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INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO

Via Electronic Mail

June 11, 2012

Mr. David Wenninger
Business Manager/Secretary-Treasurer
Painters and Allied Trades
District Council 88
5425 Spindle Drive
Houston, TX 77086

Dear Brother Wenninger:

SUBJECT: Bylaws Approval for District Council 88's Affiliated Local Union 823

The bylaws for Painters Local Union 823 (Albuquerque, New Mexico) were approved by the General Executive Board with the understanding that nothing contained in this document shall be interpreted or applied in violation of any applicable state or federal law.

A copy of the bylaws bearing the decision of the General Executive Board is enclosed for your files, and one copy will be placed on file at this office for future reference.

In addition, the Local Union is required to send two copies of the approved material, along with their annual financial reporting Form LM-2, LM-3, or LM-4 to the United States Department of Labor. This procedure should be followed each time the bylaws or amendments to the bylaws are approved by the General Executive Board.

Sincerely and fraternally,

George Galis
General Secretary-Treasurer

Enclosure

cc: GP Williams
GVP Reid
RS Rheins, LU 823

je/iupat 1937
f/Bylaws



**Local Union 823
Working Rules and Bylaws**

**Affiliated with District Council 88 of the
International Union of Painters and Allied Trades, AFL-CIO**

TABLE OF CONTENTS

Article I	Bylaws	1
Article II	Name	1
Article III	Jurisdiction	1
Article IV	Objects.....	1
Article V	Eligibility for Membership.....	1
Article VI	Officers.....	1-3
Article VII	Delegates	3
Article VIII	Executive Board	3-4
Article IX	Compensation of Officers, Delegates and Committee Members	4
Article X	Bonds.....	5
Article XI	Elections	5
Article XII	Vacancies.....	5
Article XIII	Dues, Fees and Assessments	5-7
Article XIV	Meetings	7
Article XV	Committees.....	7-8
Article XVI	Contractors	8
Article XVII	Membership.....	8-9
Article XVIII	General Rules	9-10
Article XIX	Charges and Trials.....	10-11
Article XX	Exhaustion of Remedies	11
Article XXI	Property	11
Article XXII	Agency.....	11
Article XXIII	Amendments.....	11
Article XXIV	Standing Rules for Union Meetings	12
Article XXV	International Union Constitution.....	12
Article XXVI	Savings Clause	12
Article XXVII	Strike Rules and Procedures.....	12-13
Article XXVIII	Union Activity Clause	13
Article XXIX	Ratification of Working Agreement.....	13-14
Article XXX	Apprentices.....	14
Article XXXI	Stewards	14

ARTICLE I

Bylaws

These Bylaws are subordinate to the provisions of the International Constitution of the International Union of Painters and Allied Trades (hereinafter called the "International Union") and the Bylaws of District Council 88. In the case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern. In the case of conflict between these Bylaws and the District Council Bylaws, the latter shall govern.

ARTICLE II

Name

This organization, a subordinate body of the International Union and an affiliated Local Union of District Council 88, shall be known as Local Union 823.

ARTICLE III

Jurisdiction

The territorial jurisdiction of this Local Union shall be as set forth in its Charter and as determined by the General Executive Board from time to time under Section 70 of the International Constitution, provided that the Local Union shall be guided within its jurisdiction by the directives of the District Council.

ARTICLE IV

Objects

The objects of this Local Union shall be as set forth in the Preamble and Section 2 of the International Constitution and Section 125 of the International Constitution.

ARTICLE V

Eligibility for Membership

Eligibility for membership in this Local Union shall be as set forth in Sections 85-86 of the International Constitution and as otherwise set forth in the International Constitution or policies adopted by the General Executive Board.

ARTICLE VI

Officers

Section 1. Eligibility to hold office shall be as set forth in Sections 92(b) and 181 of the International Constitution.

