

Constitution and
By-Laws
Local No. 85
International Union
Of
Elevator
Constructors

Affiliated with American Federation of Labor and Congress of Industrial
Organizations

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CONSTITUTION
Article I
Name, Affiliation and Jurisdiction

This organization shall be known as International Union of Elevator Constructors, Local Union No.85. This Local has been issued a charter by the International Union of Elevator Constructors and is subject to the Constitution, By-Laws, rules, regulations and practices of the International Union of Elevator Constructors.

ARTICLE II
Objects

The object of this union shall be to encourage a higher standard of skill among its members, to cultivate a feeling of friendship among the craft, to obtain and maintain a fair standard of wages, to assist each other in securing employment, to protect the jurisdiction of the craft, to engage in cultural, civic, legislative, fraternal, educational, charitable, welfare, social and other activities which future the interest, directly or indirectly, of this organization and its membership and to use all legal and appropriate means for the accomplishment of the foregoing objects.

ARTICLE III
Meetings

Section 1. The regular meeting of this Local shall be held on the last Tuesday of each month, at 7:00 p.m., at such place as shall have been selected by the Local. No notice of regular meeting shall be required.

Section 2. At the direction of the Executive Board, the Joint Apprentice Committee, or upon written request of not less than 10 members, the President shall call a special meeting of the Local upon reasonable written notice to the membership. The notice shall specify the business to be brought before such meeting and only the business so specified shall be considered at the meeting.

Section 3. A quorum for the purpose of transacting any business by the Local shall consist of not less than 16 members present in person at any regular or special meeting. No action of any meeting shall be invalid for the lack of a quorum unless question of a lack of quorum was raised before such action was taken. A regular meeting may transact any and all business coming before it without prior notice if the business is to be transacted at such meeting, except as otherwise specifically provided in these By-Laws. All decisions of a local meeting shall be by a majority of the members voting unless otherwise specifically provided by the By-Laws.

Section 4. All meetings shall be smoke free. No member shall attend a meeting under the influence of alcohol or any controlled substance nor conduct himself/herself while at the meeting in such a manner as to interfere with the proper and orderly conduct of the business of the Local. All members must comply with and obey all requests or orders by the presiding officer pertaining to the conduct of the meeting and at no time use vulgar or profane language nor make any slanderous statements or accusation toward any member or officer of the Local, or the International Union. Any member entering the meeting who, in the opinion of the chairperson or presiding officer, is under the influence

of alcohol or any controlled substance shall be ejected. Any member who uses profane language or unbecoming language during the meeting or who otherwise disrupts the meeting shall be admonished by the chair, and if he/she shall again offend, he/she shall be excluded from the room and may be subject to disciplinary action under Article XVIII of the IUEC Constitution and By-Laws.

Section 5. Unless otherwise provided, either by the laws, practices, or by vote adopted by this local, Robert's Rules of Order, Current Edition, shall be the guide and authority for the method of conducting the affairs of the Local at its meetings.

Section 6. Order of Business. The order of business to be followed at a regular meeting shall be as outlined:

1. Pledge of allegiance.
2. Opening of the meeting and roll call of officers.
3. Guest speakers
4. Reading of minutes of previous meeting.
5. Communications
6. Bills and action thereon.
7. Initiation of candidates.
8. Reports of committees and propositions of new members.
9. Reports of delegates.
10. Reports of officers.
11. Unfinished business.
12. New business.
13. Report of financial officers.
14. Good and welfare.
15. Adjournment

ARTICLE IV Officers

Section 1. The officers of this Local shall consist of a President, Vice -President, Recording/Financial Secretary-Treasurer, three (3) Trustees, Warden, Business Representative and an Executive Board to consist of seven (7) members. These officers shall be elected in accordance with the provisions of Article XI.

Section 2. No term of office for local officers shall last more than three (3) years without holding another election, provided that where a local is placed under International supervision, the term of office of said officers shall automatically expire. The Trustees shall serve for a term of three (3) years and shall be elected in such manner that the term of one Trustee shall expire at the end of each elective year successively. No officer other than a Trustee can act or serve as a Trustee.

Section 3. No member may be eligible to hold office in this Local Union in any capacity unless such member has been a member in good standing in this Local Union for two (2) years prior to his/her nomination or appointment.

Section 4. No member shall hold office in violation of the provisions of the Labor-Management Reporting and Discloser Act of 1959 relating to Communist membership and the commission of crimes.

Section 5. All officers of the Local must, as a condition of holding Office, execute all necessary forms required by law to be filed with any state or Federal agency, either for or on behalf of the Local, or as an officer or employee thereof.

