removed **187**

Section 23: Duties of the Board of Directors **187-188**

Section 24: Removed **188**

Section 25: Removed **188**

Section 26: Removed **188**

Section 27: Board of Appeals **188-189**

Section 28: Officers, Members, or Subordinate Bodies Shall Not Resort to Civil Courts Until All Appeals Have Been Made in Accordance With This Constitution **189**

Section 29: Compensation and Vacation Benefits of Transportation Division Officers, Board Members and Staff Members Who Hold Seniority in a Craft on a Property Where SMART Holds Representation Rights **190**

Section 30: Fiscal Year **191**

Section 31: Removed **191**

Section 32: Printing and Supplies **191**

Section 33: Official Publications **191-192**

Section 34: Endorsement of Souvenirs, Etc. **192**

Section 35: Order of Business of the Transportation Division Convention **192-193**

Section 36: Rules of Order, Transportation Division Convention **193-198**

Section 37: Printing and Distribution of Constitution **198**

Section 38: Saving Clause **199**

Section 39: Locals **199-200**

Section 40: Jurisdiction and Authority **200**

Section 41: Membership **200-201**

Section 42: Continuous Membership **201**

Section 43: Membership Cards **202**

Section 44: Authority to Represent **202**
Section 45: Duties of Members **203**
Section 46: Visiting Members **203**
Section 47: Transfer of Members **203-204**
Section 48: Local Funds **205-206**
Section 49: Payment of Dues and Assessments **206-207**
Section 50: Suspensions **207**
Section 51: Readmission **207**
Section 52: Registers **208**
Section 53: Rights and Benefits **208**
Section 54: Local Maintenance of Membership Fund **208-209**
Section 55: Time and Place of Meeting **209**
Section 56: Officers and Locals **209-210**
Section 57: Elections in Locals **210-214**
Section 58: Installation of Local Officers **214-215**
Section 59: Duties of the Local President **215-216**
Section 60: Duties of the Local Vice President **216**
Section 61: The Local Past President **216**
Section 62: Duties of the Local Past President **216**
Section 63: Duties of the Local Secretary **216-217**
Section 64: Duties of the Local Treasurer **217-218**
Section 65: Removed **218**
Section 66: Duties of Local Safety and Legislative Representatives **218-219**
Section 67: Duties of the Local Board of Trustees **219**
Section 68: Local Elective Office or Position Declared Vacant **219-220**
Section 69: Local Appointive Office Declared Vacant **220**
Section 70: Vacations—Local Officers and Committeepersons **220-221**

Section 71: Bonding of Local Officers **221**

Section 72: Surplus Assets of Locals **221**

Section 73: Revoking or Surrendering Local Charters **222-223**

Section 74: Charges and Trials — Officers, Committeepersons, and Members of Locals, General Committees of Adjustment and Safety and Legislative Boards **223-231**

Section 75: Appeals

I: To the Board of Appeals **231-232**

II: To the Board of Directors **232-233**

III: Procedures **233**

Section 76: Local Rules of Order **233**

Section 77: Conduct of Local Meetings **234**

Section 78: Void **235**

Section 79: Considerations of Grievances **235**

Section 80: Preservation of Craft Autonomy **235-236**

Section 81: Local Committees of Adjustment **237-239**

Section 82: General Committee of Adjustment **239-245**

Section 83: Retired Members **245**

Section 84: General Committee Financing **245-246**

Section 85: Duties of General Committees of Adjustment **246-248**

Section 86: Vacation — General Committeepersons **248-249**

Section 87: Chairperson of General Committee **249-250**

Section 88: Vice Chairpersons of General Committee: **250**

Section 89: Secretary of General Committee **250**

Section 90: Mergers, Leases, Coordinations, Etc. **250-252**

Section 91: Association of General Chairpersons **252-255**

Section 92: Strikes **255-258**

Section 93: Safety and Legislative Department 258-260
Section 94: State or District Safety and Legislative Board Financing 261-262
Section 95: Duties of State or District Safety and Legislative Boards 262-264
Section 96: Vacations — State or District Safety and Legislative Boards 264-265
Section 97: Deleted 265
Section 98: Deleted 265
Section 99: Deleted 265
Section 100: Declaration of Policy of the Transportation Division Regarding International Employees 265-266

ARTICLE TWENTY-TWO (22)
Production Worker Local Unions 267
Section 1: Representation and Bargaining 267
Section 2: No Title 267
Section 3: No Title 267-268
Section 4: Government 268
Section 5: Requirements For Local Union Charter 268
Section 6: Application For Membership, Initiation and Initiation Fee 268-270
Section 7: Reinstatement and Reinitiation Fee 270-271
Section 8: Councils 271
Section 9: Dues Payment 271
Section 10: Transfer 272
Section 11: Union Employer 272
Section 12: Stewards 273
Section 13: Withdrawal Cards 273-275

ARTICLE TWENTY-THREE (23)
Pre-Apprentices and Apprentice-Members 275

Section 1: No Title 275
Section 2: No Title 275-277
Section 3: No Title 277
Section 4: No Title 277
Section 5: No Title 277-278
Section 6: No Title 278
Section 7: No Title 278
Section 8: No Title 279
Section 9: No Title 279
Section 10: No Title 279

ARTICLE TWENTY-FOUR (24)
Organizing, Apprentice/Organizing, and Education 279

Section 1: No Title 279-280
Section 2: No Title 280-281

ARTICLE TWENTY-FIVE (25)
Union Label 281

Section 1: No Title 281
Section 2: No Title 281
Section 3: No Title 281
Section 4: No Title 281-282
Section 5: No Title 282
Section 6: No Title 282
Section 7: No Title 282-283
Section 8: No Title 283

ARTICLE TWENTY-SIX (26)
Union Shop 283

Section 1: No Title 283

ARTICLE TWENTY-SEVEN (27)
Union Shop Card 283

Section 1: No Title 283

Section 2: No Title 284

Section 3: No Title 284

ARTICLE TWENTY-EIGHT (28)
Standard Form of Union Agreements 284

Section 1: No Title 284

Section 2: No Title 284-285

Section 3: No Title 285-286

Section 4: No Title 287

Section 5: No Title 287

ARTICLE TWENTY-NINE (29)
Delegates to AFL-CIO and Members on Special Assignment From International Association 287

Section 1: No Title 287

ARTICLE THIRTY (30)
Strikes 288

Section 1: Strike/Defense Fund 288

Section 2: National Joint Adjustment Board Expenses 288

Section 3: Strikes 288-289

Section 4: Strike Benefits 289-292

Section 5: Lockouts 292

Section 6: Financial Assistance 292-293

ARTICLE THIRTY-ONE (31)
Union Initiatives 293

Section 1: Political Action League 293-294

Section 2: Canadian Initiative Fund 294

ARTICLE THIRTY-TWO (32)
General Convention and Conference Fund 294

Section 1: No Title 294

ARTICLE THIRTY-THREE (33)
Amendments and New Laws 294

Section 1: Amendments 294-296

Section 2: State of Emergency 297

ARTICLE THIRTY-FOUR (34)
(No Title) 297

Section 1: Invalidity 297-298

Section 2: Gender Neutral 298

Section 3: Updated Names and Titles 298-299

ARTICLE RITUAL 300

Initiation Ceremonies: 300-302

Installation Ceremonies: 302

Obligation of Local Union Officers, Business Managers
and Business Representatives: 302-303

Obligation of General Officers: 303

Parliamentary Rules: 303-307

APPENDIX 308

Resolution 78: 308-309

INDEX 310

CONSTITUTION

ARTICLE ONE (1)
International Association

SECTION 1 – NAME AND LOCATION

SEC. 1. This organization shall be known as International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and its principal office shall be located in the Washington, D.C. metropolitan area. The Transportation Division (TD) is located in the Cleveland, Ohio area. Divisions of the International Association, or functions thereof, may be located elsewhere, if the General President, subject to approval of the General Executive Council, determines such action is necessary. The General Executive Council shall have the authority to amend the name of the organization between conventions to any other name so long as the words "Sheet Metal" and "Transportation" remain in the name.

SECTION 2 – MEMBERSHIP

SEC. 2. This Association shall consist of duly chartered local unions and state, provincial, district and regional councils, local committees of adjustment, general committees of adjustment and safety and legislative boards whose officers and members subscribe to and observe the provisions of this Constitution and Ritual and such rules, policies and regulations as may be established by this Association. This Association is committed to representing all workers in our industries to ensure the future of our union and its members.

SECTION 3 – GOVERNMENT

SEC. 3. The final jurisdiction over subjects pertaining to this Association and the ultimate government, supervision and superintendence of all divisions, local unions, state, provincial, district and regional councils,

local committees of adjustment, general committees of adjustment, safety and legislative boards and the officers and members thereof shall be vested in the duly elected, qualified and seated delegates in the regular or special Convention of this Association. No executive or judicial authority or jurisdiction herein conferred upon divisions, local unions, state, provincial, district and regional councils, local committees of adjustment, general committees of adjustment, safety and legislative boards or the officers or members thereof shall supersede that exercised by such Conventions whether such authority is exercised by such Conventions initially or upon appeal.

SECTION 4 – GOVERNMENT BETWEEN CONVENTIONS

SEC. 4. Between Conventions, all general executive, administrative and judicial powers of this Association shall be vested in the General Executive Council set forth in this Constitution.

SECTION 5 – TRADE JURISDICTION

PREAMBLE

SEC. 5(a). The work described in this section is not exclusive. The jurisdiction of this Association extends to all work related to, and new processes and products, including any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein which are similar in function to, that specifically described. The industrial divisions in this section are solely for convenience or reference and show the types of work commonly performed in the industrial sector indicated in the division. The Association has established and claims full jurisdiction of these types of work regardless of the industry in which it is performed.

SEC. 5(b). Each local union and council of this Association and all officers, representatives and members thereof are obligated to recognize, protect and to be governed by the jurisdictional rights as set forth

herein, and no local union, council, officer, representative, or member thereof shall waive or relinquish claim to any such work or submit same to arbitration except with the approval and authority of the General President.

SEC. 5(c). Any and all welding, including but not limited to laser welding, rigging and hoisting in connection with all work specified in Article One (1), Section 5.

SEC. 5(d). Nothing contained in this Section 5 shall be construed as any limitation on the jurisdictional claims of this Association to production work.

AUTOMOTIVE INDUSTRY

SEC. 5(e). Any and all types of sheet metal work, coppersmith work and mechanical work in connection with or incidental to the manufacture, fabrication, assembling, maintenance and repair of automobiles, buses, trucks, airplanes, pontoons, dirigibles, blimps, and other type of aircraft and equipment, and any and all types of aircraft hangars.

SEC 5(f). Any and all sheet metal work used in automotive, industrial and equipment assembly plants including, but not limited to, paint shops, electric vehicle manufacturing facilities, battery fuel cell manufacturing facilities, pre-treatment, powder coating systems, all housings and all tanks and associated pans including phosphate and electrocoating regardless of material, blow-off and feather dusting equipment, spray booths, miscellaneous booths, tunnels and canopies regardless of material, conveyor and shelving drip pans, all doors required for complete system installation, ovens, heater boxes, air houses, filter boxes, duct systems including, but not limited to process duct, process pipe, coated duct and plenums regardless of material, ladders, platforms, grillage steel, handrails and associated supports required for complete system installation, abatement systems including but not limited to RTO's, fluidised bed concentrator systems and related components, exhaust gas & air pollution control, stacks and

associated components, burner boxes, baghouses, dust collection systems, insulated oven panels, all clean room enclosures, eliminator sections, wet and dry scrubbers, any and all welding, rigging signaling and hoisting and applying coatings and/or finishes inside and outside of all fabricated products.

BUILDING ENCLOSURE

SEC. 5(g). Any and all types of formed, rolled, drawn, stamped, pressed sheet metal shingles, sheet metal tile, sheet metal brick, sheet metal stone and sheet metal lumber, when specified for use as roofing, siding, cladding waterproofing, weatherproofing, fireproofing, soundproofing or for ornamental or any other purpose; the installation of metal composite material (MCM), aluminum composite material (ACM), exterior cladding panel attachment systems and/or sub-framing systems, insulated composite back-up panel systems, fascia trim moldings and appurtenances required for a complete installation; the installation of all forms of nailable substrates (e.g. plywood, pressboard, chipboard, drywall or other laminates) on the roof deck wherever such materials are used as an integral thermal insulation component or support of the roofing system thereto; all laying of felt, paper, membranes, ice shields, air barriers, vapor barriers, rain screen systems or similar underlayment on sloped or flat roof structures, siding and cladding systems regardless of type or material or manufacture; all forms of insulation used as a part of or in connection with roofing, siding and curtain wall; the installation of all extruded, rolled or fabricated metals or any materials that replace same, such as plastics, metal tubes and shapes used as operable or inoperable sun screens, mullions, porcelain, natural stone, plastic panels, terra cotta panels (Terra Clad or similar), high pressure laminate (HPL) panels (Trespa or similar), ultra-high performance concrete (UHPC) and any product used as a rain screen, including glass panels in any or all of the buildings related to store fronts, window wall and curtain wall construction, including welding of attachments to building structure.

SEC. 5(h). Any and all sheet metal work regardless of material specified for use in connection with or incidental to steeples, domes, minarets, lookouts, dormers, louvers, ridges, coping, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashing, gravel stops, leader heads, downspouts, mansards, balustrades, skylights, metal siding and composite panels including supports, studs, sheathing, drywall and related materials, solar shingle panels, PVC metal and all other types of coated metal or materials used in place thereof, cornice molding, columns, capitals, panels, pilasters, mullions, spandrels and any and all other shapes, forms and design of sheet metal work specified for use for waterproofing, weatherproofing, fireproofing, soundproofing, ornamental, decorative or display purposes, or as trim on exterior of buildings.

SEC. 5(i). Any and all types of sheet metal buildings including hangars, garages, service stations, commercial or storage buildings of permanent or portable design, whether manufactured, fabricated, or erected to meet specific requirements or whether constructed of standard patented units of flat, formed in brake, corrugated, rolled, drawn, or stamped sheets, shapes and forms of plain, protected or ornamental design.

SEC. 5(j). Any and all types of sheet metal marquees, vestibule and storm door enclosures, window frames, molding, cornices, pilasters, mullions, panels, sills, heads, awning covers, corner posts, stops, light trough reflectors and deflectors, bulletin boards and any and all types of sheet metal signs specified for use in connection with or incidental to display windows, building fronts, store fronts, and theater fronts, for fireproofing, weatherproofing, waterproofing, ornamental or display advertising purposes.

ROOFING, DAMP AND WATERPROOFING

SEC. 5(k). The right to apply and install (i) slate, tile, asbestos and asphalt roofing shingles and all cementing, laying of felt, paper, insulation or other underlayment, dressing, punching, cutting either by hand or by machinery in connection with slate, tile, asbestos and asphalt

shingles and any and all substitute materials taking the place of slate, tile, asbestos and asphalt shingles and the removal of slate and tile when the same is to be re-laid.

(ii) Above deck roof self-adhered or fluid applied, air barrier, vapor barriers, weather resistant barriers of all kinds, roof insulation of all kinds, composition and built-up roofing of all kinds including hot and cold applied, single ply application, prepared, plastic, fluid applied, sheet applied and mastic roofing, all associated roof surfacing including aggregates, coating, traffic planks, and decorative finishes. Any materials used as a substitute or taking the place of metal and all forms of elastomeric and/or plastic (elastoplastic) roofing systems, both sheet and liquid, whether single-ply or multi-ply such as bituminous, vinyl, PVC, tile, slate, shingles or similar substitute products.

(iii) Any and all materials used for damp proofing, waterproofing and/or weatherproofing regardless of location in building system or method of application of all laying of tile, brick, wood block, mastic or composition decks or floor when laid in pitch, tar, mastic or any other form of bitumen, all pre-formed waterproofing, compressed paper, chemically prepared paper, burlap and substitute waterproofing products.

(iv) All slabs of precast concrete, composition, mineral or other such materials placed over roofing or waterproofing.

(v) Unloading, handling and hoisting of all tools and materials to be used in connection with the work described above except where cranes or other heavy equipment is required. Employees shall operate their own job site equipment including but not limited to pumps, kettles, burners, hoists, spray guns, conveyors, mixers and all gasoline, propane or electrically powered equipment used in composition roofing system installations.

(vi) Any and all materials used in connection with the Environmentally Friendly Green Roofing Systems, including roofing, damp proofing, waterproofing and weatherproofing regardless of location and maintenance thereof.

CONCRETE FORMS

SEC. 5(l). Any and all types of sheet metal foundation forms, wall forms, column forms, casings, molding, plain or corrugated domes, slab forms, flat, ribbed or corrugated sheet forms used in connection with concrete or cement construction, including sheet metal inserts to provide specified openings, also permanent column guards.

FOOD PROCESSING / FOOD PREPARATION

SEC. 5(m). Any and all sheet metal work in connection with or incidental to the equipment and operation of kitchens in hotels, restaurants, hospitals, lunch rooms, drug stores, banks, dining cars, public and semi-public buildings, including ranges, canopies, steam tables, work tables, dishwashers, coffee urns, soda fountains, warming closets, sink drainboards, garbage chutes and incinerators, refrigerators and other sheet metal work in connection with kitchen equipment or refrigerating plants.

SEC. 5(n). Any and all types of work for the food processing, packaging, bottling or canning industry (human and animal) including but not limited to; hop, juice, dairy, winery, breweries, distilleries, vegetable, potato, cannabis and hemp processing facilities. Including the design, fabrication, handling, setting & installing of all equipment and manufactured components including: decks, catwalks, stairs, handrails, all equipment supports, guarding, augers, spouting, conveyors, chutes, vibratory pans, peelers, blanchers, fryers, dryers, evenflow bins, hop kilns, hop picking machines, tanks, process piping, hoppers, packaging equipment, scales, chillers and freezers, pressure vessels, palletizing equipment, shakers, waste clarifiers of waste water, sizers, sorters, de-stemmers, cutters, DynaMisers, any and all welding, rigging, signaling and hoisting.

GENERAL SHEET METAL

SEC. 5(o). Any and all types of sheet metal window frames, sash, bucks, doors, frames, trim, picture molding, freeze molding, wire molding, chair

rail and base panels, wainscoting, mullions, pilasters, sills, permanent vestibule partitions, smoke and fire screens, portable and permanent screens and partitions for hospitals, office, commercial and factory use, toilet, shower and dressing room partitions, handrails, elevator and other types of enclosures specified for use as equipment and interior trim.

SEC. 5(p). Any and all types of sheet metal ceilings with cornices and molding of plain, ornamental, enameled, glazed, or acoustic type, and any and all types of side walls, wainscoting of plain, ornamental, enameled, or glazed types, including sheet metal tile, and the application of all necessary wood or metal furring, plastic or other materials, to which they are directly applied and the interior application of any and all types of sheet metal wall panels, manufactured metal or metal composite material (MCM), aluminum composite material (ACM) panels, high pressure laminate (HPL) panels (Trespa or similar), column covers, trim moldings and related appurtenances required for a complete installation.

SEC. 5(q). Any and all moving picture booths and any and all sheet metal work in connection with indirect lighting systems, including side lights and foot lights in theaters, auditoriums, schools, etc.

SEC. 5(r). Any and all types of sheet metal furniture and equipment, lockers, shelving, library stacks, warehouse, factory and storage stacks, bins, sinks, drainboards laboratory equipment, etc., specified for use as equipment or incidental to the operation of offices, factories, libraries, hotels, hospitals, apartments, schools, banks, public and semi-public buildings, and for general commercial use, and any and all types of caskets and coffins.

SEC. 5(s). Any and all types of sheet metal work in connection with or incidental to laundry equipment and machinery, washers, clothes dryers and laundry chutes.

SEC. 5(t). Any and all types of sheet metal chandeliers, lamps and lighting fixtures, ornaments, decorations, household ware, and miscellaneous articles for use in factories and mills; any and all types of

sheet metal switch boxes, cut-out boxes, panel boards, cabinets and speaking tubes.

SEC. 5(u). Any and all types of sheet metal badges, buttons and novelties with all hard or soft soldering in connection with same by flame or other method.

SEC. 5(v). Any and all types of sheets, tubing, pipes and fittings, used in connection with or incidental to coppersmith work, regardless of gauge or material. The manufacture, fabrication, assembling, erection, maintenance, repair and dismantling of all said coppersmith work, including the bending of tubes, pipes and coils and all pipe fitting in connection with or incidental thereto, and the testing of equipment when installed to insure proper operation.

HAZARDOUS MATERIALS / DUCT CLEANING

SEC. 5(w). Any and all work on structures and systems involving sheathing, encapsulating, neutralizing, decontaminating, ducting, vending, removing, bagging, boxing, wrapping, transporting or otherwise disposing of matter in solid, liquid, or gaseous form that is, or may be, toxic, noxious, noisome, poisonous, infectious, or otherwise hazardous to health including, but not limited to, radon or other harmful gas, fibrous glass, asbestos or other friable or particulate matter, and material contaminated by chemical, bacterial, microbiological, or radioactive substances.

SEC. 5(x). The manual, mechanical and chemical cleaning of all interior and exterior duct and Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR) systems and equipment, including but not limited to: duct cleaning and cleaning in connection with building environmental heating, ventilating, air conditioning and cooling systems including risers, stacks, ducts, fittings, dampers, louvers, frames, grills, registers, diffusers, outlets, radiators, coils, washers, filters, kitchen exhaust systems and enclosures, plenums, fans and motors, under floor systems and all building environmental systems, and all work in

connection with indoor air quality including post-cleaning reports, as well as all work specified in this Article.

HVAC / BUILDING INTERIOR ENVIRONMENT

SEC. 5(y). This Association has established and claims full jurisdiction over the estimating, project management, manufacture, fabrication, downloading/uploading/inputting electronic information for fabrication, erection or installation, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, applying coatings and/or finishes, commissioning, testing, servicing and maintenance of all Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR) and sheet metal work, all working drawings, cutsheets or sketches (including those taken from original architectural and engineering drawings and sketches) used in fabrication and erection including the use of robotics and any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein that serves the same or similar purpose; said jurisdiction to include all flat, formed in brake or press, corrugated or ribbed sheets and all rolled, drawn, pressed, extruded, stamped or spun tubing, shapes and forms of plain or protected steel, iron, tin, copper, brass, bronze, aluminum, zinc, lead, German silver, Monel metal, stainless or chrome steel or any and all other alloy metals, ferrous and non-ferrous, together with all necessary or specified reinforcements, brackets, hangers, straps, plates, tees, angles, beams, channels, furring, supports, anchors, rods, chains, clips, frames, ornaments, trimmings, grilles, registers, castings, hardware and equipment, mechanical or otherwise, regardless of gauge, weight or material when necessary or specified for use in direct connection with or incidental to the manufacture, fabrication, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, testing and maintenance of all sheet metal work; said jurisdiction to also include the fastening of any and all materials and equipment

specified in this jurisdictional claim, whether same be applied to wood, steel, stone, brick, concrete or other types of structure, base or materials, with full jurisdiction over the making of all connections, attachments, seams and joints, whether nailed, screwed, bolted, riveted, cemented, poured, wiped, soldered, brazed, welded or otherwise fastened and attached, and all drilling and tapping, laser cleaning or other methods of preparation in connection with or incidental thereto. The handling, setting and maintenance of any and all types of temporary heating, cooling or ventilating equipment and the installation of related duct, flex, hose or other types of air conveyance required during the construction, remodel or demolition of a building structure or underground tunnel.

SEC. 5(z). Any and all types of sheet metal work, Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR), design, detailing, building information modeling (BIM), fabrication, erection, installation, service, maintenance, performance verification and operation in connection with or incidental to direct, indirect or other types of HVACR, regardless of materials used. Building environmental systems, risers, under floor air distribution systems, stacks, ducts, fittings, testing and sealing of all air distribution systems including ducts, plenums and/or building cavities utilized for the distribution of ventilation or conditioned air, hot and cold aisle containment systems, variable air volume boxes (VAV), constant air volume boxes (CAV), chilled beams, convectors, refrigerant piping, roof top units (RTU), heat recovery wheels, system economizers, electrical and acoustical sound attenuation equipment, dampers, louvers, hoods, casings, recess boxes, outlets, radiator enclosures, exhausts, ventilators, frames, grilles, registers, diffusers, chilled beams, cabinets, plenums, fans and motors, air washers, filters, air brushes, housings, air conditioning chambers, all setting, hanging and start-up of air conditioning and heating units, unit heaters, or airveyor systems and condensing units, evaporator coils, heat pumps, evaporative cooling units, variable refrigerant flow (VRF) systems, refrigeration piping, direct digital controls, fault detection controls,

building environmental sensor systems, air handling and air treating systems, natural ventilation systems and controls, including all equipment and/or reinforcements and support systems in connection therewith. Any and all types of testing, adjusting and balancing, including but not limited to air and hydronic (water) testing, adjusting and balancing, system acceptance testing, functional performance testing, ventilation verification, including indoor air quality, commissioning and retro-commissioning performed in conjunction with HVACR and/or other building environmental systems including fire life safety systems validation and verification including fire damper, fire/smoke damper, stairwell pressurization and smoke evacuation systems.

Design, installation, detailing, BIM, commissioning, retro-commissioning, functional performance testing, acceptance testing, service, operation and maintenance of all smog control, filtration and cleaning of air systems and equipment, air pollution and recovery systems and component parts thereof, including setting of same by any method, any and all work in connection with and/or incidental to the manufacture, fabrication, handling, erection, installation, maintenance and repair of solar energy systems, including but not limited to residential, commercial, institutional and industrial installation and any and all other sheet metal work and equipment, mechanical, service, or otherwise, in connection with or incidental to the proper installation, servicing and operation of said systems, and all duct and mechanical connections to and from same including all equipment and/or reinforcements and support systems in connection therewith.

Any and all installation and removal of lagging, all lagging over insulation, combined insulated siding panels utilized for personnel protection and/or insulation of industrial ventilation systems, steam pipes, bag houses, precipitators, turbines, ball mills and all duct lining utilized in commercial HVACR air distribution systems, duct wrap of any type or material, including but not limited to rigid board insulation, fire stop, and the fabrication and installation of reflective metal insulation.

SEC. 5(aa). Any and all types of energy and indoor environmental quality auditing (IEQ) used in connection with or incidental to energy management and commissioning of buildings including analyzing utility rates, weather data, energy consumption records, contract drawings and specifications, as-built drawings, operating logs; surveying building site and envelope; investigating space utilization and operating practices; observing and testing lighting, power, heating, ventilating, air conditioning, humidification, automatic control, food service, transportation, heat recovery solar and process systems; performing operation and maintenance energy conservation measures; monitoring results of energy management retrofit measures; servicing energized systems after retrofit.

SEC. 5(bb). Green Work. Any and all selection and layout of HVACR equipment, system, and control requirements, any and all sheet metal work, and the planning, design, implementation of workflow of any and all HVACR and sheet metal components, materials and subassemblies in conjunction with the design, development, layout, implementation, construction and documentation performed as any part of a building rating method, process, procedure or system either for new construction or renovations or retrofits of HVACR systems and sheet metal work falling under said rating method, process, procedure or system. This applies but is not limited to building rating method, process, procedure or system such as the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Green Building Rating System, Green Globes™ certification by The Green Building Initiative (GBI) or the Building Research Establishment Assessment Method (BREAM) Canada as adopted by the Canadian Standards Association (CSA).

Any and all auditing, energy efficiency studies, commissioning, testing, servicing and maintenance of all HVACR and sheet metal work in connection with a building rating method, process, procedure or system either for new construction or renovations or retrofits of HVACR

systems and sheet metal work falling in part or whole under said rating method, process, procedure or system as described above.

SEC. 5(cc). All drawings, detailing, remote detailing and sketches by computer-aided design (CAD), hand, backgrounds, as-builts, coordination (including collision detection), MEP coordination, used in shop fabrication and/or field erection, computer-aided manufacturing and pick off/take off (cut sheets) — the transformation, manual or electronic, from shop drawings to shop fabrication of ductwork and all related items, including any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein that serves the same or similar purpose.

SEC. 5(dd). The operation of any and all types of 3D laser scanners, global positioning system (GPS), radio frequency (RF), augmented reality devices, unmanned aerial vehicles (UAV) or photogrammetry used to gather, download or report dimensions, measurements, data points, and the exportation of such data to CAD and BIM programs used to create 2D or 3D models used for fabrication shop drawings, cut sheets or installation drawings within the claimed jurisdiction of SMART including data used for the generation of reports and analysis of thermal imaging or heat mapping.

SEC. 5(ee). All project management, estimation, detailing, shop fabrication, field installation, performance-oriented tasks such as testing and balancing performed by or with the iTi's Construction Coordination Software (CCS) or similar software, which includes, but is not limited to the tasks of: scheduling, tracking, reporting, purchasing and ordering of materials; pick-off/take-off and drawing creation; shop drawing creation, as-built drawing creation and batch creation for fabrication; downloading/uploading/inputting of all electronic information used for fabrication and erection, scheduling, inventory control, batch creation for fabrication and tracking; updating status of project completion, hanger placement using a total station, batch creation for fabrication and scheduling TAB reporting, energy audits,

commissioning and retro commissioning; user account creation, networking and standard creation.

SEC. 5(ff). The erection of all computer rooms, clean rooms and dry rooms including ceilings, floors, walls, and related appurtenances required for a complete installation and the fabrication and installation of any and all types of air systems including but not limited to fume hoods, HEPA filters, any other filtration systems and other appurtenances thereof and other architectural sheet metal work and metal wall protection systems.

All fabrication, handling and installation of semiconductor and nanotechnology industry-related air systems, including but not limited to, vacuum pump and/or tool exhaust systems, scrubber pipe/duct (regardless of material used), headers and exhaust to atmosphere, exhaust fans, dry scrubbers, exhaust, vent lines from gas, tool and vacuum pump cabinets, exhaust lines from wet benches and burn boxes, all dampers and/or air valves associated with exhaust/vent lines listed in this Section.

All fabrication, handling and installation of Magnetic Resonance Imaging (MRI) machine vent systems, including but not limited to, quench pipe, exhaust ports, vent hoods, weather heads, deflector plates and any and all associated components necessary for the complete fabrication and installation of MRI quench vent systems.

SEC. 5(gg). Any and all types of sheet metal work in connection with or incidental to residential work, including metal roofing, siding, cladding, gutters, downspouts, kitchen vents, bathroom vents, prefabricated fireplaces, shower enclosures, heating and air conditioning equipment, controls and service incidental to the proper installation and operation of same.

Any and all types of warm air furnaces, including assembling and setting-up of all cast iron parts, all stoker, gas and oil burner equipment and all gas piping used in connection with warm air heating, all sheet metal hoods, casings, wall stacks, smoke pipes, trunk lines, cold air intake, air chambers, vent pipes, frames, registers, dampers and regulating

devices, and all other sheet metal work and equipment, mechanical or otherwise, in connection with or incidental to the proper installation, servicing and operation of same.

SEC. 5(hh). All items of work described in Section 5 (e) to (gg) in which plastics or other materials are used in lieu of sheet metal, or the operation of any equipment, methods, processes or new technology used as a substitute, replacement or change of traditional HVACR and sheet metal jobs, methods or procedures.

INDUSTRIAL

SEC. 5(ii). Any and all types of sheet metal work in connection with industrial work including but not limited to industrial, generating, steel and aluminum, oil refining, chemical, coking, nuclear, power, pharmaceutical, sewage and waste water plants and similar type plants and all other work in connection therewith including exhaust, smog control, air pollution and recovery systems, air-veyor systems, D20 dryers, biomass systems and related components and component parts thereof, regardless of material used, including setting of same by any method, imbedments, installation and drawings for unistruts and erection of support steel.

Any and all types of sheet metal smoke pipe, elbows, fittings and breeching for boilers, heaters and furnaces. All sheet metal lagging and jackets on engines. Any and all sheet metal drip pans, exhaust pipes, heads, safety flues, and other appliances in connection with or incidental to boilers, heaters, furnaces, engines, machinery, etc.

SEC. 5(jj). Any and all sheet metal work used in connection with or incidental to the equipment and operation of grain elevators, all mills including but not limited to paper mills, saw mills, factories, warehouses, manufacturing plants and commercial buildings, including elevator legs and enclosures, chutes, spouting, hoppers, carriers, spirals, automatic and other conveyors, package chutes, fire apparatus and enclosures for same, pipes and fittings, dampers, machine guards,

cyclones, fans, blowers, dust collecting systems, walk-in boxes, environmentally-controlled chambers, ovens and driers, heating, ventilation and air conditioning, including applying coatings and/or finishes, and all other types of sheet metal work and equipment, mechanical or otherwise, in connection with or incidental to the operation thereof.

SEC. 5(kk). Milling, fashioning, joining, assembling, erection, fastening or dismantling of all material of wood, plastic, metal, fiber, cork and composition, and all other materials as well as the handling, cleaning, erecting, installing, repair, renovation, maintenance, and dismantling of all machinery and equipment.

SEC. 5(ll). Any and all work with and on robotics, including but not limited to, rigging, handling, installing, maintaining, programming, and use of all stationary and/or portable robots, including the use of all robots used in any industry, including the nuclear field.

RAILROAD SHOP-PERSONS

SEC. 5(mm). Railroad shop-persons shall include sheet metal workers (tinners), coppersmiths and pipe fitters employed in shops, yards, buildings, on passenger coaches, work equipment, refrigeration, etc., and on engines of all kinds, skilled in the building, erecting, assembling, installing, dismantling and maintaining parts made of sheet copper, brass, tin, zinc, white metal and lead, black planished, galvanized and pickled iron, aluminum, stainless and chrome steel, Monel metal, German silver, and any other base or alloyed sheet metal. This shall include all flat, formed in brake or press, corrugated or ribbed sheets on rolled, drawn, pressed, extruded, stamped or spun shapes, tubing or forms of any sheet metal together with all necessary or specified reinforcements, hangars, brackets, hardware and fittings, mechanical or otherwise, regardless of gauge or weight of metal when part of the operation or fabrication of parts; brazing, soft or hard solder, torch spray or hand-soldering, tinning, leading, babbitting, bending, fitting, cutting, threading, brazing, clamping, testing, connecting and disconnecting of air, water, sand, gas, oil

and steam pipes and the operating of babbit fires and pipe threading machines, oxyacetylene, Thermit electric welding on work generally recognized as sheet metal workers' work. This jurisdiction includes the work performed in the Maintenance of Equipment, Maintenance of Way and all other departments of the railroad.

SHIP BUILDING

SEC. 5(nn). Manufacture, fabrication, assembling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, testing and maintenance of all sheet metal work and coppersmithing work in connection with or incidental to building, maintenance and repair of ships and boats, including smoke stacks, life rafts, life buoys, crow's nests, bulkheads, telegraph and speaking tubes, switch and cut-out boxes, lagging on boilers and engines, lining of all partitions, paint and lamp lockers, refrigerating compartments, battery compartments, galleys and shower baths, ventilation and kitchen equipment, ventilation piping and fittings, sheet metal lockers, sheet metal doors, sheet metal windows, steel and non-ferrous metal sheathing, sheet metal casings for housing cable, gong pull and mechanical telegraph leads, and metal lagging for machinery, boilers, pipelines, etc., sheet metal structural partitions and enclosures including pilasters, wire mesh and incidental fittings, launch and boat canopies, galley ranges, and their smoke pipes, sheet metal dresser tops, sheet metal ventilator cowls, air tanks, fuel oil tanks, battery lockers, metal furniture, sheet metal containers for handling and storing foods, paints, water and other materials, cooking utensils, funnels, measures and similar miscellaneous articles made of sheet metal; covers with sheet lead, such articles as battery boxes, battery shelves, iceboxes and other wooden and steel parts, and items subject to corrosion; measures, marks and cuts sheet lead to size; fits and forms it about surface to be covered by heating and hammering about the edges and into corners until snug fit is obtained; making templates, forms, developing, laying out and cutting patterns,

shearing, flanging, forming bumping, rolling, spinning, punching, stamping, riveting, soldering, and all resistance welding (including, but not limited to, spot and seam welding) performed on machines designed for that purpose in connection with fabrication, assembly and repair of all sheet metal and all reinforcements in connection with the above specified work.

SIGN WORK

SEC. 5(oo). Any and all work in connection with the manufacture, fabrication, assembly, erection, installation, dismantling, re-conditioning, adjustment, alteration, repairing, servicing and maintenance of all interior and exterior/outdoor industry related products, used in the manufacture and erection of all electrical, plastic, fiberglass, vinyl and neon signs, commercial signs, storefronts, awnings, marquee signs, soffits, display showcases, LED modules, road signs, bulletin boards, scoreboards and billboards for indoor and outdoor advertising including but not limited to any and all sign support structure, billboard panels, sign cabinets or the like in kind serving the same purpose, the layout, fabrication and installation of any base plate, gusset plates, companion flanges and attachment of these sections to any support member, such as pipe, angle iron, channel and/or wide flange beams, tube steel and/or other similar shapes, the preparation of all shop and field sketches whether manually drawn or computer assisted used in fabrication and erection, including those taken from original architectural and engineering drawings or sketches. This work also includes the layout, fabrication and installation of upper support structures used to support the sign face(s) including catwalks, ladders, rails and any and all substitute signage or materials used in lieu thereof and any other identification system whether interior or exterior/outdoor advertising included in the jurisdictional claims of the SMART, including any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein that serves

the same or similar purpose and shall include installation and fabrication of cell site and green products including but not limited to wind and solar.

SECTION 6 – REVENUE AND FUNDS

SEC. 6(a). The revenue of this Association shall be derived from the charter fees, initiation fees, reinitiation fees, reinstatement fees, per capita dues, dues, assessments, sale of supplies, fees for services rendered, interest on deposits, income and capital gains on investments, and grants. Pursuant to the provisions of the Labor Management Relations Act, it is the duty of every officer, agent, employee and other representative of this Association, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of this Association and its members and to manage, invest, and expend the same in accordance with this Constitution and by-laws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with this Association as an adverse party in any matter connected with their duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interest of this Association, and to account to this Association for any profit received by them in whatever capacity in connection with transactions conducted by them or under their direction on its behalf. Since the general executive, administrative and judicial powers of this Association are vested in the General Executive Council in the interim between Conventions, the General President and General Secretary-Treasurer shall manage, invest and expend the funds and property of this Association in accordance with all applicable provisions of this Constitution and any resolution adopted by the General Executive Council not inconsistent therewith.

SEC. 6(b). Except as otherwise provided in this Constitution the revenue of this Association shall be divided into nine (9) funds; namely, the General Fund, the Strike/Defense Fund, the Disaster Relief Fund, the

General Convention and Conference Fund, Transportation Convention Fund, Maintenance of Membership Fund, Public Relations Fund, Transportation Strike Fund and the Education and Training Fund.

SEC. 6(c). While the revenue of this Association, including revenue received through the SMART TD Account as long as it is needed, will be divided into the funds specified in Article 1, Section 6(b), the General Secretary-Treasurer, with approval of the General Executive Council, may combine or consolidate any of the listed funds. The General Executive Council may authorize the consolidation of all of the funds specified in Article 1, Section 6(b) into a single general fund with separate accounts for the same purposes as the specified funds. If a consolidated general fund is established, all references in this Constitution to the specified funds shall be deemed to be to accounts for the same purposes. The General Secretary–Treasurer shall maintain a system of accounting where the revenues and disbursements of the Association and any or all Divisions are recorded and listed within the annual budget and financial statements. The General Executive Council may make temporary or permanent transfers between funds upon the recommendation of the General Secretary-Treasurer.

SEC. 6(d). The Strike/Defense Fund and Transportation Strike Fund shall be maintained and disbursed in accordance with the provisions of Articles Thirty (30) and Twenty-One B (21B) of this Constitution.

SEC. 6(e). The SMART Disaster Relief Fund shall be maintained and disbursed in accordance with Article Ten (10), Section 16 of this Constitution. The General Executive Council shall have the ability between conventions to eliminate this fund and establish a similar fund that is exempt under Internal Revenue Code 501(c)(3).

SEC. 6(f). The General Convention and Conference Fund and the Transportation Convention Fund shall be maintained and disbursed in accordance with Articles Thirty-Two (32) and Twenty-One B (21B) of this Constitution.

SEC. 6(g). All revenue of this Association not allocated to the Strike/Defense Fund or the General Convention and Conference Fund or the SMART Disaster Relief Fund, the Transportation Convention Fund, the Maintenance of Membership Fund, the Public Relations Fund, the Transportation Strike Fund or the Education and Training Fund, shall be placed in the General Fund from which there shall be paid the general operating expenses of the Association, the contributions to the National Pension Fund on behalf of Staff who participate in that Fund, the Sheet Metal Workers' International Association Staff Pension Plan, the SMART Local Unions and Councils Pension Fund and the National Supplemental Savings Fund on behalf of Staff who participate in these Funds established pursuant to and in accordance with the provisions of Section 13 of Article Two (2), the payment of contributions to the International Training Institute, the National Energy Management Institute Committee, the Sheet Metal Occupational Health Institute Trust, the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), the payment of premiums for insurance benefits for members provided pursuant to and in accordance with Section 9 of Article One (1), and such other necessary or proper expenses in connection with, or incidental to the promotion of the general good, defense, protection and operation of this Association.

SEC. 6(h). Except as hereinafter otherwise provided, all funds of this Association not held in cash or on deposit in commercial bank accounts shall be deposited in the name of the International Association of Sheet Metal, Air, Rail and Transportation Workers pursuant to the following guidelines:

1. In dollar-denominated obligations of the United States Government, its agencies and instrumentalities (includes both nominal and inflation-linked bonds); but not to exceed eighty-five percent (85%) of the total assets of the Association.

2. In federally-insured banks that pay competitive rates of interest on such deposits in the United States and Canada selected by the General Secretary-Treasurer and approved by the General President.

3. In fixed income investments including: (i) dollar-denominated obligations of the U.S. corporations; (ii) mortgage-backed securities, including collateralized mortgage obligations (CMOs); (iii) commercial mortgage-backed securities; (iv) asset-backed securities (ABSs); (v) municipal bonds; (vi) short-term securities; (vii) securities of foreign companies or foreign countries (sovereigns and supranationals) denominated in U.S. dollars, trading in U.S. markets (Yankee bonds); and (viii) dollar-denominated obligations of U.S. companies or foreign companies trading outside the U.S. (Eurobonds). Except for investments that are held by pooled investment vehicles described in subsection 5, below, the investment in any one company is restricted to five percent (5%) of the total fixed income investment of this Association.

4. In mutual funds and other pooled investment vehicles, such as limited liability partnerships, bank collective trusts, insurance company separate accounts, or commingled funds.

5. In corporate common stocks listed on the New York, American, or NASDAQ Stock Exchanges; but not to exceed seventy-five percent (75%) of the total assets of this Association.

6. In commercial paper for short terms of no more than ninety (90) days, and preferably in multiples of One Hundred Thousand Dollars ($100,000.00), provided the corporations issuing the commercial paper have been approved by the General President and General Secretary-Treasurer, and further that these temporary investments do not exceed forty percent (40%) of the total assets of this Association.

7. In broker or custodial cash accounts with reputable firms pending further investment or in money market accounts of investment grade banks or financial institutions.

8. With the approval of the General Executive Council, (a) for the purchase, lease, rental, or construction of buildings or the purchase, lease, or rental of property upon which such buildings may be constructed, or both, or (b) for the purchase, lease or rental of buildings or real property or an interest therein which will be used, in whole or in part, for the General Office of this Association or branches thereof and/or to provide suitable furnished living quarters or allowance for such within the metropolitan Washington D.C. area for the General President and General Secretary-Treasurer during their respective terms of office.

9. With the approval of the General Executive Council, for the purchase, lease, or rental of vehicular transportation equipment and facilities and the employment of qualified professional drivers to operate the same.

10. In types of investment instruments not identified above, but only if they are held by mutual funds or other pooled investment vehicles.

Unless they are held in a pooled investment vehicle, fixed income investments that are rated below "investment grade" by Standard and Poor's and Moody's investment services shall be made only upon the written recommendation of a recognized and qualified investment authority who has been approved by the General Executive Council.

All securities or certificates of value shall be kept in a safe deposit box or boxes in a bank or banks in the Washington, D.C. metropolitan area, registered in the name of the International Association of Sheet Metal, Air, Rail and Transportation Workers except that securities or

certificates of value may be registered in the street names of reliable investment banks or securities investment firms, and, if so registered, may be deposited with such banks or firms. All disbursements made from the funds of this Association shall be on order or check properly signed by the General Secretary-Treasurer and countersigned by the General President or made electronically within the requirements of Article Five (5), Section 1(a).

SEC. 6(i). A uniform system of bookkeeping and records shall be established at the General Office by the General Secretary-Treasurer and all divisions, local unions, councils, officers, representatives, and members thereof shall conform to said uniform system of bookkeeping and records in submitting reports, in correspondence, and in all other relations with the General Office, and in all matters affecting the record or standing or obligations of local unions, councils, officers, representatives, and members thereof, all subject to approval by the General Executive Council.

SEC. 6(j). All monies sent to the General Office must be in the form of money order, bank draft, check, direct deposit, wire transfer or automated clearinghouse (ACH) network made payable to International Association of Sheet Metal, Air, Rail and Transportation Workers.

SEC. 6(k). The fiscal quarters of each year shall begin January 1, April 1, July 1 and October 1.

SECTION 7 – DISSOLUTION

SEC. 7. The Association shall not be dissolved so long as five (5) or more local unions in good standing acknowledge its authority and comply with all provisions of this Constitution.

SECTION 8 – ASSESSMENTS

SEC. 8(a). Whenever the amount of money in the General Fund, or the separately accounted General Fund account of any division, falls below six months' operating expenses for the Association or any division,

based on the previous year's audit of expenses, the General President or President of the Division shall submit to the General Executive Council a plan for maintaining the assets at the six-month level. If the assets fall below three-months' operating expenses, an assessment shall be levied by this Association and said assessment shall be paid by all applicable members in such amounts and in such manner as may be necessary to restore and maintain the sum of a minimum of six months' operating expenses in the General Fund. The amount of each assessment imposed on members and the manner and time limit for payment shall be determined by the General President with approval of a majority of the General Executive Council.

SEC. 8(b). Whenever the General President deems it necessary to call for an assessment other than that provided for in Section 8(a) of this Article, they shall authorize the General Secretary-Treasurer to notify the General Executive Council of same. If the General Executive Council approves the recommendation of the General President, by majority vote, the General Secretary-Treasurer shall then send a circular and ballots to all local unions of this Association calling for a vote of their membership by secret ballot, and specifying the reason for said assessment. The voting shall take place at a regular or special meeting of each local union after notice to the membership that such vote will be taken and only those members who are present shall be entitled to vote. Local unions shall be required to make complete returns of their vote to the General Secretary-Treasurer within thirty (30) days after they have received their ballots from the General Secretary-Treasurer and the president, financial secretary-treasurer, and tellers, if any, shall certify as to the correctness of the result. All ballots sent to the local union shall be returned to the General Secretary-Treasurer after the vote whether they were voted or not. If a majority of all valid votes cast, pursuant to the call of the General Secretary-Treasurer, are in favor of the assessment, the prior action of the General Executive Council in approving it shall become effective provided that

such assessment shall be effective only until the next regular Convention of this Association. Ballots must be returned to the office of the General Secretary-Treasurer within forty-eight (48) hours after the vote of the local union has been completed.

SEC. 8(c). No per capita dues shall be accepted by the General Secretary-Treasurer or credited by them on the record of any member, following the date or dates any assessments provided for in this Section become due, until the assessments due from such member are actually received by the General Secretary-Treasurer.

SECTION 9 – INSURANCE BENEFITS

SEC. 9(a). The General Executive Council is authorized to consummate a contract with such insurance company and/or self-insure as it may select to provide insurance benefits covering accidental death, dismemberment and loss of vision for those members of this Association, other than those covered under Article Twenty-One B (21B), who meet the qualifications set forth in Section 9(b) of this Article. Such benefits shall not exceed the sum of Seven Thousand Five Hundred Dollars ($7,500.00) per member, except that in the event the General Executive Council determines that the cost of an increased benefit is feasible, it may, without further Convention action, authorize such increase to an amount not exceeding Twenty Thousand Dollars ($20,000.00).

SEC. 9(b). In order to be eligible to receive any of the benefits for which provision is made in this Section, a member must have paid their dues in advance for the month in which their claim to benefits accrued and no member whose dues have not been paid on or before the first day of any month shall be entitled to any benefits during that month. Members on withdrawal card, limited members, special limited members and associate members are not eligible for this insurance benefit.

SEC. 9(c). The General Executive Council is also authorized, to purchase life or other types of insurance policies, with the International as the principal beneficiary, insuring the life of the General President

in such amount as it may consider appropriate to protect this International Association against the loss that would be incurred from the untimely death of said General Officer during their term of office.

SECTION 10 – RESPONSIBILITY

SEC. 10. It is the obligation and responsibility of every division, officer, member, local union, state, provincial, district or regional council, local committee of adjustment, general committee of adjustment and safety and legislative board of this Association, to comply with the provisions of this Constitution and the valid decisions of the officers of this Association in conformity therewith and they shall refrain from any conduct which interferes with the performance by the Association or its subordinate units of their obligations under law or contract or from any conduct which defeats or is designed to defeat or subvert the lawfully declared and established policies and objectives of this Association, or which may defame it or any of its officers, members or subordinate units.

ARTICLE TWO (2) General Officers

SECTION 1 – NUMBERS AND TITLES

SEC. 1. The General Officers of this Association shall be the General President, the General Secretary-Treasurer, eleven General Vice Presidents who hold membership in Sheet Metal affiliated local unions who shall be designated as the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh General Vice Presidents and six General Vice Presidents duly elected by the Transportation Division who shall be designated as President Transportation Division/General Vice President, National Safety and Legislative Director/General Vice President and the three senior Vice President-International Representatives/General Vice Presidents who are members of rail local unions and the senior Vice President-International Representative/General Vice President who is a member of a Bus Department local union. At

least one of such General Vice Presidents from Sheet Metal affiliated locals shall be a member of a Canadian Local Union and at least one shall be a member of a Production Local Union.