Section 2. Officers of this Local Union shall be as set forth in Section 152 of the International Constitution, and their duties shall be as set forth in the following sections of the International Constitution:

- A. President – The duties of the President shall be as set forth in Sections 156-159.
- B. Vice President – The duties of the Vice President shall be as set forth in Section 161.

- C. Recording Secretary – The duties of the Recording Secretary shall be as set forth in Sections 162-164.
- D. Financial Secretary – The duties of the Financial Secretary shall be as set forth in Sections 165-170, Section 182(d) and Section 228(d).
- E. Treasurer – The duties of the Treasurer shall be as set forth in Section 171.
- F. Trustees – The duties of the Trustees shall be as set forth in Sections 172-175.
- G. Warden – The duties of the Warden shall be set forth in Section 176.

Section 3. As soon as the District Council adopts the centralized Local Union dues, records and reporting plan outlined in Section 235 of the International Constitution, the following modifications will be in effect for dues collection, records, and reporting. Also, the Local Union officers' duties will be modified as outlined below.

Under the Dues Collection and Membership Reporting Plan adopted by Local Union 823 pursuant to Article XV-A of the District Council 88 Bylaws, the Business Manager/Secretary-Treasurer of District Council 88 performs many of the functions of the Financial Secretary and Treasurer of Local Union 823. Therefore, the duties of the Financial Secretary and the Treasurer of Local Union 823 shall be as set forth in this Article.

Where the Financial Secretary receives dues payments from members (such as at Local Union meetings) of Local Union 823, he or she shall (i) transmit such payments to the Business Manager/Secretary-Treasurer of District Council 88 within five (5) days, (ii) provide the member with a temporary receipt, a copy of which shall be transmitted to the Business Manager/Secretary-Treasurer with the payment and a copy of which shall be retained by the Financial Secretary. Such temporary receipt shall indicate only the amount of funds received and shall not indicate the member's standing or through which calendar month dues are paid.

The Financial Secretary shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of the District Council. At each membership meeting, the Financial Secretary shall deliver a report to the membership, which report shall include the following information:

1. the gross receipts of the Local Union in the prior month,
2. the net receipts of the Local Union, along with the amounts of all per capita deductions made by the Business Manager/Secretary-Treasurer of District Council 88 and any other deductions,
3. the overall membership of the Local Union, with the gain or loss in membership in the prior month noted,
4. the number and names of members on application and those initiated,
5. the number and names of members suspended and reinstated, and
6. the names and number of clearance cards deposited and issued.

The Treasurer shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of District Council 88. At each membership meeting, the Treasurer shall deliver a report to the membership, which report shall include the following information:

1. list all deposits made to the Local Union account, if any,
2. a copy of the Local Union cash disbursements journal, if applicable,
3. list of all payments from the District Council made on behalf of the Local Union, from the funds collected by the District Council for the Local Union.

Notwithstanding anything to the contrary in this Article, the Financial Secretary, the Treasurer and all other Local Union officers shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

The Financial Secretary shall perform the Financial Secretary duties outline in Section 182(d) and 228(d) of the General Constitution from information provided the Financial Secretary by the Business Manager/Secretary-Treasurer of the District Council.

The Local Union Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to their particular Local Union on a quarterly basis as per Sections 172 through 175. In lieu of the trustees auditing the Business Manager/Secretary-Treasurer, it is permissible for the trustees to review an unqualified audit performed by a Certified Public Accountant (CPA) or Chartered Accountant. Such review will be done with the accountant to explain the report. Copy of such report is to be sent to the General Secretary-Treasurer.

The District Council and the Local Union shall use the IUPAT Integrated Membership Systems (IMS) computer systems or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity, no later than January 1, 2014.

ARTICLE VII Delegates

All delegates (other than delegates to the General Convention) shall be elected at the June elections in accordance with Article XI of these Bylaws.

ARTICLE VIII Executive Board

Section 1. The Executive Board of this Local Union shall be as set forth in Section 152(j) of the International Constitution.

