

**POA**

**PASSHE Officers Association**

**PASSHE OFFICERS ASSOCIATION  
BYLAWS**

Section 1  
NAME

This Labor Organization shall be known as the "PASSHE Officers Association,"  
(hereinafter "POA" or the "Association").

Section 2  
JURISDICTION

The jurisdiction of the POA shall be Police Officers, Security Guards, Police Specialists, Patrol Officers, Security Officers, and Supervisory Officer Ranks employed at Pennsylvania State System of Higher Education, and other police and security personnel as determined by the Association from time to time.

Section 3  
PRINCIPAL OFFICE: TIME AND PLACE OF MONTHLY MEETINGS

(A) The principal office of this organization shall be located in  
\_\_\_\_\_TBD\_\_\_\_\_ State of Pennsylvania, or at such other place as the  
Association Executive Board may designate. The organization may have such other sub-  
offices as the Executive Board may require from time to time.

(B) All books, records and financial documents shall be kept at the principal  
office of the Association.

(C) The general meeting of the membership is to be held at such place and  
time as shall be designated by the Executive Board, subject to disapproval by the  
membership.

Section 4  
OBJECTS

(A) The objects of the Association shall be:

(1) To unite into one labor organization all police and security officers  
eligible for membership, regardless of religion, race, creed, color, national origin, age,  
physical disability, sex or sexual orientation;

(2) To engage in organizing police and security officers to provide the benefit  
of unionism to all police and security officers and to protect and preserve the benefits  
obtained for members of this organization;

(3) To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods;

(4) To provide educational advancement and training for members and officers;

(5) To safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational and other community activity;

(6) To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly;

(7) To provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;

(8) To engage in community activities which will advance the interest of this organization and its members in the community and in the nation, directly or indirectly:

(9) To protect and preserve the Association as an institution and to perform its legal and contractual obligations;

(10) To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these Bylaws and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

(B) It is recognized that the problems with which this labor organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the Association may determine from time to time. We, therefore, determine and assert that the participation of this labor organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein is for the benefit of the organization and its members.

Section 5  
ELIGIBILITY FOR MEMBERSHIP

Eligibility to membership in the Association shall be limited to police, security officers, and guards, and applicants for membership shall comply with and be subject to the requirements imposed by these Bylaws.

Section 6  
OFFICERS

The officers of the Association shall be the President, Vice President, Treasurer, Recording Secretary and three (3) Trustees. These officers shall constitute the Executive Board of the Association. The term of office of all officers shall commence on the first of January in the year following the election.

Section 7  
PRESIDENTS' DUTIES

(A) It shall be the duty of the President to preside at meetings of the Association and of the Executive Board, to preserve order therein, and to enforce, these Bylaws and the rules of order adopted by this Union, and to see that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office, and in general, shall perform all duties incident to the office of President, and such other duties as may be assigned by the Union Executive Board or membership from time to time.

(B) The President shall decide all questions of order, subject to an appeal to the membership, if a valid objection has been taken by an interested member, which appeal shall be determined by a majority vote of the members present and voting. The President shall also have the right to vote in the election of officers, shall cast the deciding vote when a tie occurs on any question, shall announce the result of all votes and enforce all fines and penalties, and shall have the power to call special meetings as provided in Section 18(B).

(C) The President shall be the principal executive officer of this organization. He shall in general, supervise, conduct and control all of the business and affairs of this organization, its officers and employees, including without limitations, the right to appoint members of the Union to chair meetings and to preserve order therein.

(D) The President, together with the Treasurer shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all checks on bank accounts, and perform such other duties as these Bylaws or law may require of him.

(E) The President in conjunction with the -Treasurer shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Association, which have been properly incurred as provided herein. He shall have the authority to pay current operating expenses of the Association.

(F) The President shall also have charge of all labor controversies involving this Union.

(G) The President shall have authority to interpret these Bylaws and to decide all questions of law thereunder, between meetings of the Executive Board.

## Section 8 DUTIES OF THE VICE PRESIDENT

It shall be the duty of the Vice President to preside at Association meetings in the absence of the President. He shall perform such other duties and render such assistance as may be directed by the President.

