

# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS



## CONSTITUTION

AND RULES FOR LOCAL UNIONS  
AND COUNCILS UNDER ITS JURISDICTION

as amended at the 39th IBEW Convention  
St. Louis, Missouri, September 2016

# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

900 Seventh Street, NW, Washington, DC 20001

## EXECUTIVE OFFICERS

International President.....Lonnie R. Stephenson

International Secretary-Treasurer.....Kenneth W. Cooper

## INTERNATIONAL VICE PRESIDENTS

First District..... William F. Daniels  
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This organization shall be known as the  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS

with jurisdiction over all electrical workers  
in the United States and Canada.



# CONSTITUTION

This Constitution, and all acts and proceedings, which in the future and in due course may be enacted, shall be binding on all local union officers and members.

As amended at the 39th IBEW International Convention  
St. Louis, Missouri—September 2016

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**Declaration of the  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS**

*Our cause is the cause of human justice, human rights, human security.*

*We refuse, and will always refuse, to condone or tolerate dictatorship or oppression of any kind.*

*We will find and expel from our midst any who might attempt to destroy, by subversion, all that we stand for.*

*This Brotherhood will continue to oppose communism, Nazism or any other subversive “ism.”  
We will support our God, our Nations, our Union.*

## **ORDER OF BUSINESS FOR LOCAL UNIONS**

1. Opening (See *Ritual for Local Unions*)
2. Roll Call of Officers and Reading of Minutes
3. Communications and Bills
4. Reports of Executive Board and Officers
5. Propositions for Membership
6. Reports of Candidates
7. Balloting or Voting for Candidates
8. Obligation of Candidates (See *Ritual for Local Unions*)
9. Reports of Delegates and Committees
10. Reports of Accidents, Sickness, or Death of Members
11. Roll Call of Members (This is optional with local unions.)
12. Unfinished Business
13. New Business (Under this heading come matters relating to any election and installation of officers.)
14. Good of the Union
15. Receipts and Expenses (See Constitution Article XVII)
16. Closing (See *Ritual for Local Unions*)

## OBJECTS

The objects of the International Brotherhood of Electrical Workers are:

- To organize all workers in the entire electrical industry in the United States and Canada, including all those in public utilities and electrical manufacturing, into local unions,
- To promote reasonable methods of work,
- To cultivate feelings of friendship among those of our industry,
- To settle all disputes between employers and employees by arbitration (if possible),
- To assist each other in sickness or distress,
- To secure employment,
- To reduce the hours of daily labor,
- To secure adequate pay for our work,
- To seek a higher and higher standard of living,
- To seek security for the individual,
- And by legal and proper means to elevate the moral, intellectual and social conditions of our members, their families and dependents, in the interest of a higher standard of citizenship.

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## READY REFERENCE

Monthly per capita tax payments to the International Office and payments to the IBEW Pension Benefit Fund through local unions (or to the International Secretary-Treasurer by “A” members holding Participating Withdrawal Cards):

### Effective January 1, 2017

#### “A” Members

\$18.00 Monthly Per Capita Tax  
\$18.00 Monthly PBF Contribution  
\$36.00 Monthly Total

#### “BA” Members

\$18.00 Monthly Per  
Capita Tax

### Effective January 1, 2018

#### “A” Members

\$19.00 Monthly Per Capita Tax  
\$18.00 Monthly PBF Contribution  
\$37.00 Monthly Total

#### “BA” Members

\$19.00 Monthly Per  
Capita Tax

### Effective January 1, 2019

#### “A” Members

\$19.00 Monthly Per Capita Tax  
\$19.00 Monthly PBF Contribution  
\$38.00 Monthly Total

#### “BA” Members

\$19.00 Monthly Per  
Capita Tax

## Effective January 1, 2020

### **“A” Members**

\$20.00 Monthly Per Capita Tax  
\$19.00 Monthly PBF Contribution  
\$39.00 Monthly Total

### **“BA” Members**

\$20.00 Monthly Per  
Capita Tax

## Effective January 1, 2021

### **“A” Members**

\$20.00 Monthly Per Capita Tax  
\$19.00 Monthly PBF Contribution  
\$39.00 Monthly Total

### **“BA” Members**

\$20.00 Monthly Per  
Capita Tax

Reinstatement fees are required of all members who fall three (3) or more months in arrears. Reinstatement fees for “A” members are \$30.00 (which include \$5.00 to the local union, \$5.00 to the International Office, and \$20.00 to the IBEW Pension Benefit Fund), while reinstatement fees for “BA” members are \$3.00 (which include \$1.50 to the local union and \$1.50 to the International Office).

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## **ARTICLE I**

## **NAME AND CONSTITUTION**

Sec. 1. This organization shall be known as the International Brotherhood of Electrical Workers, with jurisdiction over all electrical workers in the United States and Canada as defined in Article XXVI of this Constitution, including all workers in public utilities and electrical manufacturing plants, and shall consist of an unlimited number of local unions acknowledging its jurisdiction and subject to its laws and usages, and it shall not be dissolved while there are five (5) dissenting local unions.

Sec. 2. This organization, in the merging together of all electrical workers in the United States and in Canada, fully recognizes the sovereignty of each of our great nations and the advancement of industry compatible with the laws of each country and the objects of this Constitution.

Sec. 3. This Constitution, and all acts and proceedings which, in the future and in due course may be enacted, shall be absolutely binding on all L.U. officers and members. The initials "L.U." as used throughout this Constitution shall include Railroad System Councils, System Councils, and other subordinate bodies where applicable.

Sec. 4. The following abbreviations, when used herein, and in reports and other documents, shall mean:

I.B.E.W.—International Brotherhood of Electrical Workers

I.E.C.—International Executive Council

I.P.—International President

I.V.P.—International Vice President

I.S.T.—International Secretary-Treasurer

I.R.—International Representative

I.C.—International Convention

I.O.—International Office  
L.U.—Local Union  
R.S.—Recording Secretary  
F.S.—Financial Secretary

Sec. 5. Words used in this Constitution in the masculine gender shall include the feminine.

## **ARTICLE II                      INTERNATIONAL CONVENTION**

Sec. 1. The I.B.E.W. shall meet in regular convention every five (5) years on the third Monday in September, at such place as shall be decided upon by the I.E.C.

Sec. 2. The I.E.C. has the power to change the date on which an I.C. is to convene, but any change made shall not be for more than ninety (90) days before or after the original date fixed.

Sec. 3. Upon petition filed with the I.S.T. by any twenty-eight (28) L.U.'s in good standing—not more than four (4) L.U.'s from any one I.E.C. district—the question of holding a special I.C. shall be submitted to a referendum; but petitions for a vote must specify the place, time, and date at which this special I.C. is proposed to be held, and the questions must be specified by each of the twenty-eight (28) L.U.'s in good standing before any referendum shall be taken. No special I.C. shall be called except in this manner.

The result of the referendum shall be published in full in the I.B.E.W.'s official monthly publication. If a majority vote in favor of a special I.C., the I.S.T. shall issue the call.

Sec. 4. The I.P. shall appoint the following committees consisting of eleven (11) delegates elected to the I.C., one

from each I.V.P. district. The I.P. shall appoint one of the committee members as chairman and one as secretary:

1. I.P.'s Report
2. I.S.T.'s Report
3. I.E.C.'s Report
4. Law
5. Resolutions
6. Appeals
7. Any special committees deemed necessary

These committees shall meet prior to the opening of the I.C. The compensation of members of these committees shall be fifty dollars (\$50.00) per day and reimbursement for actual expenses. This shall cease the day the I.C. opens.

Sec. 5. The I.S.T. prior to the I.C. shall deposit sufficient funds in the convention city to be used to defray expenses of the I.C.

Sec. 6. A quorum for the transaction of business shall consist of one-third (1/3) of the delegates seated. Immediately after the I.C. is opened, the I.E.C. shall report on credentials and rules. The order of business of the I.C. shall proceed in accordance with the rules adopted by the I.C. The business of the I.C. shall include the following:

1. Call to Order
2. Presentation of Credentials
3. Report on Credentials and Rules
4. Appointment of Committees
5. Communications and Bills
6. Amendments and Resolutions
7. Reports of Committees

8. Unfinished Business
9. Nomination and Election of Officers
10. New Business
11. Adjournment

Sec. 7. No L.U. shall be entitled to representation at an I.C. if it has an indebtedness to the International Union for per capita tax payments and unless its per capita tax to the International Union has been paid on its membership through the month of July prior to the first of the month in which the I.C. is held.

Sec. 8. The basis of representation at the I.C. shall be as follows:

Each L.U. shall be entitled to a per capita vote on “A” and “BA” members based upon the average monthly number of members in good standing on which per capita tax is paid to the International Union during the twelve (12) month period ending on March 31 in the year in which the I.C. is held. Where the L.U. has been affiliated with the International Union for less than twelve (12) months, the average shall be computed from the month of affiliation.

Each L.U. shall be entitled to the following:

(a) One (1) delegate for the first 250 members, one (1) delegate for each additional 250 members or majority fraction thereof:

<i>Membership</i>	<i>Number of Delegates</i>
Up to 375	1
376 to 625	2
626 to 875	3
876 to 1,125	4
1,126 to 1,375	5
1,376 to 1,625	6

(b) One more delegate for each additional 500 members:

<i>Membership</i>	<i>Number of Delegates</i>
1,626 to 2,125	7
2,126 to 2,625	8
2,626 to 3,100	9

(c) One more delegate for each additional 3,000 members—maximum 15 delegates:

<i>Membership</i>	<i>Number of Delegates</i>
3,101 to 6,000	10
6,001 to 9,000	11
9,001 to 12,000	12
12,001 to 15,000	13
15,001 to 18,000	14
18,001 and over	15

Delegates representing only “BA” membership shall not be entitled to discuss, or vote on, matters affecting Article XI.

Sec. 9. For transportation, sleeping, and living expenses en route to and while attending the I.C., the I.S.T. will pay each delegate a sum equal to ninety cents (90¢) a mile, one way, by the shortest practical route.

Each delegate remaining until the close of the I.C. shall be reimbursed for expenses in the amount of one thousand

dollars (\$1,000.00). L.U.'s may pay their delegates additional sums.

Sec. 10. No member shall be nominated as a delegate or alternate unless he is present or signifies his willingness in writing, nor shall he be eligible to be a delegate or an alternate unless in continuous good standing in his L.U. at least twenty-four (24) months immediately prior to nomination, provided his L.U. has been in existence that long. However, no such member shall be disqualified because his L.U. has been merged or amalgamated with another L.U. or L.U.'s. When it is impracticable or impossible for a L.U. to elect a delegate or alternate with the required standing, the I.P. may grant special dispensation.

The two (2) year membership requirement shall not be applicable to members of L.U.'s affiliated with System Councils who are employed by a single employer and who transfer between L.U.'s within a System Council, provided, however, that any such member must have been a member in continuous good standing for two (2) years in at least one of the L.U.'s affiliated with the System Council involved.

Where the L.U. bylaws specify, prior to election to a particular elective office, that one of the functions of said elective office shall include service as a delegate to the I.C. or other body, a special election of the officer holding such office to be a delegate is not necessary. In the event a vacancy should occur in the said elective office and it is filled pursuant to Article XVI, Section 16, prior to May in the convention year, the L.U. shall elect a replacement delegate. The person appointed to fill the particular elective office shall be a candidate for election as a delegate. If, however, the vacancy is filled between May in the convention year and the

holding of the I.C., the person appointed to the vacancy in the elective office shall serve as a delegate, except that, as provided by law, such delegate may not vote in any election for International Officers.

Delegates and alternates shall be elected by secret ballot. Members in good standing in the L.U. shall be given at least fifteen (15) days notice of the time, place, and manner of making nominations and of the election, and may participate therein, except for those who may be expressly prohibited by approved provision of the L.U. bylaws. The election of delegates and alternates shall be decided by those receiving the most votes and ballots, and records of the election shall be retained for one (1) year.

If, between the election and the I.C., an elected delegate should resign or otherwise be unable to attend the I.C., then the alternate delegate with the highest number of votes in the election shall take his place as a delegate. Should a second elected delegate resign or otherwise be unable to attend the I.C., then the alternate delegate with the next highest number of votes in the election shall take his place as a delegate, and so forth.

In the event there are no other elected alternates, the Executive Board shall appoint such delegates, provided, however, that appointed delegates may not, as provided by law, vote in any election for International Officers.

Sec. 11. Credentials of the delegate and alternate shall be in the hands of the I.S.T. or in the mail at least sixty (60) days prior to the I.C. Failing to comply with this, the delegate or alternate shall receive no mileage or other payments. (The Credentials Committee shall pass upon whether such delegate or alternate shall be seated.)

Sec. 12. Any International or L.U. Officer, or any member, who willfully commits fraud in connection with obtaining or furnishing credentials for delegates to the I.C.—or who is connected with any fraud in voting during the I.C.—shall be tried by the I.E.C. The I.E.C. shall render a decision and decide the penalty.

Sec. 13. The I.P. shall nominate, and the I.C. shall elect, two (2) delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations; two (2) delegates to the Building and Construction Trades Department; two (2) delegates to the Metal Trades Department; one (1) delegate to the Union Label and Service Trades Department; one (1) delegate to the Maritime Trades Department; and two (2) delegates to the Canadian Labour Congress. Each of these delegates shall be the business manager or principal officer of his L.U. If the delegate's status as business manager or principal officer changes, he shall resign and the I.P. shall appoint a replacement delegate.

The I.P. shall appoint all other delegates to any conventions at which the I.B.E.W. is entitled to representation. He may appoint a substitute for any delegate who does not desire, or is unable, to attend any convention to which he is elected. All such delegates shall serve a term of five (5) years and be compensated at fifty dollars (\$50.00) a day for time spent in attending, and traveling to and from the convention, and be reimbursed for actual expenses.

### **ARTICLE III                      INTERNATIONAL OFFICERS**

Sec. 1. The officers of the I.B.E.W. shall be the International President, International Secretary-Treasurer, eleven (11)

International Vice Presidents, International Executive Council Chairman and eight (8) International Executive Council members. The officers shall be nominated and elected, by duly elected delegates, at the International Convention. They shall assume office thirty (30) days after their election, and shall serve for five (5) years or until their successors are elected and qualified.

Sec. 2. No one shall be eligible as an officer except a member having five (5) years continuous good standing in the I.B.E.W. immediately prior to nomination.

Sec. 3. The elections of the International President, International Secretary-Treasurer, and International Executive Council Chairman shall be by secret ballot, per capita vote when there is more than one candidate, and shall require a majority of all votes cast to constitute an election. When there are more than two candidates for the same office, at every unsuccessful balloting the one receiving the lowest number of votes shall be dropped, the voting then to continue until one has received a majority over all.

However, the choice for International Vice Presidents and the International Executive Council (except I.E.C. Chairman) shall be recommended to the I.C. by each district. The I.C. shall adopt the district's recommendation as its own action, by the I.S.T. casting one (1) ballot for the district's choice. The choice of each district shall be decided by a majority of the L.U.'s of the district represented at the I.C.—and present and voting at the time the choice is made—on the basis of one (1) vote for each L.U., by secret ballot, not by a delegate or per capita vote. If the district is unable to determine its choice, then the I.C. shall decide any contest by a roll call, per capita vote.