Section 2. Duties of the Executive Board:

- A. To enforce the laws of the Local Union between meetings.
- B. To handle all matters delegated to the Executive Board by the members voting at regular or special called meetings.
- C. All requests for donation of funds shall be directed to the Executive Board. It shall investigate and submit its findings and recommendations for membership action.
- D. The Executive Board shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Local Union membership voting at a regular or special called

meetings; provided, however, that during the interim between meetings it shall be authorized to act for the Local Union in cases of emergency, subject to review at the next regular meeting.

ARTICLE IX
Compensation of Officers, Delegates and Committee Members

Section 1. Officers:

- A. President – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- B. Vice President – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- C. Recording Secretary – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- D. Financial Secretary – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- E. Treasurer – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- F. Trustees – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- G. Warden – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.
- H. At-large Executive Board Members (if any) – \$15.00 per month or an amount equal to the minimum monthly dues based on the financial situation of the Local Union, paid on a quarterly basis.

The Officers of Local Union 823 will evaluate the finances of the Local Union on a biannual basis to determine if the finances cannot support any monthly compensation, can only support the \$15.00 monthly compensation or if they can support the monthly minimum dues compensation for the Officers and adjust the compensation for the following six months accordingly.

All Officers must attend the monthly meetings and the Executive Board meetings to qualify for the monthly compensation.

Section 2. Delegates

- A. To District Council – As determined by the District Council
- B. To Central Bodies (if any) – As determined by the District Council
- C. To Conventions, Conferences, etc. – As determined by the District Council

Section 3. Committee Members – As determined by the District Council

ARTICLE X
Bonds

Officers of Local Unions shall be bonded in accordance with Section 147 of the International Constitution and as required by the Labor-Management Reporting and Disclosure Act of 1959, as amended.

ARTICLE XI
Elections

Section 1. Elections shall be held under the procedures and provisions as set forth in Sections 180-183 of the International Constitution.

Section 2. The election of Local Union Officers, Executive Board members, and delegates to District Councils (and Central Bodies, if any) shall be held at the last meeting in June. Nominations for the same shall be held at the last meeting in May, as per Section 180(a) of the International Constitution. Delegates to the District Council shall be elected to a four (4) year term. All other offices shall be elected to a three (3) year term.

Section 3. Delegates to the General Conventions of the International shall be elected as set forth in Section 28 of the International Constitution. Delegates to District Council, Central Bodies (if any), shall be nominated and elected in accordance with Sections 180-183 of the International Constitution. The qualifications for such positions shall be as set forth in the International Constitution.

ARTICLE XII
Vacancies

Vacancies occurring among the officers shall be filled in accordance with Sections 186 through 187 of the International Constitution.

ARTICLE XIII
Dues, Fees and Assessments

Section 1. Dues:

A. Dues from members of Local Union 823 shall be as follows:

1. Regular and/or Administrative Dues shall be as set forth by the BM/ST and the District Council Bylaws and are currently four and one-quarter percent (4.25%) of gross wages for members working for contributing contractors only. This amount will be deducted from the member's weekly paycheck and forwarded by the Employer to the District Council on a monthly basis.

Minimum monthly dues will be thirty-five dollars (\$35.00) per month. Should a member or person not work enough hours per month to maintain the minimum monthly dues payment by means of Administrative Dues Check-Off, the member or person working under terms and conditions of any agreement of IUPAT Local Union 823 shall pay the difference directly to the District Council.

2. Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union and such increase shall be effective the date the increase in the payments due to the International Union becomes effective.
- B. The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17(b) and 18 of the International Constitution and the Rules and Regulations of the International Union's Death Benefit Fund. Accordingly, members not covered by the Death Benefit Fund pursuant to the foregoing provisions (example: members who are 60 years of age or over when initiated; or Life Members working at the trade who elected non-participation) will be required to pay the dues specified in sub-section (a) less the current Death Benefit Payment.
- C. Quarterly working cards shall be obtained in accordance with Section 122 of the International Constitution.
- D. Administrative Processing Fees: There shall be no initiation fees for membership in this Local Union. New members/candidates and apprentices shall be charged an Administrative Processing Fee in accordance with the provisions set forth in Sections 93 and 94 of the International Constitution."
- E. Administrative Processing Fees shall be in accordance with Section 93 of the IUPAT International Constitution and the District Council Bylaws.
- F. Life Membership fees shall be in accordance with Section 100 of the IUPAT International Constitution.
- G. Life Members, when working at the trade, shall pay dues as per Section 1(A) of this Article
- H. Pursuant to Section 17(a) of the International Constitution, all increases shall be passed on to the members and rounded up to the nearest dollar.

Section 2. Clearance Cards: Clearance Card fees and rules shall be as set forth in Section 256 of the International Constitution.

Section 3. Assessments and Funds:

- A. Assessments can only be levied in accordance with the International Constitution.
- B. International Union Death Benefit Fund. The International Union's Death Benefit Fund is governed by Section 314 through 316 of the International Constitution, and the rules and regulations of the fund. Members should refer to the pamphlet "Rules and Regulations covering the Death Benefit Fund and the former Death and Disability Fund."
- C. All monies due the International Union for per capita tax, Administrative Processing Fees or application fees, Death Benefit Fund payments, reinstatements, clearance card fees, life membership fees, and supplies shall be forwarded to the General Secretary-Treasurer immediately after the close of the month, along with required reports. Remittances must be made by express or post office money order, check or bank draft payable to the IUPAT.
- D. Should a majority of the Trustees doubt the accuracy of any bill from the General Secretary-Treasurer, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board at their next meeting.

- E. Each month the Local Union shall hold in its treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments and all other payments that must be made to the International Union as required by Section 140 of the International Constitution. Such required payments shall be made prior to allowing other expenditures.

ARTICLE XIV

Meetings

Section 1. Regular Meetings: The regular meetings of this Local Union shall be held on the second (2nd) Wednesday of each even numbered calendar month at the Albuquerque Union Hall. Meetings will be called to order promptly at 5:00 p.m. There will be meetings held in the Northern area of New Mexico on all odd numbered months. These meetings shall be held on the first (1st) Thursday of the month and shall start promptly at 4:45 p.m. The current meeting place shall be the Espanola office of LIUNA Local 16 at 206 Guachupangue Road.

The Executive Board will be empowered to combine meetings, change meetings, or add meetings if it is determined it would be in the best interest of the Local Union.

Section 2. Special Meetings: Special meetings of this Local Union may be called by the President as he or she deems necessary. Special meetings shall also be called as required by Section 158 of the International Constitution.

Section 3. Quorum: A quorum for a membership meeting shall consist of seven (7) members, provided that five (5) members shall constitute a quorum if the Local Union's membership is fewer than twenty-five (25) members.

Section 4. Members' Rights: Members in attendance at meetings shall have the right to express their views, arguments or opinions upon any business properly presented before the meeting, subject to these Bylaws and the rules and regulations adopted by the Local Union pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his or her responsibility to the organization as an institution or engage in or advocate any conduct that would interfere in the Local Union's performance of its legal or contractual obligations, or conduct him or herself in an unruly, or boisterous manner.

Section 5. Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

ARTICLE XV

Committees

All committees shall be appointed pursuant to the International Constitution.

1. The Bylaws Committee is to assist in establishing and recommending the Bylaws and any changes to the Bylaws. The committee shall be appointed by the President and meet at the call of the President or Executive Board.

2. The Retiree's Committee will be comprised of retirees, who will assist the Business Manager/Secretary-Treasurer of District Council 88 in furthering the fraternal interests of the Retired Members.
3. The Voluntary Organizing Committee will assist the Business Manager/Secretary-Treasurer of the District Council in all aspects of organizing.
4. Painters and Allied Trades for Children's Hope (PATCH) Committee's duties are to assist the Executive Board with the PATCH program.