## Section 9 DUTIES OF THE TREASURER

(A) The Treasurer shall perform all the duties imposed upon him by these Bylaws, and in general perform all duties incident to the office and such other duties as from time to time may be assigned to him by the President, the Executive Board or the members by resolution. He shall see that all notices and reports shall be given in accordance with the provisions of these Bylaws or as required by law. He shall make at least quarterly a report at a membership meeting giving the financial standing including the assets and liabilities of the Association, and shall keep itemized records, showing the source of all monies received and spent, and shall keep records, vouchers, work sheets, books and accounts and all resolutions to verify such report.

(B) The Treasurer upon request of any member shall make available to the member a copy of the last annual report. He shall also make available for inspection by any member or members at the Association's principal office during regular business hours any prior annual report and other document which is subject by statute to such inspection, provided, however, if copying is desired by any member, the matter shall be submitted to the membership at the next scheduled meeting. Membership lists may not be copied.

(C) The -Treasurer shall keep a correct account of all monies paid to and paid out by the Association and shall provide receipts for any dues, initiation fees, or other fees, assessments or fines or other monies received.

(D) Whenever a Treasurer's term of office expires or is otherwise terminated, he must see that his successor is properly bonded before he transfers to his successor in office the funds, papers, documents, records, vouchers, worksheets, books, money and other property of the organization. All such records, vouchers, worksheets, receipts, books, reports and documents shall be preserved and retained at the Association's principal office for a period of six years.

Section 10  
DUTIES OF THE RECORDING SECRETARY

(A) It shall be the function of the Recording Secretary to attend general membership meetings of Association and the Executive Board and to keep minutes of the proceedings. He shall keep a record of the names of the members comprising each committee and handle all correspondence of Association assigned by the President or authorized by membership resolution. In his absence, the President shall appoint a member to act as Recording Secretary pro tempore who shall have the duties set forth above. The minutes of every meeting of the Association shall be read and approved at the next following meeting of the members involved

Section 11  
DUTIES OF TRUSTEES

It shall be the duty of the Trustees to conduct examination of the books of the Association and the results thereof shall be reported at the next regular membership meeting. They shall sign the books of the Treasurer if they have found them correct and the bank balances verified. In the event of the unavailability of a Trustee, the remaining Trustees or Trustee shall perform the above functions. In performing their functions, the Trustees may avail themselves of the services of the Certified Public Accountants retained by the Executive Board.

Section 12  
STEWARDS

Stewards shall be elected by secret ballot

Steward's Duties:

- (a) The investigation and presentation of grievances in accordance with the provisions of the collective bargaining agreement.
- (b) The transmission of such messages and information which shall originate with and are authorized by the Association or its officers, provided such messages and information:

- (1) have been reduced to writing, or
- (2) if not reduced to writing, are of a routine nature.

Section 13  
POWERS AND DUTIES OF THE EXECUTIVE BOARD

(A) Except as may be otherwise provided in these Bylaws, the Executive Board is authorized and empowered to conduct and manage the affairs of this organization, and to manage, invest, expend, contribute, use, borrow, lend and acquire funds and property in the pursuit of accomplishment of the objectives set forth in these Bylaws and resolutions adopted in furtherance thereof. However, the Executive Board shall not have the authority to bind the Association for personal services to be rendered to the organization or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise, beyond the expiration of the term of the Executive Board in office at the time such action is taken. The Executive Board, in addition to such other general powers conferred by these Bylaws, is hereby empowered to:

(1) Make and change rules and regulations not inconsistent with these Bylaws for the management and conduct of the affairs of the Association;

(2) Loan and borrow monies directly and indirectly for such purposes and with such security, if any, as it deems appropriate, and with such arrangements for repayment as it deems appropriate, all to the extent provided by law;

(3) Provide for the employment of clerical employees, attorneys, accountants, and such other special or expert services as may be required for the organization and secure an audit of the books of this organization by a certified public accountant at least once a year;

(4) Fill all vacancies in office which occur during the term of such office for the entire remainder of the un-expired term.