Section 6. No officer or member shall be empowered to contract any indebtedness unless ordered by the Local.

ARTICLE V Duties of Officers

Section 1. **President**

1. It shall be the duty of the President to preside at all meetings of the Local, conduct the same in accordance with parliamentary rule; rule on all question of law, procedure and point of order; have the deciding vote in case of a tie; announce the results of all votes, and enforce a due observance of order.
2. He/she shall enforce the provisions of the Constitution of the International and the By-Laws, as well as all duly adopted rules, resolutions and regulations of the Local.
3. He/she shall appoint all committees unless directed otherwise by the Local.
4. He /she shall examine and sign all official documents requiring his/her signature and counter all order for money.
5. He/she shall exert general supervision over the interest of the Local and perform such other duties as may be required of him/her by the Local Union consistent with the provisions of this Constitution and the policies of the International.

Section 2. **Vice President**

- 1) It is the duty of the Vice President to assist the President in conducting the meeting of the Local.
- 2) In the absence of the President, he/she shall, in every respect, discharge the duties of the President.
- 3) He/she shall perform such other official duties as may be assigned to him/her by the Executive Board for the welfare of the Union, not inconsistent with the policies of the Constitution and By-Laws.

Section 3. Recording /Financial Secretary-Treasurer

- 1) It shall be the duty of the Recording/Financial Secretary-Treasurer to keep a correct account of all proceedings of the Local and accurate records of attendance at all meetings and shall record the reports of all committees.
- 2) He/she shall read all documents and correspondence to the Local and conduct all correspondence of the Local not otherwise provided for, and shall be held responsible for their safe keeping and prompt delivery to his/her successor in office.
- 3) He/she shall draw all orders on the Treasurer, passed by the Local, endorsed by the Trustees and President by attesting the same by their signatures.
- 4) He/she shall have charge of the seals of the Local and attach the same to all documents requiring authentication.
- 5) The Recording /Financial Secretary-Treasurer shall maintain a record of all members in good standing with their last known address. Said record shall not be open to inspection by any member except as, and to the extent, required by law.
- 6) He/she shall keep a correct account of each member's indebtedness and receive all monies due to the Local, giving a receipt for the same. He/she shall report at each regular meeting the amount of receipts for insertion in the minutes. He/she shall also report at each regular meeting the amount received and from whom and at the close of each meeting he/she shall deposit all monies received by him/her and the receipt shall be a sufficient voucher for the same. He/she shall deposit all money in the bank in the name of the International Union of Elevator Constructors, Local No.85. The Recording /Financial Secretary-Treasurer shall submit his/her books and accounts to the Trustees for examination quarterly or when the Local may direct.
- 7) At each meeting, he/she shall have prepared a list of all members in the arrears and read same before meeting, shall furnish the Executive Board with a list of delinquent members that are six (6) months in arrears and at the last meeting of each quarter he/she shall present a balance sheet showing each member's account. He/she shall issue no cards until members are fully paid up.
- 8) He/she shall receive all money due the Local giving his/her receipt for the same. He/she shall pay all orders for bills, which have been legally contracted and passed for payment by the Local and endorsed by the President and the Trustees.
- 9) He/she shall keep a correct list of the receipts and disbursements, file his/her voucher and report quarterly on the meeting of January, April, July and October to the Local the amount of expenses and funds in his/her hands and submit his/her accounts to the Trustees for examination quarterly or when the Local may direct. Checks shall be signed by a Trustee and counter-signed by the President, Vice President or Recording/Financial Secretary-Treasurer.
- 10) He/she shall be bonded at the Locals expense, as may be required. At the expiration of his term of office, he/she shall deliver all books, papers and property of the Local to his/her successor in office or to the Trustees, as determined by Article XII - Property Section 1.

Section 4. Trustee

- 1) The Board of Trustees shall have supervision of funds and property of the Local.
- 2) It shall be their duty to see that the Recording/Financial Secretary-Treasurer and/or President, Vice President and Business Representative deposit, in such banks as the Local may determine, all money over and above the sum of Five Hundred Dollars (\$500.00) for contingent expenses or legal bills. It shall be their duty to instruct the officer of the bank(s) to pay no money on behalf of the Local except on an order signed and counter-signed in any combination of two (2) Trustee(s), President, Vice President or Recording/Financial Secretary-Treasurer.
- 3) They shall examine the bank books monthly and perform such other duties as are prescribed in the Constitution or as the Local may direct.
- 4) In the case of the absence of the Recording/Financial Secretary-Treasurer, Trustees shall act as custodians of all bankbooks and funds.
- 5) The Trustees shall make an annual audit review, with the report of the Local's Certified Public Accountant, of the books and accounts of the Local and make a report of this audit to the Local. The Trustees shall make periodic reviews of the Locals books, preferably once a quarter, and make a report at the membership meeting following each review.