ARTICLE XVI

Contractors

Admission of contractors into membership in a Local Union is covered by Sections 91-92 of the International Constitution.

ARTICLE XVII

Membership

Section 1. An applicant is considered a member when the applicant meets all the requirements as set forth in Sections 85-90 of the International Constitution.

Section 2. A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections 119-120 of the International Constitution.

A member who loses his or her good standing status because of his or her failure to pay dues or other obligations as required by the International Constitution and these Bylaws, but who has not been expelled from membership, may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections, by paying all delinquent dues and other financial obligations prior to such meeting and election as provided in Section 121 of the International Constitution. Expelled members may be reinstated only in accordance with Section 301 of the International Constitution.

When Local Unions provide for quarterly dues payments, such quarterly payments must be made on or before the twentieth (20th) day of the first (1st) month of the quarter to maintain good standing membership for the entire quarter period.

Resignation from membership is governed by Section 123 of the International Constitution.

Section 3. Members' Responsibility:

- A. Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of the Local Union's Bylaws and the International Constitution with respect to the members' rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

- B. Every member by virtue of membership in this Local Union authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council and its officers, and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their sole discretion and judgment, such grievance, complaint or dispute lacks merit.
- C. No member shall interfere with the elected officers or representatives of the International Union, its subordinate bodies, District Council or this Local Union in the performance of their duties. Each 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 their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the International Union, District Council or Local Union's performance of its legal or contractual obligations.
- D. Every member shall be required to assist the International Union, its subordinate bodies, the District Council and the Local Union, as well as their officers and representatives, by engaging in picketing, hand billing, salting and other organizing activities, and attending education and training and seminars, as directed and assigned by the International Union, the District Council's Executive Board, Business Manager or Business Representatives or Local Union officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.
- E. All new members of this Local Union shall attend a new member orientation class offered by the District Council within ninety (90) days of being initiated.

ARTICLE XVIII
General Rules

Section 1. Referral of journeymen and apprentices shall be on the following terms:

- A. Every applicant for employment shall be required to reregister on the referral list every first (1st) of the month, so said list may be kept current with available workmen on a month to month basis.
- B. The Employer retains the right to reject any job applicant referred by the Union for just cause. The Employer may discharge any employee for just cause, provided there shall be no discrimination against any employee for Union activities.
- C. It shall be a violation for any member to knowingly work with a person who has not followed the correct hiring procedure outlined in the current collective bargaining agreement and does not report said violation.
- D. Upon verbal notice from a Union representative, any member who works alongside a non-member shall be subject to be brought up on charges.

- E. No member shall furnish their personal vehicle to transport materials or equipment unless compensated for in accordance with the local bargaining agreement.
- F. No member shall be allowed to start work prior to the starting time designated in the working agreement or work after the designated quitting time unless he or she receives full compensation for such time worked.
- G. All members must show proof of membership upon request of any member in good standing. This applies to any member working within the jurisdiction of Local Union 823.
- H. It shall be the responsibility of every member working with the jurisdiction of this Local Union to maintain an accurate account of total hours worked each week. Copies of said hours are to be presented to the Local Union upon request.
- I. Any out of area member coming into the jurisdiction of this Local Union to seek employment must register at the Local Union 823 office, deposit clearance card and obtain a working card before going to work.
- J. No member of this Local Union shall be allowed to work for any Employer who is signatory to or bound by the terms of the Local Union 823's agreement without first notifying the Local Union.
- K. No member shall work with unsafe equipment or perform his or her duties in an unsafe manner whereby he or she jeopardizes himself or herself or his or her fellow members.
- L. It shall be the duty of the member working in the Painting or Drywall Craft to wear presentable white uniforms. The allied trades members shall comply with the rules set forth in their respective Collective Bargaining Agreements.
- M. Any member of this Local Union who is working in the jurisdiction of another Local Union or District Council shall notify the District Council or Local Union in whose jurisdiction the work shall be performed prior to starting work.
- N. The Business Manager/Secretary-Treasurer of the District Council shall have the authority to negotiate and execute project agreements when it is in the best interest of the members of Local Union 823.

