

JANUARY 2013 CONSTITUTION

**CONSTITUTION  
AND  
BY-LAWS**

OF THE  
AFFILIATED  
PROPERTY CRAFTSPERSONS  
LOCAL NO. 44



OF THE  
INTERNATIONAL ALLIANCE  
OF THEATRICAL STAGE EMPLOYEES,  
MOVING PICTURE TECHNICIANS,  
ARTISTS AND ALLIED CRAFTS  
OF THE UNITED STATES,  
ITS TERRITORIES AND CANADA  
A.F.L.- C.I.O., CLC

JANUARY 2013



PROPOSED CONSTITUTION

**Constitution  
and  
By-Laws**

of the  
Affiliated  
Property Craftspersons  
Local No. 44



of the International Alliance of  
Theatrical Stage Employees,  
Moving Picture Technicians,  
Artists and Allied Crafts of the United  
States, its Territories and Canada  
A.F.L.- C.I.O., CLC

[DATE TBD]



JANUARY 2013 CONSTITUTION



Name of Member: \_\_\_\_\_

Date of Installation: \_\_\_\_\_

Membership Number: \_\_\_\_\_

Local 44 Business Office  
12021 Riverside Drive  
North Hollywood, California 91607  
(818) 769-2500 Fax (818) 769-3111  
[www.local44.org](http://www.local44.org)

PROPOSED CONSTITUTION



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OF THE  
AFFILIATED  
PROPERTY CRAFTSPERSONS  
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OF THE UNITED STATES,  
ITS TERRITORIES AND CANADA  
A.F.L.- C.I.O., CLC

Charter issued May 15, 1939

Charter installed May 21, 1939

Affiliated with: American Federation of Labor, California State Federation of Labor, California State Theatrical Federation, Congress of Industrial Organizations, Los Angeles County Federation of Labor, District No. 2, I.A.T.S.E. & M.P.M.O., Hollywood A.F. of L. Film Council.

Approved by the International Office October 3, 1980

New By-Law Amendments included.

Approved by the International Office March 22, 2005

Article IX Amendment included.

Approved by the International Office August 2, 2006

Articles I-VIII Amendments included.

Approved by the International Office February 11, 2008

Articles IV-XVII Amendments included.

New By-Law Article I Amendments included.

Approved by the International Office July 26, 2012

**PROPOSED CONSTITUTION**

**Constitution and  
By-Laws**

of the  
Affiliated  
Property Craftspersons  
Local No. 44



of the International Alliance of  
Theatrical Stage Employees,  
Moving Picture Technicians,  
Artists and Allied Crafts of the  
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**JANUARY 2013 CONSTITUTION**  
**OBLIGATION OF MEMBERS**

**OFFICERS CHARGE TO CANDIDATES**

Your obligation for membership in Local 44 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada requires only that you be loyal to Trade Unionism and that you observe in letter and spirit the Constitution and By-Laws of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada and of Local 44 of the International Alliance and of the American Federation of Labor, Congress of Industrial Organizations so long as the International Alliance be affiliated with that body.

Before affixing your signature to this obligation, place your right hand over your heart and repeat after me,

**OBLIGATION**

I, (full name), do solemnly pledge my word of honor to abide by and be governed by the Constitution and By-Laws of Local 44, of the International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, as now in force and as hereafter legally amended. I will always attend to the will of the majority, will use every honorable means to secure employment for this union, and will first seek satisfaction for any grievance within this local or the Alliance before resorting to other tribunals.

Signature of Member \_\_\_\_\_

Swearing in Officer \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

**PROPOSED CONSTITUTION**

**OBLIGATION OF MEMBERS**

**OFFICERS CHARGE TO CANDIDATES**

Your obligation as a member in Local 44 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada requires your loyalty to trade unionism, that you observe the letter and spirit of the Constitution and By-Laws, of the International and of Local 44, as well as those of the American Federation of Labor, Congress of Industrial Organizations, so long as the International Alliance remains affiliated with that body.

Before affixing your signature to this obligation, please place your right hand over your heart and repeat after me,

**OBLIGATION**

I, \_\_\_\_\_, do solemnly pledge my word of honor to abide by and be governed by the Constitution and By-Laws of Local 44, of the International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, as now in force and as hereafter legally amended. I will always attend to the will of the majority, will use every honorable means to secure employment for this union, and will first seek satisfaction for any grievance within this Local or the Alliance before resorting to other tribunals.

*This page is to be filed in the offices of Local #44.*



**OBLIGATION**

AFFILIATED  
PROPERTY CRAFTSPERSONS  
LOCAL 44

**OBLIGATION**

I, (full name), do solemnly pledge my word of honor to abide by and be governed by the Constitution and By-Laws of Local 44, of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, as now in force and as hereafter legally amended. I will always attend to the will of the majority, will use every honorable means to secure employment for this union, and will first seek satisfaction for any grievance within this local or the Alliance before resorting to other tribunals.

Signature of Member \_\_\_\_\_

Swearing in Officer \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

**PROPOSED CONSTITUTION**

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Affiliated  
Property Craftspersons  
Local No. 44

I, \_\_\_\_\_, do solemnly pledge my word of honor to abide by and be governed by the Constitution and By-Laws of Local 44, of the International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, as now in force and as hereafter legally amended. I will always attend to the will of the majority, will use every honorable means to secure employment for this union, and will first seek satisfaction for any grievance within this local or the Alliance before resorting to other tribunals.

JANUARY 2013 CONSTITUTION

PROPOSED CONSTITUTION

**INSTALLATION OF OFFICERS**

I, (full name), do hereby pledge my word of honor to perform the duties of my office as set forth in the Constitution and By-Laws of this union to the best of my ability and to bear true allegiance to the International Alliance. At the close of my official term, I solemnly promise that I shall deliver to my successor in office all books, paper and property of this Union and of the International Alliance which may be in my possession. To these promises I pledge you my word, fully realizing that to violate this pledge is to stamp me a person unworthy of trust.

**(Installing Officer)**

You have obligated yourself to faithfully and to the best of your ability discharge the duties of your office. You will now proceed to your station and so conduct yourself as to be worthy of the trust reposed in you.

**PREAMBLE**

We, the Affiliated Property Craftspersons of all Motion Picture and Television Studios and other advanced electronic technological changes in all affiliated Industries, Shops and Locations in Los Angeles County and vicinity, desiring to promote the financial, educational and social interests of the members of our profession, to maintain, develop and improve our working conditions, to insure the maintenance of a fair rate of wages, to insure the employment only of those persons rightfully entitled to the same in said industries within the jurisdiction now or hereafter acquired by this Local, and deeming it our inherent right to organize for the attainment of these ends, have heretofore affiliated with and become charted by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, (hereinafter referred to as the International), under the American Federation of Labor, Congress of Industrial Organizations and do approve and adopt the foregoing Pledge, Obligation of Members, and Installations of Officers, and do approve, adopt and ordain the Constitution and By-Laws, and in order to secure the benefits established by this Constitution and By-Laws and so that equity may be maintained, do signify willingness in all difficulties to accept any wise, honorable and just mediation.

**INSTALLATION OF OFFICERS**

I, (full name), do hereby pledge my word of honor to perform the duties of my office as set forth in the Constitution and By-Laws of this Union to the best of my ability and to bear true allegiance to the International Alliance. At the close of my official term, I solemnly promise that I shall deliver to my successor in office all books, paper, and property of this Union and of the International Alliance which may be in my possession. To these promises I pledge you my word, fully realizing that to violate this pledge is to stamp me a person unworthy of trust.

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**JANUARY 2013 CONSTITUTION**  
**CONSTITUTION AND BY-LAWS**  
**OF LOCAL 44**  
**OF THE**  
**INTERNATIONAL ALLIANCE OF THEATRICAL**  
**STAGE EMPLOYEES AND MOTION PICTURE**  
**TECHNICIANS, ARTISTS AND ALLIED CRAFTS**  
**OF THE UNITED STATES, ITS TERRITORIES**  
**AND CANADA**

**PROPOSED CONSTITUTION**

Constitution and By-Laws of  
Local 44  
of the  
International Alliance of Theatrical Stage  
Employees and Motion Picture  
Technicians, Artists and Allied Crafts of the  
United States, its Territories and Canada

**ARTICLE I. NAME**

**SECTION 1. NAME**

This Organization's name is the AFFILIATED PROPERTY CRAFTSPERSONS OF THE MOTION PICTURE STUDIOS, SHOPS AND LOCATIONS, LOCAL 44 OF THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE TECHNICIANS, ARTISTS, AND ALLIED CRAFTS OF THE UNITED STATES, ITS TERRITORIES, AND CANADA, AFL/CIO.

**SECTION 2. SHORT NAMES**

This Organization's abbreviated name is "Local 44" or the "Local" and the INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE TECHNICIANS, ARTISTS, AND ALLIED CRAFTS OF THE UNITED STATES, ITS TERRITORIES, AND CANADA, AFL/CIO, is referred to here as "the International."

**ARTICLE II. PURPOSES**

Local 44's primary purpose is to unite the individuals working within its Crafts' jurisdiction and represent its members as the collective bargaining agent in all concerted activity for their mutual aid and protection. Local 44 is dedicated to the preservation and promotion of these rights. Local 44 exists to promote its members' employment at a fair rate of wages and under safe working conditions. Moreover, Local 44 strives to progressively improve the skills and abilities of its membership as their Crafts and technologies require.

Local 44 is committed to improving its members' economic and social conditions through organization and mutual efforts, in solidarity with all its brothers and sisters throughout the International. Local 44 aims to secure collectively-bargained benefits for our members that they are rightfully entitled to through unified collective action and constructive negotiation.

Local 44 will engage in all activities as needed or required to strengthen the labor movement, support democracy, and promote trade unionism.

Local 44 will achieve these purposes by organizing the unorganized, negotiating collective bargaining agreements with employers, educating its membership, and by securing progressive legislation.

**ARTICLE I. NAME**

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## ARTICLE III. JURISDICTION & AFFILIATION

### SECTION 1. LOCAL AUTONOMY

Local 44 has the authority to determine the full and complete control over its own internal affairs, including the right to act as collective bargaining agent for its members individually and collectively, subject to Article III, Section 2, below.

### SECTION 2. ALLEGIANCE

As part of International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, Local 44 pledges its allegiance to its International. Local 44 agrees to exercise its rights and to control its affairs without conflicting with the International's Constitution and in a spirit of cooperation, solidarity, and unity with the International.

Nothing in this Constitution shall be construed to conflict with or take precedence over the International Constitution and By-Laws, nor any law of the International enacted for special purposes, all of which Local 44 recognizes as its supreme law.

### SECTION 3. CHARTER & RELATIONSHIP TO THE INTERNATIONAL.

By authority granted to the International in its Constitution and By-Laws, all subordinate local unions, including Local 44, must adhere to the collectively bargained agreements negotiated by the International, as well as the International's rules and policies. Local 44 and its members also acknowledge that federal law governs all provisions of this Constitution and By-Laws. State law applies only where at issue.

### SECTION 4. JURISDICTION

#### A. EXTENT

Local 44's jurisdiction, in conjunction with the International, encompasses the exclusive collective bargaining agency for all Property crafts work of any nature throughout or originating from Los Angeles County including (and without implying any limitation):

- (I) Construction Coordinators;
- (II) Property Persons;
- (III) Propmakers;
- (IV) Property Masters;
- (V) Set Decorators;
- (VI) Special Effects Persons;
- (VII) And all Property Crafts classifications in any collective bargaining agreement now or in the future entered into with the employers, subject to the International's directive. This includes all persons performing work of any direct or incidental nature to Property work or Effects in the Motion Picture, Television Studios, the Internet, all media or other technologies, and similar Affiliated Industries, Shops, or Locations. Local 44's jurisdiction therefore includes all decorating, making, manufacturing, maintaining, selecting, placing, storing, purchasing, acquiring and operating of or for Effects, Sets and Properties, regardless of where those Crafts may be practiced or what those Crafts may come to be called.

## ARTICLE III. JURISDICTION AND AFFILIATION

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**B. DEFINED**

The term "Jurisdiction" means the sphere of control exercised by Local 44 over all persons, work, and employment in the included Crafts within Los Angeles County or originating in Los Angeles County. The terms "Studio" or "Studios" here means Studios, Shops, Locations, Productions, and other units of every kind in the Motion Picture, Television Shops, Locations, and Affiliated Media. The term "Location" is governed by the International.

**ARTICLE IV. MEMBERSHIP**

**SECTION 1. TYPES OF MEMBERSHIP**

This Local shall have the following types of membership:

- A. Active Members;
- B. Withdrawn members by leave of absence/Service in the Armed Forces;
- C. Retired Members;
- D. Honorary Members.

**SECTION 2. CLASSIFICATION OF MEMBERS**

The regular membership is divided into these working Crafts and their subdivisions:

- A. Construction Coordinators;
- B. Property Persons;
- C. Property Masters;
- D. Prop Makers;
- E. Set Decorators;
- F. Special Effects Persons.

Local 44's members may transfer to another Craft (subject to the requirements in the applicable negotiated agreements and other requirements or qualifications to work within a specific craft). A transfer means that a member has been re-designated as belonging to a different Craft. No member can be determined to have transferred while the member is accumulating the requisite days for craft membership.

**SECTION 3. ELIGIBILITY FOR MEMBERSHIP**

The requirements for membership are:

- A. An applicant must be competent and qualified for work in a Craft where Local 44 has jurisdiction.
- B. An applicant must possess good moral character and reputation, as well as be of legal age for employment within the Craft's jurisdiction.
- C. An applicant is responsible for paying his or her financial obligations to Local 44 on time and as required by this Constitution (See Article V – Financial Obligations).

**SECTION 4. ADMISSION TO MEMBERSHIP**

People seeking Local 44 membership must take these following steps and procedures for admission to membership:

**B. DEFINED**

The term "Jurisdiction" means the sphere of control exercised by Local 44 over all persons, work, and employment in the included Crafts within Los Angeles County or originating in Los Angeles County. The terms "Studio" or "Studios" here means Studios, Shops, Locations, Productions, and other units of every kind in motion pictures, television shops, locations, and affiliated media. The term "Location" is governed by the International.

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**SECTION 3. ELIGIBILITY FOR MEMBERSHIP**

The requirements for membership are:

- A. An Applicant must be competent and qualified for work in a Craft where Local 44 has jurisdiction.
- B. An Applicant must be of legal age for employment within the Craft's jurisdiction.
- C. An Applicant is responsible for paying their financial obligations to Local 44 on time and as required by this Constitution (See Article V, "Financial Obligations").

**JANUARY 2013 CONSTITUTION**

**A. ELIGIBILITY & REQUIREMENTS**

First, an eligible person (see Section 3 Eligibility for Membership above) must file an official application for membership issued by Local 44. There are initiation fees and other financial obligations. At the time the application is submitted, these fees must be paid in full. An applicant can request a written contract for payment to be made with Local 44, subject to the Secretary-Treasurer's approval. All written contracts deferring payment over a maximum of six months must include language specifying an individual's obligation should he or she fail to fulfill the written contract's terms.

**B. FILING WITH INTERNATIONAL**

After an Applicant has properly filed his or her application, Local 44 will send the application for membership to the General Secretary-Treasurer of the International for acceptance or rejection. If the General Secretary-Treasurer of the International rejects the application, the Applicant shall be deemed rejected. A rejected Applicant will have any initiation fee monies already paid to Local 44, minus the International's processing fee, returned to him or her within thirty (30) days of Local 44's receiving notice of rejection. An Applicant cannot re-apply for membership for six months from the date of the International's rejection of his or her membership application.

**C. FALSIFYING MEMBERSHIP INFORMATION**

Any Applicant found guilty of making false statements may be refused admittance into membership. If the Applicant is admitted into Local 44 membership before the false statement is discovered, he or she may be expelled and denied readmission to membership.

**D. REQUIREMENT TO READ LOCAL 44'S GOVERNING DOCUMENTS**

An Applicant accepted to membership is required to read Local 44's Constitution and By-Laws, and the International's Constitution and By-Laws.