SECTION 1(a) – SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any nonmember, or associate or honorary member; nor may an owner-member, lawyer or employer volunteer personal time in support of such a prospective candidate.

SEC. 1(b). No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may use the SMART Logo, or any variations of the former SMWIA or UTU Logo, in any campaign literature or electronic media used to endorse such candidates.

SECTION 2 – QUALIFICATIONS

SEC. 2(a). Candidates for a General Office must be members in good standing of a local union for a period of at least two (2) consecutive years immediately preceding their nomination and election or appointment and otherwise meet the qualifications of Article Twelve (12) of this Constitution.

SEC. 2(b). They must also at the time of their nomination and election or appointment either (i) be working at the trade for at least two (2) years immediately prior thereto, (ii) be eligible under Article Twenty-One B (21B), Section 7, (iii) be salaried officers or representatives of this Association, (iv) be salaried officers or representatives of a local union or council, or (v) be salaried officers or representatives of the AFL-CIO or an affiliate or subordinate unit thereof.

SECTION 3 – AUTOMATIC CONVENTION DELEGATES

SEC. 3. The General President, the General Secretary-Treasurer and General Vice Presidents shall be delegates to the SMART General and Special Conventions by virtue of their offices and shall have a voice and vote in the deliberations and discussions but shall not be entitled to vote in the election of General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

SECTION 4 – MANDATORY TENDER OF RESIGNATION

SEC. 4. Any officer of this Association when not employed at the trade, no longer meeting the conditions under Article Twenty-One B (21B), not a salaried officer or representative of a local union or council, not a salaried officer or representative of the AFL-CIO or an affiliate or subordinate unit thereof, or not in the full time service of this Association or who is a recipient of a pension from the industry as an annuity or a lump sum, shall immediately tender their resignation as a General Officer, which must be accepted, and the vacancy filled as provided for in this Constitution.

If a General Vice President serves as an officer of an affiliate at the time of election or re-election as a General Vice President, and subsequently is defeated for election or re-election as an affiliate officer, or resigns from that office, or otherwise ceases to be an affiliate officer, that General Vice President shall promptly tender to the General President a resignation from the office of General Vice President. This shall not apply if the General Vice President is suspended from office because their affiliate is put into trusteeship or if charges are filed against the General Vice President under Article 17 of the Constitution but have not yet been decided. The General Vice President's resignation shall either be accepted or rejected by the General President.

SECTION 5 – TIME OF ELECTION

SEC. 5. The General Officers from the Transportation Division shall be nominated and elected as provided in Article Twenty-One B (21B), Sections 2 and 8. All other General Officers shall be nominated and elected by the General Convention at a session commencing on the third (3rd) day of the Convention which shall continue in session until the nominations and elections of officers have been completed, unless otherwise ordered by the Convention. The General President and General Secretary-Treasurer shall be elected by all delegates to the SMART General Convention and the General Vice Presidents shall be elected by the delegates who are from affiliates not within the Transportation Division.

SECTION 6 – METHOD OF ELECTION

SEC. 6. No member shall be nominated for more than one (1) General Office and nomination and election for each General Office shall be held separately. Nominations shall be held for one (1) General Vice President that is a member of a Canadian Local Union, one (1) General Vice President that is a member of a Production Local Union, and nine (9) at-large General Vice Presidents. If there are two (2) or more nominations for any General Office, the vote for such contested office shall be by roll call vote of the delegates and each local union and council having seated delegates present shall be entitled to the number of votes accorded it under Section 2(a) of Article Seven (7) of this Constitution. In the event that the delegates from a local union are unable to agree on the candidate for whom the votes of the local union shall be cast, each delegate of such local union shall be entitled to cast an equal pro rata share of the votes to which each local union is entitled. In the event there are contests for one or more General Offices, a single roll call shall be conducted for all such contested General Offices which shall be conducted at the conclusion of the votes on all General Offices for which there is no contest. Each delegate desiring to cast votes on the roll call shall identify

their local union and state the number of votes they wish to cast for a candidate for each such contested General Office.

The presiding officer shall appoint three (3) clerks who shall record the votes cast by the delegates for each local union and council and prepare and sign a report of the number of votes cast for each candidate. The candidate for each office receiving the highest number of votes shall be declared elected.

Incumbents of the offices of the First (1st) General Vice President to and including Eleventh (11th) General Vice President shall rank in the order of their length of service and at the conclusion of the election of General Officers the member last elected to one of said offices at such Convention shall become Eleventh (11th) Vice President and said other General Vice Presidents advanced in numerical order.

SECTION 7 – ELECTION PROTEST

SEC. 7. Any protest to the election must be received by the General Secretary-Treasurer within seven (7) days from the date of the closing of the Convention, provided, however, that any member having knowledge of an alleged irregularity in the election but fails to notify the Chairperson of the Rules Committee of the same shall not be entitled to file a protest of such irregularity. Such protest shall be in writing, setting forth the specific grounds, and signed by the complaining member or members. The General Executive Council shall hold a hearing on the protest(s) within fifteen (15) days after receipt of the same and shall make a final decision within seven (7) days after the conclusion of the hearing.

SECTION 8 – TERM OF OFFICE

SEC. 8. All General Officers shall hold office until the end of the quarter in which the General Convention is held or until their successors are duly selected and installed, whichever occurs last, provided, however, that all General Officers elected at Conventions, shall be obligated

SECTION 9 – FILLING VACANCY IN OFFICE OF GENERAL PRESIDENT

SEC. 9. Should a vacancy occur in the office of General President as a result of death, incapacity, resignation or any other cause, the General Secretary-Treasurer shall immediately notify the General Executive Council of the vacancy which shall, by majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General President for the unexpired term. In the event the office of General Secretary-Treasurer shall also be vacant, such notice shall be provided by the First General Vice President or the next General Vice President in descending order if the First General Vice President is not available.

SECTION 10 – FILLING VACANCY IN OFFICE OF GENERAL SECRETARY-TREASURER

SEC. 10. Should a vacancy occur in the office of General Secretary-Treasurer as a result of death or incapacity, resignation or any other cause, the General President shall immediately notify the General Executive Council of the vacancy which shall, by a majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General Secretary-Treasurer for the unexpired term. In the event the office of General President shall also be vacant, such notice shall be provided by the First General Vice President or the next General Vice President in descending order if the First General Vice President is not available.

SECTION 11 – FILLING VACANCIES IN OTHER GENERAL OFFICES

SEC. 11(a). In case of a vacancy in the offices of First General Vice President to and including Eleventh General Vice President, the General President shall propose to the General Executive Council, as soon

as practicable, the name of any eligible member and with the consent of a majority of the General Executive Council such member shall become a member of the General Executive Council. The member last appointed to the General Executive Council as provided in this Section shall become Eleventh General Vice President, the ranking members of the General Executive Council advancing in numerical order. Such appointee shall be obligated by the General President. The filling of vacancies of the Six (6) General Vice Presidents from the Transportation Division shall be in conformance with Article 21B, Section 2.

SEC. 11(b). Should a vacancy occur whereby no General Vice President who is a member of a Production Local Union remains on the General Executive Council as a result of death, incapacity, resignation or any other cause, the General President shall within ninety (90) days from the date of vacancy propose to the General Executive Council the name of any eligible Production Local Union member and with the consent of a majority of the General Executive Council such member shall become the successor to that General Vice President for the unexpired term. Such appointee shall be obligated by the General President.

SEC. 11(c). Should a vacancy occur whereby no Canadian Vice President remains on the General Executive Council as a result of death, incapacity, resignation or any other cause, the General President shall within ninety (90) days from the date of vacancy propose to the General Executive Council the name of an eligible Canadian member after first consulting with and obtaining the approval of the Canadian Council of Sheet Metal Workers and Roofers. Such member, with the consent of a majority of the General Executive Council, shall become the General Vice President for Canada for the remaining unexpired term. Such appointee shall be obligated by the General President.

SECTION 12 – COMPENSATION AND EXPENSES

SEC. 12. The salaries of the officers of the Transportation Division shall be determined as provided in Article Twenty-One B (21B), Section

29. The compensation and expenses of the other General Officers and the method of determining same shall be as established by the 1990 Convention action and shall continue thereafter with the adjustments set forth under Article Eight (8), Section 5 until changed by action of a subsequent Convention.

SECTION 13 – PENSIONS

SEC. 13(a). Except officers elected by the Transportation Division and Administrative Staff whose wages and salaries are allocated to the Transportation Division, General Officers, International Representatives, Organizers and Administrative Staff shall be covered by the "Sheet Metal Workers' International Association Staff Pension Plan." The Trustees of the Sheet Metal Workers' International Association Staff Pension Fund shall be appointed by the General President with the approval of the General Executive Council. The General Secretary-Treasurer is directed to transmit up to Three Dollars ($3.00) per member per month (except members within the Transportation Division) for the purpose of assuring the continued operation of said Plan. The amounts transmitted shall be allocated to the "Sheet Metal Workers' International Association Staff Pension Fund" to meet the cost of the Plan as determined by the Plans' Enrolled Actuary.

SEC. 13(b). There shall be established and maintained by the International Association the National Supplemental Savings Plan, in which all General Officers, International Representatives and Organizers, Administrative Staff in the United States, Transportation Division Officers (excluding Alternate Vice Presidents-International Representatives, and Boards), Transportation Division Organizers, Transportation Division Exempt and Bargaining Unit Administrative Staff may participate. There shall be established a comparable savings or alternate compensation plan on behalf of all General Officers, International Representatives and Organizers, and Administrative Staff in Canada.

SECTION 14 – CHARGES AND TRIALS OF GENERAL OFFICERS

SEC. 14(a). All charges preferred against General Officers of this Association for violation of the duties or obligations of their General Office shall be in the form of a written affidavit and shall contain a detailed statement of the facts out of which such charges originated, specified reference to the provisions of the Articles, Sections and Paragraphs of this Constitution or the policies, decisions, laws, rules or regulations which it is alleged have been or are being violated. Such charges may be filed against a General Officer by another General Officer, by any local union, or by an individual member in good standing, provided, however, that the filing of charges by an individual member other than a General Officer must first be approved by the local union of which such individual member is a member and such charges shall be accompanied by a written statement signed by the president of such local union or regional council that approval was obtained by a majority vote at a regular or special meeting of the local union.

SEC. 14(b). Such charges shall be mailed in duplicate by registered, certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt to the General Secretary-Treasurer by the president of the local union or regional council which preferred the charges or which approved the filing of the same at the request of a good standing member thereof; except that if the charges are filed by a General Officer they may be filed by such General Officer directly with the General Secretary-Treasurer. Should charges be preferred against the General Secretary-Treasurer, they shall be filed in the manner specified herein with the General President.

SEC. 14(c). When charges have been properly filed, as provided herein, a copy thereof shall be furnished to the accused by the General Secretary-Treasurer, or the General President as the case may be; and

notice of the fact that such charges were filed shall be sent to all local unions in the International Association. The accused shall, within fifteen (15) days from the date of receipt of a copy of such charges, file an answer with the General Secretary-Treasurer or General President as the case may be, by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt.

SEC. 14(d). Upon receipt of an answer from the accused, or in the event no answer is received, within the time prescribed in Section 14(c) of this Article, each member of the General Executive Council shall be furnished copies of the charges, answer and other documents filed by the parties in connection with such charges.

SEC. 14(e). After having been furnished with copies of the charges and other documents in connection therewith, the General Executive Council shall set a time and place for hearing or trial before the General Executive Council and notify the accused and the party or parties preferring the charges, by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt of the time and place of such hearing or trial.

SEC. 14(f). All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross-examine witnesses of the other party or parties.

SEC. 14(g). Upon the completion of the presentation of all evidence the General Executive Council, without the participation of any member or members thereof by whom or against whom the charges under consideration have been preferred, shall decide what disposition shall be made of such charges and fix the penalty, if any, to be assessed. Notice of the outcome of such charges shall be sent to all local unions in the International Association.

SEC. 14(h). Either party shall have the right to appeal to the General Convention from the decision of the General Executive Council but pending such appeal the action of the General Executive Council shall stand.

SEC. 14(i). Appeals to the General Convention from decisions of the General Executive Council, on charges preferred against General Officers, shall be filed with the General Secretary-Treasurer within sixty (60) days of notice of the decision of the General Executive Council, and such appeals shall be submitted to the General Convention on the basis of findings of the facts and decision of the General Executive Council. The General Convention shall vote without debate solely on the question of whether to accept or reject the decision of the General Executive Council. A majority vote of the General Convention shall be final.

SECTION 15 – SURRENDER OF PROPERTY

SEC. 15. All General Officers, at the expiration of their incumbency in office and when their successors have been duly qualified, shall deliver to them all books, records, papers, monies and other property in their possession, belonging to this Association.

ARTICLE THREE (3) General President

SECTION 1 – GENERAL DUTIES AND AUTHORITY

SEC. 1. The General President, by virtue of their office, shall be a delegate to the SMART General and Special Conventions of the International Association and shall have a voice and a vote in the deliberations and discussions but shall not be entitled to vote in the elections of General Officers unless elected as a delegate by secret ballot of the membership of their local union and shall preside at all meetings and Conventions of this Association and at meetings of the General Executive Council. They shall preserve order and in all cases where the vote is equally divided in a Convention or meeting of the General Executive

Council they shall cast the deciding vote. They shall enforce all laws of the Association, decide all questions of order and usage, interpret and decide all points of law and controversies and decide all constitutional questions. Between Conventions they shall have general supervision of this Association and shall sign all charters and other documents which require their signature for authentication, except where stated elsewhere in this constitution the approval of the General Executive Council is required prior to signature. They may sign national agreements and national or local project labor agreements.

They shall submit monthly to the General Secretary-Treasurer an itemized account of all monies expended by them on behalf of this Association, which account shall be paid by the General Secretary-Treasurer.

Subject to the approval of the General Executive Council, they shall have authority to form alliances or affiliations where in their opinion it would be for the best interests of the trade, and to negotiate and enter into treaties and agreements with any national or international unions including agreements to merge or affiliate other national or international labor organizations into this International on such terms and conditions as may be deemed appropriate and in the best interests of this International Association and the members thereof. With respect to any merger in which SMART is subsumed by a larger International, said merger must first be ratified by a SMART General or Special Convention for that specific purpose. The President Transportation Division and the General President shall appoint delegates to the Conventions of the American Federation of Labor and Congress of Industrial Organizations in proportion to the number of members in the Transportation Division and the rest of the Association, respectively.

The General President shall appoint delegates to the departments of the AFL-CIO except that the President Transportation Division shall appoint delegates to those departments to which only the Transportation Division is affiliated. The General President shall appoint and compensate all special committees.

Where circumstances warrant, additional compensation and expense allowances, including reasonable cost of lodging, may be made by the General President.

They shall preserve all important documents, papers, accounts and letters sent and received by them on the business of this Association for a period of at least five (5) years.

They may delegate their powers and duties to other SMART officers or staff provided that any such delegation must be specific, in writing and of limited duration.

SECTION 2 – SUPERVISION OF LOCAL UNIONS, COUNCILS, LOCAL COMMITTEES OF ADJUSTMENT, GENERAL COMMITTEES OF ADJUSTMENT, SAFETY AND LEGISLATIVE BOARDS AND OFFICERS THEREOF

SEC. 2(a). Supervision. The General President shall have direction and supervision of all local unions, state, provincial, district or regional councils, local committees of adjustment, general committees of adjustment, safety and legislative boards and all of the officers thereof. They shall have full authority to suspend the charter of any local union or council for failure of its officers or members to comply with the provisions of this Constitution or with the policies of this Association; for conducting its affairs in a manner which is detrimental to the members thereof or to the best interests of this Association; for impairing the standing of such local union or council or the standing of this Association with other trades; for condoning internal strife which is detrimental to the best interests of such local union or council, the members thereof or this Association; for conducting its affairs in such manner as to bring such local union or council into disrepute with the public or employers or for disregarding the instructions, decisions, or orders properly issued by any officer or tribunal of this Association and to remove from office any officer or representative of any local union or council for incompetence, negligence,

insubordination, failure or refusal to obey any valid decision or order of the General President, General Secretary-Treasurer or the General Executive Council or for violation of this Constitution or the policies of this Association or for any other neglect or failure of duty. Such suspension of charter or removal from office shall continue until the conditions causing the same have been corrected or until after trial and appeal the charter of such local union or the removed officer has been ordered reinstated, whichever has been ordered first.

Any order of suspension of the charter of a local union or council or of removal from office of any officer or representative thereof, issued by the General President, shall be mailed or otherwise delivered to the affected union or officer or representative together with a full statement of the charges upon which such action is based. Said charges shall also contain a notice of the right of such local union, council, officer or representative to a hearing on such charges in accordance with the provisions of Article Eighteen (18) of this Constitution.

Should a local union or council charter be suspended as provided herein, the members thereof who are not directly involved in or parties to the controversy or causes leading to the suspension of such charter, shall be accorded the right to maintain their good standing and the General President and General Secretary-Treasurer shall make such arrangements as may be necessary to preserve such right.

SEC. 2(b). Filling Vacancy of Removed Officer. The General President shall have authority to direct any local union or council to temporarily fill the office or position of any officer or representative of such local union or council removed in accordance with Section 2 of this Article pending the disposition of the charges on which such removal was based. In the event any local union or council fails or refuses to temporarily fill such vacancy within such reasonable time as may be specified by the General President, they shall have authority to designate a member of such local union or council to fill the same pending the disposition of such charges.

SEC. 2(c). Trusteeship of Subordinate Bodies. Whenever there are reasonable grounds to believe that the officers or members of a local union, district, regional, state, or provincial council, local committee of adjustment, general committee of adjustment, safety and legislative board, or other subordinate body are failing to comply with the provisions of this Constitution or with the policies of this Association; conducting the affairs of such subordinate body in a manner which is detrimental to the best interests of such subordinate body, or its members or this Association; engaging in acts of corruption or financial malpractice; failing to properly discharge the duties of a collective bargaining representative; acting in a manner which brings such subordinate body into disrepute with the public or with employers; or disregarding the valid instructions, decisions or orders issued by any officer or tribunal of this Association, the General President shall have authority to place such subordinate body under Trusteeship after a hearing by the General Executive Council or Subcommittee thereof. Where, in the reasonable judgment of the General President, an emergency situation exists, a trusteeship may be imposed prior to a hearing provided the hearing shall then commence as soon as practicable thereafter. During Trusteeship such subordinate body shall take no official action without the approval of the General President or a representative designated by them to supervise and direct the Trusteeship. Such Trusteeship shall continue until (a) the causes thereof have ceased, (b) the charter of such subordinate body has been revoked, withdrawn or transferred under procedures prescribed in this Constitution, or (c) restoration of autonomy is directed as the result of a decision made upon appeal under this Constitution.

During Trusteeship of any subordinate body, the General President or their designated representative shall have authority to take such action as they deem necessary to protect the interest and welfare of such subordinate body and this Association, and the funds, property and membership thereof, including, but not limited to, the authority to suspend from office

for the duration of the Trusteeship, or permanently remove from office, in either case with or without pay, and with or without cause, subordinate body officers and representatives, business manager, or business representatives; fill vacancies in such offices with any representative of this Association or members of such subordinate body by appointment, or call elections for that purpose, or leave some or all of the offices vacant; combine one or more offices and positions; and impound the books, records, funds and property of any such subordinate body.

Notwithstanding that they have been elected to fixed terms of office, the officers, business manager and business representatives of a subordinate body under Trusteeship shall serve in office throughout the period of the Trusteeship at the pleasure of the General President or their representative. They shall act in accordance with their instructions and faithfully implement the programs, policies and directives promulgated by them so that the conditions that necessitated imposition of the Trusteeship may be corrected and autonomy restored to the subordinate body as soon as possible.

During Trusteeship, no votes of delegates from such subordinate body shall be counted in a Convention of this Association unless such delegates have been chosen by secret ballot in an election of the subordinate body in which all members in good standing are eligible to participate.

SEC. 2(d). Revocation of Charters. With the approval of the General Executive Council, the General President may revoke the charter of any local union or council found guilty after trial of any violation of the provisions of this Constitution or of failure to comply with valid orders, decisions or policies of this Association.

Should it be necessary to revoke a local union charter, provision shall be made for the transfer of all local good standing members to other affiliated local unions.

SEC. 2(e). Review of Decisions of Local Unions and Councils. The General President shall have full authority to approve, modify, revise, defer, suspend or reverse any decision of a local union or council or any

officer thereof, or of a trial committee of a local union or council, or any action taken by any local union or council in connection therewith, if such decision or action is contrary to the provisions of this Constitution or the established policies of this Association, is contrary to the evidence, or the penalty imposed is deemed inadequate or excessive, subject to appeal as provided in Article Nineteen (19).

SEC. 2(f). Call of Special Meetings of Local Unions and Councils. Local unions, state, provincial, and district councils shall, upon call of the General President or a duly authorized representative of this Association after official notice to the duly authorized officers of said local unions, state, provincial, and district councils, assemble and convene in meeting at such time and place and for such purpose as may be designated in the call and official notice issued; and said meeting shall not adjourn without the approval and consent of the General President or the duly authorized representative of this Association calling said meeting.

SEC. 2(g). Jurisdiction of Local Unions and Councils. The General President shall have full authority to specify; designate or change the specific territory; project or projects and classes of work over which each local union or council shall exercise jurisdiction; to organize and charter additional local unions or councils in accordance with this Constitution and to determine the specific territory and classes of work over which newly chartered locals or councils shall have jurisdiction; to separate and divide membership of any local union or council into two or more local unions or councils; to amalgamate or merge two or more local unions or councils when it is advisable or necessary in the best interests of this Association and the members thereof and; except as otherwise provided in this Section, to establish the terms and conditions under which such separations, amalgamations and mergers shall be consummated including where necessary the establishment of additional locations within the jurisdiction of the local union which will afford the members an adequate opportunity to nominate candidates and vote in elections and to classify and separate members and applicants for membership into such

local unions or councils as will best protect the interests of this Association and the members thereof subject to appeal as provided in Article Nineteen (19). Whenever the membership of one local union or council is separated into two or more local unions or councils pursuant to this Section, the funds, assets and liabilities of such local union or council may be pro-rated among the involved unions or councils as equitably as possible by the General President.

Any distribution or attempted distribution of funds or property of a local union or council in anticipation of an amalgamation, merger or separation without the consent of the General President shall be a violation of this Constitution and of the authority of any officer or officers of a local union or council and the members thereof.

SEC. 2(h). Audits. The General President shall have authority to order an audit of the books and accounts of any subordinate body of this Association. A report of such audit shall be made to the General President, General Secretary-Treasurer and the General Executive Council. The books and accounts of any local union or council shall be at all times open to inspection of auditors appointed and authorized by the General President under this Section.

SECTION 3 – SUPERVISION OF INDIVIDUAL MEMBERS

SEC. 3(a). Suspension. The General President shall have authority to suspend any member of this Association or of any local union affiliated therewith who, after charges and trial, has been found guilty of insubordination, treasonable conduct, violation of any provision of this Constitution, failure to comply with any valid order or decision of this Association or the officers thereof or any established policy of this Association.

SEC. 3(b). Penalties. Any member who is found guilty of any violation of the provisions of this Constitution after charges and trial may be reprimanded, fined, suspended or expelled from membership by the General President.

SECTION 4 – MEETINGS OF BUSINESS MANAGERS, BUSINESS REPRESENTATIVES AND REGIONAL COUNCIL PRESIDENTS, MANAGERS AND REPRESENTATIVES

SEC. 4. The General President shall arrange for local business managers, business representatives, regional council presidents, managers and representatives to assemble in conference at such times and places as in their judgment are advisable. Action taken at such conferences shall be subject to approval of the General Executive Council.

SECTION 5 – ATTORNEYS

SEC. 5. The General President shall have authority to employ an attorney or attorneys to represent and protect the interests of this Association.

SECTION 6 – REPORTS

SEC. 6. It shall be the duty of the General President to have printed or electronic reports prepared and distributed among the delegates on the opening day of each General Convention. The report of the General President and the General Executive Council may be combined.

SECTION 7

SEC. 7. The General President shall devote all of their time to the interests of this Association, and its affiliated and related entities and organizations, and to the performance of their duties as General President as specified in this Constitution, and to the performance of their duties to this Association's affiliated and related entities and organizations.

SECTION 8

SEC. 8. The General President and the General Secretary-Treasurer or their designees shall be entitled to attend and participate in all local union and council meetings throughout the United States and Canada including general and special membership and Executive Board meetings.

SECTION 9 – GENERAL PRESIDENT EMERITUS

SEC. 9. The General Executive Council may appoint one or more retired past General Presidents as General President Emeritus. This appointment may be made at any time and need not occur immediately at the end of that General President's term in office. The General Executive Council shall determine how long the term of a General President Emeritus shall last. The General President may assign duties and responsibilities to a General President Emeritus and defray their reasonable expenses.

SECTION 10

SEC. 10. The General President is authorized to develop and implement electronic forms and communications for any or all of the functions of their office, and affiliates are authorized to use these electronic modes in conjunction with or as substitutes for written or printed modes.

ARTICLE FOUR (4) General Vice Presidents

SECTION 1 – GENERAL DUTIES

SEC. 1. The General Vice Presidents by virtue of their office shall be delegates to the SMART General and Special Conventions and shall have a voice and vote in all deliberations and discussions at the SMART Conventions, but shall not be entitled to vote in the elections of SMART General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

It shall be the duty of the General Vice Presidents to render such assistance to the General President as they may require or direct. They shall neither assume authority to represent or act for or in the name of this Association, nor shall they incur or assume any liability, obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This

Association shall not be responsible or liable for acts of the General Vice Presidents unless authorized in the manner provided herein.

ARTICLE FIVE (5)
General Secretary-Treasurer

SECTION 1 – GENERAL DUTIES

SEC. 1(a). The General Secretary-Treasurer shall serve as Executive Secretary of the General Executive Council and shall, by virtue of their office, be a delegate to the SMART General and Special Conventions and shall have a voice and vote in all deliberations and discussions, but shall not be entitled to vote in the election of General Officers unless elected as a delegate to the SMART General or Special Convention by secret ballot of the membership of their local union.

They shall issue the official call for the SMART Conventions at least ninety (90) days prior to the opening date thereof. They shall keep a correct record of the proceedings of the SMART Conventions and all other meetings of this Association; preserve credentials of delegates for at least one (1) year, preserve all important documents, papers, accounts, letters sent and received by them on business of this Association for a period of at least five (5) years; employ the necessary clerical force to efficiently conduct the affairs of their office; conduct all correspondence pertaining to their office between this Association and its affiliated local unions and councils; keep a correct record and account of the standing of each local union and council and all officers, representatives and members thereof; cause to be published at least once each year a directory showing the names and addresses of local union and council officers, business managers, business representatives and regional council presidents, managers, financial secretary-treasurers and representatives; receive all applications for charters and issue and sign the same when so authorized by the General President; have charge of the seal of this Association and affix it as required to official documents; receive all communications or

appeals intended for or requiring consideration by the General President or General Executive Council; transmit decisions rendered by the General President or General Executive Council to members or local unions involved and file copies of such decisions for the records; assesses local unions interest at a uniform rate for per capita dues delinquencies of thirty (30) or more days unless otherwise determined by the General Executive Council; keep a correct record of all members suspended and expelled and of all legal obligations due from such suspended or expelled members; receive all monies paid to this Association and deposit same in accordance with the requirements of Section 6(g) of Article One (1); hold in their possession not more than the sum needed to conduct the limited business functions of the International where it is impractical to issue checks or transfer funds due to time constraints at a conference or convention and deposit all sums in excess of that amount within twenty-four (24) hours after receipt of same; and pay all legitimate bills and other obligations authorized in accordance with this Constitution, by official checks drawn against the accounts of this Association over their signature as General Secretary-Treasurer and countersigned by the General President or by an electronic disbursement provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the two General Officers that can be verified by an audit trail.

All original official receipts surrendered to the General Office in accordance with Section 4 of Article Thirteen (13) will be properly applied to the record of those involved when corrected or declared void as circumstances may warrant and notice of correction or invalidity shall be given to the financial secretary-treasurer by the General Secretary-Treasurer. The General Secretary-Treasurer may issue official receipts, or give permission to local unions and regional councils to issue official receipts out of date, to members if deemed appropriate or necessary.

SEC. 1(b). The General Secretary-Treasurer shall require compliance with Section 10 of Article Ten (10) of this Constitution and should any

affected local union, regional council or the officers thereof fail to return the charter, seal, books, records, funds and other property, as provided therein, within fifteen (15) days after mailing by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt of notice to do so by the General Secretary-Treasurer, they shall take such steps as may be necessary to enforce compliance.

SEC. 1(c). Bonding. The General Secretary-Treasurer shall arrange bonding by a reliable bonding company for such amount as may be necessary to protect this Association against loss of funds directly under their control and subject to their order on banks. The premium on such bond shall be paid by this Association.

In January of each year, the General Secretary-Treasurer shall execute a bond in a reliable bonding company to cover the financial secretary-treasurers, business representatives of the local unions, general chairpersons, councils and general committees and other officers of local unions, general committees and councils who may be authorized or obligated in the performance of their duties to receive or disburse any funds of such local unions or councils. The amount of the bond in each case shall be determined by the General Secretary-Treasurer, after consideration of the amount of the funds involved, but in no case shall it be less than Five Hundred Dollars ($500.00). Premiums on bonds for officers, representatives, business representatives of the local unions or councils and general chairpersons shall be charged to the account of and be paid by such local unions, councils or general committees.

Notwithstanding any other provisions of this Section, all bonds provided for herein shall be in such form and in such amount and placed with such surety company as may be required by applicable law.

SEC. 1(d). Reports. The General Secretary-Treasurer shall submit to the General President, the General Executive Council, local unions and councils, an annual report of revenue, expenses and fund balances, and

balance sheet, and shall have available for examination on demand of the General President, the General Executive Council, or its Finance Committee all books, papers and records in connection therewith.

On the opening day of the SMART General Convention, the General Secretary-Treasurer shall submit to the General President, the General Executive Council and the delegates a printed report containing a statement of revenue, expenses and fund balances audited and approved by a certified public accountant. They shall have available at the Convention all necessary documents and records in connection with this report.

SEC. 1(e). The General Secretary-Treasurer shall devote all of their time to the interests of this Association and its affiliated and related entities and organizations and to the performance of their duties as specified in this Constitution.

SEC. 1(f). The General Secretary-Treasurer shall have authority to order an audit of the books and accounts of any subordinate body of this Association. Report of such audit shall be made to the General President and the General Executive Council. The books and accounts of any local union or council shall be at all times open to inspection of auditors appointed and authorized by the General Secretary-Treasurer under this Section.

SEC. 1(g). The General Secretary-Treasurer is authorized to develop and implement electronic forms and communications for any or all of the functions of their office, and affiliates are authorized to use these electronic modes in conjunction with or as substitutes for written or printed modes.

ARTICLE SIX (6) General Executive Council

SECTION 1

SEC. 1(a). The General Executive Council shall be composed of eighteen (18) members, the General President and seventeen (17) General Vice Presidents, and shall meet in regular session at such time and place

as may be designated by the General President. Special meetings of the General Executive Council may be called by the General President whenever in their opinion such special meetings are deemed necessary or by a majority of the members of the General Executive Council. Any General Executive Council or Think Tank meetings shall be held in the confines of the geographical jurisdiction of this Association.

SEC. 1(b). The General President shall be the Chair, and the General Secretary-Treasurer shall be the Executive Secretary.

SECTION 2 – GENERAL DUTIES

SEC. 2. Between Conventions the general executive, administrative and judicial powers of this Association shall be vested in the General Executive Council set forth in this Constitution. It shall consider and decide all appeals and other matters properly presented to it.

It shall see that the General Secretary-Treasurer is bonded in accordance with the provisions of Section 1(c) of Article Five (5); shall have a certified public accountant make an annual audit of the accounts and inspect the books of the General Secretary-Treasurer; shall convene at least one week prior to the Convention, and shall perform such other duties as this Constitution may require.

Except as otherwise specified in this Constitution, decisions of the General Executive Council shall be made by a majority vote of those voting.

SECTION 3 – FINANCE COMMITTEE

SEC. 3(a). A General Executive Council Finance Committee shall be established consisting of the first four (4) General Vice Presidents, the President Transportation Division and one other Transportation Division General Vice President who shall be designated by the President Transportation Division. The General Secretary-Treasurer shall be an unofficial, nonvoting member of the Finance Committee.

SEC. 3(b). The First General Vice President shall be the Chairperson. Another member shall be elected as Secretary.

SEC. 3(c). The Finance Committee shall have general oversight authority with respect to the financial condition of the International Association. It shall also have the authority to examine any and all of the International Association's books of account and other financial records. Any concerns the Finance Committee may have with respect to the financial condition of the International Association may be brought by the Chairperson to the attention of the General Executive Council for review and any action to be taken must be by vote of the General Executive Council.

SEC. 3(d). In connection with its oversight responsibilities, the Finance Committee shall have the authority to call before it the General President; the General Secretary-Treasurer; the Comptroller or any members of the Comptroller's staff; the General Counsel or any member of the General Counsel's staff; any other officer, agent or employee of the International Association; the International Association's outside independent auditors; and any individual (or representative of a firm) whose expenditures are being examined or questioned. Specific to the General President, General Secretary-Treasurer and President Transportation Division/General Vice President, the Finance Committee shall have the financial books and records reviewed by an independent certified public accountant, or chartered accountant in Canada, from the beginning of the fiscal year until the date the new General President, General Secretary-Treasurer or President Transportation Division/General Vice President is installed. When there is a change in the position of comptroller, such review shall be from the beginning of the fiscal year until the date a new comptroller is installed. The Finance Committee may waive or modify this requirement for good cause.

SEC. 3(e). The Finance Committee shall have authority to employ outside independent legal counsel and/or outside independent auditors to assist the members in connection with their oversight duties provided, however, that the terms and tenure of employment of such outside, independent experts or specialists shall be subject to approval by the General Executive Council.

SEC. 3(f). The Finance Committee shall meet quarterly at such times and places as shall be designated by the Chairperson, or more often if additional meetings are requested by a majority of the members.

SEC. 3(g). The Finance Committee shall endeavor to cooperate with and assist the General President and the General Secretary-Treasurer in the performance of their respective constitutional duties. It shall furnish copies of the minutes of its meetings to the General President, the General Secretary-Treasurer, and all other General Vice Presidents as soon as may be practicable after each meeting is concluded.

SECTION 4 – PROCEDURE WHEN NOT IN SESSION

SEC. 4. The General Executive Council shall be empowered to transact business by correspondence when it is not in session.

SECTION 5 – REPORTS

SEC. 5. It shall be the duty of the General Executive Council to have reports prepared, either in printed or electronic format, and distributed among the delegates on the opening day of the Convention. The reports of the General President and the General Executive Council may be combined.

ARTICLE SEVEN (7) General Conventions

SECTION 1 – TIME AND PLACE

SEC. 1. This Association shall meet in a regular quinquennial (5-year) SMART General Convention at the time and in the city designated either by the last preceding SMART General Convention or by the General Executive Council, and the designated Convention city shall not be changed nor shall the Convention be postponed unless holding of the Convention at the designated time or place has become impossible or impracticable as a result of events and/or conditions occurring thereafter,

in which event a new Convention city or Convention date or both shall be rescheduled by the General Executive Council as soon as possible. In no event shall such Convention be postponed for more than one year.

SECTION 2 – REPRESENTATION AND VOTE

SEC. 2(a). Local Unions. Each local union shall be entitled to one (1) vote for the first fifty (50) good standing members or less and one (1) additional vote for each additional fifty (50) good standing members or majority fraction thereof. Each local union shall be entitled to its full vote and where but one delegate is present, they can cast the full vote to which their local union is entitled. No delegate shall cast a vote for any local union except the one of which they are in good standing.

Credentials of delegates shall be mailed, or processed electronically in a format supported by the General Secretary-Treasurer and approved by the General Executive Council, to the General Secretary-Treasurer not later than the fifteenth (15th) day of the month preceding the month in which the Convention is held.

The number of votes to which each local union is entitled shall be based upon its good standing membership on the first day of the second month preceding the month in which the Convention is held.

SEC. 2(b). Except as provided herein, each local union shall be entitled to one (1) delegate for the first one hundred (100) members or less and one (1) delegate for each additional one hundred (100) members or majority fraction thereof, provided, however, that in no event shall a local union be entitled to more than twenty (20) delegates or to more delegates than it pays full transportation costs plus all ordinary living expenses, none of which shall be refunded to the local union. The above requirement for payment of transportation costs and living expenses as a condition for being a delegate shall not apply to paid officials or paid representatives of this International Association.

SEC. 2(c). Councils. Each state, provincial and district council shall be entitled to one (1) vote, except that district councils comprised of only

one local union shall not be entitled to delegates and votes from both the local union and the district council. Each regional council shall be entitled to two (2) votes. The vote(s) of the council shall be cast only by the delegate(s) regularly elected by their council and cannot be cast by delegates from local unions and no council delegate may cast the vote or votes of a local union.

SEC. 2(d). Transportation Division Associations. The Association of General Chairpersons (District 1), Association of General Chairpersons (District 3), and the Association of Safety and Legislative Directors shall be entitled to a combined total of twenty-two (22) delegates, each with one (1) vote. The delegates shall be apportioned by the General President upon the recommendation of the President Transportation Division to the associations according to their respective number of members. Each member of the General Executive Council from the Transportation Division, the Deputy National Safety and Legislative Director, and remaining Transportation Division Vice President-International Representatives shall be counted as being one of these delegates and the apportionment to the associations shall be adjusted according to the sector of the Transportation Division to which the members belong.

SECTION 3 – QUALIFICATIONS AND ELECTION OF DELEGATES

SEC. 3(a). All delegates to the SMART General or Special Conventions of this Association shall meet the qualifications prescribed in Section 3 of Article Twelve (12) of this Constitution.

SEC. 3(b). All delegates shall be elected by eligible local unions in the same manner and under the same rules as in elections of local union officers and in accordance with Sections 4, 5, and 6 of Article Twelve (12) of this Constitution except that nomination and election of members other than those who are automatic delegates by virtue of their office or position may be elected in the calendar year in which the Convention is held or, at the option of the local union, at the local union's general

election in the year closest in time to the year in which the SMART General Convention is held.

SEC. 3(c). Delegates from state, provincial, regional and district councils and Transportation Division associations shall be elected in accordance with their constitutions and by-laws unless otherwise provided in this Constitution.

SEC. 3(d). (1) Any delegate from a local union in order to be entitled to vote for officers at the General Convention must have been elected by a secret ballot of the membership of such local union. (2) Any delegate from a state, provincial or district council or Transportation Division association in order to be entitled to vote for officers at the General Convention must have been elected by a secret ballot of the membership of the constituent units of the said state, provincial or district council or Transportation Division association. (3) Any Convention delegate who is not elected in accordance with the provisions of subsections (1) or (2) hereof shall not be entitled to vote for officers at the General Convention.

SEC. 3(e). The General President Emeritus by virtue of their position shall be an automatic delegate to each SMART General or Special Convention with a voice and vote in all deliberations and discussions but shall not be entitled to vote in the election of General Officers.

SEC. 3(f). Unless otherwise determined by the Convention, no local union or council shall be eligible to representation or vote in Convention unless all dues, fees and other obligations due this Association are paid in full in accordance with the provisions of this Constitution.

SECTION 4 – COMMITTEE ON CREDENTIALS AND GENERAL SECRETARY-TREASURER'S REPORT

SEC. 4. The General President shall select from the credentials of accredited delegates a Credentials Committee, which shall perform such duties as required for all SMART and Transportation Division Conventions and shall also act as Committee on General Secretary-Treasurer's

Report, and the members thereof shall assemble at the General Office at least six (6) days prior to the opening of the Conventions. It shall be the duty of this Committee to examine the records and accounts of the General Secretary-Treasurer and audit report submitted by the certified public accountant. It shall examine all duplicate credentials received at the General Office and shall determine from the records at the General Office the standing of the chartered and affiliated local unions and councils and the elected delegates thereof. It shall receive all original credentials presented by delegates and be ready to submit its report at the opening of the Convention.

SECTION 5 – DELEGATE CREDENTIALS

SEC. 5. Each elected delegate shall establish their identity and right to a seat in Convention by presenting to the Credentials Committee the original form of official credential signed by the president and the recording secretary of the local union or council, or president and financial secretary-treasurer of a regional council from which they are a delegate. Said credential shall bear the official seal of the local union or council. The General Secretary-Treasurer may establish an electronic format for the processing of official credentials if the necessary verifications as required by this constitution are met and such system is approved by the General Executive Council. Each delegate shall also present an official dues receipt, properly issued in accordance with this Constitution, showing actual payment of all dues and obligations to their local union for a period extending, at least, to the end of the month in which the Convention is held. When approved by the General Executive Council, an electronic method of verification may be used where such payment of all dues and obligations to their local union for the period, at least, to the end of the month in which the Convention is held is verified.

None but duly accredited delegates shall be admitted to sessions of the Convention except by majority vote of the Convention.

SECTION 6 – DELEGATE COMPENSATION

SEC. 6. Each local union, state, provincial, regional and district council or Transportation Division association shall pay its delegates full transportation costs plus ordinary living expenses for the specified convention dates plus allowable associated travel days, none of which shall be refunded to the local union or regional council. Under no circumstances will travel days be duplicated. Each delegate not assigned to a committee scheduled to meet during the Convention shall receive Eighteen Hundred Dollars ($1,800.00) as compensation for attending the Convention, none of which shall be refunded to the local union or regional council. Delegates appointed as Conductors, Wardens or Escorts, in addition to delegate compensation, shall receive Four Hundred Dollars ($400.00) for each day of service, none of which shall be refunded to the local union or regional council. All compensation herein shall be paid by the International Association and shall continue thereafter until changed by action of a subsequent Convention. This Section shall not apply to paid officials or paid representatives of this Association.

SECTION 7 – CONSTITUTION COMMITTEE: APPOINTMENT AND GENERAL DUTIES

SEC. 7. The General President shall select, from the credentials of accredited delegates, a Constitution Committee, the members of which shall assemble at the designated Convention city at least six (6) days prior to the opening of the Convention. It shall be the duty of said Constitution Committee to consider all recommendations and proposed amendments to the Constitution properly submitted by General Officers, local unions, councils and delegates and to hold hearings and report their recommendations to the Convention for consideration and action. The Constitution Committee shall also have authority to initiate and recommend new legislation including amendments to this Constitution and submit the same to the Convention for consideration and action.

SECTION 8 – COMMITTEES GENERAL

SEC. 8. Not later than the opening day of the SMART Convention, the General President shall appoint the following other committees, including such Special Committees as needed to address the business of the International at convention:

- General President's and General Executive Council's Reports
- Rules
- Grievance and Appeals
- Political Action
- Resolutions
- Rail/Airline/Yardmaster
- Union Label
- Convention Compensation
- Apprentice
- Special
- Production
- Roofing and Building Enclosure
- Transit/Bus
- Wellness and Mental Health Support

The committees provided for in this Section shall consist of not less than five (5) delegates each.

SECTION 9 – COMMITTEE COMPENSATION

SEC. 9. Each member of the committees provided for in this Article shall be paid Six Hundred and Fifty Dollars ($650.00) as compensation

for each day spent on committee business prior to, during or after the Convention and for each day of attendance while the committee is in session, including days en route to and from such Convention. This compensation shall be in addition to delegate compensation except for members of committees scheduled to meet during the Convention, who shall receive only the compensation provided in this section.

The Committee on Credentials and General Secretary-Treasurer's Report and the Constitution Committee if called into session before the Convention at a location approved by the General Executive Council shall receive Six Hundred and Fifty Dollars ($650.00) compensation per day and One-Hundred Dollars ($100.00) per day for expenses including days traveling to and from their homes to the meeting location, in addition to the cost of lodging and air fare.

SECTION 10 – QUORUM

SEC. 10. A quorum for the transaction of business shall be a majority of the delegates attending the Convention.

SECTION 11 - ORDER OF BUSINESS

SEC. 11. The following order of business shall govern the Convention proceedings:

1. Call to order;
2. Receive credentials;
3. Reports of Committees on Credentials and Rules;
4. Roll call;
5. Announce or display: This meeting is an environment free of discrimination and harassment;
6. Selection of special committees;
7. Reports of Officers;

8. Resolutions, memorials and petitions;
9. Communications and bills;
10. Reports of committees;
11. Election of Officers;
12. Obligation of Officers;
13. Grievances and appeals;
14. Unfinished business;
15. New business;
16. Reports of delegates;
17. Adjournment.

SECTION 12 – ATTENDANCE OF GENERAL OFFICERS

SEC. 12. The General Officers shall be required to attend all Conventions, general or special, of this Association, and their salaries and expenses shall be paid from the funds of the Association at the established rate.

SECTION 13 – CONVENTION GUESTS

SEC. 13. The General President with the approval of the General Executive Council shall have the authority to invite and compensate such Convention guests as they may deem proper.

SECTION 14 – SPECIAL CONVENTIONS

SEC. 14. The General President with the approval of the General Executive Council may call a Special Convention of the Association for the purpose of considering special subjects which in their opinion may require Convention action between Regular Conventions. The call for such Special Convention shall be issued by the General

Secretary-Treasurer and such call shall specify the time and place thereof and the special subjects to be considered. No subjects other than those designated on the Convention call shall be considered at any Special Convention. The provisions of this Constitution which relate to General Conventions shall govern the procedure of Special Conventions insofar as they may be required to effectuate the business designated in the call for such Special Convention.

SECTION 15 – RESOLUTIONS

SEC. 15. Resolutions, other than those to amend the Constitution, may be submitted by any local union or council, Transportation Division Association, state safety and legislative board, general committee, the General President, General Secretary-Treasurer, President Transportation Division, the General Executive Council or by the Resolutions Committee. Resolutions submitted by local unions or councils, general committees and state safety and legislative boards must be submitted separately by subject matter in resolution form and sent in triplicate to the General Secretary-Treasurer at the General Office at least sixty (60) days, as shown by postmark or confirmation by a courier, prior to the opening of the Convention at which such resolutions are to be considered, unless the requirements of this paragraph are waived by a two-thirds (⅔) vote of the delegates at the Convention. All resolutions proposed by any member of a local union shall be submitted to the local union Executive Board or regional council Executive Committee at least thirty (30) days prior to the submission thereof to the local union for consideration. All resolutions submitted by local unions or councils must bear the signature of the president and recording secretary, and for Transportation Division Associations, general committees and state safety and legislative boards must bear the signature of the chairperson or director and secretary of the committee or board. In addition, all resolutions must be accompanied by meeting minutes that confirm the proposed resolution was duly passed by the local union, council, committee, association or board.

SECTION 16

SEC. 16. Resolutions relating to constitutional changes shall be submitted in accordance with Article Thirty-Three (33) of this Constitution.

ARTICLE EIGHT (8) International Staff

SECTION 1 – APPOINTMENT

SEC. 1. The General President shall have the authority to appoint a staff consisting of a sufficient number of International Representatives, International Organizers, Regional Directors, a Director of Canadian Affairs and other Directors as they may deem advisable to carry on the necessary organizing and related work of this Association and may increase or reduce members of such staff from time to time as circumstances and the requirements of the Association may justify or warrant and remove any members of such staff for cause, all subject to the approval of the General Executive Council.

SECTION 2 – QUALIFICATIONS

SEC. 2. Any member in good standing is eligible to appointment to a position on the staff referred to in Section 1 of this Article if they are or become a member in good standing upon their appointment and is free from delinquencies of any nature to this Association or any local union or council thereof, including all dues and obligations to and for the month in which they are appointed.

SECTION 3 – DUTIES

SEC. 3. Members of the staff referred to in this Article shall be assigned by the General President in such manner and in such territory as, in their opinion, will best serve the needs and requirements of this Association. They shall report to the General President or their designated representative at the General Office of the International Association.

They shall perform such services as the General President may require or direct and shall not incur or assume any financial obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This Association shall not be responsible or liable for any such financial obligations or expenses unless authorized in the manner provided herein.

SECTION 4 – DIRECTORS' OFFICES

SEC. 4. All Directors, except the Canadian Director, shall maintain offices in the General Office of the International, except that their offices may be located elsewhere, if the General President, subject to approval of the General Executive Council, determines such relocation is prudent.

SECTION 5 – COMPENSATION

SEC. 5. Except as otherwise provided in this Section 5, the salary and expenses of the Directors, Regional Directors, International Representatives and International Organizers and the method of determining same shall be that established by Convention action and shall continue thereafter until changed by action of a subsequent Convention. Notwithstanding the previous sentence, the General President, with the approval of the General Executive Council, shall have the right to raise or lower the compensation and expenses of the above named individuals and the International Staff members depending upon their performance of their duties and responsibilities.

International Representatives and International Organizers shall be paid the average of the thirty (30) highest paid Business Managers and Regional Managers in the United States and Canada, salary adjustments to be made on January first of each year, and, whatever percentage increase in salary the International Representatives and International Organizers receive, the same percentage increase shall be granted to all General Officers and International Staff personnel.

Should the above formula's implementation be inconsistent with budgetary considerations, it shall be implemented over a time frame as determined by the General President and the Finance Committee and with the approval of the General Executive Council.

ARTICLE NINE (9) State, Provincial, District and Regional Councils

SECTION 1 – ORGANIZATION

SEC. 1(a). State or Provincial Councils. A state or provincial council may be formed and chartered in any state in the United States or province in Canada when approved by the General President, provided at least two-thirds (⅔) of the local unions in the particular state or province approve of the formation of such council and join in making application to this Association for a state or provincial council charter.

SEC. 1(b). District Councils. When approved by the General President, a district council may be formed and chartered by a two-thirds (⅔) majority of the local unions within a specified territory in more than one (1) state or province, provided that no district council shall be formed or chartered within a state or province where a chartered state or provincial council already exists.

SEC. 1(c). Special Councils. When the interest of this Association warrants the establishment of a council, other than a state, provincial, or district council, the General President may form and charter a special council. The members of such special councils may be determined by the General President based on the stated purpose of the council. A special council shall not be entitled to a delegate to the General Convention.

SECTION 2 – CHARTER APPLICATION

SEC. 2. Application for a state, provincial, or district council charter must be filed with the General Secretary-Treasurer and each application

for state, provincial, or district council charter shall bear the signatures of the president and secretary and the seal of each local union which is a party to the application.