Section 5. Business Representative

- 1) The Business Representative of the Local Union, by virtue of the election to the office of Business Representative, shall be a delegate to the Central Body and the Building and Construction Trades Council. If a full time weekly salaried officer, his/her election to office shall constitute his/her election as a delegate to the International Union of Elevator Constructor's Convention.
- 2) The Business Representative is the principal officer of the Local Union who meets in a daily contact with the public and the employer. He/she shall have control over day to day operations and affairs of the Local Union (IUEC Constitution and By-Laws XXVI item 24). He/she shall also have control of the office staff during regular work hours and during a strike or lockout.
- 3) The Business Representative shall vigilantly protect the trade jurisdiction of the Elevator Constructors in the elevator industry in his/her locality. He/she shall compel employers to observe and respect the Standard Agreement and all other agreements of the Union and shall adjust all grievances between members of his/her Local Union and their employees with justice and fairness. He/she shall foster and promote the employment of members of the Local Union.
- 4) Where authorized by the Local Union, he/she shall collect all dues and shall report to the Recording/Financial Secretary-Treasurer at each meeting the amount he/she has received for insertion in the minutes. He/she shall also report at each regular meeting the amount received and from whom and at the close of each meeting, he/she shall turn over to the Recording/Financial Secretary-Treasurer all monies received by him/her and the Recording/Financial Secretary-Treasurer's receipt shall be sufficient voucher for the same.
- 5) In case of any trouble arising between meetings, where assistance may be required, he/she may call upon the Executive Board to settle the matter.

- 6) He/she shall make a report at each meeting of the number of members out of employment who have reported in and shall state the conditions of the trade and other matters that are of interest to the Local. His/her report must be in writing and turned over to the Recording/Financial Secretary-Treasurer at each meeting. He/she must keep regular office hours. He/she shall perform such duties as the Local may direct or the Constitution and By-Laws may require.

Section 6. Executive Board

1. The Executive Board shall consist of seven (7) members of the Local, five (5) of who shall constitute a quorum. They shall elect their own Chairperson and Recording Secretary from among their own members. The regular meeting of the Executive Board shall be held on the last Tuesday of each month at 6:00 p.m. Special meetings of the Executive Board shall be called by the Secretary when a request has been made in writing for such special meeting, either by the President, Business Representative or Chairperson of the Executive Board. The Executive Board has no authority to assume to itself the authority to act on its own motion or to run the affairs of the Local and may only transact such business as is referred to it by the Local Union or the Business Representative.
2. The Executive Board shall decide all grievances and appeals submitted to them in due form and their decisions shall be binding until accepted or rejected by the majority vote of the members present at the monthly meeting. The report and recommendations of the Board may be voted on separately if the Local desires.
3. If at any time the Executive Board shall deem a new law necessary to govern the Local, in a manner not provided for in the Constitution, it may submit an amendment to the Constitution together with its recommendation at a regular meeting for adoption in accordance with Article XIX.
4. All excuses of the members (officers) for non-attendance at regular or special meetings shall be submitted to the Executive Board for their decision.
5. All members present at the Executive Board meeting must vote on every motion submitted; this must be a recorded vote. Failure to do so by any member, he/she shall be declared absent from said meeting and after three (3) failures to vote or absent himself/herself from meetings without excuse, his/her office is to be declared vacant by the Local.

Section 7. Warden

1. The Warden shall examine all present at the meeting and report to the President all those without a paid-up card.
2. He/she shall obtain the names of all candidates awaiting initiation and report the same to the President. He/she shall conduct the candidates through the initiation ceremony and shall perform such duties as appertain to his/her office.
3. He/she shall have charge of the door at all meetings and see that no one but members shall enter and may be furnished with an assistant when necessary.

ARTICLE VI Committees

Section 1. The President, upon recommendation of the Local, may establish such committees as desired and delegate specific duties to them. All committees shall perform the duties assigned to them within the time specified and shall report in writing. No member shall be excused from serving on committees when called upon unless excused by the President or unless he/she is already a member of some other committee.

Section 2. The first person named on the committee shall act as Chairperson until said committee meets. Its members can then elect a permanent chairperson.

Section 3. Any committee member who is absent for three (3) consecutive (committee) meetings shall stand suspended from said committee.