**E. ADMISSION**

After an Applicant is accepted (as explained above) and has agreed to read both Local 44's Constitution and the International's Constitution and By-Laws, the Applicant will then be admitted into membership. This requires the new member pledging his or her intention to preserve Local 44's and the International's Constitution and By-Laws, and to accept these laws as the decisive authority regarding his or her rights within this Local or the International. The obligation forms at the front of this Constitution will be used for this induction.

**SECTION 5. MEMBERSHIP RIGHTS**

A Local 44 member in good standing is entitled to: one vote on each question designated for membership vote; the privilege of holding Local 44 office upon proper selection; the ability to hold employment under this Local's jurisdiction, in compliance with wage scales, hours, and working conditions, as well as any other aspect of membership in good standing contained in this Constitution and By-Laws.

**SECTION 6. GOOD STANDING DEFINED**

Members who have satisfied their obligation to pay any indebtedness, legally levied dues or assessments within their respective due dates, and are in compliance with all financial agreements, lawful orders and requirements of this Local and the International, shall be in Good Standing and are qualified to enjoy all the rights and privileges of Local 44.

**PROPOSED CONSTITUTION**

**SECTION 4. ADMISSION TO MEMBERSHIP**

People seeking Local 44 membership must take these following steps and procedures for admission to membership:

**A. ELIGIBILITY AND REQUIREMENTS**

First, an eligible person (see Section 3, "Eligibility for Membership") must file an official application for membership issued by Local 44. There are initiation fees and other financial obligations. At the time the application is submitted, these fees must be paid in full. An Applicant may request a written contract for payment with Local 44, subject to the Secretary-Treasurer's approval and any policy established by the Executive Board.

**B. FILING WITH INTERNATIONAL**

After an Applicant has properly filed their application, Local 44 will send the application for membership to the General Secretary-Treasurer of the International for acceptance or rejection. If the General Secretary-Treasurer of the International rejects the application, the Applicant shall be deemed rejected. A rejected Applicant will have any initiation fee already paid to Local 44, minus the International's processing fee, returned to them within thirty (30) days of Local 44's receipt of a notice of rejection. An Applicant cannot re-apply for membership until six months have passed from the date of the International's rejection of their membership application.

**C. FALSIFYING MEMBERSHIP INFORMATION**

Any Applicant found guilty of making false statements may be refused admittance into membership. If the Applicant is admitted into Local 44 membership before the false statement is discovered, they may be expelled and denied readmission to membership.

**D. REQUIREMENT TO READ LOCAL 44'S GOVERNING DOCUMENTS**

An Applicant accepted to membership is required to read Local 44's Constitution and By-Laws, and the International's Constitution and By-Laws.

**E. ADMISSION**

After an Applicant is accepted (as explained above) and has agreed to read both Local 44's Constitution and By-Laws and the International's Constitution and By-Laws, the Applicant will be admitted into membership. This requires the new member to pledge their intention to preserve Local 44's and the International's Constitution and By-Laws, and to accept these laws as the decisive authority regarding their rights within this Local or the International. The obligation forms at the front of this Constitution will be used for this induction.

**SECTION 5. GOOD STANDING DEFINED**

Members who have satisfied their obligation to pay any indebtedness, legally levied dues or assessments, and are in compliance with all financial agreements, lawful orders, and requirements of this Local and the International, shall be in good standing and are qualified to enjoy all the rights and privileges of membership in Local 44.

**SECTION 6. MEMBERSHIP VOTING RIGHTS**

All members in good standing may vote on any decision or matter in question before the membership, and any question or issue may be settled by a secret referendum vote when ordered by the Executive Board or when requested by petition by ten (10) percent of the members in good standing. In addition to members in good standing, some retired members

**SECTION 7. RETIRED MEMBERS**

**A. DEFINITION**

The basic definition for a retired member is an individual who no longer is seeking employment in any Craft under Local 44's jurisdiction. A retired member must also be receiving a Social Security Retirement Award and/or an Industry Plan retirement benefit.

**B. CATEGORIES**

The categories for retired members are:

**I. FULLY RETIRED**

A Fully Retired member is a member who meets the International's definition of retirement in the International Constitution and By-Laws, and any other rules and policies issued by the International. This category has no financial obligation attached to it. It requires that the member fill out an International retirement form through Local 44's office, which Local 44 then sends to the International. Members in this category retain some benefits of Local 44 membership in retirement, but Fully Retired members cannot be nominated for or hold any office, or vote in Local 44 elections, on issues or on motions.

**II. VOTING RETIRED**

A Voting Retired member conforms to the International age requirement for retirement. A Voting Retired member must pay in full all per capita taxes levied on active members (rounded up to the nearest dollar), but pays no additional dues to the Local. This category retains all benefits of Local 44 retirement and the right to vote on candidates, and Local 44 referenda, as well as issues and motions at meetings that they are allowed to attend.

**III. PENSIONER**

A Pensioner is a member who has not yet reached the age requirement for retirement that is established by the International, but who has retired from active employment. A member retired from active employment means that he or she is collecting a Social Security pension and/or an Industry Plan Pension, and is no longer seeking employment in any Craft jurisdiction of Local 44. A Pensioner in any Craft must pay their financial obligation of all per capita taxes levied on active members and one half of one hour of the Basic Agreement's lowest hourly rate for dues (rounded up to the nearest dollar).

**IV. REDUCED ACTIVE**

A Reduced Active member is 65 years of age or older, has 20 years or more in Local 44, and is allowed to work a restricted work schedule according to Social Security and the Industry Plans without decreasing their pension. A Reduced Active member shall pay as their financial obligation all per capita taxes levied on active members and one hour of the lowest hourly rate in the Basic Agreement for their craft as dues (rounded up to the nearest dollar). A Reduced Active member may also be nominated for and hold all Local 44 offices except for Craft Representative, Alternate Craft Representative, Craft Delegate and Alternate Craft Delegate.

**V. DISABILITY RETIRED**

A Disability Retired member is someone of any age who, due to injury or other medical conditions, can no longer perform work in any craft of Local 44. Additionally, to qualify the member must be collecting a Social Security Disability Award and present a copy of this Award to Local 44. Disability

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have specific voting rights defined below.

**SECTION 7. RETIRED MEMBERS**

**A. CATEGORIES**

The categories for retired members are: (I) Fully Retired, (II) Disability Retired, and (III) Reduced Active.

**I. FULLY RETIRED**

A Fully Retired member is a member who meets the International's definition of a "retired member" under the International Constitution and By-Laws, and any other rules and policies established by the International. Fully Retired members are no longer seeking employment in any Craft under Local 44's jurisdiction. This category has no financial obligation attached to it. It requires that the member fill out an International retirement form through Local 44's office, which Local 44 then sends to the International. Members in this category retain some benefits of Local 44 membership in retirement, but Fully Retired members cannot be nominated for nor hold any office, nor can they vote in Local 44 elections, on issues, or on motions.

**II. DISABILITY RETIRED**

A Disability Retired member is someone of any age who, due to injury or other medical condition, is no longer seeking employment in any Craft under Local 44's jurisdiction. Additionally, to qualify, the member must be collecting a Social Security Disability Award and present a copy of this Award to Local 44. Disability retirement also requires the submission of the International form for disability retirement and the International's approval. A Disability Retired member is treated identically to a Fully Retired member.

**III. REDUCED ACTIVE**

A Reduced Active member is 60 years of age or older, has 20 years or more in Local 44, and is allowed to work a restricted work schedule according to Social Security and the Industry Plans without decreasing their pension. A Reduced Active member shall pay as their financial obligation all per capita fees levied on active members and 25% of the current quarterly active dues rate for their Craft as dues (rounded up to the nearest dollar). A Reduced Active member has voting rights and may also run for all Local 44 offices except for Craft Representative, Alternate Craft Representative, Craft Delegate, and Alternate Craft Delegate.

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retirement also requires the submission of the International form for disability retirement and International's approval. A Disability Retired member is treated identically to a Fully Retired member.

**C. INTERNATIONAL RETIREE RULES**

All rights accorded to retirees of any type are subject to the International Constitutional and By-Laws, policies and rules.

**SECTION 8. WITHDRAWN MEMBERSHIP**

**A. WITHDRAWN MEMBERSHIP BY LEAVE OF ABSENCE**

Local 44 shall be obligated, upon request, to issue any paid-up member in good standing, who is not under charges of misconduct and who has declared under oath that he or she will not continue to work within Local 44's jurisdiction, a leave of absence. A member on leave of absence may not be on leave for less than three quarters. A member may request reinstatement from leave before three quarters from the Business Agent and Secretary-Treasurer with proof of hardship.

A withdrawn member on leave of absence shall be reinstated to active membership in the same classification held before his or her leave of absence by paying all financial obligations accrued during the leave of absence. Local 44 will not charge any member returning from leave of absence more than two years back financial obligations, and no interest or fines are charged to the member upon his or her return. If the Business Agent and Secretary-Treasurer grant a request for early return from leave based on hardship, the member will be reinstated under the same terms and conditions as a member returning from a completed leave of absence.

**B. WITHDRAWN MEMBERSHIP BY REASON OF SERVICE IN ARMED FORCES**

Any member of Local 44 in good standing who enlists or is inducted into the United States armed forces must notify Local 44 in writing of his or her enlistment or induction. When the member fulfills his or her obligation to notify Local 44 in writing, that member must be transferred to "withdrawn membership" for the service's duration and until ninety (90) days after service discharge. A member can apply for active membership before this date. Reinstatement under this Section is to active membership in good standing, and a member is eligible for reinstatement upon his or her written request until one year after official separation from military service. Reinstatement is without payment of any financial obligations that accrued during leave for reasons of military service. A reinstated member is subject to dues for the classification under which he or she is employed from reinstatement forward, and must resume payments on entrance fees, if any, without penalty or acceleration. A returning service member suffering from service disability may be granted an extension of time to resume active membership upon application filed with the Executive Board within one year after his or her discharge.

**SECTION 9. RESIGNATION**

A member of Local 44 may file a written resignation with the Secretary-Treasurer. Upon Local 44's receipt of the written resignation, the member forfeits all membership rights and privileges. Resignation does not satisfy any outstanding debt or obligation to the Local. This Local and its members retain the right to pursue any remedy or penalty against the now-resigned member under this Constitution or the Constitution of the International for acts occurring before

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**SECTION 8. WITHDRAWN MEMBERSHIP**

**A. WITHDRAWN MEMBERSHIP BY LEAVE OF ABSENCE**

Local 44 shall be obligated, upon request, to issue a leave of absence to any paid-up member in good standing who is not under charges of misconduct and who has declared under oath that they will not continue to work within Local 44's jurisdiction. A member on leave of absence may not be on leave for less than three quarters. A member may request reinstatement from leave before three quarters from the Business Agent and Secretary-Treasurer with proof of hardship.

A withdrawn member on leave of absence shall be reinstated to active membership in the same classification held before their leave of absence by paying all financial obligations accrued during the leave of absence. Local 44 will not charge any member returning from leave of absence more than two years' back financial obligations. No interest or fines will be charged to the member upon their return. If the Business Agent and Secretary-Treasurer grant a request for early return from leave based on hardship, the member will be reinstated under the same terms and conditions as a member returning from a completed leave of absence.

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Any member of Local 44 in good standing who enlists or is inducted into the United States Armed Forces must notify Local 44 in writing of their enlistment or induction. When the member fulfills their obligation to notify Local 44 in writing, that member must be transferred to "withdrawn membership" for the service's duration and until ninety (90) days after service discharge. A member can apply for active membership before this date. Reinstatement under this Section is to active membership in good standing, and a member is eligible for reinstatement upon their written request until one year after official separation from military service. Reinstatement is without payment of any financial obligations accrued during leave for reasons of military service. A reinstated member is subject to dues for the classification under which he or she is employed from reinstatement forward, and must resume payments on entrance fees, if any, without penalty or acceleration. A returning service member suffering from service disability may be granted an extension of time to resume active membership upon application filed with the Executive Board within one year after their discharge.

**SECTION 9. RESIGNATION**

A member of Local 44 may file a written resignation with the Secretary-Treasurer. Upon Local 44's receipt of the written resignation, the member forfeits all membership rights and privileges. Resignation does not satisfy any outstanding debt or obligation to the Local. The Local and its members retain the right to pursue any remedy or penalty against the now-resigned member under this Constitution or the Constitution of the International for acts occurring before receipt of the written resignation.

receipt of the written resignation.

#### SECTION 10. TERMINATION OF MEMBERSHIP

Termination ends all membership rights in Local 44 and is caused by the member's death, resignation, expulsion or suspension (Suspended members are required to follow all laws, rules and policies of the International and Local 44 during the suspension period. See Article V, Sec.9). Local 44 membership is not transferable to other individuals.

#### SECTION 11. MEMBERSHIP CARDS

Local 44 shall issue an International Alliance membership card to each member in Good Standing. A member accepting employment must possess a membership card with the current quarterly issued I.A.T.S.E. stamp. A member must show his or her card or a proper receipt upon request of a Local 44 officer, employee or any member of the I.A.T.S.E. Failure to provide proof of membership is subject to a fine equal to one hour's wage for the first offense and two hour's wages for each subsequent offense. Fines are defined at Article 5, Section 6 of this Constitution. A member who loses his or her card may receive a replacement under the procedure followed by the International. A member who loses his or her card is required to notify the Local about the lost card.

Any member found guilty of lending their membership card to any person for any reason whatsoever will be fined one week's wages under his or her classification under the rate specified in the Basic Agreement, or prorated for classifications paid by salary.

#### SECTION 12. HONORARY MEMBERSHIP

Any person who shall have rendered distinguished service to this Local may, after approval of the General Secretary-Treasurer of the International, by majority vote of the Executive Board of Local 44 be elected to honorary membership in this Local. Any member in good standing or the Executive Board may propose a candidate for honorary membership. Honorary members will not acquire rights or assume any obligations because of honorary membership.

#### SECTION 13. LACK OF QUALIFICATIONS

Local 44 members are required to possess all qualifications for membership that are stated in Local 44's and the International's Constitution and By-Laws. If a member is shown at trial to not have the required qualifications, the penalty may be immediate expulsion from Local 44.

#### SECTION 14. EXPULSION

No Local 44 applicant or member can join or maintain membership in Local 44 if he or she has been expelled from membership in the International based on any charge founded on a fundamental principle of Unionism. Expulsion extinguishes all rights and privileges associated with Local 44 membership, including death benefits. A member expelled for lacking qualifications may become permanently ineligible for reinstatement to membership.

#### SECTION 15. DISLOYALTY

In addition to the penalties expressly provided in the Constitution and By-Laws, a member may be expelled from this Local for:

- A. Disloyalty to this Local, to its members, or to the principles for which this Local stands;
- B. Any act of non-unionism, of gross misconduct or repeated violations of any section or sections of this or the International Constitution or By-Laws;
- C. Through repeated violations of the provisions of the working agreements of this Local, or of any act or practice contrary to the best interests and welfare of this

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#### SECTION 10. TERMINATION OF MEMBERSHIP

Termination ends all membership rights in Local 44 and is caused by the member's death, resignation, expulsion, or suspension (suspended members are required to follow all laws, rules, and policies of the International and Local 44 during the suspension period. See Article V, Section 8). Local 44 membership is not transferable to other individuals.

#### SECTION 11. MEMBERSHIP CARDS

Local 44 shall issue an International Alliance membership card to each member in good standing. A member must show their card or a proper receipt upon request of a Local 44 officer, employee, or any member of the I.A.T.S.E. Failure to provide proof of membership is subject to a fine equal to one hour's wage for the first offense and two hours' wages for each subsequent offense. Fines are defined at Article V, Section 5 of this Constitution.

Any member found guilty of lending their membership card to any person for any reason whatsoever will be fined up to one week's wages under their classification at the rate specified in the Basic Agreement, or prorated for classifications paid by salary.

#### SECTION 12. HONORARY MEMBERSHIP

Any person who has rendered distinguished service to this Local may, after approval of the General Secretary-Treasurer of the International, be elected to honorary membership by majority vote of the Executive Board. Any member in good standing or any member of the Executive Board may propose a candidate for honorary membership. Honorary members will not acquire rights or assume any obligations because of honorary membership.