SECTION 3 – GOVERNMENT

SEC. 3. State, provincial, and district councils shall not adopt any rules, regulations or policies which in any way conflict with the provisions and intent of this Constitution; nor shall any additional rules or regulations, not included in this Constitution, be adopted until they are first submitted to the General Secretary-Treasurer for consideration and official notice of approval received from the General Secretary-Treasurer.

All of the provisions and requirements of this Constitution, governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof, shall apply to all state, provincial and district councils and the officers, representatives, and members of said councils, insofar as they are adaptable.

SECTION 4 – PENSIONS

SEC. 4. Pension plan for full-time salaried officers and employees shall be that provided in Article Twelve (12), Section 10.

SECTION 5 – REGIONAL COUNCILS

SEC. 5. The General President, with approval of the General Executive Council, may establish a regional council, which may be made up of any number of local unions from one or more states or provinces, except locals in the Transportation Division. The General President may, with approval of the General Executive Council, increase or decrease the number of participating local unions within the jurisdiction of the regional council.

SECTION 6 – CHARTER APPLICATION

SEC. 6. Each regional council shall be issued a charter by the International Association which shall bear the numbers of the local unions who are within the jurisdiction of the regional council. The regional council shall also be issued an official seal by the International Association.

SECTION 7 – GOVERNMENT

SEC. 7(a). All local unions within the territorial jurisdiction of the regional council shall be fully affiliated with the regional council and shall come under its jurisdiction.

SEC. 7(b). All of the provisions and requirements of work jurisdiction, governing, administration and operation of the regional council shall be established by and approved by the General Executive Council notwithstanding the provisions of Article 10, 11, 12 and other provisions of this Constitution having to do with the organization and operation of local unions except insofar as the General Executive Council incorporates them, except Article Twelve (12), Section 11(b) will continue to apply to officers, regional managers and council representatives of regional councils. The president and financial secretary-treasurer of a regional council shall be delegates to the General Convention by virtue of office, unless they are a delegate because of an office or position held in a local union.

ARTICLE TEN (10) Local Unions

SECTION 1 – CHARTERS

SEC. 1(a). Except as otherwise provided in this Constitution, twenty-five (25) or more persons located where no chartered local union in the same branch of the trade exists, who qualify for membership in accordance with the provisions of Article Sixteen (16) of this Constitution, may make application for membership and for local union charter.

SEC. 1(b). Upon request, the General Secretary-Treasurer shall furnish official forms of application for each of the twenty-five (25) or more qualified applicants. Upon receipt of the required number of application forms, properly filled out and signed by the applicants, and accompanied by the payment of three (3) months' dues plus the International initiation fee per applicant from each applicant, the General Secretary-Treasurer, after approval by the General President, shall issue a charter for the new local union with a designated number and official seal. They shall forward the charter and seal to said local union, together with necessary supplies, a complete set of books with proper entry and credit for the amount paid by each applicant and recorded on official receipts in either printed or electronic form as approved by the General Secretary-Treasurer and maintained in the official receipt book of the new local union.

SEC. 1(c). From the total amount forwarded to the General Secretary-Treasurer by applicants for a charter, they shall retain forty-five percent (45%) per applicant of the International initiation fee and the International per capita dues for each applicant for three (3) months in advance. The balance of the money received from applicants shall be refunded to the financial secretary-treasurer of the newly chartered local union and each applicant shall receive an official receipt crediting them with their initiation fee and per capita dues received by the General Office as herein provided.

SECTION 2 – REVENUES, FEES AND DUES

SEC. 2(a). After a local union charter has been issued, each additional applicant for membership therein, shall be required to pay a local initiation fee of not more than Fifteen Dollars ($15.00) plus dues in advance beginning with the month in which initiation is properly recorded. Said local initiation fee shall be effective for a period of ninety (90) days from date of issuance of charter and shall include forty-five percent (45%) International initiation fee.

SEC. 2(b). From the ninety-first (91st) day after the issuance of a charter, each local union may establish and collect a local initiation fee of not more than Five Hundred Dollars ($500.00), nor less than the amount established by the local union by-laws or policies, plus dues in advance beginning in the month in which such initiation is properly recorded. Initiation fees shall not be collected from applicants who have been discharged from the armed services and who furnish a photostatic copy of Honorable Discharge or general under honorable conditions, which shall be forwarded to the General Secretary-Treasurer. Forty-five percent (45%) of any initiation or reinitiation fee collected by a local union shall constitute the International initiation or reinitiation fee and be paid to the International Association.

At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

SEC. 2(c). Each payment on initiation, reinitiation or reinstatement fee, collected by a local union, including payments by apprentices, shall be recorded on an official receipt, in either printed or in electronic form as approved by the General Secretary-Treasurer. Electronic receipts, or receipts purchased from the General Office shall have recorded thereon, in the space provided therefore, the applicable percentage of such payment as described in Section 2(b) of this Article Ten (10) on initiation, reinitiation or reinstatement fees due this Association. Electronic receipts or the white duplicate (copy) of such official paper receipt, together with the money shown thereon to be due this Association, shall be forwarded by the financial secretary-treasurer with their

monthly report for the month in which such initiation, reinitiation or reinstatement fees or payments thereon were recorded on such official receipts.

The General Secretary-Treasurer, with the approval of the General Executive Council, is authorized to change from time to time the method, procedure, reports, receipts and other forms for the collection, receipt and transmittal of funds by local unions and the duties and obligations of local union officers in connection therewith, notwithstanding any other provisions of this Constitution.

All funds received by this Association as payments on initiation, reinitiation or reinstatement fees shall belong to and remain the property of this Association whether or not the applicant for membership completes payment on their full initiation, reinitiation or reinstatement fee.

SEC. 2(d). The provisions of Section 2(c) of this Article shall not apply to payments for reinstatement of suspended members pursuant to the provisions of Article Sixteen (16), Section 12(b).

SEC. 2(e). Notwithstanding any other provision of this Article, the General President is authorized to waive or reduce the amount of local union dues or local or International reinstatement, initiation or reinitiation fee for a specified amount of time for a specified purpose such as in conjunction with a recruitment or organizing drive, or when a local union requests a waiver or reduction in writing, or when peculiar conditions so justify.

SEC. 2(f). Each local union shall establish and maintain a monthly or quarterly rate of dues sufficient to carry on the affairs of such local union on a sound financial basis, where for the purposes of this section a minimal threshold shall be considered as three (3) months' operating expenses for the local union, based on the previous year's audit of expenses, having in mind its current and prospective needs and requirements and its obligations due this Association, including monthly per capita dues. If the assets of the local union should fall below the six (6) month level, the local union financial secretary-treasurer shall submit

to the General Secretary-Treasurer a plan for restoring the assets of the local union to a sound financial basis. The amount of said dues in no case shall be less than those prescribed in this Constitution. The dues of all members of local unions shall be paid monthly or quarterly, but always in advance. A late fee may be charged for dues payments not made in advance of the current month if approved by the local union. A member may not work unless their dues are paid up as provided in this Section. Failure to pay dues within two (2) months shall result in automatic suspension from membership. In the event of death, dues paid in advance of the month of death shall be refunded to the legally designated beneficiary of the deceased by the local union which will receive a credit for the per capita dues.

SEC. 2(g).

1. The minimum monthly dues for each member engaged in the building and construction industry in a building and construction trades local union shall be as follows:

    a. In local unions, the membership of which is five hundred (500) or less, the equivalent of three and one-half (3 ½) hours' pay, plus full per capita dues;

    b. In local unions, the membership of which is between five hundred and one (501) to one thousand (1,000), the equivalent of three (3) hours' pay, plus full per capita dues;

    c. In local unions, the membership of which exceeds one thousand (1,000), the equivalent of two and one-half (2 ½) hours' pay, plus full per capita dues;

    d. In determining the number of members for the foregoing purposes, all members engaged in the building and construction industry of the local union shall be included.

2. The minimum monthly dues for other workers in a building and construction trades local union shall be the equivalent of two and one-half (2 ½) hours' pay, plus full per capita dues. The local shall determine how to set the average, but in no case shall the minimum monthly dues be less than Seventeen Dollars ($17.00) per month.

3. The minimum monthly dues for members of all other local unions shall be the equivalent of two and one-half (2 ½) hours' pay plus full per capita dues. The local shall determine how to set the average, but in no case shall the minimum dues be less than Seventeen Dollars ($17.00) per month.

4. a. For building trades members, the term "hours' pay" as used herein shall mean the wage/fringe package, but shall not include zone rates, special project rates, or similar increments over the basic rate.

   b. For production worker members, the term "hours' pay" as used herein shall mean the basic taxable hourly contract rates, including all lump sum payments made by an employer in lieu of increases in employees' basic hourly rate, but shall not include fringe benefits, zone rates, special project rates, incentive rates or similar increments over the basic rate.

5. The number of members of each local union on which the minimum rate of dues will be based shall be the average number of members of each local union during the previous calendar year.

6. In applying the formula in this Section, incremental increases which may result from adjustments in the hourly rates of pay shall be due on January 1 of the year following such adjustments.

7. In determining the rate of monthly dues payable, the amount shall be rounded out to the nearest Twenty-Five Cents ($.25).

8. Notwithstanding any other provisions of this Section, (a) retired members who are not limited members shall pay dues at the rate their local union may establish but in no event less than Sixteen Dollars ($16.00), or greater than Twenty-Two Dollars ($22.00) per month which includes full per capita dues and (b) disabled members shall pay dues at the rate their local union may establish for such status but in no event less than Sixteen Dollars ($16.00), per month which includes full per capita dues. The appropriate per capita dues for retired and disabled members shall be that established for production worker members.

9. In the event a local union can demonstrate to the General Executive Council that it has and can maintain financial reserves sufficient to meet normal operating expenses for a six month period and, further, that the local union has by secret ballot vote authorized the local union to seek such relief, the General Executive Council may approve a reduction in the rate of minimum dues to such local union in an amount deemed appropriate, provided, however, that the rate of dues for an active member shall not be lower than the rate set forth in Paragraph 3 of this Section.

SEC. 2(h). The monthly per capita dues shall be increased in the following manner:

The monthly per capita dues shall be as follows:

JANUARY 1, 2025

- Railroad Mechanical and Engineering Members $35.00
- Production Members $18.00
- Shipyard Members $18.00

- Classified Non-Building Trades $16.00
- Government Members $18.00
- Retired & Disabled Members $16.00

JULY 1, 2025

- The monthly per capita working dues shall increase ($.03) an hour.
- Building Trades Members ..... $26.00 + $.23 an hour
- Residential & Industrial Members ..... $18.00 + $.23 an hour
  (who earn 75% or less of the journeyperson wage package)
- Shinglers ..... $19.00 + .15% gross wage
- Roofers ..... $17.00 + $.23 an hour
- Classified Workers (SFUA) ..... $15.00 + $.23 an hour
- Apprentice Members ..... $13.00 + $.23 an hour
- Pre-apprentice Members ..... $10.00 + $.23 an hour

JANUARY 1, 2026

- Railroad Mechanical and Engineering Members $35.25
- Production Members $18.25
- Shipyard Members $18.25
- Classified Non-Building Trades $16.00
- Government Members $18.25
- Retired & Disabled Members $16.00

JULY 1, 2026

- The monthly per capita working dues shall increase ($.03) an hour.
- Building Trades Members ..... $26.00 + $.26 an hour

- Residential & Industrial Members ..... $18.00 + $.26 an hour
  (who earn 75% or less of the journeyperson wage package)
- Shinglers ..... $19.00 + .15% gross wage
- Roofers ..... $17.00 + $.26 an hour
- Classified Workers (SFUA) ..... $15.00 + $.26 an hour
- Apprentice Members ..... $13.00 + $.26 an hour
- Pre-apprentice Members ..... $10.00 + $.26 an hour

JANUARY 1, 2027

- Railroad Mechanical and Engineering Members $35.50
- Production Members $18.50
- Shipyard Members $18.50
- Classified Non-Building Trades $16.00
- Government Members $18.50
- Retired & Disabled Members $16.00

JULY 1, 2027

- The monthly per capita working dues shall increase ($.03) an hour.
- Building Trades Members ..... $26.00 + $.29 an hour
- Residential & Industrial Members ..... $18.00 + $.29 an hour
  (who earn 75% or less of the journeyperson wage package)
- Shinglers ..... $19.00 + .15% gross wage
- Roofers ..... $17.00 + $.29 an hour
- Classified Workers (SFUA) ..... $15.00 + $.29 an hour
- Apprentice Members ..... $13.00 + $.29 an hour
- Pre-apprentice Members ..... $10.00 + $.29 an hour

JANUARY 1, 2028

- Railroad Mechanical and Engineering Members $35.75
- Production Members $18.75
- Shipyard Members $18.75
- Classified Non-Building Trades $16.00
- Government Members $18.75
- Retired & Disabled Members $16.00

JULY 1, 2028

- The monthly per capita working dues shall increase ($.03) an hour.
- Building Trades Members ..... $26.00 + $.32 an hour
- Residential & Industrial Members ..... $18.00 + $.32 an hour
  (who earn 75% or less of the journeyperson wage package)
- Shinglers ..... $19.00 + .15% gross wage
- Roofers ..... $17.00 + $.32 an hour
- Classified Workers (SFUA) ..... $15.00 + $.32 an hour
- Apprentice Members ..... $13.00 + $.32 an hour
- Pre-apprentice Members ..... $10.00 + $.32 an hour

JANUARY 1, 2029

- Railroad Mechanical and Engineering Members $36.00
- Production Members $19.00
- Shipyard Members $19.00
- Classified Non-Building Trades $16.00
- Government Members $19.00

- Retired & Disabled Members $16.00

JULY 1, 2029

- The monthly per capita working dues shall increase ($.03) an hour.
- Building Trades Members ..... $26.00 + $.35 an hour
- Residential & Industrial Members ..... $18.00 + $.35 an hour *(who earn 75% or less of the journeyperson wage package)*
- Shinglers ..... $19.00 + .15% gross wage
- Roofers ..... $17.00 + $.35 an hour
- Classified Workers (SFUA) ..... $15.00 + $.35 an hour
- Apprentice Members ..... $13.00 + $.35 an hour
- Pre-apprentice Members ..... $10.00 + $.35 an hour

Notwithstanding any other language herein, the General President, with the approval of the General Executive Council, may reduce, postpone or cancel the per capita dues or any increase for members in certain and specific work classifications of the entire industry, provided that such action is deemed advisable or necessary in the best interests of this Association and the members thereof. The General Secretary-Treasurer, with the approval of the General Executive Council, may add member classifications to the foregoing list.

SEC. 2(i). Local union dues and initiation fees may be increased by local unions only by a majority vote of good standing members voting by secret ballot at a regular or special meeting after reasonable notice to the membership of intention to vote on such question, provided however, that when the International per capita dues is increased by action of the delegates at an International Convention, the then prevailing rate of dues of each local union shall be automatically increased in like amount on the effective date of the per capita dues increase plus such

additional amount, if any, as may be required to maintain the minimum rate of dues established by this Constitution.

SECTION 3 – ASSESSMENTS

SEC. 3(a). No local assessments shall be levied or collected by any local union until all members have been notified by written or printed notice of the proposed assessment and the purpose thereof, with a specified date, time and place of regular or special meeting to consider, discuss and vote on said proposed assessment. It shall require a majority vote by secret ballot of all members present to authorize the adoption of the proposed assessment. No such assessment shall be proposed, adopted, levied or collected from any member except to provide funds for the recognized and necessary operating and organizing expense of the local union and dues, fees and other obligations due this Association. Notice of the approval of any local assessment shall be given to the General Secretary-Treasurer forthwith and all payments thereof by local union members shall be recorded on official receipts.

SEC. 3(b). No dues shall be accepted from and no official receipt issued to any member, following the date or dates any proper International or local union assessments become due from such member, until such assessments are paid.

SECTION 4 – GOVERNMENT

SEC. 4. Each local union, its officers, representatives and members shall recognize, observe and be bound by the provisions and requirements of this Constitution, by any amendments thereto, and by all decisions, orders and interpretations properly rendered and the policies established by the General Officers of this Association.

SECTION 5 – LOCAL RULES, REGULATIONS AND POLICIES

SEC. 5. Local unions shall not adopt any local rules, regulations, or policies which in any way conflict with the provisions of this Constitution.

The provisions of this Constitution relating to local unions and the members thereof shall constitute the by-laws of those local unions which do not adopt by-laws of their own. Local union by-laws shall be filed through an electronic means approved by the General Secretary-Treasurer and no provisions thereof which are objected to by them as being inconsistent with this Constitution, the policies of this Association or the requirements of law shall be made effective or continued in effect. Any finding made by the General Secretary-Treasurer that a provision of the by-laws of the local union is objectionable may be appealed as provided in Article Nineteen (19).

SECTION 6 – MEETINGS

SEC. 6(a). Each local union shall determine the times and places for the holding of its regular meetings, which must be held at least quarterly, and determine how many of its members shall constitute a quorum. Special meetings shall be called by the local union president upon the request of two-thirds (⅔) of the members of the local union Executive Board or upon the request of at least ten (10) members in good standing or twenty percent (20%) of the members in good standing if submitted by signed petition, whichever is greater, or where a motion for a special meeting is proposed and accepted at a regular membership meeting by at least ten (10) members in good standing or two-thirds (⅔) of the members in good standing who are in attendance at a regular meeting, whichever is greater. The call for such special meeting shall be made in advance, by written notice, or by notice printed in a publication customarily mailed to all members, and shall specify the time, place and purposes thereof, and no subjects other than those specified in the call shall be considered at such meeting.

A special order of business may be placed on the agenda by the local union president or business manager or by motion adopted by a two-thirds (⅔) vote at a previous regular meeting. The membership shall be notified of the subject of the special order of business in advance, by written notice,

or by notice printed in a publication customarily mailed to all members, which shall be brought to the floor at the next regular meeting.

SEC. 6(b). Order of Business. The following order of business shall govern proceedings of local unions:

1. Call the meeting to order;
2. Warden, take charge of the door;
3. Conductor, examine dues receipts;
4. Roll call of officers;
5. Roll call of members;
6. Announce or display: This meeting is an environment free of discrimination and harassment;
7. Reading of minutes;
8. Installation of officers when applicable;
9. Applications for membership;
10. Initiations;
11. Communications and bills;
12. Reading of receipts from General Office;
13. Financial secretary-treasurer's report;
14. Special orders of business when applicable;
15. Reports of the business manager, business representatives, organizers, other officers and shop stewards;
16. Reports of delegates and committees;
17. Unfinished business;
18. Trade instruction;
19. New business for good of the Union;

20. Good and welfare;

21. Adjournment

SEC. 6(c). Live video conferencing of membership or other official local union meetings to satellite locations designated by the local union is allowed. No mechanical recording by any means of the proceedings at any official meetings of the local union shall be permitted by any member at any time. A member responsible for so recording such union meetings will be subject to charges.

SECTION 7 – MERGER OR SEPARATION

SEC. 7. No local union or unions shall amalgamate or merge with any other local union or unions nor shall any local union separate its membership into two or more local unions, except by express authorization from the General President pursuant to the authority granted to them by Article Three (3), Section 2(g), of this Constitution.

SECTION 8 – VOLUNTARY DISSOLUTION

SEC. 8(a). No local union shall be dissolved or withdrawn from this Association so long as fifteen (15) or more members of such local union, in good standing, vote to retain the local union charter.

SEC. 8(b). Before the members of a local union may be permitted or required to vote on the question of dissolving or surrendering its charter, three (3) months' notice, in writing, shall be given to the General Secretary-Treasurer, which notice shall be accompanied by the names and addresses of all members of such local union in good standing.

SEC. 8(c). No vote shall be taken on the question of dissolution or voluntary surrender of a charter of a local union except at a meeting specially called for that purpose after thirty (30) days' notice in writing, to every member of such local union, designating the time and place of such meeting and the purposes for which it is called.

SEC. 8(d). If, at a meeting properly called in accordance with the provisions of this Section, less than fifteen (15) members vote to retain the charter of the local union, the officers of such local union shall immediately notify the General Secretary-Treasurer of such action, furnish them with a record of the votes cast and comply with the provisions of Section 10 of this Article.

SEC. 8(e). In the event of a voluntary dissolution all eligible members shall maintain their good standing by becoming members of the local union to which the jurisdiction of their former local union was assigned.

SECTION 9 – AUTOMATIC SUSPENSION AND FORFEITURE OF CHARTER

SEC. 9(a). Whenever a local union fails to hold regular meetings for a period of three (3) consecutive months, or whenever the officers thereof refuse, fail, or neglect to forward monthly reports and duplicate (copies) of official receipts with dues and fees due this Association for a period of three (3) consecutive months, the charter of said local union may be suspended or forfeited by the General Executive Council; and the officers, representatives, and members of said suspended local union shall comply with all requirements of Section 10 of this Article.

SEC. 9(b). Whenever the records at the General Office, determined by duplicates (copies) of official receipts filed by a local union, show that there are less than fifteen (15) members in good standing, the charter of said local union shall be declared suspended and forfeited; and the officers, representatives, and members of said suspended local union shall comply with all requirements of Section 10 of this Article. In the event of the forfeiture of a local union charter as provided in this Section, all eligible members shall maintain their good standing by becoming members of the local union to which the jurisdiction of their former local union was assigned.

SECTION 10 – SURRENDER OF PROPERTY

SEC. 10. In case of the suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of any local union or council for any cause or reason whatsoever or withdrawal from this Association, it shall be the duty of the officers of such local union or council to immediately send the charter, seal, books, records, papers, funds, and all other property of said local union or council to the office of the General Secretary-Treasurer, together with a proper accounting of all the financial and other affairs of such local union or council. Any distribution or attempted distribution of the funds, property or assets of a local union or council, in anticipation of withdrawal from this Association, suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of any local union or council, to the members thereof or to anyone other than the General Secretary-Treasurer shall be contrary to this Constitution and exceed the authority of any officer or officers of such local union or council and the members thereof.

The General Secretary-Treasurer shall hold the charter, seal, books, records, papers, funds and other property sent to them in accordance with this Section for a period to be determined by the General Executive Council which in no instance, except as provided in the next succeeding paragraph, shall be less than one (1) year, or pending any appeal which may have been taken in accordance with this Constitution from any suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of such local union or council, whichever time is the greater.

If within any period provided for in the preceding paragraph of this Section (a) as a result of appeal, the said local union or council is re-established; (b) a new local union or council is established to take over the jurisdiction of said local union or council; or (c) the jurisdiction and membership of said local union or council is transferred to another local union or council; the General Secretary-Treasurer shall forthwith surrender the funds and property then in their hands to such local union or council. In

the event the funds and property are not surrendered to a local union or council by the General Secretary-Treasurer as provided in this Section, they shall become the property of this Association.

SECTION 11 – REPORTS

SEC. 11(a). A report of all receipts, disbursements and balance on hand, determined by examination and proper audit of the books and records of the financial secretary-treasurer, properly signed and certified to by the trustees, shall be prepared and forwarded to the General Secretary-Treasurer not later than ninety (90) days after the close of each quarter ending March 31, June 30, September 30 and December 31 of each year. If a quarterly certified audit of the books and records of the local union is made, the forwarding of same by the trustees to the General Secretary-Treasurer shall constitute compliance with this Section. Such audits shall be accepted with the signature of the local union financial secretary-treasurer and at least three (3) trustees.

At the close of the fiscal year, the trustees shall have all financial books and records for that year audited by an independent certified public accountant, or chartered accountant in Canada, who shall submit a copy of the audit to the local union and a copy to the General Secretary-Treasurer along with the management letter if applicable, not later than ninety (90) days after the close of the fiscal year. The General Secretary-Treasurer may waive or modify this requirement for good cause with respect to local unions with less than three hundred (300) members. The trustees once a year shall physically verify or confirm directly with the custodian or broker the existence of all securities deposited in the name of the local union or in the street name with any securities firm.

SEC. 11(b). Each local union shall file with the General Secretary-Treasurer a record of the established local initiation, reinitiation, and reinstatement fees and the established local union monthly dues and wage scale, and notice of all changes thereto shall be sent to the

General Secretary-Treasurer within sixty (60) days of the effective date of such changes.

SECTION 12 – OFFICIAL SUPPLIES

SEC. 12. All Constitutions and Rituals, official receipts, application and report forms, cards, books and all other supplies necessary to the proper conduct and operation of local unions, shall be purchased from the General Office and shall be forwarded to local unions in good standing on receipt of orders from the duly authorized officers of said local union at list price; money order, check or bank draft for the amount due to accompany each order. Copies of the Constitution, as amended, shall be forwarded, free of charge, to local unions in good-standing for distribution to their members in good standing on a one time basis subsequent to the conclusion of each General Convention. Fifteen (15), Twenty-Five (25), Forty (40), Fifty (50), Sixty (60), Seventy (70), and Seventy-five (75) year pins shall be furnished to local unions free of charge. In addition, a special presentation shall be provided to honor Seventy (70) and Seventy-five (75) year members.

SECTION 13 – LOCAL UNION FUNDS

SEC. 13. Local union funds shall be derived from sources specified in this Constitution and shall not be appropriated, loaned, donated, or disbursed for any purpose except the recognized and necessary operating and organizing expenses, including capital transactions, of the local union and dues, fees, and other obligations due this Association except as provided in Section 2(g) of Article Three (3) and Sections 2(b) and 2(c) of Article Ten (10) and no monies received from members for the payment of International per capita dues shall be diverted to any use or purpose other than the payment of per capita dues to the International Association.

The money and property of a local union shall be used solely for the benefit of the local union and only for such purposes as are permitted

or required by this Constitution. The officers, agents, representatives and employees of local unions who handle its funds and property shall be held to the standard of conduct prescribed for General Officers, agents and employees, in Article One (1), Section 6, of this Constitution and accountable for any breach thereof under this Constitution. The officers of each local union shall manage, invest, and expend its funds in accordance with the applicable provisions of this Constitution, and any action taken by the membership of the local union not inconsistent with this Constitution or the approved by-laws of the local union.

SECTION 14 – DISBURSEMENTS

SEC. 14. Except for per capita dues, fees and obligations due this Association, no bills or obligations shall be paid from the funds of local unions except by vote of the membership and on checks with at least two signatures, that of the financial secretary-treasurer and the other of the president or another officer duly authorized by the local union except a trustee, provided, however, that initial approval of commitments for salaries, rent, telephones and similar recurring expenditures required in the normal and regular operation of the union shall be sufficient compliance with this Section, but such expenditures shall be itemized in the report of the financial secretary-treasurer and read at the meeting. In lieu of issuing checks, the local union may make electronic disbursements provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the financial secretary-treasurer and the president or other duly authorized officer which can and shall be verified by an audit trail.

SECTION 15 – COMMITTEES

SEC. 15. All local union committees shall perform the duties assigned to them within the time specified. No person shall be exempt from serving on a committee unless they are a member of some other committee. Committees holding monies, securities, or certificates of value, which

are the property of the local union, shall at the first opportunity and not later than the next regular meeting deliver same to the financial secretary-treasurer with a complete itemized statement and record of all vouchers; and in no case shall any committee or any members thereof be discharged or relieved from responsibility or liability to the local union until all of said requirements have been complied with. The committee shall receive reimbursement for expenses or lost time if such arrangements were originally approved by the local union when the committee was appointed.

SECTION 16 – APPEALS FOR AID

SEC. 16. There shall be established, maintained, and promoted by the International Association a fund to be known as the SMART Disaster Relief Fund for the purpose of providing financial assistance to SMART members who incur extraordinary losses due to disasters. This Fund will be dependent on voluntary contributions received from members, local unions and councils, and, when warranted, grants from the General Fund as determined by the General Executive Council. The Disaster Relief Committee, composed of the General President, General Secretary-Treasurer and First Vice President, will review applications from local unions for disaster relief and decide whether and how much financial relief should be approved.

No appeal for aid from any local union of this Association shall be recognized by any other local union unless it has been approved by the General President and General Executive Council and all local unions responding to such an appeal must notify the General Secretary- Treasurer, stating amount of donation. Like action must be taken by the local union receiving said donation.

SECTION 17 – GENERAL OBLIGATIONS

SEC. 17. Each local union with building trades members shall affiliate with building trades councils, and all local unions shall affiliate with

AFL-CIO state federations, unless exempted by the General President. Each local union may maintain labor bureaus and encourage trade education; join bona fide central labor unions and trade assemblies, where such exist; maintain contact and proper relations with other trade unions and do all in its power to strengthen and promote the interests of the bona fide labor movement.

All local unions of this Association shall maintain an organizing program. It shall be funded pursuant to Article Twenty-Four (24) of this Constitution.

All local unions of this Association shall affiliate with bona fide state, district and provincial councils chartered by this Association.

Each local union having Taft-Hartley trust funds are encouraged to join the National Coordinating Committee of Multiemployer Plans (NCCMP) in order to support the advocacy and protection of multiemployer plans and their participants.

ARTICLE ELEVEN (11) Local Union or Council Benefit Plans

SECTION 1 – RESPONSIBILITY

SEC. 1. Whenever a local union or council establishes and operates any local, district or state plan to provide sick, out of work, or death benefits or any other form of benefit or relief for the members thereof, said local unions and councils assume full responsibility for the operation and likewise full liability for the payment of all financial obligations in accordance with the established rules and regulations governing said local benefit or relief plan and likewise in accordance with the laws of the respective states or territories. This Association shall not be in any way financially or otherwise connected, involved, responsible or liable for the payment of any claims or judgments filed or rendered against any local union or council in connection with said local sick, out of work, or death benefit or other local benefit or relief plans.

Local union funds derived from sources specified in this Constitution shall not be appropriated, loaned or donated to support, or otherwise finance, any of the benefit or relief plans referred to in this Article, or to otherwise provide relief or to maintain the good standing of members. Participation in the above-mentioned local, district or state plans shall be purely optional and no member shall be required as a condition of membership to participate in said plans or to contribute to the support and maintenance thereof.

This Section shall not apply to health, welfare or pension plans negotiated through the process of collective bargaining.

ARTICLE TWELVE (12)
Local Union Officers, Business Managers, and Business Representatives

SECTION 1 – NUMBER OF OFFICERS AND TITLES

SEC 1. The officers of each local union shall be a business manager, president, vice president, recording secretary, financial secretary-treasurer, conductor, warden, the members of the local union Executive Board and at least three (3) trustees. Under no circumstances shall the offices of president and financial secretary-treasurer be combined, nor shall the president, vice president, financial secretary-treasurer or recording secretary be eligible or permitted to act or serve as trustee of the local union, nor may the business manager or business representatives or trustees be eligible or permitted to act or serve as members of the Executive Board except where the offices of the business manager or business representative have been combined with those of president, vice president or recording secretary, in accordance with this Section. Any offices and positions, the duties of which are not inconsistent, may be combined, or offices and positions previously combined may be separated by action of the local union at a special called meeting or as a

special order of business at a regular meeting held not less than sixty (60) days prior to the next regular election. The positions of conductor and warden may be combined as stated above, or at any time a vacancy in either position occurs with a thirty (30) day notice to the membership of the intent to combine such positions prior to appointment or election as a special order of business at a regular union meeting.

SECTION 1(a) – SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate for any position set forth in Article Twelve (12), Sections 1 or 2, and supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any non-member, or associate or honorary member; nor may an owner- member, lawyer or employer volunteer personal time in support of such a prospective candidate.

SEC. 1(b). No candidate, including a prospective candidate, for any position set forth in Article Twelve (12), Sections 1 and 2, or supporter of a candidate, may use the SMART Logo, or any variations of the former SMWIA or UTU Logo, in any campaign literature or electronic media used to endorse such candidates.

SECTION 2 – NUMBER OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

SEC. 2(a). Each local union shall have one (1) business manager and may have additional business representatives all of whom shall be elected by the local union at the same time and in the same manner and for the same term as local union officers, provided that if, during the regular term of office of local union officers, a local union shall approve the election of additional business representatives they shall be elected during such term to serve until the next regular election of officers, business manager and business representatives.

SEC. 2(b). If during the regular term of office the economic conditions within the local union dictate a reduction in the number of business representatives to maintain the economic viability of the local union, the local union after approval of the membership at a special order of business at a regular monthly meeting, or at a special called meeting, shall submit their plan for such reduction to the General President for final approval. The plan submitted to the General President shall include: 1) a complete local union budget for the current year including all anticipated revenues and expenses, 2) a financial plan for the next two years, 3) the last two-years annual financial audits, 4) all trustees quarterly reports (TQR) for the current year, and 5) if there are multiple business representative positions, list the process for determining which business representative position will be reduced.

SECTION 3 – QUALIFICATIONS

SEC. 3. No member shall be nominated for or elected to two (2) local union offices or positions at the same time unless prior to said nominations such offices had been combined by action of the local union. No member shall be eligible to nomination, election, or appointment, nor shall they be permitted to continue to serve as an officer, business manager, business representative, delegate, trustee or other representative of any affiliated local union unless (a) they are paying the rate that keeps them a member in good standing in such local union, (b) such dues and other obligations due the local union and this Association must be paid before the first day of the current month and are properly recorded on official receipts in their possession and/or the member has signed an authorization to their employer to checkoff dues and the employer has deducted the dues, or has failed to make or remit the authorized deduction from available wages, which shall be verified by the Financial Secretary-Treasurer at the time of nomination or within three (3) days thereafter and (c) they have established a record of continuous good standing in the local union in which they are a candidate for a period of not less than two (2)

consecutive years, which may include years as an apprentice-member but no longer serving an apprenticeship, immediately preceding their nomination, appointment or election, except where a new local union has not been in existence, or where no one willing to accept nomination or appointment to a particular office or position has a record of continuous good standing, for such period, in which case a shorter period for eligibility may be prescribed only if the local union includes the following language in its notice of nominations: "If there are no members willing to accept nomination for a particular office or position who meet the eligibility requirement of two (2) consecutive years of continuous good standing, the local union will waive this eligibility requirement at the nominations meeting and accept nominations from members with less than two (2) consecutive years of continuous good standing for that office or position if a majority of the members in attendance vote to approve this waiver" and the membership approves the waiver; nor shall they be eligible for nomination, election or appointment or permitted to continue to serve if they are retired on pension under the provisions of the Social Security Act or Railroad Retirement Act or on a pension from this Association or any local union or council thereof or from any pension plan negotiated with employers unless distribution of such pension has been mandated by the requirements of the Internal Revenue Code or other applicable law unless said retiree has suspended pension payments and said retiree has returned to active service and has worked at the trade for not less than one (1) year immediately prior to date of nomination. A new local union as used in this paragraph shall not include a new local union resulting from a merger, amalgamation or separation of other local unions which have been in existence for two (2) years or more.

The foregoing qualifications shall be required of members of local unions which have resulted from amalgamation, merger or separation of local unions except that if good standing has been continuous or unbroken then good standing membership in all local unions involved in the amalgamation, merger or separation shall be counted; however,

the local union good standing of members who transfer from one local union to another after the amalgamation, merger or separation has been completed, or following transfer time limits prescribed in connection with the amalgamation, merger or separation, shall commence with the date of transfer.

SECTION 4 – NOMINATION

SEC. 4. Unless otherwise authorized by the General President all nominations for local union officers, business manager and business representatives shall be made at a regular or special meeting held either in the month of May or early in the month of June and all nominations shall be closed at said regular or special meeting. The president or presiding officer shall appoint a judge and at least two (2) tellers to conduct an election with respect to such officers. Such election shall be conducted only by such duly appointed judge and tellers. No member may be nominated for or elected to more than one (1) office or position in any local union.

Any member who is nominated for local union office and who is not present at the meeting at which nominations are made shall be dropped from the list of nominees unless within five (5) days after such nomination they notify the recording secretary in writing of their willingness to run for such office.

SECTION 5 – NOTICE

SEC. 5. Only good standing members, who are not owner-members, are eligible to participate and vote and all good standing members of affiliated local unions shall be notified in advance, by written notice, or by notice printed in a publication customarily mailed to all members regarding the date, time, place and purpose of meeting for nomination and also regarding the dates, times and places of elections. Notice of election shall be mailed to the last known home address of each member not less than fifteen (15) days prior to such election.

SECTION 6 – ELECTIONS

SEC. 6(a). Elections may be held under such rules as are not inconsistent with this Constitution and at such times and places following the nominations as the local union may decide, provided (a) that the selection of the times and places shall afford the membership a reasonable opportunity to vote, including the notice provided for in Section 5 of this Article, (b) that the election shall be held in the month of June, (c) that officers, business manager and business representatives shall be elected from duly nominated candidates and not by "write-in ballots," and (d) that absentee ballots shall not be used or accepted.

Elections shall be conducted by secret ballot except in those instances where there is only one (1) nominee for the office. The nominee receiving the highest number of votes for each office shall be declared elected. In the absence of a provision in the local union bylaws or election rules to govern resolution of a tie vote occurring in any local union election, the winning candidate for office shall be selected by the drawing of lots in the presence of the candidates.

For extraordinary elections, a mail ballot or an electronic method for election may be conducted if (a) the membership approves use of either a mail ballot or electronic method by a two-thirds (⅔) vote at a special meeting, and (b) the General President approves use of the mail ballot, or (c) the General President recommends the use of an electronic method to the General Executive Council for its approval. Procedures shall be used to ensure the secret ballot.

SEC. 6(b). A "secret ballot" vote shall mean the expression by ballot, voting machine or other electronic means approved by the General Executive Council, of a choice by the member cast in such manner that such member cannot be identified with their vote. All election records, including ballots, shall be preserved for one (1) year by an officer designated by the local union or by the recording secretary if no other officer is designated.

SEC. 6(c). Tellers & Judge. The tellers and judge shall make arrangements for and conduct the election at the times and places specified by the local union in accordance with this Constitution; examine and count all tallies from voting machines or other electronic methods and legal ballots cast; prepare a written report of all tallies and ballots cast for each candidate and the number of void ballots; sign said report in the presence of each other and submit the same to the recording secretary. The election judge shall be identified on the election notice that is mailed to members. The judge shall receive complaints alleging violations of this Constitution or applicable law in the conduct of a local union election and suggest appropriate remedial measures, as necessary.

Whenever the local union shall provide for the casting of ballots at times and places other than at a meeting of the local union, all tallies and ballots received by the judge and tellers shall be sealed and shall be counted officially at one (1) time and place to be fixed by the local union for the count of all ballots cast in the local union elections.

The tellers and judge shall submit their report at the first meeting of the local union following the election.

Each candidate for office shall be entitled, upon request, to appoint one good standing member, but not themselves or another candidate, as an observer at each polling site who shall be permitted to witness the manner of distribution, casting and tabulation of ballots.

SEC. 6(d). Report to General Secretary-Treasurer. After the report of the tellers and judge has been submitted to the recording secretary, they shall immediately file through the approved electronic means approved by the General Executive Council with the General Secretary-Treasurer the names and addresses of the newly elected officers, business manager and business representatives and thereafter notice of any change in same. Such report shall contain the number of the dues receipts of each elected officer showing payment to and for the month(s) in which nominations and election occurred and a complete tally sheet showing the exact vote for each office.

SEC. 6(e). Contesting Elections. A member who has knowledge of an alleged violation of this Constitution or applicable law in the conduct of a local union election while the election is ongoing shall immediately make a complaint to the election judge. If a member with such knowledge while the election is being conducted does not immediately make a complaint to the election judge, they shall not be entitled to a later complaint to the General President. If the election judge does not resolve the alleged violation, or if the member's knowledge of an alleged violation is acquired after the election is conducted, the member may make a complaint to the General President.

Election complaints to the General President shall be:

- In written form and labeled "election complaint"
- Signed by the complainant
- Accompanied by such evidence, consisting of documents and written evidence in affidavit form, and arguments as are deemed necessary by the complainant for the proper and complete consideration of the complaint
- Accompanied by any complaint made to the local election judge, including the date of such complaint, and any response of the election judge, if applicable
- Mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt, to the General President and the local union
- Postmarked or delivery confirmed within seven (7) days from the date the election judge and tellers sign and submit their election report to the recording secretary.

The decision of the General President shall be final and not subject to further appeal.

SECTION 7 – TERM OF OFFICE

SEC. 7. Local union officers and business representatives shall be installed at a regular or special called meeting no later than the month following their election. All local union officers and business representatives shall be elected to serve a term of three (3) years. Whenever there is a change in the business manager or the financial secretary-treasurer, the local union shall have the financial books and records audited by an independent certified public accountant, or chartered accountant in Canada, from the beginning of the fiscal year until the date the new business manager or financial secretary-treasurer is installed. The General Secretary-Treasurer may waive or modify this requirement for good cause.

SECTION 8 – VACANCIES

SEC. 8(a). When a permanent vacancy occurs in any office or position the local union shall promptly fill the same for the unexpired term by nomination at a regular or special meeting and by election held in the same manner and under the same rules as those governing regular elections. Vacancies in the positions of recording secretary, warden, conductor and trustee(s) may be filled through notice to the membership of nominations and elections to take place at the regularly scheduled meeting(s) of the local union. If a vacancy occurs within the eighteen (18) month period prior to the next regular election such office may be filled by appointment by the local union Executive Board.

No incumbent of any office or position in a local union shall be eligible for nomination, election or appointment to fill a permanent vacancy in accordance with the provisions of this Section 8(a) unless prior thereto they submit in writing to the recording secretary their irrevocable resignation from the office or position of which they are the incumbent

prior to acceptance of the nomination. While such resignation shall be submitted in advance of acceptance of nomination or appointment, the effective date shall be no later than the date that the newly elected or appointed officer(s) takes office.

SEC. 8(b). When a temporary vacancy occurs, the local union shall fill such office or position pro tem by election or appointment by the local union Executive Board as the local union may decide. The term of such pro tem officer shall continue until the resumption of office by the officer who vacated it or until the next regular election, whichever occurs first.

In the event a pro tem officer is elected or appointed while they are an incumbent of another local union office or position, they shall be entitled to resume their former office or position if they are displaced from the pro tem office by the return of the regular incumbent prior to the next regular election.

SEC. 8(c). In the event an election is to be held, the vacant office or position may be filled by appointment by the local union Executive Board pending the holding of such election which shall be held within ninety (90) days of the occurrence of vacancy.

SEC. 8(d). Notwithstanding any other provision of this Section, a local union may elect not to fill vacancies in offices or positions which are not essential to the temporary operation of the local union if the cost of holding an election or the length of time remaining in the term justify such action.

SECTION 9 – SALARIES

SEC. 9. Each local union shall have authority to pay such salaries as it may determine for services rendered by the local union officers, business manager, business representatives, delegates, representatives and members. Such salaries shall be properly recorded. In no case, however, shall any local union officer, business manager, business representative, delegate, representative or member be exempted from their obligation to pay

dues at the established rate in advance, and no officer, business manager, business representative, delegate, representative or member shall receive credit for dues in return for any services rendered.

Remuneration or salary due officers, business manager, business representatives, delegates, representatives, or members for services or expenses shall be paid to them from the local union treasury by check or electronic transfer.

SECTION 10 – PENSIONS

SEC. 10(a). There shall be established and maintained by the International Association Pension Funds to be known as SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) for such full-time salaried officials and employees of all local unions, state, provincial, district, and regional councils, officers elected by the Transportation Division and Administrative Staff whose wages and salaries are allocated to the Transportation Division, the officers and staff in General Committees and State Safety and Legislative Boards within the Transportation Division which choose to participate, and related organizations who are eligible for coverage under the rules and regulations of such Pension Funds.

Employees of related organizations, however, shall be eligible for coverage under either of the said SMART Local Unions and Councils Pension Funds if permitted under its Trust Agreement and/or Plan, and if such coverage does not adversely affect either said Fund's tax exempt status or its financial integrity.

SEC. 10(b). The trustees of the Pension Funds shall be appointed by the General President with the approval of the General Executive Council.

SEC. 10(c). Each U.S. local union and council shall pay each month to the SMART Local Unions and Councils Pension Fund (United States) an amount equal to fourteen percent (14%) of the gross monthly

compensation of each covered salaried official and eligible employee in the Transportation Division and an amount equal to seventeen percent (17%) of the gross monthly compensation of each other covered full-time salaried official and eligible employee, and such additional percentage or amount that is (1) required to satisfy the minimum funding requirements imposed by the Internal Revenue Service and ERISA applicable to the Fund, (2) required under the default schedule(s) published by the Fund, or (3) otherwise required by federal law, which shall be a standing appropriation and shall not require a vote of the local union or council, or such lower percentage or amount as the trustees of the Fund determine by applying the foregoing criteria. Each Canadian local union and council, and any other participating employer as determined by the trustees of the Fund, shall pay to the SMART Local Unions and Councils Pension Fund (Canada) up to seventeen percent (17%) of the gross monthly compensation of each covered full-time salaried official as determined by the trustees of the SMART Local Unions and Councils Pension Fund (Canada) or such greater percentage as is required to satisfy the minimum funding requirements imposed by the provisions of the Income Tax Act (Canada) and the Pension Benefits Act of Ontario applicable to the Fund (Canada) or which otherwise shall be in compliance with applicable laws and shall be considered a standing appropriation and shall not require a vote of the local union or council.

SEC. 10(d). To the extent permitted by federal and provincial laws, and notwithstanding any other provisions of this Section to the contrary, each Canadian local union and council shall pay to the International Association an assessment in an amount to be determined by the General Executive Council, to be retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), established and maintained by the International Association, which is based on a percentage of the gross monthly compensation paid to all full-time salaried

officials who participate in the SMART Local Unions and Councils Pension Fund (Canada) provided that the combined contributions to the SMART Local Unions and Councils Pension Fund (Canada) authorized in Section 10(c) and the assessment herein authorized shall not exceed seventeen percent (17%) or such greater percentage as may be required under Section 10(c) in the aggregate. The SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada) shall be structured as an unfunded supplemental employee retirement plan that provides retirement benefits in excess of benefits paid or payable from the SMART Local Unions and Councils Pension Fund (Canada) for credited service prior to June 30, 2011. The assessment in question shall be a standing appropriation and shall not require a vote of the local union or council.

SECTION 11 – REMOVAL

SEC. 11(a). Automatic Removal. If any local union officer, business manager, or business representative shall fail to attend three (3) consecutive local union meetings without reasonable excuse, their office shall become vacant automatically and should any member of a local union Executive Board fail to attend three (3) consecutive meetings of the Executive Board without reasonable excuse, their office shall become vacant automatically.

SEC. 11(b). Removal for Cause. Local union officers, business manager or business representatives may be suspended or removed from office, for cause, in the manner and on the grounds specified in this Constitution, except that it shall be mandatory to remove from office any officer, business manager, or business representative who pleads guilty to, or is, after trial, found guilty of charges of falsifying office receipts, any act of fraud, embezzlement, misappropriation or deception in receiving, recording, applying, handling or accounting of any monies, property or other things of value belonging to this Association or any local union or council thereof, or of refusal, failure or neglect to deliver at specified

periods or on demand in accordance with this Constitution, a full and accurate accounting, with payment in full, and delivery of all monies, property and things of value, together with all books and records for examination and audit.

When any local union officer, business manager, or business representative is charged with any act of fraud, deception, embezzlement or misappropriation of monies, property, or things of value belonging to this Association or any local union or council thereof, they may be temporarily suspended from office with or without pay by the General President pending trial on such charges and a full report, together with all information in connection therewith, shall be sent to the General Secretary-Treasurer for handling with the bonding company in such manner as may be required by existing bonding agreements.

Charges and trial of local union officers, business manager, and business representatives shall be conducted in accordance with the provisions of Article Eighteen (18) of this Constitution.

SECTION 12 – TRAINING

SEC. 12. All full-time officers and agents are required to take the courses offered, or recognized by the Association: during the first term in office they shall take two (2) classes designated by the International, one being SMART MAP and the other being New Business Representative training to include Bias and Belonging training, and two (2) classes of their choosing in any subsequent terms. Business managers shall be required to take the New Business Managers training in the first year after taking office. Financial secretary-treasurers shall be required to take the financial secretary-treasurer class training in the first year after taking office. Credit shall be given for courses taken prior to election if offered or recognized by the International.

ARTICLE THIRTEEN (13) Duties of Local Union Officers, Business Manager, and Business Representatives

SECTION 1 – DUTIES OF LOCAL UNION PRESIDENT

SEC. 1. The president shall preside at all meetings; rule on all questions of law, procedure and points of order; have the deciding vote in case of a tie; review and consent to the payment of bills and other obligations approved by the local union; require ineligible persons to leave the hall; appoint all committees unless otherwise directed by the local union and except as provided in Section 8(a) of this Article; call special meetings as provided in Article Ten (10), Section 6; appoint such assistants to the conductor or other officers as may be necessary to preserve order and to facilitate the proper conduct of meetings; act as chair of the local union Executive Board; and perform such other duties as may be required of them by the local union consistent with the provisions of this Constitution and the policies of this Association.

SECTION 2 – DUTIES OF LOCAL UNION VICE PRESIDENT

SEC. 2. The vice president shall assist the president in the performance of their official duties; perform the duties of the president when the president is absent from meetings and perform such other official duties as may be assigned to them by the local union, consistent with the provisions of this Constitution and the policies of this Association.

SECTION 3 – DUTIES OF RECORDING SECRETARY

SEC. 3. The recording secretary shall keep correct minutes of each meeting and read the same at the opening of the next meeting; read all official communications, documents, bills and expenses received by the local union except those coming within the jurisdiction of the financial secretary-treasurer; act as secretary of the local union Executive

Board; issue all notices for meetings; have charge of the official seal and affix same to all official correspondence and documents; review all bills and other obligations approved by the local union; notify the General Secretary-Treasurer of any change in any officers, business manager or business representatives of the local union and any changes in the addresses thereof; furnish the General Secretary-Treasurer with information about trials of, and discipline imposed against, members for misconduct; in the absence of both the local president and local vice president, call meetings to order and direct the local union to select a presiding officer pro tem; and perform such other duties as may be assigned to them by the local union consistent with this Constitution and the policies of this Association.