The vote of each L.U. shall be decided by a majority of its delegates. If the delegates of a L.U. are equally divided, then the L.U. shall have no vote. When there are more than two (2) candidates for the same office in the district, and no candidate receives a majority on the first ballot, there shall be a run-off election between the two (2) candidates receiving the highest number of votes.

(Nothing in this Constitution shall be construed to conflict with the above section.)

Sec. 4. At all elections when it becomes necessary to have an electronic, secret ballot vote, the presiding officer shall appoint an election judge and, if necessary, tellers. He shall announce the names of the candidates in rotation. Each candidate may be present or be represented by a member during the vote tally. All election records shall be preserved for a period of one (1) year.

Sec. 5. The officers shall attend the I.C. and all their expenses shall be paid out of the General Fund. They shall have voice but no vote, and no officer shall be eligible to represent his L.U. as a delegate. The officers, except I.V.P.'s, shall have their reports printed and ready for distribution to the delegates when the I.C. is organized.

Sec. 6. Each officer elected shall sign and file in the I.O. the following pledge and oath of office:

“I,           (name)          , do hereby solemnly pledge on my honor, that I will faithfully discharge my duties as an officer of the International Brotherhood of Electrical Workers. I will support by every means within my power its Constitution, and I will enforce it to the best of my ability. At the expiration of my term of office, I shall deliver to my successor all books,

papers, money, and other property in my possession belonging to the I.B.E.W. or its L.U.'s; and I shall not be relieved from any bond or obligation unless and until I comply with this law.”

(Signed) \_\_\_\_\_ (Witness) \_\_\_\_\_

Sec. 7. All officers at the expiration of their term shall deliver to their successors all books, papers, money, and other property in their possession, belonging to the I.B.E.W. or its L.U.'s, and shall not be relieved from their bonds or obligations until this law is complied with.

### **Compensation and Benefits**

Sec. 8. Salaries of the International President, International Secretary-Treasurer, International Vice Presidents, I.E.C. Chairman, I.E.C. Members, Executive Assistants, Directors, and Senior International Representatives shall be increased annually on October 1. The increase shall be equal to the combined average of the percentage increases negotiated and approved for the members of the Construction, Manufacturing, Telephone, and Utility branches of the I.B.E.W. for the twelve (12) month period ending August 31 of each year.

All such officers and representatives shall be reimbursed for actual expenses when away from home on business of the I.B.E.W. in accordance with rules promulgated by the I.P.

Sec. 9. The services of the I.E.C. Chairman shall be available to the I.B.E.W. in an advisory capacity and for fulfilling other assignments in the interests of the I.B.E.W.

Sec. 10. Members employed by the I.B.E.W., as officers or in any other capacity, who become permanently disabled while so engaged, shall receive \$500 a month while incapacitated. The period of incapacitation shall not be deducted from his service record.

Sec. 11. (a) Members in the I.B.E.W. service, employed by it as officers, representatives, or assistants, who have attained the age of sixty-two (62) and have ten (10) or more years service, shall, upon request of the individual, be retired by the I.E.C. The annual rate of compensation payable upon retirement shall be three and three-quarters percent (3.75%) of the average annual salary for the three (3) years during which the highest salary was payable to the individual, multiplied by the number of years of service, not to exceed twenty (20) years, plus one percent (1%) of such average salary, multiplied by the additional number of years of service in excess of twenty (20) years, not to exceed five (5) additional years. This retirement compensation shall be payable monthly.

(b) Officers, representatives, or assistants who have attained the age of fifty-five (55) and have fifteen (15) or more years service, shall, upon request of the individual, be retired by the I.E.C. and shall receive retirement compensation on the same basis as provided in Subsection (a) above.

(c) Officers, representatives, or assistants who become permanently disabled while employed by the I.B.E.W. shall receive retirement compensation on the same basis as provided in Subsection (a) of this section, or as provided in Article III, Section 10, while incapacitated.

(d) Any officer, representative, or assistant who leaves I.B.E.W. service after completing five (5) or more years

of service before becoming eligible for retirement under Subsection (a) above may elect either to have his contributions returned to him or to be granted a vested right to retirement compensation, which will entitle him to receive, commencing at age sixty-five (65), retirement compensation on the same basis as provided in Subsection (a) above.

(e) In lieu of the payment of retirement compensation on the basis outlined in Subsections (a), (b), and (d), an officer, representative, or assistant may elect immediate payment of his pension in reduced pension on a joint and survivor basis with payments continuing to his surviving spouse. In each such case, the reduced amount of retirement compensation payable under such election shall be actuarially equivalent to the retirement compensation otherwise payable. To be effective, all such elections shall conform to the rules and regulations adopted for such purpose by the I.E.C. The provisions of this subsection shall not apply to those officers, representatives, or assistants who retired on or before September 14, 1962.

(f) In the event of the death of an officer, representative, assistant, or spouse, any unused portion of his five-percent (5%) contribution that was previously required shall be payable in a lump sum to the designated beneficiary.

In the event of the death of both—the officer, representative, or assistant and his spouse—any unused portion of the five-percent (5%) contribution that was previously required shall be payable in a lump sum to his beneficiary.

(g) The I.E.C. shall enter into a trust agreement with a reliable and long-established trust company to act as trustee in the handling and disbursement of the retirement pay.

(h) The I.S.T. shall turn over to such trust company from the General Fund the amount necessary to assure that each

eligible officer, representative, or assistant shall receive his retirement pay when due.

(i) The I.E.C. is authorized to make such changes or amendments necessary to qualify this plan under Section 401(a) of the Internal Revenue Code.

(j) Any employee of the I.B.E.W. not covered by Section 11, Subsections (a) through (i), shall be covered by a retirement plan, the provisions of which shall be established by the I.B.E.W., consistent with legal requirements including, where applicable, the duty to bargain in good faith with a recognized collective bargaining representative.

(k) The I.B.E.W. shall enter into a trust agreement with a reliable and long-established trust company to act as trustee in the handling and disbursement of the retirement pay of employees covered by Subsection (j).

(l) The I.S.T. shall turn over to such trust company from the General Fund the amount necessary to assure that each eligible employee covered by Subsection (j) hereof shall receive his or her retirement pay when due.

(m) Anyone receiving such compensation must observe this Constitution and the principles it sets forth and shall do nothing directly or indirectly to injure the I.B.E.W. or its members.

(n) The I.E.C. is authorized to make such changes or amendments necessary to qualify this plan under Section 401(a) of the Internal Revenue Code.

(o) Insofar as Canadian officers and employees of the I.B.E.W. are concerned, the I.E.C. is authorized to make such changes and amendments in the Pension Plan as it deems

appropriate and necessary to provide the minimum benefits required by applicable dominion or provincial laws.

(p) The I.E.C. is authorized to effect such changes and amendments in benefits by rules and regulations.

(q) The I.E.C. is empowered to establish such rules and regulations as it deems appropriate and to modify same for the effectuation and administration of the provisions of this article. With respect to the plan for employees not covered by Section 11, Subsections (a) through (i), this power shall be exercised consistent with the provisions of Subsection (j). The I.E.C. is further authorized to make definitions of terms used in this article and to make interpretations of these constitutional provisions and its rules and regulations, which shall be final and binding. The decisions of the I.E.C. on all questions arising hereunder, including cases of eligibility for and computation of the amount of benefits, shall be final and binding.

(r) In no event shall any officer, representative, or assistant or any other employee of the I.B.E.W. who retires under Article III, Section 11, be paid a monthly pension benefit (as determined before any reduction required by the election of option under Subsection (e)) that is less than he would have received under Section 11 of the Constitution prior to September 30, 1974. The amount paid officers, representatives, or assistants prior to September 30, 1974, shall remain unchanged.

(s) Notwithstanding any language to the contrary in this Section 11, the International President shall have full authority and discretion to decide on compensation, retirement, and benefit coverage of organizers who are employed by the I.B.E.W.

Sec. 12. No candidate (including a prospective candidate) for International Office, and no supporter of a candidate for International Office, may solicit or accept financial support or any other direct or indirect support of any kind (except an individual's own volunteered personal time) from any non-member of the I.B.E.W. or from any foundation, corporation, or other entity whose funds are derived in whole or in part from any person not a member of the I.B.E.W. This rule does not apply to the financing of litigation concerning the legal rights of candidates or other members in connection with elections for International Office.

The I.E.C. shall adopt such regulations as are necessary to implement this provision. The regulations shall provide for the maintenance of such records and the filing of such reports, by candidates and their supporters, as may be necessary for the administration and enforcement of this section.

## **ARTICLE IV                      INTERNATIONAL PRESIDENT**

Sec. 1. The I.P. shall be bonded in the minimum amount of \$500,000 for the faithful performance of his duties. Should the amount being handled at any time exceed the amount of his bond, he and the I.E.C. shall have the bond increased accordingly. He shall preside at all sessions of the I.C. When unable to preside, he shall select someone else to do so. He shall perform such other duties as are outlined in this Constitution and are necessary to protect and advance the I.B.E.W.

Sec. 2. The I.P. shall see that all other officers perform their duties. In case of non-performance of duties or disability or incompetence of any I.V.P., any member of the I.E.C., or the

I.S.T., the I.P. has the power to remove such officer, with such removed officer having the right of appeal to the I.E.C.

He shall fill all vacancies, including those on the I.E.C., by appointment. Such appointments must be approved by the I.E.C.

Sec. 3. The I.P. is empowered as follows:

(a) To call a meeting of the I.E.C. whenever in his judgment such a meeting is necessary.

(b) To decide all questions of law, dispute, or questions in controversy, however arising, all his decisions being subject to appeal, including policy decisions, first to the I.E.C. and then the I.C. (Notice in writing of appeal from any decision of the I.P. must be filed with the I.S.T. and I.P. within thirty (30) days from the date of such decision.)

(c) To establish such departments in the organization or in the I.O. as in his judgment are necessary to protect or advance the interests or to meet the needs of the I.B.E.W.

(d) To employ International Representatives who shall be reimbursed for actual expenses while away from home, and to employ such assistants as, in his judgment, are necessary to carry on the work of the organization, and to decide the compensation to be paid, except as provided elsewhere in this Constitution.

All representatives and assistants shall work under the direction of the I.P., and he has the power to discharge them.

(e) To employ an attorney or attorneys to act as counsel and give any other legal assistance as he deems necessary.

(f) To authorize in writing any I.V.P. to audit the books and records of any L.U. in his district or to engage an accountant

for the purpose, whenever he deems such action necessary for the protection of the L.U. and its members.

(g) To prefer charges through the I.E.C. against any member who, in his judgment, is violating the Constitution or working against the welfare of the I.B.E.W. Any member against whom charges are preferred shall be so notified by the I.P. in writing, and said member shall have the right to appear before the I.E.C. in his own defense.

(h) Either to suspend or revoke the charter of any L.U. or have the I.S.T. reject the per capita tax from any L.U. that fails or refuses to observe the laws and rules of the I.B.E.W.

(i) To take charge of, *i.e.*, impose a trusteeship on, the affairs of any L.U. when in his judgment such is necessary to protect or advance the interests of its members and the I.B.E.W., but for a period not to exceed six (6) months. If the I.P. or his representative cannot or has not adjusted the affairs of the L.U. involved at the end of this period, then he shall refer the entire case to the I.E.C., which shall render a decision at its next regular meeting, which decision may include the continuation of the International Charge. A hearing to determine whether a trusteeship should be imposed or continued shall be held before the I.P. or his designee. If, in the I.P.'s judgment, circumstances do not permit the hearing to be conducted prior to making the International Charge effective, including in emergency situations, the hearing should be held within a reasonable time after the effective date of the International Charge. The I.P. or his designee may suspend any officer of the L.U. while the L.U. remains under International Charge and may suspend any local officer or member who offers interference in such cases.

No financial obligation or liability of the L.U. incurred prior to or during the course of the trusteeship shall be assumed by, or become an obligation of, the I.B.E.W. without the written consent of the I.P.

(j) To remove or suspend any officer, representative, appointee, or agent of a L.U. or System Council for incompetence; or for nonperformance of duties; or for failure to carry out the provisions of this Constitution and the rules herein; or the bylaws and agreements of the L.U. or System Council; or for putting into effect or allowing to be put into effect any practice, rule, agreement, bylaw, or policy not having approval of the I.P.; or for failure to observe or carry out instructions or decisions of the I.P. When the I.P. removes or suspends any officer, representative, appointee, or agent of a L.U. or System Council, then he can fill any such office or position by appointment of others.

(k) To appoint, if he so decides, a referee who may or may not be a member to take testimony and report to him.

(l) To enter into, or authorize an I.V.P., representative, or assistant to enter into, agreements with any national or international labor organization or association of employers, or with any company, corporation, or firm doing any interstate or interprovincial business in electrical work, to cover the entire jurisdiction of the I.B.E.W.

(m) The I.P. or his representatives shall not enter into agreements affecting wages, hours, and conditions of employment where an L.U. agreement covering such employment already exists, without first notifying at least thirty (30) days in advance of such agreements the L.U.'s so concerned or affected in a district, and then only by procuring consent

of a majority of the L.U.'s in the district or the individual L.U. affected by such agreement.

(n) To edit and publish the I.B.E.W.'s official monthly publication and to conduct it as a technical, economic, and trade union publication; to use its obituary section for members only; and at his discretion to publish communications in accordance with policy.

(o) To develop an appropriate I.B.E.W. Honorary Membership Card, which may be issued to persons outside of the regular membership who have contributed to the welfare of the I.B.E.W.

Sec. 4. The I.P. can, in any situation, delegate the powers of his office to an International Representative, Vice President, or Assistant.

Sec. 5. Nothing in this Constitution shall be construed to conflict with any of the provisions of this article.

## **ARTICLE V**

## **IMPERATIVE MANDATE**

Sec. 1. If at any time charges are filed against the I.P. and such are forwarded to the I.S.T. with the signatures of the L.U. president and secretary, and under the seal of five (5) percent of the L.U.'s comprising the I.B.E.W., the I.S.T. shall immediately furnish a copy of such charges to the I.P. He shall answer them within ten (10) days. The I.S.T. on receiving the answer of the I.P., shall mail a copy of the charges together with the answer of the I.P. to every L.U. and shall enclose a blank ballot calling for a referendum vote on the question: "Shall the I.P. be upheld?"

The R.S. of each L.U. shall forward the result to the I.S.T. within sixty (60) days from the date the ballots are mailed.

The votes shall be published in full in the I.B.E.W.'s official monthly publication. The ballots shall be enclosed in a sealed package and entrusted to the I.S.T. to be delivered to the next I.C. If a majority vote not to uphold the I.P., the charges are thereby upheld; and the I.E.C. shall then declare the office vacant and elect his successor.

## **ARTICLE VI** **INTERNATIONAL SECRETARY-TREASURER**

Sec. 1. The duties of the I.S.T. shall be:

(a) To keep correct records of the proceedings of the I.C. and preserve all important papers of I.B.E.W. business; to deposit all funds in a bank or banks approved by the I.E.C. in the name of the I.B.E.W. All deposits and withdrawals shall be subject to the signature of the I.S.T.

(b) To pay all bills and claims legally due, and any disputed items when directed by the I.P., and no item when directed not to do so.