#### SECTION 13. EXPULSION

No Local 44 applicant or member may join or maintain membership in Local 44 if they have been expelled from membership in the International based on any charge founded on a fundamental principle of Unionism. Expulsion extinguishes all rights and privileges associated with Local 44 membership, including death benefits. A member expelled for lacking qualifications may become permanently ineligible for reinstatement to membership.

#### SECTION 14. DISLOYALTY

In addition to the penalties expressly provided in the Constitution and By-Laws, a member may be expelled from this Local under Article XI for:

- A. Disloyalty to this Local or to the principles for which this Local stands;
- B. Any act of non-unionism, gross misconduct, or repeated violations of any section or sections of this or the International Constitution or By-Laws;
- C. Through repeated violations of the provisions of the working agreements of this Local, or of any act or practice contrary to the best interests and welfare of this

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Local;

- D. By practicing antagonism or fostering prejudice among fellow members or officers of this Local, or among members of sister Locals; or
- E. Committing any act of malicious nature with intent to disrupt or retard the progress of this Local.

## ARTICLE V. FINANCIAL OBLIGATIONS

### SECTION 1. PROCEDURE FOR PAYMENT OF DUES

#### A. REQUIREMENTS

Members are required to pay all of their financial obligations in advance. These payments are made to Local 44 in quarterly or yearly payments through the Local 44 Business Office. All payments are to be accepted by Local 44 before the close of business on the first day of each quarter.

#### B. FEE SCHEDULE

Before January 1st of each New Year, every member will receive a fee schedule of financial obligations for that year. Every member will be issued a membership card upon receipt of the yearly or first quarterly payment to the Local. The member is then responsible for providing the Local 44 Business Office with any subsequent payments. Each member must provide a valid membership card to the Business Office so that a financial obligation stamp may be affixed. It is the member's responsibility to contact the Business Office to verify that their contact information is up to date. If the payment and membership card are sent to the Local 44 Business Office, the Business Office will return the card to the member with a per capita stamp.

### SECTION 2. PER CAPITA

#### A. AMOUNT OF FINANCIAL OBLIGATION

Local 44 financial obligations are based on the current hourly straight time rate of a member's craft in the Basic Agreement, and rounded up to the nearest dollar. A member's financial obligations, including dues and taxes (i.e., per capita) charged by the International or any affiliated organization with whom Local 44 maintains per capita obligations, must be fully paid for a member to retain his or her status as a member in good standing. These Quarterly Obligations are for the following categories:

- (I) Active Members;  
Four hours of straight time pay plus per capita taxes.
- (II) Voting Retirees;  
There are no Local dues for Voting Retirees, but Voting Retirees do pay an amount equal to the current International per capita and any related per capita fees.
- (III) Withdrawn Members by Leave of Absence;  
Members in good standing who have been granted leave of absence status by Local 44 defer their financial obligations until they return from leave of absence. A member is responsible for a maximum of eight consecutive quarters. When

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Local;

- D. By practicing antagonism or fostering prejudice among fellow members or officers of this Local, or among members of sister locals; or
- E. Committing any act of malicious nature with intent to disrupt or hinder the progress of this Local.

## ARTICLE V. FINANCIAL OBLIGATIONS

### SECTION 1. PROCEDURE FOR PAYMENT OF DUES

#### A. REQUIREMENTS

Members are required to pay all financial obligations in advance. These payments are made to Local 44 in quarterly or yearly payments through the Local 44 Business Office. All payments shall be accepted by Local 44 before the close of business on the first day of each quarter.

#### B. FEE SCHEDULE

Before January 1st of each new year, every member will receive a fee schedule of financial obligations for that year. Every member will be issued a membership card upon receipt of the yearly or first quarterly payment to the Local. The member is then responsible for providing the Local 44 Business Office with any subsequent payments. It is the member's responsibility to ensure that their contact information is up to date with the Business Office.

### SECTION 2. PER CAPITA

#### A. AMOUNT OF FINANCIAL OBLIGATION

Local 44 financial obligations are based on the following structure:

##### I. New Members:

- a. Initiation Fee: \$5,500 flat fee to join, effective [insert effective date].
- b. This fee will increase by 3% annually.

##### II. Quarterly Dues:

- a. \$350 per quarter, effective [insert effective date].
- b. This fee will be indexed annually to percentage increases in the Basic Agreement for all Crafts.

##### III. Existing Members:

- a. Members in good standing as of [insert effective date] will continue with their current dues structure.
- b. If an existing member is removed from membership and seeks reinstatement, they will be subject to the current quarterly dues rate.

##### IV. The Secretary-Treasurer shall calculate and apply the appropriate annual adjustments.

##### V. Withdrawn Members by Leave of Absence:

- Members in good standing who have been granted a leave of absence status may defer their financial obligations until they return from the leave of

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a member returns from a leave of absence, he or she must become current in his or her financial obligations to Local 44, which are paid by the member according to the present member rate.

See Article IV, Section 8 A. WITHDRAWN MEMBERSHIP.

(IV) Members on Disability;

A member on disability has his or her financial obligations paid by Local 44 on his or her behalf. The total amount Local 44 will cover for a member on disability is a maximum of eight quarters in each members' lifetime. In order to qualify for disability dues, a member in good standing must be disabled for a minimum of six (6) weeks in the current quarter and is subject to medical verification that is approved by the Secretary-Treasurer.

(V) Pensioner;

A member qualified as a Pensioner will pay 1/2 of one hour of the Basic Agreement's lowest hourly wage, plus all per capita taxes rounded up to the nearest dollar amount, as their quarterly financial obligation.

(VI) Reduced Active;

A member qualified for Reduced Active shall pay one hour of their craft's lowest hourly rate according to the Basic Agreement, plus all per capita taxes, rounded up to the nearest dollar amount, as their quarterly financial obligation.

(VII) Officers, Staff, and Stewards;

Local 44 pays the dues for all elected officials, staff, and shop stewards, but all these individuals are responsible for paying his or her applicable per capita taxes and assessments.

**B. INDIVIDUAL RECORDKEEPING OBLIGATION**

It is each member's responsibility to keep his or her account current. Local 44 has no obligation to remind members of their financial commitments.

**C. DUES COMMENCE UPON INITIATION**

Newly accepted members must pay full quarterly payments starting with the quarter of his or her initiation.

**SECTION 3. FISCAL YEAR**

The International's General Office establishes the fiscal year.

**SECTION 4. INITIATION FEES**

**A. CALCULATION OF INITIATION FEES**

The initiation fee for all new applicants for Local 44 membership is based on four weeks' salary for the individual's Craft, assuming a forty-hour week, at the prevailing rate in the L.A.T.S.E. Basic Agreement in effect at the time of application. This initiation fee includes the initial quarterly payment and the International's application fee. Fees for Craft classifications paid by weekly salary are prorated to a forty (40) hour workweek.

**B. INITIATION FEES FOR MEMBERS TRANSFERRING TO A SETTLEMENT CRAFT**

All members transferring to another Craft will pay the difference between the initiation fee for their original Craft and the new Craft. A member transferring to a Craft with a smaller initiation fee will not be reimbursed for the difference in fees.

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absence. A member is responsible for a maximum of eight consecutive quarters. When a member returns from a leave of absence, they must become current in their financial obligations to Local 44, which are paid by the member according to the present member rate.

See Article IV, Section 8A, "Withdrawn Membership".

**VI. Members on Disability:**

A member on disability has their financial obligations paid by Local 44 on their behalf. The total amount Local 44 will cover for a member on disability is a maximum of ten quarters in each member's lifetime. In order to qualify for disability dues, a member in good standing must be disabled for a minimum of six (6) weeks in the current quarter and is subject to medical documentation verified by the Secretary-Treasurer.

**VII. Reduced Active:**

A Reduced Active retiree shall pay 25% of the current quarterly active dues rate (rounded up to the nearest dollar) for their Craft as their quarterly dues.

**VIII. Officers, Staff, and Stewards:**

Local 44 pays the dues for all elected officials, staff, and shop stewards, but all these individuals are responsible for paying their applicable per capita fees and assessments.

**B. INDIVIDUAL RECORD KEEPING OBLIGATION**

It is each member's responsibility to keep their account current and keep their contact information up to date with the Business Office. Local 44 has no obligation to remind members of their financial commitments.

**C. DUES COMMENCE UPON INITIATION**

Newly accepted members must pay full quarterly payments starting with the quarter of their initiation.

**SECTION 3. FISCAL YEAR**

The International's General Office establishes the fiscal year.



**C. INITIATION FEE INSTALLMENTS**

Initiation fees may be paid in monthly installments over a maximum period of six months as per Article IV, Section 4(A).

**SECTION 5. ASSESSMENTS**

The Executive Board shall have the power to recommend assessments as may be necessary. Assessments for any purpose require approval by a majority of those members in good standing voting in a secret referendum. Assessments must be collected before any other financial obligations will be accepted and credited to the member's account.

**SECTION 6. FINES**

**A. OBLIGATION TO PAY FINE**

All fines properly levied against a member under the provisions of this Constitution and By-Laws shall constitute an indebtedness to this Local. When a member has been found guilty of violating any of the provisions of the Constitution and By-Laws and has been fined, that fine can be collected by the filing of a civil suit in the appropriate Court of the State.

**B. CALCULATION OF FINES**

Unless otherwise specified, fines are assessed according to the hourly rates established in the Basic Agreement in effect, and are defined by Craft classification.

**C. REVOCATION OF FINES**

No fines, dues, or assessments levied by Local 44 shall be revoked except by a two-thirds majority vote of all Executive Board members present at a regular or special meeting.

**SECTION 7. DELINQUENCY**

A member whose assessments and/or other monies payable to this Local are not paid when the same become due, and a member whose dues are not paid on or before the first day of each quarter, shall be delinquent. A delinquent member is no longer in good standing and forfeits all their rights and privileges

**SECTION 8. SUSPENSION FOR NON-PAYMENT**

A delinquent member whose financial commitments to this Local are not paid within ninety (90) days after becoming due will, with written notice from the Business Office, be suspended from membership. Such notice shall be kept in the member's file. During the period of suspension, he or she shall be deprived of all rights and privileges. After 180 days, the member is dropped from Local 44 and must follow all applicable reinstatement policies. Membership also may be forfeited in accordance to Article 21, SECTION 12 of the International Constitution and By-Laws.

**SECTION 9. OBSERVANCE OF LAWS DURING SUSPENSION**

A member who is delinquent and in arrears in financial obligations or suspended for nonpayment of any financial obligation is answerable to all laws of this Local during periods of delinquency and suspension, and any imposed penalty must be complied with before reinstatement.

**SECTION 10. REINSTATEMENT AFTER SUSPENSION**

A suspended or dropped member may apply for reinstatement when all of the member's dues,

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**SECTION 4. ASSESSMENTS**

The Executive Board shall have the power to recommend assessments as may be necessary. Assessments for any purpose require approval in a secret referendum by majority vote of those members in good standing. Assessments will be collected before any other financial obligations.

**SECTION 5. FINES**

**A. OBLIGATION TO PAY FINE**

All fines properly levied against a member under the provisions of this Constitution and By-Laws shall constitute a debt to this Local. When a member has been found guilty of violating any of the provisions of the Constitution and By-Laws and has been fined, that fine can be collected by the filing of a civil suit in the appropriate court.

**B. CALCULATION OF FINES**

Unless otherwise specified, fines are assessed according to the rates established in the Basic Agreement and are defined by Craft classification.

**C. REVOCATION OF FINES**

No fines, dues, or assessments levied by Local 44 shall be revoked except by a two-thirds majority vote of all Executive Board members present at a regular or special meeting.

**SECTION 6. DELINQUENCY**

A member whose assessments and/or other monies payable to this Local are not paid when due, and a member whose dues are not paid on or before the first day of each quarter, shall be delinquent until the debt is paid.

**SECTION 7. SUSPENSION FOR NON-PAYMENT**

A delinquent member whose financial commitments to this Local are not paid within ninety (90) days after becoming due shall, with written notice from the Business Office, be suspended from membership. Such notice shall be kept in the member's file. During the period of suspension, the delinquent member shall be deprived of all rights and privileges of membership. After 180 days, the member is removed from membership in Local 44 and must follow all applicable reinstatement policies. Membership also may be forfeited in accordance with Article 21, Section 12, of the International Constitution and By-Laws.

**SECTION 8. OBSERVANCE OF LAWS DURING SUSPENSION**

A member who is delinquent in financial obligations or suspended for nonpayment of any financial obligation is answerable to all laws of this Local during periods of delinquency and suspension, and must satisfy any imposed penalty before reinstatement.

**SECTION 9. REINSTATEMENT AFTER SUSPENSION**

A suspended or removed member may apply for reinstatement when all of the member's dues,

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Initiation fees, assessments or other monies are paid current to the Local and International. A reinstatement fee of \$150.00 will also be paid to Local 44. The \$150.00 fee will be increased by \$5.00 every even numbered year beginning January 1, 2014. Upon payment of all of these monies, the member is considered in good standing with all Local 44 membership rights and benefits restored.

**SECTION 11. EXPULSION FOR NON-PAYMENT**

Unless previous arrangements have been satisfactorily made with the Business Office of the Local, persons allowing themselves to remain suspended for non-payment of dues, assessments, or other monies payable to this Local, will be subject to expulsion after due notice with proof of service, pursuant to Article Twenty-one, Section 11 of the International Constitution and By-Laws.

**SECTION 12. ADMISSION AFTER EXPULSION**

Unless previous arrangements have been satisfactorily made with the Business Office of this Local, a person who has been dropped and expelled for non-payment of dues, assessments, or other monies payable to this Local may not be eligible to again become a member unless application is made under the provisions of the Constitution and By-Laws.

**SECTION 13. DISHONORED CHECKS**

Any member who writes a personal or business check to Local 44 that is returned due to insufficient funds or other irregularities, will be charged a fee equal to that charged to Local 44 by its financial institution. If a third offense occurs, the member will be barred from paying further obligations to this Local by check, and must make the existing check good immediately in all cases.

**SECTION 14. LATE FEES**

All members are required to meet their financial obligations to Local 44 on time. Delinquent members shall be penalized \$1.50 per calendar day for each day worked until the dues and incurred fines are paid in full. This sum is to increase by five (0.05) cents per even numbered year beginning January 1, 2014.

**SECTION 15. POLITICAL CONTRIBUTIONS**

- A. The Executive Board of Local 44 is authorized to establish one or more political action committees, all of which shall be organized and subject to California state and local fair political practice laws. No contributions from any Local 44 political action committee shall or may be made directly or indirectly to any candidate for federal office. The President, subject to the approval of the Executive Board, shall appoint the members of the Local 44 political action committee(s). The Local 44 political action committees shall have and be governed by their own By-Laws.
- B. One dollar (\$1.00) from each member's quarterly dues shall be allocated to the Local 44 political action committee(s). All monies collected by Local 44 from these deductions shall be, on a monthly basis, transferred to the account(s) of the Local 44 political action committee(s).
- C. Not less than once annually, Local 44 will provide written notice to all members in good standing of their right to opt out of making automatic contributions to the Local 44 political action committee(s). Such notice shall also include an explanation of the procedures that must be followed for any member to opt out of making such automatic contributions to the Local 44 political action committee(s).

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Initiation fees, assessments or other monies are current to the Local and International. Effective January 1, 2025, a reinstatement fee of \$200.00 must also be paid to Local 44. The \$200.00 fee will be increased by 3% every year beginning January 1, 2025. Upon payment of all of these monies, the member is considered in good standing with all Local 44 membership rights and benefits restored.

**SECTION 10. EXPULSION FOR NON-PAYMENT**

Persons allowing themselves to remain suspended for non-payment of dues, assessments, or other monies payable to this Local will be subject to expulsion after due notice with proof of service, pursuant to Article 21, Section 11 of the International Constitution and By-Laws.