Section 2. Any member of this Local Union who is sick and unable to work because of said illness and who is unable to pay his/her dues shall advise the Local Union in writing of their condition and the Local Union will pay such sick member's dues for up to six (6) months maximum.

Section 3. Monies from District Council 88's General Fund will be provided for a floral arrangement or a Bible of the member's or his/her beneficiary's religious belief in the case of death of a member (not to exceed fifty dollars plus tax (\$50.00 + tax)).

ARTICLE XIX

Charges and Trials

Section 1. Each member of this Local Union shall have the right to fair treatment in the application of Local Union rules and law in accordance with the International Constitution and these Bylaws. In the application of all rules and procedures relating to Local Union discipline, the essential requirements of due process of law – notice,

hearing, and judgment based upon the evidence shall be observed without, however, requiring technical formality followed in courts of law.

Section 2. All charges preferred by members of this Local Union shall be referred to the District Council Trial Board for disposition and shall be processed in accordance with the International Constitution.

ARTICLE XX
Exhaustion of Remedies

No Local Union or other subordinate body, or any member or officer thereof shall resort to any court or agency outside this International until all forms of relief and avenues of appeal, as provided by the International Constitution, have been exhausted, unless otherwise provided by statutory law.

ARTICLE XXI
Property

Section 1. The funds and property of the Local Union shall be governed by Sections 142-145 of the International Constitution.

Section 2. No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers or employees, and no property held in trust, express or implied, which was created or established by this Local Union and whose primary purpose is to provide benefit for the members of the Local Union or their beneficiaries, shall be given, contributed or donated, either directly or indirectly, to aid or assist, or be expended in behalf of, any seceding, dual or antagonistic labor organization, nor to any Local Union which is in violation of the International Constitution.

ARTICLE XXII
Agency

Neither this Local Union, nor any of its officers or employees, has any power to make any representation, contract, or agreement, nor to incur any liability, which shall be binding upon the International Union without the written consent of the General President or his designee. Neither this Local Union, nor any of its officers or employees has been authorized or empowered to act as agent of the International Union and shall not be deemed an agent of the International Union unless expressly authorized in writing by the General President or his designee to act in that capacity.

ARTICLE XXIII
Amendments

There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section 135(b) of the International Constitution. Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section 135 of the International Constitution.

ARTICLE XXIV
Standing Rules for Union Meetings

Rules for the conduct of Local Union meetings are contained in the “Order of Business for Local Unions” and in “Parliamentary Rules and Ritual” set forth in the International Constitution.

ARTICLE XXV
International Union Constitution

The Local Union acknowledges that the International Constitution of the International Union supercedes any provisions of these Bylaws which are inconsistent with such Constitution. The Local Union further acknowledges that the Bylaws of the District Council shall govern and supercede these Bylaws to the extent that any provisions set forth herein are inconsistent with such Bylaws.

ARTICLE XXVI
Savings Clause

Section 1. The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, 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 financial obligations imposed by or under the International Constitution, the District Council Bylaws and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.

Section 2. If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal or state government, the Local Union Executive Board, subject to approval of the Local Union, shall have the authority to suspend the operation of such provisions 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 article or section 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 article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

ARTICLE XXVII
Strike Rules and Procedures

Procedures regarding strikes and lockouts shall be handled in accordance with the District Council Bylaws Article XXIII.

The following rules and procedures shall apply during any strike or lockout:

- A. All affected members must register at the Local Union office on the first day of the strike or lockout.
- B. Any affected member who fails to register or refuses to register as required by these rules shall be cited before the Local Union Trial Board.