(c) To keep a general roll of all members with the name, age, card number, and date of admission, together with those suspended, expelled, transferred, *etc.*, and also to keep a correct financial account between each L.U. and the I.B.E.W.

(d) To receive all applications for charters, sign and grant them when authorized by the I.P., and retain charge of the seal of the I.B.E.W. and affix same to all official documents.

(e) To receive all petitions for referenda or other votes, and to mail out the same with ballots when approved by the I.E.C., and to prepare for publication in the I.B.E.W.'s official monthly publication the results of all votes and all questions submitted to the I.E.C.

(f) To prepare for publication in the I.B.E.W.'s official monthly publication each year the annual I.B.E.W. audit by the certified public accountant employed by the I.E.C.

(g) To publish at least once a year a correct directory in pamphlet form of all L.U.'s with names and addresses of the R.S., F.S., and business manager or representative of each L.U.

Sec. 2. The I.S.T. shall, fifteen (15) days prior to the month in which the I.C. convenes, furnish to the I.E.C. a correct record of the convention vote to which each L.U. is entitled.

Sec. 3. The I.S.T. and the I.P. are jointly empowered to make any investment of I.B.E.W. and pension funds and to manage, change, exchange, and sell any such investments and to make reinvestments and to borrow money—this power also includes the purchase, transfer, lease, or sale of real estate—all subject to the approval of the I.E.C.

Sec. 4. The I.S.T. shall perform such other duties as are prescribed by this Constitution, and he shall be bonded in the minimum amount of \$500,000. Should the amount being handled by the I.S.T. at any time exceed the amount of his bond, he and the I.E.C. shall have the bond increased accordingly.

## **ARTICLE VII INTERNATIONAL VICE PRESIDENTS**

Sec. 1. The I.V.P.'s shall work under instructions of the I.P. and shall hold a progress meeting yearly with the business manager and delegates from each L.U. in their districts.

The I.V.P.'s may hold additional progress meetings if they deem this necessary, with approval of the I.P. The time and place of progress meetings shall be decided by the I.V.P.'s. (The I.P. or his authorized representative shall attend a prog-

ress meeting in each district once every two (2) years when possible.) The I.V.P.'s shall perform such other duties as are stated in this Constitution.

Sec. 2. An I.V.P. shall be elected from each of the following districts:

**First**—Canada

**Second**—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

**Third**—Delaware, New Jersey, New York, Pennsylvania

**Fourth**—Kentucky, Maryland, Ohio, Virginia, West Virginia, District of Columbia

**Fifth**—Alabama, Florida, Georgia, Louisiana, Mississippi, Puerto Rico, Republic of Panama

**Sixth**—Illinois, Indiana, Michigan, Minnesota, Wisconsin

**Seventh**—Arizona, Kansas, New Mexico, Oklahoma, Texas

**Eighth**—Colorado, Idaho, Montana, Utah, Wyoming

**Ninth**—Alaska, California, Hawaii, Nevada, Oregon, Washington, Pacific Islands

**Tenth**—Arkansas, North Carolina, South Carolina, Tennessee

**Eleventh**—Iowa, Missouri, Nebraska, North Dakota, South Dakota

## ARTICLE VIII

## INTERNATIONAL EXECUTIVE COUNCIL

Sec. 1. The duties of the I.E.C. shall be:

To meet quarterly; to employ a certified public accountant who shall audit all the books and accounts of the International Officers, on an annual basis, at the end of the fiscal year; to act on all applications for pension, disability, or retirement benefits; to determine all proposed constitutional amendments submitted for referendum vote; and to attend to all business properly brought before it.

Sec. 2. The members of the I.E.C. may vote and transact business by correspondence with the I.S.T., and each other, but five (5) members must concur to make such action valid.

Sec. 3. The I.E.C. shall be the committee on rules and credentials at all regular or special conventions and shall submit its report as such immediately after the convention opens.

Sec. 4. The I.E.C. shall have the power to try any L.U. or member charged with injuring the interests of the I.B.E.W. by actions in violation of I.B.E.W. laws or the obligation of the member and may revoke or suspend a charter or membership. (Nothing in this Constitution shall be construed to conflict with this power of the I.E.C.)

Sec. 5. When an appeal from any decision of the I.P. is made to the I.E.C., then the I.E.C. shall render a decision within a reasonable period of time. However, the I.E.C. may, when it feels such is practical, act on an appeal by correspondence.

Sec. 6. Either to suspend or revoke the charter of any L.U.—or have the I.S.T. reject the per capita tax from any

L.U.—that fails or refuses to observe the laws and rules of the I.B.E.W. or decisions rendered by proper I.B.E.W. authority.

Sec. 7. To take charge of, *i.e.*, impose a trusteeship on, the affairs of any L.U. when in its judgment such is necessary to protect or advance the interests of its members and the I.B.E.W., and to suspend any local officer or member who offers interference in such cases.

No financial obligation or liability of the L.U. incurred prior to or during the course of the trusteeship shall be assumed by, or become an obligation of, the I.B.E.W. without the written consent of the I.P.

Sec. 8. If at any time the I.E.C. deems a new law necessary, it shall recommend a clause or clauses for the L.U.'s to vote upon, and should a majority vote to support the recommendation, it shall become a law.

Sec. 9. In case of a vacancy in the office of the I.P., the I.E.C. shall immediately convene and elect a successor to fill the office for the unexpired term.

Sec. 10. The minutes and report of each I.E.C. meeting shall be published in full in the I.B.E.W.'s official monthly publication.

Sec. 11. A member of the I.E.C. shall be elected from each of the following districts, except the chairman, who shall be elected at large:

**First**—Delaware, New Jersey, New York, Pennsylvania

**Second**—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

**Third**—Indiana, Kentucky, Michigan, Ohio, West Virginia

**Fourth**—Alabama, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, District of Columbia, Puerto Rico, Republic of Panama

**Fifth**—Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin

**Sixth**—Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas

**Seventh**—Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Pacific Islands

**Eighth**—Canada

## **ARTICLE IX**

## **DIVISION OF FUNDS AND PER CAPITA TAX**

Sec. 1. The receipts of the I.B.E.W. shall be divided into two funds: General Fund and Pension Benefit Fund.

Sec. 2. The monthly per capita tax for each member, including each member on Participating Withdrawal Card, shall be as follows:

<i>1/1/17</i>	<i>1/1/18</i>	<i>1/1/20</i>
\$18.00	\$19.00	\$20.00

Sec. 3. All money going into the General Fund shall be used for the management of the I.B.E.W. and the payment of all benefits under this Constitution not otherwise provided for.

Sec. 4. Any assessments levied shall be paid within ninety (90) days of the issuance of notice by the I.S.T. and he shall reject the per capita tax of any member failing to pay any assessment within this time, and such member shall stand suspended and without rights of any kind until the assessment is paid.

Sec. 5. Each "A" member shall pay two dollars (\$2.00) to the Pension Benefit Fund upon joining the L.U.

Sec. 6. Each "A" member and each "A" member on Participating Withdrawal Card shall pay monthly to the Pension Benefit Fund:

<i>1/1/17</i>	<i>1/1/19</i>
\$18.00	\$19.00

## **ARTICLE X**

## **LEGAL DEFENSE**

Sec. 1. Requests for assistance involving legal defense may be made to the International President. No disbursements for legal defense shall be made from the General Fund except for the legal defense of L.U.'s (on behalf of their members) or for the defense of the I.B.E.W. or an International Officer or Representative whose activity in the interest of the I.B.E.W. and in conformity with its laws results in legal involvement. All requests for legal assistance will be investigated by the I.P. and shall be subject to his approval and review by the I.E.C.

## **ARTICLE XI**

## **PENSION BENEFIT FUND**

Sec. 1. *Retirement Benefits.* An "A" member who retires from the electrical industry after December 31, 2006, shall

be entitled to benefits in accordance with the following rules as to eligibility:

(a) *Normal Pension.* An “A” member of the I.B.E.W. in continuous good standing with five (5) or more years immediately preceding his application, who has attained the age of sixty-five (65) years, shall receive pension benefits computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous “A” membership.

(b) *Optional Early Retirement Pension.* An “A” member of the I.B.E.W. in continuous good standing with twenty (20) or more years immediately preceding his application, who has attained the age of sixty-two (62) years, may elect to receive reduced pension benefits as long as he lives, computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous “A” membership, reduced by six and two-thirds percent ( $6\frac{2}{3}\%$ ) for each year or part thereof the said “A” member was under the age of sixty-five (65) at the date of his retirement. The election of this option must be made on a form prescribed by the I.S.T. and will become effective on the date he is placed on pension. The election of this option shall be irrevocable.

(c) *Optional Spouse's Benefit.* Each “A” member retired under Section 1(a), Section 1(b), or Section 2 may, in lieu of the payment of pensions as outlined above, elect to receive a reduced pension as long as he lives, with the provision that after his death one-half of such reduced pension shall continue to be paid to his spouse thereafter as long as such spouse survives him. The amount of such reduced pension payable under this election shall be actuarially equivalent to the pension otherwise payable. This election is effective on the date the member is placed on pension except in the event the

member and the member's spouse are subsequently divorced or in the event the member's spouse subsequently predeceases the member, in which case the benefit payable to the member shall be recalculated and shall be equal to the unreduced benefit that would have been provided under Section 1(a), 1(b), or 2, as the case may be. This recalculated benefit shall commence the month of January 2002 for those members who became divorced or whose spouses predeceased them prior to or on December 31, 2001; and for all other members, as of the last day of the month next following either the date of the divorce or the death of the spouse.

*Sec. 2. Disability Pension.* An "A" member of the I.B.E.W. who is totally disabled and has continuous good standing of twenty (20) or more years immediately preceding his application shall receive disability pension benefits, if such application is approved after December 31, 2006, computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous "A" membership.

(a) Benefits will be paid commencing on the first day of the month in which it has been determined that the member became totally disabled, provided that no period of total disability shall be considered to commence before the "A" member has completed twenty (20) or more years in continuous good standing.

(b) The applicant for disability pension benefits must maintain his continuous good standing as an "A" member until the date of approval of his application by the I.E.C. and shall, in the event of such approval, receive a full refund of I.O. per capita tax from the date of commencement of his total disability. The period following the commencement of total disability shall not be counted in computing the amount of disability pension benefit.

Sec. 3. *Vesting*. An “A” member who has completed twenty (20) or more years of “A” membership in continuous good standing and who ceases being engaged in the electrical industry prior to the attainment of age sixty-five (65) shall, if an application is filed and approved after December 31, 2006, obtain a vested right to pension benefits, but not disability pension benefits or death benefits. This vested right will entitle him to receive, commencing at age sixty-five (65), pension benefits computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous “A” membership, less four dollars and fifty cents (\$4.50) per month for each year or part thereof the said “A” member was under the age of sixty-five (65) at the date his application was received. The applicant for vested pension rights must maintain his continuous good standing as an “A” member until the date of approval of his application by the I.E.C., and shall, in the event of such approval, receive a full refund of I.O. per capita tax from the month following receipt of his application. The period following the receipt of such application shall not be counted in computing the amount of vested pension rights. In no event shall any “A” member entitled to benefits under this Section 3 be paid a monthly pension benefit less than he would have received under the pension benefit provisions of the Constitution prior to January 1, 2007.

Sec. 4. *Death Benefits*. Upon the death of an “A” member, a death benefit shall be payable as follows:

(a) *Benefit Level*. Upon the death, after September 10, 2001, of a nonretired “A” member who then has at least six (6) months continuous and active good standing, the beneficiary to receive the death benefits payable under this paragraph shall be paid the sum of six thousand two hundred

fifty dollars (\$6,250.00) if the said “A” member died from natural causes, or the sum of twelve thousand five hundred dollars (\$12,500.00) if the said “A” member died by accidental means. However, no death benefit shall be payable upon the death of a nonretired “A” member if such member was more than two (2) months in arrears in per capita tax payments, unless it can be demonstrated that the arrearage was not the fault of the member in which case the death benefit shall be reduced by the amount of the arrearage. Upon the death from either natural causes or accidental means of an “A” member after December 31, 2001, who is retired under Section 1 or Section 2, the beneficiary to receive the death benefits shall be paid a sum computed by subtracting from six thousand two hundred fifty dollars (\$6,250.00) all pension benefits paid by the I.B.E.W. Pension Benefit Fund to the retired member. However, in no event shall the amount of the death benefit due as a result of the death of an “A” member retired under Section 1 or Section 2 be less than three thousand dollars (\$3,000.00), except as provided in Section 4(c). All death benefits payable under this provision are payable without interest.

(b) *Beneficiaries.* Upon the failure of any member to name an original beneficiary, or to name a new beneficiary after the death or inability to take of one previously named, the death benefit shall be payable to the following individual(s) in the indicated order of priority: 1) member’s spouse; 2) member’s children; 3) member’s parents; and 4) member’s estate. Every “A” member shall have the right to name the person or persons, including the member’s estate, who are to be the member’s beneficiary or beneficiaries under the death benefit provisions of the I.B.E.W. Pension Benefit Fund. Every

member shall have the privilege of changing beneficiaries. If the beneficiary entitled to the death benefit (either the beneficiary named by the “A” member or the individual(s) in the indicated order of priority stated above) cannot be located or does not file a claim for the death benefit within ninety (90) days after the date of death, the benefit may be paid to a contingent beneficiary or in the indicated order of priority stated above. If no valid claim is filed, no appropriate beneficiary can be located, and the member has no estate to which the benefit can be paid, the death benefit shall revert to the I.B.E.W. Pension Benefit Fund on the second anniversary of the member’s death and no benefit will be paid subsequent to the reversion.

(c) *Set Off of Death Benefit.* If the I.B.E.W. Pension Benefit Fund has sent pension checks payable to the deceased member after the member’s death as a result of a failure to notify the Fund of the death of the member, and the recipient of those pension checks has not returned them to the Fund, but retained the pension money, the Fund may set off from the death benefit, and refuse to pay to any beneficiary, the amount equal to the total amount of the pension overpayment.

Sec. 5. *Benefits of “A” members who have retired and/or died on or before December 31, 1991.* The pension benefits of an “A” member of the I.B.E.W., who has retired from the electrical industry and was placed on the pension rolls on or before December 31, 1991, shall be governed by the rules in effect as of the date they were placed on the pension rolls. Those rules are set forth in the I.B.E.W. Constitution as amended at the 33rd I.B.E.W. Convention at Toronto, Ontario, September 1986.

## Sec. 6. *General Provisions.*

(a) *Continuous Good Standing.* Any period of membership used in determining eligibility or in computing benefits shall include only consecutive years of “A” membership in good standing in the I.B.E.W., except that years of membership when on pension or disability pension shall not be counted. Any member that transfers from “A” membership status to “BA” membership status, or who is dropped from membership after six (6) months’ delinquency in per capita tax payments, or who has accepted honorary withdrawal status, shall not be considered in good standing for purposes of determining eligibility for, or in computing benefits under, this article. In addition, a member shall not be eligible for pension approval while such member has an outstanding L.U. trial board assessment. Provided further that, if a member who has been granted a normal pension, an early retirement pension, a disability pension, or a vested pension right returns to the electrical industry and “A” membership, a benefit based on the period of continuous “A” membership after such return shall be added to the amount of his previous normal pension, early retirement pension, disability pension, or vested pension right.