**SECTION 11. ADMISSION AFTER EXPULSION**

Persons who have been expelled for non-payment of dues, assessments, or other monies payable to this Local may not be eligible to again become a member unless application is made under the provisions of this Constitution and By-Laws. Local 44 will not assess back dues that exceed the current initiation fee for the Craft plus all obligations due to the International.

**SECTION 12. DISHONORED PAYMENTS**

Any member who makes a payment that is returned or reversed due to insufficient funds or other irregularities must immediately make good on the payment and any fees incurred. If more than three offenses occur, the member may be required to pay further obligations to the Local by cashier's check or money order.

**SECTION 13. LATE FEES**

All members are required to meet their financial obligations to Local 44 on time. Delinquencies of more than 10 days will incur a late fee equivalent to one hour of pay at the Propmaker Journeyman rate per quarter.

**SECTION 14. POLITICAL CONTRIBUTIONS**

- A. The Executive Board of Local 44 is authorized to establish political action committees, all of which shall be organized and subject to fair political practice laws. No contributions from any Local 44 political action committee shall be made directly or indirectly to any candidate for federal office. The President, subject to the approval of the Executive Board, shall appoint the members of the Local 44 political action committee(s). Local 44 political action committee(s) shall have and be governed by their own by-laws.
- B. One dollar (\$1.00) from each member's quarterly dues shall be allocated to the Local 44 political action committee(s).

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- D. Local 44 is authorized to make contributions from its general fund to federal political action committees. Any such contribution shall be approved by the Local 44 Executive Board and shall, in all respects, conform with governing federal law.

**ARTICLE VI. OFFICIALS**

**SECTION 1. OFFICERS**

The officers of this Local Union shall be as follows: President, Vice-President, Business Agent, Secretary-Treasurer, First Trustee, Second Trustee, Third Trustee, two (2) Executive Board members from each Craft that has less than 750 members, (3) Executive Board members from each Craft that has 750 or more members, one (1) Alternate Executive Board member from each Craft, Sergeant-At-Arms and Delegates as well as one (1) Alternate Delegate – to be elected from each Craft – to all conventions of the International. All officers must have been members in good financial standing, as defined at Article 5 of these By-Laws, for two years prior to their election and must be and remain a member in good standing throughout their term(s) of office. The Crafts that shall be represented on the Executive Board shall be Set Decorators, Coordinators, Property Masters, Special Effects, Property Persons and Propmakers.

**SECTION 2. ELECTED BY THE GENERAL MEMBERSHIP**

The following officers are elected to office by the membership according to secret ballot:

- A. President;
- B. Vice-President;
- C. Business Agent;
- D. Secretary-Treasurer;
- E. Board of Trustees, consisting of three (3) members;
- F. Sergeant-At-Arms.

**SECTION 3. ELECTED BY CRAFT MEMBERSHIPS**

**A. CRAFT REPRESENTATIVES BY CRAFT MEMBERSHIP**

Executive Board Craft Representatives: Each Craft with 750 or more members will elect three Craft Representatives. Any Craft with 749 or fewer members shall elect two Craft Representatives. Each Craft will also elect one Alternate Craft Representative, subject to the eligibility requirements in Art. IV, Sec. 7.

**B. CRAFT DELEGATES**

Each Craft will elect Delegate(s) to the International and District 2 Conventions, and one Alternate Delegate, subject to the eligibility requirements in Art. IV, Sec. 7.

**SECTION 4. TERM OF OFFICE FOR ELECTED OFFICIALS**

All elected officials serve a three year term (See Article IX). If an officer is unable to serve for any reason, the Executive Board must appoint a temporary officer for the term's remainder.

**SECTION 5. ELIGIBILITY**

**A. ELIGIBILITY TO RUN FOR OFFICE**

All Local 44 officers, Executive Board members, and committee members must be members in good standing for at least two consecutive years before the final business day in January before the election. All Local 44 officers, members, and delegates,

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- C. Local 44 is authorized to make contributions from its general fund to federal political action committees. Any such contribution shall be approved by the Executive Board and shall, in all respects, conform with governing federal law.

**ARTICLE VI. OFFICIALS**

**SECTION 1. OFFICERS**

The officers of this Local Union shall include one (1) member and alternate member of the Executive Board and two (2) Delegates and one (1) Alternate Delegate to conventions of the International. All officers must be members in good financial standing, as defined by Article V of these By-Laws, for two years prior to their election and must be and remain a member in good standing throughout their term(s) of office.

Members of the Executive Board shall be as follows: Business Agent, Secretary-Treasurer, President, Vice-President, First Trustee, Second Trustee, Third Trustee, two (2) Executive Board members from each Craft that has less than 20% of the voting membership (as defined by Article IV, Section 6) of the Local, three (3) Executive Board members from each Craft that has more than 20% of the voting membership of the Local, one (1) Alternate Executive Board member from each Craft, and the Sergeant-At-Arms. The Crafts represented on the Executive Board shall be Construction Coordinators, Property Masters, Property Persons, Propmakers, Set Decorators, and Special Effects.

For each Craft that has less than 20% of the voting membership, there shall be one (1) Delegate and one (1) Alternate Delegate elected from each Craft to all conventions of the International. For each Craft that has more than 20% of the voting membership, there shall be two (2) Delegates and one (1) Alternate Delegate elected from each Craft to all conventions of the International.

Officers must be bonded. This bonding will be paid for by Local 44 to comply with the LMRDA and Department of Labor regulations.

**SECTION 2. ELECTED BY THE GENERAL MEMBERSHIP**

The following officers are elected to office by the membership according to secret ballot:

- A. Business Agent;
- B. Secretary-Treasurer;
- C. President;
- D. Vice-President;
- E. Board of Trustees, consisting of three (3) members;
- F. Sergeant-At-Arms.

**SECTION 3. ELECTED BY CRAFT MEMBERSHIP**

**A. CRAFT REPRESENTATIVES BY CRAFT MEMBERSHIP**

Executive Board Craft Representatives: Each Craft with more than 20% of the voting membership of the Local shall elect three Craft Representatives. Each Craft

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with less than 20% of the voting membership of the Local shall elect two Craft Representatives. Each Craft will also elect one Alternate Craft Representative. These percentages shall be determined per Local 44's records as of January 1 in the election year.

**B. CRAFT DELEGATES**

Each Craft will elect Delegate(s) to the International and District 2 Conventions, and one Alternate Delegate.

**SECTION 4. TERM OF OFFICE FOR ELECTED OFFICIALS**

All elected officials serve a three-year term (See Article IX, Section 1).

**SECTION 5. ELIGIBILITY**

**A. ELIGIBILITY TO RUN FOR OFFICE**

All Local 44 officers, Executive Board members, and committee members must be members in good standing for at least two consecutive years before the final business day in December before the election. All Local 44 officers, members, and delegates

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must be eligible for his or her specific office or position according to the provisions of the International Constitution and By-Laws and Local 44's Constitution and By-Laws.

**B. SINGLE OFFICE LIMITATION**

Local 44's elected officials are barred from holding more than one elective office at a time, with the exception of serving as an International Convention Delegate or an Alternate Delegate, unless already serving as a Delegate by virtue of their office. Any member qualified to run for office may hold one office, while running for different office, without violating this provision.

**C. OFFICE-HOLDING LIMITED TO MEMBERS**

Honorary members and inactive members are ineligible to hold elected or appointed office.

**D. LMRDA LIMITATIONS ON HOLDING OFFICE**

Convictions: No member shall be nominated, elected, appointed, employed, or permitted to hold any office, official capacity or paid position who has been convicted or imprisoned for any offense specified by Section 504 of the Labor Management Reporting and Disclosure Act of 1959 ("LMRDA"), during the preceding thirteen (13) years.

**(I) Affidavit Requirement;**

Each officer, delegate, Executive Board member, steward, committee member, representative, candidate, and employee must file with Local 44's Business Office the appropriate affidavit under penalty of perjury, stating that the individual is not barred from assuming or holding a Union office or position by LMRDA Section 504.

**(II) Affidavit Forms Provided by the Business Office;**

Affidavit forms and a copy of the LMRDA shall be kept available in the Business Office.

**E. BONDED**

Local 44 Executive Board members, agents, representatives, and employees who are authorized to co-sign checks, to distribute cash or expenditures on Local 44's behalf, or otherwise receive, handle, disburse, or exercise custody or control of Local 44's funds or other property (within the meaning of LMRDA Section 502), shall be bonded at Local 44's expense before beginning their duties. A record of this bond shall be filed with Local 44's official records.

Any elected officer who cannot obtain the required bond is considered to have either resigned or never been elected. That office must be declared vacant and the vacancy must be filled in accordance with Article IX.

**F. TERMINATION OF OFFICE**

Local 44's obligation to pay the salary of any salaried official ends when any one of these events occurs:

- (I) A term of office ends;
- (II) Acceptance of Resignation;
- (III) Removal for absence;
- (IV) Removal by impeachment;
- (V) Suspension;

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must be eligible for their specific office according to the provisions of the International Constitution and By-Laws.

**B. SINGLE OFFICE LIMITATION**

Local 44's elected officials are barred from holding more than one elected office at a time, with the exception of serving as a Delegate or an Alternate Delegate, unless already serving as a Delegate by virtue of their office. Any member qualified to run for office may hold one office, while running for a different office, without violating this provision.

**C. OFFICE-HOLDING LIMITED TO MEMBERS**

Honorary members and inactive members are ineligible to hold elected or appointed office.

**D. LMRDA LIMITATIONS ON HOLDING OFFICE**

No member who has been convicted or imprisoned for any offense specified by Section 504 of the Labor Management Reporting and Disclosure Act of 1959 ("LMRDA") during the preceding thirteen (13) years shall be nominated, elected, appointed, employed, or permitted to hold any office, official capacity, or paid position.

**I. Affidavit Requirement;**

Each officer, Delegate, Executive Board member, Steward, committee member, trustee, representative, candidate, and employee must file with Local 44's Business Office the appropriate affidavit under penalty of perjury, stating that the individual is not barred from assuming or holding a union office or position by LMRDA Section 504.

**II. Affidavit Forms Provided by the Business Office;**

Affidavit forms and a copy of the LMRDA shall be kept available in the Business Office.

**E. BONDED**

Local 44 Executive Board members, trustees, agents, representatives, and employees who are authorized to co-sign checks, to distribute cash, or approve expenditures on the Local's behalf, or otherwise receive, handle, disburse, or exercise custody or control of the Local's funds or other property (within the meaning of LMRDA Section 502), shall be bonded at the Local's expense before beginning their duties. A record of this bond shall be filed with the Local's official records.

Any elected officer who cannot obtain the required bond is considered to have either resigned or never been elected. That office must be declared vacant and the vacancy must be filled in accordance with the provisions of this Constitution and By-Laws dealing with officer vacancy.

**F. TERMINATION OF OFFICE**

Local 44's obligation to pay the salary of any salaried official ends when any one of these events occurs:

- I. A term of office ends;

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- (VI) Expulsion;
- (VII) Revocation of the Charter of this Local by the International; and,
- (VIII) Inability to perform his/her duties.

If and when any of these events occurs, each officer or employee must immediately turn over his or her office back to Local 44. Also, every officer and employee must deliver all funds, books, papers, records, and other properties of this Local in his or her possession to his or her successor, if any, or to the Executive Board, or to the person or persons properly entitled to these items under this Constitution and By-Laws and the International Constitution and By-Laws.

**SECTION 6. COMPENSATION**

**A. OFFICER COMPENSATION AND ITS OVERSIGHT**

Local 44 shall provide salaried employment and benefits for an elected Business Agent and Secretary-Treasurer. No reduction of Officer Compensation is permitted during a term in office. If the Executive Board wishes to review Officer Compensation, it may, at its discretion, opt to do so before the election cycle begins for the next term in office, no later than December 31 before the next election year. Changes in officer compensation shall not be automatic and must be approved by a majority of the members present at a regular or specially called Executive Board meeting.

**B. STIPEND**

Local 44 shall provide a stipend, set by the Executive Board, for the President, Vice President, Sergeant-at-Arms, and the Board of Trustees.

**C. STIPEND FOR MEETINGS ATTENDED**

Executive Board Members and alternates will receive a stipend for each meeting attended.

**D. REIMBURSEMENT FOR LEGITIMATE AND/OR APPROVED EXPENSES**

Local 44 must reimburse Executive Board members, Officials, employees, and volunteers for legitimate expenses if those expenses are either authorized in this Constitution and By-Laws or where specifically approved by the Executive Board.

**E. PROHIBITION ON PAID EMPLOYMENT WITH LOCAL 44 BY CURRENT EXECUTIVE BOARD MEMBERS**

A current Executive Board member is barred from holding any position as a paid employee of Local 44 except for the Business Agent and Secretary-Treasurer.

**F. PAYMENT OF DUES**

During their term of office, all Executive Board officers and members are exempt from all Local 44 dues, except any per capita tax and assessments.

**G. PAYMENT OF DELEGATE(S)**

Delegates to the International, District, and Labor conventions are compensated by Local 44 for each day served. These Delegates are paid according to their Craft's hourly rate for an eight-hour day, either as set in the Basic Agreement or prorated from salary. The Executive Board will determine the amount of per diem allowed each delegate. Local 44 will provide transportation and housing.

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- II. Acceptance of resignation;
- III. Removal for absence;
- IV. Removal by impeachment;
- V. Suspension;
- VI. Expulsion;
- VII. Revocation of the Charter of this Local by the International; or,
- VIII. Inability to perform their duties.

If and when any of these events occurs, each officer or employee must immediately turn over their office back to Local 44. Also, every officer and employee must deliver all funds, books, papers, records, and other property of this Local in their possession to their successor, if any, or to the Executive Board, or to the person or persons properly entitled to these items under this Constitution and By-Laws and the International Constitution and By-Laws.

**SECTION 6. COMPENSATION**

**A. OFFICER COMPENSATION AND ITS OVERSIGHT**

Local 44 shall provide reasonable salaried employment and benefits for an elected Business Agent and Secretary-Treasurer. No reduction of Officer Compensation is permitted during a term in office. If the Executive Board wishes to review Officer Compensation, it may, at its discretion, opt to do so before the election cycle begins for the next term in office, no later than August 31 before the next election year. Changes in officer compensation shall not be automatic and must be approved by a majority of the members present at a regular or specially called Executive Board meeting.

Beginning with the 2028 election cycle, the annual salary of the Business Agent shall be no less than 10% more than the equivalent of 52 weeks of pay at the Propmaker Foreman hourly rate in the Basic Agreement, based on a 60-hour workweek. Beginning with the 2028 election cycle, the annual salary of the Secretary-Treasurer shall be no less than 5% more than the equivalent of 52 weeks of pay at the Propmaker Foreman hourly rate in the Basic Agreement, based on a 60-hour workweek. Any adjustments to the Propmaker Foreman rate during the term of the Basic Agreement shall apply to the salaries of the Business Agent and Secretary-Treasurer.

**B. STIPEND**

Local 44 shall provide a stipend, set by the Executive Board, for the President, Vice President, Sergeant-at-Arms, and the Board of Trustees. The amount of the stipend shall be available to the membership.

**C. MEETING STIPEND**

Executive Board Members and alternates will receive a stipend for each meeting attended. The amount of the stipend shall be available to the membership.

**D. REIMBURSEMENT FOR LEGITIMATE AND/OR APPROVED EXPENSES**

Local 44 must reimburse Executive Board members, officials, employees, and volunteers for legitimate expenses if those expenses are either authorized in this Constitution and By-Laws or where specifically approved by the Executive Board.

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**E. PROHIBITION ON PAID EMPLOYMENT WITH LOCAL 44 BY CURRENT EXECUTIVE BOARD MEMBERS**

A current Executive Board member is barred from holding any position as a paid employee of Local 44 except for Business Agent and Secretary-Treasurer.

**F. PAYMENT OF DUES**

During their term of office, all Executive Board officers and members are exempt from all Local 44 dues, except any per capita fees and assessments.

**G. PAYMENT OF DELEGATE(S)**

Delegates to the International, District, and Labor Conventions are compensated by Local 44 for each day served. These Delegates are paid according to the Propmaker Gang Boss rate for an eight-hour day. Local 44 will provide transportation, housing, and per diem to Delegates, in amounts set by the Secretary-Treasurer and approved by the Executive Board.