(5) Transact all business and manage and direct the affairs of the Association between membership meetings except as may otherwise be herein provided; delegate when necessary any of the above powers to any officers for specific and temporary purposes and on condition that the action of such officer or agent be ratified by the Executive Board; the Executive Board shall designate other officers for the President or Treasurer for the purpose of signing checks to pay bills or to exercise any other functions

of their offices in the event that either shall refuse to act or shall become ill or otherwise incapacitated;

(6) Lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization, any and all real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its affairs, and which the organization is authorized to acquire, at such price or consideration and generally on such terms and conditions as it thinks fit, and at its discretion pay therefore either wholly or partly in money or otherwise; specific authorization at a membership meeting shall be required for such expenditures, excepting for routine expenditures not of a substantial nature;

(7) Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion the Association's interests would thereby be promoted, subject to approval (except as to form) at a membership meeting;

(8) Create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership, and do every other act or thing necessary to effectuate the same;

(9) Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, all subject to approval (except as to form) by the membership;

(10) Determine the membership which shall vote on agreements and strikes, and the composition of other membership meetings, and adopt rules and regulations concerning the conduct thereof not inconsistent with these Bylaws;

(11) Do all acts, not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Association and for the benefit of the organization and members.

(B) The Executive Board shall have the duty to investigate any alleged breach of fiduciary duty when circumstances so warrant and to take appropriate action if the investigation so merits.

(C) The Executive Board shall hold meetings at such time and place as shall be determined by the President, upon notice to all Board members.

(D) A majority of the Executive Board shall constitute a quorum for the transaction of business at any meeting of the Board. The action of a majority of the Executive Board present at a meeting at which a quorum is present shall be the action of the Board.

(E) As to matters requiring action by the Executive Board, and when the Executive Board is not in formal session, the Executive Board may act by email, letter or telephone. When action by the Executive Board is required, the President may obtain same by

emailing, writing or telephoning to the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Board as though the Board were in formal session.

Section 14  
OFFICERS- GENERALLY

All officers in the performance of their duties shall adhere to the terms of these Bylaws.

Section 15  
EXPENSES

When a representative of the organization is engaged in activities in the interest of or for the benefit of the organization and its members within the scope of his authority the labor organization shall pay the expenses incurred therein, or reimburse the representative upon receipt of itemized vouchers from him or the supplier of such services.

Section 16  
NOMINATIONS AND ELECTIONS OF OFFICERS:  
RULES

(A) Time of Nominations and Elections

Meetings as hereinafter established for nominations of officers shall be held in November. The Executive Board shall set the time and place of nominations and elections and such time and place and other relevant arrangements shall be convenient to the greatest possible attendance by all the members.

This Association shall elect its officers by secret ballot not less often than once every three years. Incumbent officers shall continue to perform the duties of their office until their successors have been duly elected, qualified and installed.

(B) Notice of Rules, Nominations, Meeting and Election

At least twenty (20) days prior to the date of the nomination meeting, specific notice of the date, time and place of the nomination meeting and the offices to be filled

shall be mailed or shall be mailed to the membership (except that notice of nominations, and election may be combined); each member shall be advised in such notice that the election rules are set forth in the Bylaws which are available upon request.

(C) Eligibility of Members

(1) Every member whose dues are paid up through the month which is prior to the month in which the nominations or election is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Association pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office, by reason of a delay or default in the payment of dues by the employer. However, a member who is on check-off shall be under a duty to pay his dues directly to the Association if he has no monies owing to him by his employer which are subject to his check-off authorization on the date when the employer deducts the dues of other members.

(D) Nomination Procedures

(1) Nominations shall be held in accordance with provisions of Section 16 (A) above at a general or special membership meeting or meetings or at a meeting or meetings of each place of employment authorized by the Executive Board to hold separate meetings. If nominations are held at separate place of employment meetings, the members may nominate candidates from their own or any other place of employment for election to Association office. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of a special meeting in the month of November at which meeting nominations and the conduct of elections shall be the sole order of business.

(2) Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee.

(3) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made.

(4) If an election committee is used, after nomination each candidate for the office of President and Secretary-Treasurer may designate one (1) member for service thereon who shall thereupon be appointed by the President.

(5) In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nominations meeting, effective as of the conclusion of the term of the previous incumbent.

(6) A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person or, if absent, in writing, and may accept nomination for only one office.

(7) Every member eligible to nominate candidates shall be entitled to nominate one (1) candidate, but only one (1), for each office open. Prospective candidates may not nominate themselves nor second their own nomination.

(8) If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Section 13(A)(6) of these By-Laws.

(9) If there is only one (1) nominee for an office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly elected Association Executive Board.