Section 4. In no case shall a committee be discharged until a full and complete report and account of all transactions has been made.

ARTICLE VII Delegates

Section 1. In addition to the Business Representative, who by virtue of his/her election to office is a delegate to Central Bodies and the Building Construction Trades Councils, all other delegates to the Central Body and Building Construction Trades Council shall be elected at the regular election in accordance with Article XI.

Section 2. In addition to the Business Representative, who if a full time weekly salaried officer is a delegate to the International Convention by virtue of his/her election to office, the chosen number of delegates to the International Convention shall be elected by the Local Union in accordance with the provisions of Article XI. For secret ballot election of such delegates there must be written notice of nomination and election meetings. The Local shall send the number of delegates as allowed by the International Constitution and By-Laws (Article II - Section 3).

ARTICLE VIII Vacancies

Section 1. The President shall fill temporary vacancies in any office at each meeting by appointment. Permanent vacancies caused by resignation, death, dismissal, removal from office, retirement or loss of membership may be filled by the President. The President shall appoint a successor to fill the unexpired term. However, if the vacancy is the Business Representative, a meeting of all the officers and the vacating Business Representative (if possible), shall be called, candidate (s) for the office shall be named and the successor will be chosen by a majority vote of all the officers present. If the unexpired term is more than one year, the Business Representative's position shall be filled in accordance with the nomination and election procedures set forth in the Local Constitution and By- Laws Article XI.

ARTICLE IX Removal from Office

Section 1. If any Local Union Officer, Business Representative or member of the Executive Board shall fail to attend three (3) consecutive local union meetings, without reasonable excuse, his/her office shall be declared vacant by the Local Union. Executive Board officers shall have his/her office declared vacant as declared by Article V, Section 6 (5).

Section 2. Officers of the Local Union may be removed from office for just cause after notice and in accordance with Article XVIII of the International Constitution and By-Laws. The report of the Executive Board shall be accepted or rejected. An acceptance of the report of the Executive Board and removal of the officer shall require a majority vote of the members of the Local Union in attendance at a regular meeting of the Local Union.

ARTICLE X Salaries or Expenses of Officers, Office Secretary and Reimbursements of Committees and Representatives

Section 1. Business Representative salaries are to be paid weekly at forty (40) hours Mechanic In Charge wages of the Local Union 85. His/her expenses shall be submitted and approved monthly. The Business Representative's vacation shall be limited to four (4) weeks per year and he/she shall inform the Executive Board of vacation dates.

Section 2. The Recording/Financial Secretary-Treasurer shall receive four (4) hours of his/her pay, not to exceed Mechanic's wages, monthly if in attendance at the Local meeting.

Section 3. Members serving on committees may be reimbursed and, if compelled to lose their regular time for said duty, shall receive pay for the same from the Local. No committees, representative, officer or any other member of the Local shall receive reimbursement of more than his regular salary and then only upon a written itemized report with itemized vouchers.

Section 4. Office Secretary

A newly hired employee for the position of I.U.E.C. Local 85 Office Secretary shall work as a Probationary employee for a period of six (6) months and will start at a wage of 50% of Mechanic's wage. After six months, he/she shall pay all assessments and the initiation fee. His/her wage will be increased to 55% of Mechanic's wage and he/she will be entitled to the same benefits as all other members and will be an hourly employee with the following exceptions: the Office Secretary will not advance beyond the 55% Mechanic's wage rate. The Office Secretary's dues shall be set at fifty five percent (55%) of Mechanic's wage plus per capita, strike fund, convention fund and any other additional fees that are to be paid to the International and Local Union. The Office Secretary will perform work as directed by the Business Representative under IUEC Constitution and By-Laws Article XXVI, Item 24.

ARTICLE XI Nomination, Election and Installation of Officers

Section 1. Except in the case of an election to fill a vacancy as provided in Article VIII, the nomination of officers shall be held the month of January at the regular membership meeting. All members in good standing shall have the right to nominate, vote for or otherwise support the candidate of his/her choice.

Section 2. To be eligible for nomination, a member must have been a member in good standing for two (2) years immediately prior to the election. All candidates must be present at the nomination meeting in order to be nominated, or if unable to attend, a letter of acceptance signed by the candidate must be presented by the member nominating him/her.

Section 3. As candidates are nominated, the Recording/Financial Secretary-Treasurer shall check their standing in the Local Union before the Presiding Officer permits the nomination to be listed. The Recording/Financial Secretary-Treasurer shall have available all books, records and other information required to establish the eligibility of each candidate, such as length of membership, good standing and payment of dues.