**SECTION 7. OFFICERS OF THE WHOLE**

During their terms of service, Local 44's President, Vice-President, Business Agent, Secretary-Treasurer, Sergeant-at-Arms, and Trustees, as well as any other union-wide position not representing a specific Craft, serve all the members and are not a representative of any Craft.

**ARTICLE VII. EXECUTIVE BOARD**

**SECTION 1. COMPOSITION OF THE EXECUTIVE BOARD**

**A. REQUIRED ALLOCATION OF POSITIONS**

The Local 44 Executive Board must include these positions:

- (I) President;
- (II) Vice-President;
- (III) Business Agent;
- (IV) Secretary-Treasurer;
- (V) Representatives from each Craft:
  - (a) Crafts with 750 or more members shall elect three Executive Board representatives;
  - (b) Crafts with fewer than 750 members will elect two;
- (VI) Alternate Executive Board Craft Representatives,

**SECTION 2. RESPONSIBILITIES**

**A. OVERSIGHT**

The Executive Board is empowered to act on the membership's behalf to oversee, verify, and approve the actions of Local 44's Business Agent, Secretary-Treasurer, and their respective staffs, including the contracts for all goods and services entered into by Local 44. The Executive Board has all authority that is stated in these Constitution and By-Laws, as well as any additional authority delegated to it through membership vote.

**B. AUTHORITY**

Therefore, the Executive Board uses its authority to create Local 44's policies, insofar as its actions are consistent with this Constitution and By-Laws and the International Constitution. The actions of the Executive Board are binding unless ordered changed by a two-thirds vote of the members present at a general membership meeting with a quorum (See Article XVI Meetings, Section 8) or by a secret referendum vote as defined in Article IX, Elections and Voting, Section 2).

**C. GENERAL SUPERVISION**

The Executive Board is responsible for the general supervision of all affairs of this Local and must promote the interests of this Local as dictated by this Constitution and By-Laws.

- (I) Budget Approval
 

The Executive Board authorizes and approves the budget for Local 44, as recommended by the Secretary-Treasurer.
- (II) Minutes & Compendium of Motions
 

The Executive Board will keep two complete records for all official membership

**SECTION 7. OFFICERS OF THE WHOLE**

During their terms of service, Local 44's Business Agent, Secretary-Treasurer, President, Vice-President, Trustees, and Sergeant-at-Arms, as well as any other union-wide position not representing a specific Craft, serve all the members and are not a representative of any Craft.

**ARTICLE VII. EXECUTIVE BOARD**

**SECTION 1. COMPOSITION OF THE EXECUTIVE BOARD**

**A. REQUIRED ALLOCATION OF POSITIONS**

The Local 44 Executive Board must include these positions:

- I. Business Agent;
- II. Secretary-Treasurer;
- III. President;
- IV. Vice-President;
- V. Representatives from each Craft;
  - a. Crafts with more than 20% of the voting membership of the Local shall elect three Executive Board representatives;
  - b. Crafts with less than 20% of the voting membership of the Local members shall elect two Executive Board representatives;
- VI. Alternate Executive Board Craft Representatives.

**SECTION 2. RESPONSIBILITIES**

**A. OVERSIGHT**

The Executive Board is empowered to act on the membership's behalf to oversee, verify, and approve the actions of Local 44's Business Agent, Secretary-Treasurer, and their respective staffs, including the contracts for all goods and services entered into by Local 44. The Executive Board has all authority that is stated in this Constitution and By-Laws, as well as any additional authority delegated to it through membership vote.

**B. AUTHORITY**

Therefore, the Executive Board uses its authority to create Local 44's policies, insofar as its actions are consistent with this Constitution and By-Laws and the International Constitution. The actions of the Executive Board are binding unless ordered changed by a two-thirds vote of the members present at a general membership meeting with a quorum (See Article XVI Meetings, Section 7) or by a secret referendum vote as defined in Article IX, Elections and Voting, Section 2).

**C. GENERAL SUPERVISION**

The Executive Board is responsible for the general supervision of all affairs of this Local and must promote the interests of this Local as dictated by this Constitution and By-Laws.

- I. Budget Approval
 

The Executive Board authorizes and approves the budget for Local 44, as recommended by the Secretary-Treasurer.



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meetings and Executive Board meetings, one comprised of all Minutes and the other a logbook of all Motions. All motions passed at Local 44's official meetings must be recorded, including the dates and names of the members making motions (this includes seconding and other actions required to pass or discuss any motion). This record will remain with the Secretary-Treasurer and is accessible to all members at Local 44's offices during business hours, subject to reasonable rules for access, including making of appointments.

**(III) Contracts for Goods & Services**

The Executive Board shall review and approve all contracts for goods and services proposed for Local 44.

**D. FIDUCIARY DUTIES**

All Executive Board members must act in accordance with their duties as Local 44's fiduciaries, as defined in the Labor Management Reporting Disclosure Act (LMRDA). Included within these fiduciary duties are the obligation to act on behalf of all of Local 44's members, the responsibility of maintaining the confidences of the Executive Board (including attorney-client privilege, Executive Session, confidential information, private information, and any other information provided to Executive Board members as fiduciaries), and the entrustment to oversee the prudent expenditure and investment of Local 44's assets. This list is illustrative and not exhaustive.

**E. EXECUTIVE SESSION**

At the request of any Board member (including Officers), the Executive Board shall conduct its deliberations in Executive Session and such deliberations shall not be recorded in the official minutes of the Executive Board. Upon the declaration of an Executive Session, any person who is in attendance at an Executive Board meeting and who is not a member of the Executive Board shall remove themselves from the meeting room unless otherwise instructed by the Executive Board to remain. All matters discussed in Executive Session shall be confidential and not disclosed by an Executive Board member to any third person, other than the Local 44's counsel. A violation of this section may subject the offending Executive Board member to appropriate discipline. The duty to preserve and respect Executive Session privileges extends to all Local 44 members present during any given Executive Session.

**F. ESTABLISHING COMPENSATION**

The Executive Board must approve the compensation and benefits for all Local 44 salaried employees. The Executive Board must set stipends and compensation for meeting attendance where authorized by this Constitution and By-Laws. The Executive Board is responsible for reporting this information to the membership in a timely manner.

**G. CALL BOARD**

Under the supervision of the Executive Board the Secretary-Treasurer shall establish and maintain a dispatch for work-system entitled "The Call Board." The Executive Board shall oversee the Call Board, and maintain and enforce policies for the Call Board's effective and fair functioning.

(I) The Call Board's daily administration is the responsibility of the Secretary-Treasurer's office.

(II) No elected official of Local 44 can be appointed to work for the Call Board.

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**II. Minutes and Compendium of Motions**

The Executive Board will keep two complete records for all official membership meetings and Executive Board meetings, one comprised of all minutes and the other a logbook of all motions. All motions passed at Local 44's official meetings must be recorded, including the dates and names of the members making motions (this includes seconding and other actions required to pass or discuss any motion). This record will remain with the Secretary-Treasurer and is accessible to all members at Local 44's offices, subject to reasonable rules for access.

**III. Contracts for Goods and Services**

The Executive Board shall review and approve all contracts for goods and services proposed for Local 44.

**IV. Collective Bargaining Agreements**

For collective bargaining agreements where the Local is the employer, the Executive Board shall have the power to set a budget for negotiations.

**D. FIDUCIARY DUTIES**

All Executive Board members must act in accordance with their duties as Local 44's fiduciaries, as defined in the Labor-Management Reporting and Disclosure Act (LMRDA). Included within these fiduciary duties are the obligation to act on behalf of all of Local 44's members; the responsibility of maintaining the confidences of the Executive Board (including attorney-client privilege, Executive Session, confidential information, private information, and any other information provided to Executive Board members as fiduciaries); and the entrustment to oversee the prudent expenditure and investment of Local 44's assets. This list is illustrative, not exhaustive.

**E. EXECUTIVE SESSION**

At the request of any Board member, the Executive Board shall conduct its deliberations in Executive Session and such deliberations shall not be recorded in the official minutes of the Executive Board. Upon the declaration of an Executive Session, any person in attendance at an Executive Board meeting and who is not a member of the Executive Board shall remove themselves from the meeting room unless otherwise instructed by the Executive Board to remain. All matters discussed in Executive Session shall be confidential and not disclosed by an Executive Board member to any third person, other than Local 44's counsel.

A violation of this section may subject the offending Executive Board member to appropriate discipline. The duty to preserve and respect Executive Session privileges extends to all Local 44 members present during any given Executive Session.

**F. ESTABLISHING COMPENSATION**

The Executive Board must approve the compensation and benefits for all Local 44 salaried employees. The Executive Board must set stipends and compensation for meeting attendance where authorized by this Constitution and By-Laws. The Executive Board is responsible for reporting this information to the membership in a timely manner.

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**G. CALL BOARD**

The Secretary-Treasurer shall establish and maintain a dispatch-for-work-system entitled "The Call Board." The Executive Board shall maintain and enforce policies for the Call Board's effective and fair functioning.

The Call Board's daily administration is the responsibility of the Secretary Treasurer's office.

No elected official of Local 44 can be appointed to work for the Call Board.

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**H. APPOINTING DELEGATES**

The Executive Board will appoint delegates to the Los Angeles County Federation of Labor and the California State A.F.L.-C.I.O. These Delegates' compensation shall be established by the Executive Board and must be reimbursed for expenses. Delegates shall hold their respective appointments until relieved by the Executive Board.

**I. INTERPRETING THE LAWS**

The Executive Board is responsible for deciding legal and factual questions either where there is no provision contained in this Constitution and By-Laws, the International Constitution and By-Laws, or the Working Agreements, or where this Constitution and By-Laws requires interpretation.

**J. LEAVE OF ABSENCE**

The Executive Board can grant any officer or Executive Board member a Leave of Absence from their office if the circumstances warrant. The Executive Board shall appoint a qualified substitute to serve for the period of such absence, if necessary. Any benefit enjoyed by an Executive Board member granted leave will be granted to his or her qualified substitute during his or her term in office.

**K. OFFICER VACANCY**

If a vacancy occurs for an elected office during any time, the Executive Board may either call a Special Executive Board meeting or address the vacancy at its next regularly scheduled meeting. The Executive Board is obligated to elect by secret ballot a member in good standing to fill the vacated position for the remainder of the term.

**L. DISQUALIFICATION OF EXECUTIVE BOARD MEMBERS**

An Executive Board member is disqualified and his or her office declared vacant in any of the following situations:

- (I) If he or she ceases to be a member in good standing;
- (II) If he or she becomes an owner, principal, or officer of a company, other than a personal loan-out company, that employs Local 44 members;
- (III) If he or she holds the position of department head in a studio or similar facility;
- (IV) If he or she is absent from three regular Executive Board meetings per year without reason or excuse;
- (V) If he or she is engaged in a LMRDA-disqualifying event under 29 U.S.C. § 504.

**M. WAIVER OF POWER**

At any meeting with a quorum, the Executive Board may refer a matter(s) to the membership for action. An action by the membership is final.

**SECTION 3. EXECUTIVE BOARD MEETINGS**

**A. QUORUM**

Two thirds of the members of the Executive Board members constitute a quorum at all Regular and Special meetings of the Executive Board. The presiding officer is counted for determining a quorum.

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**H. APPOINTING LABOR DELEGATES**

The Executive Board will appoint delegates to the Los Angeles County Federation of Labor and the California State A.F.L.-C.I.O. These delegates' compensation shall be established by the Executive Board. Delegates shall be reimbursed for reasonable expenses. Delegates shall hold their respective appointments until relieved by the Executive Board.

**I. INTERPRETING THE LAWS**

The Executive Board is responsible for deciding legal and factual questions, either where there is no provision contained in this Constitution and By-Laws, the International Constitution and By-Laws, or the Working Agreements; or where this Constitution and By-Laws requires interpretation.

**J. LEAVE OF ABSENCE**

The Executive Board can grant any Officer or Executive Board member a Leave of Absence from their office if the circumstances warrant. The Executive Board shall appoint a qualified substitute to serve for the period of such absence, if necessary. Any benefit enjoyed by an Executive Board member granted leave will be granted to their qualified substitute during their term in office.

**K. OFFICER VACANCY**

If a vacancy occurs for the position of Business Agent, Secretary-Treasurer, President, Vice-President, Sergeant-at-Arms, or Trustee, at any time, the Executive Board may either call a Special Executive Board meeting or address the vacancy at its next regularly scheduled meeting. The Executive Board is obligated to elect by secret ballot a member in good standing to fill the vacated position for the remainder of the term. This appointment shall be ratified by a simple majority of the members in attendance at the next general membership meeting. If the appointment is not ratified, the Local shall hold a special election for the vacant position. Vacancies for Craft positions shall be filled at the next official Craft meeting by those in attendance at the meeting. If the vacancy is not filled at the next Craft meeting, the Executive Board shall fill the vacancy.

**L. DISQUALIFICATION OF EXECUTIVE BOARD MEMBERS**

An Executive Board member is disqualified and their office declared vacant in any of the following situations:

- I. If they cease to be a member in good standing;
- II. If they become a supervisor or an owner, principal, or officer of a company, other than a personal loan-out company, that employs Local 44 members;
- III. If they are absent from three regular Executive Board meetings per year without reason or excuse;
- IV. If they are engaged in a LMRDA-disqualifying event under 29 U.S.C. § 504.

**M. WAIVER OF POWER**

At any meeting with a quorum, the Executive Board may refer a matter(s) to the membership for action. An action by the membership is final.

**SECTION 3. EXECUTIVE BOARD MEETINGS**

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**B. REGULAR MEETINGS**

There must be an Executive Board meeting at least once each month.

**C. SPECIAL MEETINGS**

Special Meetings of the Executive Board are proper under specific circumstances:

- (I) If requested by the President;
- (II) If requested by twenty five (25%) percent of Executive Board members;
- (III) All special meetings are restricted to the agenda announced before the special meeting. Upon completion of the business for which the meeting was called, the Executive Board can vote on whether other business can be considered.

**D. REQUEST TO BE HEARD**

Any member in good standing can bring an issue to the attention of the Executive Board by mailing a signed, registered letter to the Secretary-Treasurer. This letter must be presented at the next regularly scheduled Executive Board meeting. The Executive Board will act upon that request and respond to that member in writing.

**E. REQUEST TO OBSERVE AN EXECUTIVE BOARD MEETING**

Any member in good standing can request in writing to attend a regular Executive Board meeting to the Secretary-Treasurer. Absent unusual circumstances, the request will be granted if space permits and if the request was made at least three (3) business days before the regular Executive Board meeting in question.

**SECTION 4. VOTING**

**A. ONE VOTE EACH AND NO PROXY VOTING**

Each voting Executive Board member shall have one vote on all questions at all meetings of the Executive Board. No Executive Board member can vote by proxy.

**B. DECISION BY MAJORITY VOTE**

All decisions by the Executive Board shall require a simple majority (50% plus 1) vote of those members present, except where otherwise noted.

**SECTION 5. COMMITTEES**

**A. Creation of Committee(s)**

Local 44 will have committees. The President, with Executive Board agreement, shall appoint members in good standing to staff these committees.

**SECTION 6. ALTERNATE EXECUTIVE BOARD MEMBERS**

During each election for officers, as provided for in Article Nine of this Constitution and By-Laws, each Craft shall elect one (1) Alternate Executive Board member from amongst their ranks. Said Alternate Executive Board member shall attend the meetings of the Local's Executive Board, but shall have no voice or vote unless a regular Executive Board member from their Craft is not then and there in attendance. In the event such regular Executive Board member is not in attendance at any meeting of the Local's Executive Board, the Alternate Executive Board member from his/her Craft shall then have a full voice and vote in the affairs and deliberations of the Executive Board until and unless the regular Executive Board member from his/her Craft appears at said meeting of the Executive Board.

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**A. QUORUM**

Two-thirds of the members of the Executive Board members constitute a quorum at all Regular and Special meetings of the Executive Board. The presiding officer is counted for determining a quorum.