(E) Elections

(1) After the nominations meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be mailed and emailed to each member at his last known home address, if no notice has previously been sent. The election shall be held at such place or places and at such time, not earlier than thirty (30) days after the nomination meeting, as may be designated by the Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Executive Board has authorized the use of some standard type of electronic or web based election insuring a secret ballot vote, the election box or boxes or electronic or web based ballots, however, to be located at a place or places designated by the Executive Board; balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m.; and it shall be the duty of the Executive Board to provide safeguards for the honest and fair conduct of such election.

(2) Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one vote. The Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions the Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Voting by writing in the name of a person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark.

(3) Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots who must be a member of the Association in good standing. Observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until all challenges have been ruled upon and the name-bearing envelopes destroyed. Candidates shall have the right to be present at the counting of the ballots.

(4) To be eligible to vote in the election, a member must have his dues paid through the month prior to the month in which the election is held and must still be an active member on the day of the election. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto, except in the case of Trustees, in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of President, in which case there shall be a reelection between only the candidates who have tied for the highest number of votes and only for that office. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Except as provide above, no runoff election shall be held.

(5) No officer may run for another office in the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than fifteen (15) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation.

(6) There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned and such ballot for the office shall not be considered as having been cast in determining the vote for that office.

(7) During the period between the date of election and the end of the term of office no extraordinary expenditures of the Association funds shall be made, and no action shall be taken that commits the Association to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership.

(F) Duties of the Treasurer in Connection with Nominations and Election

(1) The Treasurer shall at least twenty (20) days prior to the holding of the nominations give notice, as above provided, to the membership of the time, place and date and the offices for which nominations will be in order in connection with the election. Such notice shall be given in the manner determined by the Executive Board, consistent with these rules.

(2) The Treasurer shall review the eligibility to hold office of any member at such member's request and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member.

(3) Unless a joint nomination-election notice was sent, the Treasurer shall give written notice to the membership at least twenty (20) days prior to any election date, of the time, place, date, hours and number of offices upon which voting shall be held, by mailing such notice to the members' last known address.

(4) Upon reasonable request of any declared and eligible candidate for office, the Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance. The Treasurer shall not delay the distribution of any candidate's mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Treasurer may require that all campaign literature shall be presented to him at the principal office of the Association no later than a reasonable number of days prior to the election and all candidates shall be given reasonable notice of that cutoff date. The Treasurer may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.

(5) The Treasurer to the extent required by law shall upon reasonable notice make available for inspection by any bona fide candidate the membership list of the Association once within thirty (30) days prior to the election date. No candidate shall be permitted by the Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Treasurer or his designee.

(6) The Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received therefore, and shall also retain a copy of the notices of nominations and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

(G) Nomination and Election Protests

(1) Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the Executive Board for disposition. The decision of the Executive Board shall be final.

(2) In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two (72) hours setting forth the exact nature and specification of the protest and his claim as to how it has affected the outcome of the election. Such protest or charges shall be made to the Treasurer and the protest or charges shall be referred to the Executive Board for disposition. The decision of the Executive Board shall be the final decision.

(3) If votes are challenged such challenge shall be made in writing at the time of the election with specific reasons given for such challenge.

### Section 17 DUES

(A) The minimum monthly dues of this organization shall be

(B) General or special assessments and levies may be made from time to time in the manner provide hereinafter.

(C) Any increase in the rate of dues or initiation fees or the levying of any general or special assessment by the Association shall be made at a general or special membership meeting in accordance with the following procedures:

(1) Reasonable notice shall be given of the meeting at which the membership will consider the question of whether or not such dues, or special assessment shall be increased or levied. The notice shall indicate that a proposed increase or assessment is to be voted on.

(2) At the meeting called as provided in this Section, voting shall be by secret ballot of the members in good standing.

(3) A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue.

(4) This provision supersedes Section 28 (Amendments) with respect to changing the dues and fees set forth in these Bylaws.

Section 18  
MEETINGS

Membership meetings shall be general or special

(A) General Membership Meetings

(1) General membership meetings shall be held quarterly at such place and time as shall be designated by the Executive Board subject to disapproval by the membership. The time and place of meeting in effect when these Bylaws are adopted shall continue until changed by the Executive Board upon reasonable and adequate notice to the membership. Membership meetings may be suspended during any three months between June and October by action of the membership at a meeting after reasonable notice of the intention to vote upon such question.