(b) *Waiver.* Any member who desires to waive any portion of his pension, either monthly or yearly, may do so by notifying the I.S.T. Any portion of the pension so waived will not be returned to the pensioner at a later date.

(c) *Per Capita Tax of Members on Pension, Disability Pension, or with a Vested Pension Right.* The per capita tax owed by “A” members who are approved for normal, early, disability or vested pension benefits under this article is hereby waived.

(d) *Prohibition of Work.* It is a condition for admission to pension benefits, including vested pension rights and the continuation thereof, that the member shall not perform any work of any kind coming under the I.B.E.W.'s jurisdiction either for compensation or gratis for anyone, except that a member may work as an instructor in an I.B.E.W. recognized apprenticeship program, or as an electrical inspector for a governmental authority where electrical inspectors are not covered by an approved I.B.E.W. collective bargaining agreement. A retired member shall be permitted to attend L.U. meetings, and, with the L.U.'s approval, have a voice at such meetings, but shall not have a vote; provided, that a member who comes off pension and returns to the trade prior to a L.U. election shall not be permitted to vote in the L.U. election for a period of one hundred twenty (120) days following his return to the trade. He shall observe his obligation of membership and show due obedience to I.B.E.W. laws and the bylaws of its L.U.'s.

(e) *Non-Assignment of Benefits.* No member, pensioner, or beneficiary shall have the right to assign, transfer, sell, mortgage, encumber, or pledge any pension or death benefits, and such assignment, transfer, sale, mortgage, encumbrance, or pledge shall be void and of no effect whatsoever. So that such benefits shall not in any way be subject to any legal process, execution, attachment, or garnishment or be used for the payment of any claim against any member, pensioner, or beneficiary, or be subject to the jurisdiction of any bankruptcy court or insolvency proceedings by operation of law or otherwise, the I.E.C. shall have the right to postpone any payment under this Plan to a pensioner or beneficiary.

(f) *Computation of Pension Benefit.* The period of continuous good standing employed in calculating a member's

pension benefit shall be computed as of his anniversary date, which is the first day of the month in which such member is initiated as an “A” member of the I.B.E.W., or in which such member transfers from “BA” membership status to “A” membership status or in which such member returns to “A” membership status from honorary withdrawal status or from vested pension status. A member earns a year of good standing by maintaining membership from one anniversary date up to his next anniversary date.

(g) *Forfeiture.* Members who have been expelled from membership or who have resigned from membership (other than with an approved vested benefit) forfeit all rights in any pension or death benefits payable from the Fund.

(h) *Interpretations, Definitions, and Decisions.* The I.E.C. is hereby granted discretionary authority to make definitions of the terms used in this article of the Constitution and to make interpretations of or construe these constitutional provisions and its rules and regulations, which shall be final and binding. The I.E.C. is also granted discretionary authority to determine eligibility for benefits and the decisions of the I.E.C. on all questions arising hereunder, including cases of eligibility for, and computation of the amount of, benefits shall be final and binding. No benefits are authorized other than those expressly stated in the I.B.E.W. Constitution and the rules and regulations of the I.E.C.

Sec. 7. Members on Participating Withdrawal Cards who have maintained their continuous good standing in the I.B.E.W., and who make application for pension benefits, shall be governed and their applications handled in the same manner as active members of L.U.’s, except that notice of application shall be given to the L.U. that issued the withdrawal

card to the member. Members on honorary withdrawal status shall not be entitled to a pension or death benefit under this article.

Sec. 8. Any member violating any of the provisions of this article, or any member aiding or abetting a member to do so, after investigation by the I.E.C. and being found guilty, may be permanently barred from ever participating in these benefits, and may be suspended, expelled, or assessed as the I.E.C. may decide.

Sec. 9. The procedures for applications for benefits and for making determinations thereon shall be as prescribed in the rules and regulations of the I.E.C.

## **ARTICLE XII            PAYMENTS TO INTERNATIONAL SECRETARY-TREASURER**

Sec. 1. Any L.U. hereinafter organized shall pay to the I.S.T. five dollars (\$5.00) for each "A" member admitted as a charter member. The five dollar (\$5.00) fee shall be divided, with three dollars (\$3.00) paid to the General Fund and two dollars (\$2.00) paid to the Pension Benefit Fund.

Any L.U. hereinafter organized shall pay to the I.S.T. one dollar and fifty cents (\$1.50) for each "BA" member admitted as a charter member except as may be otherwise decided by the I.P.

Each such L.U. shall receive free of cost the initial supplies.

The charter of new L.U.'s may be kept open for the reception of additional charter members for sixty (60) days after permanent organization, during which time applicants shall pay the amounts paid by the other charter members.

The charter shall not again be opened except by consent of the I.P., and the admission fee shall be the amount approved by the I.P.

Sec. 2. L.U.'s already organized shall pay to the I.S.T. fifty percent (50%) of the admission fees collected from all new members, but the maximum fee to the I.S.T. shall not be more than sixty dollars (\$60.00).

Sec. 3. Fifty percent (50%) of any difference in admission fees collected by L.U.'s from members of the I.B.E.W. shall be sent to the I.S.T., but the maximum fee to the I.S.T. shall not be more than sixty dollars (\$60.00).

Sec. 4. L.U.'s shall pay the I.S.T. one half of the ten dollar (\$10.00) reinstatement fee collected from "A" members in arrears. "BA" members shall pay a three dollar (\$3.00) reinstatement fee, one half of which shall be sent to the I.S.T. All members, before reinstatement, shall pay all arrearages to the date of reinstatement.

Sec. 5. Each L.U. shall pay to the I.S.T., as per capita tax, the amounts set forth in Article IX.

If any member is in arrears for dues to the L.U. and later pays such dues, the per capita tax for each month shall be paid to the I.S.T.

Should a member take out a Traveling Card, his per capita tax must be paid for the full life of the card at the time it is taken out. This must be sent to the I.S.T. with the next per capita tax payments sent after the card has been issued.

Withdrawal card members shall pay such amounts as set forth in Article IX.

Sec. 6. All per capita tax collected from members shall be in the hands of the I.S.T. or in the mail on or before the tenth (10th) of the following month.

Sec. 7. Any L.U. three (3) months in arrears in its payments to the I.S.T. may be suspended, and shall be reinstated only upon payment of an assessment, in an amount determined appropriate by a policy developed by the I.S.T., in addition to making its reports and remittances in full to the I.S.T.

Sec. 8. Payments due the I.S.T. shall be held in the treasury as a standing appropriation and do not require any vote of the L.U. to be sent to the I.S.T.

Sec. 9. A system of bookkeeping approved by the I.S.T. shall be used in all L.U.'s and the books and supplies shall be furnished at cost by the I.S.T.

Sec. 10. Any member holding good standing immediately prior to the first of the month in which the member enters the military service for the first time or is recalled to such military service, under the laws of the United States or Canada, shall be issued a Military Service Card by the F.S. of his L.U. on application by such member.

One designated portion of the card shall be forwarded to the I.S.T. by the F.S. of the L.U. with the next per capita report filed on behalf of the L.U.

The member receiving such a card, upon being released or discharged from military service, shall within sixty (60) days thereafter deposit it with the F.S. of the L.U. that issued the card and resume payment of L.U. dues and per capita tax. Any member who fails to deposit such card and resume payment of L.U. dues and per capita tax within the time specified

above shall no longer be entitled to the privileges set forth in this section.

All members on Participating Withdrawal Cards who enter military service shall be covered by this section, except that the Military Service Card shall be issued to them by the I.S.T.

Any member who remains in or re-enters military service, without being required to do so, shall not be entitled to retain the Military Service Card, nor shall such member be issued a new one in such circumstances; provided, however, that a member serving or reenlisting in the National Guard or in the military reserves may retain the Military Service Card benefit whenever called to active duty.

During the period that any member holds a valid Military Service Card, such member shall not be required to pay dues or per capita tax, but shall retain all membership privileges, including, but not limited to, eligibility to be a candidate for L.U. office or for International Convention delegate. In addition, all "A" members holding a valid Military Service Card shall maintain their continuous good standing and entitlement to all "A" members' benefits provided by the Pension Benefit Fund.

When a L.U. provides local benefits, it shall decide whether any member issued a Military Service Card shall continue to be covered by such benefits. However, the I.B.E.W. shall in no manner be held responsible regarding the payment or nonpayment of local benefits.

## **ARTICLE XIII**

## **LOCAL UNION CHARTERS**

Sec. 1. A L.U. may be organized by not less than ten (10) electrical workers or employees coming under the I.B.E.W.'s

jurisdiction. The I.S.T. shall grant a charter when authorized by the I.P.

Sec. 2. The type of work and the territory or jurisdiction covered by a charter must be defined in approved L.U. by-laws. The I.P. has the right and power to divide or change the territory or jurisdiction covered by any L.U., or to take charge of and direct certain jobs or projects in or passing through any territory, when in the judgment of the I.P. such should be done.

Sec. 3. The I.P. has the right and the power to merge or amalgamate L.U.'s in any community or section where the facts, developments, or conditions—in the judgment of the I.P.—warrant such action, also to decide the terms or details of any merger or amalgamation when the L.U.'s involved cannot or do not agree.

Sec. 4. When a L.U. does not—in the judgment of the I.P.—organize or protect the jurisdiction or territory awarded it, then its charter may be suspended or revoked by the I.P. and a new L.U. established or the jurisdiction or territory awarded to another L.U. or L.U.'s.

Sec. 5. When there is more than one branch of workers under I.B.E.W. jurisdiction represented in a L.U., the members of each branch shall define their own scale of wages, hours, and working conditions.

(However, this section shall not apply when different branches, divisions, or classifications come under one (1) blanket agreement. When these come under one (1) agreement, they shall vote as a group.)

Sec. 6. Units may be established within a L.U. by provision in the L.U. bylaws when its jurisdiction covers more



Sec. 2. Each council must be chartered by the I.P. The I.S.T. shall grant such charters when authorized by the I.P. The type of work and the territory or jurisdiction covered by a charter must be defined in the approved bylaws. The I.P. has the right and power to divide or change the territory or jurisdiction covered by such charter when in his judgment such should be done to advance the interests of the I.B.E.W. on railroads.

### **Rules for Railroad System Councils**

Sec. 3. The method of representation in Railroad System Councils shall be determined by the L.U.'s affiliated therewith. However, each delegate to the council shall be elected in the same manner as are the officers of the L.U. he represents.

Sec. 4. Such councils shall charge a per capita tax for their support and for proper handling of their business on railroads, and such per capita tax shall not be less than one dollar (\$1.00) a month from the members of railroad L.U.'s.

Sec. 5. The secretary of each council shall furnish to its L.U.'s and to the I.S.T. a quarterly financial report showing all receipts and disbursements.

Sec. 6. Each council shall adopt bylaws and rules to meet the needs of, or to protect and advance the interests of, the I.B.E.W. on railroads. Such bylaws or rules shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme. All bylaws, amendments or rules, all agreements, jurisdiction, *etc.*, of any and all kinds, shall be submitted in duplicate form to the I.P. for his approval.

Sec. 7. No such council shall put into effect, nor shall its officers, general chairman, or representative put into effect or allow to be put into effect, any bylaw, amendment, rule, or agreement of any kind without first securing approval of the I.P. All these shall be null and void without such approval, and the I.P. has the power to correct bylaws, amendments, rules, and agreements to conform to this Constitution and the policies of the I.B.E.W.

Sec. 8. Each council shall cooperate in the manner directed by the I.P. with such organizations as he may decide.

Sec. 9. When the I.P. deems it necessary to protect or advance the interests of I.B.E.W. members on railroads, or to organize or protect their jurisdiction, the I.P. is empowered to require such councils to employ a full-time general chairman, or a sufficient number of assistant general chairmen to cover the jurisdiction or territory involved.

Sec. 10. The general chairman of each such council shall be held responsible to the council and to the I.P. for results in organizing his territory, for establishing friendly relations with representatives of the railroads, and in protecting the jurisdiction of the I.B.E.W. He shall attend all meetings of the Executive Board of the council. It shall be his responsibility to keep accurate statistics—or to see that such statistics are kept—as required by the I.P., and to cooperate fully with the Research Department of the I.B.E.W.

Where a council has more than one general chairman, or representative, one shall be elected to be in full charge. He shall appoint any additional general chairmen, representatives, or assistants, and these shall work directly under him and be subject to his authority. He may discharge them at any

time. When a representative or assistant is dismissed by the general chairman in charge, he shall not be reemployed or paid by the council in any capacity during the term of office of the general chairman in charge without his consent.

Sec. 11. The officers, general chairmen, and representatives of such councils shall be guided and governed by the same rules—where such apply to them—which guide and govern the officers and representatives of the L.U.'s of the I.B.E.W.

Sec. 12. The I.P. has the power at any time to enter any situation or controversy involving a council, and his decision shall be accepted by such council and its officers, subject to appeal to the I.E.C. and I.C.

## **ARTICLE XV**                      **RULES FOR LOCAL UNIONS**

Sec. 1. No L.U. shall meet more than twice monthly unless specifically called. Special meetings may be called only by the business manager, railroad general chairman, or the L.U. Executive Board.

Sec. 2. Each L.U. shall adjourn its meetings not later than 11 p.m. prevailing time, and no other meetings shall be held on the same day or night. Any action taken after this hour shall be null and void. Anyone presiding over the meeting shall be held personally liable and subject to penalty from the I.P. for permitting a violation of this provision. (When a L.U.'s members are engaged in operations of a continuous nature, and it is impossible or impractical to comply with the above provision, the I.P. may grant special dispensation in such cases.)

Sec. 3. Any L.U. failing to hold a regular meeting for a period of one (1) month shall forfeit its charter, unless it

shows good cause for not doing so. Seven (7) members in good standing shall constitute a quorum, provided the L.U. has a membership of seventy-five (75) or more. If the L.U. has less than seventy-five (75) members, then five (5) shall constitute a quorum.

Sec. 4. L.U.'s shall affiliate, or shall not affiliate, with state, provincial, central, or trades councils or bodies, as decided by the I.P.

Sec. 5. No L.U. shall allow any member who becomes an electrical employer, a partner in an electrical employing concern, a general manager, or other managerial position, to hold office in the L.U. or attend any of its meetings, or vote in any election of a L.U. The L.U. may allow such a member to continue his membership in the L.U., or the member may apply to the F.S. for a withdrawal card. It shall require a majority vote at a meeting to grant such card. But the L.U. has the right to require such a member to take out a withdrawal card if it so decides.

Sec. 6. L.U.'s are empowered to make their own bylaws and rules, but these shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme. All bylaws, amendments and rules, all agreements, jurisdiction, *etc.*, of any kind or nature, shall be submitted to the I.P. for approval. No L.U. shall put into effect any bylaw, amendment, rule, or agreement of any kind without first securing such approval. All these shall be null and void without I.P. approval. The I.P. has the right to correct any bylaws, amendments, rules, or agreements to conform to this Constitution and the policies of the I.B.E.W. Bylaw amendments shall be submitted to the I.V.P. of that district, who will forward them to the I.P. with his recommendations.