SECTION 4 – DUTIES OF FINANCIAL SECRETARY-TREASURER

SEC. 4(A). General. The financial secretary-treasurer shall:

a. Receive and record on official receipts all monies paid to the local union. Keep a correct record in the membership dues ledger of the account, obligations and payments of each applicant for membership and member, issue official receipts in either electronic format approved by the General Secretary-Treasurer, or in printed triplicate form. In each instance when payments are made to them by applicants or members and no other form of a receipt shall be issued.

b. Deposit all monies received by them in the name of the local union in a bank selected and approved by the local union.

c. Assume full responsibility and liability to the local union and this Association for the money received and recorded. Except obligations due this Association, make no disbursement from local union funds without the consent of the president, without

approval or ratification by the local union, and without signing a check along with the signature of the president or another officer duly authorized by the local union except a trustee, or by electronic disbursement provided there is a process consistent with the requirement of two signatures and the proper segregation of duties between them and the president or any other duly authorized officer. Separate from all monies received the per capita dues due the International Association to ensure that said money is sent directly to the General Office and is not used or disbursed for any purpose other than the payment of same to the International Association.

d. Close the official receipt book on the last day of each month and immediately record all members who are more than two (2) months in arrears as suspended. Notice shall not be necessary.

e. Forward to the General Secretary-Treasurer in either electronic format approved by the General Secretary-Treasurer, or when in print form the white duplicates of all receipts issued by them or by any other authorized officer or representative of the local union, including those issued on the last day of the month, together with their monthly or quarterly report and money order, bank draft, check, direct deposit, electronic transfer or automated clearinghouse (ACH) network for the per capita dues and fees due this Association in time to reach the General Office not later than the tenth (10th) day of the following month.

The quarterly report shall include a statement showing all of the net assets of the local union including but not limited to the general fund, organizing fund, wage equalization or other such purposed funds, building fund and all other separated funds, the value of all properties real and personal of the local union and the reconciliation of outstanding obligations of the previous quarterly report. Whenever in the judgment of the

General Secretary-Treasurer it is deemed impractical to require a local union to report on a monthly basis, they may upon the request of the local union extend such time to a quarterly basis. The financial secretary-treasurer of local unions reporting on a quarterly basis shall submit estimated per capita dues on a monthly basis and send their quarterly report and per capita dues or fees due this Association to the General Secretary-Treasurer not later than the tenth (10th) day following the end of the quarter reported.

If, notwithstanding the provisions of this Section, the local union per capita dues is not timely remitted to the General Secretary-Treasurer, whenever the account is thirty (30) or more days late, the local union shall be charged interest pursuant to Article Five (5), Section 1(a) which the financial secretary-treasurer shall remit in addition to the per capita dues. The provisions of this Article are modified for railroad local unions as set forth in Article Twenty-One A (21A), Section 6.

f. Include in the monthly report to the General Secretary-Treasurer a record of all initiations, reinitiations, suspensions, reinstatements, transfer cards issued and accepted, withdrawal cards issued and accepted, members expelled and deceased and all legal obligations due from suspended and expelled members to and including date of suspension or expulsion.

g. Receive and conduct all correspondence between their local union and the General Office and with other local unions or councils pertaining to the records of standing and financial obligations of members.

h. Keep a correct record of the name, membership number and address of each member and conduct all correspondence with members pertaining to their record and standing and financial obligations.

i. On March 31, June 30, September 30 and December 31 of each year, or at any time they are called upon to do so by the trustees of the local union, submit to the trustees for inspection and audit a complete report of all monies received and disbursed by them, together with all of their books and records, including a listing of total assets and properties of the local union.

j. Notify the General Secretary-Treasurer in case the trustees fail or neglect to conduct an inspection and audit after reasonable notice.

k. Notify the General Secretary-Treasurer of all fines against members and take action pursuant to Article Eighteen (18), Section 6, when necessary to collect fines.

l. Perform such other duties as may be assigned to them by the local union which are consistent with the provisions of this Constitution and policies of this Association.

4(B). Official Receipts. Each and every official receipt issued in either electronic form or if printed in triplicate form shall clearly record the name of the applicant or the name and membership number of the member, the local union number, the actual date of payment and the actual amount of money paid by applicant or member, properly checked and applied in spaces provided therein, and the amount recorded paid on official receipts either in electronic or in triplicate form shall in no case be less than the actual amount due for obligations checked and recorded thereon. Each official electronic or printed triplicate receipt issued shall bear the signature or the authorized printed or facsimile signature in the case of computer issued receipts of the financial secretary-treasurer or other duly authorized officer of the local union issuing same.

All official receipts shall be issued consecutively according to serial numbers and consecutively according to date of payments actually made and issued at the time that monies are actually received.

Electronic or printed white duplicate and yellow triplicate (copies) of official receipts must be issued at the same time that original official receipts are issued and must in each instance be exact copies of the original official receipt issued.

Should an error be made in issuing official receipts, the original electronic or printed receipt, white duplicate and yellow triplicate (copies) of said receipts shall be immediately marked void and another official receipt in electronic or printed in triplicate form shall be issued to properly record any payment actually made by applicants or members.

An electronic copy or if printed the white duplicate (copies) of all spoiled and void receipts must be forwarded to the General Secretary-Treasurer with each monthly remittance.

Whenever officers or representatives other than the financial secretary-treasurer are duly authorized by local unions to collect dues, fees and other obligations from applicants or members, said officers or representatives shall acknowledge and record all payments made to them by applicants or members on official receipts in an electronic or triplicate form, and no other form of receipt shall be issued or recognized, and they shall turn over to the financial secretary-treasurer of the local union at each regular meeting all electronic or printed white duplicate (copies) of official receipts issued by them between meetings with the total amount of monies collected and recorded on electronic or printed white duplicate (copies) of official receipts so that the financial secretary-treasurer shall enter proper credit to the account of those involved.

Electronic or printed white duplicate official receipts filed at the General Office by local unions that are not actual copies of original official receipts, or that have not been issued consecutively according to serial number and according to dates or which show erasures, change in name, change in amount, change in date or any other alteration or that record any money not actually paid shall not be accepted or applied to the credit of the member or person involved; nor shall any International fees or

dues be accepted on said receipts. The original copy of all said receipts issued contrary to the requirements of this Constitution shall be taken up by the local financial secretary-treasurer and surrendered to the General Secretary-Treasurer to be properly corrected or canceled and declared void as the facts in the case may warrant.

Notwithstanding the above and providing the technology comes into existence, the General Secretary-Treasurer, with the approval of the General Executive Council, has the authority to implement an electronic means of issuing, receiving, filing and storing official receipts so long as adequate safeguards are in place.

SECTION 5 – DUTIES OF TRUSTEES

SEC. 5. The trustees shall have supervision over all funds and property of the local union, subject to the provisions of this Constitution and any instructions from the local union not inconsistent therewith. They shall require the financial secretary-treasurer to deposit all monies, securities, and certificates of value in the name of the local union in such financial institution as the local union may designate; shall review with said financial institution that no funds, securities or certificates of value shall be drawn from the account of the local union except on check or draft signed by the financial secretary-treasurer and one or more other officers duly authorized by the local union or by electronic disbursement in compliance with Article Ten (10), Section 14; examine the financial statements and all books and records of the financial secretary-treasurer at the end of each quarter ending March 31, June 30, September 30 and December 31, and conduct a proper audit of such accounts; submit a certified report of this examination and audit to the local union and a duplicate original thereof to the General Secretary-Treasurer; have authority to demand and examine all books and records of the financial secretary-treasurer for the purpose of an audit at any time and notify the General Secretary-Treasurer of any refusal or failure of the financial secretary-treasurer to surrender their books and

records for examination and audit either at the end of each quarter or upon demand of the trustees. They shall require an independent audit by a certified public accountant on an annual basis in accordance with the requirements of Article Ten (10), Section 11(a), of this Constitution.

SECTION 6 – DUTIES OF CONDUCTOR

SEC. 6. It shall be the duty of the conductor to examine official receipts of all members attending meetings and report to the president or presiding officer at the opening of the meeting the name of anyone who is not in good standing or is ineligible to participate in the meeting; obtain the names of all applicants awaiting initiation and report the same to the presiding officer; conduct qualified applicants through the initiation ceremony and perform such other duties as may be assigned to them by the local union consistent with the provisions of this Constitution.

SECTION 7 – DUTIES OF WARDEN

SEC. 7. The warden shall take charge of the door at each meeting and see to it that none but members in good standing and entitled to participate in the meeting are admitted. A member who applies for admission without their official receipt shall be announced by name and membership number, and, if the records of the financial secretary-treasurer show them to be in good standing and they are properly identified, they shall be admitted. The warden shall allow no members to retire without permission of the president or presiding officer, and shall perform such other duties as may be assigned to them by the local union consistent with the provisions of this Constitution.

SECTION 8 – DUTIES OF BUSINESS MANAGER, BUSINESS REPRESENTATIVES AND ORGANIZERS

SEC. 8(a). Business Manager. The business manager shall have authority to direct and supervise all business representatives and

shall serve as chair of the committee which negotiates wages, hours, and conditions of employment. They shall appoint all committees for which provisions are made in collective bargaining agreements as well as appoint all labor trustees of jointly administered trust funds unless otherwise provided in the respective trust fund documents. The business manager by virtue of their office shall serve as trustee on all negotiated trust funds although they may appoint a business representative in their place instead without the need for executive board approval. The business manager shall have authority to implement the provisions of Resolution 78, the text of which is printed as an appendix to this document.

SEC. 8(b). Business Managers and Business Representatives. Business managers and business representatives shall represent their local unions and members thereof in matters pertaining to organizing the unorganized, collective bargaining agreements and enforcement thereof, wages, hours, conditions of employment and jurisdictional matters and supervise the conduct and activities of members in connection therewith to the end that provisions of this Constitution including directives of the General Officers and the policies of this Association are complied with; assist and cooperate with the officers of local unions, and the members thereof in carrying-out the provisions of this Constitution; use their best efforts to adjust and settle such controversies as may arise in connection with complaints of members, consistent with the rights of those involved in accordance with the provisions of the Constitution and policies of this Association.

In all matters involving jurisdiction of work, business managers and business representatives shall recognize, protect and be governed by the jurisdictional claims and rights of this Association as set forth in Article One (1), Section 5, of this Constitution and shall not waive or relinquish claim to any work specified therein.

SEC. 8(c). Organizer. Each local union, after due notice to the membership and approval at a special meeting called for that purpose or

as a special order of business at a regular membership meeting, may establish a position of local organizer(s) for the purpose of assisting the business manager in organizing the unorganized in the jurisdiction of the local union in scopes of work claimed by the Association. Local organizers may direct or participate in activities designed to recruit apprentices, retain members, and provide education to members, within the discretion of the Business Manager.

In the event the local union does establish such a position, the business manager may appoint such local organizer who will serve at the discretion of the business manager. Such organizer must meet the qualifications of Article Twelve (12), Section 3, of this Constitution, except the requirement establishing not less than two (2) consecutive years of good standing prior to appointment.

SECTION 9 – CONVENTION DELEGATES

SEC. 9. Automatic Delegates. Subject to the provisions of Article Seven (7), Section 3, by virtue of their offices and as part of their duties as such, the elected by secret ballot full-time salaried officers, business manager and business representatives of each local union, and the president and/or business manager of a production, federal or shipyard local without full-time salaried officers, shall serve as delegates of the local union with the right to vote on all matters before the delegates including election of officers to the General Convention of this Association, provided that this Section shall not be applied in such manner as to entitle any local union to more delegates than are provided for in Article Seven (7) of this Constitution nor shall this Section be construed to require a local union to send more delegates than it desires to represent it.

ARTICLE FOURTEEN (14)
Local Union Executive Board

SECTION 1 – MEMBERSHIP

SEC. 1. The local union Executive Board shall consist of the president, vice president, recording secretary and such additional members as may be decided by the local union, who shall be nominated and elected in accordance with the provisions of Article Twelve (12) of this Constitution. The president shall act as chair and the recording secretary shall act as secretary of such board. The business manager shall attend and participate in the Executive Board meetings but shall not be a voting member, unless their position has been combined with the office of President, in which case as chair they shall cast the vote to break any tie.

SECTION 2 – MEETINGS

SEC. 2. The local union Executive Board shall meet in regular session at such time and place as may be designated by the local union. Special meetings of the Executive Board shall be called by the president of the local union when in their opinion it is necessary or at the request of the business manager or a majority of the members of the Executive Board.

SECTION 3 – DUTIES

SEC. 3. The local union Executive Board shall require the members, officers and representatives of the local union to comply with the provisions of this Constitution; shall cooperate at all times with other officers in the performance and execution of their duties and obligations; shall assist and advise the business manager or business representatives in matters requiring immediate attention between meetings; and shall perform such other duties as the local union may direct which are consistent with the provisions of this Constitution.

All actions and decisions of the local union Executive Board except those taken pursuant to Section 8 of Article Twelve (12) shall be subject to approval by the local union.

ARTICLE FIFTEEN (15) Stewards

SECTION 1 – APPOINTMENT

SEC. 1. The business manager shall appoint such stewards as may be necessary to properly perform the functions and duties described in Section 2 of this Article.

SECTION 2 – DUTIES

SEC. 2(a). It shall be the duty of a steward to observe conditions of employment and the conduct of members to the end that the duties and obligations of members and provisions of existing union agreements shall be complied with; to assist whenever possible in adjusting differences or misunderstandings which arise out of the interpretations or applications of the provisions of existing union agreements in connection with the employment of members in shops or on jobs; to advise eligible applicants for membership regarding the requirements of membership and refer said applicants to the financial secretary-treasurer or the business representatives of the local union; to direct traveling members of other local unions who are seeking employment to report to the financial secretary-treasurer, business manager or business representative and to comply with the provisions of this Constitution regarding the deposit of transfer cards; and to submit regular reports to the local union and to immediately report to the president, business manager or business representative any matter which warrants or requires their attention.

SEC. 2(b). Shop stewards shall require absolute compliance with all provisions and requirements of this Constitution regarding the issuance and use of union labels, and all rules and regulations governing wages and conditions of employment, and immediately report any

violation or evasion to the president, financial secretary-treasurer, business manager or business representative of the local union.

ARTICLE SIXTEEN (16) Membership

SECTION 1 – QUALIFICATIONS

SEC. 1(a). Each applicant for membership must be of good moral character and must be a worker in industries covered by this International Association and agree to be bound by the provisions of this Constitution and any amendments thereto and by the policies and regulations established by this International Association. An applicant shall not be refused membership because of race, color, religion, age, creed, national origin, sex, gender, sexual orientation, gender identity or expression, marital/parental/family status, veteran status, disability or other legally-protected class.

SEC. 1(b). Forepersons and Superintendents. Forepersons and superintendents who supervise the work of members of this Association or who work for contractors signatory with this Association and who meet and comply with all provisions and requirements of this Constitution and the established and recognized wage scales and working conditions of affiliated local unions shall, except for the provisions of Section 1(c) of this Article, be eligible for membership in this Association or any local union affiliated therewith.

SEC. 1(c). Owners or Partners in Business. Except as otherwise provided in Section 1(d) hereof no owner, partner, agent, contractor, subcontractor, jobber, or any other person who is directly or indirectly financially interested in or who is an officer of or otherwise involved in the management of a sheet metal shop, business or job shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. No person compensated on a lump sum, piece work or other basis, that

is not in accordance with the wage scales and working conditions established by this Association and the local unions and councils affiliated therewith, except when the person is subject to a union organizing campaign, shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. Financial interests within the meaning of this Section shall not include ownership of stocks and securities listed on the New York, American, or NASDAQ stock exchanges, or stock ownership in a signatory employer pursuant to an Employee Stock Ownership Plan (ESOP) negotiated with the members' local union.

SEC. 1(d). Owner-Members. An owner, employer, contractor, jobber, or anyone who otherwise participates as management in the sheet metal industry shall be eligible to retain or apply for membership in this International Association or any local union thereof as an owner-member with only the rights and duties provided below:

1. The sheet metal shop or business with which they are connected is in signed agreement with the local union or local unions having jurisdiction over the shop(s). The shop or business must employ at least one journeyperson sheet metal worker who is a member of this Association, except the journeyperson member may be the owner-member if they are paying full dues as a journeyperson in the local union in which they hold owner-member status.

2. An owner-member shall not be entitled to attend any meetings or be permitted to vote for election of local union officers or on any question pertaining to wages, hours, benefits, or other terms or conditions of employment or on the acceptance or rejection of a collective bargaining agreement, and further, shall not be permitted to serve in a representative capacity or hold any office or position in the local union. An owner-member who returns to any classification represented by this Association shall not be

permitted to run for local union office in any local union affiliated with SMART for a period of one (1) year. Such period starts from the date that their classification is changed on an official dues receipt issued by the financial secretary-treasurer of the local union.

3. An owner-member may not be employed by another employer in the sheet metal industry during such time as the shop or business in which they hold an interest is actively performing work. The owner-member shall inform the local union with which the owner-member's business is signatory that the business is no longer actively performing work before the owner-member accepts employment with another employer. The owner-member shall upon return to work in the shop or business in which they hold an interest immediately notify the local union.

4. Any owner-member shall fulfill their financial obligations by making proper payment to their employees for work performed and contributing the contractual obligations to fringe benefit funds.

5. Any owner-member working with the tools of the trade shall pay to all fringe benefit programs for the actual hours worked in accordance with the respective collective bargaining agreement, unless that collective bargaining agreement provides for a different requirement.

6. Nothing herein shall be construed to confer eligibility for benefits to an owner-member from any particular employee or fringe benefit plan, nor supersede any minimum hours or participation requirements of such plans.

An owner-member who fails to meet any duty under this Section shall be subject to charges and penalties as described in Article Seventeen (17) of this Constitution.

SEC. 1(e). Membership in One Local Union. Except as otherwise provided in this Constitution no member shall be permitted or required to

hold membership in more than one (1) affiliated local union at the same time, nor shall any member be required to pay dues or assessments into any other affiliated local union or building trades council as a condition of membership or employment, except the local union in which they are properly recorded as a member and the building trades council with which their local union is affiliated.

The member in question shall provide immediate proof of local union membership when they are challenged by any other member of SMART who displays a dues receipt as proof of membership and good standing in their local union. Along with this, a second form of pictured identification may also be required, such as, pictured driver's license or similar form of identification.

SEC. 1(f). Associate Membership. Each applicant for Associate Membership must be of good moral character and concerned with the issues affecting members and this Association.

Applicants for Associate Membership shall file an application with the General Secretary-Treasurer. If the applicant is found to be eligible, they shall be granted membership. The General Executive Council will be notified periodically of all new Associate Members.

An Associate Member shall not be entitled to attend local union meetings or be permitted to vote for election of local union officers.

Associate Members shall pay dues at the rate of Twelve Dollars ($12.00) per year. The General Executive Council shall establish and change the dues as it deems appropriate. Dues shall be paid directly to the General Secretary-Treasurer, and shall be acknowledged on official receipts. Standing of Associate Members shall be determined by duplicate copies of official receipts properly issued recording payments actually made in the manner specified in this Constitution.

When an Associate Member becomes delinquent in the payment of Associate Membership dues, they shall be recorded suspended by the General Secretary-Treasurer without notice.

SECTION 2 – APPLICATION FOR MEMBERSHIP

SEC. 2. Form of Application. Each qualified applicant for membership shall fill out the standard form of application or approved electronic digital version prepared by this Association, which shall be accompanied by a deposit of not less than forty-five (45%) of the amount charged in Article 10, Section 2(b) of this Constitution, toward the payment of initiation fee and be filed with the financial secretary-treasurer, who shall accept the application and notify the applicant.

The financial secretary-treasurer shall report a list of new members to the executive board or to the next regular meeting of the local union. Anyone who shall certify to any false statement or answer on official form of application for membership or who shall otherwise by false pretense, misrepresentation or fraud attempt to secure membership in this Association or any local union or council thereof, shall immediately have their application rescinded and forfeit all monies paid by them toward initiation fees.

SECTION 3 – INITIATION AND REINITIATION

SEC. 3(a). Every applicant shall be initiated upon receipt by the local union of the deposit toward the initiation fee charged and one month's dues which payment must be paid within eight (8) days after the beginning of their employment or as soon as the local union is permitted by law to require payment. They shall be notified to appear at a meeting of the local union to take the obligation of membership, or complete the standard official form of application and acknowledge that (1) a copy of the Constitution and Ritual of this Association has been made available and shall be responsible to examine same; (2) agrees to be governed by the principles and policies of this Association and this Constitution thereof as they then exist or as they may be changed or amended thereafter; and (3) will further abide by the valid by-laws, rules, and decisions of the local union. An applicant for initiation or reinitiation shall be

recognized as a member by this Association unless the application is subsequently disapproved by the General Secretary- Treasurer or unless all initiation fees and per capita dues required by this Constitution, are not timely paid by them.

SEC. 3(b). The amount of credit for initiation or reinitiation fee certified on the original copy of the standard official form of application and obligation must in each instance be verified by either electronic format or white duplicate copies of official receipts filed at the General Office by the local union, recording actual payments made for initiation or reinitiation fee and dues beginning with the month in which initiation or reinitiation is properly recorded.

SEC. 3(c). No applicant for membership is entitled to credit for a greater amount of initiation or reinitiation fee than they have actually paid and is recorded on either electronic format or white duplicate copies of official receipts filed at the General Office, and no local union or officer thereof shall certify to or allow credit to any applicant or member for a greater amount of initiation or reinitiation fee than they have actually paid.

SEC. 3(d). Any qualified applicant who has filed application for membership in a local union and who has actually paid the established initiation or reinitiation fee of the local union in which application for membership has been filed, and who then leaves the jurisdiction of said local union, shall, provided they comply with all other requirements of this Constitution, be accepted and obligated as a member of the local union with which they have filed application, with credit for the initiation fee after which they shall, subject to the provisions of Section 9 of Article Sixteen (16), be entitled to a transfer card with credit only for the amount of the initiation fee actually paid. In the event such member fails to deposit the transfer card provided for in this paragraph, their initiation shall be void and they shall be restored to their status as an applicant for membership with credit on initiation fee of the amount actually paid.

SECTION 4 – FORFEITURE OF INITIATION FEE

SEC. 4. In the event an applicant is initiated for membership, except one serving an apprenticeship, but fails to pay their full initiation fee within six (6) months from the date of their application for membership, they shall be automatically suspended from membership and forfeit all monies paid by them toward initiation fee, unless the time is extended by action of the local union.

SECTION 5 – UNAUTHORIZED FEES

SEC. 5. No applicant for membership shall be permitted or required to pay any permit fees under any circumstances or to pay any assessments until they have complied with all requirements of this Constitution governing initiation, reinitiation or reinstatement and has been duly obligated and properly recorded as a member.

SECTION 6 – WITHDRAWAL CARDS

SEC. 6(a). General. Except as otherwise provided in this Section, any member in good standing who leaves covered employment and accepts employment in other industries or in other trades shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against whom charges are pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is performing work covered by the claimed jurisdiction of this Association.

SEC. 6(b). Application. Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such applications shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued plus Fifty Dollars ($50.00) except as provided in

Section 13 of Article Twenty-Two (22) of this Constitution. The General Secretary-Treasurer may reduce or waive the withdrawal fee for a local union, upon request.

SEC. 6(c). Owners or Partners in Business. Good standing members who become owners, partners, agents, contractors, or subcontractors or who become directly or indirectly financially interested or involved in the management of a sheet metal shop or business as officers or otherwise shall be eligible to receive and retain withdrawal cards only if, (1) such sheet metal shop or business in which they are interested continues to operate under a Union Agreement with the local union in whose jurisdiction such business is conducted, (2) not more than one (1) person connected or associated with the management of the sheet metal shop or business in which they are interested, whether such persons hold withdrawal cards or not, works with the tools of the trade and then in the shop only, and (3) at least one (1) member of this Association is employed on all work covered by Article One (1), Section 5 of this Constitution. A member who acquires stock ownership with a signatory employer pursuant to an ESOP negotiated with the members' local union shall be prohibited from receiving a withdrawal card.

SEC. 6(d). Rights and Privileges. Members on withdrawal card shall not have the right to attend meetings of any local union or council of this Association, nor shall any such member be eligible for nomination, election or appointment, or be permitted to serve, as officer, representative, delegate, business manager, business representative or committeeperson unless they return to active service and is available for work or has worked at the trade for not less than two (2) years immediately prior to the date of nomination or appointment.

SEC. 6(e). Reinstatement. A member on withdrawal card who is eligible for membership, who desires to return to covered employment and becomes reinstated to membership, shall have the right to deposit their withdrawal card with the local union which issued the same and apply for reinstatement. Such deposit of withdrawal card for purposes

of reinstatement and request for transfer card, if any, may be made by mail or by other method of delivery.

Each applicant for reinstatement on withdrawal card is entitled to credit for the actual amount of initiation or reinitiation fee paid prior to the issuance of their withdrawal card, and shall be required to pay the difference between the amount of last initiation or reinitiation fee actually paid and the established initiation fee of the local union at the time that the withdrawal card is presented for reinstatement, except that a member who deposits their withdrawal card solely for the purpose of obtaining a transfer card shall pay the difference of initiation fee, if any, to the local union in which they deposit their transfer card and not to the local union that issued the withdrawal card.

Except as otherwise provided in Section 13 of Article Twenty-Two (22), the International reinstatement fee shall be Fifty Dollars ($50.00) plus forty-five percent (45%) of any fee collected by the local union for difference in initiation fee for reinstatement on withdrawal card. The General Secretary-Treasurer may reduce or waive the reinstatement fee upon request from the local union. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The applicant shall also pay dues in advance and other obligations beginning with the month in which reinstatement is properly recorded but shall not be assessed any local union reinstatement fee.

SEC. 6(f). Dues. Members on withdrawal card shall pay dues at the rate of Sixty-Dollars ($60.00) per year; said dues to be paid in advance on or before the first (1st) day of January of each year. Members on

withdrawal card shall be subject to the provisions of Article Sixteen (16), Sections 11 and 12(a), concerning suspensions and reinstatements.

SEC. 6(g). Penalties. A member on withdrawal card will be subject to the provisions of Article Seventeen (17) of this Constitution. A member on withdrawal card who, as an employer, fails or is the person responsible for the failure of an employer to fulfill their financial obligations to the fringe benefit funds or to their employees shall forfeit their withdrawal card and the same shall be canceled. Notice of any cancellation of withdrawal card shall be sent to the individual involved and to the General Secretary-Treasurer.

SECTION 7 – LIMITED MEMBERSHIP

SEC. 7(a). Eligibility. Limited Membership may be granted to good standing members over sixty (60) years of age whose earning capacity has been substantially reduced because of age, retirement or disability and who have maintained a continuous good standing record of twenty-five (25) or more consecutive years; provided however, that in Canada only, Limited Membership may be granted to Canadian members over fifty-five (55) years of age if all other conditions of eligibility of this Section 7(a) are met.

SEC. 7(b). Application. Applicants for Limited Membership shall file an application in the local union of which they are members and if such application is approved by the local union it shall be submitted to the General Secretary-Treasurer for check as to eligibility. If the applicant is found to be eligible by the General Secretary-Treasurer, they shall be granted Limited Membership subject to the conditions prescribed in this Section.

SEC. 7(c). Rights and Privileges. Limited Members may attend meetings, but Limited Members shall not be eligible to actively participate in any meeting of a local union or council of this Association, nor shall they be eligible to nomination, election or appointment or be permitted to serve as officers, representatives, delegates, business manager, business representatives or committee members.

SEC. 7(d). Dues. Limited Members shall pay dues at the rate of Forty-Eight Dollars ($48.00) per year, said dues to be paid quarterly in advance on or before the first (1st) day of January, April, July and October of each year. Said Limited Membership dues shall be paid directly to the financial secretary-treasurer of the local union with which the member is affiliated or to the General Secretary-Treasurer, and shall be acknowledged and recorded on official receipts. Standing of Limited Members shall be determined by either electronic format or duplicate (copies) of official receipts properly issued recording payments actually made in the manner specified in this Constitution.

SEC. 7(e). Forfeiture. When a Limited Member becomes two (2) consecutive months delinquent in the payment of Limited Membership dues, they shall be recorded suspended by the local financial secretary-treasurer or by the General Secretary-Treasurer without notice and shall thereby forfeit their privilege of Limited Membership. The privilege of Limited Membership thus forfeited shall not thereafter be reinstated or restored.

SECTION 8 – MEMBERS ENTERING THE ARMED FORCES

SEC. 8(a). Members whose dues, per capita dues and other obligations due the local union and this Association are paid to and for the month in which they enter the armed forces of the United States or Canada may, notwithstanding any provisions of this Constitution to the contrary, either make application for a special withdrawal card or for Special Limited Membership in accordance with and subject to the condition hereafter provided. Members on a regular withdrawal card are not eligible to make application for a special withdrawal card or for Special Limited Membership.

SEC. 8(b). Special Limited Memberships provided for in this Article may be issued to members entering the armed forces upon the furnishing to the General Secretary-Treasurer of the actual date of entry into active service accompanied by Special Limited Membership dues of One Dollar and Twenty-Five Cents ($1.25) per month, paid for one quarter in advance. Thereafter Special Limited Membership dues shall be paid at

the rate of One Dollar and Twenty-Five Cents ($1.25) per month, quarterly in advance to and including the date of payment of membership dues at the regular established rate of the local union, which payment shall be made not later than ninety (90) days immediately following the month in which they are released from active service. Photostatic copy of Honorable Discharge or other official evidence of release from the active service shall be furnished the General Secretary-Treasurer.

Any member of the National Guard or Reserves, activated by the Armed Forces, shall immediately be issued Special Limited Membership after their regular dues are paid to and for the month in which they were activated. The dues of One Dollar and Twenty-Five Cents ($1.25) per month, paid quarterly in advance, shall be paid by the local union, not by the member.

Holders of Special Limited Membership who comply with the provisions of this Section shall be reinstated to full membership, without payment of reinstatement fee, and full credit for continuous good standing to and including actual date of entry into active service, plus continuous good standing thereafter established under said Special Limited Membership during the period of active service.

Any local union is authorized to pay the Special Limited Membership dues provided for in this Article at the rate of One Dollar and Twenty-Five Cents ($1.25) per month either out of its general fund or relief fund.

Special Limited Membership dues shall be paid quarterly in advance to the financial secretary-treasurer of the local union with which the member is affiliated. The provisions of this Section shall not apply to members who voluntarily re-enlist in the armed forces.

SEC. 8(c). Special withdrawal cards issued to members entering the armed forces shall be effective as of the date of actual entry into active service and shall continue in effect until three (3) months after the actual date of discharge. If, within said three (3) month period, the holder of such special withdrawal card shall have filed application for reinstatement in the local union issuing such special withdrawal card accompanied by dues at the regular rate of such local union beginning

with the date of application for reinstatement and a photostatic copy of Honorable Discharge or other official evidence of release from active service which shall be forwarded to the General Secretary-Treasurer, they shall be reinstated to membership without payment of reinstatement fee or the difference between initiation fee paid and initiation fee at the time of such reinstatement.

The holder of such special withdrawal card shall be entitled to none of the rights, privileges and benefits of membership; but on reinstatement to membership in accordance with the provisions of this Section, their record of continuous good standing previously established to and including the month of actual entry into service shall be restored, but without credit for the period during which said special withdrawal card was effective.

SECTION 9 – TRANSFER CARDS

SEC. 9(a). Any good standing member of an affiliated local union who desires to travel or accept employment in the jurisdiction of another local union, in the event such employment involves a transfer of permanent address, shall apply to the financial secretary-treasurer of their local union for an official transfer card.

SEC. 9(b). No member against whom any charges are pending or who has been notified to appear for any hearing or trial as defendant or complainant, in connection with charges already filed in accordance with this Constitution, shall be entitled to a transfer card until the hearing or trial is concluded and all duties and all obligations, financial and otherwise, in connection with said charges or trial have been fully discharged.

SEC. 9(c). No member shall be entitled to a transfer card unless all local union and Association obligations are paid in full, including dues in advance to and including the month in which the transfer card expires, plus One Dollar ($1.00) transfer fee. Any dues paid beyond the month in which the transfer card expires, will be paid by the issuing local union to the admitting local union, less the per capita dues. Of these dues, if the dues structure is higher in the admitting local union, the member

will be required to pay the difference to the admitting local union, less the per capita dues which were previously paid to the International by the issuing local union.

SEC. 9(d). The financial secretary-treasurer of each local union is obligated to issue official transfer cards to good standing members in the manner specified in the Constitution without action or approval of the members of the local union.

SEC. 9(e). When a transfer card is issued by a local union it shall bear the signature of the president and financial secretary-treasurer and the seal of the local union and shall be endorsed by the member receiving the same in the presence of the financial secretary-treasurer. When a transfer card is issued by the General Secretary-Treasurer it shall be signed by them and bear the seal of this Association.

SEC. 9(f). When a member enters the jurisdiction of another local union they shall immediately report to the financial secretary-treasurer, business manager, business representative, president, or recording secretary, or if the local union is affiliated to a regional council, the regional manager or representative assigned to the local union and present their official dues receipt and transfer card, for deposit, before seeking or accepting employment in the jurisdiction of such other local union.

SEC. 9(g). When depositing a transfer card, the member shall record thereon their local address and shall keep the local union informed of any change in the local address.

SEC. 9(h). Except as otherwise provided in Section 9(s) of this Article, if for any reason an official transfer card issued to any good standing member is not deposited with or accepted by another local union within thirty (30) days from date of issue, said transfer card expires by limitation and becomes void; and should the member still desire to travel to seek or accept employment in the jurisdiction of another local union, they shall apply to the financial secretary-treasurer of the local union that issued the expired and void transfer card and of which they are still a member for a new transfer card which, like the previous one, shall be issued only

on payment of all obligations, including dues in advance to and including the month in which the new transfer card expires by limitation.

SEC. 9(i). Until such time as a traveling member deposits their transfer card with and it is accepted by another local union, they shall pay dues and all other obligations directly to the local union which issued the same and of which they are still a member, and they shall not pay dues in any other local union until their transfer card is properly deposited and accepted therein. Should they fail to pay dues and all other obligations directly to the local union of which they are still a member, pending proper deposit and acceptance of their transfer card in another local union, or should they fail to pay dues to another local union, after their transfer card has been properly deposited and accepted therein, they shall be recorded suspended without notice, in accordance with this Constitution, when two (2) months in arrears.

SEC. 9(j). Except as provided in Section 9(k) of this Article, any member who accepts employment in the jurisdiction of another local union after the deposit and acceptance of their transfer card shall pay to said local union the difference, if any, between the amount of initiation fee actually paid prior to their transfer as recorded in the General Office and the established initiation fee of the local union in which their transfer card was deposited and accepted, provided that no local union shall be required to admit any member on transfer card who has less than five (5) years of continuous good standing with this Association, unless after appearance before the local union examining board, such member demonstrates that they are capable of performing the work coming within the jurisdiction of such local union, in accordance with the standards of workmanship established by such local union.

SEC. 9(k). Any member who has established a record of continuous good standing of five (5) years or more, to and including the date of issuance of transfer card shall be admitted by transfer card into any local union of this Association in accordance with the requirements of this Constitution, and without payment of any difference in initiation fee.

SEC. 9(l). Any member who desires to leave the jurisdiction of a local union with which their transfer card is properly deposited and accepted before the difference between the actual amount of initiation fee paid by the member prior to their transfer and the established initiation fee of the local union is paid in full shall be granted a transfer card with credit for the actual amount of initiation fee paid prior to transfer, plus any difference paid subsequent to transfer, provided they shall pay all dues and obligations including dues in advance to and for the month in which transfer card expires, plus One Dollar ($1.00) transfer fee.

SEC. 9(m). Each transfer card shall have attached thereto a form which shall be detached by the financial secretary-treasurer of the local union with which the transfer card is deposited. Said form shall be filled out over the signature of the financial secretary-treasurer and the seal of the local union and forwarded to the General Secretary-Treasurer, and when all requirements of this Constitution have been complied with, the transfer card shall be cleared and recorded at the General Office.

SEC. 9(n). The transfer card of any good standing member when properly issued and presented for deposit with proper identification shall be accepted by any local union in accordance with this Constitution, except in localities where strikes, lockouts, disputes or controversies regarding wages or working conditions exist, or where negotiations for wages or working conditions are pending or unsettled, provided, however, that this exception shall apply only to strikes involving an entire segment of the industry and shall not apply in those cases where negotiations have resulted in an agreement under which members continue in or return to employment.

SEC. 9(o). No member shall be recorded at the General Office as transferred from one local union to another until all requirements of this Constitution have been complied with and the record of transfer properly certified and acknowledged by the General Secretary-Treasurer.

SEC. 9(p). No transfer cards issued or accepted by local unions contrary to this Constitution shall be recognized or cleared by the General

Secretary-Treasurer but shall be declared void. Members involved shall assume full responsibility and liability for any loss of standing resulting from such transactions.

SEC. 9(q). In all cases where members procure and attempt to deposit transfer cards in violation of the provisions of this Constitution, said transfer cards shall be void, and the members attempting to deposit such transfer cards for the purpose of evading the provisions of this Constitution shall be subject to fine, suspension or expulsion by the local union issuing the transfer cards.

SEC. 9(r). Any member who accepts employment in the jurisdiction of another local union and fails to comply with the provisions of this Article relating to the obtaining and deposit of transfer cards shall be subject to charges and trial and, except as provided in Section 9(q) of this Article, shall be tried in the local union in whose jurisdiction the offense was committed. Any penalty properly imposed by such local union shall be recognized and complied with by any such member found guilty of such charges, subject to appeal as provided in Article Nineteen (19) of this Constitution.

SEC. 9(s). Notwithstanding any other provisions of this Article, a good standing member shall obtain a transfer card in order to work within the jurisdiction of another local union in the event they change their permanent residence to a location within the territorial jurisdiction of the local union in which they intend to perform work.

SECTION 10 – PORTABILITY OF LABOR/TRAVELERS

SEC. 10(a). Members sent by their employers from the jurisdiction of one local union into the jurisdiction of another local union shall report to the office or to the financial secretary-treasurer, business manager, business representative, president or recording secretary of the local union in whose jurisdiction they are located, or if the local union is affiliated to a regional council, the regional manager or representative assigned to the local union. Such report shall be made before starting

to work and may be made in person, by telephone, by facsimile, by regular mail, email or other acceptable means as determined by the local union. Said members shall receive from their employers at least the established wage scale of the local union of which they are members and in no case less than the established wage scale of the local union in whose jurisdiction they are employed, plus all necessary expenses while employed in the jurisdiction of another local union, and shall otherwise comply with the established working rules and conditions of the local union in whose jurisdiction they are located. Said members shall not be required to transfer their membership to the local union in whose jurisdiction they are temporarily employed.

In the event qualified members are available in the jurisdiction of the local union in which the work is to be performed, not more than two (2) members per job shall, at the request of the employer, leave the jurisdiction of the local union where the shop of the employer is located and enter the jurisdiction of the local union in which the work is to be performed for the purpose of performing such work.

SEC. 10(b). Except as otherwise provided in Section 10(d) of this Article, where the shop of an employer is located in the jurisdiction of one local union and such employer has a contract for work within the jurisdiction of another local union, they may employ members of the local union having jurisdiction over the territory where the work is to be performed, and such members shall retain their membership in the local union having jurisdiction over the territory where the work is to be performed. Should the employment of such members be continued by such employer and in the course of such employment it becomes necessary for them to work within the jurisdiction of other local unions, they may retain their membership in the same local union in which they were members when the period of continuous employment began or secure transfer cards and deposit same with the local union having jurisdiction over the territory in which the shop of the employer is located and comply with the requirements of Section 10(a) of this Article.

SEC. 10(c). Any member who accepts employment in the jurisdiction of another local union and fails to comply with the provisions of Section 10(a) of this Article shall be subject to charges and trial and shall be tried in the local union in whose jurisdiction the offense was committed. Any penalty properly imposed by such local union shall be recognized and complied with by any such member found guilty of such charges, subject to appeal as provided in Article Nineteen (19) of this Constitution.

SEC. 10(d). Members accepting employment outside of the jurisdiction of the local union of which they are members, without having been issued a transfer card, shall report immediately to the financial secretary-treasurer, business manager, business representative, president or recording secretary of the local union in whose jurisdiction they intend to perform work, or if the local union is affiliated to a regional council, the regional manager or representative assigned to the local union and present their official dues receipts before accepting employment. That local union in turn shall notify any employee benefit funds to which contributions are required to be made under the local union's collective bargaining agreement, so that any such fund who is party to the International Association of Sheet Metal, Air, Rail and Transportation Workers (formerly the Sheet Metal Workers' International Association) Master Reciprocal Agreement will know that any contributions made on behalf of the traveling member may be intended for, and may need to be forwarded to, the fund(s) of the member's home local union. Each local union shall insert language consistent with this requirement into its collective bargaining agreement(s). Such members shall abide by all working rules, regulations, by-laws and collective bargaining agreements in effect in the jurisdiction in which they are working. To help defray the administrative and collective bargaining expenses of the local union, and to promote work opportunities within the local union, travelers shall pay to said local union all working assessments in effect in said local union or the sum of Twenty-Five Dollars ($25.00) per week, whichever is imposed by the local union.

SECTION 11 – SUSPENSION OF DELINQUENT MEMBERS

SEC. 11. Any member who becomes two (2) months in arrears shall be recorded suspended by the local financial secretary-treasurer and by the General Secretary-Treasurer. Under no circumstances shall any extension of time be granted. Notice is not necessary. The suspension may not be reversed or erased by means of payments of dues or issuance of official receipts after the expiration of the two (2) month limit for periods before the expiration.

A member suspended in accordance with this Section shall forfeit all rights, privileges, and benefits of membership. They shall not be permitted to participate in any meetings or in any affairs of this Association or of any local union or council affiliated therewith during the period of suspension nor shall any local union or this Association accept or record any dues or per capita dues from such member either during or after such suspension to be applied to the period of suspension.

SECTION 12 – REINSTATEMENT

SEC. 12(a). Reinstatement of Suspended Members. Any member or any apprentice-member who is suspended in accordance with Section 11 of this Article, who is otherwise eligible to membership, shall, within two (2) months from the date of such suspension, be reinstated upon the payment of a local reinstatement fee of not less than Fifty Dollars ($50.00), plus dues in advance beginning with the month of reinstatement, provided such reinstatement fee and dues are actually paid and properly recorded on official receipts within two (2) months from the date of suspension. Such reinstatement shall not restore to such member any membership rights established prior to suspension.

Reinstatement of suspended members shall not be recorded at the General Office until either electronic or white duplicate (copies) of official receipts recording and verifying the actual payment of a local reinstatement fee of not less than Fifty Dollars ($50.00), plus dues in advance

beginning with the month in which reinstatement is properly recorded are filed with the General Secretary-Treasurer, accompanied by forty-five percent (45%) of the local reinstatement fee, as described in Section 2(b) of Article Ten (10) and International per capita dues beginning with the month in which reinstatement is properly recorded, and have been accepted and acknowledged by the General Secretary-Treasurer.

Any member who is suspended in accordance with Section 11 of this Article, who is otherwise eligible to membership, who does not comply with the requirements of reinstatement within two (2) months from date of suspension forfeits their right to reinstatement and should they desire to again become a member they shall reinitiate in accordance with Section 2 of this Article although the standard form of application does not need to be completed again.

SEC. 12(b). Reinstatement of Members Suspended for Cause or Expelled. Any member suspended for cause or expelled after trial and appeal, or opportunity for trial or appeal as provided in Articles Eighteen (18) and Nineteen (19) may be reinstated to membership only by (1) reinitiating and following the procedure prescribed in Section 2 of this Article, although the standard form of application does not need to be completed again, (2) paying in full all financial obligations due this Association, and any local union or council thereof, at the time of their expulsion or suspension, provided, however, that the payment of such financial obligations due any local union shall be waived if they have not been reported to the General Secretary-Treasurer as provided in Section 4 of Article Thirteen (13), and (3) obtaining the written consent of the local union from which they were suspended or expelled (provided such local union has complied with the provisions of Section 4 of Article Thirteen (13) of this Constitution regarding notice to the General Secretary-Treasurer of obligations due from suspended or expelled members), provided, in addition, however, that if such expulsion or suspension was occasioned by any act of fraud, deception, embezzlement, misappropriation, or appropriating to their own use any monies,

properties or things of value belonging to this Association or any local union or council thereof, such former member shall be eligible for reinitiation only with the consent of the General President and the local union and council of which they were formerly a member and only on condition that they have complied with all requirements of this Constitution, including the payment in full of all money due and the surrender of all property and things of value belonging to this Association and any local union or council thereof, and upon the further condition that they shall not be eligible for or be permitted thereafter to hold any office or position in this Association or local union or council thereof.

Notwithstanding any other provisions of this Section, the General President, the General Executive Council or the General Convention may permit, order, or deny reinstatement of a suspended or expelled member if such action is deemed to be in the best interests of a local union or this Association.

SECTION 13 – MAINTENANCE OF GOOD STANDING

SEC. 13(a). Responsibility for establishing and maintaining good standing in accordance with this Constitution rests entirely with each individual member. The actual payment of dues, per capita dues, initiation fees, reinitiation fees, reinstatement fees and other obligations by each member, when properly acknowledged and recorded on official receipts in either electronic or in triplicate form, with white duplicate (copies) of official receipts filed at the General Office, for which dues and fees due this Association have been paid in accordance with this Constitution, including the provisions of Article 10, Section 2(f), is the only recognized and acceptable evidence of the standing of any member unless said obligations have been withheld from the employee's wages by their employer pursuant to a valid check-off authorization.

SEC. 13(b). Each applicant for membership and each member, when making payments on initiation fees, dues, assessments, reinstatement fees, reinitiation fees or other obligations affecting their standing, shall

demand and receive the original copy of official receipt issued in either electronic or in triplicate form and shall accept no other form of receipt, nor shall any local union or officer or representative thereof issue any other form of receipt.

SEC. 13(c). The record of continuous good standing shall be recorded broken without notice in each instance when either electronic or duplicate (copies) of official receipts establish the fact that dues and other obligations, including International per capita dues and fees, were not paid within the two (2) month limit. The record of continuous good standing shall likewise be forfeited in each instance where the member has been recorded suspended or expelled or has been issued a withdrawal card, and the record of continuous good standing thus broken cannot be reinstated or restored.

SEC. 13(d). The record of continuous good standing of reinstated or reinitiated members begins with date of reinstatement or reinitiation properly accepted, recorded and acknowledged by the General Secretary-Treasurer, and the record of continuous good standing of reinstated or reinitiated members shall be recorded broken in the same manner and under the same conditions specified in Section 13(c) of this Article, and the record of continuous good standing thus broken cannot be reinstated or restored.

SECTION 14 – RESIGNATION

SEC. 14. Any member may resign from membership. Resignations shall be effective upon receipt of written notification by mail or hand delivery to any full-time officer or business representative at their local union. In Canada, no resignation shall be accepted if offered in anticipation of charges being preferred against them, during the pendency of any such charges or during a strike or lockout.

The General Secretary-Treasurer shall have the authority to issue a certificate of honorable resignation to individuals who have established a record of membership in good standing for a period of twenty-five (25)

years or more in SMART, and whose names have been submitted by the local union for this certificate.

SECTION 15 – HONORARY MEMBER

SEC. 15. From time to time the International may wish to honor an individual who has a sustained record of supporting the labor movement and exemplifies dedicated public service by granting them an honorary membership of this Association. Any local union may submit a request to the International for an individual to be granted an honorary membership. Honorary memberships shall be granted by the General President at conferences, conventions or other significant functions of this Association or functions at which the General President or their designee is attending and participating. An honorary member is welcome to attend Association events as a guest, but the membership itself provides none of the usual rights of union membership and does not require the payment of dues.

ARTICLE SEVENTEEN (17)
Misconduct and Penalties

SECTION 1 – OFFICERS, MEMBERS AND REPRESENTATIVES

SEC. 1(a). Except as otherwise provided in this Constitution, after trial and conviction of any of the offenses described in this Article, any officer or member of this Association may be disciplined by imposition of one or more of the following penalties: reprimand, fine, suspension or removal from office, suspension or expulsion from membership, or other appropriate disciplinary measures.

SEC. 1(b). Violation, refusal or failure to perform any duty or obligation imposed by this Constitution, the policies of this Association, the valid decision of any Officer or Officers thereof or the valid decisions

of the General Executive Council or Convention or the valid rules and regulations of any local union, council, committee or board.

SEC. 1(c). Engaging in conduct at a meeting of any local union, council, committee or board, or at other locations, that tends to or does interfere with, diminish, or destroy the ability of an officer, business manager, business representative, regional manager or council representative, or member to perform legal, contractual or constitutional obligations on behalf of a local union, council, committee or board or to discharge the duties of the office to which such individual was elected or appointed.

SEC. 1(d). Filing frivolous charges against any officer or member of this Association or of any local union, council, committee or board thereof or failing, refusing or neglecting to appear as prosecuting witness after filing charges, or to present all facts and evidence to support any charges so filed against such officer or officers or member or members.

SEC. 1(e). Violating the established union collective bargaining agreements and rules and regulations of any local union or committee relating to rates of pay, rules and working conditions.

SEC. 1(f). Attempting, inaugurating or encouraging secession from this Association or of any local union, council, committee or board thereof or advocating, encouraging or participating in any rival unionism or division within SMART.

SEC. 1(g). Accepting employment in any shop or on any job where a strike or lockout, as recognized under this Constitution, exists, or performing any work covered by the claimed jurisdiction of this Association for any employer or becoming an employer that is not signatory to or bound by a collective bargaining agreement with an affiliated local union, council or committee of this International Association, unless authorized by the local union.

SEC. 1(h). Agreeing to perform or performing any work covered by the claimed jurisdiction of this Association on a piecework basis, unless permitted in the relevant collective bargaining agreement approved by this Association, a lump sum basis, or any other basis except that

provided and specified by this Constitution and by the established and recognized union agreements, rules and regulations of affiliate local unions, councils or committees governing the employment of members.

SEC. 1(i). Committing any act of fraud, embezzlement, misappropriation, or appropriating to their own use any money, property, or thing of value belonging to this Association or any local union, council, committee or board thereof, or to any fund or committee administered or trusteed in whole or in part by a local union, council, committee or board, or refusing, failing or neglecting to deliver at specified periods or on demand, in accordance with this Constitution a full and accurate accounting, all monies, properties, books and records for examination and audit.