(2) Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to these Bylaws and the rules and regulations adopted by the Executive Board pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with Association's performance of its legal or contractual obligations. The presiding Chairman can detail members or other persons to remove person who have been ordered removed, or to prevent attendance of members who are "under the influence" or disorderly without calling upon the police.

(3) The Executive Board is authorized to permit membership meetings to be held on a place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. There shall be no limitation on the right of any member to be heard at any such separate meeting provided herein on all matters which apply to the general membership, but such member shall be permitted to vote only at such separate place of employment meeting to which he has been assigned. Membership meetings permitted under this subsection shall be subject to all of the requirements of subsections (A) (1) and (2) above.

(4) When the Executive Board authorizes such meeting by place of employment, each such meeting shall be conducted by the officers of the Association or by their designees and under the same procedures and rules as a general membership meeting, excepting only special meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc.

(5) On all matters which apply to the general membership, the votes of the meeting of each place of employment shall be totaled to determine the action of the Association in such matter.

(B) Special Meetings

Twenty per cent (20%) of the members in good standing of Association may submit a written petition for a special meeting to the President, setting forth the reasons therefore, and the President shall call the special meeting within a reasonable time. If the President does not call such meeting, the Executive Board shall call such meeting within fifteen (15) days of the original petition. The President may, on his own motion, call a special meeting. Reasonable notice of the date, time and place of any special meeting, and of the questions to be presented, shall be given the membership.

(C) Quorum

The quorum of a general or special membership meeting shall be \_\_\_TBD\_\_\_. The Executive Board shall establish the number constituting the quorum for place of employment meetings.

(D) The Association Executive Board or the presiding Chairman at any meeting is authorized to exclude from any meeting any member against whom charges are pending.

If it should appear to the presiding Chairman that any member is so conducting himself to constitute a threat to the orderly conduct of the business of the meeting, he may order him ejected, subject to appeal to the membership.

At any time when in the judgment of the presiding Chairman of the meeting it appears that the meeting has become so disorderly as to prevent proper deliberation on the matters which might properly come before the meeting the presiding Chairman shall have the right to adjourn such meeting forthwith, upon his own motion, and without second, and even though there may be other motions upon the floor. There shall be no appeal from such action since it is taken as a result of conditions which would prevent orderly consideration of the appeal by the meeting.

If such action is taken by the presiding Chairman, the time and place for a subsequent meeting, if there is to be one, shall be determined by the Executive Board. If no such determination is made, then the next meeting shall be the next regularly scheduled meeting.

The Executive Board may at any time prior to or at a meeting disqualify from attendance at such meeting those members as to whom it has reasonable cause to believe that their presence at such meeting will cause disturbance or disorder.

The presiding Chairman can detail members or other persons to remove persons who have been ordered removed, or to prevent attendance of members as above set forth, without calling upon the police.

The rights of members to attend meetings, to remain in such meetings or to participate in matters which come before such meetings are subject to the above powers and duties of the presiding Chairman and of the Executive Board.

## Section 19 Membership

(A) An applicant shall be considered a member when he shall meet all the following requirements for membership:

(1) He shall have executed a written application for membership on a form provided by the -Treasurer.

(2) He shall have signed a dues check-off authorization permitting the dues to be withheld from earnings. If no dues check-off authorization is signed, membership shall date from the first month for which dues are paid, or he shall have tendered one month's dues by cash.

(3) Association shall have accepted his application and dues.

(B) Good Standing

(1) A member shall lose his good standing membership in the organization by suspension or expulsion from membership after appropriate proceedings consistent with the Bylaws, or by non-payment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary check-off agreement shall not be declared in bad standing merely because the employer fails to remit the check-off dues to the Association on or before the last day of the month. However, a member who is on check-off shall be under a duty to pay his dues directly to Association if he has no monies owing to him by his employer which are subject to his check-off authorization on the date when the employer deducts the dues of other members. Payment of dues to an officer or steward authorized by Association to collect such dues shall be deemed payment to Association.

(2) A member in a suspended status because of his failure to pay his dues or other obligations as required by these Bylaws, and not suspended or expelled from membership pursuant to disciplinary action, may reinstate his good standing for the purpose of attending meetings and voting at elections by the payment of all delinquent dues and other financial obligations prior to such meeting and election.