**B. REGULAR MEETINGS**

There must be an Executive Board meeting at least once each month.

**C. SPECIAL MEETINGS**

Special Meetings of the Executive Board are proper under specific circumstances:

- I. If requested by the President;
- II. If requested by twenty-five (25%) percent of Executive Board members;
- III. All special meetings are restricted to the agenda announced before the special meeting. Upon completion of the business for which the meeting was called, the Executive Board can vote on whether other business can be considered.

**D. REQUEST TO BE HEARD**

Any member in good standing can bring an issue to the attention of the Executive Board by mailing a signed, certified letter or other communication approved by the Executive Board to the Secretary-Treasurer. This letter must be presented at the next regularly scheduled Executive Board meeting. The Executive Board will act upon that request and respond to that member in writing in a timely manner.

**E. REQUEST TO OBSERVE AN EXECUTIVE BOARD MEETING**

Any member in good standing can request in writing to attend a regular Executive Board meeting to the Secretary-Treasurer. Absent unusual circumstances, the request will be granted if space permits and if the request was made at least 24 hours before the regular Executive Board meeting in question.

**SECTION 4. VOTING**

**A. ONE VOTE EACH AND NO PROXY VOTING**

Each voting Executive Board member shall have one vote on all questions at all meetings of the Executive Board. No Executive Board member can vote by proxy.

**B. DECISION BY MAJORITY VOTE**

All decisions by the Executive Board shall require a simple majority (50% plus one (1)) vote of those members present, except where otherwise noted.

**SECTION 5. ALTERNATE EXECUTIVE BOARD MEMBERS**

Alternate Executive Board members shall attend the meetings of the Local's Executive Board, but shall only have voice or vote when a regular Executive Board member from their Craft is not in attendance at the meeting. The Alternate Executive Board member shall have voice and vote until the regular Executive Board member appears and the conclusion of the current item on the agenda.

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**D. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS**

The Vice-President may co-sign all checks issued by Local 44 if the President or the Secretary-Treasurer is unavailable.

**E. BONDING**

The Vice-President must be bonded. Local 44 will provide this bond to comply with the International Constitution at Article IX, Section 9.

**SECTION 3. BUSINESS AGENT**

**A. DUTIES**

The Business Agent is the Chief Executive Officer of Local 44. The Business Agent's obligations include performing duties and exercising powers enumerated in this Constitution and By-Laws and other established regulations of this Local. The Business Agent may also exercise and perform additional powers and duties as may be duly ordered and directed by the Executive Board and/or Local 44's Membership.

**B. RESPONSIBILITIES**

The Business Agent's responsibilities include enforcing Collective Bargaining Agreements, the Constitution and By-Laws, and other established regulations of Local 44, as well as all federal and state laws as they apply to Local 44.

**C. SCOPE**

The Business Agent will represent Local 44 and its members in all relations, transactions, and grievances with employers.

**D. CHAIR OF NEGOTIATION COMMITTEES**

The Business Agent is the Chair of any Negotiating Committee and represents Local 44 as Chief Negotiator in all contract negotiations conducted by or on Local 44's behalf. The Business Agent will report on the results of these negotiations to the Executive Board.

**E. STEWARDS**

The Business Agent has the right to appoint Stewards where deemed necessary. Individual Stewards are subject to removal for good cause by the Executive Board.

**F. ASSISTANT BUSINESS AGENTS**

The Business Agent shall have the right to hire and supervise assistants as the Business Agent may see fit, with approval from the Executive Board.

**G. REPORTAGE**

The Business Agent will make reports to the Executive Board of his or her activities on Local 44's behalf.

**H. DELEGATE**

The Business Agent will attend International Conventions as a delegate, and will attend, or send a designee to, any other convention or labor council at which Local 44 is entitled to representation.

**I. VOICE; RIGHT TO CALL MEETINGS**

The Business Agent will have full voice and vote at all Local 44 General Membership,

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**ARTICLE VIII. POWERS AND DUTIES**

**SECTION 1. BUSINESS AGENT**

**A. DUTIES**

The Business Agent is the Chief Executive Officer of Local 44. The Business Agent's obligations include performing duties and exercising powers enumerated in this Constitution and By-Laws and other established regulations of this Local. The Business Agent may also exercise and perform additional powers and duties as may be duly ordered and directed by the Executive Board and/or Local 44's Membership.

**B. RESPONSIBILITIES**

The Business Agent's responsibilities include enforcing Collective Bargaining Agreements, the Constitution and By-Laws, and other established regulations of Local 44, as well as all federal and state laws as they apply to Local 44.

**C. SCOPE**

The Business Agent will represent Local 44 and its members in all relations, transactions, and grievances with employers.

**D. CHAIR OF NEGOTIATION COMMITTEES**

The Business Agent is the Chair of any Negotiating Committee and represents Local 44 as Chief Negotiator in all contract negotiations conducted by or on Local 44's behalf. The Business Agent will report on the results of these negotiations to the Executive Board. For collective bargaining negotiations where the Local is the employer, the Business Agent shall regularly report on the status of the negotiations to the Executive Board.

**E. STEWARDS**

The Business Agent has the right to appoint and remove Stewards where deemed necessary. Individual Stewards are subject to removal for good cause by the Executive Board.

**F. ASSISTANT BUSINESS AGENTS**

The Business Agent shall have the right to hire and supervise assistants as the Business Agent may see fit, with approval from the Executive Board.

**G. REPORTAGE**

The Business Agent will make reports to the Executive Board of their activities on Local 44's behalf.

**H. DELEGATE**

The Business Agent will attend International Conventions as a delegate, and will attend, or send a designee to, any other convention or labor council at which Local 44 is entitled to representation.

**I. VOICE AND RIGHT TO CALL MEETINGS**

The Business Agent will have full voice and vote at all Local 44 General Membership,

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Executive Board, and Special meetings. At Craft meetings, the Business Agent will have voice without vote and will not count towards a quorum.

The Business Agent may require the President to call meetings (Executive Board, Membership, etc.) when the Business Agent believes such meetings are required and will attend all meetings when appropriate and possible.

**J. CORRESPONDENCE & SEAL**

The Business Agent is authorized and responsible for all correspondence pertaining to his or her office and shall have access to the Seal for the purpose of making this correspondence official.

**K. DISPUTE RESOLUTION**

The Business Agent will mediate disputes between Crafts within Local 44 and report such resolution to the Executive Board. If the Business Agent is unable to resolve this inner-craft dispute, the dispute is referred to the Executive Board. If the Executive Board is unable to resolve the dispute by the end of two regularly scheduled Executive Board meetings, the matter shall be referred to the International.

**L. NEGOTIATING COMMITTEE COMPOSITION**

The Business Agent will ensure that there shall be representatives from all Crafts of Local 44 on its Negotiating Committee, and will designate at least one elected Craft Representative from the Executive Board to this end.

**M. DELEGATION OF DUTIES**

The Business Agent may delegate any of these duties to qualified members from time to time as shall be deemed necessary or expedient for the best interests of this Local.

**N. COMMITTEE MEMBERSHIP**

The Business Agent is an ex-officio member of all committees of this Local with the exception of any committees investigating the Business Agent.

**O. ADDITIONAL POWERS & DUTIES**

The Business Agent has such other powers and duties as may be elsewhere set forth in this Constitution and By-Laws, or as assigned by the Executive Board.

**P. STATE OF THE UNION REPORTAGE**

The Business Agent will report on the State of the Union at all General, Executive Board, and Craft Meetings.

**Q. BONDING**

The Business Agent must be bonded. Local 44 will provide this bond to comply with the International Constitution at Article IX, Section 9.

**SECTION 4. SECRETARY-TREASURER**

**A. DUTIES; CALL BOARD**

The Secretary-Treasurer is the Chief Financial Officer of Local 44, and supervises the function of the Local's office, including the Call Board, and the performance of the Office staff, except for the Assistant Business Agents. The Call Board is an out-of-work employment referral system that is administered by the Secretary-Treasurer, according to policies determined by the Executive Board.

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Executive Board, and Special meetings. At Craft meetings, the Business Agent will have voice without vote and will not count towards a quorum.

The Business Agent may require the President to call meetings (Executive Board, Membership, etc.) when the Business Agent believes such meetings are required and will attend all meetings when appropriate and possible.

**J. CORRESPONDENCE AND SEAL**

The Business Agent is authorized and responsible for all correspondence pertaining to their office and shall have access to the Seal for the purpose of making this correspondence official.

**K. DISPUTE RESOLUTION**

The Business Agent will mediate disputes between Crafts within Local 44 and report such resolution to the Executive Board. If the Business Agent is unable to resolve this inter-craft dispute, the dispute shall be referred to the Executive Board. If the Executive Board is unable to resolve the dispute by the end of two regularly scheduled Executive Board meetings, the matter shall be referred to the International.

**L. NEGOTIATING COMMITTEE COMPOSITION**

The Business Agent will ensure that there shall be representatives from all Crafts of Local 44 on its Basic Agreement Negotiating Committee, and will designate at least one elected Craft Representative from the Executive Board to this end.

**M. DELEGATION OF DUTIES**

The Business Agent may delegate any of these duties to qualified members from time to time as shall be deemed necessary or expedient for the best interests of this Local.

**N. COMMITTEE MEMBERSHIP**

The Business Agent is an ex-officio member of all committees of this Local with the exception of any committees investigating the Business Agent.

**O. ADDITIONAL POWERS AND DUTIES**

The Business Agent has such other powers and duties as may be elsewhere set forth in this Constitution and By-Laws, or as assigned by the Executive Board.

**P. STATE OF THE UNION REPORTAGE**

The Business Agent will report on the State of the Union at all General, Executive Board, and Craft Meetings.

**Q. BONDING**

The Business Agent must be bonded. Local 44 will provide this bond under the International Constitution at Article 9, Section 9.

**R. ELECTION COMMUNICATION**

The Business Agent shall communicate with the United States Department of Labor regarding Local 44 elections, as set forth in Article IX, Section 2 (Election Committee) and shall timely report on such communications to the Executive Board.

**SECTION 2. SECRETARY-TREASURER**

**A. DUTIES**

The Secretary-Treasurer is the Chief Financial Officer of Local 44 and supervises

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**B. ATTENDANCE, VOTE & VOICE**

The Secretary-Treasurer will have full voice and vote at all Local 44 General Membership, Executive Board, and Special meetings. At Craft meetings, the Secretary-Treasurer will have voice without vote and will not count towards a quorum.

**C. ANNUAL BUDGET**

The Secretary-Treasurer will submit an annual budget for all of Local 44's anticipated affairs, including all necessary expenses and salaries, to the Executive Board for approval. Within this annual budget, and with the consent of the Executive Board, the Secretary-Treasurer shall have the right to hire and supervise assistants and office staff as the Secretary-Treasurer may see fit.

**D. CUSTODIAN**

The Secretary-Treasurer is the custodian of Local 44's Seal, files, records, papers, and other documents pertaining to Local 44's general affairs, and must preserve all these records and documents.

(I) The Secretary-Treasurer is authorized to delegate any record keeping or similar duty, such as bookkeeping or accounting, to a qualified person. The Secretary-Treasurer remains responsible for the oversight and execution of those duties assigned to his or her designee.

**E. NOTIFICATION DUTIES**

The Secretary-Treasurer will notify members of scheduled and special meetings and members of their appointment to committees.

**F. ROSTER STATUS**

The Secretary-Treasurer, in cooperation with the Business Agent, will confirm with Contract Services the Roster status of applicants for membership.

**G. REPORTAGE**

The Secretary-Treasurer will read reports, bulletins and communications, as necessary, at the Executive Board or the General Membership meetings. The Secretary-Treasurer may delegate this function.

**H. MEMBERSHIP LIST**

The Secretary-Treasurer will endeavor to keep a complete and accurate record of the names, addresses, and roster status of the entire Membership.

**I. NEWSLETTER/WEBSITE EDITOR**

The Secretary-Treasurer will be the editor of the Local 44 newsletter, website, and all official publications. The Local 44 newsletter shall be published at least four times per year.

**J. MEETING ROLLS**

The Secretary-Treasurer will record the roll of Officials at the opening of meetings, and list those in attendance for the record, including guests.

**K. MINUTES & LOG OF MOTIONS**

The Secretary-Treasurer is responsible for keeping minutes and the log of motions for all Executive Board, Craft, and General Membership meetings, and provides the

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the function of the Local's office including the Call Board and the performance of the Office staff, except for the Assistant Business Agents. The Secretary-Treasurer is authorized to delegate appropriate duties to a qualified person. The Secretary-Treasurer remains responsible for the oversight and execution of those duties assigned to their designee.

**B. ATTENDANCE, VOTE AND VOICE**

The Secretary-Treasurer will have full voice and vote at all Local 44 General Membership, Executive Board, and Special meetings. At Craft meetings, the Secretary-Treasurer will have voice without vote and will not count towards a quorum.

**C. ANNUAL BUDGET**

The Secretary-Treasurer will submit an annual budget for all of Local 44's anticipated affairs, including all necessary expenses and salaries, to the Executive Board for approval. Within this annual budget, and with the consent of the Executive Board, the Secretary-Treasurer shall have the right to hire and supervise assistants and office staff as the Secretary-Treasurer may see fit.

**D. CUSTODIAN**

The Secretary-Treasurer is the custodian of Local 44's Seal and records pertaining to Local 44's general affairs and must preserve these records in accordance with law and a document retention policy approved by the Executive Board.

**E. NOTIFICATION DUTIES**

The Secretary-Treasurer will notify members of scheduled and special meetings and their appointment to committees.

**F. CALL BOARD**

The Secretary-Treasurer shall administer the Call Board, an out-of-work employment referral system operated according to policies determined by the Executive Board.

**G. REPORTAGE**

The Secretary-Treasurer will read reports, bulletins, and communications, as necessary, at the Executive Board or the General Membership meetings.

**H. MEMBERSHIP LIST**

The Secretary-Treasurer will endeavor to keep a complete and accurate record of the names, addresses, and roster status of the entire Membership.

**I. COMMUNICATIONS**

The Secretary-Treasurer will be the distributor of the Local 44 newsletter and website, and shall be responsible for all other means of official communication of the Local. The Local 44 newsletter shall be published at least four times per year.

**J. MEETING ROLLS**

The Secretary-Treasurer will record the roll of Officials at the opening of meetings, and list those in attendance for the record, including guests.

**K. MINUTES AND LOG OF MOTIONS**

The Secretary-Treasurer is responsible for keeping minutes and the log of motions for all Executive Board, Craft, and General Membership meetings, and provides the

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minutes of the previous meeting for the correction and approval of the assembly. The Secretary-Treasurer may delegate this function to an appropriate person, including a non-member, but must maintain oversight and responsibility for all aspects of minute keeping for Local 44.

- (l) Bound copies of these minutes shall be kept at Local 44's offices. Any member in good standing who submits a written request to schedule an appointment to review a copy of the minutes or the log of motions may do so. These records will not leave the Local 44's office and members shall not be entitled to copies of these documents.

**L. ELECTION RECORDS**

The Secretary-Treasurer will cooperate with the Election Committee in recording and preserving the results of all Local 44 elections.

**M. ARCHIVING**

The Secretary-Treasurer will oversee and is responsible for Local 44's permanent archive, i.e., a master paper copy of all papers, records, and other documents of this Local. To the extent practical, the Secretary-Treasurer will create a digital or electronic copy of this same material for permanent archive.

**N. INTERNATIONAL FORMS & REPORTS**

The Secretary-Treasurer must forward to the International General Office all reports and forms that are required by the International Constitution.

**O. FINANCIAL RECORDS**

The Secretary-Treasurer will oversee and keep an accurate record of all income received and monies dispersed.

**P. OVERSIGHT OF ASSETS & LIABILITIES**

The Secretary-Treasurer, with appropriate assistance, will track and report all Local 44 assets and liabilities.

**Q. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS**

The Secretary-Treasurer shall countersign all checks for the expenditure of properly approved Local 44 funds.