SEC. 1(j). Acquiring or maintaining membership by false pretense, misrepresentation or fraud including, but not limited to, fraudulent use of membership cards or dues receipts or being a party to misrepresentation as to the identity or membership status of the bearer of such card or receipt.

SEC. 1(k). Failure or refusal to abide by the rules of order and parliamentary procedure in the meetings of a local union, council, committee or board or creating any disturbance therein, or recording by any means the proceedings of any official meetings of the local union or council.

SEC. 1(l). Committing or attempting or threatening to commit any physical assault upon any officer or member of this Association, or of any subordinate unit thereof, while in the workplace or performing work duties, or at union facilities or functions, or in any setting that is related to the foregoing or acting as an agent of this Association or of any subordinate body.

SEC. 1(m). Engaging in any conduct which is detrimental to the best interests of this Association or any subordinate unit thereof or which will bring said unions into disrepute.

SEC. 1(n). Engaging in any conduct that is harassing, hazing, bullying or discriminating against any person or group of persons, while in the workplace or performing work duties, or at union facilities or functions,

or in any setting that is related to the foregoing, or acting as an agent of this Association, because of their race, ethnicity, ancestry, color, religion, age, creed, national origin or citizenship, sex (including pregnancy or breastfeeding), gender (including gender identity or expression), sexual orientation, marital/parental/family status, military or veteran status, disability, medical condition and genetic characteristics, or other legally-protected class.

SEC. 1(o). Engaging in harassing, hazing, or bullying conduct that a reasonable person would find hostile, offensive, and unnecessary to legitimate union or work activities, while in the workplace or performing work duties, or at union facilities or functions, or in any setting that is related to the foregoing, or while acting as an agent of this Association, including a single act of harassing, hazing, or bullying conduct that is sufficiently severe and egregious.

SECTION 2 – LOCAL UNIONS, COUNCILS, COMMITTEES AND BOARDS

SEC. 2. Any local union, council, committee or board which authorizes, approves or condones any of the acts described in Section 1 of this Article or fails or refuses to abide by the provisions of this Constitution, the policies of this Association, the valid decisions of any General Officer or Officers or the valid decisions of the General Executive Council or Convention or its own valid bylaws, rules and regulations shall be subject to suspension or revocation of its charter.

ARTICLE EIGHTEEN (18) Charges and Trials

SECTION 1 – OFFICERS, REPRESENTATIVES OR MEMBERS OF LOCAL UNIONS OR COUNCILS

SEC. 1(a). Charges against officers, representatives or members of any local union, council, committee or board may be preferred in the manner

provided in this Article by any member or members, local union, council, committee or board or any officer or representative thereof or by any General Officer or International Representative of this Association.

SEC. 1(b). All charges provided for in this Section shall be in writing and filed by the charging party not later than ninety (90) days after their knowledge of the alleged offense, except that when the alleged offense occurs during the pendency of a strike supported or participated in by the local union affected, the charges shall be filed within ninety (90) days from the conclusion of such strike, signed by the party preferring them and shall contain a specific statement of the facts out of which the charges arose and the duty or obligation including the sections of this Constitution alleged to have been violated.

SEC. 1(c). The officer, representative or member preferring such charges, shall send a copy of the same by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt to the accused, to the local union of which the accused is a member, and, if the misconduct occurred in the jurisdiction of another local union, to the local union in which a trial on the charges may properly be held.

SEC. 1(d). Upon the request of a charging party, the accused or the subordinate body with which charges are filed, or on their own motion, the General President may, in their discretion, order the accused tried by a trial board appointed by them. A request to the General President must be in writing and addressed to and received by the General Secretary-Treasurer, and a copy mailed to opposing parties, within ten (10) days from the date the charges are received by the local union. Trial boards shall be composed of two (2) or more good standing members, International Representatives or General Officers who are not directly or indirectly involved in the matters which give rise to the charges upon which the accused is to be tried and who are not members of the local

union of which the accused is a member or of the local union in whose jurisdiction the offense was alleged to have been committed.

Unless otherwise ordered by the General President, trials shall be held in local unions in the manner prescribed in Section 2 of this Article.

SEC. 1(e). Charges preferred against any member, officer or representative, which do not come within the trial jurisdiction of any local union, as provided in this Constitution, shall be filed with the General President in the form and in the manner prescribed in Section 1(b) and (c) of this Article. The General President shall order the accused tried in accordance with the provisions of Section 3 of this Article, except that the accused may be represented by any good standing member, as counsel, other than a General Officer or a member of the General Executive Council.

SECTION 2 – TRIAL IN LOCAL UNIONS

SEC. 2(a). Unless otherwise provided in this Constitution, trials in local unions shall be conducted in the local union in whose jurisdiction the alleged offense was committed by the local union Executive Board or a trial committee consisting of three (3) or more members of such local union selected in accordance with the provisions of Section 2(b) of this Article.

SEC. 2(b). The determination whether the trial is to be conducted by the local union's Executive Board or by a trial committee elected by the local union shall be made at the first regular meeting held not less than fifteen (15) days after a copy of the charges has been mailed to the accused, including notice to the accused of the date, time and place of the meeting, by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt as provided in this Article or at a special meeting held after fifteen (15) days' notice to the membership including the accused. No member of a local union shall be eligible to serve on a trial committee, whether it consists of a local union Executive Board or is

elected, if they are directly or indirectly involved in the matters which gave rise to the charges upon which the accused is to be tried.

SEC. 2(c). The accused shall have the right to challenge two (2) members of the original trial committee immediately after the election of the entire committee, provided they are present at the meeting at which the trial committee is elected, and they shall be declared removed by the presiding officer. The local union shall then at the same meeting elect a member or members to fill any vacancies in the trial committee created by the challenges. The election to fill such vacancies shall be held in the same manner as the election of the original trial committee.

If the trial is to be conducted by the local union Executive Board, the accused, if present at the meeting at which the Executive Board is directed to conduct the trial, shall have the right to challenge two (2) members of such board at such meeting and such challenged members will not be permitted to participate in such trial. No other member will be elected to take the place of Executive Board members thus challenged. In the event a majority of the local union Executive Board is unable because of challenges, or is otherwise ineligible to participate in such trial, the local union shall elect a trial committee in the manner prescribed in this Section.

SEC. 2(d). The trial committee shall elect a presiding officer and secretary and fix the time and place of trial. The presiding officer shall notify the accused and those who preferred the charges, by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt of the time and place of trial and such trial shall be promptly held but shall not be held less than fifteen (15) days after the mailing of such notice. Before the hearing is held, the charging party may amend the charges to add newly-discovered facts related to those in the original charges and the provisions of this Constitution alleged to be violated by such new facts. The amendment shall be submitted to the trial committee with a copy

to the charged party as provided in Section 1(c). The trial committee shall decide whether to allow the amendment and shall notify the parties of its decision. If the amendment is allowed, the hearing shall be held not less than fifteen (15) days following the date the trial committee sent its decision.

SEC. 2(e). A trial may be conducted by a majority of the trial committee, provided the same members of such committee hear all of the evidence presented at such trial. No member of the trial committee who absents themselves from any session of a trial may participate in the findings, decision or recommendations of the trial committee or file any concurring or dissenting opinion.

All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross-examine witnesses of the other party or parties. Each party must submit five copies of each exhibit the party seeks to introduce. Each party shall have the privilege of selecting any good standing member of their or any other local union to act as their counsel in the trial proceedings, except a member of the trial committee or a member of the Executive Board when it is acting as the trial committee.

A verbatim transcript of the trial proceedings prepared by a qualified court reporter may be ordered at the local union's discretion and expense or it may be ordered as a matter of right by the charging party or the accused at their expense after prior notification to the local union in which event copies thereof must be furnished to the secretary of the trial committee and the opposing party; but the proceeding shall not be recorded by tape, wire, electronic or other similar device by any person other than the qualified court reporter.

In the event no stenographic transcript is made, the secretary of the trial committee shall reduce the minutes of the trial to writing and include therein the substance of the testimony and all exhibits submitted at the trial. Unless previously furnished they shall send to each party by

registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt a copy of the transcript or minutes, as the case may be, and each party within ten (10) days after receiving same shall submit to the secretary of the trial committee, in writing, any objections thereto. The record thus made shall constitute the record of the trial for the purpose of appeal and in the event any party fails to file objections thereto within the time limit prescribed herein, the transcript or minutes furnished by the secretary of the trial committee, for purposes of appeal, shall be deemed to be a correct record of the trial procedure and of the evidence presented.

All matters relating to the procedure of the trial, not otherwise specified in this Section, shall be determined by the trial committee and all parties and their respective counsel shall comply with all orders and directions of the trial committee with respect to such matters.

SEC. 2(f). At the next regular meeting of the local union, following the conclusion of the trial, the trial committee shall submit to the local union in writing, its findings of the facts, decision and recommendations. The members of the local union there assembled shall vote, without debate, solely on the question of whether to accept or reject the decision and recommendations of the trial committee and a majority vote shall be final, subject only to appeal.

No further trial shall be had on the same charges unless directed by a decision on appeal.

SEC. 2(g). The accused and those who preferred the charges and the local union of which the accused is a member shall be notified by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier service that provides a return receipt of the action of the trial committee and of the local union in connection therewith. Such notice shall advise the parties of their right to appeal to the General President.

SEC. 2(h). Except as provided in Section 2(i) of this Article, should the accused fail, refuse or neglect to appear for trial after due notice or, after appearing, refuse to comply with orders or directions of the trial committee relating to the conduct of their trial or otherwise attempt to obstruct or thwart the trial committee in its conduct of their trial, the trial committee shall proceed with their trial in their absence, hear such evidence as may be presented by witnesses who respond to notice, and render its findings, decision, and recommendations. Nothing contained in this paragraph shall deprive the accused of the privilege of selecting a good standing member of their or any other local union to act as their counsel during proceedings unless such counsel should refuse to comply with orders or directions of the trial committee relating to the trial or should otherwise attempt to obstruct or thwart the trial committee in its conduct of the trial. Should those who preferred the charges fail to appear after due notice, the accused shall be found not guilty.

SEC. 2(i). In the event the accused is employed at a point one hundred (100) or more miles distant from the point at which such trial is to be held, such party may submit their evidence in written form and shall not be required to attend the trial in person.

SEC. 2(j). Either party shall be granted a postponement of a trial for a reasonable time by the chair of the trial committee if valid reasons are presented, or the trial committee may postpone the trial, either on request or on its own motion, for no more than thirty (30) days.

SEC. 2(k). Either party to the proceedings, provided for in this Section, may appeal from the findings, decision, or recommendations of a trial committee or the action of any local union in connection therewith in the manner prescribed in Article Nineteen (19).

SECTION 3 – TRIAL BY INTERNATIONAL TRIAL BOARD

SEC. 3(a). Should the General President order an accused member, officer, or representative of any local union or council to be tried by International Trial Board as provided in Section 1(d) of this Article, they

shall, in the event the charges were filed with a local union, notify such local union, the accused and those preferring the charges in writing, by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt of the time and place of such trial. Should the General President order the trial held at a place other than within the jurisdiction of the local union in which the alleged offense occurred or of which the accused is a member, the parties and their counsel shall be reimbursed for travel expenses and earnings necessarily lost as a result of their attendance at the trial. Expenses and loss of earnings may be allowed to witnesses in the discretion of the General President, but in the event such allowance to witnesses is not made, the Trial Board shall admit in evidence all relevant testimony of witnesses which either party submitted in affidavit form.

If charges were initially filed with the General President as provided in Section 1(e) of this Article, they shall notify the accused and those preferring the charges, in writing, by registered or certified mail, return receipt requested, by a private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt of the time and place of such trial.

SEC. 3(b). Except as provided in Section 3(a), provisions of Sections 2(e), 2(h), 2(i), and 2(j) of this Article shall be applicable to the extent practicable in trials before an International Trial Board.

SEC. 3(c). The decision of the International Trial Board shall be final except for the right of appeal to the General Executive Council as provided in Article Nineteen (19) of this Constitution. Such decision shall be in writing and a copy thereof shall be furnished to the General President, the parties, and, if the charges were initially filed in a local union, to the local union.

SECTION 4 – FORMER OR INACTIVE MEMBERS

SEC. 4. Notwithstanding any language to the contrary in Article Sixteen (16), a suspended member, a former member who has been expelled or who has resigned in accordance with Section 14 of Article Sixteen (16), an owner-member, an associate member or a limited member shall be permitted to appear before a local union trial committee or an International Trial Board to defend against charges preferred against them and to exercise to the extent practicable such rights as are conferred on an accused party pursuant to Sections 2 and 3 of this Article including the right to select as their counsel in the trial proceedings any good standing member of their or any other local union, and to appeal from any adverse trial committee or Trial Board decision in accordance with the provisions of Article Nineteen (19) hereof. Moreover, if such member desires to challenge the selection of the local union trial committee, they shall be permitted to attend only that portion of the union meeting at which the trial committee is selected.

SECTION 5 – SUMMARY DISPOSITION

SEC. 5. A charge may be dismissed without hearing if, after assuming the charging party's allegations to be true, the charges fail to describe actions which would constitute violations of the Constitution or the bylaws of the affiliate involved, or if it is found that the charges are of such a nature that the interest of the union does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding. The decision whether to dismiss shall be made by the trial committee with respect to charges filed with a local union or by the General President with respect to charges filed or referred pursuant to Sections 1(d) or 1(e).

SECTION 6 – FINES

SEC. 6. All fines levied in accordance with the provisions of this Constitution shall be paid within the time limit specified and, in Canada no dues shall be accepted from any member who refuses, fails or neglects to pay such fines, except that if the fine exceeds Fifty Dollars ($50.00), payment of the sum of Fifty Dollars ($50.00) shall be paid as a condition of any proper appeal. Such payment shall stay the effective date of the payment of the total fine only until the date the appeal has been decided by the General Executive Council. Following the decision of the General Executive Council, the fine, if upheld or as modified by the General Executive Council, shall be promptly paid in whole or in part as specified by such decision, unless payment is expressly waived by the General Executive Council.

All fines initially shall be paid to the local union in which such member holds membership, or regional council if the local union is affiliated with a regional council, and if the fine was levied by another local union, notice of such payment shall be sent to such local union by registered or certified mail, returned receipt requested, by private delivery service such as United Parcel Service with signature required or proof of delivery, or by courier delivery service that provides a return receipt. If imposition of the fine is not appealed, or upon final disposition of the case, the fine is upheld, the amount to be paid shall be remitted to the financial secretary-treasurer of the local union or regional council specified in the fine.

When fines are not paid in accordance with the provisions of this Section, collection thereof shall be effected by the financial secretary-treasurer of the local union or regional council which imposed the fine, or if the fine was imposed by an International Trial Board, by the financial secretary-treasurer of the local union or regional council which otherwise would have conducted the trial and imposed the fine or by the General Secretary-Treasurer. Such collection shall be effected

by any available means which may include a suit in any court of competent jurisdiction and the member shall be liable for the costs of such suit or collections process including payment of reasonable attorney fees.

ARTICLE NINETEEN (19) Appeals

SECTION 1 – WHO MAY APPEAL

SEC. 1(a). Original Appeals. Any local union, council, committee, board, officer, representative of this Association or any officer, representative, or member of any local union, council, committee or board thereof whose constitutional rights are alleged to be violated by any decision, order or inaction of a local union, council, committee, board or a legally constituted tribunal thereof or by any decision or order of any General Officer or Officers, Representative, or the General Executive Council of this Association shall have the right to appeal as provided in this Article.

Except as otherwise provided in this Constitution all original appeals shall be referred to the General President for consideration and decision. The General President, however, may, in their discretion, decline to rule and refer any appeal directly to the General Executive Council. Any party to an original appeal decided by the General President may appeal such decision to the General Executive Council.

SEC. 1(b). Appeals From Trial Committee and Trial Board Decisions. Any party to trial committee proceedings under Article Eighteen (18), Section 2, may appeal to the General President from the findings, decision or recommendations of a trial committee or the action of any local union in connection therewith. Any party to such trial committee or trial board proceedings may appeal the decision of the General President to the General Executive Council. Any party to International Trial Board proceedings under Article Eighteen (18), Section 3, may appeal to the General Executive Council.

SECTION 2 – APPEALS PROCEDURE

SEC. 2(a). Requirements for Appeals. All appeals shall be:

- In written form
- Signed by the appellant(s)
- Accompanied by such evidence, consisting of documents and written evidence in affidavit form, and arguments as are deemed necessary by the appellant(s) for the proper and complete consideration of the appeal
- Labeled by writing the word "APPEAL" on the first page of the appeal
- Mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt, to the General Secretary-Treasurer and the opposing party or parties, including a charging party where applicable
- Postmarked or delivery confirmed within thirty (30) days from the date of the action from which appeal is taken or from the date of notice to the appellant where that is required by this Constitution.

If the appeal is from a decision of a trial committee or International Trial Board, the "notice" referred to herein shall be the date of

- The mailing to the parties of a copy of the transcript or the minutes of the trial or
- Action of the local union on the trial committee decision (or in the case of an International Trial Board, the decision of the board)

whichever is later.

If a fine in excess of Fifty Dollars ($50.00) has been imposed, the member appealing must provide proof that the sum of Fifty Dollars ($50.00), as required in Article Eighteen (18), Section 6, has been paid to the member's local union within the thirty (30) day period in order for the appeal to be considered timely.

Appeals from any decision or order directed to a local union, council, committee or board shall be made by the involved affiliate and not by an individual member or members thereof and shall require authorization by the affiliate and be signed by its principal executive officer.

Appeals not filed within the time limits prescribed in this Article shall be dismissed by the General Secretary-Treasurer and notice of such dismissal sent to the appellant(s) by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt. Unless the appellant(s) submits facts which if established by proof would show the appeal to be timely, the decision of the General Secretary-Treasurer shall be final and not subject to appeal.

SEC. 2(b). Answers. Parties other than the appellant, including a local union, council, committee or board, shall have the right to file an answer to an appeal which must be submitted to the General Secretary-Treasurer postmarked or delivery confirmed within thirty (30) days after the date the appeal was mailed, which answer shall contain such written rebuttal evidence, exhibits and argument as they deem necessary for the proper and complete consideration of the appeal.

The answer shall be mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt, to the General Secretary-Treasurer and the appellant(s). The appellant(s) may apply to the General Secretary- Treasurer for permission to file a reply to the

answer which the General Secretary-Treasurer may grant and set a date for submission, in their discretion, only if the answer raises new facts or arguments. The record shall be closed when the last submission is received or all time limits for submissions have passed.

SECTION 3 – DECISIONS ON APPEAL

SEC. 3(a). The General President's decision shall be mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt and shall be final and binding unless changed on further appeal as provided in this Article.

SEC. 3(b). The General Executive Council shall base its decision only upon the evidence and argument submitted in accordance with Section 2 and Section 3(a) of this Article, unless one of the parties requests the right to appear personally before the General Executive Council during the consideration thereof. Should such request be made, the General Secretary-Treasurer shall notify all other parties to the proceedings of their right to appear before the General Executive Council in connection with the appeal. Parties who appear before the General Executive Council in connection with any appeal shall be permitted only to present argument on the written record made and shall not be permitted to introduce additional evidence.

SEC. 3(c). Should a member of the General Executive Council be a member of an International Trial Board they shall not participate in the decision of any appeal from a decision of such International Trial Board. The decision of the General Executive Council shall be by majority vote of those participating and shall be final and binding unless changed upon appeal to the General Convention. The decision shall be mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with

signature required or proof of delivery, or by a courier delivery service that provides a return receipt.

SEC. 3(d). The General Executive Council may, in its discretion, delegate to a subcommittee composed of no fewer than three (3) members authority to decide any appeal from a decision of the General President or an International Trial Board. In such event, the hearing on the appeal shall be held at a location reasonably convenient to the parties having an interest in the appeal. The decision of the subcommittee shall have the same effect, force and authority as a decision of the full General Executive Council.

SECTION 4 – APPEALS TO THE GENERAL CONVENTION

SEC. 4(a). All appeals from decisions of the General Executive Council shall be submitted by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt, to the General Secretary-Treasurer and postmarked or delivery confirmed within sixty (60) days from the date of the mailing of the decision by the General Executive Council. The General Secretary-Treasurer shall mail notice of such appeal to the other parties involved.

If the appeal is from a trial decision that imposed a fine in excess of Fifty Dollars ($50.00), the member appealing shall submit proof of payment of the balance of the fine within sixty (60) days after notification of the decision of the General Executive Council, unless such payment shall have been waived by the General Executive Council pursuant to Section 5(b) of this Article. Otherwise the appeal shall be deemed untimely and denied.

All appeals thereto and all decisions on appeal shall be mailed by registered or certified mail, return receipt requested, by private delivery service such as the United Parcel Service with signature required or proof of delivery, or by a courier delivery service that provides a return receipt.

SEC. 4(b). Unless otherwise provided in this Constitution, all appeals from decisions of the General Executive Council shall be referred to the Grievances and Appeals Committee of a General Convention which shall render its decision upon the written record made before the General Executive Council. Any party to an appeal to the Grievances and Appeals Committee shall be permitted to appear before said Committee for the purpose of argument, but shall not be permitted to introduce additional evidence. The Grievances and Appeals Committee shall report to the General Convention such recommendations with respect to the disposition of the appeal as it deems fair and proper, which report shall be acted upon by the Convention in the same manner as reports of other Convention committees, except that debate in connection therewith shall not be permitted. The Convention delegates shall vote, without debate, solely on the question of whether to accept or reject the decision and recommendations of the Grievances and Appeals Committee, and a majority vote of the delegates to the Convention shall be final.

SECTION 5 – COMPLIANCE PENDING APPEAL

SEC. 5(a). Except as provided in Section 6 of Article Eighteen (18) and Section 5(b) of this Article, no appeal shall be recognized or considered unless the local union, council, committee, board, officer, representative, or member thereof filing the appeal has accepted and complied with the decision or order from which such appeal is taken, including the payment of all financial obligations in connection therewith.

SEC. 5(b). A member who files an appeal to the General President or the General Executive Council and believes compliance with Section 5(a) of this Article or with Section 6 of Article Eighteen (18) would constitute a substantial bar to the exercise of the right to appeal may request a waiver in writing at the time the appeal is filed. In the event the General President or the General Executive Council concludes that compliance would constitute a substantial bar to the right of appeal, compliance therewith may be waived or modified by the

General President with respect to appeals submitted to them and by the General Executive Council with respect to appeals submitted to it or to the General Convention, provided, however, that in the event the decision or order appealed from directs suspension or expulsion from membership compliance with such portion thereof pursuant to Section 5(a) of this Article shall be waived automatically pending disposition of any appeal to the General President or the General Executive Council but not thereafter unless expressly waived by the General Executive Council.

SECTION 6 – DEFERRED APPEALS

SEC. 6. The General President, General Executive Council and General Convention are hereby authorized to refuse or defer consideration, or to refuse, defer or withhold decisions in any matter pending in any court of law as circumstances in their opinion and judgment may warrant and justify.

SECTION 7

SEC. 7. The General President, General Executive Council and General Convention shall have the right to affirm, amend, modify, or reverse any decision which has been submitted to them or to them on appeal, and increase or decrease the penalty, if any, in connection therewith, or order a new trial before the same or a different trial committee.

SECTION 8 – APPEALS TO COURTS

SEC. 8. Subject to applicable laws, no subordinate body or officer or member thereof, shall appeal to the civil courts for redress of any alleged grievance or wrong, or to secure any alleged rights until all of the internal remedies provided in this Constitution, including the right of appeal, have been exhausted; provided, that this Section shall not apply to filing of charges with the National Labor Relations Board or with

any other state, provincial or federal agency where application of this Section would violate applicable federal or provincial law. Any officer, member, or subordinate body violating the provisions of this Section shall be subject to charges and trial as provided by this Constitution.

ARTICLE TWENTY (20)
Official Communications

SECTION 1

SEC. 1. The official print publication of SMART, as well as all electronic media and web communications, shall be issued on a regular or as needed basis.

SECTION 2

SEC. 2. The International Association's official publication shall be under the supervision of the General Secretary-Treasurer and issued at a subscription rate established by the General Executive Council which, in the case of members, shall be included in the monthly per capita dues paid to the General Office. The General Secretary-Treasurer may enter such free subscriptions to the official publication for non-member individuals or for such institutions or groups as they may deem desirable for the promotion of the interests of this Association.

SECTION 3

SEC. 3. The General Secretary-Treasurer is hereby authorized to employ such assistance and to purchase such facilities as may be necessary to produce a modern and effective publication.

ARTICLE TWENTY-ONE A (21A) Railroad, Mechanical and Engineering Department

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One B (21B) shall be exempt from the provisions of this Article Twenty-One A (21A). Locals which are covered by this Article Twenty-One A (21A) are exempt from the provisions of Article Twenty-One B (21B).

SECTION 1 – JURISDICTION AND AUTHORITY

SEC. 1(a). The Railroad, Mechanical and Engineering Department will have jurisdiction over General Committees and local unions and the members thereof as may be determined by the General President. The General President has full authority to determine the jurisdiction of General Committees, local unions, and the members thereof.

SEC. 1(b). The authority of the General President in Article Three (3) over local unions and the officers and members thereof shall apply in full force to all General Committees and local unions and the officers and members thereof under this Article. The General President shall have direction and supervision of all General Committees and local unions and all the officers and members thereof. A General Committee may be established on such railroad or railroads as may be determined by the General President.

SECTION 2 – GOVERNMENT

SEC. 2. A General Committee shall enact by-laws for the government thereof subject to the approval of the General President provided such by-laws do not conflict with the provisions of this Constitution. A General Committee or Local that is under the jurisdiction of the Railroad, Mechanical and Engineering Department, its officers, representatives and members shall be bound by the provisions of this International

Constitution and by all the policies and decisions properly rendered by the General President and the General Executive Council.

SECTION 3 – GENERAL COMMITTEE CONVENTION

SEC. 3(a). Time and Place. A General Committee Convention shall be held at such time and place as may be provided in its by-laws provided, however, the General Committee Convention shall be held not less often than every four (4) years.

SEC. 3(b). Number and Qualifications of Delegates. Each local union shall be entitled to one (1) delegate to its General Committee Convention for the first fifty (50) good standing members or less and one (1) additional delegate for each additional fifty (50) members or majority fraction thereof. The number of delegates shall be based upon the number of members in such local union over whom each General Committee has jurisdiction. No member shall be eligible for nomination or election as a delegate unless they meet the qualifications described in Section 3 of Article Twelve (12) of this Constitution.

SEC. 3(c). Election of Delegates. Delegates shall be elected by each local union in accordance with the provisions of this Constitution, Article Seven (7), Section 3(b).

SEC. 3(d). Voting Strength. Each delegate shall be entitled to one (1) vote on all matters coming before the General Committee Convention. In the election of General Committee officers each local union present shall be entitled to one (1) vote, and in the case of a local union that has more than one delegate in attendance, the voting delegate will be determined by the drawing of lots.

SECTION 4 – GENERAL COMMITTEE OFFICERS

SEC. 4(a). Number, Title, and Term of Office. Officers of a General Committee shall be the general chairperson, financial secretary-treasurer, members of the Executive Board, and trustees who shall serve for a period of four (4) years. Each General Committee may, in its discretion,

establish the officer position of assistant general chairperson, who shall serve at the direction of the General Chairperson. The position of financial secretary-treasurer may be combined between one or more General Committees into a single position. The offices of general chairperson and financial secretary-treasurer may not be combined.

SEC. 4(b). Qualifications for Office. No member shall be eligible for nomination or election as an officer of a General Committee unless they meet the qualifications prescribed in the second paragraph of Section 3 of Article Twelve (12) of this Constitution.

SEC. 4(c). Election of Officers. The officers of each General Committee shall be nominated and elected by the delegates at the General Committee Convention in accordance with Article Twelve (12), Section 4 and Section 6 of this Constitution, insofar as they can be made applicable and are not inconsistent with the provisions of this Article or the approved by-laws of the General Committee. Elections shall be held by secret ballot.

SEC. 4(d). Vacancies. Temporary and permanent vacancies, in any office of the General Committee, shall be filled in accordance with the provisions of the by-laws of the General Committee.

SEC. 4(e). Executive Board. The General Committee Executive Board shall consist of the financial secretary-treasurer and members of the Executive Board with the general chairperson presiding as chair. The Executive Board shall consist of members from freight railroads and/or members from passenger/transit railroads. It shall be the duty of the Executive Board to require the members, officers and representatives of the General Committee to comply with the provisions of this Constitution; to cooperate at all times with other officers in performance and execution of their duties and obligation; to assist and advise the General Chairperson; and to perform other duties which are consistent with the provisions of this Constitution.

SECTION 5 – DUTIES OF GENERAL CHAIRPERSON

SEC. 5. A General Chairperson shall represent the Railroad, Mechanical and Engineering Department members under their jurisdiction in matters pertaining to organizing, collective bargaining agreements, wages, hours, conditions of employment and jurisdictional matters and supervise the conduct and activities of members in connection therewith to the end that the provisions of this Constitution, including directives of General Officers, and the policies of this Association are complied with. They shall appoint members to committees as needed. They shall not participate in negotiations seeking modification or changes in existing collective bargaining agreements without prior consultation with the General President or a representative designated by them. They shall assist and cooperate with the officers of local unions and the members thereof in carrying out the provisions of this Constitution and use their best efforts to adjust and settle such controversies as may arise in connection with the complaints of members consistent with the rights of those involved in accordance with the provisions of this Constitution and the policies of this Association. They shall not financially obligate the General Committee without the approval of the Executive Board of the General Committee.

A General Chairperson shall protect the work jurisdiction set forth in Section 5(mm) of Article One (1) of this Constitution and shall not enter into any agreement with representatives of other organizations involving work jurisdiction until such contemplated agreement is submitted to and approved by the General President.

Each quarter of the year, a General Chairperson shall furnish a report of their activities in the previous quarter to all local chairpersons and locals under their jurisdiction and use such other means as necessary to keep the membership well informed. A copy of this report shall be furnished to the General President or their designee.

A General Chairperson by virtue of their office shall be the automatic delegate from their home local union to the General Convention.

A General Chairperson shall not be permitted to serve as such unless they devote their full time to their office.

SECTION 6 – FINANCIAL SECRETARY-TREASURER

SEC. 6(a). Unless otherwise approved by the General President, the General Committee shall receive all monies from all sources paid to local unions affiliated with the Railroad, Mechanical and Engineering Department. The General Committee shall pay all bills when presented with a voucher authorizing same and signed by the General Chairperson and approved by the financial secretary-treasurer. Each quarter of the year, the financial secretary-treasurer shall furnish a statement, which shall include an itemized statement of receipts and disbursements of the General Committee in the previous quarter, to the local chairpersons and financial secretary-treasurers of all affiliated local unions of the Railroad, Mechanical and Engineering Department. A copy of this report shall be furnished to the General President and General Secretary-Treasurer or their designee.

The General Committee shall discharge the execution and filing of any reports to federal or state authorities and maintain such records as the law requires for the period or periods of time for which they are required to be kept.

SEC. 6(b). The duties of the financial secretary-treasurer shall be consistent with those stated in Article Thirteen (13), Section 4. The financial secretary-treasurer shall keep a complete record of minutes of the meetings of the General Committee and General Committee Conventions. The financial secretary-treasurer shall be bonded in accordance with the provisions of Article Five (5), Section 1(c) of the Constitution.

SEC. 6(c). The General Committee shall receive and hold the monies of the local union under its jurisdiction. It is the responsibility of the General Committee financial secretary-treasurer to properly account

for the funds of each local union. The General Committee financial secretary-treasurer shall process and disburse funds to the local union when the local union presents proper authorization for the distribution of funds. The financial secretary-treasurer shall assist the local union with the performance of their financial responsibilities under the Constitution and under any applicable law. The local union financial secretary-treasurer shall remain responsible to review and sign any forms required under the Constitution and under applicable law.

SECTION 7 – TRUSTEES

SEC. 7(a). Trustees. Each General Committee shall have at least three (3) trustees.

SEC. 7(b). Duties of Trustees. It shall be the duty of the trustees to review the revenue and expenses of the General Committee consistent with the requirements of Article Thirteen (13), Section 5.

SECTION 8 – REVENUE AND FUNDS

SEC. 8(a). Per Capita Dues. The General Committees shall establish and maintain monthly per capita dues sufficient to carry on the business of the General Committees on a sound financial basis having in mind its current and prospective needs.

When the General Committees' per capita dues are increased by action of the local chairperson/delegates under the jurisdiction of that General Committee, then prevailing rate of dues of each local union shall be automatically increased in like amount on the effective date of the per capita dues increase.

SEC. 8(b). Funds. The money and property of the General Committee shall be used solely for the benefit of the General Committee and its local unions and members and not for the personal gain or profit of any officer or member. The officers or members of the General Committee who handle its funds or property shall be held to this standard of conduct and accountable for any breach thereof under this Constitution.

SECTION 9 – COLLECTIVE BARGAINING

SEC. 9. This Association, acting through its duly authorized officers, committees, or representatives, has full and sole authority to represent all employees who are members of this Association or any local union affiliated therewith in the negotiating, interpreting and applying of agreements covering wages, hours, and other conditions of employment.

No agreement covering wages, hours and other conditions of employment shall become effective unless and until the same is ratified by the members affected who shall be afforded the opportunity to vote thereon at special membership meetings in each of the respective affected local unions or through an electronic voting method approved by the General President.

Voting on a strike pursuant to Article Thirty (30), Section 3(a) may be conducted through an electronic voting method approved by the General President. All electronic voting shall be by secret ballot and require the approval of two-thirds (2/3) of all members voting to declare a strike. For strikes arising from collective bargaining agreements signed by the General President, the ultimate decision on whether to strike shall be made by the General President.

SECTION 10 – COMPLIANCE

SEC. 10(a). All local unions in this department shall comply strictly with all provisions and requirements of this Constitution with reference to the payment of dues and other obligations and the proper acknowledgement and recording of same on official receipts in triplicate form. Upon written request from a local union, the General Secretary-Treasurer may by giving written notice to the local union financial secretary-treasurer or president, assume responsibility for receiving dues and issuing dues receipts, creating and processing financial reports reflecting the receipt of dues, and remitting the local

portion of the dues to the local; and they shall remit the local portion of the dues to the local minus the amount owed to the General Committee having jurisdiction.

The General Committees shall not adopt any rules, regulations, or policies which in any way conflict with the provisions and intent of this Constitution; nor shall any additional rules or regulations, not included in this Constitution, be adopted until they are approved by the General President.

All of the provisions and requirements of this Constitution governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof shall apply to General Committees of the Railroad, Mechanical and Engineering Department and the officers, representatives, and members thereof insofar as they are adaptable and insofar as they are not inconsistent with the provisions of this Article.

SEC. 10(b). Local Union Elections. The officers of each local union in this department shall be a local chairperson/president, vice president, financial secretary-treasurer/recording secretary, and at least three (3) trustees. The local union may establish the position of vice local chairperson and may establish Executive Board member positions. The local union may separate positions combined in this Section by action of the local union at a special called meeting or as a special order of business at a regular meeting held not less than sixty (60) days prior to the next regular election. Local union elections shall comply with the provisions of Article Twelve (12) insofar as they are not inconsistent with the provisions of this Article.

SECTION 11 – INITIATION FEE, REINITIATION FEE & REINSTATEMENT FEES AND WITHDRAWAL CARDS

SEC. 11(a). All local unions in this department after ninety (90) days from date of issuance of charters may charge an initiation fee of not more than Two Hundred Dollars ($200.00), nor less than the amount

established by the local union by-laws or policies. Each new member shall be required to pay all dues and fees owed SMART from when the employer notifies the labor organization of their hiring and the labor organization conveys this to the new member by letter with a copy to the financial secretary-treasurer. It is the responsibility of the new member to ensure that their dues are actually being paid. Forty-five percent (45%) of said fee shall be sent to the General Secretary- Treasurer as an International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which initiation is properly recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is authorized or permitted to lower its initiation fee below the amount specified in this Section without permission from the General President.

SEC. 11(b). All local unions in this department may charge a reinitiation fee of not more than Two Hundred Dollars ($200.00), nor less than the amount established by the local union by-laws or policies. It is the responsibility of the member to notify the financial secretary-treasurer in writing of their return to work and to ensure that their dues are actually being paid. They shall be required to pay all dues and fees owed to SMART from the time they returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by

the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which reinitiation is properly recorded by the General Secretary-Treasurer.

SEC. 11(c). All local unions in this department may charge a reinstatement fee of not more than Two Hundred Dollars ($200.00), nor less than the amount established by the local union by-laws or policies. It is the responsibility of the member to notify the financial secretary-treasurer in writing of their return to work and to ensure that their dues are actually being paid. They shall be required to pay all dues and fees owed to SMART from the time they return to work. If the suspended member does not comply with the above requirements they shall be required to pay all dues and fees owed SMART from the time they returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The reinstatement fee specified herein shall apply to suspended members who comply with the requirements of reinstatement within two (2) months from date of suspension.

In each case dues shall be paid in advance beginning with the month in which reinstatement is properly recorded by the General Secretary-Treasurer.

SEC. 11(d). Any member in good standing who leaves the trade, or accepts employment in another trade, or is furloughed from the employer, or goes on medical leave of absence exceeding sixty (60) days shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against whom charges are pending and are not disposed of shall be entitled to a withdrawal card. A withdrawal card shall become void immediately upon a member's acceptance of employment with an employer performing work covered by the claimed jurisdiction of this Association.

Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such applications shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued plus Five Dollars ($5.00) withdrawal card fee. The General Secretary-Treasurer may establish rules limiting the validity of withdrawal cards to ensure that the purposes of this Section are implemented.

A member on withdrawal card who is eligible for membership who wishes to return to employment and become reinstated to membership, shall have the right to deposit their withdrawal card with the local union which issued the same and apply for reinstatement. The minimum fee for reinstatement on a valid withdrawal card shall be Fifteen Dollars ($15.00). Six Dollars and Seventy-Five Cents ($6.75) or forty-five percent (45%) of which shall be sent to the General Secretary-Treasurer as an International reinstatement fee, thirty-five percent (35%) of which shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The

General Secretary-Treasurer may reduce or waive the withdrawal reinstatement fee for a local union, upon request. Deposit of withdrawal card for purpose of reinstatement may be made by mail or by other method of delivery.

SECTION 12 – LOCAL CHAIRPERSON

SEC. 12(a). Each local union shall have a local chairperson who shall possess the same qualifications as those prescribed in Section 4(b) of this Article and be elected by the local union in the same manner, at the same time and for the same term as local union officers. The local union may establish the position of vice local chairperson. The local chairperson and vice chairperson shall work at the direction of the general chairperson.

SEC. 12(b). Duties. A local chairperson shall represent the local union and the members thereof in matters pertaining to the application of the controlling agreement and conditions of employment; supervise the conduct and activities of members in connection therewith to the end that the provisions of this Constitution including directives of General Officers and the policies of this Association are complied with; assist and cooperate with the officers of the local union and the members thereof in carrying out the provisions of this Constitution; and use their best efforts at the local level to adjust and settle such controversies as may arise in connection with complaints of members, consistent with the rights of those involved in accordance with the provisions of this Constitution and the policies of this Association. Subject to the provisions of Article Seven (7), Section 3(d), by virtue of their position and as part of their duties, a local chairperson shall serve as a delegate of the local union to the General Convention of this Association except as provided by Article Twenty-One A (21A), Section 5, and the General Committee Convention provided that no local unions shall be entitled to more delegates than are provided for in Article Seven (7) of this Constitution. This Section shall not be construed to require a local union to send more delegates than it desires

to represent it. The local chairperson shall protect the work jurisdiction set forth in Section 5(mm) of Article One (1) of this Constitution and shall not enter into any agreements with representatives or other organizations involving work jurisdiction.

SEC 12(c). Whenever a local chairperson or officer retires, accepts an appointed job or is promoted to supervision or is furloughed for more than sixty (60) days, their position shall automatically become vacant and their successor shall be elected or appointed in accordance with the provisions of Section 8 of Article Twelve (12).

SEC. 12(d). Each local union shall exert every reasonable effort to encourage the participation of its local chairperson in such training programs as may be sponsored by this Association.

SEC. 12(e). Notwithstanding any other provision of Article Twenty-One A (21A) of this Constitution, in those instances where a General Committee consists of only one (1) local union, the position of the local chairperson shall be eliminated and the duties and obligations of that position described in Section 12(b) hereof in addition to those described in Section 5 of this Article will be assumed by the General Chairperson of the General Committee who shall be elected by the local union for the same term and in the same manner as other officers of the local union. In this instance, the General Chairperson would be an automatic delegate.

ARTICLE TWENTY-ONE B (21B)
Transportation Division

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One A (21A) shall be exempt from the provisions of this Article Twenty-One B (21B). Locals which are covered by this Article Twenty-One B (21B) are exempt from the provisions of Article Twenty-One A (21A).

SECTION 1 – NAME OF DIVISION

SEC. 1. This division shall be known as the Transportation Division of SMART and shall consist of the Transportation Division and a number of Transportation Division Locals.

SECTION 2 – TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS

SEC. 2. The Transportation Division shall consist of the following Officers, Boards and Members:

A. Officers:

- President Transportation Division
- National Safety and Legislative Director
- Deputy National Safety and Legislative Director
- Eight (8) Transportation Division Vice President-International Representatives, of which Two (2) Transportation Division Vice President-International Representatives shall be from the Bus Department
- Eight (8) Alternate Transportation Division Vice President-International Representatives of whom:
    - One (1) shall be from the Bus Department from the Western Territory (West of the Mississippi River) and
    - One (1) shall be from the Bus Department from the Eastern Territory (East of the Mississippi River)
- Vacancies occurring in positions shall be filled as follows:
    - President Transportation Division — By a two-thirds (⅔) vote of the Board of Directors

- National Safety and Legislative Director — By the Deputy National Safety and Legislative Director

- Vice President – International Representatives:

  - Bus Transportation Division Vice President-International Representative vacancies by a two-thirds (2/3) vote of the Board of Directors from amongst the Alternate Vice Presidents from the Bus Department.

  - Other Transportation Division Vice President-International Representative vacancies by a two-thirds (⅔) vote of the Board of Directors from amongst the Alternate Vice Presidents other than those from the Bus Department.

- Vacancies not otherwise provided for in this Article shall be filled by a two-thirds (⅔) vote of the Board of Directors. The President Transportation Division, National Safety and Legislative Director and the three senior Transportation Division Vice President-International Representatives who are members of rail local unions and the senior Transportation Division Vice-President-International Representative who is a member of a Bus Department local union shall also be General Vice Presidents.

B. Boards:

- Board of Directors — The Board of Directors shall consist of the President Transportation Division, National Safety and Legislative Director, and Eight (8) Transportation Division Vice President-International Representatives, two of whom are elected from the Bus Department.

- Board of Appeals (Members must hold seniority in one of the crafts under the jurisdiction of the Board.)
  - Six (6) Members
    - One (1) from Engine Service
    - One (1) from Road Service (Train Service)
    - One (1) from Yard Service (Train Service)
    - One (1) from Commuter Authorities
    - One (1) from Bus Department
    - One (1) from the Aviation Department

C. Members:

- One (1) Delegate from each Local for the Transportation Division Convention

D. Members will vote for the following Officers and Boards:

- President Transportation Division
- National Safety and Legislative Director
- Deputy National Safety and Legislative Director
- Eight (8) Transportation Division Vice President-International Representatives, Two (2) of whom shall be from the Bus Department.
- Eight (8) Alternate Vice Presidents—Two (2) of whom shall be from the Bus Department
- Board of Appeals

SECTION 3 – REMOVED

See Article Three (3).

SECTION 4 – REMOVED

See Article Five (5).

SECTION 5 – DELEGATES

SEC. 5. Each Local shall elect a Delegate and an Alternate Delegate to the Transportation Division, during the year preceding the quinquennial convention, from the members of each Local who have not voluntarily elected to receive a rebate of dues from any department. The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.

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

If the office of Delegate becomes vacant for any reason, the Alternate Delegate will succeed to that office and the Local will elect another Alternate Delegate.

The General Secretary-Treasurer shall furnish each Local in good standing with a credential form which shall be signed by the President and Secretary of the Local. The credential shall bear the seal of the Local and be furnished to the Delegate, which shall be authorization to represent the Local at the convention of the Transportation Division.

Delegates to the Transportation Division Convention shall receive Transportation Division Vice President-International Representative's daily rate of pay for their services and per diem at the maximum rate allowed by the Internal Revenue Service for the locality of the convention site, commencing on the travel day prior to the opening day of the convention, the session day(s), and a travel day following the convention.

Each Delegate shall receive a travel expense allowance at the maximum automobile mileage rate set by the Internal Revenue Service from the city in which their Local is located to the convention city and return by the most direct route, based on web mapping calculations.

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

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

A full time General Chairperson, Safety and Legislative Director or Representative, or other committee member or officer, who serves as Delegate to the Transportation Division Convention or some other position of the Transportation Division, will be paid the salary and expense allowance established for the position they are filling or their regular salary and expense allowance, whichever is the greater. If, under this arrangement, they receive their regular salary and expense allowance, the salary and expense allowance they would otherwise have received as Delegate will be credited to the fund from which their regular salary and expense allowance is paid.

SMART delegate compensation shall be handled in accordance with Article Seven (7).

The President Transportation Division shall have printed in the Transportation Division directory the name, address, Local number and title, if any, of each Delegate and Alternate Delegate. Directories will be mailed to each Delegate and Alternate Delegate no later than one hundred and twenty (120) days prior to the Transportation Division Convention.

SECTION 6 – TRANSPORTATION DIVISION CONVENTION

SEC. 6. The Transportation Division shall convene in regular session quinquennially after 2014, immediately preceding the SMART Convention and such regular session will not exceed four (4) consecutive calendar days — two (2) session days and two (2) travel days.

SMART has jurisdiction over all subordinate bodies and all subjects pertaining to the Transportation Division, except as provided in Section 80.

A majority of all Delegates in attendance at the Transportation Division Convention shall constitute a quorum for the transaction of business.

The President Transportation Division shall appoint a Committee on Officers' Reports (listed in Section 2(A)) consisting of not less than one (1) member from each craft represented by the Transportation Division and such other committees, guards, etc., as may be necessary, to assist during the Transportation Division Convention.

Officers and Delegates of the Transportation Division will be furnished official badges at the beginning of the Transportation Division Convention. Official badges for the SMART Convention will be handled in accordance with Article Seven (7).

SECTION 7 – ELIGIBILITY FOR TRANSPORTATION DIVISION OFFICE

SEC. 7. Unless otherwise provided, any member paying full dues shall be eligible for election to any office in the Transportation Division, except a member who:

- Holds membership in any other union representing transportation employees, other fields of employment, trades and industries, whether in public or private employment, except when a member is forced by agreement to belong to another union;
- Is serving in an official capacity with a transportation company, other fields of employment, trades and industries, whether in public or private employment, except as yardmaster where the Transportation Division holds the contract for yardmasters;
- Does not hold seniority rights in transportation service, other fields of employment, trades and industries, whether in public or private employment where the Transportation Division holds the contract, except this does not apply when a member is dismissed from service and their case is being appealed;

- Voluntarily elected to not hold membership in a local union covered by this Article during any of the twelve months immediately preceding the month in which nominations are held, excluding members who during that time were a member of another union national in scope;
- Is restricted from holding office by Labor-Management Reporting and Disclosure Act;
- Is an elected officer of the Transportation Division, listed in Section 2(A), shall not be eligible to the office of Transportation Division Delegate;
- Is serving as a Local Officer and/or Local Committee of Adjustment Officer who serves on a part-time basis need only be members in good standing to retain their office.

SECTION 8 – ELECTION AND INSTALLATION OF TRANSPORTATION DIVISION OFFICERS

SEC. 8. Nominations for candidates shall be made from the floor by any Delegate. Seconds to nominations and nominating speeches will not be required.

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

Officers shall be elected by a secret ballot during each regular convention of the Transportation Division. The provisions of the first and third paragraphs of Article Seven (7), General Conventions, Section 2(a) shall apply to these elections.

Officers elected by a convention will be obligated and installed during the convention session. Officers who succeed to office under the provisions of this Constitution or are appointed by the Board of Directors between conventions will be installed, by the General President or their

designated representative, before assuming office. The obligation shall be the same as that provided for officers of a Local.

SECTION 9 – TERM OF OFFICE

SEC. 9. Officers elected at the Transportation Division Convention shall assume their offices on October 1 following their election and shall hold such office until October 1 following the adjournment of the next quinquennial convention, subject to the provisions of the Constitution.

SECTION 10 – REPORTS OF OFFICERS

SEC. 10. Vice President-International Representatives and the National Safety and Legislative Director shall make a report to the President Transportation Division at the conclusion of each assignment.

All Officers and Boards of the Transportation Division shall submit a report to the President Transportation Division of their official acts and expenses incurred during each year. These reports will be mailed to the Delegates prior to the Convention.

SECTION 11 – DELETED IN ITS ENTIRETY

SECTION 12 – TRANSPORTATION DIVISION DUES AND ASSESSMENTS

SEC. 12. The funds of the Transportation Division shall be acquired by assessments of dues in the amount of $36.50 per month on all members employed in transportation service, other fields of employment, trades, and industries, whether public or private employers.

Transportation Division dues will be apportioned to the various funds of the Transportation Division as follows effective January 1, 2025:

- Convention Fund ..... $ 1.50
- General Fund ..... $ 33.50
- Maintenance of Membership Fund ..... $ 1.50

- Public Relations Fund ..... $ 0.50
- Strike Fund ..... $ 0.25
- Education and Training Fund ..... $ 1.25

Requests for reduced Transportation Division dues must be presented to the Board of Directors for consideration and subsequent referral to the General President with a recommendation. Upon the Board of Directors' recommendation, the General President, with the approval of the General Executive Council, may grant a reduction of monthly Transportation Division dues in situations where special circumstances exist. Approved reductions shall be subject to review on an annual basis.