(C) Responsibility of Members

(1) Every member by virtue of his membership in Association is obligated to abide by these Bylaws with respect to his rights, duties, privileges and immunities conferred to them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

(2) Every member by virtue of his membership in Association authorizes the Association to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his employment with such employer, in such manner as Association or its officers deem to be in the best interests of the organization pursuant to the By Laws relating to such matters. Association and its officers, may decline to process any such grievance, complaint, difficulty or dispute, if in their reasonable judgment such grievance, complaint, or dispute lacks merit.

(3) No member shall interfere with the elected officers of this organization in the performance of their duties, and such member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with the individual rights of members. Each member and officer shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this organization of its legal or contractual obligations.

(4) No member shall be permitted at any Union meeting or assembly to engage in any of the conduct hereinbefore described.

(5) Every member shall follow the rules of order at all meetings of the organization.

(6) Membership in this organization shall not vest any member thereof with the right, title or interest in or to the funds, property or other assets belonging to the Association now or hereafter and no member shall have a property right to membership in this organization.

(7) No member seeking to resign from membership Union may do so except by submitting such resignation in writing to the Treasurer in accordance with the provisions of applicable law governing resignation. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing to Association shall be obligated to pay such obligations. All members acknowledge that any obligations owing at the time of resignation shall be collectible by Association in any appropriate forum. This shall not relieve any member of any obligation to comply with any provision of these By Laws regarding acquisition or maintenance of membership in good standing.

(F) Rights of Members

Subject to reasonable application and subject to the right to impose broad disciplinary limitations on the membership, no provision of these Bylaws, rule of parliamentary procedure or action by Association or its officers shall be administered in such a way as to deprive individual members of the following rights:

- (1) the right to nominate candidates or vote in elections or referendums of the Union;
- (2) the right to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings;
- (3) the right to meet and assemble freely with other members and to express any views, arguments, or opinions, and to express at meetings views upon candidates in an election of the union or upon any business properly before the meeting, subject to the organizations' established and reasonable rules;
- (4) the right to information concerning the conduct of Association business;
- (5) the right to institute an action in any court or in a proceeding before any administrative agency, irrespective of whether Association or its officers are defendants in the action, or to appear as a witness in a judicial, administrative or legislative proceeding, or to petition any legislator, subject to the exhaustion of intra-union remedies as required by applicable law.
- (6) For the purpose of Section 19(F) only, the term "meeting" includes any public meeting to which members of the Association are invited.
- (7) All the rights of members set forth in Section 19(F) shall be subject to the right of the Association to impose broad disciplinary limitations upon the rights of the members.

## Section 20 CHARGES AND TRIALS

(A) Each member of this organization shall have the right to fair treatment in the application of Association's rules and law in accordance with these Bylaws. In applying the rules and procedures relating to discipline, the essential requirements of due process of law (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law. Recognizing that these requirements of fairness and due process of law will be administered by groups of laboring men and women, the following procedural guides are designed to attain justice both to the individual member and the organization, and in instances where deviations from such procedures are not such as to substantially affect the members; substantive right, these procedures are not to constitute technically precise requirements of strict pleadings of courts of law.

(B) Trials and Appeals

(1) Trial. Every member charged with a violation of these Bylaws shall be accorded a full and fair hearing as required by law. No member of the Executive Board involved in the subject matter of the charge, shall sit on the trial board. The officer alleged to be involved shall not vote on whether he is qualified to remain on the hearing panel. If the member charged or preferring the charges is a member of the Executive Board, or if a member of the Executive Board is unable to attend the hearing for any reason, then the principal executive officer shall appoint an uninvolved member as a substitute. If either the President or Treasurer is charged or is preferring the charges, or is unable to attend the hearing for any reason, the other officer shall appoint the substitute. If both the President and Treasurer are charged or are preferring the charges, or for any reason are unable to attend the hearing, the remaining members of the Executive Board shall appoint the substitutes. Charges by, against or involving a majority of the members of Executive Board shall be referred to the membership for disposition in accordance with these By Laws.