Section 4. Where there are two or more candidates running for an office, the Union cards of the candidates shall be drawn from a hat. The first name drawn shall appear at the head of the ballot; the second name drawn shall appear below the first name, etc.

Section 5. After the close of nominations, the President shall appoint an election committee composed of one judge and two tellers to conduct the election, whose duty is to safeguard the secrecy and honesty of the election, prepare and count ballots and announce the results of the election in a signed statement. After the ballots have been counted, the judge shall enclose the ballots in a sealed package and said package and other records pertaining to the election shall be delivered to the Trustees or other responsible officers who shall preserve them intact for one year.

Section 6. The election of all officers shall be by mail-in ballot system only per federal law and the candidate for an office receiving the greater number of votes shall be declared elected. Each member seeking to vote must be checked to verify whether or not he/she is in good standing and eligible to vote. Each member shall be entitled to one vote. Any candidate may have an observer at the polls and at the counting of the ballots.

Section 7. In case of an election complaint, the complaining member or candidate shall submit his/her complaint in writing to the Recording/Financial Secretary-Treasurer within seventy-two (72) hours

after the election results have been announced and such complaint shall be heard and determined promptly by the Local Executive Board. A new election may be ordered only if it is determined that the matter complained of might reasonably have changed the results of the election.

Section 8. Installation of officers shall take place at the first meeting in March. If any officer does not appear for installation within two (2) regular meetings after the time provided for installation and is without a legitimate excuse, his/her office shall be declared vacant. The Executive Board shall determine what is or is not a legitimate excuse.

Section 9. The election of delegates to the International Convention and Central Bodies shall be conducted in the same manner as the election of officers and in accordance with the provisions of this Article and Article II, Section 2 (a) of the IUEC Constitution and By-Laws. All members in good standing shall have the right to nominate and vote in the election of delegates to the International Convention and Central Bodies. Any member in good standing in the International Union of Elevator Constructors in accordance with Article II, Section 2 (e) of the International Constitution and By-Laws shall be eligible to be a candidate as a delegate to the International Convention.

ARTICLE XII Property

Section 1. All officers, at the expiration of their terms in office or when removed from office or when their office is declared vacant, shall deliver to their successors in office all books, papers, money or other property in their possession and they shall not be relieved from their obligations until this law is complied with.

Section 2. The funds or property of this Local shall be used only for such purposes as are specified in the Constitution and By-Laws and as may be required to transact and properly conduct its business, such as payment of salaries, purchasing of stationery, books, cards, printing, payment of rent or legally authorized bills against the Local.

Section 3. Except as noted below, the funds of the Local Union can only be expended after a vote of the membership authorizing the expenditure. After the membership has authorized an expenditure, an order must be drawn on the Recording/Financial Secretary-Treasurer, signed by the authorized officers and stamped with the seal of the Local. No appropriation of money can be voted on after 11:00 p.m. The Business Representative is authorized in advance to direct the payment of bills and expenses related to the regular operation of the Local, such as salaries, purchasing of supplies and payment of rent or other bills, subject to ratification of the membership.

Section 4. In voting on the expenditure of Union funds, the Local is prohibited from: (1) directly or indirectly making loans, donations, or gifts to Union members or officers; and (2) directly or indirectly dividing any portion of the Union funds among the membership, provided, however, that the Local Union is not prohibited from expending Union funds to pay salaries and other legitimate expenses of the Local Union Officers, committees members, etc.

Section 5. No funds or property of this Local shall be loaned, given or expended to promote, support, endorse, assist or oppose directly or indirectly the candidacy of a member seeking or retaining office in the International Union or any of its Local Unions, joint boards or subordinate organizations.

Section 6. No funds or property of this Local shall be given away or expended to assist any seceding, dual or antagonistic organization or any Local Union, joint board or subordinate organization which is violating the Constitution of the International. The funds and property of this Local shall be used only

to effectuate the purpose and objects of the Local under, and subject to, provisions of the International Constitution.

Section 7. Local Union funds derived from any source shall be held in the name of the Local Union and shall not be transferred or conveyed to any other person, body, committee or organization, whether incorporate or unincorporated, except that Local Unions may establish legal declarations of trust or appoint trustees to hold title to real estate for the benefit of the Local Union.

ARTICLE XIII Membership

Section 1. Qualifications

Every applicant for membership must be of good moral character and be eighteen (18) years of age or older. He/she shall not be a member of the Communist Party or any subversive movement or party that believes in or teaches the overthrow of the United States Government by force or by illegal or unconstitutional methods.