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

Except as otherwise provided in Article Twenty-One B (21B), all disbursements for expenses incidental to conducting the business of the Transportation Division shall be paid from the General Fund. Expenses in connection with the conventions, public relation activities, strikes and maintenance of membership shall be paid from the funds created for such purposes. There shall be no transfer of funds from one account to another except upon approval by a majority vote of the Board of Directors and General Executive Council.

The assessment of dues shall be increased by the following monthly amounts effective on the dates shown and allocated to the General Fund:

- $2.00 effective January 1, 2025
- $2.00 effective January 1, 2026
- $2.00 effective January 1, 2027
- $2.00 effective January 1, 2028
- $2.00 effective January 1, 2029

Notwithstanding any other language herein, the General President, with the concurrence of the President Transportation Division and with the approval of the General Executive Council, may reduce, postpone or cancel the per capita dues or any increase for members in certain and specific work classifications of the entire industry, provided that such action is deemed advisable or necessary in the best interests of this Association and the members thereof.

Fund Trustees shall also be empowered to make agreements with vendors to provide members with disability insurance coverage or other benefits through the Transportation Division, at the members' cost, on an opt-out basis. The President Transportation Division and General Secretary-Treasurer shall be equally responsible for the disbursements of funds.

SECTION 13 – REMOVED

See Article Thirty-Three (33).

SECTION 14 – REMOVED

See Article Seven (7), Section 14.

SECTION 15 – BONDING OF TRANSPORTATION DIVISION OFFICERS AND EMPLOYEES

SEC. 15. The President Transportation Division in concurrence with the General Secretary-Treasurer shall arrange for the bonding of Transportation Division officers and employees. The President Transportation Division shall be bonded for not less than Five-Hundred Thousand Dollars ($500,000.00); all other officers and employees, if required, shall be bonded for not less than Twenty-Five Thousand Dollars ($25,000.00) each, all payable to the International Association of Sheet Metal, Air, Rail and Transportation Workers.

SECTION 16 – PRESIDENT TRANSPORTATION DIVISION

SEC. 16. The President Transportation Division shall be the executive head of the Transportation Division, exercise general supervision over its affairs and interests, including all Transportation Division subordinate bodies and shall preside at all sessions of the Transportation Division Conventions.

The President Transportation Division may employ sufficient personnel and such other assistance as necessary to properly conduct the business and affairs of the Transportation Division. The President Transportation Division would need approval of the General Executive Council whenever the General President needs approval, but the General Executive Council cannot withhold approval from the President Transportation Division's request except upon grounds that it would apply equally to a request from the General President.

It is the responsibility of the President Transportation Division to interpret Article Twenty-One B (21B), decide all questions arising therefrom, and decide all other controversies not provided for under this Article, subject to the General President's evaluation to determine whether the questions involve only the interests of the Transportation Division and the members it serves and do not include any matters that affect other members of SMART, such as financial questions that implicate more than the interests of the Transportation Division and actions that pose legal risk to SMART.

The President Transportation Division shall, no later than January 31st of each calendar year, prepare an operational budget for the Transportation Division by department, which shall include an annual budget for each fund authorized by the delegates under the provisions of Section 12. This budget, which shall be reviewed and approved by the Board of Directors, will be submitted to the SMART Finance Committee, with final approval by the General Executive Council.

Upon approval by the General Executive Council, the annual budget will be published in the SMART Transportation Division News not later than the May edition. In the event a budget has not been approved by May 1st, the President Transportation Division will proceed to authorize the printing of the budget as proposed.

The General Secretary-Treasurer shall furnish the General Chairperson and State and District Safety and Legislative Director a copy of the current billing of each Local under their jurisdiction once each quarter.

The President Transportation Division shall perform all duties and responsibilities assigned under Article Twenty-One B (21B) and such other duties and responsibilities as may be necessary for the proper conduct of the affairs of the Transportation Division and the accomplishment of its objectives.

SECTION 17 – REMOVED

SECTION 18 – DUTIES OF THE VICE PRESIDENT-INTERNATIONAL REPRESENTATIVES

SEC. 18. The Vice President-International Representatives shall perform such duties as may be assigned by the President Transportation Division or as may be required by Article Twenty-One B (21B).

Vice President-International Representatives shall be assigned a location, and with the approval of the President Transportation Division, and General President and/or General Executive Council where required, may be permitted to provide office space and employ such assistance as may be necessary. The office rent, authorized assistance, telephone service, and supplies to be paid from the General Fund.

SECTION 19 – REMOVED

See Article Three (3) and Article Twenty-One B (21B), Section 16.

SECTION 20 – ASSOCIATION OF SAFETY AND LEGISLATIVE DIRECTORS

SEC. 20. The Safety and Legislative Director of each State and District shall form the Association of Safety and Legislative Directors for the purpose of coordinating concerted efforts for securing the enactment of laws and regulations, or the repeal or modification of laws and regulations to ensure the protection and welfare of the members of SMART, to exchange information regarding political and legislative activities affecting Transportation Division members and to recommend a legislative agenda for the Transportation Division.

The President Transportation Division will convene the Association during the year 1996, and quadrennially thereafter. Safety and Legislative Directors shall be members of the Association and shall represent their Safety and Legislative Boards at each meeting with salaries and proper expenses to be paid from the General Fund.

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

Bylaws consistent with the provisions of this constitution will be adopted at the 1996 meeting.

A majority of Association Members shall constitute a quorum.

SECTION 21 – DUTIES OF NATIONAL SAFETY AND LEGISLATIVE DIRECTOR

SEC. 21. (a) The National Safety and Legislative Director shall devote their efforts to secure the enactment, modification, or repeal of laws in accordance with the legislative policy of the organization. They shall handle all legislative matters referred to them by the President Transportation Division. They shall collect and compile statistics on legislation affecting the organization, which shall be included in their

report to the convention. Copies of this report shall be furnished to State Safety and Legislative Boards and to members on request.

The National Safety and Legislative Director shall handle with the proper agents of the Federal Government all alleged violations of Federal law, as brought to their attention, which involve the safety and welfare of our membership covered by such law. They will, when authorized by the President Transportation Division, represent the Transportation Division and/or the President Transportation Division before Federal agencies and Congressional Committees, and in such other capacities as the President Transportation Division may direct.

The National Safety and Legislative Director shall keep the President Transportation Division advised on all bills and hearings before the Congress and other Federal agencies, which affect the interest of the organization. They shall furnish the President Transportation Division copies of all bills introduced to the Congress which may affect the organization, and such information as will enable the President Transportation Division to determine legislative policy on such matters as may affect the Transportation Division in accordance with the law of the organization. They shall compile a voting record of the members of Congress on legislation affecting the interests of labor. Such voting record shall be furnished the President Transportation Division, State, and District of Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress. They shall submit recommendations to the President Transportation Division for candidates for Congress, based on voting records and other information concerning each candidate. The General President and President Transportation Division shall then confer on the selection of candidates. If there are differences of opinion between the National Safety and Legislative Director and a State or District Safety and Legislative Board, such differences shall be submitted to the President Transportation Division, whose decision shall be final.

Headquarters for the United States National Legislative Department shall be maintained in Washington, D.C. The National Safety and

Legislative Director shall remain at the Capitol during sessions of the Congress and such other times as may be necessary to discharge their duties, unless otherwise instructed by the President Transportation Division. The National Safety and Legislative Director may employ sufficient personnel and such assistants as necessary to properly conduct the business of the department, subject to the approval of the President Transportation Division.

SECTION 22 – REMOVED

SEC. 22. The duties formerly enumerated in this Section are covered under Article Five (5) General Secretary-Treasurer, Article Six (6) General Executive Council, Section 3, Article Seventeen (17), Article Eighteen (18) and Article Twenty-One B (21B), Section 15.

SECTION 23 – DUTIES OF THE BOARD OF DIRECTORS

SEC. 23. The Board of Directors shall meet on the first Tuesday in the months of April and October, and on call of the President Transportation Division, to consider all matters coming before it.

In circumstances in which an officer listed in Section 2A of this Article is temporarily unable to perform the duties of their office due to illness or absence, the Board of Directors may designate an officer who will assume the duties of the ill or absent officer until they are in position to resume the duties of their office.

A majority of the Board of Directors shall decide matters coming before the Board, except as otherwise provided in Twenty-One B (21B). Members of the Board of Directors must attend and participate in all Board meetings, unless prevented by illness or emergency. The General President and General Secretary-Treasurer shall be notified of all meetings of the Board of Directors and they or their designee may attend all such meetings but will not have a vote on matters under consideration.

A member of the Board of Directors will not be permitted to participate in the Board's consideration of, or decision on, appeals taken from

their actions or decisions. Board members will vote on all decisions and actions taken by the Board and will not be allowed to abstain from voting, except as stated herein above concerning their actions or decisions. The Annual Report shall show how each Member of the Board of Directors voted on all appeals brought pursuant to Section 75 II immediately following the decision.

Unification, affiliation, or merger with another labor union shall be governed by Article Three (3), Section 1.

SECTION 24 – REMOVED

SECTION 25 – REMOVED

SECTION 26 – REMOVED

SECTION 27 – BOARD OF APPEALS

SEC. 27. Immediately after their election, the members of the Board of Appeals shall meet and elect a Chairperson and Secretary. The Secretary shall keep a correct record of the proceedings of the Board. A record shall be taken of all oral testimony for the use of the Board in making its final decisions.

The Board of Appeals shall meet semiannually, on the second Monday of January and July, and at such other times as may be necessary, at the Transportation Division location, to consider and determine all appeals submitted under the provisions of Article Twenty-One B (21B). A majority of a Board shall decide all appeals coming before that Board. It shall have no authority to consider and determine any other matter, nor to refer any case to any other tribunal of the organization for a decision except questions arising as to the application of organization law under Article Twenty-One B (21B) shall be referred to the President Transportation Division.

The Board shall give a clear and concise report of each appeal properly submitted to it. Such report shall consist of a statement of all material

facts involved in the appeal, the contentions of the parties and the decision of the Board, stating the reasons upon which the decision is based. All decisions shall be released by the Board without delay.

In an appeal involving a Board member's Local, such Board member must disqualify themselves and be excused by the Chairperson of the Board. The original decision shall be signed by each member of the Board participating and, following each signature, the word "for" or "against" shall be written indicating their vote on the matter. Copies of all decisions shall contain the names of the Board members participating. Decisions of the Board of Appeals shall be final and binding and shall not be appealable to the convention.

The Board shall, at the conclusion of each meeting, submit a report properly authenticated to all interested subordinate bodies and Transportation Division Officers.

A member of the Board of Appeals shall not represent the Transportation Division in any other capacity while serving as a member of the Board.

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

SEC. 28. No officer, member, or subordinate body of the Transportation Division shall resort to the civil courts to correct or redress any alleged grievance or wrong, or to secure any alleged rights from or against any officer, member, subordinate body, or the Transportation Division until such officer, member, or subordinate body shall have first exhausted all remedy by appeal provided in this Constitution for the settlement and disposition of any such rights, grievances, or wrongs.

Any officer, member, or subordinate body of the Transportation Division violating the provisions of this Section shall be subject to charges and trials as provided by Twenty-One B (21B).

SECTION 29 – COMPENSATION AND VACATION BENEFITS OF TRANSPORTATION DIVISION OFFICERS, BOARD MEMBERS AND STAFF MEMBERS WHO HOLD SENIORITY IN A CRAFT ON A PROPERTY WHERE SMART HOLDS REPRESENTATION RIGHTS

SEC. 29. Adjustments in salaries of Transportation Division officers, Board members and Staff members will be made in the same proportion as increases or decreases in wages received by employees represented by the Transportation Division, subject to final budget approval.

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

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

Transportation Division officers, Board members, and Staff members, and representatives devoting full time to the service of the Transportation Division will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The method of handling vacations shall be determined by the President Transportation Division.

When a member serving the Transportation Division on a part-time basis suffers a loss of earnings from their carrier resulting in a reduction or loss of their vacation pay from the carrier, they shall receive from the department of the Transportation Division in which they served the amount of vacation pay lost as result of their services with the Transportation Division.

SECTION 30 – FISCAL YEAR

SEC. 30. The fiscal year of the Transportation Division and all its subordinate bodies shall begin on the 1st day of January and end on the 31st day of December of the same year.

SECTION 31 – REMOVED

SECTION 32 – PRINTING AND SUPPLIES

SEC. 32. The President Transportation Division and the General Secretary-Treasurer shall jointly receive bids and award contracts for printing International and Local supplies, and other necessary printing. All forms provided by such Locals must be submitted for approval before being printed.

All supplies shall be furnished Locals at cost and must bear the imprint of the SMART seal.

All printed matter purchased by the Transportation Division shall bear the union label.

SECTION 33 – OFFICIAL PUBLICATIONS

SEC. 33. Official print publications and all electronic media, web, communications shall be issued regularly by the Transportation Division which shall be under the business management of the President Transportation Division. The President Transportation Division shall be Editor-in-Chief and employ such editorial and other assistance as necessary. The publications shall be furnished to all active members of the Transportation Division and to widows and retired members who make requests for the print publications, and or electronic media, web, communications, provided they keep the Transportation Division advised as to their correct address. All money for subscriptions shall be paid and credited to the General Fund of the International.

The expense of maintaining the publications shall be paid from the General Fund of the International and the amount paid pro-rated

quarterly against the various funds of the International on a percentage basis established by the President Transportation Division. All of the above is in coordination with the General Secretary-Treasurer.

SECTION 34 – ENDORSEMENT OF SOUVENIRS, ETC.

SEC. 34. The Transportation Division or Locals shall not endorse articles of merchandise. Locals shall not sell or grant to any person the right to solicit advertisements or issue souvenirs or like objects in the name of SMART and/or the SMART Transportation Division.

Locals, subject to prior approval of the President Transportation Division, may issue advertising, programs, time books, or other publications of general interest in the name of the Transportation Division for Local purposes, when properly authorized by the Local(s) interested, providing the net proceeds therefrom go to the Locals making such authorization.

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

All of the above is in coordination with the General Secretary-Treasurer.

SECTION 35 – ORDER OF BUSINESS OF THE TRANSPORTATION DIVISION CONVENTION

SEC. 35.

1. Call to order
2. Invocation
3. Roll call of officers
4. Report of Credentials Committee
5. Announce or display: This meeting is an environment free of discrimination and harassment

6. Action on previous day's minutes
7. Communications
8. Reports of officers
9. Reports of committees
10. Unfinished business
11. New business
12. Nominations and elections of officers
13. Installation of officers
14. Closing

SECTION 36 – RULES OF ORDER, TRANSPORTATION DIVISION CONVENTION

SEC. 36. The rules of order for conventions of the Transportation Division shall be the most current edition of Robert's Rules of Order, Newly Revised, except as otherwise provided in the following rules:

These rules may be amended at any regular meeting of the Transportation Division by a majority vote of the Delegates present.

1. The daily sessions of the convention shall begin at 9:00 a.m. and adjourn at 2:00 p.m. Evening sessions may be called by a majority vote of the Delegates to begin at 8:00 p.m. Instead of a roll call, appropriate checks shall be collected from the Delegates as a means of recording attendance.
2. The convention shall meet daily excepting Saturdays, Sundays, and legal holidays and, for parliamentary purposes, shall be considered to be in continuous session until adjourned on the last day.
3. The President Transportation Division shall supply each Officer and Delegate with a list of Delegates and standing

committees. Proceedings of each day's meeting shall be printed and shall be distributed the following morning.

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

5. No person except Officers and Delegates of the International shall be admitted to the floor reserved for Delegates. Other officers and members of SMART may attend the convention as visitors on presentation of a receipt for current dues or membership card.

6. The President Transportation Division, or in their absence, a Vice President-International Representative designated by the President Transportation Division, shall preside. They may speak to points of order in preference to other Officers and Delegates. They shall decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate may speak more than once on such appeal.

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

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

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

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

11. Except as provided in Section 6, members of each committee will be appointed by the President Transportation Division. The person named first on a committee shall be the chairperson.

12. A yea and nay vote will be taken on any question when called for by one-third (⅓) of the Delegates present.

13. The convention is prohibited from considering proposed constitutional amendments not previously presented to the Constitution Committee.

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

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

16. During debate, the presiding officer will recognize the Delegate first in line before each microphone in series beginning with microphone No. 1, and continuing through the number of microphones on the floor before again recognizing microphone No. 1. Recognition shall be alternated between proponents

and opponents on all questions, odd number microphones for proponents, and even numbers for opponents. When a Delegate wishes to speak they shall proceed to one of the microphones. When recognized by the presiding officer, the Delegate shall give their name and Local number. They shall confine remarks to the pending question.

17. If the report of a committee is adopted, the report shall be recorded as concurrence by the convention. If the report fails of adoption, it shall be recorded as non-concurrence. The full report of the committee showing concurrence or non-concurrence on each amendment shall be forwarded to the SMART Constitution Committee for their consideration.

18. The report of the Committee on Transportation Division Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the final day of the convention.

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

20. Reports of the Sick Committee will be printed in each day's minutes.

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

22. The General Secretary-Treasurer may advance travel allowances and per diem payments to Delegates upon request without approval of the convention.

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

24. Election of Transportation Division officers will commence not later than the first order of business on the second day of the convention.

25. When electing Transportation Division officers, the following rules will apply: Where an individual officer or position is involved, and no candidate receives a majority of legal votes cast on the first ballot, where there are three (3) candidates on the ballot, the candidate receiving the lowest number of votes will be dropped on the second ballot. Where there are more than three (3) candidates on the ballot, all candidates except the top three (3) will be dropped. If no candidate receives a majority of legal votes cast on the second ballot, the candidate receiving the lowest number of votes will be dropped on the third ballot. The balloting will continue until one of the candidates receives a majority of legal votes cast. In placing the names of candidates on ballots or voting machines, the names of incumbent officers shall appear first, with the names of other candidates following in alphabetical order. When elections are run simultaneously no member may be a candidate for more than one office or position.

In addition to the foregoing, the following procedure will govern the election of Transportation Division officers:

After the election of the President Transportation Division, the National Safety and Legislative Director will be elected. Nominations will be accepted for Vice Presidential-International Representative positions 1 through 8, until there are four contested positions after which an election shall be conducted. In other words, it is contemplated that contested Vice President-International Representative positions will be elected simultaneously in groups of four (4), until all

Vice President- International Representative positions are filled. From among the elected Vice President-International Representatives, an election will be held to select the successor to the President Transportation Division in the event a vacancy occurs between Conventions.

The Deputy National Safety and Legislative Director shall be elected next. Alternate Vice President-International Representatives shall be elected as follows — the Alternate Bus Vice President-International Representative in the Eastern Territory and the Alternate Vice President-International Representative in the Western Territory shall be elected simultaneously. The remaining six (6) Alternate Vice Presidents, positions 1 through 6, shall be elected simultaneously.

The Board of Appeals will be elected next — (six (6) members). One (1) member from engine service, position one; one (1) member from road train service, position two; one (1) member from yard train service, position three; one (1) member from Commuter Authorities, position four; one (1) member from the Bus Department, position five; and one (1) member from the Aviation Department.

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

27. Transportation Division officers listed in Section 2(A) may speak but shall have no vote in Transportation Division Convention.

SECTION 37 – PRINTING AND DISTRIBUTION OF CONSTITUTION

SEC. 37. Copies of the SMART Constitution shall be furnished to all members of the Transportation Division. The most current SMART Constitution shall be made available to all members via electronic media, the SMART web page.

SECTION 38 – SAVING CLAUSE

SEC. 38. The President Transportation Division, with the approval of the Board of Directors and jointly with the General President, may take such action as may be deemed necessary to meet situations not covered in Article Twenty-One B (21B) in order to protect the interest of the membership and the Transportation Division.

See Article Thirty-Four (34), Section 1 as though contained herein.

SECTION 39 – LOCALS

SEC. 39. Employees in transportation service, other fields of employment, trades and industries, whether public or private employees, desiring to organize a Local shall request an official application from the General Secretary-Treasurer. The application must be accompanied by a fee of Fifty Dollars ($50.00) to cover the cost of necessary supplies for the Local. Upon receipt, the General Secretary-Treasurer will forward the application to the President Transportation Division for their review and recommendation to the General President.

Should the application be favorably considered by the General President, the General Secretary-Treasurer shall issue a charter, properly signed under official seal, and forward to the person designated. Upon notification by the General President, the President Transportation Division will direct an officer of the Transportation Division to organize the Local and install the elected officers in accordance with this Constitution.

Bylaws for their special government, which do not conflict with this Constitution, shall be adopted. Following a proposition at a Local meeting to establish or amend the Local's bylaws, no less than ten (10) days' notice shall be given prior to the meeting at which the proposition shall be voted. The proposition shall be subject to approval by a majority of the members present voting by secret ballot, the recommendation of the President Transportation Division and approval of the General Secretary-Treasurer.

The General President shall assign each Local a number and thereafter it shall be known as "International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) Local Union No._____."

SECTION 40 – JURISDICTION AND AUTHORITY

SEC. 40. The jurisdiction of Locals shall be that which existed on the date of unification. Changes in jurisdiction may be recommended by the President Transportation Division after giving the interested General Chairperson an opportunity to file recommendations regarding the matter. Changes in jurisdiction are made by the General President subject to the above. The Local shall have jurisdiction over all members of the Transportation Division employed under its jurisdiction.

The decision of a Local on all matters within its authority shall be final, unless appealed and reversed.

Jurisdiction and authority shall not extend to the transfer of members from one Local to another Local to result in any Local of twenty-five (25) or more members being closed. Henceforth the General President shall not make changes in jurisdiction of Locals which would result in closing a Local whose membership is twenty-five (25) or more members.

A Local may discipline its members for misconduct or violation of their obligation.

SECTION 41 – MEMBERSHIP

SEC. 41. Any person of good moral character who is employed in a craft or vocation, whether public or private employment, represented by the Transportation Division is eligible to membership.

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

Upon receipt of a properly executed application accompanied by the required dues and assessment, the Local Treasurer will issue to

the applicant an official receipt and will promptly forward to the General Secretary-Treasurer the completed application, together with the required dues and assessments. The Local Treasurer will report at each meeting all admissions and readmissions occurring subsequent to the last meeting of the Local.

The official membership application form will include the following statement which will be subscribed to, and signed by, the applicant in the presence of an officer or member of the Local who shall witness the applicant's signature and certify by signature that they have done so:

"I pledge my honor to faithfully observe the Constitution and Laws of the International Association of Sheet Metal, Air, Rail and Transportation Workers, including the bylaws of my Local; to comply with the rules and regulations for the government of the International Association of Sheet Metal, Air, Rail and Transportation Workers; not to make known to outsiders any private proceedings of the International Association of Sheet Metal, Air, Rail and Transportation Workers; to faithfully perform all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as not to bring reproach upon my union and at all times bear true and faithful allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers."

SECTION 42 – CONTINUOUS MEMBERSHIP

SEC. 42. Continuous membership in the former Order of Railroad Conductors and Brakemen, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, Switchmen's Union of North America, or Railroad Yardmasters of America in addition to service in the Merchant Marine during a national emergency and any military service together with continuous membership in the United Transportation Union will be combined to compute total continuous membership in SMART.

SECTION 43 – MEMBERSHIP CARDS

SEC. 43. Members of the Transportation Division, upon written request to the Treasurer of their Local during the month of December, will be furnished a membership traveling card for the following year. Such cards shall bear the number and seal of the Local, and the signature of the President and Treasurer of the Local. The title, if any, and the continuous membership record of the member shall also be shown thereon.

Members totally disabled or having twenty (20) years' continuous membership as provided in Section 42 and retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union, now SMART. Such members shall be entitled to attend Local meetings.

SECTION 44 – AUTHORITY TO REPRESENT

SEC. 44. Every member of SMART grants complete authority to SMART and any of its constituted representatives to act in said member's behalf for the purpose of disposing, in any manner, of any and all of said member's claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary. The Organization shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with consideration and determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the Organization to the contrary.

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

SECTION 45 – DUTIES OF MEMBERS

SEC. 45. Members of the SMART Transportation Division are obligated to pay all dues and assessments promptly, to attend all meetings of their Local where reasonably possible to do so, to faithfully observe the provisions of the Constitution of the International and the bylaws of the Local, to keep from outsiders the private proceedings of SMART, to faithfully perform all the duties assigned to them to the best of their ability and skill, and to so conduct themselves at all times as not to bring reproach upon SMART. Members who are found to be in violation of these duties are subject to reprimand, suspension, or expulsion, as their Local may determine, following a trial conducted in strict compliance with Section 74 of Article Twenty-One B (21B).

It shall be the duty of the members to keep the Transportation Division advised of their current home address, phone number, email address, and the name and phone number of the person to contact in the event of an emergency by providing that information to their Local Secretary or Treasurer, or by using other such means provided by the Transportation Division.

SECTION 46 – VISITING MEMBERS

SEC. 46. Visiting members of SMART shall be admitted to Local meetings upon presentation of an official receipt for the current month's dues or life membership card. In case the identity of the visiting member is not known, further proof of membership may be required.

SECTION 47 – TRANSFER OF MEMBERS

SEC. 47. (a) In the event the charter of a Local is revoked or surrendered, the members shall be transferred to a Local having jurisdiction over their current employment. The Local having jurisdiction will be designated by the President Transportation Division, subject to review

by the General President, and such members will be transferred on the date such revocation or surrender is effective.

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

Nothing in this section shall prohibit a member from voluntarily transferring to another Local in less than (90) days provided they are working under the jurisdiction of that Local.

(c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals have identical jurisdiction, a member may, upon written request, transfer their membership from one such Local to the other.

(d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Secretaries, Local Treasurers, Local Chairpersons, First Vice Local Chairpersons, Trustees and Safety and Legislative Representatives, shall not be subject to the aforementioned transfer requirements.

(e) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer and President Transportation Division and completed by the affected Local Treasurers. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the Local to which transferred.

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

SECTION 48 – LOCAL FUNDS

SEC. 48. Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The amount of Local dues shall be established by the members present, voting by secret ballot, when the Local is organized.

No change in Local dues, the daily rate or salary established for Local officers or Safety and Legislative Representatives, or the levying of a special assessment, may be considered by a Local until notice of such proposition has been read at one (1) regular or special meeting and all members have been notified of the proposition and provided no less than ten (10) days' notice of the date on which the proposition will be considered. Any proposition to change Local dues, the daily rate, or salary established for Local officers or Safety and Legislative Representatives, or the levying of a special assessment, must be approved by a majority vote of the members, voting by secret ballot, in attendance when the proposition is considered.

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

No change in Local Committee dues, the daily rate or salary established for Local Committeepersons, or the levying of a special assessment may be considered until such proposition has been read at one (1) regular or special meeting and all members working under the jurisdiction of the Local Committee have been notified of the proposition and provided no less than ten (10) days' notice of the date on which the proposition will be considered. Any proposition to change Local Committee dues, daily rate or salary of Local Committeepersons, or to levy a special assessment must be approved by a majority vote of the members in service and holding membership in the Local Committee involved, voting by secret ballot, who are in attendance when the proposition is considered.

The effective date of any increase in Local, Local Committee of Adjustment dues, or special assessments must coincide with the requirements of any checkoff of Union Dues Agreement in effect.

SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS

SEC. 49. The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. Any member who fails to pay their dues and assessments within the time provided shall be suspended without notice or further action.

No member shall be considered in arrears for dues and assessments when their employer has withheld from their pay money for such dues and assessments, pursuant to a dues check-off agreement, and the employer has delayed or defaulted payment to the Local.

A member who for any reason, including sickness and disability, is not engaged in transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, holds the contract, or in the service of the Transportation Division for a full calendar month (excluding their vacation) shall be relieved from the payment of all dues and assessments for subsequent calendar months until they again return to transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, hold the contract, or service with the Transportation Division. Such member will promptly report to the Local Treasurer their date of return to active service with the employer and will be obligated to pay full dues and assessments beginning with the first month thereafter.

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

work distribution, unless allowed to vote by virtue of Local bylaws in Local matters only.

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

SECTION 50 – SUSPENSIONS

SEC. 50. A member suspended for improper conduct shall, at the expiration of the time for which the member was suspended, be reinstated but shall not be required to pay dues and assessments accrued during the suspension. Should the member be accused of improper conduct during the suspension, the member shall be liable to charges.

SECTION 51 – READMISSION

SEC. 51. A member, as defined under Section 41, who has been suspended for non-payment of dues or assessments may be readmitted upon application on proper form and the payment of all money due up to the date of their suspension, plus dues and assessments for the current month and a reinstatement fee of One-Dollar ($1.00). Where less than one calendar month has elapsed, no reinstatement fee will be required. A member expelled for causes other than non-payment of dues or assessments shall not be readmitted in less than six (6) months. A member expelled upon charges ordered by a convention, or one who was expelled for defrauding a Local, shall secure a dispensation from the President Transportation Division before presenting application for readmission.

SECTION 52 – REGISTERS

SEC. 52. Locals shall maintain a register showing the name, address, and employment of their members.

Locals shall also maintain an attendance register and require that every member who attends Local meetings personally register their name and Local number therein.

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

SECTION 53 – RIGHTS AND BENEFITS

SEC. 53. Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of SMART, unless dues and assessments are paid within the time specified herein.

SECTION 54 – LOCAL MAINTENANCE OF MEMBERSHIP FUND

SEC. 54. When authorized by a majority vote of its membership, a Local may establish a Maintenance of Membership fund by levying an assessment of One-Dollar ($1.00) per member for one month or transferring an equivalent amount from the Local Fund.

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

When dues and assessments are advanced from the Maintenance of Membership fund, the member involved must reimburse the fund for the amount of the dues and assessments plus a service charge of One-Dollar ($1.00). Should the member fail to repay this amount during

the month for which the advance was made, the Treasurer will make no further advances for benefits until that member has paid the indebtedness. If the member is subsequently suspended for non-payment of dues or discontinues membership in any other manner, the amount of indebtedness to the Maintenance of Membership fund will be deducted from any payment that may be due said member from the International or the Local. If recovery of the amount due the Maintenance of Membership fund is not accomplished in this manner, the suspended member will not be readmitted to membership until the amount due has been paid.

SECTION 55 – TIME AND PLACE OF MEETING

SEC. 55. A Local shall hold at least one regular meeting each month at the time and place specified in its bylaws. Upon reasonable notice to the members and the President Transportation Division, a Local may take action to change the place and time of meeting in the same town or city in accordance with its bylaws.

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

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

SECTION 56 – OFFICERS AND LOCALS

SEC. 56. The elective officers of a Local shall consist of a President, Vice President, Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a Local, the office of Secretary and Treasurer may be separated and elections held to fill each office.

The President of the Local may appoint officers consisting of guards, committees, and stewards as necessary to conduct the functions of the Local.

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

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

SECTION 57 – ELECTIONS IN LOCALS

SEC. 57. The election for officers of a local shall be held in November, 2014, and each three (3) years thereafter.

An election to fill the offices of Local Committees of Adjustment shall be held in November 2014, and quadrennially thereafter.

An election for Safety and Legislative Representatives and Vice Safety and Legislative Representatives shall be held in November 2015, and quadrennially thereafter. Candidates for these offices must be qualified voters.

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

An election for Delegate and Alternate Delegate to the Transportation Division Convention shall be held in November 2018, and quinquennially thereafter. The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.

Officers stipulated in the Section shall be elected by secret ballot at a November meeting of the Local, or by referendum vote, as provided by existing bylaws or procedures of each Local. An electronic voting method may be used if it meets the standards of the Department of Labor for guaranteeing secrecy of the ballot. Nominations must be filed

with the Secretary not later than the last regular meeting in October in the year of election. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall print and sign their names on the petition. The Secretary shall promptly acknowledge receipt of all petitions and read them at the last regular meeting in October.

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

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

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

The ballots shall be prepared so as to provide a square opposite each candidate's name in which the voter can mark their preference of candidates.

In Locals having more than one Local Committee of Adjustment, the Secretary will provide a separate ballot for all members in service and holding membership in the committee involved.

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

The leaflet containing voting instructions shall contain the following:

"Instructions for voting by mail: The voter will make a mark in the square of their choice, fold, and place the ballot in the envelope marked 'A' and seal. Place sealed envelope 'A' in envelope marked 'Ballot' and seal. Place name and address in upper left-hand corner of envelope marked 'Ballot' and mail. Do not place any mark of identification on the ballot or the envelope marked 'A' that would destroy the secrecy of the ballot."

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

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

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

The candidate receiving a majority of the votes cast for a given office shall be declared elected. If no one (1) of the candidates for a given office receives a majority of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the two (2) candidates receiving the highest numbers of votes cast for that office. If any number of the candidates for a given office are tied for the highest number of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of votes cast for that office. If one (1) candidate receives the highest number but that number does not constitute a majority of the votes cast for a given office and any number of candidates are tied for the second highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the name of the candidate receiving the highest number and the names of the candidates receiving the second highest number of the votes cast for that office.

Notwithstanding the previous paragraph, those candidates receiving the highest number of votes shall be elected to the Board of Trustees.

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

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

In the event of a permanent vacancy in any office, the Local shall proceed to fill the vacancy in accordance with the bylaws of the Local or as provided in this Section; except the Vice President shall succeed to the office of President, the Vice Safety and Legislative Representative shall succeed to the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of Delegate. When more than one Vice Safety and Legislative Representative is elected, the Local shall designate a 1st Vice Legislative Representative who shall fill the vacancy as described above.

In elections of Local Committees of Adjustment, only members in service and holding membership in such committee will be notified of such election and permitted to file or sign nominating petitions and vote.

Locals failing to complete their regular elections during the month of November must notify the President Transportation Division the reason therefor and the date set for the completion of the election.

Locals must, following each election of officers or succession to office, promptly notify the President Transportation Division, General Secretary-Treasurer, interested General Chairpersons, and State and District Safety and Legislative Boards of the names and addresses of the new officers.

Election protests must cite the violation of this Constitution or applicable law in the conduct of that election and shall be filed with the General President and President Transportation Division within thirty (30) days of the tabulation of that election. The decision of the General

President or President Transportation Division if so designated is final and not subject to further appeal.

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

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

SECTION 58 – INSTALLATION OF LOCAL OFFICERS

SEC. 58. The elective and appointive officers enumerated in Section 56 shall be installed as soon as possible following their election and shall assume their duties on January 1 or as soon thereafter as they are installed.

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

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

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

"Do you hereby pledge on your honor to perform the duties of your respective offices as required by the International Association of Sheet Metal, Air, Rail and Transportation Workers' Constitution; to bear true and faithful allegiance to the International Association of

Sheet Metal, Air, Rail and Transportation Workers and with complete good faith to support, advance, and carry out all official policies of the International Association of Sheet Metal, Air, Rail and Transportation Workers; to deliver to your successor all books, papers, and other property of the International Association of Sheet Metal, Air, Rail and Transportation Workers that may be in your possession at the end of your term of office; and at all times conduct yourself as becomes a member of the International Association of Sheet Metal, Air, Rail and Transportation Workers?"

The officers being installed shall respond:

"I do."

The installing officer shall then say:

"Your duties are defined in the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the International Association of Sheet Metal, Air, Rail and Transportation Workers.

"You will now assume your respective stations."

SECTION 59 – DUTIES OF THE LOCAL PRESIDENT

SEC. 59. The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. They shall appoint a majority of all committees and shall sign all documents that require authentication.

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

The President may speak on any subject before the Local but they may not vote except, in case of a tie vote, on a matter upon which they are otherwise eligible to vote shall cast the deciding ballot.

SECTION 60 – DUTIES OF THE LOCAL VICE PRESIDENT

SEC. 60. The Vice President shall assist the President in the discharge of their duties and preside at meetings in the absence of the President. They shall appoint a minority of all committees and, if the President's office becomes vacant, shall discharge the duties and assume the responsibilities of the President for the remainder of the term.

SECTION 61 – THE LOCAL PAST PRESIDENT

SEC. 61. When a Local President has completed their term of office and a successor has been installed, they shall become the ranking Past President of the Local and shall serve as such until succeeded. They shall thereafter be a Past President according to the regular order of succession.

SECTION 62 – DUTIES OF THE LOCAL PAST PRESIDENT

SEC. 62. The Past President shall install the officers of the Local and, in the absence of the President and Vice President, shall preside at Local meetings.

SECTION 63 – DUTIES OF THE LOCAL SECRETARY

SEC. 63. The Secretary shall keep an accurate record of all proceedings, receive all communications, conduct the correspondence, and shall have charge of the seal and records of the Local. They shall notify all officers of their election or appointment and shall notify other Locals of action taken by their Local which might affect, interest, or concern them.

The Secretary shall notify the General Secretary-Treasurer and the President Transportation Division of all changes in the time and place

of meetings and prepare, sign, and affix the seal to all documents requiring their official signature as provided by the Constitution and bylaws of the Local.

They shall see that all notices required regarding meetings, propositions, elections and levying of assessments are sent in accordance with Article Twenty-One B (21B). The Secretary shall perform the duties of the Treasurer in Locals that do not provide for the separation of the offices of Secretary and Treasurer and shall, with the President and Treasurer, file all reports required by Federal, State, or local laws.

SECTION 64 – DUTIES OF THE LOCAL TREASURER

SEC. 64. The Treasurer shall receive all money due to be collected by the Local and give their receipt for the same. The Treasurer shall hold and keep secure all Local funds and shall be bonded as provided in Section 71 of Article Twenty-One B (21B). They shall sign all papers requiring their signature and perform other duties required by Article Twenty-One B (21B) and the bylaws of the Local. They shall keep an accurate account for all receipts and expenditures of the Local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the International or their representatives.

The Treasurer shall promptly, but not later than the last day of each month, remit to the General Secretary-Treasurer all monies due the International. All disbursements issued by check or draft must be countersigned by the President of the Local. Each disbursement shall be reported by the Treasurer at the first meeting of the Local following the disbursement.

During the month of February of each year, the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent has been verified, the Board members

shall sign and submit the report to the first regular meeting of the Local following the audit. A copy of the signed report shall then be sent to the General Secretary-Treasurer and President Transportation Division by the Local Treasurer no later than the 90th day after the end of the fiscal year.

The Treasurer shall be a member of all Local Committees which receive or disburse money. When Local action is taken approving the disbursement of funds which in the opinion of the Treasurer is in violation of provisions of this Constitution or the Local's bylaws, they shall withhold payment for a period not to exceed thirty (30) days and report the matter at once to the President Transportation Division. The Treasurer will then be governed by the President Transportation Division's instructions regarding the expenditure involved, subject to appeal.

The Treasurer shall notify the Treasurer of another Local when they have knowledge that a member of their Local is employed under the jurisdiction of the other Local.

It shall be the responsibility of the Treasurer to credit dues and assessments paid to the appropriate Local Committee of Adjustment and General Committee of Adjustment accounts of their Local in accordance with the provisions of Article Twenty-One B (21B).

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

SECTION 65 – REMOVED

SECTION 66 – DUTIES OF LOCAL SAFETY AND LEGISLATIVE REPRESENTATIVES

SEC. 66. Local Safety and Legislative Representatives shall attend all meetings of their State or District Safety and Legislative Board. They shall report to their Locals regarding the handling of all alleged unsafe or unsanitary working conditions found to exist, or reported to them, within their jurisdiction. They shall undertake to correct such

conditions through appropriate measures consistent with the local and national policies of the Transportation Division. If they are unable to correct the alleged unsafe or unsanitary working conditions, they will so report to the President Transportation Division and the National Safety and Legislative Director regarding Federal matters and to the State or District Safety and Legislative Director regarding State or District matters. They shall urge all members of the Transportation Division to qualify and vote in all elections. When called upon, they shall give all possible assistance to the President Transportation Division, National Safety and Legislative Director, State or District Safety and Legislative Director, and the officers of the State or District Safety and Legislative Boards, subject to the supervision of the Local. Vice Safety and Legislative Representatives shall handle matters referred to the Local when so directed by the Safety and Legislative Representative.

SECTION 67 – DUTIES OF THE LOCAL BOARD OF TRUSTEES

SEC. 67. The Local Board of Trustees shall supervise the financial affairs of the Local. Upon approval by the Local, the Board shall also have the authority to rent, lease, or purchase property, office equipment, or necessary supplies. Additionally, the Board shall assure that the Treasurer and other Local officers are bonded as required by Section 71.

The Board shall meet in the month of February of each year for the purpose of auditing the annual report of the Treasurer and verifying bank balances and cash on hand. If the Treasurer's annual report is found to be correct, the Board members shall endorse the report with their signatures, furnishing copies to the Local.

SECTION 68 – LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT

SEC. 68. If any elected officer, Safety and Legislative Representative or Committeeperson of a Local becomes negligent in the performance

of their duties and responsibilities as a Local representative, the Local may, after due deliberation, take action to notify them to appear at a designated meeting and show cause why their office or position should not be declared vacant. The notice must be in writing and will fully specify the complaints they will be required to answer. If they fail to respond to the notice or if the explanations offered for their negligence are unsatisfactory, the Local may, by majority vote of the members involved, present at the meeting, declare their office or position vacant, unless they invoke the trial procedure as set forth in Section 74 within fifteen (15) days from the date of the aforementioned notice.

SECTION 69 – LOCAL APPOINTIVE OFFICE DECLARED VACANT

SEC. 69. If any appointed officer or committeeperson is negligent in performing their duties as a Local representative, the President of the Local may declare the office vacant and appoint a successor at any regular meeting.

SECTION 70 – VACATIONS – LOCAL OFFICERS AND COMMITTEEPERSONS

SEC. 70. Officers and Committeepersons employed by their Locals on a full-time basis shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Local. Such vacations may be split but will not be carried over from one year to the next. Officers and Committeepersons employed by their Locals on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Local been earned with the carrier. However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the Local.

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

SECTION 71 – BONDING OF LOCAL OFFICERS

SEC. 71. For bonding see Article Five (5), Section 1 (c).

If a shortage in Local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the evidence must be sent to the General Secretary- Treasurer and the President Transportation Division by the President, Secretary, or other officers of the Local having such knowledge.

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

SECTION 72 – SURPLUS ASSETS OF LOCALS

SEC. 72. A Local may deposit surplus assets with the International. Locals making such deposits shall be responsible for the pro rata share of expenses incidental thereto.

The General Secretary-Treasurer shall be the custodian of such assets deposited. The deposits shall be placed in a suitable safety deposit box. At least two (2) members of the General Executive Council shall be present when assets are deposited or the deposit box is opened.

The General Secretary-Treasurer shall maintain a record of the deposits and attend to the collection of any income due thereon and remit same to the Local involved.

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

SECTION 73 – REVOKING OR SURRENDERING LOCAL CHARTERS

SEC. 73. The charter of a Local may be revoked by recommendation of the President Transportation Division, with approval of the General President and General Executive Council, for any of the following reasons:

1. Improper conduct.
2. Neglecting or refusing to conform to the provisions of this Constitution or the Local's bylaws.
3. Neglecting or refusing to make required returns and reports.
4. Neglecting or refusing to hold at least one (1) regular meeting each month.
5. Neglecting or refusing to elect and install a successor to an officer who was removed from office.
6. Neglecting or refusing to bring an officer or member to trial when directed to do so by the General President and President Transportation Division.

No charter can be revoked until the President Transportation Division has given at least thirty (30) days' written notice to the President and Secretary of the Local and the interested General Chairpersons of their intention to revoke the charter and a Transportation Division officer, or International Representative, has attended a designated regular meeting of the Local for the purpose of investigating the matter and giving the officers and members of the Local an opportunity to be heard.

A Local whose charter has been revoked shall be known as a defunct Local. All property, funds, and securities of a defunct Local shall automatically be vested in the Local(s) into which its members are

transferred, on a pro rata basis, as of the date the charter is revoked. The President Transportation Division, subject to review by the General President and after consultation with the interested General Chairpersons, State or District Chairpersons, shall designate the Local(s) into which the defunct Local's members will be transferred consistent with such changes in jurisdiction as might become necessary as a result of closing the Local.

The officers of a defunct Local shall deliver to the General Secretary-Treasurer, within thirty (30) days after its charter is revoked, all required items under Article Ten (10), Section 10. Local officers who fail to comply with the provisions of this paragraph shall be suspended from membership in SMART.

An expelled or suspended member whose Local is defunct may file application for admission into the Local then holding jurisdiction over their employment. Such application shall be treated and progressed as if it were an application for readmission under the provisions of Section 51 of Article Twenty-One B (21B).

Any Local wishing to surrender its charter may do so by majority vote of the members and shall notify the President Transportation Division, who will with approval of the General President, appoint a responsible representative to take full charge of the charter and all property of the Local for disposition in accordance with this Section.

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

SEC. 74. (a) Charges may be preferred against a Local officer, Committeeperson, or member for failure to fulfill the obligations and responsibilities imposed upon them by Article Twenty-One B (21B). Charges not covered under Article Twenty-One B (21B) and charges which could be brought under Article Twenty-One B (21B) and Article

Seventeen (17) will be processed under the provisions of Articles Seventeen (17) and Eighteen (18).

Charges must be made in writing and shall clearly specify the alleged offense(s) together with the section(s) of Article Twenty-One B (21B) which it is alleged have been violated.

Charges must be signed by the party preferring them. They shall then forward the charges by certified mail to the Secretary of the Local in which the accused holds membership unless the alleged offense was committed under the jurisdiction of another Local, in which case the charges will be sent to the Secretary of that Local.

A Local officer or Committeeperson against whom charges have been preferred shall continue in office while under charges unless otherwise voted by the Local.

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

The Local will consider the charges at its first regular meeting following their receipt by the Secretary of the Local, and unless charges are found to be completely lacking in substance or merit, the Local will accept the charges and authorize a trial. A decision by the Local not to hold a trial on charges may be appealed to the General President as provided in Article Eighteen (18), Section 1(d).

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

notice to both parties involved in the trial. The trial shall be held within thirty (30) days from the meeting at which the charges were presented.

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

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

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

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their representative or counsel in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of the names of witnesses which they intend to call in support of the charges. They shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in person or through their counsel or representative.

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

Should the accused fail to appear for trial after being notified as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B), the Local bylaws, or the Trial Board, or should they engage in conduct designed to obstruct the trial, the Trial Board shall proceed to conduct the trial in their absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

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

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

Before giving testimony, any witnesses who are members of SMART shall be required to make the following affirmation:

"Do you solemnly affirm upon your honor as a member of SMART that the evidence to be given by you in this case shall be the truth and nothing but the truth?"

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

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

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be fine, reprimand, removal from office or suspension. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in Article Nineteen (19).

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President Transportation Division, General Secretary-Treasurer, and the Secretary of the Local.

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

If removal from office is the penalty, such removal shall become effective on the date the Trial Board's decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5.

If reprimand is the penalty, the accused shall be summoned to attend a regular meeting of the Local to be reprimanded by the President. If they fail to attend, the accused shall be suspended from membership until they do attend a meeting to receive the reprimand. If the failure to attend continues until the close of the month following the month in which the accused was summoned, they shall be expelled.

If the President Transportation Division finds a local President or Treasurer to be negligent, they may remove the President, Treasurer, or

both from office pending completion of a trial by an International Trial Board on charges filed by the President or another member.

(b) Charges may be preferred against officers and members of General Committees of Adjustment or Safety and Legislative Boards for failure to fulfill the obligations and responsibilities imposed upon them by this Constitution and by their General Committee of Adjustment or Safety and Legislative Board. Charges not covered under Article Twenty-One B (21B) and charges which could be brought under Article Twenty-One B (21B) and Article Seventeen (17) will be processed under the provisions of Articles Seventeen (17) and Eighteen (18).

Charges must be made in writing and shall clearly specify the alleged offense(s) together with the section(s) of Article Twenty-One B (21B) and/or those obligations and responsibilities which it is alleged have been violated.

Charges must be signed by the party preferring them. Said party shall forward copies by certified mail to the accused, the President Transportation Division, and the Secretary of the General Committee of Adjustment or Secretary of the Safety and Legislative Board as the case may be. The President Transportation Division shall promptly furnish copies of the charges to all members of the General Committee of Adjustment or Safety and Legislative Board involved.

If in the opinion of the majority of the members of the General Committee of Adjustment or Safety and Legislative Board the charges warrant trying the accused, the President Transportation Division shall give the accused and the party preferring the charges fifteen (15) days' notice prior to the convening of a Trial Board to try the accused. The Trial Board shall consist of not more than five (5) members appointed by the President Transportation Division from among those members of the General Committee of Adjustment or Safety and Legislative Board, as the case may be, who are not involved in the charges. The first named shall be chairperson. A majority of the Trial Board shall constitute a quorum. The Trial Board shall meet at the time and place chosen

by the President Transportation Division, elect a Secretary, and proceed to try the case. If members of the General Committee of Adjustment or Safety and Legislative Board decide not to hold a trial on charges, the charging party may request the General President as provided in Article Eighteen (18), Section 1(d) to appoint a Trial Board to hear the charges.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their counsel or representative in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of names of witnesses which they intend to call in support of the charges and shall furnish a copy to the accused. The accuser shall also act as prosecutor in the case either in person or through their counsel or representative.

Should the accused fail to appear for trial after notice as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B) or the Trial Board, or should they engage in conduct designed to obstruct their trial, the Trial Board shall proceed to conduct the trial in their absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

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

Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witnesses may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party

or their counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken.

Before giving testimony, any witnesses who are members of SMART shall be required to make the following affirmations:

"Do you solemnly affirm upon your honor as a member of SMART that the evidence to be given by you in this case shall be the truth and nothing but the truth?"

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

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

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be fine, reprimand, removal from office or suspension. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in Section 75 of Article Twenty-One B (21B).

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President Transportation Division, General Secretary-Treasurer, and members of the General Committee of Adjustment or Safety and Legislative Board.

If reprimand is the penalty, the President Transportation Division shall issue the reprimand in writing to the accused and furnish all

members of the General Committee of Adjustment or Safety and Legislative Board a copy of the reprimand.

All other forms of discipline shall become effective on the date the Trial Board's decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5. An officer or member removed from office or suspended may not again serve in any office of the Transportation Division except upon recommendation by the President Transportation Division and final approval of the General President.

(c) All officers of the Transportation Division and of affiliates within the Transportation Division shall be subject to the provisions of Article Twelve (12), Section 11(b).

(d) All charges provided for in this Section shall be filed by the charging party not later than ninety (90) days after the charging party knew or reasonably should have known of the events giving rise to the alleged offense.