(2) Charges. Charges shall be in writing and signed by those filing same and must be filed in duplicate with the Treasurer who shall serve the charges and notice of the hearing upon the accused either in person or by mail at least ten (10) days prior to the hearing. No hearing on any charge shall be held less than ten (10) days from the date on which notice of the hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of these Bylaws allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. If charges are filed, the charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. He may not subsequently file additional charges based upon facts of which he had knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five (5) years before the discovery of the conduct giving rise to the charge is barred and shall be rejected by the Treasurer except charges based upon the non-payment of dues, assessments and other financial obligations. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same or arise under the same circumstances as prior internal charges against such member or officer provided that a decision was rendered on those prior charges. Charges against elective officers of Association shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally by the membership of the organization.

(3) Rights of the Accused. Throughout the proceedings, there shall be a presumption of innocence in favor of the accused. In order to be sustained, the charges must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross-examine adverse witnesses. The charging party, the accused and the Executive Board may select only a member in good standing of the organization to represent them at a hearing conducted before any trial body. Witnesses need not be members of the Association. The hearings shall be open to other members, subject to the discretion of the Executive Board in maintaining order and in excluding witnesses except when testifying.

(4) Action by the Executive Board. A summary of the testimony and evidence introduced at the hearing shall be made and a copy of such summary shall be furnished the accused. The Executive Board shall have the authority to determine the manner of reporting the hearings and shall have the authority to exclude any method not authorized by it.

## Section 21 BONDING

(A) Every officer, agent, or other representative of Association who handles funds or other property of this organization shall be bonded. The amount of bond required of each person shall be ascertained by the Executive Board, and the premium charges shall be paid out of the general funds of the organization.

(B) Should the bond of any person required to be bonded be canceled after surety coverage has been afforded, then such person shall be allowed thirty (30) days within which to arrange either for reinstatement of his coverage or the substitution of another bond meeting the requirements of Section 21(A) to take the place of the canceled bond. However, during the period such person or a new officer is not covered by such surety bond, the Executive Board shall make whatever arrangements shall be necessary to relieve such person of the handling of any money or property of the Association.

(C) If a bond required in conformity with the provisions of Section 21(A), the Executive Board shall be authorized and empowered to permit him to remain in his office or position under such arrangements as it may consider reasonable, but shall not require or permit him to handle any of the money or control any of the property of the organization.

## Section 22 RULES OF ORDER

- Rule 1. The regular order of business may be suspended by a vote of the meeting at any time.
- Rule 2. The Chairman of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.
- Rule 3. Any conversation by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business, shall be deemed a violation of order.
- Rule 4. Attending meetings “under the influence” is basis for removal.
- Rule 5. The meeting may determine what portions of its business shall be secret.
- Rule 6. When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair he shall state his name.
- Rule 7. If two or more members rise to speak, the Chair shall decide which is entitled to the floor.
- Rule 8. Every member, while speaking, shall adhere to the question under debate and avoid all invective and indecorous language, but all members shall have the right to express their views, arguments and opinions upon candidates and upon any business properly before the meeting.
- Rule 9. No member shall interrupt another member while speaking except for a point of order, and he shall definitely state the point, and the Chair shall decide the same without debate.
- Rule 10. Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.
- Rule 11. If any member shall feel himself aggrieved by a decision of the Chair, he may appeal from the decision of the Chair to the meeting without debate.
- Rule 12. When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman to the meeting in these words: Shall the decision of the Chair be sustained as the decision of this meeting?” The member taking the appeal will have the right to state the grounds of appeal, and the Chair will give his reasons for the decision. Thereupon, the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the Chair.

Rule 13. No member shall speak more than once on the same question until all members wishing to speak have had an opportunity to do so, nor more than twice without the permission of the Chair, nor more than ten (10) minutes at one (1) time.

Rule 14. In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be admitted until the question is stated by the Chair.

Rule 15. Any member may call for a division of a question when the subject or sense admits thereof.

Rule 16. All votes other than amendments to these Bylaws or Rules of Order may be reconsidered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority, provided a majority of the membership present and voting agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

Rule 17. The following motions shall have precedence in the following order: first, to adjourn; second, to close debate; third, to take up the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth to amend. The first four shall be decided without debate.

Rule 18. When a question is postponed indefinitely, it shall not come up again, except upon a majority vote of the members present and voting.

Rule 19. The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?" If adopted, the president shall proceed to take up the question before the membership, according to priority, without further debate.

Rule 20. The call for the previous question on the original motion may be made by six (6) members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take up the question on the original motion to the exclusion of all debate and all amendments which have not been adopted.