**R. ADDITIONAL FINANCIAL DUTIES AND COLLECTIONS**

The Secretary-Treasurer is responsible for timely collection of all dues, fines, and assessments, as well as recording which members are in arrears.

**S. QUARTERLY REPORT OF ALL RECEIPTS AND DISBURSEMENTS**

The Secretary-Treasurer will provide a quarterly report of all receipts and disbursements for inspection by the Executive Board. These reports shall become part of Local 44's permanent record. Copies of these reports must be available for members of the Executive Board and the Board of Trustees whenever reasonably needed.

**T. BONDING; BONDING OF OTHER OFFICIALS**

The Secretary-Treasurer is responsible for the bonding of all Officials required to be bonded by this Constitution and all employees of this Union who handle its funds and property to the extent and in the amount and form required by law.

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minutes of the previous meeting for the correction and approval of the assembly. The minutes shall be available to Local 44's membership. The Secretary-Treasurer may delegate this function to an appropriate person, including a non-member, but must maintain oversight and responsibility for all aspects of minute keeping for Local 44.

**L. ELECTION RECORDS**

The Secretary-Treasurer will cooperate with the Election Committee in recording and preserving the results of all Local 44 elections.

**M. ARCHIVING**

The Secretary-Treasurer will oversee and is responsible for Local 44's permanent historical archive, i.e., a master copy of papers, records, and other historical documents of this Local. To the extent practical, the Secretary-Treasurer will create a digital or electronic copy of this same material for Local 44's permanent archive.

**N. INTERNATIONAL FORMS AND REPORTS**

The Secretary-Treasurer must forward to the International General Office all reports and forms that are required by the International Constitution.

**O. FINANCIAL OBLIGATIONS**

The Secretary-Treasurer will oversee Local 44's financial obligations and affairs, keeping an accurate record of all income received and monies disbursed, and promptly verifying and paying all bills and charges that Local 44 is obligated to pay. The Secretary-Treasurer shall deposit all monies received by Local 44 in a financial institution or account, as the Executive Board may direct. All monies accompanying applications for membership shall be deposited into a separate account until the application is either accepted or rejected.

**P. OVERSIGHT OF ASSETS AND LIABILITIES**

The Secretary-Treasurer, with appropriate assistance, will track and report all Local 44 assets and liabilities.

**Q. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS**

The Secretary-Treasurer shall countersign all checks for the expenditure of properly approved Local 44 funds.

**R. ADDITIONAL FINANCIAL DUTIES AND COLLECTIONS**

The Secretary-Treasurer is responsible for timely collection of all dues, fines, and assessments, as well as recording which members are in arrears.

**S. QUARTERLY REPORT OF ALL RECEIPTS AND DISBURSEMENTS**

The Secretary-Treasurer will provide a quarterly report of all receipts and disbursements for inspection by the Executive Board. These reports shall become part of Local 44's permanent record. Copies of these reports must be available for members of the Executive Board and the Board of Trustees whenever reasonably needed.

**T. BONDING; BONDING OF OTHER OFFICIALS**

The Secretary-Treasurer is responsible for the bonding of all Officials required to be bonded by this Constitution and all employees of this Union who handle its funds and property to the extent and in the amount and form required by law.



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**U. PER CAPITA QUARTERLY REPORT**

The Secretary-Treasurer will make a quarterly report in writing to the Executive Board and the International that presents the full status of Local 44's membership for per capita purposes. This report will be recorded into the Executive Board minutes.

**V. LOCAL 44'S FINANCIAL OBLIGATIONS**

The Secretary-Treasurer is responsible for promptly verifying and paying all bills and charges that Local 44 is obligated to pay.

**W. DEPOSITING LOCAL 44 FUNDS**

The Secretary-Treasurer shall deposit all funds in such banks or accounts as the Executive Board may direct.

- (I) All monies accompanying applications for membership must be deposited into a separate account until the application is either accepted or rejected.

**X. DELEGATE**

The Secretary-Treasurer will serve as a Delegate to all Conventions of the International, and may serve as a Delegate to any other convention or labor council where Local 44 is entitled to representation.

**Y. MEMBER REVIEW OF LOCAL 44 RECORDS**

After receiving written request from a member(s) in good standing, the Secretary-Treasurer will facilitate the right of examining the yearly financial statement, the annual budget, and all of the Treasurer's records for this Local. These reports will not be removed from the office of Local 44.

**Z. BONDING**

The Secretary-Treasurer must be bonded. Local 44 will provide this bond to comply with LMRDA and Department of Labor Regulations.

**AA. ARCHIVE OF LEGALLY MANDATED FILINGS**

The Secretary-Treasurer is responsible for preserving Local 44's books and records that are the basis for preparing reports required by law to be filed with the government. These records shall be archived for at least five years from the dates such reports were filed or for such time as is legally required by State and Federal law.

**BB. EX-OFFICIO MEMBER OF COMMITTEES**

The Secretary-Treasurer is an ex-officio member of all committees of this Local, with the exception of any committees investigating the Secretary-Treasurer.

**SECTION 5. THE BOARD OF TRUSTEES**

**A. CHAIRPERSON**

The Board of Trustees will select one Trustee to be Chairperson of the Board of Trustees:

- (I) If those Officers, other than the Secretary-Treasurer, designated to be the signers of Local 44 checks are absent, the Trustee Chairperson shall be authorized to sign those checks.
- (II) The Chairperson must be bonded. This bonding will be paid by Local 44 to comply with LMRDA and Department of Labor regulations.

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**U. PER CAPITA QUARTERLY REPORT**

The Secretary-Treasurer will make a quarterly report in writing to the Executive Board and the International that presents the full status of Local 44's membership for per capita purposes. This report will be recorded into the Executive Board minutes.

**V. DELEGATE**

The Secretary-Treasurer will serve as a Delegate to all Conventions of the International, and may serve as a Delegate to any other convention or labor council where Local 44 is entitled to representation.

**W. MEMBER REVIEW OF LOCAL 44 RECORDS**

After receiving a written request from a member(s) in good standing, the Secretary-Treasurer will facilitate the right of examining the yearly financial statement and the annual budget. These reports will not be removed from the office of Local 44.

**X. ARCHIVE OF LEGALLY MANDATED FILINGS**

The Secretary-Treasurer is responsible for preserving Local 44's books and records that are the basis for preparing reports required by law to be filed with the government. These records shall be archived for at least five years from the dates such reports were filed or for such time as is legally required by law.

**Y. EX-OFFICIO MEMBER OF COMMITTEES**

The Secretary-Treasurer is an ex-officio member of all committees of this Local, with the exception of any committees investigating the Secretary-Treasurer.

## ARTICLE VIII. POWERS AND DUTIES

### SECTION 1. PRESIDENT

#### A. DUTIES

The President must comply with and strictly enforce the Constitution and By-Laws, as well as require that all officials perform their authorized duties.

#### B. PARLIAMENTARIAN

The President will, when deemed necessary and with Executive Board approval, appoint a Parliamentarian for any Local 44 meeting. Proper parliamentary procedure is as written in Robert's Rules of Order, current edition.

#### C. SPECIAL MEETINGS

The President may call Special Meetings of the General Membership, Executive Board, or a specific Craft when it is necessary for Local 44's good and welfare.

#### D. REPORTAGE

The President may present a report detailing Local 44's current activities under the President's authority at all regularly scheduled General Membership and Executive Board Meetings. This report will be recorded into the minutes of each meeting.

#### E. COMMITTEES; FORMATION & MEMBERSHIP

The President is an ex-officio member of all committees and shall appoint members in good standing to serve on such Committees, subject to Executive Board approval. The power to appoint also includes the power to discharge (also with Executive Board approval). The Election Committee requirements in Article IX are not subject to this provision and contain separate appointment procedures.

#### F. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS

The President is an authorized co-signer of all Local 44-issued checks.

#### G. DELEGATE

The President will serve as a delegate to all International and/or to any Labor council conventions where Local 44 is allocated representation. The President will attend, or designate a member in good standing to attend, any appropriate meetings or councils. The need for the President to attend such meetings and councils is determined by the President, a vote of the Executive Board, or by majority vote of the membership.

#### H. LIMITED EMERGENCY DECISION-MAKING

The President has the authority to decide matters that are outside of the authority granted to the Business Agent or Secretary-Treasurer only where no specific law, rule or policy exists to govern a given situation. In these circumstances, the President must make his or her decision in a spirit of fairness and equity. Any such provisional decision must be reported at the next Executive Board meeting for discussion and merit, and must be approved by a majority of Executive Board members present.

#### I. SIGNER

The President will sign all instruments as approved by the membership or the Executive Board.

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### SECTION 3. PRESIDENT

#### A. DUTIES

The President must comply with and strictly enforce the Constitution and By-Laws, as well as require that all officials perform their authorized duties.

#### B. PARLIAMENTARIAN

The President will, when deemed necessary and with Executive Board approval, appoint a Parliamentarian for any Local 44 meeting. Proper parliamentary procedure is as written in Robert's Rules of Order, current edition.

#### C. SPECIAL MEETINGS

The President may call Special Meetings of the General Membership, Executive Board, or a specific Craft when it is necessary for Local 44's good and welfare.

#### D. REPORTAGE

The President may present a report detailing Local 44's current activities under the President's authority at all regularly scheduled General Membership and Executive Board Meetings. This report will be recorded into the minutes of each meeting.

#### E. COMMITTEES; FORMATION AND MEMBERSHIP

The President is an ex-officio member of all committees and shall appoint members in good standing to serve on such committees, subject to Executive Board approval. The power to appoint also includes the power to discharge (also with Executive Board approval). The Election Committee requirements in Article IX are not subject to this provision and contain separate appointment procedures. There shall be a standing Constitution and By-Laws Committee that shall meet at least annually.

#### F. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS

The President is an authorized co-signer of all Local 44-issued checks.

#### G. DELEGATE

The President will serve as a delegate to all International and/or to any Labor council conventions where Local 44 is allocated representation. The President will attend, or designate a member in good standing to attend, any appropriate meetings or councils. The need for the President to attend such meetings and councils is determined by the President, a vote of the Executive Board, or by majority vote of the membership.

#### H. LIMITED EMERGENCY DECISION-MAKING

The President has the limited authority to decide matters that are outside of the authority granted to the Business Agent or Secretary-Treasurer only where no specific law, rule or policy exists to govern a given situation. In these circumstances, the President must make their decision in a spirit of fairness and equity. Any such provisional decision must be reported at the next Executive Board meeting for discussion and merit, and must be approved by a majority of Executive Board members present.

#### I. SIGNER

The President will sign all instruments as approved by the membership or the Executive Board.

**J. BONDING**

The President must be bonded. Local 44 will provide this bond to comply with the International Constitution at Article IX, Section 9.

**K. CHAIR**

The President presides as Chairperson over all General Membership and Executive Board meetings.

**L. CHAIR RESPONSIBILITIES**

When the President is acting as Chairperson:

- (I) The President will not participate in debate, neither to discuss any report, nor make or second any motion. This provision applies to any presiding Chairperson.
- (II) The President can participate in discussion or debate only by relinquishing the chair and passing the gavel in the following order:
  - a) The Vice-President. If the Vice-President is unavailable;
  - b) The Secretary-Treasurer. If the Secretary-Treasurer is unavailable;
  - c) A Member in Good Standing as Chair Pro Tem, chosen by the Executive Board or body, whichever is applicable. This order is also followed for designating a Chairperson in the President's absence.
  - d) By participating in deliberation, the President has relinquished the right to break the tie of deadlocked vote to the Chairperson for that issue in question.
- (III) The Presiding Officer who relinquished the Chair may not return as Chairperson until the issue in question is completed (through ending deliberation or a final vote), because the Chairperson is a partisan as far as that particular matter is concerned. In debate on an appeal, or a point of order that the Chair has submitted to the judgment of the assembly, this rule does not apply, and the presiding officer does not leave the Chair because the Chairperson's participation in the debate relates to the function of presiding.
- (IV) The President or presiding Chairperson has no vote in an Executive Board, General Membership, or Special meeting with two exceptions. In case of a tie vote, the presiding Chairperson shall have the deciding vote. At Craft meetings, the President will have voice without vote and will not count towards a quorum.

**SECTION 2. VICE PRESIDENT**

**A. DUTIES**

The Vice-President must comply with and strictly enforce the Constitution and By-Laws, as well as require that all officials perform their authorized duties.

**B. ASSUMING PRESIDENTIAL DUTIES**

In the absence of the President, or in the event of the President's inability or refusal to act, the Vice-President assumes all the duties, powers, and shall be subject to all the restrictions on the President. The Vice-President has other powers and can perform such other duties as may be prescribed by law, by this Constitution and By-Laws or as designated by the Executive Board.

**C. REQUIRED ATTENDANCE**

The Vice-President, unless excused, must attend all meetings of Local 44's General Membership and Executive Board, with full voice and vote.

**J. BONDING**

The President must be bonded. Local 44 will provide this bond under the International Constitution at Article 9, Section 9.

**K. CHAIR**

The President presides as Chairperson over all General Membership and Executive Board meetings.

**L. CHAIR RESPONSIBILITIES**

When the President is acting as Chairperson:

- I. The President will not participate in debate, neither to discuss any report, nor make or second any motion. This provision applies to any presiding Chairperson.
- II. The President can participate in discussion or debate only by relinquishing the chair and passing the gavel in the following order:
  - a. The Vice-President. If the Vice-President is unavailable;
  - b. The Secretary-Treasurer. If the Secretary-Treasurer is unavailable;
  - c. A Member in Good Standing as Chair Pro Tem, chosen by the Executive Board or body, whichever is applicable.

This order is also followed for designating a Chairperson in the President's absence. By participating in deliberation, the President has relinquished the right to break the tie of deadlocked vote to the Chairperson for that issue in question.
- III. The Presiding Officer who relinquished the Chair may not return as Chairperson until the issue in question is completed (through ending deliberation or a final vote), because the Chairperson is a partisan as far as that particular matter is concerned. In debate on an appeal, or a point of order that the Chair has submitted to the judgment of the assembly, this rule does not apply, and the presiding officer does not leave the Chair because the Chairperson's participation in the debate relates to the function of presiding.
- IV. The President or presiding Chairperson has no vote in an Executive Board, General Membership, or Special Meeting, except that in case of a tie vote, the presiding Chairperson shall have the deciding vote. At Craft meetings, the President will have voice without vote and will not count towards a quorum.

**SECTION 4. VICE-PRESIDENT**

**A. DUTIES**

The Vice-President must comply with and strictly enforce the Constitution and By-Laws, as well as require that all officials perform their authorized duties.

**B. ASSUMING PRESIDENTIAL DUTIES**

In the absence of the President, or in the event of the President's inability or refusal to act, the Vice-President assumes all the duties, powers, and shall be subject to all the restrictions on the President. The Vice-President has other powers and can perform such other duties as may be prescribed by law, by this Constitution and By-Laws or as designated by the Executive Board.

**C. REQUIRED ATTENDANCE**

The Vice-President, unless excused, must attend all meetings of Local 44's General

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**D. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS**

The Vice-President may co-sign all checks issued by Local 44 if the President or the Secretary-Treasurer is unavailable.

**E. BONDING**

The Vice-President must be bonded. Local 44 will provide this bond to comply with the International Constitution at Article IX, Section 9.

**SECTION 3. BUSINESS AGENT**

**A. DUTIES**

The Business Agent is the Chief Executive Officer of Local 44. The Business Agent's obligations include performing duties and exercising powers enumerated in this Constitution and By-Laws and other established regulations of this Local. The Business Agent may also exercise and perform additional powers and duties as may be duly ordered and directed by the Executive Board and/or Local 44's Membership.

**B. RESPONSIBILITIES**

The Business Agent's responsibilities include enforcing Collective Bargaining Agreements, the Constitution and By-Laws, and other established regulations of Local 44, as well as all federal and state laws as they apply to Local 44.

**C. SCOPE**

The Business Agent will represent Local 44 and its members in all relations, transactions, and grievances with employers.