The number of copies of agreements, and the method of their submission, shall be determined by the I.P.

Approval of L.U. collective bargaining agreements by the I.P. does not make the International a party to such agreements unless the I.P. specifically states in writing that the International is a party to any such agreement.

Sec. 7. This Constitution and the rules herein shall be considered a part of all L.U. bylaws and shall be absolutely binding on each and every L.U. member.

Sec. 8. All L.U. bylaws or rules in conflict with this Constitution and the rules herein are null and void.

Sec. 9. Except when decided otherwise by the I.P., agreements between L.U.'s and employers must contain a condition that the L.U. is part of the I.B.E.W. and that a violation or annulment of an agreement with any L.U. annuls all agreements entered into with the same employer, corporation, or firm and any other L.U. of the I.B.E.W.

Sec. 10. All L.U.'s shall be compelled to live up to all approved agreements unless broken or terminated by the other party or parties, which fact shall first be ascertained by the I.P. No agreement of any kind or nature shall be abrogated without sanction of the I.P.

Sec. 11. No L.U. shall allow its members to work for any employer in difficulty with it or any other L.U. of the I.B.E.W., or directly with the I.B.E.W., providing the I.P. has recognized such difficulty.

Sec. 12. No L.U. shall cause or allow a stoppage of work in any controversy of a general nature before obtaining consent of the I.P. The I.P., or his representative, has the power

at any time to enter any situation or controversy involving a L.U. or any of its members, and the decision of the I.P., direct or through his representative, shall be accepted by the L.U. and its officers, subject to appeal to the I.E.C. and I.C.

Sec. 13. No L.U. shall by any action, law, rule, agreement, or understanding refuse to furnish members to, or prevent their members working for, outside employers who have work within their jurisdiction, under the same working conditions and wages that the L.U. members work for local employers, provided that such outside employers recognize the I.B.E.W. as the collective bargaining agent on their other work.

Sec. 14. Each L.U. has the power to adopt, or subscribe to, an apprenticeship system, training program, or helper rules, as the conditions may require. However, such shall not conflict with applicable standards or policies of the I.B.E.W. or to which it is a party.

After such an apprentice has worked one (1) year in the jurisdiction of the L.U., he shall be admitted into the I.B.E.W. through the L.U. without further action by the L.U.

Apprentices, helpers, and groundmen may or may not have a voice and vote at L.U. meetings or elections as the L.U. decides and as provided in the L.U. bylaws.

No apprentice shall be eligible to hold any office in the L.U., except that a member who was previously eligible to hold office in the L.U. shall remain eligible if he entered an apprenticeship program for the purpose of upgrading his classification.

Sec. 15. Each L.U. shall have a safety and health committee which shall: investigate and report serious accidents

and fatalities; cooperate with the I.O. on safety and health matters; promote safety and health; and cooperate with safety and health organizations as determined by the L.U. and as directed by the I.O. Each L.U. shall investigate and report to the I.O. all serious lost-time accidents and fatalities. Reports shall be submitted using the web-based, electronic version of Form 173, I.B.E.W. Report of Occupational Injury, Illness or Fatality. Nothing in this section, or in the activities of the safety and health committee, is intended to create any right or obligation enforceable by individual members or employees against the L.U., the I.B.E.W., or members of the committee.

Sec. 16. Each L.U. shall establish the amount of its admission fee subject to approval of the I.P. Such fees must be stated in the L.U. bylaws; and in case of a dispute, the fees recorded in the bylaws shall be conclusive of the correct amount.

Sec. 17. In no case shall a L.U. charge any member of the I.B.E.W. an examination fee.

Sec. 18. No L.U. shall send out, or approve the sending out of, financial appeals of any kind without first having consent of the I.P. No L.U. shall recognize or pass upon any financial appeals, *etc.*, it may receive without such appeals having received approval of the I.P.

Sec. 19. Whenever the I.P. deems it necessary to protect or advance the interests of a L.U. and the I.B.E.W., or to organize and protect its jurisdiction, the I.P. may require the L.U. to employ a sufficient number of representatives to cover the jurisdiction or territory involved.

Sec. 20. Railroad L.U.'s shall join Railroad System Federations and System Councils where such are formed.

Railroad L.U.'s must contribute to the support of and conform to the laws of Railroad System Councils where such are formed. Railroad L.U.'s shall cooperate in the manner directed by the I.P.

Sec. 21. L.U.'s outside the railroad industry may form System Councils for bargaining purposes, with approval of the I.P., and shall do so when directed by the I.P. Where formed, the L.U.'s affected or involved shall affiliate, and remain so, and shall pay for the support of, and conform to the approved bylaws of, such System Councils.

The I.S.T. shall grant a charter to such System Council when authorized by the I.P. The type of work and the territory or jurisdiction covered by the charter must be defined in the approved bylaws. Each delegate to the System Council shall be elected in the same manner as are the officers of the L.U. he represents.

Such System Councils, and their officers and representatives, shall be subject to and be governed by the same rules and laws (where such apply to them) as appear in this Constitution for L.U.'s.

Sec. 22. No L.U. shall withdraw from the I.B.E.W. or dissolve as long as five (5) members in good standing object thereto. Before withdrawal, written notice must be given to the I.P., and all books, papers, charters, funds, and all property are to be forwarded to the I.S.T.

Sec. 23. L.U.'s, Railroad System Councils, or System Councils whose charters have been revoked or suspended for violation of this Constitution, or for noncompliance with decisions rendered by proper International authority, shall have no right or power to take any action, except actions necessary

to comply with the Constitution or decisions rendered by proper I.B.E.W. authority. After such action has been taken, no further action can be taken until notice from the I.P. is received that the revocation or suspension has been terminated.

Sec. 24. No L.U., or its officers, employees, or representatives, is authorized to act on behalf of the I.B.E.W. or shall be deemed an agent of the I.B.E.W., except upon specific authorization granted by the I.P.

Sec. 25. The Examining Board shall supervise the examination of all applicants for membership to determine their qualifications for the trade, except for those selected as apprentices under provisions of the collective bargaining agreement. They shall review such qualifications of members as provided in Article XIX of this Constitution.

The Board shall meet at least quarterly to supervise the examination of applicants when there are applicants to be examined. The Board shall retain all records of examinations given for at least two (2) years.

The report on the results of all examinations shall be furnished to the Executive Board and the L.U. by the Examining Board.

## **Parliamentary Rules**

1. The chairman may save time in deciding certain questions by asking if there are any objections. If there are none, he shall declare an action adopted.

2. He shall not allow any member of the L.U. to speak more than once on the same subject until all members desiring the floor have spoken, and not more than twice, and not

more than seven (7) minutes at any one time, except those making reports.

3. Sectarian discussions shall not be permitted under any circumstances.

4. When members desire all talk or debate stopped and a vote taken, they may call for the previous question. When this is done it shall be put to a vote at once in this form: "Shall all debate be closed and the main question voted upon?" If this carries by a majority vote, then a vote shall be taken at once on the question before the meeting.

5. An appeal may be taken at the meeting on any ruling of the chairman, but not when a question of law is involved. When an appeal is taken to the meeting, the chairman shall state it in these words: "Shall the decision of your chairman be upheld?" The member making the appeal shall then state his grounds, and the chairman shall give the reason for his decision. The vote shall then be taken without further debate.

6. A question can be reconsidered only at the same meeting or at the next regular meeting. If reconsidered at the same meeting, a majority vote is sufficient. If reconsidered at the next meeting, a two-thirds (2/3) vote is required. A motion to reconsider must be made and seconded by two (2) members who voted with the majority.

7. A motion can be amended only twice.

8. If a motion has been amended, then the amendment shall be voted upon first. If more than one (1) amendment has been offered, then the vote shall be first on the amendment to the amendment; next on the amendment to the motion; and last on the original motion.

9. Motions to lay on the table, or to read a paper or document, or to adjourn, are not debatable.

10. All resolutions and resignations must be submitted in writing.

11. All other parliamentary questions not decided in these rules shall be decided by *Robert's Rules of Order Newly Revised*.

## **ARTICLE XVI                    OFFICERS OF LOCAL UNIONS**

Sec. 1. Each L.U. shall have a president, vice president, recording secretary, financial secretary, treasurer, and Executive Board of not more than seven (7) nor less than three (3) members, provided that where deemed necessary for better representation in the L.U., the Executive Board may, with the consent of the I.P., have more than seven (7) members and, if the L.U. so decides, an Examining Board of not more than five (5) nor less than three (3) members. The members of the Examining Board are elected; however, they are not considered L.U. operating officers.

Sec. 2. L.U.'s requiring a local business representative or representatives shall elect one (1) person to be known as a business manager. He shall appoint any and all other representatives or assistants. These shall work directly under him and be subject to his authority. He may discharge them at any time. When a representative or assistant is discharged by the business manager, he shall not be reemployed or paid by the L.U. in any capacity during the term of office of such business manager without his consent. However, this does not disqualify any discharged assistant or representative from running for office at the next election. The business manager

shall be the principal officer of the L.U., and all other L.U. officers shall cooperate with the business manager and shall not work in conflict with him.

Sec. 3. Each L.U. shall also have a press secretary, registrar, and as many inspectors and door foremen as the L.U. president deems necessary. These shall not be considered officers and shall be appointed by the president. They shall perform such duties as he directs. He may remove any of them and appoint others at any time.

Sec. 4. No other local offices shall be created without consent of the I.P.

Sec. 5. No L.U. shall combine the office of financial secretary and treasurer unless by special dispensation from the I.P.

Sec. 6. In each L.U. whose members participate in the Pension Benefit Fund, no member shall be eligible to serve as F.S. unless he is also a participant in the Pension Benefit Fund, unless this requirement is waived by the I.P.

Sec. 7. No L.U. shall allow dues to officers or appointees for services rendered, but the L.U. may fix such salaries for them as it decides.

Sec. 8. The officers shall serve three (3) or four (4) year terms as the L.U. bylaws may provide, or until their successors are qualified.

Sec. 9. Nominations for officers shall be held in the month of May of election years as provided in the L.U. bylaws. However, the I.P. may grant special dispensation to hold the nominations in a different month when he is satisfied good cause is shown. Where such change is to continue, the month shall be stated in the L.U.'s bylaws. Any member nominated

can withdraw his name any time prior to the election, either by announcement at the meeting of the L.U. or by notifying the L.U. president in writing.

Sec. 10. No member shall be nominated for office unless he is present or signifies his willingness in writing, nor shall he be eligible for any office unless he has been a member in continuous good standing at least two (2) years in the L.U. immediately prior to nomination, provided the L.U. has been in existence for this length of time. When it is impracticable or impossible for a L.U. to elect officers with the required standing, the I.P. may grant special dispensation. A member must be in good standing between the time of nomination and installation and, if elected, must remain in good standing while serving in office, unless the I.P. grants special dispensation when circumstances warrant, such as a clerical error or emergencies beyond the control of the member, preventing the timely payment of dues.

The two (2) year membership requirement shall not be applicable to members of L.U.'s affiliated with System Councils who are employed by a single employer and who transfer between L.U.'s within a System Council, provided, however, that any such member must have been a member in continuous good standing for two (2) years in at least one of the L.U.'s affiliated with the System Council involved.

Sec. 11. The L.U. shall decide the manner in which the nominations and elections shall be held, and such shall be stated in the L.U. bylaws. This shall not conflict with the I.B.E.W. Constitution. There shall be one (1) judge and as many tellers as are required, and the method of selection shall be stated in the L.U. bylaws. The election judge and tellers must have been members in continuous good standing in the L.U. at least two (2) years immediately prior to

nominations, provided the L.U. has been in existence for this length of time. Election observers must be members eligible to vote in the election.

Sec. 12. Elections of officers shall be held in the month of June of election years as provided in the L.U. bylaws. However, the I.P. may grant special dispensation to hold the elections in a different month and to extend the time for conducting the elections when he is satisfied good cause is shown. Where such change is to continue, the month shall be stated in the L.U.'s bylaws. Each L.U. shall set a definite date and time for the elections.

All elections shall be decided for the candidate receiving the most votes, unless the L.U. bylaws provide otherwise.

However, election to the L.U. Executive Board or Examining Board shall be decided for the candidates receiving the most votes. Where a majority of the votes cast is required and no candidate receives such majority, a run-off election will be held between the two (2) candidates receiving the highest number of votes. The time for holding a run-off election shall be stated in the L.U. bylaws, where a majority vote is required.

Sec. 13. The installation of officers shall occur at the first meeting held in July following the elections. However, the I.P. may grant special dispensation for a different time for the installation of officers when he is satisfied good cause is shown. When such dispensation is granted, the time shall be stated in the L.U.'s bylaws.

Sec. 14. Any officer failing to discharge the duties of his office for two (2) consecutive meetings, unless satisfactory excuse is given in writing, shall have his office or position de-

clared vacant by the L.U. president, and the Executive Board shall then fill such vacancy until the next regular election.

Sec. 15. When it is decided by proper authority, and in accordance with these laws, that any L.U. officer shall be suspended or removed from office, then the L.U. president shall at once declare such office vacant. If this applies to the president, then the vice president shall declare his office vacant.

Sec. 16. Vacancies occurring in any L.U. office and the Examining Board shall be filled by the L.U. Executive Board until the next regular election, except when filled by the I.P. The eligibility requirements for election to the office shall apply. Vacancies in the position of press secretary, registrar, door foreman, or inspector shall be filled by the L.U. president.

Sec. 17. During the temporary absence of any officer, the president shall appoint a member to serve pro tem. In the absence of the president, the vice president shall automatically perform his duties. In the absence of both the president and the vice president, the recording secretary shall call the L.U. meeting to order and the L.U. shall name a temporary chairman. (This does not apply to the business manager.)

Sec. 18. All officers, at the expiration of their terms of office, shall deliver to their successors all books, papers, money, and other property in their possession belonging to the I.B.E.W. or the L.U. and shall not be relieved from their bond or obligation until this has been done.

Sec. 19. All officers, appointees, or employees shall turn over all books, papers, and property of the L.U. in their possession to the I.P. or his representative upon his demand.

Sec. 20. No officer of a L.U., Railroad System Council, or System Council shall improperly use, or allow anyone to improperly use, the mailing list of members to communicate with them regarding union politics or candidates for union office. Any officer having such a list shall be held personally liable for its misuse.

## **ARTICLE XVII**

## **DUTIES OF LOCAL UNION OFFICERS**

### **President**

Sec. 1. The L.U. president shall be held responsible for the strict enforcement of this Constitution and the rules herein and the L.U. bylaws. He shall be held personally liable and subject to penalty by the I.P. for failure to conduct orderly meetings or failure to carry out the responsibilities and duties imposed upon him herein.

He is empowered and shall do as follows:

(a) Preside at all meetings of the L.U. and see that each meeting is promptly adjourned not later than 11 p.m. prevailing time. When he deems it necessary to preserve order, he shall appoint members to aid him in doing so and in carrying out his rulings.

(b) He shall promptly have removed from the meeting room any intoxicated member, any disturber, or anyone not conducting himself in an orderly way, or anyone who disturbs the harmony or peace of the meeting, or who fails promptly to abide by his rulings or the action of the meeting. He shall suspend from attendance at any meeting any member who commits any of these offenses, for the balance of

such meeting, and he shall see to it that such member shall not be allowed to reenter the meeting for the remainder of the meeting. He may repeat the sentence of suspension at any subsequent meeting at which an offender persists in such conduct.

