

# **UNITED TRANSPORTATION UNION**



**CONSTITUTION**  
Effective November 1, 2003


## **FORWARD**

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

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

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

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

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

Paul C. Thompson  
International President

# UNITED TRANSPORTATION UNION CONSTITUTION

## ARTICLE 1 NAME OF ORGANIZATION

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

## ARTICLE 2 OFFICERS, BOARDS AND MEMBERS

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

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

35 President - By the Assistant President

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

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

39 National Legislative Director - By the Alternate Legislative Director

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

42 Vice Presidents:

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

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

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

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

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

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

57 (B) Boards:

58 Board of Directors -

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

65 Board of Trustees -

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

70 Board of Appeals - United States

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

73 Five (5) Members

74 One (1) from Engine Service

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

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

77 One (1) from Commuter Authorities

78 One (1) from Bus Department

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

90 (C) Members:

91 One (1) Delegate from each Local

92 (D) Attrition of Positions:

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

96 (E) President Emeritus:

97 The Immediate Past President shall be President  
98 Emeritus.

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

101 President

102 Assistant President

103 General Secretary and Treasurer

104 National Legislative Director

105 Alternate National Legislative Director

106 **Thirteen (13) Vice Presidents**

107 Alternate Vice Presidents -

108 Two (2) from the Eastern Territory

109 Two (2) from the Western Territory

110 Two (2) from the Southern Territory

111 Two (2) from the Bus Department

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

113 One (1) from Rail Commuter Service

114 Board of Appeals - United States

115 Executive Board

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

118 President

119 Assistant President

120 General Secretary and Treasurer

121 Canadian Legislative Director

122 Alternate Canadian Legislative Director

123 Two (2) Vice Presidents from Canada

124 One Alternate Vice President from Canada

**ARTICLE 3  
HEADQUARTERS LOCATION**

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

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

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

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

**ARTICLE 5  
DELEGATES**

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 6**

### **INTERNATIONAL UNION**

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

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

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

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

15 each craft represented by the United Transportation Union.

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

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

## **ARTICLE 7**

### **ELIGIBILITY FOR OFFICE**

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

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



35  
36

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

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

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

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

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

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

**ARTICLE 9  
TERM OF OFFICE**

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

**ARTICLE 10  
REPORTS OF OFFICERS**

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

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

**ARTICLE 11  
CANADIAN LANGUAGES**

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

**ARTICLE 12**  
**INTERNATIONAL DUES AND ASSESSMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

### **ARTICLE 13**

#### **AMENDING CONSTITUTION**

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 14**

### **SPECIAL CONVENTIONS**

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

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

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

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

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

## **ARTICLE 15**

### **BONDING OF INTERNATIONAL OFFICERS AND EMPLOYEES**

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

## **ARTICLE 16**

### **INTERNATIONAL PRESIDENT**

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

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

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

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

## **ARTICLE 17**

### **DUTIES OF ASSISTANT PRESIDENT**

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

5 as may be required by the Constitution.

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

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

## **ARTICLE 18 DUTIES OF VICE PRESIDENTS**

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

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

## **ARTICLE 19 DUTIES OF THE GENERAL SECRETARY AND TREASURER**

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

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

## **ARTICLE 20 ASSOCIATION OF STATE LEGISLATIVE DIRECTORS**

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

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

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

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

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

19 A majority of Association Members shall constitute a quorum.

## **ARTICLE 21**

### **DUTIES OF NATIONAL LEGISLATIVE DIRECTOR AND CANADIAN LEGISLATIVE DIRECTOR**

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

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

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



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

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

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

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

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

## **ARTICLE 22**

### **BOARD OF TRUSTEES**

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

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

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

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

## **ARTICLE 23**

### **DUTIES OF THE BOARD OF DIRECTORS**

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

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

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

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

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

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

## **ARTICLE 24 EXECUTIVE BOARD**

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

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

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

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

## **ARTICLE 25 CHARGES AND TRIALS OF INTERNATIONAL OFFICERS**

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

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

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

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

17 Chairperson and the member preferring the charges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 26**

### **APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD**

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

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

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

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

**ARTICLE 27**  
**BOARDS OF APPEALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE 30**  
**FISCAL YEAR**

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

**ARTICLE 31**  
**RETIREMENT OF OFFICERS AND EMPLOYEES**

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



**ARTICLE 32  
PRINTING AND SUPPLIES**

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

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

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

**ARTICLE 33  
OFFICIAL PUBLICATIONS**

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

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

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

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

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

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

## **ARTICLE 35**

### **ORDER OF BUSINESS OF THE INTERNATIONAL CONVENTION**

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

## **ARTICLE 36**

### **RULES OF ORDER, INTERNATIONAL CONVENTION**

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

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

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

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

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

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

20 6. No person except Officers and Delegates of the International

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162 adjourns for the day.

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

164 convention.