SECTION 75 – APPEALS

I – TO THE BOARD OF APPEALS

SEC. 75.

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

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

(c) An officer or member of a Local may appeal from an action or decision of a Local Committee of Adjustment to the appropriate General

Chairperson, provided such appeal is filed with the General Chairperson within ninety (90) days from the date the action or decision occurred.

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

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

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

II – TO THE BOARD OF DIRECTORS

(a) A member or subordinate body may appeal to the Board of Directors from an interpretation of Article Twenty-One B (21B) made by the President Transportation Division, provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from the date the decision by the President Transportation Division was made. Decisions of the Board of Directors under this paragraph are subject to appeal to the General President under Article Nineteen (19).

(b) Actions or decisions of Trial Boards conducted under Section 74 may be appealed to the President Transportation Division, provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from the date on which the action or decision occurred. The

General Secretary-Treasurer shall docket the appeal and present all papers relating to the appeal to the President Transportation Division.

The President Transportation Division will promptly render a decision on the appeal which shall be final and binding on all parties unless appealed to and reversed or modified by the General Executive Council. Appeals to the General Executive Council must be filed with the General Secretary-Treasurer within sixty (60) days from the date of the decision by the President Transportation Division. Decisions rendered by the General Executive Council on appeals referable to the Council shall be final unless changed upon appeal to the SMART General Convention in accordance with Article Nineteen (19).

III – PROCEDURES

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

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

SECTION 76 – LOCAL RULES OF ORDER

SEC. 76. The Rules of Order of the International shall be used by the Local insofar as they can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will be decided in accordance with the parliamentary principles contained in Robert's Rules of Order, Revised.

SECTION 77 – CONDUCT OF LOCAL MEETINGS

SEC. 77. Meetings of the Local shall be opened by the President, Vice President, Past President, or in their absence by any other officer or member with the following statement:

"I now declare this meeting of SMART Local No. _____ open for the transaction of such business as may properly come before it."

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

1. Roll call of officers
2. Announce or display: This meeting is an environment free of discrimination and harassment
3. Reading minutes of the previous meeting
4. Admission of new members
5. Treasurer's report
6. Reports of officers and committees
7. Communications
8. Unfinished business
9. New business
10. Bills of allowance
11. Nomination of officers and committeepersons
12. Election and installation of officers
13. Safety first
14. Way and means of improving SMART
15. Closing

SECTION 78

SEC. 78. NOTE: The provisions of Section 78 were declared void by the Federal Court ruling in Civil Action No. 97-5732 (NHP) and the Section has been deleted from Article Twenty-One B (21B) per Section 38.

SECTION 79 – CONSIDERATION OF GRIEVANCES

SEC. 79. Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction. Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer. A report by the committee will be made at the next meeting.

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

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

SECTION 80 – PRESERVATION OF CRAFT AUTONOMY

SEC. 80. (a) Local working conditions of a craft over which a Local has jurisdiction may not be revised or changed unless authorized to do so by a majority of the votes cast by the members affected and working in the craft. Such a proposal will not be voted upon prior to the first meeting following that in which the proposition was presented. If more than one craft is affected, the issue shall be determined by a majority vote of each

and every affected craft, i.e., in the event any one of the crafts affected rejects the issue, the matter shall remain unchanged.

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

(c) General Committees of Adjustment, by a majority vote, may authorize the revision of general or system schedule rules, amend existing rules, or establish new rules, except, General Committees of Adjustment consolidated on or after date of unification with other General Committees of Adjustment and/or officers representing Transportation Division, assisting those General Committees of Adjustment, shall not revise or amend general or system schedule rules of any craft unless authorized to do so by a majority vote of the representatives of that craft on the General Committee.

(d) When voting on matters involving wages, rules, working conditions, or elections held in a Local meeting is by craft vote, the craft in which a member is entitled to vote shall be the craft in which they are assigned, irrespective of Local affiliation, at the time the vote is taken. In the event referendum procedures are used for such voting, the craft in which a member is entitled to vote shall be the craft in which they are assigned on the date prior to the date the ballots are mailed by the Secretary.

(e) The provisions of this Section may not be changed by the International Union, except upon the approval of a majority vote of the members of each of the crafts represented by the United Transportation Union, now SMART.

SECTION 81 – LOCAL COMMITTEES OF ADJUSTMENT

SEC. 81. Each Local shall elect a Local Committee of Adjustment, consisting of a Chairperson, one or more Vice Chairpersons, and a Secretary. Additional Local Committees of Adjustment may be formed to represent members on a separate seniority district or when employed in a separate craft represented by the SMART Transportation Division. Such committeepersons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.

The President Transportation Division may grant dispensation for the establishment of separate Local Committees of Adjustment for the members of a Local working in one of the various crafts represented by the SMART Transportation Division. Each Local Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such committee.

When required, it shall be the duty of the Chairperson of the Local Committee of Adjustment to furnish the Treasurer of the Local and the interested General Chairpersons the names of nonmembers and members who have been taken out of service, or who have been returned to service. Additionally, the Chairperson of the Local Committee of Adjustment will assist in furnishing information to the Treasurer as to the names of employees working under the jurisdiction of their committee.

It shall be the duty of the Chairperson of the Local Committee of Adjustment to promptly handle claims and grievances when presented in accordance with Section 79. They shall be authorized to file claims and grievances including those where time has not been claimed, or where claims were incorrectly and/or improperly filed. They shall report on the handling of all claims and grievances at the next Local meeting.

Should the Local Chairperson fail to satisfactorily adjust any case presented, they may refer same to the General Chairperson with the complete facts and history of the case, including copies of correspondence exchanged with local officials.

It shall be the duty of the Vice Chairperson to handle matters referred to the Local Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee shall act as Chairperson when the Chairperson is unable to perform their duties, and in case of a permanent vacancy in the office, they shall act as Chairperson until the office is filled as provided in Section 57. When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.

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

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

In the event twenty-five percent (25%) of the members, working in a craft under the jurisdiction of a Local Committee of Adjustment, petition the Secretary of their Local to circulate a referendum ballot on a proposition of discontinuing their Local Committee of Adjustment and to be placed under the jurisdiction of another Committee in the same Local, the Secretary will circulate a ballot on the proposition among the members represented by each respective Local Committee of Adjustment. Upon approval by a majority vote of the members represented by each respective Committee, the Committee to be discontinued will, within fifteen (15) days from the date of such approval, make an orderly transfer of the property, funds, and files to the Committee assuming jurisdiction.

Compensation and expenses for members of the Local Committee shall be determined by the members of the Local under the jurisdiction

of the Committee. The Local Committeeperson when authorized by the General Chairperson to perform service in connection with General Committee matters shall be compensated from the General Committee Fund.

SECTION 82 – GENERAL COMMITTEE OF ADJUSTMENT

SEC. 82. The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General Committee of Adjustment shall be a member of such General Committee of Adjustment. Local Chairpersons representing yardmasters only, may be members of the General Committee representing yard/switchpersons subject to approval of such General Committee.

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

If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent their Local, but as such, they shall not be eligible for election as an officer of the General Committee, except that of General Chairperson. The absent Local Chairperson shall be eligible for election as an officer of the General Committee of Adjustment.

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

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

The Chairperson of a General Committee of Adjustment may be elected by referendum vote instead of by General Committee vote as provided for in the preceding paragraph if two-thirds (⅔) of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1 preceding the year of the regular quadrennial meeting of the General Committee, vote for and advise the President Transportation Division in writing of their desire to have the Chairperson of that Committee elected by referendum vote.

Upon receipt of such request the President Transportation Division will notify the Locals under the jurisdiction of that General Committee that a referendum election for General Chairperson will be held.

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

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

The Local Secretary shall certify the names of candidates and forward same to the President Transportation Division by certified mail no later than ten (10) days after the nominating meeting. The President Transportation Division shall have prepared ballots placing the name of the incumbent candidate on the ballot first and the names of the other candidates in alphabetical order. The President Transportation Division shall send a ballot as described in Section 57 to each member entitled to vote no later than October 25. Only members employed

under the jurisdiction of a General Committee of Adjustment shall be eligible to vote in the referendum election for the Chairperson of such Committee. The President Transportation Division shall request a list of eligible voters to be prepared by the General Secretary-Treasurer showing the names and addresses of the members paying General Committee assessments to that General Committee for the month of August preceding the election.

The President Transportation Division shall arrange for the General Secretary-Treasurer to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the General Secretary-Treasurer and shall not be opened prior to the date set for tabulation.

The General Secretary-Treasurer will tabulate the ballots between November 10 and November 15 and shall notify the General Chairperson and candidates the date set for tabulating the ballots. Each candidate, or their representative, may witness the tabulation at their own expense.

The General Secretary-Treasurer shall immediately notify the President Transportation Division, General Chairperson, candidates, and each Local the results of the election.

The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the General Secretary-Treasurer shall be governed by the applicable provisions of Section 57.

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

The cost of referendum election for General Chairperson shall be considered as General Committee expense under Section 84, and such

expense shall be paid by the General Secretary-Treasurer from the appropriate General Committee fund.

The Chairperson of each General Committee of Adjustment shall convene the full Committee between January 1 and May 31 following the completion of the quadrennial elections for Local Committees of Adjustment, or as soon thereafter as elections are completed, and quadrennially thereafter. Actions of the General Committee shall be retroactive to January 1 of that year. In the event the Chairperson fails to convene the Committee, the Committee shall be convened by the President Transportation Division on request of one or more Locals.

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

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

Each General Committee of Adjustment may adopt its bylaws and procedures, establish salaries, set the amount of General Committee of Adjustment dues, and such other matters necessary for its operation, subject to the provisions of this Constitution.

The President Transportation Division may grant dispensation for the establishment of separate General Committees of Adjustment, for the various crafts represented by the SMART Transportation Division. Each such Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such Committee.

In General Committees consisting of fewer than three (3) Local Committees of Adjustment, the General Chairperson shall be elected by referendum vote.

A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property,

the Local Committee of Adjustment shall constitute the General Committee of Adjustment.

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

The Secretary of the General Committee shall promptly notify the President Transportation Division in the event of a vacancy in the office of Chairperson. The President Transportation Division shall order an election, to be held in accordance with the provisions of this Section, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of their election will fill the vacancy.

Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows: The Chairperson will set a period in which any member of the Committee may nominate another member of the Committee to fill the office. When the period for making nominations has expired, the Chairperson shall prepare ballots, placing the names of the candidates in alphabetical order. They shall furnish ballots to each member of the Committee, with notification as to the date on which the ballots must be returned for tabulation. On the date specified, the Chairperson, with the assistance of at least two members of the Committee or two officers of the nearest local, shall tabulate the ballots and certify the results to the Secretary of the General Committee. The Secretary of the General Committee shall report the results of the election to the Locals and members of the General Committee.

Protests to any elections covered in this Section shall be handled in accordance with the applicable provisions of Section 57 of this Article.

General Chairpersons or Executive Committee of General Committees of Adjustment may voluntarily consolidate their committees under such terms and conditions as they deem appropriate subject to approval by two-thirds (⅔) vote of the members of each General Committee of Adjustment involved and the President Transportation Division.

In the event twenty-five percent (25%) of the members working under the jurisdiction of a General Committee of Adjustment petition the Secretary of the General Committee to circulate a referendum ballot on a proposition of discontinuing the officers of their committee and consolidating their committee under the officers of another committee holding similar jurisdiction on the same property, the Secretary will prepare a ballot on the proposition to be circulated among the members involved by the Secretaries of the Locals involved. Upon approval by a majority vote of the membership represented by such committee, a referendum ballot will be circulated among the membership represented by the other General Committee of Adjustment involved in the consolidation. Upon approval by a majority vote of the membership under the jurisdiction of such other committee, the officers of the committee being dissolved will, within sixty (60) days, make an orderly transfer of the property, funds, and files to the committee having jurisdiction.

If as a result of the referendum vote it is the desire of the membership represented by the two General Committees to consolidate, a referendum election will be held as provided in this Section to elect a General Chairperson from the two incumbent General Chairpersons. The defeated General Chairperson will become an Assistant General Chairperson of the consolidated General Committee and shall be placed in no worse position with respect to salary or compensation. Their term of office as Assistant will expire at the same time as the General Chairperson at the next quadrennial meeting.

Nothing in this Section shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the

consolidated General Committee to relocate their residence as a result of a consolidation of General Committees.

SECTION 83 – RETIRED MEMBERS

SEC. 83. Members of the SMART Transportation Division retired from service on account of age shall be assessed International dues of One Dollar ($1.00) per month, to be collected in a manner prescribed by the President Transportation Division. Retired members paying the One Dollar ($1.00) per month assessment shall be members of the SMART TD Alumni Association so long as such dues are paid. Provided, however, that the President Transportation Division with the concurrence of the Board of Directors may increase the dues as necessary.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of SMART Transportation Division.

SECTION 84 – GENERAL COMMITTEE FINANCING

SEC. 84. Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

The General Committee fund shall be deposited with the President Transportation Division. The General-Secretary Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary-Treasurer shall furnish each interested Local Treasurer and the General Chairperson a monthly report showing the division of dues and assessments.

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

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

All reasonable and proper expenses of a General Committee, officers, or member thereof when in the service of a General Committee shall be allowed as expense of the General Committee. An itemized statement of expenses incurred, with receipts for all items in excess of Twenty-Four Dollars ($24.00), and any amount due for services rendered shall be submitted to the Chairperson of the General Committee. When such statements are approved they shall be submitted to the General Secretary-Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the General Committee.

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

SECTION 85 – DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

SEC. 85. General Committees of Adjustment shall have authority to make and interpret agreements with representatives of transportation companies covering rates of pay, rules, or working conditions — subject to membership ratification in accordance with the provisions of this Article.

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

In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request the assistance of the President Transportation Division. Upon receipt of such request, the President Transportation Division or their representative shall meet with the General Chairperson, renew efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority held by the General Committee to progress the matter to a conclusion. Any system or local adjustments agreed to by the President Transportation Division or their representatives, shall be subject to a majority vote of Local Chairpersons affected.

In the event the President Transportation Division or their representative and the Committee are unable to reach a satisfactory adjustment of the matter, the President Transportation Division may recommend to the General President who may order a strike on all or any portion of the company involved. Such strike action under this Section must be authorized by a two-thirds (⅔) vote of the members of the General Committee. Such vote may be taken by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.

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

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

Upon completion of the balloting for a system agreement, the General Chairperson will prepare a report designating the result of the vote.

A copy of the report shall be submitted to each affected Local within thirty (30) days after the close of balloting.

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

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

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

General Committees or subcommittees of General Committees of Adjustment making settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the interested Local Chairpersons and Secretary of the Locals in which the matters originated of the action taken.

Actions or decisions of a General Committee shall be binding upon the members and Locals under the jurisdiction of such General Committee unless reversed or modified upon appeal as provided in Section 75 of Article Twenty-One B (21B).

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

SECTION 86 – VACATIONS – GENERAL COMMITTEEPERSONS

SEC. 86. Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from

their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.

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

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

SECTION 87 – CHAIRPERSON OF GENERAL COMMITTEE

SEC. 87. The Chairperson of a General Committee of Adjustment shall be its executive head, preside over all meetings, and exercise general supervision over its affairs and interests.

Each quarter of the year, the Chairperson shall furnish a report of their activities in the previous quarter to all Local Chairpersons and Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of their Committee which shall be furnished by the General Secretary-Treasurer in sufficient number for distribution with this report. A copy of this report shall be furnished to the President Transportation Division.

The Chairperson shall convene the General Committee upon request of a member of said Committee provided, (1) a two-thirds (⅔) majority of the Committee concurs in such request and (2) sufficient funds are available.

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

SECTION 88 – VICE CHAIRPERSONS OF GENERAL COMMITTEE

SEC. 88. The Vice Chairpersons of a General Committee of Adjustment shall act for or on behalf of the Chairperson when so directed by the Chairperson. They shall perform such other duties as may be delegated to them by the General Committee of Adjustment.

SECTION 89 – SECRETARY OF GENERAL COMMITTEE

SEC. 89. The Secretary of a General Committee of Adjustment shall keep a record of the proceedings of each meeting. They shall issue notices of meetings when so directed by the General Chairperson. They shall have charge of the books and papers of the Committee pertaining to this office. The Secretary shall prepare and furnish the President Transportation Division, General Secretary-Treasurer, each Local Chairperson and each Local Secretary a copy of the proceedings of the Committee within twenty (20) days of the close of each session. They shall notify the President Transportation Division and General Secretary-Treasurer the names and addresses of the General Committee immediately following their election.

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

SECTION 90 – MERGERS, LEASES, COORDINATIONS, ETC.

SEC. 90. When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority

district to another on the same carrier and such affects the seniority rights of employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.

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

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

In applying this Section to bus lines, the Transportation Division and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.

Disputes arising under this Section which cannot be resolved by the General Committee or General Committees shall be referred to the President Transportation Division. The President Transportation Division shall promptly assign an officer to assist the General Committee or General Committees involved in resolving the dispute. Failing to resolve the dispute the officer shall make a complete report and recommendation to the President Transportation Division who, in turn, shall decide the dispute.

Any Local or member of a Local affected by action or decision of a Chairperson, or General Committee, or by the decision of the President Transportation Division with respect to this Section may appeal such action or decision to the Board of Appeals, provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from the date of the action or decision. The Chairperson, General Committee, or President Transportation Division, as the case may be, shall be allowed thirty (30) days from the date the appeal is filed in which to reply to the appeal. The parties involved in an appeal shall exchange copies of the appeal and reply to the appeal.

SECTION 91 – ASSOCIATION OF GENERAL CHAIRPERSONS

SEC. 91. The Chairpersons of the General Committees in each district, as hereinafter set forth, shall form an Association of General Chairpersons, each to function independently of the other, for the purpose of formulating concerted movements relating to wages, rules, and working conditions of transportation service employees in their district.

- District No. 1 shall include all rail lines in the United States.
- District No. 3 shall include all bus lines in the United States.

All General Chairpersons on properties where the combined membership represented by SMART Transportation Division is one hundred (100) or more, shall be members of the Association of General Chairpersons in their respective districts as outlined above. Where the combined membership represented by SMART Transportation Division on a property is less than one hundred (100) the General Chairpersons on that property shall elect one of their group to be a member of the Association in their respective districts. Members of the Association of General Chairpersons shall attend all meetings of their Association and represent their committees with pay and proper expenses to be paid from the General Fund of the International.

Following the reorganization of General Committees in 2015, and quadrennially thereafter, the President Transportation Division shall convene the Association of General Chairpersons in each district for the purpose of reorganizing and electing officers. Each district shall elect, by secret ballot, a Chairperson, a Vice Chairperson, and a Secretary to serve as officers of their Association.

Each Association shall adopt bylaws for its special government consistent with the provisions of this Constitution.

The Association will be convened by the President Transportation Division whenever necessary and will be convened by them when a majority of the General Chairpersons within a district of the Association request a special meeting, provided the requests are uniform in object and purpose and the meeting is limited to subjects over which the Association has jurisdiction.

In any general or concerted wage-rules movement, members in an Association cannot withdraw support of a movement which has been approved by a two-thirds (⅔) vote of the members of an Association, unless sanction thereto is given by a majority vote of eligible members of the Association and approved by the President Transportation Division. In the event any transportation company refuses to be represented by the conference committee representing the companies in a general or concerted movement, the President Transportation Division may exclude the General Committee on such company from participation in the movement.

A strike may be authorized by the President Transportation Division, with approval of the General President, in support of a general or concerted wage-rules movement, provided such action under this Section is approved by a two-thirds (⅔) vote of the members in any Association. Such vote may be taken as the President Transportation Division may direct by mail, wire, or while in session.

In any general or concerted wage-rules movement the President Transportation Division shall appoint a negotiating committee

representative of each of the former organizations and crafts represented by them, which are involved in the movement. The negotiating committee shall assist in the prosecution of the wage-rules movement as directed by the President Transportation Division.

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

A majority of the eligible members voting shall be required to ratify the offer of settlement.

The terms of the settlement shall be submitted, by the President Transportation Division, to each Local involved in the movement, in sufficient quantity to permit circulation to the membership, and/or the terms may be mailed to each member in a special edition of the SMART Transportation Division News. Recommendations of the President Transportation Division and/or Negotiating Committee may be included along with a digest or summary of the provisions of the settlement.

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

Voting and tabulation of the results must be completed within twenty-one (21) days from the date the proposal is dispatched or presented by the President Transportation Division. The final result and

tabulation of voting shall be furnished to each Local involved in the movement and shall be printed in the SMART Transportation Division 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 postcard 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.

SECTION 92 – STRIKES

When a strike has been inaugurated by SMART Transportation Division, the President Transportation Division, shall be the recognized leader and shall have authority, in conjunction with the General President, to appropriate from the Strike Fund such money for legal assistance and incidental expenses as may be required for a successful prosecution of the strike.

Every member of SMART shall be duty bound to comply with strike orders of SMART. A member who neglects or refuses to do so and who takes the place or performs the duties of a striking member shall be expelled from SMART upon conviction thereof under the trial procedures of Article Twenty-One B (21B).

Any member of SMART who crosses the picket lines of SMART, or the picket lines of any other railroad union(s) that SMART has recognized as on legal authorized strike, for the purpose of assisting the struck carrier(s) by rendering service, consultation, or advice for wages, profit, gain, or gratis, will pay a fine of One Thousand Dollars ($1,000.00), and in addition to such fine if such member received any wages, compensation, or remuneration for time, expense, consultation, for service rendered to such carrier(s) during the strike that member will also be

fined Two Dollars ($2.00) for every One Dollar ($1.00) received upon conviction thereof under the trial procedures of Article Twenty-One B (21B).

The cost and expense of such trials will be borne solely by the Locals conducting the trials and all fines collected by such Locals will be retained by the Local conducting the trial.

Any member of SMART who participates in a strike which has not been legally authorized shall be expelled from SMART upon conviction thereof under the trial procedures of Article Twenty-One B (21B).

The President Transportation Division and the General Committee of Adjustment, may terminate a strike. In the event of a difference of opinion between the President Transportation Division and the General Committee of Adjustment as to the advisability of terminating a strike, the matter shall be referred to the General President for a final decision. The discontinuance of strike benefits shall be decided by the General President.

Strikes inaugurated by the SMART Transportation Division — Members of crafts represented by the SMART Transportation Division who engage in a strike inaugurated by the SMART Transportation Division, including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.

Strikes inaugurated by other recognized Unions – Members of the SMART Transportation Division, who are unemployed due to any recognized union representing employees of the railroads or other transportation companies being on legal strike, shall be allowed strike benefits for a period not to exceed sixty (60) days, as though they were active participants in the strike. However, the sixty (60) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President.

Qualifications — In order to qualify for strike benefits, members must withdraw from service at the outset of the strike, register each

day, and perform or be available to perform picket duty as required by the Local having jurisdiction. A member must verify their correct address and Social Security number with the Local Treasurer for the purpose of mailing benefit checks.

Strike benefits will be One Hundred Dollars ($100.00) per day and will not exceed a maximum of Twelve Hundred Dollars ($1,200.00) per month.

Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days as the result of one strike. However, the one hundred twenty (120) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President, except as specified in lines 46–51.

Procedures for claiming benefits — Upon inauguration of a strike by the SMART Transportation Division or upon authorization of strike benefits to SMART Transportation Division members in the case of a recognized Union representing employees of railroads or other transportation companies being on legal strike, the President Transportation Division shall notify the General Secretary-Treasurer accordingly.

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

Upon receipt of Form #1, the General Secretary-Treasurer shall prepare a strike payroll, in duplicate, from the information contained therein. The strike payroll shall be known as Form #2 and shall list striking members in alphabetical order with space provided for number of

days for which payment is claimed and amount of payment due. The Local Treasurer will fill in the spaces as indicated noting any changes from Form #1, i.e., additions, deletions, E-49, sick or injured, vacation, death, retired, or members who, for any reason, are not available for picketing or other duties required by the Local. The Treasurer shall return the completed Form #2 on the 15th and the last day of the month. The Local seal must be affixed to all payrolls.

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

In the event of a general strike by the SMART Transportation Division or by other unions representing employees of railroads or other transportation companies, the General President may suspend all strike benefits if such action becomes necessary for the protection of SMART funds.

When a strike of any other nationally recognized labor organization is in effect and danger to the safety of our members exists in or about the area affected by the strike, and/or if there exists any substantial present or potential threat of danger to the members en route to or from their work, and/or to the members' families, it is the policy of SMART to support its members in declining to enter the territory directly affected.

SECTION 93 – SAFETY AND LEGISLATIVE DEPARTMENT

SEC. 93. The Safety and Legislative Representatives of each Local in each State and in the District of Columbia, shall form a State or District Safety and Legislative Board for the purpose of protecting the safety and legislative interests of the members under its jurisdiction.

Officers of a State or District Safety and Legislative Board shall be a Chairperson, one or more Vice Chairpersons, Secretary and/or Treasurer

where required by state law, a State or District Safety and Legislative Director, and an Assistant Safety and Legislative Director where desired by the Safety and Legislative Board. Such officers shall also be the Executive Committee of such State or District Safety and Legislative Board.

Any proposition to establish or abolish a salaried Safety and Legislative Director, or Assistant Safety and Legislative Director on a full-time basis must be approved by a two-thirds (⅔) majority vote of the members of the Safety and Legislative Board.

Beginning in 2016, the Chairperson of each State and District Safety and Legislative Board shall convene the full Safety and Legislative Board not later than May 31st following the completion of the quadrennial elections for Local Safety and Legislative Representatives for reorganizational purposes which shall include the election of officers and adoption of bylaws and procedures.

State or District Safety and Legislative Directors, full-time incumbent officers of the Board, and members of the Safety and Legislative Board shall be eligible for election to the offices of the Executive Committee.

Nothing in this Section shall prevent a Safety and Legislative Board from providing a residence property settlement, moving expenses and transfer allowance for a Safety and Legislative Director who is required by the consolidated Safety and Legislative Board to relocate their residence as a result of a consolidation of State Safety and Legislative Boards.

If the Local Safety and Legislative Representative is unable to attend a meeting of the full State or District Safety and Legislative Board, the Vice Safety and Legislative Representative of such Local shall attend the meeting and represent their Local.

The officers of the Executive Committee and Alternate Safety and Legislative Director shall be elected by secret ballot of the members of the Safety and Legislative Board during the quadrennial meeting except as otherwise provided herein. The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a

majority on the first ballot, all but the two (2) candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner.

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

In Safety and Legislative Boards consisting of fewer than three (3) Locals, the Director shall be elected by referendum vote.

The Director will cast the deciding vote in case of a tie vote on matters other than elections. In case of a tie vote in elections, after the fifth (5th) secret ballot, the Director shall then be permitted to vote.

In states where there is a Safety and Legislative Director and an Assistant Safety and Legislative Director, a vacancy in the office of Safety and Legislative Director shall be filled by the Assistant Safety and Legislative Director. A vacancy in the office of Assistant Safety and Legislative Director shall be filled by the Alternate Safety and Legislative Director. Any other vacancy shall be filled by a majority vote of the Safety and Legislative Board in accordance with the Board's bylaws and procedures.

Protests to any elections covered in this Section shall be handled in accordance with the applicable provisions of Section 57 of this Article.

The Chairperson of each State or District Safety and Legislative Board shall preside over all meetings. They shall, through the Secretary of the Safety and Legislative Board, issue the necessary summons to convene the Executive Committee and/or Safety and Legislative Board as required by Article Twenty-One B (21B) and at such other times as may be necessary.

Each State or District Safety and Legislative Board may adopt its bylaws and procedures, including the filling of vacancies, establishing salaries, setting the amount of Safety and Legislative Board dues, and such other matters necessary for its operation, subject to the provisions of Article Twenty- One B (21B).

SECTION 94 – STATE OR DISTRICT SAFETY AND LEGISLATIVE BOARD FINANCING

SEC. 94. Each State or District Safety and Legislative Board must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of such State or District Safety and Legislative Board through assessments levied upon the members under their jurisdiction.

The State or District Safety and Legislative Board funds shall be deposited with the President Transportation Division. The General Secretary-Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the State or District Safety and Legislative Board.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of State or District Safety and Legislative Boards shall remain in effect subject to change as provided herein.

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

All reasonable and proper expenses of a State or District Safety and Legislative Board, Executive Committee, or officer or member thereof when in the service of a Safety and Legislative Board shall be allowed as expense of the Safety and Legislative Board. An itemized statement of expenses incurred, with receipts for all items in excess of Twenty-Four Dollars ($24.00), and any amount due for services rendered shall be submitted to the Director of the Safety and Legislative Board. When such statements are approved they shall be submitted to the General

Secretary-Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the Safety and Legislative Board.

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

SECTION 95 – DUTIES OF STATE OR DISTRICT SAFETY AND LEGISLATIVE BOARDS

SEC. 95. The Executive Committee of each State or District Safety and Legislative Board may be convened by the Director at least forty-five (45) days, where possible, prior to each primary and general election, for the purpose of endorsing candidates for State offices and to make recommendations for candidates for the U.S. Senate and the House of Representatives and to transact such other business as may be necessary.

Safety and Legislative Directors will promptly advise the President Transportation Division and the National Safety and Legislative Director of all endorsements of State Candidates and recommendations for Members of Congress made by the Executive Committee.

The State or District Safety and Legislative Directors may remain in the capital during sessions of the Legislature, when so authorized by the Safety and Legislative Board, and shall devote all of their time to securing the enactment of such laws, or the repeal or modification of such other laws as directed by the Safety and Legislative Board. They shall organize opposition to and appear before appropriate agencies to oppose discontinuance of trains and buses. They shall urge compliance with all laws which protect the welfare of members of SMART and shall promptly report violations of State laws and regulations to the proper State enforcement agency. As such, Safety and Legislative Directors may incorporate the term "governmental affairs" into their titles as deemed necessary. Violations of all Federal laws and regulations shall

be reported to the National Safety and Legislative Director or proper Federal agency.

An additional Director or Directors may remain at the capital to assist in legislative matters, when recommended by the Executive Committee and approved by the President Transportation Division. They shall perform such duties as may be assigned by the President Transportation Division.

The Secretary of the State or District Safety and Legislative Board shall keep a record and make a report of the proceedings of all meetings of the Safety and Legislative Board and the Executive Committee and shall furnish the Safety and Legislative Representative and Secretary of each Local, under the jurisdiction of the Board, and the President Transportation Division with a copy of the report.

Each quarter of the year, Safety and Legislative Directors shall make a report of their activities in the previous quarter to Secretaries and Safety and Legislative Representatives of all Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of the Board which shall be furnished to them by the General Secretary-Treasurer. A copy of this report shall be furnished to the President Transportation Division.

Part-time State or District Safety and Legislative Directors or Assistant Directors may, when recommended by the Executive Committee and approved by the President Transportation Division, visit Locals and appear before commissions or other agencies in SMART's behalf. They shall be authorized to cooperate with other organizations to this end. They shall perform such other duties as may be required by their Safety and Legislative Board by-laws and Article Twenty-One B (21B).

All proposed legislation shall be submitted to the President Transportation Division for approval and copies of all bills introduced which may be detrimental to labor shall be forwarded by Safety and Legislative Directors to the President Transportation Division.

Questions of jurisdiction involving Safety and Legislative Boards and General Committees pertaining to laws, abandonments, and/or borderline matters shall be referred to the President Transportation Division for decision.

Any Transportation Division member using their influence in the name of SMART to defeat any action taken by the National Safety and Legislative Director or a State or District Safety and Legislative Board shall, upon conviction thereof, be expelled.

Officers and members of State and District Safety and Legislative Boards shall be under the direction of, and cooperate with, the National Safety and Legislative Director on all National Legislative policies and proposed Federal legislation established by the International. They shall cooperate with the Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of SMART Transportation Division.

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

SECTION 96 – VACATIONS – STATE OR DISTRICT SAFETY AND LEGISLATIVE BOARDS

SEC. 96. Full-time officers and employees of State or District Safety and Legislative Boards shall be granted vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based upon earnings from their Boards. Such vacations may be split but will not be carried over from one year to the next.

Officers and members of such Safety and Legislative Boards employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Safety and Legislative Board been earned with the carrier. However, if they do not work

a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay consistent with the terms of the appropriate Vacation Agreement based upon their total earnings with the carrier and the Safety and Legislative Board.

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

SECTION 97

SEC. 97. Deleted in its entirety.

SECTION 98

SEC. 98. Deleted in its entirety.

SECTION 99

SEC. 99. Deleted in its entirety.

SECTION 100 – DECLARATION OF POLICY OF THE TRANSPORTATION DIVISION REGARDING INTERNATIONAL EMPLOYEES

SEC. 100.

1. No officer or other representative of SMART shall deny or in any way question the right of Transportation Division employees to:

    a. Join, organize or assist in organizing a labor organization or association of their choice.

    b. Determine their bargaining representatives in accordance with applicable Federal or State laws.

c. Bargain collectively through their duly designated bargaining representatives.

2. SMART will as a matter of policy maintain for its Transportation Division non-bargaining unit employees the same wages and working conditions presently enjoyed by such employees, including the practice of increasing or decreasing rates of pay based upon general increase or decreases in the pay of train and yard service employees represented by SMART Transportation Division, subject to final budget approval.

3. Transportation Division employees will receive no preferential treatment based upon membership in SMART or the absence of such membership.

4. For the information and guidance of Transportation Division officers and employees, the President Transportation Division will compile and publish a manual showing the wages and working conditions applicable to Transportation Division employees. If and when changes are made appropriate supplements will be issued for inclusion in said manual. All Transportation Division officers and employees will be furnished with copies of this manual and the supplements thereto.

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

ARTICLE TWENTY-TWO (22)
Production Worker Local Unions

SECTION 1 – REPRESENTATION AND BARGAINING

SEC. 1. This Association or any local union chartered for such purpose acting through its or their duly authorized officers or representatives shall have authority to represent and bargain collectively for employees performing production work. Production local unions shall file with the General Office copies of all agreements between them and employers of employees represented by them.

SECTION 2

SEC. 2. The provisions of Sections 1(c), 2, 3(a), 6, 9(f), 9(j), 9(k), 9(r), 10(a), and 10(b), of Article Sixteen (16) and Article Twenty-Six (26) shall not apply to production worker members of production local unions.

The exemption of Article Sixteen (16), Section 10(a), contained in the first sentence of this Section does not apply to such employees of employers engaged in the production or manufacturing field in this industry who are not permitted to work or be sent outside of the shops or plants in which they are employed to perform work except to inspect warranty failure and to supervise the correction of faulty products.

SECTION 3

SEC. 3. The special rules specified in this Article shall apply only to production local unions and the members thereof and to production worker members of other local unions and shall not apply to any other local unions or members unless specifically so provided in this Constitution. All of the provisions and requirements of this Constitution governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof except to the extent that they are modified by the provisions of this

Article, shall apply to production local unions, the officers, representatives, and members thereof.

SECTION 4 – GOVERNMENT

SEC. 4. Production local unions shall not adopt any rules, regulations or policies which in any way conflict with the provisions or intent of this Constitution nor shall any additional rules or regulations not included in this Constitution be adopted until they have been first submitted to the General Secretary-Treasurer for consideration and official notice of approval received from the General Secretary-Treasurer.

SECTION 5 – REQUIREMENTS FOR LOCAL UNION CHARTER

SEC. 5. Ten (10) or more persons who qualify for membership in accordance with the provisions of Article Sixteen (16) of this Constitution may make application for membership and for a production local union charter.

SECTION 6 – APPLICATION FOR MEMBERSHIP, INITIATION AND INITIATION FEE

SEC. 6(a). Initiation. Production local unions may accept an applicant for membership into the local union if the applicant fulfills the following obligations of membership.

The applicant completes, signs and forwards to the financial secretary-treasurer of the local union the standard official form of application for membership into production local union. Said application form shall contain a statement to the effect that they agree to be governed by the principles and policies of this Association and the Constitution thereof as they then exist or as they may be changed or amended thereafter and that they will further abide by the valid rules and decisions of the local union.

SEC. 6(b). Initiation Fee. Each applicant for membership shall be initiated upon receipt by the local union of their first month's dues which payment must be made within thirty-one (31) days after they file their application for membership.

Production local unions may charge an initiation fee not more than Five-Hundred Dollars ($500.00), nor less than the amount established by the local union by-laws or policies. Not less than forty-five percent (45%) of each initiation payment plus the International monthly per capita dues shall be forwarded to the General Office. The International initiation fee shall be Eleven Dollars and Twenty-Five Cents ($11.25) or forty-five percent (45%) of the local union initiation fee, whichever is greater, and shall be forwarded to the General Office within six (6) months after application for membership.

At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which the initiation is properly recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is authorized or permitted to lower its initiation fee below the amount specified in this Section without permission from the General President.

SEC. 6(c). The financial secretary-treasurer shall read the names of the applicants for membership at the next regular meeting of the local union following receipt of the application.

SEC. 6(d). The financial secretary-treasurer shall read the names of all members initiated since the last regular meeting.

SEC. 6(e). After the applicant is initiated, the financial secretary-treasurer shall so certify over their signature on the standard form of application, affix the seal of the local union, endorse thereon the date of initiation and the amount of initiation fee paid and promptly forward the original official application and obligation to the General Secretary-Treasurer.

In the event an applicant is initiated and fails to pay their full initiation fee in accordance with the provisions of Section 6(b) herein, they shall be automatically suspended from membership.

Anyone who shall certify to any false statement or answer on the official form of application for membership or who shall otherwise by false pretense, misrepresentation, or fraud attempt to secure membership in this Association or any local or council thereof, shall immediately forfeit all rights and further consideration of their application and forfeit all monies paid by them toward initiation fee.

SECTION 7 – REINSTATEMENT AND REINITIATION FEE

SEC. 7(a). Production local unions may charge a reinstatement fee of not more than Fifty Dollars ($50.00), nor less than the amount established by the local union by-laws or policies, of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinstated member shall additionally pay dues in advance beginning with the month in which reinstatement is properly recorded by the General Secretary-Treasurer.

SEC. 7(b). Production local unions may charge a reinitiation fee not more than Five-Hundred Dollars ($500.00), nor less than the amount established by the local union by-laws or policies, of which forty-five percent (45%), shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinitiated member shall additionally pay dues in advance beginning with the month in which reinitiation is properly recorded by the General Secretary-Treasurer.

SEC. 7(c). The individual reinstating or reinitiating to membership may, at the option of the local union, have a time period of up to twelve (12) months to pay the reinstatement or reinitiation fee.

SECTION 8 – COUNCILS

SEC. 8. Production local unions shall be permitted but not required to join any state, provincial, or district council covering the territory in which such production local unions are located.

SECTION 9 – DUES PAYMENT

SEC. 9. All production local unions shall comply strictly with all provisions and requirements of this Constitution with regard to the payment of dues and other obligations and the proper acknowledgement and recording of same on official receipts in triplicate form prescribed by the General Secretary-Treasurer.

SECTION 10 – TRANSFER

SEC. 10(a). Production worker members shall have the right to transfer from one production worker local union to another or to a mixed local union as a production worker in accordance with the requirements of Section 9 of Article Sixteen (16), but shall not be permitted to transfer to a building and construction trades local union as a building tradesman, except as provided in Section 10(b) of this Article.

SEC. 10(b). No production worker member shall be entitled to transfer to a building and construction trades local union as a building tradesman unless, after appearance before an examining board of the building and construction trades local union, they are able to demonstrate that they are capable of performing the type of sheet metal work coming within the jurisdiction of such local building and construction trades union in accordance with the standards of workmanship established by such local union. Any production worker member who is admitted by transfer card to any local union of this Association shall pay to said local union the difference, if any, between the amount of initiation fee actually paid prior to their transfer as recorded in the General Office and the established initiation fee of the local union in which their transfer card is deposited and accepted.

SECTION 11 – UNION EMPLOYER

SEC. 11. No shop, plant, facility or subdivision thereof shall be considered "Union" unless the employer is a party to a collective bargaining agreement with this Association or one of its affiliated local unions which provides that all employees in the collective bargaining unit shall become and remain members of this Association except that, in those states in which a union shop agreement is contrary to law, the requirements of this Section will be satisfied if all employees within the unit have voluntarily become and remain members of this Association.

SECTION 12 – STEWARDS

SEC. 12. Such stewards as may be necessary to properly perform the applicable function and duties as described in Section 2 of Article Fifteen (15) shall be appointed by the business manager, or by the president if there is no business manager. The requirement in Article Twelve (12), Section 3 of two (2) years' continuous good standing in the local union shall not apply to this Section.

SECTION 13 – WITHDRAWAL CARDS

SEC. 13(a). Eligibility. Except as otherwise provided in this Section, any member in good standing who leaves the trade as a sheet metal worker and accepts employment in other industries or in other trades shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against whom charges are pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is performing work covered by the claimed jurisdiction of this Association.

SEC. 13(b). Application. Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such application shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued, plus a Five Dollar ($5.00) withdrawal card fee.

SEC. 13(c). Employee Stock Ownership Plan (ESOP). A member who acquires stock ownership with a signatory employer pursuant to an ESOP negotiated with the member's local union shall be prohibited from receiving a withdrawal card.

SEC. 13(d). Rights and Duties.

1. Reinstatement. A member on withdrawal card who is eligible for membership who wishes to return to employment as a sheet metal

worker and become reinstated to membership, shall have the right to deposit their withdrawal card with the local union which issued the same and apply for reinstatement. The fee for reinstatement on a valid withdrawal card shall be a minimum of Fifteen Dollars ($15.00), and a maximum of Fifty Dollars ($50.00) of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or, retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The General Secretary-Treasurer may reduce or waive the withdrawal reinstatement fee for a local union, upon request. Deposit of withdrawal card for purpose of reinstatement may be made by mail or by other method of delivery.

If the local union which issued a withdrawal card has ceased to exist, the holder of such card, if eligible for membership, who desires reinstatement shall deposit same with any local union and apply for reinstatement.

2. Penalties. Any member who fails or refuses to request and receive a withdrawal card in accordance with the provisions of this Constitution within thirty (30) days from the change of their employment status, as provided herein, shall not be permitted to pay any further dues or fees to their local union or this Association and at the expiration of two (2) months from the date of this change of employment status shall automatically forfeit their membership and all of the rights and privileges in connection therewith. In the event the holder of a withdrawal card fails or refuses to comply with the conditions provided in this Section, the local union issuing the withdrawal card or the General Secretary-Treasurer,

shall cancel same and no privileges and benefits in connection therewith shall be reinstated except upon reinitiation in accordance with the provisions of this Constitution.

Notice of any cancellation of withdrawal card shall be sent to the individual involved and to the General Secretary-Treasurer.

ARTICLE TWENTY-THREE (23)
Pre-apprentices and Apprentice-Members

SECTION 1

SEC. 1. Any person meeting all the requirements and qualifications of the local union apprenticeship standards shall make application of apprentice-membership and immediately be admitted to apprentice-membership in such local union, and begin payment of apprentice-membership dues and per capita dues unless prohibited by law.

If the apprenticeship committee cancels the apprenticeship agreement, the apprentice-member shall forfeit apprentice-member status.

Once an applicant becomes an apprentice-member they shall take the verbal oath of obligation of membership either at a local union membership meeting or apprenticeship meeting or class, and shall make the acknowledgements set forth in Article Sixteen (16), Section 3(a). A designated local union officer shall administer the oath. The apprentice-member shall also sign a copy of the oath of obligation, which a union officer shall witness.

Upon completion of all requirements of the apprenticeship program, the apprentice shall then fulfill all remaining requirements, if any, of initiation as required by this Constitution and the local union.

SECTION 2

SEC. 2(a). All apprentice-members shall pay the initiation fee established by the local union for apprentice-members in which they are

indentured, forty-five percent (45%) of which shall constitute the International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Association Staff Pension Fund. Such initiation fee shall be paid over the term of and prior to completion of their apprenticeship except that the local union or regional council may extend the period during which said initiation fee must be paid for a period not to exceed ninety (90) days after completion of their apprenticeship.

SEC. 2(b). Local unions or regional councils shall establish the dues of apprentice- members but in no case shall the rate be less than minimum dues, payment of which will commence with the beginning of the first year of apprenticeship.

SEC. 2(c). All monies paid by apprentice-members except for a monthly International per capita dues and a local working assessment, if any, shall be credited to their initiation fee, unless that fee is paid in full before the apprentice-member completes their apprenticeship in which case such monies shall be treated as union dues.

SEC. 2(d). Apprentice-members and pre-apprentice members shall be subject to the provisions of Article Sixteen (16), Sections 11 and 12(a), concerning suspensions and reinstatement.

SEC. 2(e). Within ninety (90) days, all pre-apprentices shall pay the initiation fee established by the local union or regional council and begin payment of pre-apprentice membership dues and per capita dues unless prohibited by law. Forty-five percent (45%) of the fee shall be remitted to the International Association. At least thirty-five (35%) of

the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. All monies paid by the pre-apprentice shall be credited towards their initiation fee.

SECTION 3

SEC. 3. All monies accepted from pre-apprentices and apprentice-members, shall be recorded on official SMART receipts designating their status as a pre-apprentice or apprentice-member.

SECTION 4

SEC. 4. Apprentice-members and pre-apprentices shall be entitled to attend all local union meetings with a voice and vote on all matters, with the exception that they shall not be permitted to hold any local union or regional council office or represent the local union or regional council in any official capacity. They shall be entitled to all constitutional monetary benefits, including strike benefits accorded to other members in good standing under the International Constitution. They shall be eligible to make application for and be issued a withdrawal card in accordance with Article Sixteen (16), Section 6.

SECTION 5

SEC. 5. No pre-apprentice or apprentice-member shall perform work on any job unless they are under the direct supervision of a qualified journeyperson sheet metal worker, nor shall they be assigned by their

employer to work on a job in the jurisdiction of another local union unless permitted by the relevant collective bargaining agreement, where the work is being performed, approved by this Association.

SECTION 6

SEC. 6. All apprentice-members and/or pre-apprentice members shall be required to attend periodic union orientation meetings which shall be scheduled at least quarterly and be conducted by the local union business manager, or regional manager, or their designated representative for the purpose of acquainting them with the history, objectives, benefits and purposes of the labor movement in general, their local union, the International Association of Sheet Metal, Air, Rail and Transportation Workers and to inform them of their rights and obligations under the International Constitution and local union by-laws.

SECTION 7

SEC. 7. The local union or council financial secretary-treasurer shall immediately notify the General Secretary-Treasurer when an indentured apprentice- member enters military service. Apprentice-members who are called to military service may make application for special limited membership or for a special withdrawal card in accordance with the provisions of Article Sixteen (16), Section 8. Upon discharge from military service, apprentice-members must be given the opportunity to complete their apprenticeship, which for U.S. apprentices must be resumed within the timelines established in the Uniformed Services Employment and Reemployment Rights Act (USERRA) or any applicable federal law. Apprentice-members who do not resume their apprenticeship within any legally required timelines may be subject to discipline for unauthorized absences, unless they are convalescing from an illness or injury that occurred while in the military.

SECTION 8

SEC. 8. An apprentice-member, having been certified by the Local Joint Apprentice Committee as having successfully completed the prescribed apprenticeship program, shall be obligated as a journeyperson without further membership application or examination by the local union.

SECTION 9

SEC. 9. The special rules in this Article shall apply only to apprentice-members and shall not apply to any other members unless specifically so provided in this Constitution.

SECTION 10

SEC. 10. This Article shall not apply to the Railroad apprentices covered under Article Twenty-One A (21A) of this Constitution.

ARTICLE TWENTY-FOUR (24) Organizing, Apprentice/Organizing, and Education

SECTION 1

SEC. 1. All local unions shall establish and maintain a legitimate organizing and educational program and/or continue any ongoing or previously established organizing and educational programs including apprentice organizing. If a local union does not have an organizing program, the International will bill the local union or regional council for the cost of assigning an International Organizer. These programs shall be funded by the local union or regional council and may be further funded by an approved organizing grant by the General President. The grant is subject to re-approval annually by the General President and may be rescinded if the subsidized organizer or the local union or regional council is not following the organizing policy issued by the International. The grant will pay up to one half (½) of at least one (1) full

time local union organizer's annual salary. The grant may be expanded by the General President for local unions or regional councils with members in both building trades and production to pay up to one half (½) of the annual salary of a second full-time organizer, from the ranks of the production workers, dedicated to organizing production workers, if warranted by the financial situation of the local union or regional council. This salary shall be defined as follows:

1. Wage Rate:
    A. As determined by the local union or regional council
2. Health and Welfare:
    B. Contributions to the local union Health & Welfare Trust Fund, or
    C. Contributions to the National Health Fund (whichever is applicable)
3. Pensions—Annuities:
    A. Contributions to local union pension trust fund and/or
    B. Contributions to local union annuity funds (where applicable)
    C. Contributions to the Sheet Metal Workers' National Pension Fund.
    D. Contributions to the Local Unions and Councils Pension Fund.

SECTION 2

SEC. 2. All new members and apprentice-members shall receive training in organizing and industry promotional skills which shall

cover labor union history, theory and methodology including practical experience in organizing techniques.

ARTICLE TWENTY-FIVE (25) Union Label

SECTION 1

SEC. 1. The General Secretary-Treasurer shall have prepared and registered a trademark label to be known as the Official Union Label, and said union labels shall be for the use of local unions and good standing members thereof, in the manner and within the limitation specified in this Constitution. Union labels shall be of such design, material, or method of application as may be determined by the General Secretary-Treasurer with the approval of the General Executive Council, provided that each union label identify, by serial number or otherwise, the local union to which it was issued.

SECTION 2

SEC. 2. Upon request through the electronic system established by the International, local unions may request union labels which shall be issued and distributed by the General Secretary-Treasurer at list price.

SECTION 3

SEC. 3. Local unions shall require a strict accounting of all union labels issued by them to signatory contractors for use by good standing members thereof and shall require the return of all unused union labels.

SECTION 4

SEC. 4. The use of union labels of this Association is limited to strictly union-made products, manufactured, assembled and fabricated by none but good standing members of a local union affiliated with this International Association and all members must recognize such union label. No

union label of this Association shall be applied to any sheet metal work that has not been so manufactured, assembled and fabricated.