Rule 21. If proper motion to amend has been made, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall then be put as follows: (1) amendment to the amendment; (2) amendment; (3) original proposition.

Rule 22. A motion to adjourn shall always be in order except: (1) when a member has the floor; (2) when members are voting; (3) when a motion is pending.

Rule 23. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the organization, until fifteen (15) minutes have elapsed.

Rule 24. The Chair shall state every question coming before the organization before permitting the opening of debate thereon. Immediately before putting it to a vote he shall ask: "Is the body ready for the Question?" Should no member rise to speak on the question, or if a majority shall vote to close discussion, the Chair shall put the question. After he has risen no member shall be permitted to speak further upon it.

Rule 25. When the presiding Chairman has commenced taking the vote, no further debate or remarks shall be allowed, unless a mistake has been made, in which case the mistake shall be rectified and the presiding Chairman shall recommence taking the vote.

Rule 26. One (1) tap of the gavel shall call to order; two (2) taps to be seated; three (3) taps to rise.

Rule 27. Any question on procedure in debate, not provided for herein, shall be governed by Robert's Rules of Order, Revised.

Rule 28. All rulings of the presiding officer on procedure which are not challenged during the meeting become final and unappealable upon adjournment of the meeting.

### Section 23 STANDING COMMITTEES

The standing committees shall be as follows: Charities and Community work, Health and Welfare. The President shall have the right to add to the standing committees.

### Section 24 ASSOCIATION PROPERTY

No property of the Association, and no property in the possession, custody or control of this Association or any of its officers, representatives or employees and no property held in trust by any trustee for and in behalf of this Association, express or implied, which was created or established by this Association, and whose purpose is to provide benefits for the Association itself, or the members of the Association or their beneficiaries, shall be given, contributed, donated or appropriated, either directly or indirectly, to aid or assist or be expended in behalf of any seceding, dual or antagonistic labor organization or group.

Section 25  
NEGOTIATIONS, RATIFICATION OF  
AGREEMENTS, STRIKES AND LOCKOUTS

(A) Whenever a collective bargaining agreement is about to be negotiated, modified or extended at the request of this Association, the President shall call a meeting at which the membership shall determine and authorize the bargaining demands to be made. The Executive Board shall determine whether such meeting shall be limited to the members in a particular place of employment or full membership basis.

(B) Ratification of agreements or amendments shall be subject to vote in the same manner as provided for in connection with bargaining demands as set forth in Section 25

(C) If a settlement cannot be reached in connection with the negotiation or modification of a collective bargaining agreement between the members of this Association and an employer after the officers have used reasonable means of achieving a settlement through the process of collective bargaining, the matter shall be subject to the strike procedure, conditions and qualifications set forth in these By Laws. The Local Executive Board may, in its discretion, provide that the strike vote be limited to the members employed in a particular place of employment. In cases where system -wide agreements are involved, it is understood that the specified majorities of the members covered by such agreements must vote to strike.

(D) Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement.

(E) Strikes which are not terminated by the conclusion of a collective bargaining agreement or by arbitration or otherwise may be terminated in such manner as the Local Board shall determine appropriate.

Section 26  
SAVING CLAUSES

(A) The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any Union security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all such financial obligations imposed by the Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

(B) If any provision of these Bylaws shall be declared invalid or inoperative, by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Executive Board shall have the authority to suspend the operation of

such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any section or subsection of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such section or subsection to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

Section 27  
AMENDMENTS

(A) Proposed amendments to the Bylaws shall be submitted to writing at a regular meeting of the Association only in January of each year upon initiation either by petition of seven (7) members in good standing, or by resolution of the Association Executive Board. Under no circumstances may these Bylaws be amended during a term of office to affect or modify the powers and duties of the incumbent officer or elected business agent. Such amendments may be made effective only as of the beginning of the next term of office.

(B) The proposed amendments shall then be read at two (2) consecutive regular meetings of the membership or at two (2) consecutive division, craft, or place of employment or similar meetings (if the Association Executive Board has determined that membership meetings be conducted on such basis), and voted upon at the third meeting or meetings. A two-thirds (2/3) vote of the members in good standing voting at such meeting shall be required for passage.

Section 28  
FISCAL YEAR

The fiscal year of this organization shall commence on the first (1<sup>st</sup>) day of January.