(c) He shall decide all questions of order according to the parliamentary rules stated herein, and have the deciding vote in case of a tie, and see that all assessments are paid and all penalties enforced.

(d) He shall appoint all committees; act as an ex-officio member of all committees; appoint all delegates to central, trades, and political councils or bodies with which the L.U. is affiliated. Where the L.U. has a business manager, then he and any of his assistants shall be named by the president as delegates to the Building and Construction Trades Council and to the Metal Trades Council; and he shall appoint the registrar as delegate to conferences of bodies on political education and activity with which the L.U. is affiliated. The president shall consult and cooperate with the business manager (where the L.U. has one) on all appointments.

(e) He shall see that all committees perform the duties assigned to them within a reasonable time. He shall promptly remove any committee member not performing his duties and appoint another.

He shall see that the registrar promotes political education and activity as determined by the L.U.; keeps such records as are found to be necessary to encourage all members to register and vote; and keeps the membership informed on candidates worthy of support and pending legislation of vital importance to the country, the community, and the members of the L.U.

(f) He shall either appoint an auditing committee of three members, or he or the L.U. Executive Board, as the L.U. decides, shall employ a public accountant to reconcile the books and accounts of the L.U. every three (3) months. He shall inspect the bank book or books of the treasurer to see that L.U. moneys turned over to the treasurer have been properly and promptly deposited in the name of the L.U.

In addition, he shall employ a certified public accountant to perform an annual independent audit of the books and accounts of the L.U., in accordance with U.S. generally accepted auditing standards or their international equivalent; provided, however, should the L.U. believe it would be cost prohibitive to conduct such an annual independent audit, the L.U. can request a waiver from the I.S.T.

(g) He shall see that all funds of the L.U. are deposited in a reputable bank or banks in the name of the L.U., subject to withdrawal by check signed in the name of the L.U. and countersigned by the president and treasurer, and see that no disbursements are made except on an order countersigned by the R.S. and himself after action of the L.U. However, no action of the L.U. is necessary to pay regular or standing bills such as rent, salaries, and payments due the I.S.T.

(h) He shall notify in writing any bank, or all banks, in which the L.U. makes deposits, that the L.U. empowers the I.P. to stop withdrawal of any L.U. funds when in the judgment of the I.P. such action is necessary to protect the L.U. and its members. He shall notify such bank or banks that they are to honor and abide by any notice from the I.P. to stop withdrawals should the occasion arise. He shall send to the I.S.T. a copy of such letter or notice to any bank or banks to be made a matter of record.

(i) He shall see that the amount of bonds on the L.U. officers and employees is sufficient to protect the L.U. against any loss. The minimum bond shall be five-thousand dollars (\$5,000), and the bonds are to be made through the I.O.

(j) He shall cooperate with the business manager of the L.U., if the L.U. has one, and shall not work in conflict with him. Where the L.U. has no business manager, the duties normally performed by the business manager shall be performed by the president, who is then both president/business manager, except where the L.U. is affiliated with a Railroad System Council or has a general chairman. The president shall keep accurate statistics, or see to it that such statistics as required by the I.P. are kept by the F.S. or person designated, and shall cooperate fully with the Research Department of the I.B.E.W.

He shall perform such other duties as are prescribed herein, or may be assigned to him by his L.U. when such duties are not in conflict with this Constitution and these rules.

## **Vice President**

Sec. 2. The vice president shall assist the president in the discharge of his duties and shall fill his place in case of the president's absence and perform such other duties as are required by this Constitution and the bylaws of the L.U.

## **Recording Secretary**

Sec. 3. The R.S. shall keep correct minutes of each meeting of the L.U.; answer all correspondence in accordance with instructions given him by the L.U. or the president; make out all orders on the treasurer for the payment of authorized bills;

notify the I.S.T. of all changes in officers, giving names and addresses; and perform such other duties as are directed by the president or required by this Constitution and the bylaws of the L.U.

### **Financial Secretary**

Sec. 4. The F.S. shall keep such books and records, and issue such receipts, as are required or approved by the I.S.T. He may, when necessary and when approved by the L.U., employ an assistant or assistants. He shall be responsible for all moneys collected by the L.U. until such funds are turned over to the treasurer or deposited in the L.U.'s bank account without delay. When he deposits any L.U. funds, he shall furnish the treasurer with the bank record of all such deposits not later than the close of the month. He shall make known to the L.U. the receipts received at such time as the L.U. decides. He shall mail to the I.S.T. the per capita report, and the money due, by the tenth (10th) of the month, unless special arrangements with the I.S.T. are made. (The L.U. shall be responsible to the I.S.T. for such payments.) If the F.S. fails to do this as required, the L.U. may be assessed an amount determined appropriate by a policy developed by the I.S.T. He shall keep a record of each member, the full name and address, and notify the I.S.T. of all suspended or expelled members.

Sec. 5. The F.S. of each railroad L.U. shall also collect all moneys and fees due Railroad System Councils, and forward these to the council secretary on or before the tenth (10th) of the month. He shall make reports on official triplicate forms provided by the I.S.T., sending one to the council secretary, one to the I.S.T., and keeping one for the L.U. records. He

shall also send on or before the tenth (10th) of the month a list giving the complete standing of members, showing members admitted, those leaving with Traveling Cards, suspended, expelled, or dropped from the rolls, and those not working.

Sec. 6. The F.S. shall submit his books and records for inspection or audit when called upon by the I.P., the I.S.T., the L.U. president, or Executive Board.

### **Treasurer**

Sec. 7. The treasurer shall receive from the F.S. all moneys collected or the bank record of money deposited in the L.U.'s bank account and give proper receipt for the same. He shall deposit all L.U. moneys turned over to him by the F.S. in a bank or banks designated by the L.U. in the name of the L.U. He shall make no disbursements without sanction of the L.U., except for payments of regular or standing bills such as rent, salaries, and payments to the I.S.T., which do not require a vote of the L.U., and upon an order or warrant signed by the president and the R.S. He shall make an itemized statement to the L.U. as and when required by the L.U. or the president. He shall submit his books and records for inspection or audit when called upon by the I.P., the I.S.T., the L.U. president, or Executive Board.

### **Business Manager** (Where a L.U. has one)

Sec. 8. The business manager shall be the principal officer of the L.U. and shall be held responsible to the L.U. and to the I.P. for results in organizing his jurisdiction, for establishing friendly relations with employers, and for protecting the jurisdiction of the I.B.E.W. It shall be his responsibility to keep accurate statistics, or to see that such statistics as re-

quired by the I.P. are kept, and shall cooperate fully with the Research Department of the I.B.E.W. The business manager or his designee shall serve as a permanent member of the negotiating committee and serve as a trustee on all trust funds of the L.U. provided for in the collective bargaining agreements. He shall attend all meetings of the L.U. Executive Board and have a voice but no vote. He shall have such authority and perform such other duties as are provided in this Constitution or may be provided for in the L.U. bylaws.

### **Executive Board**

Sec. 9. The L.U. Executive Board shall meet between regular meetings of the L.U. It shall have the power to take any action that the L.U. can take, and which should be taken prior to the next regular meeting of the L.U. Matters referred to the board by the business manager, or any of his assistants or the general chairman of a Railroad System Council, shall take precedence over all other matters before the board.

Sec. 10. A quorum of the board shall consist of the majority of its members.

Sec. 11. The board shall see that all members, officers, or others who are not entitled to remain in the board meetings, shall retire after they have been heard and submitted their business to the board. When a board member is directly interested or involved in any case before the board, he or she shall retire.

Sec. 12. The Executive Board shall act as the trial board; hear all charges; and try all members, except officers and representatives of L.U.'s, Railroad System Councils, and System Councils, for any violation of this Constitution, or the bylaws and working rules of the L.U. (See Article XXV.)

No board member shall sit in a case that affects his own employer or that involves a member working for the same employer. In such case, the board member shall be disqualified and the president of the L.U. shall appoint a substitute or substitutes. If the president is a member of the board and is disqualified, then the vice president shall appoint a substitute or substitutes. If the vice president is also disqualified, then the substitute or substitutes shall be named by the remaining board members. The portion of this paragraph that refers to an employer shall not apply to those L.U.'s where at least seventy-five percent (75%) of the membership is in the employ of one employer.

The board may reopen and reconsider any case or cases, when it feels the facts or circumstances justify doing so, any time within thirty (30) days from the date the decision was rendered, and it shall do so when directed by the I.V.P. or I.P.

Sec. 13. The board shall submit a report of its actions and findings to each regular meeting of the L.U. for approval, except that no approval or disapproval is to be made or action taken by the L.U., nor is any discussion to be allowed when the board reports on the cases of members charged with violations of this Constitution or the bylaws and working rules of the L.U.

Sec. 14. The Executive Board shall cooperate fully with other officers and the representatives of the L.U. to the end that the interests of the L.U. and its members may be properly protected and advanced. The board shall perform such other duties as are outlined in this Constitution or as may be provided for in the bylaws of the L.U.

## **ARTICLE XVIII      DUES—ASSESSMENTS—FUNDS**

Sec. 1. L.U.'s shall collect dues from members either monthly or quarterly in advance. The L.U. monthly dues shall be not less than fifty cents (\$.50) in addition to applicable per capita tax and assessments due the I.O.

Sec. 2. All assessments imposed shall be charged by the F.S. against the member as regular dues and must be paid within the time required to protect the member's continuous good standing and benefits.

Sec. 3. No assessment shall be levied by the L.U. except by a majority vote of the members present, and no assessment can be ordered upon the night of its introduction, but must be laid over for at least two (2) weeks for consideration.

Sec. 4. All disbursements must be on an order drawn by the treasurer signed by the president and recording secretary. However, no action of the L.U. is necessary for payment of regular or standing bills such as rent, salaries, and payments to the I.S.T.

Sec. 5. The funds and property of a L.U. shall be used only for such purposes as are approved by the I.P., or as are specified in this Constitution and as may be necessary to transact, properly manage, and conduct its business.

Sec. 6. The funds and property cannot be divided among the members individually, except in the form of such benefits as may be provided by the L.U. after approval of the I.P.

Sec. 7. The funds and property are for the legitimate purposes of the L.U. while five (5) members remain therein. Should a L.U. finally dissolve, its charter, books, papers, and funds shall at once be forwarded to the I.S.T.

## **ARTICLE XIX                      QUALIFICATIONS OF MEMBERS**

Sec. 1. Any worker coming under the I.B.E.W.'s jurisdiction, of good character and not less than sixteen (16) years of age, is eligible for membership, provided he passes a satisfactory examination when required to do so by the L.U.

Sec. 2. If, after being admitted to membership, it is later found upon investigation that a member is not sufficiently acquainted with the branch or type of work on which he is engaged to earn or command the established wages, then a L.U. can, through its Executive or Examining Board or a specially appointed committee, require such member to revert to the proper apprentice grade and pay rate, to attend electrical study classes, or devote time toward becoming a competent, properly informed electrical mechanic or employee.

## **ARTICLE XX                      ADMISSION OF MEMBERS**

Sec. 1. No L.U. can admit an applicant who does not reside in, or who is not employed at the trade, in the jurisdiction of the L.U., unless the L.U. is directed to admit him by the I.P.

No L.U. can admit any applicant who formerly was a member of the I.B.E.W., or who was suspended or expelled by, or indebted to any L.U., without consent of the I.S.T. and without first consulting the last L.U. of which the applicant was a member in regard to his character and record. The I.P. shall decide any case in dispute.

No L.U. can admit any applicant for membership who is a member of another L.U. except as a traveler under the provisions of Article XXIII. No person may be a member of more than one L.U. at any one time.

Sec. 2. Each applicant for membership shall fill out an application blank furnished or approved by the I.S.T. and answer all questions. The original application or a copy must be sent to the I.S.T.

Sec. 3. The acceptance of an application for membership, and the admission of the applicant into any L.U. of the I.B.E.W., constitutes a contract between the member, the L.U., and the I.B.E.W., and between such member and all other members of the I.B.E.W.

Sec. 4. Each applicant admitted, shall, in the presence of members of the I.B.E.W., repeat and sign the following obligation:

“I, \_\_\_\_\_ (*name*) \_\_\_\_\_, in the presence of members of the International Brotherhood of Electrical Workers, promise and agree to conform to and abide by the Constitution and laws of the I.B.E.W. and its L.U.’s. I will further the purposes for which the I.B.E.W. is instituted. I will bear true allegiance to it and will not sacrifice its interest in any manner.”

Sec. 5. The obligation card signed by the applicant shall be sent to the I.S.T.

The L.U. shall have each applicant, except as provided in Section 10 of this article, take the obligation before a regular meeting or outside the regular meeting in the presence of the president or the vice president or the business manager or the business manager’s designated representative or the recording secretary.

Sec. 6. Each applicant shall pay the admission fee fixed by the bylaws of the L.U. to which he applies, or such fee as approved by the I.P. and ten percent (10%) or more of such

fee must accompany the application. Admission must be completed within ninety (90) days after application is made.

Sec. 7. The names of all applicants shall be read or posted at a regular meeting of the L.U. The president shall appoint a committee to pass and report upon the applications, or the Executive Board may perform this function as the L.U. may decide.

Sec. 8. If the applicant or applicants are reported upon favorably, a ballot or vote may be taken as the L.U. may decide, except as provided in Article XV. If an applicant(s) is rejected, his or their names shall not again be proposed for membership for six (6) months, and the admission fee shall be returned to the applicant. If an applicant is rejected for membership and the reasons for rejection are found to be without just cause, the L.U. shall be directed by the I.P. to immediately accept the applicant into membership.

Sec. 9. Any candidate failing to present himself for admission within one (1) month after his election and notification thereof, unless he gives good and sufficient reasons, forfeits his admission fee and cannot again be proposed for six (6) months.

Sec. 10. Any worker or employee coming under the I.B.E.W.'s jurisdiction and residing where there is no L.U., who can qualify according to this Constitution, may become a member by filling out a regular application and sending it to the L.U. having jurisdiction; and, if accepted, he shall sign the obligation card and send it to the L.U.

The I.S.T. may accept such an applicant directly if he feels there are good reasons for doing so.

Sec. 11. In the case of an organizing campaign, Sections 7, 8, and 9 of this article may be waived by the I.P.

## **ARTICLE XXI**

## **MEMBERS IN ARREARS**

Sec. 1. No member is entitled to notice of the monthly or quarterly dues of his L.U., nor of arrearages, but must take notice when payments are due.

Sec. 2. When a member's working card has expired, he at once, without notice, stands suspended from all L.U. benefits.

Sec. 3. Any member indebted to his L.U. for three (3) months' dues, or having any past due indebtedness to the I.B.E.W. for per capita tax or assessments, shall stand suspended, and the L.U. may refuse to accept dues from any member who is indebted to it. Such member cannot be reinstated until all indebtedness has been paid, unless waived by the L.U. However, dues cannot be waived.

(However, when any "BA" member is working under an agreement requiring monthly payment of dues, a grace period of only twenty-one (21) days—after the first of the month following the indebtedness—shall be allowed unless the grace period is extended by the L.U. involved.)