**ARTICLE 37**  
**PRINTING AND DISTRIBUTION OF CONSTITUTION**

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

**ARTICLE 38**  
**SAVING CLAUSE**

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

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

**ARTICLE 39**  
**LOCALS**

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

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

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

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

**ARTICLE 40**  
**JURISDICTION AND AUTHORITY**

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

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

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

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

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

## **ARTICLE 41**

### **MEMBERSHIP**

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

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

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

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

28 The official membership application form will include the following



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

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

## **ARTICLE 42 CONTINUOUS MEMBERSHIP**

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

## **ARTICLE 43 MEMBERSHIP CARDS**

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

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

## **ARTICLE 44 AUTHORITY TO REPRESENT**

1 Every member of the United Transportation Union grants complete

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

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

#### **ARTICLE 45**

#### **DUTIES OF MEMBERS**

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

#### **ARTICLE 46**

#### **VISITING MEMBERS**

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

#### **ARTICLE 47**

#### **TRANSFER OF MEMBERS**

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

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

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

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

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

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

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

## **ARTICLE 48**

### **LOCAL FUNDS**

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

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

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

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

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

## **ARTICLE 49**

### **PAYMENT OF DUES AND ASSESSMENTS**

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

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

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

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

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

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

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

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

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

## **ARTICLE 50**

### **SUSPENSIONS**

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

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

## **ARTICLE 51 READMISSION**

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

## **ARTICLE 52 REGISTERS**

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

## **ARTICLE 53 RIGHTS AND BENEFITS**

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

## **ARTICLE 54 LOCAL MAINTENANCE OF MEMBERSHIP FUND**

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

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

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

## **ARTICLE 55**

### **TIME AND PLACE OF MEETING**

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

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

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

## **ARTICLE 56**

### **OFFICERS OF LOCALS**

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

6 Collector.

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

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

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



## **ARTICLE 57 ELECTIONS IN LOCALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

44 The leaflet containing voting instructions shall contain the following:

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

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

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

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

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

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

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

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

92 tabulation of ballots and election.

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

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

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

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

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

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

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

## **ARTICLE 58**

### **INSTALLATION OF LOCAL OFFICERS**

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

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

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

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

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

28 The officers being installed shall respond:

29 "I do."

30 The installing officer shall then say:

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

37 "You will now assume your respective stations."

## **ARTICLE 59 DUTIES OF THE LOCAL PRESIDENT**

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

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

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

## **ARTICLE 60 DUTIES OF THE LOCAL VICE PRESIDENT**

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

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

**ARTICLE 61**  
**THE LOCAL PAST PRESIDENT**

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

**ARTICLE 62**  
**DUTIES OF THE LOCAL PAST PRESIDENT**

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

**ARTICLE 63**  
**DUTIES OF THE LOCAL SECRETARY**

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

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

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

**ARTICLE 64**  
**DUTIES OF THE LOCAL TREASURER**

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

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

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

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

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

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

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

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

## **ARTICLE 65**

### **DUTIES OF THE LOCAL COLLECTOR**

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

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



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

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

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

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

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

**ARTICLE 67**  
**DUTIES OF THE LOCAL BOARD OF TRUSTEES**

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

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

**ARTICLE 68**  
**LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT**

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

**ARTICLE 69**  
**LOCAL APPOINTIVE OFFICE DECLARED VACANT**

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

**ARTICLE 70**  
**VACATIONS - LOCAL OFFICERS AND COMMITTEEPERSONS**

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

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

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

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

## **ARTICLE 71**

### **BONDING OF LOCAL OFFICERS**

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

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

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

## **ARTICLE 72**

### **SURPLUS ASSETS OF LOCALS**

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

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

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

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

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

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

## **ARTICLE 73**

## **REVOKING OR SURRENDERING LOCAL CHARTERS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 75 APPEALS**

### **1 I - TO THE BOARD OF APPEALS**

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

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

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

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

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

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

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

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

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

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

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

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

## 53 **III-PROCEDURES**

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

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

## **ARTICLE 76 LOCAL RULES OF ORDER**

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

**ARTICLE 77**  
**CONDUCT OF LOCAL MEETINGS**

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

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

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

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

**ARTICLE 78**

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

**ARTICLE 79**  
**CONSIDERATION OF GRIEVANCES**

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

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

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

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

## **ARTICLE 80**

### **PRESERVATION OF CRAFT AUTONOMY**

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

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

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

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

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

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

## **ARTICLE 81**

### **LOCAL COMMITTEES OF ADJUSTMENT**

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 82**

### **GENERAL COMMITTEE OF ADJUSTMENT**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ARTICLE 83 RETIRED MEMBERS**

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

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

### **ARTICLE 84 GENERAL COMMITTEE FINANCING**

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

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

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

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

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

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

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

## **ARTICLE 85**

### **DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 86**

### **VACATIONS - GENERAL COMMITTEEPERSONS**

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

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

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

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

**ARTICLE 87  
CHAIRPERSON OF GENERAL COMMITTEE**

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

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

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

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

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

**ARTICLE 88  
VICE CHAIRPERSONS OF GENERAL COMMITTEE**

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

4 to them by the General Committee of Adjustment.

**ARTICLE 89**  
**SECRETARY OF GENERAL COMMITTEE**

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

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

**ARTICLE 90**  
**MERGERS, LEASES, COORDINATIONS, ETC.**

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

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

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



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

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

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

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

## **ARTICLE 91**

### **ASSOCIATION OF GENERAL CHAIRPERSONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 92 STRIKES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ARTICLE 93**

#### **UNITED STATES LEGISLATIVE DEPARTMENT**

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

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

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

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

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

**ARTICLE 94**  
**STATE OR DISTRICT LEGISLATIVE BOARD FINANCING**

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

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

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

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

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

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

**ARTICLE 95**  
**DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 96**

### **VACATIONS - STATE, PROVINCIAL, OR DISTRICT LEGISLATIVE BOARDS**

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

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

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

**ARTICLE 97**  
**CANADIAN LEGISLATIVE DEPARTMENT**

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 98**

### **DUTIES OF THE CANADIAN LEGISLATIVE BOARD AND PROVINCIAL LEGISLATIVE BOARDS**

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

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

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

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

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

33 or revoked by the International President.

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

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

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

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

## **ARTICLE 99**

### **CANADIAN LEGISLATIVE AND/OR PROVINCIAL LEGISLATIVE BOARDS FINANCING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ethical requirement that may attach.**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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**ELECTIONS**

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

(1) For chairperson – if elected by referendum