SECTION 5

SEC. 5. The union label may be applied by members of a local union to all sheet metal products actually manufactured, assembled and fabricated within the jurisdiction of and by members of said local union, but no local union or member thereof shall apply the union label to any sheet metal products manufactured, assembled and fabricated outside of their own jurisdiction. The SMART union member stamp shall be applied manually to all drawings, sketching, drafting, detailing, design, redesign and coordination by computer (CAD), manual or otherwise. The stamp shall remain the property of the local union or the International Association.

SECTION 6

SEC. 6. Union labels shall remain at all times the property of the International Association and in the custody of the local union, and shall at no time be issued or distributed in any manner that will permit or afford opportunity for them to be used by any other than a member in good standing, provided that if the union label is permitted to be used, or if there is a risk that the union label may be used as a means or for the purpose, intentionally or unintentionally, of deceiving purchasers of fabricated products, sheet metal workers on job sites, or members of the public at large as to whether an item has been made by employees of a signatory employer, or in any other manner not authorized by this Constitution, it may be withdrawn at the sole discretion and direction of the General President or by the local union with the approval of the General President.

SECTION 7

SEC. 7. Each local union should urge and encourage the use of union labels on all strictly union-made sheet metal products, and should urge

and educate the public to demand the union label as a guarantee of first class workmanship performed by union labor.

SECTION 8

SEC. 8. Union labels shall be furnished by local unions in sufficient numbers to meet the requirements and conditions specified in this Constitution.

ARTICLE TWENTY-SIX (26) Union Shop

SECTION 1

SEC. 1. A sheet metal shop, manufacturing facility or other business who employs members of this Association will be considered a union facility or business only when the owners sign and remain parties to an agreement with the local union of this Association in whose jurisdiction such shop or business is located and comply with all the obligations therein. No shop, facility or business shall be recognized as union or entitled to the privileges or use of the shop card or label unless it employs workers in good standing and with full membership in this Association on all work covered by Article One (1), Section 5, of this Constitution, and permits not more than one (1) owner, partner or other person directly or indirectly financially interested in the management of such shop or business, other than owner-member(s), to work with the tools of the trade and then in the shop only.

ARTICLE TWENTY-SEVEN (27) Union Shop Card

SECTION 1

SEC. 1. The General Secretary-Treasurer shall have prepared, printed and registered a union shop card which shall be issued to local unions at list price.

SECTION 2

SEC. 2. The use of said union shop cards shall be limited to this Association and to local unions in good standing, and through them only to employers who sign and comply with all of the provisions and requirements of a union agreement with this Association or with a local union affiliated therewith.

SECTION 3

SEC. 3. When authority is given to any employer to use and display the union shop card, said union shop card shall bear the signature of the General President and General Secretary-Treasurer of this Association or the president and financial secretary-treasurer and seal of the local union authorizing its use. Union shop cards shall always remain the property of this Association and authority to use and display same shall be immediately revoked, and said shop card taken up from any shop for failure to conform to any of the conditions specified herein under which the use and display of the union shop card was authorized.

ARTICLE TWENTY-EIGHT (28) Standard Form of Union Agreements

SECTION 1

SEC. 1. The desirability of uniformity in local union or regional council agreements, particularly with regard to certain basic conditions of employment being recognized, this Association shall prepare and furnish to each local union or regional council a uniform Standard Form of Union Agreement for construction to be used in all negotiations with employers.

SECTION 2

SEC. 2. The General Executive Council shall select the most essential terms of the Standard Form of Union Agreement (SFUA), including any

amendments, which shall be the basic minimum provisions required of all subordinate bodies negotiating local versions of the SFUA. The General President shall send the basic minimum provisions to each local union and council as well as shall promptly notify each subordinate body of any SFUA changes. No local union or regional council shall put into effect any contract provision in conflict with the basic minimum provisions of the SFUA. Each subordinate body shall through electronic means approved by the General Secretary-Treasurer, supply this Association all collective bargaining agreements and wage sheets, including their durations and expiration dates, and shall update the list promptly after any change occurs. Violation of this Section shall be grounds for disciplinary action under Article Seventeen (17).

SECTION 3

SEC. 3(a). No local union, council or officer, representative or member thereof, shall waive or relinquish claim to any work specified in the jurisdictional claims of this Association as set forth in Section 5 of Article One (1) of this Constitution, or submit same to arbitration except with the approval and written consent of the General President.

SEC. 3(b). No local union or council officer or representative shall enter into any agreement with employers which impairs the valid contractual rights of members of other local unions or councils affiliated with this Association or employers with whom such local unions or councils have valid union agreements so long as such contractual rights contained in such local union or council agreements are not inconsistent with this Constitution and policies of this Association. In the event such agreement is consummated, in addition to other penalties provided in this Constitution, its application shall be confined to the territorial jurisdiction of the signatory local union; and any other local union in whose territorial jurisdiction the signatory employer performs work may, with the approval of the General President, refuse to recognize said employer as a union employer unless they sign the collective bargaining agreement

of such local union. The General President shall also have the authority to take such action as they deem necessary, after proper notice according to this Constitution.

SEC. 3(c). It is the policy of this Association to require participation by all United States Building Trades Local Unions in (1) the International Training Institute, a trust fund established in part by this Association for the purpose of assisting in establishing and maintaining programs of apprentice and journeyperson training and related purposes, (2) the National Energy Management Institute Committee, a trust fund established in part by this Association for the purpose of stimulating projects that will provide work for our members by applying up-to-date technological methods by making buildings more energy efficient, and (3) the Sheet Metal Occupational Health Institute Trust, a trust fund established in part by this Association for the purpose of promoting medical screening and medical and scientific research related to asbestos and other occupational health hazards in the Sheet Metal Industry. Building trades local unions shall adopt and maintain participation in the designated trust funds at the appropriate contribution rates for building trades journeypersons and apprentices at a minimum and additional classifications in the discretion of the General President as a condition of affiliation with this International Association. Any such local union or regional council that fails to negotiate into collective bargaining agreements with its employers participation in any of these mandatory trust funds shall become liable individually for the contributions thereto that would have been made by its signatory employers if they were participants therein, and the General Secretary-Treasurer shall be entitled to refuse to accept and record per capita dues forwarded by any such local union or regional council unless it also forwards to the trust fund involved a sum of money equivalent to the contributions on behalf of its members which would have been payable by its signatory employers if they were participating therein.

SECTION 4

SEC. 4. Local unions and regional councils shall file with the General Office in an electronic format approved by the General Secretary-Treasurer signed copies of union agreements with a record of all employers party thereto, in all cases where contractual relations have been established under said agreement.

SECTION 5

SEC. 5. Should the local union or regional council and the employers fail to agree upon terms and conditions of employment, the local union or regional council shall immediately notify the General Secretary-Treasurer in writing, with a detailed report of negotiations and developments to date. If circumstances warrant, an International Representative may be assigned by the General President to render assistance and help negotiate an agreement.

ARTICLE TWENTY-NINE (29) Delegates to AFL-CIO and Members on Special Assignment from International Association

SECTION 1

SEC. 1. Delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations and its Departments and all members on special assignment for the International Association, except full-time General Officers under salary, shall receive Two Hundred and Fifty Dollars ($250.00) per day as compensation and One-Hundred Dollars ($100.00) per day for expenses and in addition thereto, reasonable cost of lodging and air transportation.

ARTICLE THIRTY (30) Strikes

SECTION 1 – STRIKE/DEFENSE FUND

SEC. 1. The General Secretary-Treasurer shall set aside from each monthly individual International per capita dues, the sum of Seventy-Five Cents ($0.75), in a fund designated and known as the Strike/Defense Fund and to pay from such fund the benefits provided in this Article.

In the event the amount of money in the Strike/Defense Fund exceeds an amount which the General Executive Council deems sufficient to maintain the integrity of the Fund, the General Secretary-Treasurer with the approval of the General Executive Council is authorized to transfer any part of said excess amount to the General Fund.

SECTION 2 – NATIONAL JOINT ADJUSTMENT BOARD EXPENSES

SEC. 2. The expenses of the International Association directly related to the meetings of the National Joint Adjustment Board shall be funded by the Strike/Defense Fund. In addition, this Fund shall reimburse the normal expenses incurred for travel, hotel and meals by one (1) representative from the local union or regional council to travel to the appropriate meeting of the National Joint Adjustment Board to present a case brought under Article Ten (10), Section 8, of the Standard Form of Union Agreement.

SECTION 3 – STRIKES

SEC. 3(a). The authority or consent of the International Association shall not be required for a local union or regional council to call a strike following the termination or expiration of a collective bargaining agreement.

No cessation of work through strike or otherwise shall be permitted or ordered by a local union or regional council or any officer or officers thereof unless it is authorized and approved at a special

meeting called for the purpose of voting on the question of whether such strike is advisable or desirable. Notice of the time and place and purpose of such meeting shall be given to each member and it shall require two-thirds (⅔) vote by secret ballot of all members present at such meeting to legally declare a strike.

In any dispute which does not arise out of a notice to terminate or to reopen an existing collective bargaining agreement, the General President may order and direct the local union or regional council and the members thereof to refrain from cessation of work, or in the event of a strike, to direct the members to return to work if, in their judgment, such strike or threatened strike is a violation of an existing collective bargaining agreement or this Constitution or the policies of this International Association.

SEC. 3(b). When a local union or regional council strike has been approved in the manner provided in Section 3(a) of this Article, official notice thereof shall be filed with the General Secretary-Treasurer with the record of the effective date of said strike, and the purpose thereof.

SECTION 4 – STRIKE BENEFITS

SEC. 4(a). In the event a local union or regional council desires to seek strike benefits, application therefore shall be filed with the General President in sufficient time prior to the strike date to permit them to approve or disapprove such application before the strike occurs. No strike benefits shall be paid if a strike occurs prior to the approval of the payments of such benefits by the General President.

SEC. 4(b). This Association shall not be under obligation to pay strike benefits in any particular strike. Such benefits shall be paid solely in the discretion of the General President and then only subject to the terms and conditions provided for in this Article, except that the General President may in extenuating circumstances waive the requirements of Section 4(c) of this Article concerning when strike benefits begin and payment of benefits for fractional weeks.

SEC. 4(c). If the strike is approved by the General President for the purpose of strike benefits, such benefits shall be paid through the local union or regional council involved on the basis of not more than Three Hundred Dollars ($300.00) per week for each good standing member actually participating in the strike. Benefits shall begin at the end of the second full week of the strike and continue thereafter for such period as may be determined by the General President or General Executive Council. No strike benefits shall be paid for any fractional part of a week.

SEC. 4(d). No member shall be eligible for strike benefits unless prior to the strike their dues and other obligations have been actually paid and properly recorded on official receipt, in accordance with the provisions of this Constitution, at least for the current month in which the strike occurs, and in advance, for at least each current month thereafter during the period of strike, unless the member is on dues check off. If dues have been withheld from the employee's wages by their employer pursuant to a valid check off authorization, and the company has failed to remit the dues prior to the strike, the member will be eligible for strike benefits if their dues are paid for the month prior to the strike. A member on dues check off must then continue to pay their dues for each month thereafter during the period of the strike but is not responsible for the month of dues withheld by their employer. Members who fail to comply with said requirements shall forfeit all rights to strike benefits.

SEC. 4(e). When payment of strike benefits has been approved, as provided in this Article, the local union or regional council shall file with the General Secretary-Treasurer a record of the effective date of the strike, the names and membership numbers of all members participating in the strike, and the date of their current receipt and the period covered by such receipt, together with the names of the employers involved. The local union or regional council shall also file with the General Secretary-Treasurer the names of all pre-apprentices who are not yet members and others of a similar status approved by the General

President whose participation in support of the strike has been sanctioned by the local union or regional council. A like record and report shall be filed with the General Secretary-Treasurer each week thereafter with a record of any settlements reached subsequent to the date of strike. Such reports shall be signed by the president and recording secretary unless one of these officers is not available, then any other elected officer may sign the reports, so as to provide an accurate and complete record of the duration of the strike and the period for which each member was involved.

SEC. 4(f). Strike benefits and donations for strike purposes, when authorized and approved by the General President, shall be paid by the General Secretary-Treasurer through the financial secretary-treasurer of the affiliated local union or regional council involved, who shall, on receipt of said benefits or donations, immediately record receipt of same on official receipt either in electronic format or in triplicate form and immediately forward the original of said official receipt to the General Secretary-Treasurer in acknowledgment of monies thus received. The electronic or white duplicate (copy) of said official receipt shall also be included with the next monthly remittance and report sent to the General Secretary-Treasurer.

SEC. 4(g). The General President shall not approve or authorize payment of strike benefits in more than one strike at any one time unless circumstances, in their opinion, warrant and justify such approval and authority, to protect the general welfare of members involved in controversies.

SEC. 4(h). Whenever it is deemed necessary by the General President, they may authorize payments to assist in defraying expenses of a strike committee, whether or not in addition to the strike benefits provided above, in such amounts and by such methods of payment as they may, in their discretion, decide, provided that no such payment shall exceed the sum of One-Hundred Thousand Dollars ($100,000.00) in any one strike without the approval of the General Executive Council.

SEC. 4(i). An itemized statement of all monies received and disbursed by local unions or regional councils, in connection with strikes shall be submitted to the General Secretary-Treasurer each week, and any local union or regional council which shall fail or neglect to submit such weekly statements shall forfeit all rights to strike benefits or donations and allowances for strike purposes from this Association.

SEC. 4(j). The General President shall have authority to discontinue payments of any or all strike benefits or donations and allowances for strike purposes whenever they deem such action advisable.

SEC. 4(k). Notwithstanding any other provisions of this Article, the General Executive Council shall have the authority to make such adjustments as to the amount of benefits to be paid in specific situations as it may deem necessary, having in mind the need to accumulate a substantial sum in said Fund and the financial conditions of said Fund at the time of such adjustment.

SECTION 5 – LOCKOUTS

SEC. 5. In the event of a lockout by the employers the provisions of Section 4 of this Article shall govern insofar as they may be applicable.

SECTION 6 – FINANCIAL ASSISTANCE

SEC. 6. When local unions or regional councils through assessments, voluntary contributions from members, or other appropriate means have established special funds, sometimes known as Defense Funds, to defray the costs of engaging in legally permissible concerted activities including picketing directed at non-union or unorganized employers in the sheet metal industry, they may apply for financial assistance from the Strike/Defense Fund when same is necessary to enable such local unions or regional councils to engage in effective campaigns against such non-union or unorganized employers. Local union or regional council requests for such financial assistance for such purpose or for other appropriate purposes for which assistance is warranted shall

be directed to the General President who shall be authorized to grant benefits for such purposes in the same manner and under the same procedures as Strike Benefits under this Article.

Payment from the Strike/Defense Fund may also be made to members of local unions or regional councils, or other workers engaging in various types of concerted or individual activities supportive of policies endorsed by this International Association provided that a request therefore is submitted by the business manager of the local union or president of the regional council to the General President and approved by them.

ARTICLE THIRTY-ONE (31)
Union Initiatives

SECTION 1 – POLITICAL ACTION LEAGUE (PAL)

SEC. 1. Local unions are urged to establish Local PAL Funds which should be created in accordance with provisions of applicable state and local laws, and administered by a Local PAL Committee appointed by the local union business manager or regional manager. Local PAL funds shall be used solely to make contributions and expenditures in support of or opposition to candidates for state, county, municipal and other non-federal offices in either primary or general elections and in support of or opposition to state, county, municipal and other non-federal issues and membership education and information purposes.

No Local PAL funds shall be used directly or indirectly to make contributions or expenditures in support of or opposition to any candidates for President, Vice President, Senate, House of Representatives or other federal office in either a primary or general election in the United States. All contributions and expenditures in support of or opposition to candidates for federal office shall be made by National PAL. Furthermore, all Local Unions shall establish and maintain a legitimate political action and educational program, and/or continue any ongoing or previously

established political action and educational programs consistent with the directives of this International Association.

SECTION 2 – CANADIAN INITIATIVE FUND

SEC. 2. Local unions and councils in Canada are urged to contribute to the SMART Canadian Initiative Fund, the purpose of which is to receive, hold, and disburse funds in respect of initiatives beneficial to Canadian members, subject to applicable Canadian federal and provincial law.

ARTICLE THIRTY-TWO (32) General Convention and Conference Fund

SEC. 1. The General Secretary-Treasurer shall set aside the sum of One Dollar and Fifty Cents ($1.50) from each monthly individual International per capita dues, except per capita dues covered under Article 21B, in a fund designated as the General Convention and Conference Fund and to pay from said fund such amount as may be necessary to defray the cost of such International Conventions and Conferences.

ARTICLE THIRTY-THREE (33) Amendments and New Laws

SECTION 1 – AMENDMENTS

SEC. 1(a). Amendments to this Constitution or Ritual may be submitted by any local union or council, Transportation Division Association, state safety and legislative board, general committee, the General President, General Secretary-Treasurer, the General Executive Council or by the Constitution Committee.

SEC. 1(b). Amendments submitted by local unions, councils, state safety and legislative boards and general committees must be submitted separately by subject matter in resolution form and sent in triplicate

to the General Secretary- Treasurer at the General Office at least sixty (60) days, as shown by postmark or confirmation by courier, prior to the opening of the Convention at which such amendments are to be considered unless the requirements of this paragraph are waived by a two-thirds (⅔) vote of the delegates in the Convention.

All resolutions proposed by any member of the local union shall be submitted to the local union Executive Board or Regional Council Executive Committee at least thirty (30) days prior to the submission thereof to the local union for consideration.

All amendments submitted by local unions or councils must bear the signature of the president and recording secretary, and for Transportation Division Associations, general committees and state safety and legislative boards must bear the signature of the chairperson or director and secretary of the committee or board. In addition, all amendments must be accompanied by meeting minutes that confirm the proposed amendment was duly passed by the local union, council, committee, association or board.

SEC. 1(c). Amendments submitted by the General President, General Secretary-Treasurer or the General Executive Council may be submitted in the form of resolutions or as recommendations contained in their respective reports.

SEC. 1(d). Amendments submitted by the Constitution Committee may be submitted in its report to the Convention.

SEC. 1(e). It shall require a two-thirds (⅔) vote of the delegates present at the Convention to enact such amendments.

SEC. 1(f). At any time the General Executive Council, by a majority vote, deems a new law necessary to govern this Association in any matter not provided for in this Constitution, it may recommend and submit same through the General Secretary-Treasurer to local unions for referendum vote, and it shall require a two-thirds (⅔) majority of all members voting in referendum to adopt such new law. The

General Secretary-Treasurer shall report the result of referendum to local unions or regional councils.

SEC. 1(g). Proposals for new laws when approved and endorsed by ten (10) or more local unions located in ten (10) or more different states, provinces or territories at regular or special called meetings may be submitted to the General Secretary-Treasurer for consideration by the General Executive Council, and if approved by a majority of the General Executive Council said proposed new laws shall be submitted to a referendum vote in accordance with Section 1(f) of this Article.

SEC. 1(h). New laws when approved and adopted by referendum vote in the manner specified in this Constitution become a part of this Constitution and effective immediately thereafter.

SEC. 1(i). The General Executive Council shall have authority between Conventions to amend this Constitution in any manner required to remove any conflict between its provisions and those of any federal law without the necessity of the referendum vote required in Section 1(f) of this Article. Notwithstanding any other provision of this Article, the General Executive Council shall have the authority between Conventions to amend Article Twenty-One A (21A) of this Constitution or to amend Article One (1), Section 5 of this Constitution to add (but not delete) work claimed by the Association without the necessity of the referendum vote required in Section 1(f) of this Article. The General Executive Council shall have authority, which it may in its discretion delegate to a subcommittee composed of no fewer than three (3) members, between Conventions to amend this Constitution to correct obvious grammatical or typographical errors, so long as these corrections do not change the meaning of the language being corrected, without the necessity of the referendum vote required in Section 1(f) of this Article. The decision of a subcommittee shall have the same effect, force and authority as a decision of the full General Executive Council.

SECTION 2 – STATE OF EMERGENCY

SEC. 2(a). In the event the federal government of either the United States or Canada declares a state of emergency that is national in scope as specified below, the General President shall have the authority, with the approval of a two-thirds (2/3) vote of the General Executive Council, to adopt such amendments to this Constitution that, in their judgment, are necessary to remove any substantial impediments to the ability of this Association or its subordinate bodies to comply with duties and obligations under this Constitution caused by the state of emergency. When exercising this authority, the General President and General Executive Council shall have the ability to adopt any amendments that the General Convention could make. This authority does not include the ability to increase dues. Any amendments to the Constitution that are adopted pursuant to this subsection shall automatically expire at the earlier of: six (6) months after the state of emergency is lifted; or, the commencement of the next General Convention.

SEC. 2(b). Upon the request of a subordinate body, the General President shall have the authority, with the approval of a two-thirds (2/3) vote of the General Executive Council, to temporarily relieve the requesting body of duties or obligations under this Constitution compliance with which has been substantially impeded by a state of emergency that is not national in scope.

States of emergency under this section include war, invasion, terrorist attacks, general insurrection, pandemics, and other widespread catastrophic events.

ARTICLE THIRTY-FOUR (34)

SECTION 1 – INVALIDITY

SEC. 1. In the event any Article or Section of this Constitution or any portion thereof shall be or become legally invalid or unenforceable,

such invalidity or unenforceability shall not affect or invalidate any other Article or Section of this Constitution or any portion thereof.

SECTION 2 – GENDER NEUTRAL

SEC. 2. Whenever in this Constitution a masculine noun or pronoun is used it shall include all persons whenever such interpretation is consistent with sound construction.

Throughout the SMART Constitution, all references shall be changed as follows:

- All references to "general chairman" or "general chairmen" be changed to "general chairperson" or "general chairpersons"
- All references to "chairman" be changed to "chair"
- All references to "journeyman" or "journeymen" be changed to "journeyperson" or "journeypersons"
- All references to "he" or "him" or "his" or "himself" or "she" or "her" or "herself" be changed to "they" or "them" or "their" or "themselves"

SECTION 3 – UPDATED NAMES AND TITLES

SEC. 3. It is the intent of the General Executive Council that the following updated names and titles shall be incorporated into the Constitution in all appropriate locations; to that end, where an updated name or title is inadvertently left out of an amendment, the reference shall be changed during the editing process and such change shall be considered duly authorized by the General Executive Council:

- References to "council" be changed to "regional council"
- References to "district council" be changed to "council"
- References to "National Legislative Director" be changed to "National Safety and Legislative Director"

- References to "Legislative Representative" be changed to "Safety and Legislative Representative"
- References to "Alternate National Legislative Director" be changed to "Deputy National Safety and Legislative Director"
- References to "State Legislative Director" be changed to "Safety and Legislative Director"
- References to "State or District Legislative Board" be changed to "State or District Safety and Legislative Board"
- References to "Local Legislative Representatives" be changed to "Local Safety and Legislative Representatives"
- References to "Association of State Legislative Directors" be changed to "Association of Legislative Directors"

ARTICLE RITUAL

INITIATION CEREMONIES

Except as provided in Section 6 of Article Twenty-Two (22), applicants for membership who have complied with all requirements of this Constitution and whose applications have been accepted may be obligated by the president or presiding officer of the local union either at a local union meeting or meeting of the local union Executive Board.

At the appointed time for initiation, the president or presiding officer shall then address the applicants for membership, as follows:

"Your official form of application for membership in this local union chartered by and affiliated with the International Association of Sheet Metal, Air, Rail and Transportation Workers has been accepted by this local union, with the understanding that the answers submitted by you over your signature to questions contained in official form of application are true and accurate in every respect. You have signified in your application that you are familiar with and willingly subscribe to all of the provisions and requirements of the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers. We will now administer the obligation of membership after which you will sign this same obligation as a matter of record. Raise your right hand and repeat after me the following obligation of membership, mentioning your name where I mention mine.

"I, _____, hereby certify that I am familiar with and willingly agree to abide by all of the provisions and requirements of the SMART Constitution. In consideration of the acceptance of my application and being obligated as a member, I hereby agree to remain loyal to the principles and policies and to be governed by the SMART Constitution.

I further agree to respect elected officers, brother and sister members, and to honor all local union rules and regulations not in conflict with this Constitution, to uphold the authority of the president,

business manager, business representatives, and other elected officials, and to always conduct myself in a manner which holds the Union in the highest regard. I agree to work faithfully to protect and defend the rights of all of our members, and to display a positive attitude when representing the Union in any way. Finally I agree to devote myself to the betterment of the Union and remain steadfast in my support and defense of the working rules, working conditions, wages and fringe benefits negotiated for me by my Local Union, and that by this oath taken I am duly obligated to all articles and sections of the SMART Constitution and Ritual."

After the obligation of membership has been administered orally to the applicant, the president shall rap twice with their gavel and request all members to be seated. The applicant shall then affix their signature to the obligation of membership and the presiding officer and financial secretary-treasurer shall affix their signatures thereto as attesting witnesses, after which the president or presiding officer shall address the applicant as follows:

"I now declare you duly obligated. You are already familiar with your duties, obligations, rights and privileges specified in our Constitution. You will, therefore, be governed accordingly. I now desire to give you the following instructions:

"Your official dues receipt recording actual payment of dues in advance in accordance with our Constitution will establish your identity to the conductor prior to the opening of meetings. Should you desire to gain admission to the hall after the meeting has started, present your official dues receipt to the warden and if you are in good standing they will admit you. Should you be without official dues receipt, the warden will report your name and membership number to the financial secretary-treasurer and if you are in good standing and entitled to admission, they will so inform the president who shall instruct the warden to admit you. Should you desire to retire while the meeting is in session, rise and ask permission of the president. The usual voting sign

is made by the elevation of the right hand, and is used in voting in favor of or against all questions."

The president or presiding officer may then introduce the newly obligated member and declare a short recess to provide opportunity for proper introduction and greeting, after which the president or presiding officer will rap once with their gavel for order, when the members will be seated, and the newly obligated member escorted to the financial secretary-treasurer's desk to receive instructions regarding their financial obligations.

In case there is more than one (1) applicant for initiation, the Ritual can be readily changed from singular to plural.

INSTALLATION CEREMONIES

The installing officer shall appoint an assistant and direct the retiring officers to vacate their positions. They shall then direct the newly elected officers to be obligated and installed to be seated together. They shall then proceed to administer the obligation, and they shall direct each newly elected officer to raise their right hand and repeat the following obligation.

OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

In the presence of the members of this _____I, _____ certify that I am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to perform the duties of the office to which I have been elected, in the manner specified by the SMART Constitution; that I will be faithful and regular in attendance at meetings unless prevented by cause beyond my control; that in the performance of all of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception; that I will deliver to my successor all books, papers, monies, or other property

of this local union which may be in my possession at the close of my official term, all in accordance with this pledge and obligation taken.

OBLIGATION OF GENERAL OFFICERS

In the presence of the delegates of the International Association of Sheet Metal, Air, Rail and Transportation Workers here assembled in Convention, I, _____ , do hereby certify that I am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to perform the duties of the office to which I have been elected, during my official term and in the manner specified by the SMART Constitution, and that in the performance of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception, and that I will deliver to my successor all books, papers, monies, or other property of this Association which may be in my possession at the close of my official term, all in accordance with this pledge and obligation taken.

PARLIAMENTARY RULES

1. On motion, the regular order of business may be suspended by a two-thirds (⅔) vote of the meeting, and, at any time, to dispose of any urgent business.
2. All resolutions and regulations must be submitted in writing.
3. Any conversation by whispering or otherwise, which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.
4. Sectarian discussion shall not be permitted in the meeting under any circumstances.

5. All questions of a parliamentary nature not provided for in these Rules shall be decided by the most current edition of Robert's Rules of Order, Newly Revised.

6. A motion to be entertained by the presiding officer must be seconded, and the mover as well as the seconder must arise and be recognized by the Chair. The presiding officer shall entertain all motions properly made and seconded which are not dilatory, frivolous or absurd.

7. Any member having made a motion can withdraw it by the consent of their second, but a motion once debated cannot be withdrawn except by a two-thirds (⅔) vote.

8. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

9. Any member may call for a division of a question when the sense will admit thereof.

10. A motion shall not be subject to debate until it has been stated by the Chair.

11. When a member wishes the floor they shall rise and respectfully address the Chair and, if recognized by the Chair, they shall be entitled to the floor.

12. If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

13. Each member, when speaking, shall confine themselves to the question under debate and avoid all personal, indecorous and sarcastic language.

14. No member shall interrupt another while speaking except to make a point of order, and they shall definitely state the point, and the Chair shall decide the same without debate.

15. If a member has been granted the privilege of the floor and while speaking is called to order, they shall take their seat until the point of order is decided, when, if decided in order, they may proceed.

16. If a member shall feel themselves personally aggrieved by the decision of the Chair, they may appeal to the Local Union from the decision.

17. When an appeal is made from the decision of the Chair, the said appeal shall then be stated by the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of the meeting?" The member will then have the right to state the grounds for their appeal, and the Chair will give the reasons for their decision; the Union will proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain the appeal.

18. No member shall speak more than once on a subject until all members desiring the floor shall have spoken, nor more than twice without unanimous consent, nor more than five minutes at any one time.

19. The presiding officer shall not speak on any subject unless they retire from the Chair, except on point of order and appeals from the decision of the Chair, and in case of a tie they shall cast the deciding vote.

20. When a question is before the meeting, no motion shall be in order except (1) To adjourn. (2) To lay on the table. (3) For the previous question. (4) To postpone to a given time. (5) To refer or recommit. (6) To amend. And these motions shall have precedence in the order herein arranged. The first three of these motions are not debatable.

21. When the previous question is moved and seconded, it shall be put in this form: Shall the main question now be put? If this is carried, all further motions, amendments and debate shall be excluded and the main question put without delay.

22. If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall then be put as follows: (1) Amendment to the amendment. (2) Amendment. (3) Original proposition.

23. When a question is postponed indefinitely, it shall not come up again except by a two-thirds (⅔) vote.

24. A motion to adjourn shall always be in order, except: (1) When a member has the floor. (2) When members are voting. (3) When it has been decided to take the previous question.

25. Before putting the question to vote the presiding officer shall ask: "Is the Union ready for the question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall then put the question in this form: All in favor of the motion will give the voting sign, and after the affirmative vote is expressed, those opposed, the same sign. After the vote is taken they shall immediately announce the result.

26. When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed unless a mistake has been made; in which case the mistake shall be rectified and the presiding officer shall again take the vote.

27. Before the presiding officer declares the vote on a question, any member may ask a division of the house, then the Chair is duty bound to comply with the request, and a standing vote shall be taken and the Conductor shall count the same.

28. Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union.

29. When a blank is to be filled, the question shall be taken, first upon the largest sum or number, or the longest or latest time.

30. When a question has been decided, it can be reconsidered only at the same meeting or on the next regular meeting night.

31. A motion to reconsider must be made and seconded by two (2) members who voted with the majority.

32. All questions, unless otherwise provided, shall be decided by a majority of all votes cast.

APPENDIX

APPENDIX PASSED AT THE 36TH GENERAL CONVENTION IN NEW YORK CITY ON FRIDAY, SEPTEMBER 3, 1982

RESOLUTION #78

WHEREAS, Many thousand members of this International Association and millions upon millions of working men and women in the United States and Canada are unemployed today and too many have suffered a discouraging, prolonged period of unemployment brought about by high interest rates and other economic problems besetting both countries; and

WHEREAS, In addition to high interest rates, the growing encroachment of non-union competition and non-union element created by the popular expansion of double-breasted operations has pushed the unemployment in the construction industry to a shocking percentage above the national average of any other industry; and

WHEREAS, Viable programs must be established to meet this non-union competition and insure survival of union contractors; and

WHEREAS, This International Association and its affiliated local unions must, once again, take the initiative in meeting these challenges on behalf of our members and to set an example for all building and construction trades unions; therefore,

BE IT RESOLVED, That the delegates to this Convention go on record to urge all local unions that wherever it is necessary to combat the non-union element that they adopt the various addendums and Specialty Agreements designed by this International Association to combat the non-union element and to recoup work for our members by making union contractors more competitive; and

BE IT FURTHER RESOLVED, That Local Union Business Managers be empowered to expand on said addendums and Specialty Agreements or to take whatever steps necessary, including additional flexible conditions on particular jobs sometimes known as "pin-pointing," to ensure that such work will be captured for our members; and

BE IT FURTHER RESOLVED, That local unions encourage their signatory contractors to cooperate fully on a local national level to achieve our goal for full employment for all members.

Index

A

Absentee ballots **95**

Accidental death insurance **27**

Affiliations of Local Unions **82**

AFL-CIO delegates **39, 287**

Agreements, Standard Form of . **284-286**

Alliances **39**

Amalgamation **44-45, 93-94**

Amendments and new laws **294-296**

Appeals

Answer to 154-155

Compliance pending 157-158

Deferred 156

Service by mail 151-155

Time limits 153-154, 156

To General Convention 156-157

To General Executive Council . . 155-156

To General President 153-155

Appeals for aid **88**

Appeals to courts **158-159**

Application for

Membership 120, 268-270

Honorary Member 139

Limited Membership 125-126

Application for transfer card **128-132**

Appointments

Staff 64

Stewards 115-116, 273

Apprentice-members, pre-apprentices **275-279**

Apprentice-organizing **279-281**

Armed Forces, members entering **126-128, 278**

Assessments, International **25-27**

Assessments, Local Union **79**

Associate membership **119**

Attendance at Convention, General Officers **62**

Attorneys **46**

Audits, mandatory annually by independent accountant . . **85-86, 110-111**

Audits ordered by General President **45**

Audits ordered by General Secretary-Treasurer **51**

Audits, required by Constitution **52-54, 108, 110-111**

Automatic delegates to Convention

Business Managers and Business Representatives 113

General Officers 30, 38-39, 47-49

Local Officers 113

Railroad Local Chairperson, (21A) 171-172

Automatic suspension of Local Union charter **83**

B

Benefit plans, Local Union **89-90**

Benefits, strike/defense **289-292**

Bonding of officers, ... **50**

Books and records, International **25**

Business managers, representatives and Local Union officers

Automatic removal or removal for cause 102-103

Duties of 111-113

Meetings of 46

Nomination and election of 94-97

Pensions 100-102

Qualifications of 92-94

Removal of 102-103

Salaries 98-99

Suspension of 102-103

Term of office 98

Vacancies 98-99

By-laws **79-80**

C

Campaigns for General Offices, financial support for **29**

Campaigns for Local Union office, financial support for **91**

Charges and trials

General Officers 36-38

Officers, representatives, members 142-144

Trials by International Trial Board 148-149

Trials in Local Unions 144-148

Charters

Issuance of State, Provincial, District and Regional Councils 66-67

Local Union 68-69, 267

Revocation of 43, 83

Chief International Representative

Appointment of 64

Salary 65-66

Committee on Credentials and General Secretary-Treasurer's Report **57-58**

Committees, Convention **59-60**

Committees, Local Union **87-88**

Compensation, Committee members **60-61**

Compensation, Convention delegates **59**

Compensation, Officers & Staff **65-66**

Conductor, duties of **111**

Conferences, business agents **46**

Constitution committee **59**

Construction Coordination Software (CCS) **14-15**

Conventions, General

Attendance of General Officers 62

Call 48-49

Committee compensation 60-61

Committee on Credentials 57-58

Committees, General 59-60

Constitution Committee 59
Delegate, automatic .. 30, 38, 47, 113, 161
Delegate credentials 58
Delegate compensation 59
Election of delegates from Local Unions and Councils 56-57
Funds for financing 294
Guests 62
Number of delegates from Local Unions and Councils 55-56
Order of business 61-62
Qualifications of delegates 56-57
Quorum 61
Reports
General Executive Council 54
General President 46
General Secretary-Treasurer .. 50-51
Representation and vote 55-56
Resolutions 63
Time and place 54-55
Conventions, special **62-63**
Councils, State, Provincial,
District and Regional 66
Government of 67
Organization of 66
Pensions 67
Courts, appeals to **158**
Credit on initiation fee **121**

D

Decision of Local Unions and Councils, review of **43-44**
Delegates
Automatic delegates 30, 38, 47, 113, 161, 167
Compensation of 60-61
Credentials of 58
Election of 56-57
Emeritus 57
Qualifications of 56-57
Representation and vote 55-56
To AFL-CIO 39-40, 287
Director of Canadian Affairs
Appointment of 64
Salary 65-66
Director of Education
Appointment of 64
Salary 65-66
Director of Organization
Appointment of 64
Salary 65-66
Director of Railroad and Shipyard Workers
Appointment of 64
Salary 65-66
Disaster Relief Fund **21, 88**
Dissolution of Association **25**
District Councils **66**
Dual labor movement **140**

Dues
Apprentice-members ... 275
Associate members ... 119
Disabled members ... 74
Increase in ... 73, 78-79
Limited membership ... 125-126
Minimum ... 72-74
Payment ... 71, 270
Retired members ... 74
Withdrawal Card ... 122-123

Duties of General Officers and Staff
General Executive Council ... 51-52
General President ... 38-40
General Secretary-Treasurer ... 48-51
General Vice Presidents ... 47
International Representatives and International Organizers ... 64-65

Duties of Local Union officers and representatives
Business manager ... 111-112
Business representatives ... 111-112
Conductor ... 111
Executive Board ... 114-115
Financial secretary-treasurer ... 105-108
President ... 104
Recording secretary ... 104-105
Stewards ... 115-116, 273
Trustees ... 110-111
Vice President ... 104
Warden ... 111

E

Education ... **279-281**
Election of delegates from Councils ... **56-57**
Election of delegates from Local Unions ... **56-57**
Election of General Officers ... **31-32**
Financial support for ... 29
Election of Local Union officers, business manager and business representatives
Absentee ballots ... 95
Financial support for ... 91
Mail ballot election ... 95
Nominations ... 94
Notice of ... 94
Observers ... 96
Polling Sites ... 96
Protests ... 97
Qualifications for ... 92-94
Report to General Secretary-Treasurer ... 96
Secret ballot ... 95
Tellers and judges ... 96
Eligibility for limited membership ... **125**
Eligibility for membership ... **116-118**
Expulsion ... **45, 139**

F

Fees, unauthorized ... **122**
Fines, payment of ... **151-152**

Finance Committee **52-53**

Financial secretary-treasurer, duties of **105-108**

Fiscal quarters **25**

Forepersons and superintendents as members **116**

Forfeiture of initiation fees **122**

Forfeiture of limited membership **126**

Fund, Disaster Relief **20-21, 88**

Fund, General **20-21**

Fund, General Convention and Conference **20-21, 294**

Fund, Strike/Defense **20-22, 288**

Funds, disbursement by Local Union **86-87**

Funds, investment of **22-25, 86**

Funds of International Association **20-21**

Funds, use by Local Union **86**

G

General Conventions and Conference Fund **294**

General Executive Council

Composition 51-52

Duties 52

Finance Committee Duties 52-54

Meetings of 51-52

Officers 51-52

Procedure when not in session 54

Reports 54

General Officers

Attendance at Conventions 30

Charges and trials of 36-38

Compensation and expenses 34-35

Elections, method of 31-32

Election, protests 32

Elections, time of 31

Nominations 31

Numbers and titles 29

Obligation 302-303

Pensions 35

Qualifications 29

Resignation, mandatory 30

Surrender of property by 38

Term of office 32

Vacancies 33-34

General President

Alliances with other unions 39

Amalgamations 44-45, 93-94

Appeals to 152

Appointment of International Staff 64

Attorneys, employ 46

Audits 45

Authority to enforce laws 38-39

Call meetings of business managers and business representatives 46

Call special meetings of Local Unions and Councils 44

Duties and authority 38-40

Emeritus 47

Fill vacancies of removed officers of Local Unions and Councils 41
Interpret Constitution 38-39
Jurisdiction of Local Unions and Councils 44-45
Performance of duties 46
Reduce initiation and reinstatement fees 71
Remove Local Union officers or representatives 40-41
Reports 46
Review of decisions of Local Unions and Councils 43-44
Revoke charters 43
Supervision over Local Unions and Councils 40-41
Suspend and expel individual members 45
Suspend Local Union officers or representatives 40-41
Trusteeship of Local Unions and Councils 42-43
Vacancy in office 33

General Secretary-Treasurer
Assess interest 49, 106-107
Audits 51
Bonding 50
Duties 48-51
Reports 50-51
Suspended members, record of 49
Vacancy in office 33
Withdrawal cards, invalidate 122

General Vice Presidents
Duties and authority 2, 47-48
Vacancy in office 33-34

Gender **298**
Good standing **137-138**
Green work **13-14**

H

Honorary Members **139**

I

Initiation **120-121, 268**
Initiation ceremonies **300-302**
Initiation fees
Amount of 69-71, 121
Apprentice-members 275
Credit on 121, 124
Due on deposit of transfer cards 132
Forfeiture of 122
Increase of 78-79
Pre-apprentices 275
Production workers 269-270
Railroad workers 167-168
Reduction in 71
Insurance benefits **27-28**
Premium payments 22
Interest for delinquent per capita dues **49, 107**
International Association
Assessments, automatic 26-27

Assessments, precedence over per capita dues 27
Assessments, special 25-27
Dissolution 25
Government 1-2
Government between Conventions 2, 52
Initiation, re-initiation and reinstatement fees 120-121, 123-124, 135-137, 167-171, 268-270
Membership 1
Name and location 1
Per capita dues 74-78
Reduction of initiation and reinstatements fees 70-71
Revenue and funds 20-21
Staff attendance at meetings 46
Terms of officers 32
Trade jurisdiction 2-20

International Representatives and International Organizers
Appointment 64
Compensation and expenses 65-66
Duties 64-65
Pensions 35
Qualifications 64

International Training Institute **286**
International Trial Board **148-149**
Investments by International **22-25**
By Local Unions 86-87

J

Journal **159**
Jurisdiction of Local Unions **44-45**
Jurisdiction, trade **2-20**

L

Label, union **281-283**
Late fee **72**
Law (Constitution) committee **59**
Limited membership **125-126**
Local Unions
Affiliations 88-89
Appeals for aid 88
Appointments 92-94, 111-112
Assessments 79
Audit, mandatory annually 85-86
Automatic suspension and forfeiture of charter 83
Benefit plans 89-90
By-laws 79-80
Charter 68-69
Committees 87-88
Compliance with policy . . . 79-80, 166-167
Executive Board 114-115
Funds, disbursement of 87
Funds, use of 86-87
General obligations 88-89
Government 79, 160-161, 268
Jurisdiction of 44-45
Meetings 80-81

Order of business 81-82
Quorum 80
Special order of business 80-81
Merger or separation 44-45, 82
Official supplies 86
Officers 90-91
Organizers 112-113, 279-281
Pensions 100-102
Reports 85-86
Responsibility 28
Revenue, fees, and dues 69-79
Rules regulations and policies 79-80
Strike benefits 289-292
Surrender of property 84-85
Voluntary dissolution 82-83

Local Union officers, business managers and business representatives
Business manager 111-113
Business representatives 111-113
Conductor 111
Executive board 114-115
Duties of 104-113
Financial secretary-treasurer 105-110
President 104
Recording secretary 104-105
Trustees 110-111
Vice president 104
Warden 111
Elections
Method of 95
Nominations 94
Notification of acceptance 94
Notice of 94
Observers 96
Qualifications 92-94
Report to General Secretary-Treasurer 96
Tellers and judges 96
Time of 95
Number and title 90-91
Pensions 100-102
Removal of 102-103
Salaries 99-100
Term of office 98
Vacancies 98-99
Lockouts **292**

M

Meetings of business managers and business representatives **46**
Meetings of General Executive Council **51-54**
Meetings of Local Unions **80-82**
Meetings of Local Union executive board **114-115**
Members entering the Armed Forces **126-128, 278**
Membership
Application procedure 120
Apprentice-members 275-279
Associate 119
Credit on initiation fee 121

Expulsion from, by General President ..45
Forepersons and superintendents ..116
Forfeiture of initiation fee ..122
Good standing ..137-138
Honorary ..139
In one Local Union ..118-119
Initiation ..120-122
Owners ..116-117
Qualifications for ..116-119
Reinstatement of delinquent members ..135-136
Reinstatement of members suspended for cause or expelled ..136-137
Resignation ..138-139
Special limited ..126-127, 278
Suspension by General President ..45
Suspension of delinquent members ..135
Transfer of ..128-132
Merger, International ..**39-40**
Merger or separation of Local Unions ..**82**
Minimum dues ..**72-74**
Misconduct and penalties
Local Unions and Councils ..142
Members, officers, etc. ..139-142

N

National Energy Management Institute (NEMI) ..**286**
National Joint Adjustment Board expenses ..**288**

O

Official Journal ..**159**
Official receipts ..**108-110**
Official supplies ..**86**
Organizers ..**112-113, 279-280**
Organizing program ..**279-280**
Owner-members ..**117-118**
Withdrawal card ..122-125
Owners, partners in business ..**116-118**

P

Parliamentary Rules ..**303-307**
Penalties on appeal ..**156**
Pensions
Administrative staff ..35
Contributions ..22, 34-35
General Officers ..35
International Organizers ..35
International Representatives ..35
Local Unions and Councils ..100-102
Per capita dues, amount ..**74-78**
Per capita dues interest ..**49, 107**
Policy, compliance with by Local Unions ..**79-80, 163-164**
Political Action League (PAL) ..**294-295**
Polling sites ..**96**

Portability of manpower **132-134**

Pre-apprentices and apprentice-members **275-279**

President, duties of **104**

Production workers

Director of 64

Dues payment 271

Initiation fee 269-270

Per capita dues 74-79

Reinstatement or reinitiation fee 270-271

Representation and bargaining 267

Requirements for charter 268

Stewards 273

Transfer 272

Withdrawal cards 273-275

Provincial councils **66-68**

Q

Qualifications

Delegates 56-57

General Officers 28-29

International Staff 64

Local Union officers, business manager, and business representatives 92-94

Membership 116-119

Quarterly reports **106-107**

Quorum

General Convention 61

Local Union meetings 80-81

R

Railroad Local Unions

Collective bargaining 166

Compliance 166-167

Conventions 161

Director of railroad workers 64

Duties of general chairperson 163-164

Financial reports 164

General chairpersons 163-164

Government 160-161

Initiation fees 167-168

Jurisdiction 160

Local chairperson 171-172

Officers 161-162

Per capita dues 74-78, 165

Ratification of agreement 166

Reinitiation fees 168-169

Reinstatement fees 169

Revenue and funds 165

Withdrawal card 170-171

Receipts, form of **108-110**

Recording secretary, duties of **104-105**

Records and books, International **25**

Reinstatement fee **135-136, 169, 270**

Reinstatement of delinquent members **135-136**

Reinstatement of members suspended for cause or expelled **136-137**

Reinstatement on withdrawal card (fee) **123-124, 170-171, 272-273**

Regional Directors **64**

Removal of Local Union officers **40-41, 102-103**

Reports

General Executive Council 54

General President 46

General Secretary-Treasurer 57-58

Local Union 85-86

Representation and vote of Local Unions at Conventions **55-56**

Resignation **138-139**

Resolutions **63, 295**

Responsibility, of officers, members, Local Unions and Councils **28**

Revenue and funds

International Association 20-25

Local Unions 69, 86-87, 165

Use thereof 69, 87, 165

Review of decisions of Local Unions and Councils **43-44**

Revocation of charters **43**

Roofing **5-6**

S

Sheet Metal Occupational Health Trust (SMOHI) **286**

Shipyard Workers

Director of 63

Per capita dues 74-78

Sign work **19**

Special Conventions **63**

Special meeting of Local Unions and Councils **44**

Special order of business **82**

Standard Form of Union Agreements **284-287**

State Councils **66**

Stewards

Appointment 115, 273

Duties 115

Strike benefits **289-292**

Strike/Defense Fund **21, 288**

Financial assistance 293

Strikes **288-289**

Supervision of Local Unions **40-45**

Supervision of members **45**

Supplies **86**

Surrender of property

General Officers 38

Local Unions 84-85

Suspension of delinquent members **135**

Suspension of members for causes **45**

T

Term of General Officers **32**

Terms of Local Union officers **98**

Trademark **281**

Trade jurisdiction **2-20**

Transfer cards
Application for ..128-129
Difference in initiation fee ..130
Dues pending deposit ..129
Eligibility ..130
Expiration of ..128
Fee ..128
Penalty ..132
Production workers ..270-271
Transfer by employer ..132
Void ..131
Travelers ..**132-134**
Trials and charges
General Officers ..36-38
Local Trial Committee ..144-148
Officers, representatives, members ..142-144
Trustees, duties of ..**110-111**
Trusteeship of Local Unions ..**42-43**
Two-man rule ..**133**

U

Unauthorized fees ..**122**
Union agreements, Standard Form of ..**284-287**
Union employer ..**272**
Union label ..**281-283**
Union shop ..**283**
Union shop card ..**284**

V

Vacancies
General President ..33
General Secretary-Treasurer ..33
General Vice Presidents ..33-34
General Vice President, Canadian ..34
General Vice President for Production Workers ..34
Local Union officers, etc. ..98-99
Vice president, duties of ..**104**
Void receipts ..**109**
Voluntary dissolution ..**82-83**
Votes in General Convention ..**55**

W

Warden, duties of ..**111**
Withdrawal cards
Application for ..123
Dues ..125
Eligibility ..122
Fee ..122
Owners, partners in business ..123
Penalties ..125, 274
Production members ..273-275
Railroad members ..167-168
Reinstatement ..124
Rights and privileges ..123
Special (Armed Forces) ..126-128, 278

USEFUL CONTACT INFORMATION

SMART Transportation Division
6060 Rockside Woods Blvd., N., Ste. 325
Independence, OH 44131-2378
(216) 228-9400

Sheet Metal Workers National Pension Fund
3180 Fairview Park Dr., Ste. 400
Falls Church, VA 22042
(703) 739-7000
1-800-231-4622 (For Plan Participants Only)
smwnpf.org

National Energy Management Institute
3180 Fairview Park Dr., Ste. 400
Falls Church, VA 22042
(703) 739-7100 | nemionline.org

International Training Institute for The Sheet Metal and Air Conditioning Industry
3180 Fairview Park Dr., Ste. 400
Falls Church, VA 22042
(703) 739-7200 | sheetmetal-iti.org

Sheet Metal Occupational Health Institute
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