Sec. 4. Any member indebted to his L.U. for six (6) months' full dues shall be dropped from membership by the F.S. and cannot become a member in good standing again in the I.B.E.W. except by joining as a new member.

(However, when any "BA" member is working under an agreement requiring monthly payment of dues, a grace period of only twenty-one (21) days—after the first of the month following the indebtedness—shall be allowed before

being dropped from membership, unless the grace period is extended by the L.U. involved.)

Sec. 5. A member who has been assessed by a L.U. trial board, who is appealing the assessment and making the required monthly payments in accordance with Article XXV, Section 13, retains his good standing status until the appeal process in Article XXV has been exhausted.

Sec. 6. Members who are suspended forfeit all rights and previous standing in the I.B.E.W., including any pension or death benefits payable from the Pension Benefit Fund.

## **ARTICLE XXII REINSTATEMENT OF MEMBERS**

Sec. 1. Any member suspended for being in arrears for three (3) months, but less than six (6) months, may apply for reinstatement.

Sec. 2. Any member in arrears, if eligible for reinstatement, shall pay his L.U. all arrearages and assessments, and reinstatement fees. "A" members shall pay a reinstatement fee of ten dollars (\$10.00) and "BA" members shall pay a reinstatement fee of three dollars (\$3.00). Half of all such fees are to be sent to the I.S.T. In addition, all "A" members shall pay a pension reinstatement fee of twenty dollars (\$20.00), all of which shall be forwarded to the I.S.T. for the Pension Benefit Fund. Reinstated members shall retain their former card number. Any reinstated applicant shall be subject to the limitations imposed by this Constitution.

Sec. 3. A reinstated member shall not be entitled to any L.U. benefits until six (6) months after reinstatement.

Sec. 4. Reinstated members' standing in the I.O. shall be the same as that of new members except as provided in Section 5 of this article.

Sec. 5. For pension purposes only, an "A" member suspended because of an arrearage in his dues who is reinstated pursuant to the provisions of the Constitution, shall be restored to the continuous good standing he enjoyed prior to his suspension.

## **ARTICLE XXIII**

## **TRAVELING CARDS**

Sec. 1. Any member working in a different L.U.'s jurisdiction shall be admitted to its meeting, provided that he presents his official receipt for dues showing he is a member in good standing and he identifies himself as the rightful owner of such receipt, but he will have no voice or vote at such meeting, except as required by law.

Any member visiting a different L.U. may be admitted to its meeting at the option of the L.U., provided that he presents his official receipt for dues showing he is a member in good standing and identifies himself as the rightful owner of such receipt, but he will have no voice or vote at such meeting.

Sec. 2. Any member desiring to transfer his membership may apply to the F.S. for a Traveling Card for a stated time not to exceed three (3) months. This card shall be null and void unless deposited in some L.U. or renewed by the L.U. granting it on or before the date of its expiration. No fraction of a month shall be recognized, and all cards must date from the first day of the month and expire on the last day of the month.

Sec. 3. If a member is in continuous good standing and not under charges, the F.S. shall grant the card without a vote of the L.U. upon payment of all dues in advance for the full time for which the card is granted.

Sec. 4. The L.U. issuing the card shall pay the I.S.T. the per capita tax for the time the card holds good. The L.U. shall be held liable for any unpaid per capita tax, premiums, assessments, or other items due the I.O. and that the F.S. neglected to collect.

Sec. 5. Traveling Cards may not be deposited in any L.U. that does not include the type of membership for which the card was issued, unless the member transfers to a type of membership covered by the L.U. In such case, he shall be given credit for the last initiation fee he paid. Nor may a Traveling Card be deposited in a L.U. by a member of another L.U. wishing to transfer his membership until and unless that member has been accepted by the L.U. into which he wishes to transfer. Each L.U. shall have full autonomy to accept or reject all requests for transfers (except as provided in Section 10).

Sec. 6. No member shall work in the jurisdiction of another L.U. until his Traveling Card has been accepted, or he receives a working card, except by consent of the I.P. in special cases, and except in cases where L.U.'s allow their members to work by agreement or understanding in the jurisdiction of each other.

Any member violating this provision is subject to assessment at the discretion of that L.U., but the assessment shall not exceed the wages earned by such member while the violation continued. However, any member violating the work-

ing rules of another L.U. shall be subject to such punishment as decided by the L.U.

Sec. 7. When a member is away and sends dues to his home L.U., the F.S. of the home L.U. shall notify the L.U. of the same branch of the trade in whose jurisdiction the member is located, giving his name, address, and card number.

Sec. 8. A member not having five (5) years continuous good standing in the I.B.E.W. shall pay any difference in admission or initiation fee to the L.U. to which he applies. No L.U. shall require a member to pay any such difference at a greater rate than one dollar (\$1.00) a day for each day he works. The L.U. may require him to pass its examination.

Sec. 9. No member of the same branch of trade with five (5) years or more continuous good standing shall be required to take any examination or pay any difference in admission fee, except when he changes his classification within the same branch, if the L.U. so decides. (This applies within a L.U. or when transferring to another L.U.) No member with five (5) years or more continuous good standing—transferring to a different branch of the trade—shall be required to pay any difference in admission fee. However, he shall pass a practical examination if the L.U. so decides.

Sec. 10. No L.U. shall refuse to accept promptly the card of and readmit any member into his home L.U. provided he has maintained his continuous good standing in the I.B.E.W. while absent from the L.U. The L.U. where a member was originally admitted into the I.B.E.W. shall be considered his home L.U. Where a L.U. or any part thereof has been amalgamated into another L.U., that L.U. shall be considered the home L.U.

When the member has changed his classification during this absence, his home L.U. is required to accept his card and change his classification back to the same classification he had when he left his home L.U.

No L.U. shall collect any difference in admission fee from a member who was admitted by the L.U. and who has maintained his continuous good standing in the I.B.E.W. during his absence from the L.U., except in cases where the L.U. permits a change of classification on his return to the L.U., and the L.U. has established a difference in fees between the two (2) classifications.

Sec. 11. The member's dues shall begin the first of the month after acceptance of his card. Any dues paid in advance of this date shall be returned to him by his former L.U. less the per capita tax.

Sec. 12. Any member leaving the jurisdiction of a L.U. owing just debts to it shall be required to pay up to the rate of not less than one dollar (\$1.00) for each day worked and shall pay up within six (6) months of notice or be dropped from membership. The indebtedness shall be collected by the F.S. of the L.U. in which the member has deposited his card. In no case shall a new Traveling Card be issued to such member until his indebtedness is paid.

Sec. 13. A member admitted on a Traveling Card shall not vote on questions of agreement, trouble, or wages, until six (6) months after his card has been accepted, nor shall he be permitted to vote in the L.U. election unless he has been a member in that L.U. sixty (60) days prior to the election.

This section shall not be applicable to members of L.U.'s affiliated with Railroad System Councils or System Councils



an Honorary Withdrawal Card provided dues are paid for the previous month or the current month if the application is made after the fifteenth (15th) of such month.

Upon returning to the trade, or again becoming employed, and having complied with this article, he shall deposit his withdrawal card in the L.U. that issued it and continue membership by paying the current month dues. No new initiation fee is necessary, except that any "A" member shall pay the two dollar (\$2.00) fee as required in Article IX, Section 5.

Sec. 4. "BA" members not employed under the jurisdiction of the L.U. for at least a month can be shown as on honorary withdrawal without actual issuance of the card, unless the L.U. bylaws provide otherwise. Officers of the L.U. are not entitled to withdrawal status without forfeiture of their office.

However, a "BA" member, shown as on honorary withdrawal or having an Honorary Withdrawal Card not exceeding two (2) months, may retain his continuous good standing in the L.U., and eligibility for L.U. office and as delegate to the I.C., by paying dues for the months of unemployment before becoming indebted to his L.U. for three (3) months' dues had he been employed.

Sec. 5. The validity of any withdrawal card shall be dependent upon the good conduct of the member. It can be annulled by any L.U. or by the I.P. for violation of the laws of the I.B.E.W., or the bylaws and rules of any L.U., or for working with or employing nonmembers of the I.B.E.W. to perform electrical work, or for any action of the holder detrimental to the interests of the I.B.E.W. Membership in the I.B.E.W. is automatically terminated upon annulment of any withdrawal card.

A member on withdrawal may be subject to charges, trial, and appropriate penalty in accordance with provisions of this Constitution.

## **ARTICLE XXV MISCONDUCT, OFFENSES, AND PENALTIES**

Sec. 1. Any member may be penalized for committing any one or more of the following offenses:

(a) Violation of any provision of this Constitution and the rules herein, or the bylaws, working agreements, or rules of a L.U.

(b) Having knowledge of the violation of any provision of this Constitution, or the bylaws or rules of a L.U., yet failing to file charges against the offender or to notify the proper officers of the L.U.

(c) Obtaining membership through fraudulent means or by misrepresentation, either on the part of the member himself or others interested.

(d) Engaging in activities designed to bring about a withdrawal or secession from the I.B.E.W. of any L.U. or of any member or group of members, or to cause dual unionism or schism within the I.B.E.W.

(e) Engaging in any act or acts that are contrary to the member's responsibility toward the I.B.E.W., or any of its L.U.'s, as an institution, or which interfere with the performance by the I.B.E.W. or a L.U. with its legal or contractual obligations.

(f) Working for, or on behalf of, any employer, employer supported organization, or other union, or the representatives

of any of the foregoing, whose position is adverse or detrimental to the I.B.E.W.

(g) Wronging a member of the I.B.E.W. by any act or acts (other than the expression of views or opinions) causing him physical or economic harm.

(h) Entering or being present at any meeting of a L.U., or its Executive Board, or any committee meeting while intoxicated, or drinking intoxicants in or near any such meeting, or carrying intoxicants into such meeting.

(i) Disturbing the peace or harmony of any L.U. meeting or meeting of its Executive Board, using abusive language, creating or participating in any disturbance, drinking intoxicants, or being intoxicated, in or around the office or headquarters of a L.U.

(j) Making known the business of a L.U., directly or indirectly, to any employer, employer supported organization, or other union, or to the representatives of any of the foregoing.

(k) Fraudulently receiving or misappropriating any moneys of a L.U. or the I.B.E.W.

(l) Causing or engaging in unauthorized work stoppages or strikes or other violation of the laws and rules of the I.B.E.W. or its L.U.'s.

(m) Willfully committing fraud in connection with voting for candidates for L.U. office, or for delegates to conventions.

(It shall not be considered an offense when a L.U. mails out or posts in a conspicuous place a sample of the official ballot to be used in any L.U. election. However, the sample shall not carry any markings of any kind except that the word "SAMPLE" shall appear prominently across the face of the

ballot. The sample shall otherwise be an exact duplicate of the official ballot to be used.)

(1) Notwithstanding the above, and in addition to the sample ballot, a L.U. may distribute an official publication which shall list all candidates for L.U. office, together with a factual record of activities within the L.U., committee assignments performed, offices held and experience gained for and on behalf of the L.U. This publication shall be prepared under the supervision of the duly designated L.U. Election Board.

(2) The distribution of this official L.U. publication, properly prepared as set forth above, shall not be in violation of Article XVI, Section 20.

(n) Soliciting advertising for yearbooks, programs, *etc.*, when the name of a L.U. or the I.B.E.W., or the names or pictures of L.U. or International Officers appear in such matter without consent of the I.P. Any member, any officer, or representative of any L.U., or other organization coming under the I.B.E.W.'s jurisdiction, shall be held liable for allowing individuals or agencies to solicit such advertising without consent of the I.P. or for in any way violating this provision.

(o) Failure to install or do his work in a safe, workmanlike manner, or leaving work in a condition that may endanger the lives or property of others, or proving unable or unfit mentally, to learn properly his trade.

(p) Causing a stoppage of work because of any alleged grievance or dispute without having consent of the L.U. or its proper officers.

(q) Working for any individual or company declared in difficulty with a L.U. or the I.B.E.W., in accordance with this Constitution.

(r) Willfully committing fraud in connection with obtaining or furnishing credentials for delegates to the I.C. or being connected with any fraud in voting during the I.C.

(s) Allowing another person to use, or altering in any manner, his membership card, receipt, or other evidence of membership in the I.B.E.W.

Any member convicted of any one or more of the above named offenses may be assessed or suspended, or both, or expelled.

If an officer or representative of a L.U. is convicted of any one or more of the above named offenses, he may be removed from office or position, or assessed or suspended, or both, or expelled.

If a member, or officer or representative of a L.U., is assessed and fails to pay the assessment, a lawsuit may be filed to collect the unpaid assessment.

## **Charges and Trials**

Sec. 2. All charges, except against officers and representatives of L.U.'s, shall be heard and tried by the L.U. Executive Board, which shall act as the trial board in accordance with Article XVII. A majority vote of the board shall be sufficient for decision and sentence.

(This section shall not be construed to conflict with the power of the I.P. or the I.E.C. to take action in certain cases as provided in Articles IV and VIII.)

Sec. 3. All charges against a member or members must be presented in writing; signed by the charging party; and specify the section or sections of this Constitution, the by-

laws, rules, or working agreement allegedly violated. The charges must state the act or acts considered to be in violation, including approximate relevant dates or places.

Sec. 4. Charges against members must be submitted to the R.S. of the L.U. in whose jurisdiction the alleged act or acts took place within sixty (60) days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts. The charges shall be read out but not discussed at the next regular meeting of the L.U. following the filing of the charges. The R.S. shall immediately send a copy of such charges to the accused member at his last known address together with written notice of the time and place he shall appear before the trial board.

Sec. 5. The trial board shall proceed with the case not later than forty-five (45) days from the date the charges were read at the L.U. meeting or Executive Board meeting. The board shall grant a reasonable delay to the accused when it feels the facts or circumstances warrant such a delay. The accused shall be granted a fair and impartial trial. He must, upon request, be allowed an active I.B.E.W. member in good standing to represent him.

Sec. 6. When the trial board has reached a decision, it shall report its findings, and sentence, if any, to the next regular meeting of the L.U. Such report or action of the board shall not be discussed or acted upon by the L.U. The action of the trial board shall be considered the action of the L.U., and the report of the board shall conclude the case, or cases, except for the accused having the right to appeal to the I.V.P., then to the I.P., then to the I.E.C., and then to the I.C. However, the board may reopen and reconsider any case or cases when it feels the facts or circumstances justify doing so any

time within thirty (30) days from the date the decision was rendered. The board shall reopen any case or cases when directed to do so by the I.V.P. or the I.P.

Sec. 7. If the accused willfully fails to stand trial—or attempts to evade trial—the trial board shall proceed to hear and determine the case just as though the accused were present.

### **Trials of Officers and Representatives**

Sec. 8. All charges against an officer, Examining Board member, steward, or representative of a L.U. must be presented in writing; signed by the charging party; and specify the section or sections of this Constitution, the bylaws, rules, or working agreement violated. The charges must state the act or acts considered to be in violation, including approximate relevant dates and places; and must be made within sixty (60) days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts.

Such charges must be filed with the I.V.P. in whose district the L.U. is located where the alleged act or acts took place, or as directed by the I.P., should more than one district be involved.

(This section shall not be construed to conflict with the power of the I.P. or the I.E.C. to take action in certain cases as provided in Articles IV and VIII.)