Section 2. Procedure on Applications

Every qualified applicant for membership shall complete an application form and file it with the Recording/Financial Secretary-Treasurer. Applications shall be referred to the Executive Board and submitted to the International General Secretary-Treasurer for investigation. All applications shall be countersigned by two (2) members in good standing, one of whom has worked at least one (1) month with the applicant. The two (2) signers of the request shall appear before the Executive Board with the applicant when called to appear. The Executive Board considering all applications shall consider the report of the International General Secretary-Treasurer and investigate the character and qualifications of the applicant and report at the regular meeting. After the acceptance for membership of an applicant upon the favorable report of the Executive Board, the applicant shall be notified by mail to appear for initiation. When the application of the candidate is rejected, a time period of six (6) months must elapse before he can present another application.

Section 3. Initiation

After the candidate has been notified to appear for initiation, should he/she fail to present himself/herself within thirty (30) days after being notified, the time may be extended for good cause by a vote of the majority of the members present at the meeting at which the extension of time is asked for. When presenting himself/herself for initiation, he/she shall pay an initiation fee of Four Hundred Forty (\$440.00) Dollars, 4 hours mechanics wage to the strike fund, 3 hours mechanics wage to the convention fund, or such other fees as directed by the International and Local Union. Upon payment of the initiation fee, each applicant for admission to membership shall take the Oath of Obligation prescribed in the International Constitution. After initiation, he/she must secure the quarterly working card from the Recording/Financial Secretary-Treasurer and shall be presented with a copy of the International Constitution and By-Laws, the Local Constitution and By-Laws, the Standard Agreements and the Local Expense Agreement.

Section 4. Good Standing

A member who lost his good standing in accordance with the IUEC Constitution and By-Laws shall be suspended from all rights and privileges of membership, including voice or votes in the Local Union unless otherwise provided herein. A member shall lose his good standing in the local union by:

1. Suspension or expulsion from membership after trial proceedings, pursuant to Article XVIII of the IUEC Constitution and By-Laws.
2. Suspension or expulsion for non-payment of dues in accordance with Article XIV of the IUEC Constitution and By-Laws.

Dues are payable in advance and the current quarterly working cards shall be obtained before the first day of the first month of each quarter. Any member owing over the amount of three (3) months dues but less than six (6) months shall stand automatically suspended. A suspended member, upon becoming five (5) months in arrears, shall be so notified by the Recording/Financial Secretary-Treasurer by registered or certified mail at the member's expense. Whenever a member stands suspended for having owed over the amount of three (3) months dues, he shall return to good standing only in accordance with Article XIV of the IUEC Constitution and By-Laws. Any member in arrears in dues or assessments for a period of six (6) months or more shall stand expelled and shall not be re-initiated except in accordance with Article XIV of the IUEC Constitution and By-Laws.

Any member in good standing, that is out of work for three (3) consecutive months or more due to lack of work may only pay per capita, strike fund, convention fund, and all other Local assessments until he/she is back to full time employment. A written request to the Executive Board shall be required for consideration of a reduction of dues, when necessitated by lack of work, which will make the final determination on the qualification of each member.

Section 5. Transfer and Withdrawal

Transfer and withdrawal cards shall be issued in accordance with the provisions of the International Constitution and By-Laws or amendments thereto. A Mechanic transferring into Local 85 must obtain a valid state of Michigan Journeyman's license before the Executive Board will allow the transfer to be completed.

ARTICLE XIV Dues and Assessments

Section 1. The initiation fee of this Local is Four Hundred Forty (\$440.00) Dollars, 4 hours mechanics wage to the strike fund, 3 hours mechanics wage to the convention fund, or such other fees as directed by the International and Local Union paid quarterly.

The dues of this Local Union shall not exceed the equivalent of 4.5 hours wages per month for mechanics; and 4.5 hours wages per month for Helpers/Apprentices, with the exception, however, Apprentice dues shall be calculated based on not less than 70% of Mechanics hourly wage rate regardless of whether such dues rate exceeds 4.5 hours of the Apprentice hourly wage. The assessment for the strike fund shall be (40%) forty percent of one (1) hour mechanics wage paid quarterly. The assessment for the convention shall be ten percent (10%) of one (1) hour mechanics wage paid quarterly. The office secretary however is the exception to the above rule. Since the office secretary will not increase above 55% percent wage rate, the office secretary's dues shall be 55% of Mechanics hourly wage rate per month, to include the above assessment to be paid quarterly. A Probationary Apprentice shall pay the same dues rate as all other Apprentices with the exceptions, the dues shall be paid monthly, and assessments shall not be part of a Probationary Apprentice's dues.