- C. The Executive Board shall be available at all times and shall be or shall appoint a Strike Committee prior to a strike or lockout.
- D. All affected members who are employed at the trades during a strike or lockout shall be assessed five dollars (\$5.00) per working day during the strike or lockout, and shall register at the Local Union office to assist the Local Union and their Brothers and Sisters on Saturdays and Sundays.
- E. The work assessment must be paid weekly to the Local Union each Monday so that the members who are on strike or locked out may receive additional help as soon as possible. Such assessments shall commence on the first day of the strike or lockout.
- F. All monies received from the working assessment shall be placed in a separate account and shall be disbursed to the members who are performing physical strike and picket duties and for expenses to the Local Union which are additional to normal expenses during a strike or lockout. Any "Strike Fund" monies that are not disbursed as specified in this Article will remain in the "Strike Fund" if practical and if not practical will be deposited in the General Fund and carried as a credit to the "Strike Fund" until needed in said "Strike Fund".
- G. All affected members, laid off, on strike, or locked out, must receive written permission for employment by the Local Union before going to work for any signatory Employer.

**ARTICLE XXVIII
Union Activity Clause**

Section 1. Every member shall be required to assist the Local Union and its Officers by engaging in picketing, handbilling, salting and other organizing activities, and attending educational and training seminars, as directed and assigned by the Business Manager/Secretary-Treasurer of District Council 88.

Section 2. The Business Manager/Secretary-Treasurer of District Council 88 shall require any member of Local Union 823 to give up to three (3) days of service, or portion thereof, per calendar year to the Union at no compensation to the member whenever he/she deems such service is necessary. Such service can be, but not limited to, picket duty, organizing activities, political activities, etc. Such members will be selected in the order that they appear alphabetically on the Local Union Chapter membership list.

Section 3. Any member failing to serve when requested by the Business Manager/Secretary-Treasurer shall be assessed four (4) hours pay at the highest rate of pay in the member's Chapter. Members may be excused one (1) time only with legitimate reason. Their names will remain on top of the list. Retirees and Life Members are excluded from this section. This Section pertains to members working for or seeking work from contributing contractors.

**ARTICLE XXIX
Ratification of Working Agreement**

Where a working agreement is negotiated by this Local Union/District Council, the same shall be decided upon by referendum vote of the members working under the agreement, in accordance with the procedure set forth in Section 249(b) of the International Constitution.

With each working agreement submitted to the General President for approval pursuant to Section 249(a) of the General Constitution, the Local Union/District Council shall submit a list of names and address of all

contractors/employer who are party to the agreement. As each contractor/employer ceases being a party and as each new contractor/employer is added as a party to the agreement, the Local Union/District Council shall promptly notify the General Secretary-Treasurer.

ARTICLE XXX
Apprentices

Apprentices will be admitted as members in Local Union 823 pursuant to the International Constitution, these bylaws and the Apprenticeship Standards established by the Joint Apprenticeship Training Committee.

ARTICLE XXXI
Stewards

Section 1. Stewards are not officers of the Local Union. They shall be selected by the Business Manager/Secretary-Treasurer and shall have such duties as the Business Manger/Secretary-Treasurer may direct pursuant to Section 213(f) of the International Constitution and be in accordance with and as provided in the negotiated working agreement.

Section 2. Stewards shall not be permitted to receive, handle or disburse any funds of the Local Union.

THESE BYLAWS ARE APPROVED BY THE GENERAL EXECUTIVE BOARD,
WITH THE UNDERSTANDING THAT NOTHING CONTAINED IN THIS DOCUMENT
SHALL BE INTERPRETED OR APPLIED IN VIOLATION OF ANY APPLICABLE
STATE OR NATIONAL LAW.

JUN 11 2012

GENERAL EXECUTIVE BOARD APPROVAL DATE: _____