Sec. 9. The I.V.P. shall pass upon and determine such cases, with the accused having the right of appeal to the I.P., then to the I.E.C., then to the I.C. Any such appeal, to be recognized, must be made within thirty (30) days from the date of the decision appealed from. No appeal from the I.V.P. shall suspend operation of any decision.

Sec. 10. The I.V.P. may require that all evidence, testimony, or statements be submitted to him in writing for review, decision, and sentence (if any) or he may hear the case in person. If he so decides, he may appoint a referee, who may or may not be a member, to take testimony and report to him.

Sec. 11. The I.V.P. may reopen any case or cases when there is new evidence or testimony, facts, or circumstances, which he feels are sufficient to justify such being done.

## **Appeals**

Sec. 12. Any member penalized or otherwise disciplined by any L.U. trial board may appeal to the I.V.P. any time within forty-five (45) days after the date of the action of the L.U. trial board. A charging party may not appeal a L.U. trial board decision.

A copy of any appeal must be filed with the L.U.

Sec. 13. No appeal for revocation of an assessment shall be recognized unless the member has first paid the assessment, which he can do under protest. When the assessment exceeds fifty dollars (\$50.00), payments of not less than forty dollars (\$40.00) in monthly installments must be made until the assessment is paid or until a final decision on the appeal is made, whichever occurs first. The first monthly installment must be made within fifteen (15) days from the date of the decision rendered and monthly installments continued thereafter or the appeal will not be considered. A member who has been assessed by a L.U. trial board, who is appealing the assessment and making the required monthly payments in accordance with this section, retains his good standing status until the appeal process in this article has been exhausted.

Sec. 14. When a decision has been rendered by the I.V.P., it shall become effective immediately.

Sec. 15. No appeals from decisions of the I.V.P., or from the I.P., or from the I.E.C., shall be recognized unless the party or parties appealing have complied with the decision from which they have appealed. However, this section may be waived by the party making the decision if good and sufficient reasons are furnished and he is requested to do so.

Sec. 16. Appeals to the I.P., the I.E.C., and the I.C., to be considered, must be made within thirty (30) days from the date of the decision appealed from. (Appeals to the I.E.C. and to Conventions must be filed with the I.S.T.) If no appeal is made within thirty (30) days from the date that any decision is rendered, such decision shall be considered final. A charging party may not appeal a decision of the I.V.P., the I.P., or the I.E.C.

Sec. 17. When an appeal is taken above the I.V.P., only the evidence submitted in the original case of appeal shall be considered.

In cases where parties claim they have new and important evidence affecting a case in which a decision has been rendered, they may submit this within thirty (30) days to the authority who rendered the first decision, with a request that the case be reopened. Such authority shall decide whether the matter submitted justifies reopening the case.

## **ARTICLE XXVI**

## **JURISDICTION**

Sec. 1. The charter issued this organization by the American Federation of Labor states that it was granted "for the purpose of a thorough organization of the trade."

There must be a systematized knowledge of the science of electricity in all of its various applications of electron transfer and electromagnetism. This requires a thorough understanding of the many means of production, transference, control, and utilization of electricity and of the foundation or preparatory work to be performed. It is quite necessary, therefore, that the jurisdiction of the I.B.E.W. be recognized as one covering:

(a) The manufacture, assembling, construction, installation or erection, repair or maintenance of all materials, equipment, apparatus, and appliances required in the production of electricity and its effects.

(b) The operation, inspection, and supervision of all electrical equipment, apparatus, appliances, or devices by which the energy known as electricity is generated, utilized, and controlled.

(c) The manufacture, assembling, construction, installation or erection, repair or maintenance of all materials, equipment, apparatus, and appliances required in the transmission of data, voice, sound, video, and other emerging technologies (including fiber optics, high speed data cable, *etc.*).

Sec. 2. Electrical workers shall be organized under five (5) general branches of the I.B.E.W., namely: Outside and Utility Workers; Inside Electrical Workers; Communications Workers; Railroad Electrical Workers; and Electrical Manufacturing Workers.

Sec. 3. Keeping in mind progress for the I.B.E.W., and that all electrical work be done by its members, it is impractical to classify or divide jurisdiction of work in every detail between the various branches in this organization to meet all situa-

tions in all localities. Therefore, the classifications and divisions outlined below are necessarily of a general nature, and L.U.'s whose jurisdiction with other L.U.'s of the I.B.E.W., or whose agreements are harmonious and conducive to the progress of the I.B.E.W., shall not be disturbed. But when harmony and progress do not prevail, or when disputes arise, the I.P. shall determine what L.U. will do certain work or jobs, consistent with the progress and best interests of the I.B.E.W. in obtaining and controlling the work in question.

### **Outside and Utility Workers**

Sec. 4. These shall include: foremen, linemen, electrical rail grinders, groundmen, and helpers; outside electrical inspectors, cable splicers, technicians, trimmers, maintenance men, and clerical workers; aerial and underground cable men and combination trouble men working for distributing companies; load dispatchers, metermen, station attendants, and switchboard operators in lighting and power stations; telephone switchboard operators and trouble men working for distributing companies; fire and police operators, maintenance and battery men, signalmen, and electrical layout men; and operators of electrical apparatus when generating, furnishing, or supplying electricity.

All employees of utility employers generating or producing or transmitting or distributing electricity, gas, or water.

They are to have jurisdiction over the following:

The operation, maintenance, and repair of equipment owned or operated by utility employers; all electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not

street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

Series arc lamps and wiring when fed and controlled from the street; all line work consisting of wood, concrete, or metal (or substitutes therefor) poles or towers, including wires, cables, or other apparatus supported therefrom; and line work in public, private, or amusement parks.

All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection, and supervision of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts, and raceways when part of distributing systems outside of buildings, railroads, and outside the directly related railroad property and yards; installing and maintaining the catenary and trolley work on railroad property and bonding of rails; all underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations; and all outdoor substations and electrical connections up to and including the setting of transformers and connecting of the secondary buses thereto.

Renewable electrical energy sources such as solar photovoltaic, geothermal, wind, biomass, wave, *etc.*, and other distributed energy installations such as fuel cells, microturbines, *etc.*

### **Inside Electrical Workers**

Sec. 5. These shall include: wiremen; technicians; fixture men; crane men; crane repair men; signal men; load dis-

patchers; trouble men; switchboard operators and erectors; operators of electrical apparatus when generating, supplying, or furnishing electricity for other than distributing companies; inside cable splicers; and picture machine operators when the machines are used for educational or advertisement purposes other than theatrical.

Inspectors, shop men, bridge operators, crane operators, meter testers and installers, inside battery men, fire and burglar alarm installers and repair men, marine electrical workers, glass tube benders, and pumpers.

They shall have jurisdiction over the following:

All electrical signs; all street electrical decorations when no messenger or guy wire is necessary for support; installation, construction, inspection, operation, maintenance, and repair of all electrical work in isolated plants and within property lines of any given property, and beginning at the secondary side of the transformer, except line work consisting of poles and towers, including wires or cables and other apparatus supported therefrom and except all outdoor substations as defined in Section 4 hereof.

When aerial wires or cables are used to provide electric current for buildings or structures within the property lines of any given property, the inside men's jurisdiction shall start immediately after the first point of attachment of such aerial wires or cables to such buildings or structures.

Renewable electrical energy sources such as solar photovoltaic, geothermal, wind, biomass, wave, *etc.*, and other distributed energy installations such as fuel cells, microturbines, *etc.*

## **Communications Workers**

Sec. 6. These shall include the following divisions and classifications:

(a) Radio, television, and recording engineers, technicians, operators, installers, inspectors, maintenance and repairmen and service men engaged in the application of electricity to the transmission and transference of voice, sound, and vision for commercial, educational, and entertainment purposes, excepting employees of common carrier companies.

They shall have jurisdiction over the following work:

The installation, operation, inspection, maintenance, repair, and service of radio, television, recording, voice, sound, and vision production and reproduction apparatus, equipment, and appliances used for domestic, commercial, educational, and entertainment purposes.

(b) Telephone and other workers, employed by common carrier communications companies, engaged in the erection, installation, operation, maintenance, repair, and service work associated with telephone and intercommunication electrical apparatus used in the transmission, transference, production, and reproduction of voice, sound, and vision in the public or private communications services supplied by common carriers.

They shall have jurisdiction over the following work:

The erection, installation, operation, maintenance, repair, and service of such telephone and intercommunication facilities, beginning at the first point of distribution or the first terminal inside of building or property lines.

## **Railroad Electrical Workers**

Sec. 7. Railroad electrical workers are those employed by railroad companies, including wiremen; technicians; fixture men; armature winders; meter men; electrical inspectors; switchboard operators; generator, motor, and substation attendants; electric crane operators; cable splicers; signal men and signal maintainers; power and telephone linemen and repairmen; ground men; electrical rail grinders; rail bonders; electrical bridge operators; battery men; radio and telecommunications workers; inside and outside electrical maintenance workers; and all other electrical workers employed by railroad companies.

They shall have jurisdiction over all electrical and communications work on the property or right-of-ways owned or operated by the railroad companies.

It is hereby provided, however, that under no circumstances shall they do any construction or reconstruction work where building trades mechanics are doing work in connection with it. Any dispute will be referred to the I.P. for decision.

## **Electrical Manufacturing Workers**

Sec. 8. These shall include: All employees of companies engaged in the manufacture of products, components, equipment, apparatus, machines, devices, and appliances used in the production, transmission, conversion, control, distribution, measurement, and utilization of electricity.

They shall have jurisdiction over the following:

All work performed by such employees in the manufacture, testing, rebuilding, and repair of these products on the premises of the company.

Sec. 9. All government workers may be organized under any of the above general branches of the I.B.E.W., as stated in Section 2.

## **ARTICLE XXVII**

## **AMENDMENTS TO THIS CONSTITUTION**

Sec. 1. This Constitution and the rules herein can be amended in three ways:

(a) By referendum, on petition of fifteen (15) L.U.'s of which no two (2) L.U.'s may be from the same state or province. Petitions may be submitted at any time; however, in convention years, all petitions for referendum must be received prior to March 1st. All petitions must be submitted to the I.S.T. Proposed amendments, before being submitted by the I.S.T. for vote, must have the approval of the I.E.C. A vote on any proposal taken by referendum shall be returned to the I.S.T. by each L.U. voting, within sixty (60) days from the date submitted. A majority of those voting shall be necessary to sustain any proposal. (L.U.'s may cast the vote of their members, if they so decide.) After receiving from the L.U.'s a record of votes cast for or against any proposal, the I.S.T. shall prepare for publication in the next issue of the I.B.E.W.'s official monthly publication a report of the exact votes for and against the proposed amendment. Amendments adopted by referendum shall become effective thirty (30) days after adoption.

(b) If the I.E.C. deems an amendment is necessary, it may have the I.S.T. submit the same to the L.U.'s for vote.

(c) By the majority vote represented at a regular session of the I.C., amendments adopted by the I.C. shall become effective thirty (30) days after adoption.

Sec. 2. The I.P. shall appoint a Law Committee consisting of eleven (11) delegates elected to the I.C., at least one from each I.V.P. district. These shall meet in the I.O. fifteen (15) days prior to the opening of the I.C. This committee shall consider all proposed amendments to be submitted to the I.C., and the committee shall have a printed report ready for the first day's session of the I.C.

Only proposed amendments and resolutions approved by L.U.'s and recommendations of International Officers shall be considered. All these must be submitted to the I.S.T. forty-five (45) days prior to the opening of the I.C.

The compensation of members of the Law Committee shall be fifty dollars (\$50.00) a day and reimbursement for actual expenses. This shall cease the day the I.C. opens.

Sec. 3. If any section of this Constitution or part thereof should be held inoperative or invalid by a tribunal of competent jurisdiction, the remainder of this Constitution, or the application of said section or part thereof to persons and circumstances, other than those to which it has been held invalid, shall not be affected thereby.

The I.E.C. shall have the authority to suspend the operation of such invalid section or part thereof in the event it is declared inoperative or invalid by a tribunal of competent jurisdiction. It is further authorized in those circumstances to substitute an appropriate and legal section for the invalid or inoperative section. The said revised section shall be reported to the next succeeding I.C. for its approval or disapproval.

The I.E.C. is also empowered to direct the I.S.T. in his compilation and editing of the new Constitution to make such changes as are necessary to correlate the subject matter.

Sec. 4. This Constitution was adopted in St. Louis, Mo., Nov. 1891. It was amended in Chicago, Ill., Nov. 1892; Cleveland, Ohio, Nov. 1893; Washington, D.C., Nov. 1895; Detroit, Mich., Nov. 1897; Pittsburgh, Pa., Oct. 1899; St. Louis, Mo., Oct. 1901; Salt Lake City, Utah, Sept. 1903; Louisville, Ky., Sept. 1905; Chicago, Ill., Sept. and Oct. 1909; Rochester, N.Y., Sept. 1911; Boston, Mass., Sept. 1913; St. Paul, Minn., Sept. and Oct. 1915; by referendum in Feb. 1916; Atlantic City, N.J., Sept. 1917; and by referendum in April 1918 and in March 1919. It was again amended in New Orleans, La., Sept. 1919; St. Louis, Mo., Sept. and Oct. 1921; Montreal, Quebec, Aug. 1923; Seattle, Wash., Aug. 1925; Detroit, Mich., Aug. 1927; Miami, Fla., Sept. 1929; and by referendum in March 1930. It was altered, amended, and revised in Washington, D.C., July 1930 and amended by referendum in April 1931, March 1933, March 1935, May 1935, July 1935, March 1937, and Dec. 1940. It was amended in St. Louis, Mo., Oct. 1941, and by referendum in Sept. 1943 and Dec. 1943. It was amended in San Francisco, Calif., Sept. 1946; and by referendum in April 1947 and July 1947. It was again amended in Atlantic City, N.J., Sept. 1948; Miami, Fla., Oct. 1950; and by referendum in June 1951, Jan. 1952, and Oct. 1952. It was further amended in Chicago, Ill., Aug. and Sept. 1954; and by referendum in July 1955, Nov. 1955, and Aug. 1957. It was amended in Cleveland, Ohio, Sept. and Oct. 1958. Amended March 1959 by the Executive Council as authorized by the 1958 Convention. It was amended in Montreal, Quebec, Sept. 1962; St. Louis,

Mo., Sept. 1966; and Seattle, Wash., Sept. 1970. Amended June 1972 by the Executive Council as authorized in Seattle, Wash., Sept. 1970. Amended in Kansas City, Mo., Sept. 1974. Amended in Atlantic City, N.J., Oct. 1978; amended April 1981 by the Executive Council; amended in Los Angeles, Calif., Sept. 1982; and amended June 1985 by the Executive Council. Amended in Toronto, Ontario, Sept. 1986; amended June 1988 by the Executive Council. Amended in St. Louis, Mo., Oct. 1991. Amended in Philadelphia, Pa., Sept. 1996. Select Committee recommendations adopted by referendum in March 1998. Amended in San Francisco, Calif., Sept. 2001. Amended in Cleveland, Ohio, Sept. 2006. Amended in Vancouver, British Columbia, Sept. 2011. Amended in St. Louis, Mo., Sept. 2016.

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