Section 2. Temporary Mechanics shall pay the difference in dues **at the Union Hall** when the temporary card is issued. Such cards are only good until the next regular meeting, regardless of when issued. **Any renewal of the temporary mechanics card must be done at the Union Meeting** and additional dues must be paid before a temporary mechanics card will be reissued. If there is no Union Meeting the month requested the reissued temporary mechanics card will be picked up at the Union Hall. Any member who's residence is more than three (3) hours away from the Union Hall will be exempt from coming to the Union Hall to acquire his/her temporary mechanics card.

No officer or member shall be exempt from paying dues and assessments.

Section 3. The **Executive Board shall** have the power to change the rate of dues to **no less than two (2) hours wages** for mechanics, helpers/apprentices **nor to exceed the equivalent of four and one-half (4.5) hours wages** for mechanics, helpers/apprentices, per month, paid quarterly, with the exception that apprentice dues will be based on a minimum of 70% of mechanic hourly wage rate, regardless of whether such dues rate exceeds 4.5 hours of the Apprentice hourly wage. The **Executive Board shall further have the power to levy additional assessments as necessary**. These changes in dues rate or assessments will be **voted on by the body at the regular meeting by secret ballot**.

Section 4. All fines imposed or assessments levied shall be charged by the Recording/Financial Secretary-Treasurer to the member and shall stand and be payable before dues, except that no Union security clause shall be enforced because of failure to pay such fines or other disciplinary assessments. The maximum fine may not be more than Five Thousand dollars (\$5,000) per charge.

Section 5. In the event a **check** from a member **does not clear the bank**, there will be a **Fifty dollars (\$50.)** handling fee each time a check doesn't clear. Should the member submit a check that does not clear the bank a second time, the member **shall provide the Local with a cashers check or money order for a period of four (4) quarters (1 year)**.

Section 6. The **convention fund** shall be kept in a **separate bank account** and shall **only be used for expenses accrued at or in connection with the International Convention**.

Section 7. A member in good standing **whose dues are received at the Local 85 office no later than 4:30 pm on the day preceding the first day of the first month of each quarter shall receive a 5% discount of the quarterly dues & assessments paid**. Any over payment received above the discounted amount will be held as a credit towards the next quarters dues. A note of overpayment credit will be included with the quarterly dues card. The discounted amount will be charged 100% against the general dues fund the second consecutive quarterly dues assessments onward as long as the member remains in good standing. A discount will not be applied to per-capiti, reduced dues, partial dues, disciplinary fines or assessments, etc. or any other than full quarterly dues payments.

ARTICLE XV Helpers/Apprentice and Mechanics

Section 1. Should a member desire to change his/her class from a Mechanic to the rank of Helper, he/she must appear before the Executive Board and give his/her reasons for asking such a change. **Should the request be granted by the Executive Board the member must wait for a period of sixty (60) days time before he/she can again be advanced to the Mechanic class.**

Section 2. Should a mechanic reduces his/her class to the rank of Helper without the sanction of the Executive Board, after notice, charges, and a hearing in accordance with Article XVII he/she shall be fined.

Section 3. No apprentice shall be allowed to sit for the Mechanics Exam, without a valid state of Michigan Journeyman's license. A Mechanic transferring into Local 85 must obtain a valid state of Michigan Journeyman's license before the Executive Board will allow the transfer to be completed. An Apprentice with a valid state of Michigan Journeyman's license shall be put up as Temporary Mechanic before all other Apprentices. Temporary Mechanics with a state of Michigan Journeyman's license shall be put back to Apprentice status only after Temporary Mechanics without a state of Michigan Journeyman's license have been put back to Apprentice status.

ARTICLE XVI Duties of Members

All members of this Local Union shall have the duty to:

1. Keep the Recording/Financial Secretary-Treasurer properly notified of their place of residence and all changes to include home phone numbers, cell phone numbers, and E-mail address if available.
2. When they go out of the Local's jurisdiction to work, notify the Business Representative of their whereabouts .
3. Carry a working card while at work and show such card when called upon.
4. Comply with the provisions of this Constitution, the IUEC Constitution and By-Laws and all working agreements of the Local and International.
5. Prior to starting any construction or modernization job, every member shall notify the Business Agent or business office of the location (address) and the start date of the job.

For failure to fulfill these duties or for commission of any offense specified in Article XVIII of the IUEC Constitution and By-Laws, members may be disciplined in accordance with Article XVII of the IUEC Constitution and By-Laws.

ARTICLE XVII Discipline, Trials, Appeals

Section 1. Any member having knowledge of the violation of any section of this Constitution and By-Laws is duty bound to prefer charges against the offending member.

Section 2. The provisions of Article XVIII of the IUEC Constitution and By-Laws shall be followed with respect to charges, trial, penalties, and appeals.

ARTICLE XVIII Strike and Lockouts

Section 1. The strike fund will be controlled and administered by the President, Vice President, Executive Board Chairman, Recording/Financial Secretary-Treasurer, and the Business Representative as the strike committee. The committee will have no more than four (4) officers along with the Business Representative making a total five (5). The funds shall be distributed by the committee at Fifty dollars (\$50.00) for each four hours per day worked in the area provided by the committee. Funds distributions may be changed by the committee if a change is deemed necessary. A member may replace a committee member only if:

- A. The committee member is working during the strike or lock out.
- B. If a committee member is working, a Local officer shall be voted in by the committee.
- C. In the case all officers are working the Committee will vote on a replacement from the membership.

Section 2. All members of Local 85 shall be allowed strike pay if on strike, provided they strike in an area provided by the strike committee and are in good standing. The office personal (Secretary and the Business Representative) shall be paid strike pay if all members are on strike, when they work in the office or at a designated area by the strike committee. If a lock out occurs and the members are paid unemployment, the office personal shall be paid the same amount as unemployment and work 4 hours per day. If any company works during a strike or lockout, the office personal and all members working shall be assessed 10% of their hourly gross earnings as directed by Article XXVI, Item 18 of the IUEC Constitution and By-Laws.

Section 3. The assessment will be ten percent (10%) of all hourly gross earnings. The assessment will go into effect immediately after the strike or lockout begins. A copy of the members check stub along with a check for his/her assessment shall be at the Local 85 office no more than one week from each pay date after the strike or lockout starts.

Section 4. Any member retiring from Local 85, or early retirement due to health issues shall be entitled to a \$200.00 refund from the strike fund if there has not been a strike six years prior.

Section 5.

A GOOD UNION MEMBER KNOWS HIS RIGHTS

1. He has the right **NOT** to work behind any picket line.
2. He has the right to decide for himself whether to **WALK** off a job being picketed.
3. He understands that **HIS TRADE** may be under attack next.
4. He **LEAVES**. He does not talk—just **LEAVES**.
5. He **READS** the **PICKET SIGNS** as he leaves.
6. He **DOES NOT** hang near or around the job.
7. He knows **ONCE A PICKET LINE IS ESTABLISHED**, the Business Agent is legally gagged and

handcuffed from giving advise pertaining to **THAT JOB** .They can only tell him the picket line is **AUTHORIZED** by the building trades.

8. He does **NOT ALLOW HIMSELF** to be drawn into conversations with **ANYONE** at the job site.

ARTICLE XIX Amendments

Any amendments or alterations to this Constitution and By-Laws must be submitted in writing by five (5) members in good standing or by the Executive Board at a regular meeting and read at three (3) consecutive meetings and then passed by a two-thirds (2/3) vote of the members present. Members shall be notified to attend for final action. Any alteration or amendment hereafter shall be applicable to the members of this Local in the same manner as if the said laws were inserted in these rules.

ARTICLE XX Saving Clause

If any provision of this Constitution and By-Laws shall be declared invalid or inoperative by any competent authority of the Executive, Judicial or Administrative branches of the Federal or State Government, the remainder of this Constitution and By-Laws shall not be affected thereby.

It is understood that during the enforcement of this Constitution and By-Laws should any of the provisions herein contained come into conflict with the International Constitution and By-Laws, the Standard Agreement, rulings of the International Executive Board, or any city, state or federal laws, such provision will be set aside.

The use of either the masculine or feminine gender in this Constitution and By-Laws will be understood to refer to either both the masculine or feminine gender.

GENERAL RESOLUTIONS OF ADOPTION

Resolved that the foregoing Constitution and By-Laws of the Local No. 85, Lansing, Michigan, of the International Union of Elevator Constructors as revised in 2007 are hereby adopted and declared to be valid and effectual, as the law provided, and shall take effect immediately, thereby repealing all rules and By-Laws whatsoever existing heretofore. It is understood that during the enforcement of this Constitution and By-Laws should any of the provisions herein contained come into conflict with the International Constitution, the Standard Agreement, rulings of the International Executive Board, or any city, state, or federal laws, such provisions will be set aside.

Respectfully submitted by:

Constitution and By-Laws Committee

Randy Kape

Phil Magee

Steve Hansen

June Haynes

Chris Emery

Todd Combs

Jeff Mandeville