**D. CHAIR OF NEGOTIATION COMMITTEES**

The Business Agent is the Chair of any Negotiating Committee and represents Local 44 as Chief Negotiator in all contract negotiations conducted by or on Local 44's behalf. The Business Agent will report on the results of these negotiations to the Executive Board.

**E. STEWARDS**

The Business Agent has the right to appoint Stewards where deemed necessary. Individual Stewards are subject to removal for good cause by the Executive Board.

**F. ASSISTANT BUSINESS AGENTS**

The Business Agent shall have the right to hire and supervise assistants as the Business Agent may see fit, with approval from the Executive Board.

**G. REPORTAGE**

The Business Agent will make reports to the Executive Board of his or her activities on Local 44's behalf.

**H. DELEGATE**

The Business Agent will attend International Conventions as a delegate, and will attend, or send a designee to, any other convention or labor council at which Local 44 is entitled to representation.

**I. VOICE; RIGHT TO CALL MEETINGS**

The Business Agent will have full voice and vote at all Local 44 General Membership,

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Membership and Executive Board, with full voice and vote.

**D. AUTHORIZED TO CO-SIGN LOCAL 44 CHECKS**

The Vice-President may co-sign all checks issued by Local 44 if the President or the Secretary-Treasurer is unavailable.

**E. BONDING**

The Vice-President must be bonded. Local 44 will provide this bond under the International Constitution at Article 9, Section 9.

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**U. PER CAPITA QUARTERLY REPORT**

The Secretary-Treasurer will make a quarterly report in writing to the Executive Board and the International that presents the full status of Local 44's membership for per capita purposes. This report will be recorded into the Executive Board minutes.

**V. LOCAL 44'S FINANCIAL OBLIGATIONS**

The Secretary-Treasurer is responsible for promptly verifying and paying all bills and charges that Local 44 is obligated to pay.

**W. DEPOSITING LOCAL 44 FUNDS**

The Secretary-Treasurer shall deposit all funds in such banks or accounts as the Executive Board may direct.

- (I) All monies accompanying applications for membership must be deposited into a separate account until the application is either accepted or rejected.

**X. DELEGATE**

The Secretary-Treasurer will serve as a Delegate to all Conventions of the International, and may serve as a Delegate to any other convention or labor council where Local 44 is entitled to representation.

**Y. MEMBER REVIEW OF LOCAL 44 RECORDS**

After receiving written request from a member(s) in good standing, the Secretary-Treasurer will facilitate the right of examining the yearly financial statement, the annual budget, and all of the Treasurer's records for this Local. These reports will not be removed from the office of Local 44.

**Z. BONDING**

The Secretary-Treasurer must be bonded. Local 44 will provide this bond to comply with LMRDA and Department of Labor Regulations.

**AA. ARCHIVE OF LEGALLY MANDATED FILINGS**

The Secretary-Treasurer is responsible for preserving Local 44's books and records that are the basis for preparing reports required by law to be filed with the government. These records shall be archived for at least five years from the dates such reports were filed or for such time as is legally required by State and Federal law.

**BB. EX-OFFICIO MEMBER OF COMMITTEES**

The Secretary-Treasurer is an ex-officio member of all committees of this Local, with the exception of any committees investigating the Secretary-Treasurer.

**SECTION 5. THE BOARD OF TRUSTEES**

**A. CHAIRPERSON**

The Board of Trustees will select one Trustee to be Chairperson of the Board of Trustees:

- (I) If those Officers, other than the Secretary-Treasurer, designated to be the signers of Local 44 checks are absent, the Trustee Chairperson shall be authorized to sign those checks.
- (II) The Chairperson must be bonded. This bonding will be paid by Local 44 to comply with LMRDA and Department of Labor regulations.

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**SECTION 5. THE BOARD OF TRUSTEES**

**A. QUARTERLY INSPECTION**

The Board of Trustees shall inspect the books of Local 44 every quarter. The Board of Trustees may employ appropriate assistance within reason, as it may deem necessary. The report of this inspection shall be presented to the Secretary-Treasurer for inclusion in their quarterly reports. The reports will also be timely presented by the Board of Trustees to the Executive Board.

- I. The reports shall include recommendations from the Board of Trustees to the Executive Board that they believe will be beneficial for the Secretary-Treasurer and their office to carry out their duties.

- II. These inspections are in addition to the annual audit required by a Certified Public Accountant (hired by the Secretary-Treasurer), with the Executive Board's approval.

- III. The Board of Trustees shall also check with Local 44's CPA to make sure the LM-2 Report is filed correctly and in a timely manner.

**B. CHECK SIGNING**

If Officers authorized to sign Local 44 checks are absent, members of the Board of Trustees shall designate a member of the Board of Trustees to sign checks.

**C. EX-OFFICIO MEMBERS**

The Board of Trustees are ex-officio members of Local 44's financial committees, with voice and no vote.

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**B. ANNUAL AUDIT**

The Trustees will procure an annual certified audit of Local 44's financial status in accordance with all applicable Constitutional requirements from the International or Local 44.

**C. QUARTERLY AUDIT**

The Board of Trustees will audit the books of the Secretary-Treasurer quarterly. The Board of Trustees may employ appropriate assistance within reason, as they may deem necessary. The report of this audit shall be presented to the Secretary-Treasurer for inclusion of his quarterly reports.

- (1) These audits are in addition to the annual audit required by a Certified Public Accountant (hired by the Trustees), and must be presented by the Trustees to the Executive Board.

**SECTION 6. SERGEANT-AT-ARMS**

**A. ATTENDANCE & GATE-KEEPING**

The Sergeant-At-Arms must be present at all Membership, Craft and Executive Board meetings and only allow members in good standing and invited guests to enter the meeting hall.

**B. DUTIES**

The Sergeant-At-Arms will carry out the instructions as are given to the Sergeant-At-Arms by the Presiding Officer, maintain order at all meetings, enforce compliance with the rules and regulations and verify the credentials of the invited guests at all meetings.

**C. RECORDING MEMBER ATTENDANCE**

The Sergeant-At-Arms will record the attendance of members at Membership Meetings on forms furnished by the Secretary-Treasurer.

**D. OFFICER OF THE WHOLE**

The Sergeant-At-Arms is obligated as an officer to the entire membership, and is not a representative of any craft.

**E. NO VOICE, NOR VOTE**

To guarantee impartiality, the Sergeant-At-Arms is limited to his or her duties and is allowed no voice or vote at any meeting.

**F. STIPEND**

The Sergeant-At-Arms will receive an identical stipend to that paid to the Executive Board members for Executive Board meetings, and shall be paid this stipend for attendance for each Executive Board, Craft and General Membership meeting attended.

**SECTION 7. DELEGATES TO THE INTERNATIONAL CONVENTION**

**A. DUTIES**

Delegates to the International and District 2 Conventions will perform their duties as prescribed by the International Constitution and By-Laws.

- (1) Alternate Delegates, serving in lieu of the elected Delegate, shall be elected as prescribed by the International and Local 44.

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**D. ANNUAL AUDIT**

The annual certified audit of Local 44's financial status shall be presented to the Executive Board by the Secretary-Treasurer and Local 44's CPA in accordance with all applicable constitutional requirements from the International or Local 44.

**SECTION 6. SERGEANT-AT-ARMS**

**A. ATTENDANCE AND GATE-KEEPING**

The Sergeant-At-Arms must be present at all Membership, Craft, and Executive Board meetings and only allow members in good standing and invited guests to enter the meeting hall.

**B. DUTIES**

The Sergeant-At-Arms will carry out the instructions as are given to the Sergeant-At-Arms by the Presiding Officer, maintain order at all meetings, enforce compliance with the rules and regulations and verify the credentials of the invited guests at all meetings. The Sergeant-At-Arms is authorized to delegate appropriate duties to a qualified person (or persons). The Sergeant-At-Arms remains responsible for the oversight and execution of those duties assigned to their designee.

**C. RECORDING MEMBER ATTENDANCE**

The Sergeant-At-Arms will record the attendance of members at Membership Meetings on forms furnished by the Secretary-Treasurer.

**D. OFFICER OF THE WHOLE**

The Sergeant-At-Arms shall remain impartial in the performance of their duties, is obligated as an officer to the entire membership, and is not a representative of any Craft.

**E. NO VOICE, NOR VOTE**

To guarantee impartiality, the Sergeant-At-Arms is limited to their duties and is allowed no voice or vote at any meeting.

**F. STIPEND**

The Sergeant-At-Arms will receive an identical stipend to that paid to the Executive Board members for Executive Board meetings, and shall be paid this stipend for attendance for each Executive Board, Craft and General Membership meeting attended.

**SECTION 7. DELEGATES TO THE INTERNATIONAL CONVENTION**

**A. DUTIES**

Delegates to the International and District 2 Conventions will perform their duties as prescribed by the International Constitution and By-Laws as representatives of the membership of Local 44. The delegation shall report on the proceedings to the membership.

Alternate Delegates, serving in lieu of the elected Delegate, shall be elected as prescribed by the International and Local 44.

## ARTICLE IX. ELECTIONS AND VOTING

### SECTION 1. OFFICES SUBJECT TO ELECTIONS AND TERMS OF OFFICE

The officers set forth at Article VI, Section 1, of this Constitution, as well as those convention delegates and alternate delegates subject to election, shall be elected every three (3) years as provided for in Section 6, of this Article IX, below. Those members so elected shall hold their offices for a term of three (3) years and until the installation of their successor(s) – as provided for in Section 7 of this Article IX – or acceptance of their resignation from office or removal from office.

### SECTION 2. QUESTIONS SETTLED BY SECRET REFERENDUM VOTE

For the best interests, good and welfare of the entire Membership and so that Democracy may prevail and all members working or on location or residing outside of the city may exercise their right of franchise and be able to vote on any decision or matter in question before the organization, any question or issue may be settled by a secret referendum vote when ordered by the Executive Board or when requested by ten (10) per cent of the members in good standing.

### SECTION 3. ELECTION COMMITTEE

There shall be an Election Committee that shall have the general responsibility of supervising and conducting all aspects of Local 44's triennial elections for officers and any other instances requiring a vote by mail of the membership. During its first meeting in the month of November preceding an election year, the Executive Board shall, by secret ballot, elect an Election Committee for a three-year term. This committee shall consist of seven (7) members; provided, however, that each craft shall have at least one representative on the Election Committee and no candidate or then elected officer, including the Business Representative, President, or employee of Local 44, shall be nominated for nor serve on the Election Committee. A member of the Election Committee from the immediate previous election shall be elected as an Ex Officio member of the then presently elected Election Committee.

The committee shall choose a Chairperson and Secretary from one of its seven standing members, be independent of the Executive Board, and shall oversee all phases of the election process. The Business Office of Local 44 shall cooperate with the Election Committee as it carries out the duties set forth in this Article IX.

The Election Committee shall:

- A. Serve a three year term and supervise all Local 44 elections during that period;
- B. The Election Committee shall ensure that a written notice of the election is mailed to each member at his/her last known mailing address in December prior to an election year. The Notice of Election shall also be published in each of the Local Union's membership communications.
- C. During the month of January in each Election Year, prepare "Nomination Petitions," for each office subject to election. The Election Committee shall distribute such "Nomination Petitions" to any member in good standing who makes a request for the same, whether that member intends to run for office themselves or is wishing to nominate another member. Also included with Nomination Petitions will be a copy of the International and Local 44 Constitution and By-Laws accompanied by written election policy and procedures;

## ARTICLE IX. ELECTIONS AND VOTING

### SECTION 1. OFFICES SUBJECT TO ELECTIONS AND TERMS OF OFFICE

The officers set forth at Article VI, Section 1, of this Constitution, as well as those convention delegates and alternate delegates subject to election, shall be elected every three (3) years as provided for in Section 5, of this Article IX, below. Those members so elected shall hold their offices for a term of three (3) years and until the installation of their successor(s) – as provided for in Section 6 of this Article IX – or acceptance of their resignation from office or removal from office.

### SECTION 2. ELECTION COMMITTEE

There shall be an Election Committee that shall have the general responsibility of supervising and conducting Local 44's triennial elections for officers and delegates and any other instances requiring a general vote of the membership or a specific Craft.

During the first week of October in the year preceding an election year, the Executive Board shall, by secret ballot, elect an Election Committee for a three-year term. This committee shall consist of seven (7) members, provided that each Craft shall have at least one representative on the Election Committee. A member of the Election Committee from the immediate previous election shall also be elected by the outgoing Election Committee as a member of the new Election Committee.

The Election Committee shall choose a Chairperson and Secretary from its seven (7) members, be independent of the Executive Board, and shall oversee all phases of the election process. No candidate or then elected officer or delegate, including the Business Representative, President, or any employee of Local 44, shall be nominated for nor serve on the Election Committee. The Business Office of Local 44 shall cooperate with the Election Committee as it carries out the duties set forth in this Article IX. Notwithstanding the Election Committee's responsibility to supervise and conduct the election, any communications and issues with the United States Department of Labor shall be handled by the Local's legal counsel, in consultation with the Business Agent, the Election Committee, and the Executive Board.

The Election Committee shall:

- A. Serve a three-year term and supervise all Local 44 elections during that period;
- B. Ensure that a written Notice of Election and Notice of Nominations Meeting are mailed to each member at their last known mailing address no later than 30 days before the Nominations Meeting. The Notice of Election and Notice of Nominations Meeting shall also be placed on the Local's website;
- C. Chair the Nominations Meeting; Verify that all candidates for elective office meet the minimum requirements as provided for in Section 3 of this Article IX;

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- D. Verify that all candidates for elective office meet the minimum requirements as provided for in Section 4 of this Article IX;
- E. Promulgate such rules and regulations as are necessary to provide for a full and fair election, ensure that the election process conforms to this Constitution and By-Laws and that Local 44's election procedures follow all applicable statutory and regulatory laws, as well as the International Constitution;
- F. Supervise the mailing of all official election notices, ballots, and candidates' campaign material, to the most recent addresses of all members, in compliance with all applicable statutory and regulatory laws;
- G. Make available to each candidate, after the candidate has been ruled eligible for placement on the ballot and on not more than one occasion (that shall be within thirty (30) days of the date scheduled for the election), the opportunity to review a list containing the names and last known addresses of all members of this Local in good standing and eligible to vote for that candidate. Provided, however, that (i) candidates shall not be provided with copies of or an original of the membership list, and; (ii) candidates, upon written request to the Election Committee, shall be provided, not more than five (5) business days from the date on which the request is received by the Election Committee, with a list containing only the names of members and their corresponding telephone numbers for those Local 44 members who have previously authorized the Local to release such information from and through the Call Board;
- H. Upon certification of the final election results, submit all pertinent records, minutes and papers pertaining to the election to the Secretary-Treasurer for safekeeping, and ensure that said records are maintained for a period of not less than one year after the conducting of a Local 44 election;
- I. Ensure that no discrimination occurs, for or against any candidate running for office, and that all candidates will be treated equally and fairly and that appropriate safeguards for the conducting of a full and fair election are promulgated and adhered to during all Local 44 elections;
- J. Subject to review and approval by the Local Union's Executive Board, enter into a contract with an Election Services Provider company. The Election Services Provider Company will be responsible, under the supervision of and in consultation with the Election Committee, for the printing, mailing, collection, and tabulation of all ballots and replacement ballots. Any contract(s) with the Election Service Provider company shall be retained in the files of the Local Union's Business Office; provided, however, that the fiscal budget for the services of the Election Services Provider shall be established and approved in all instances by the Executive Board;
- K. Shall receive, as compensation for their services, free dues (other than those membership per capita payments required of the Local Union, e.g., I.A.T.S.E., Los Angeles County Federation of Labor, etc.) for the initial year in which they are elected to serve on the Election Committee (i.e., those years in which the Local Union conducts its election for officers) and for any additional quarter in which the services of the Election Committee are required (e.g., Special Elections, By-Law Referenda etc.).

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- D. Ensure that the election process conforms to this Constitution and By-Laws, and that Local 44's election procedures follow all applicable statutory and regulatory laws, as well as the International's Constitution, and promulgate such rules and regulations as are necessary to provide for a full and fair election;
- E. Ensure that no discrimination occurs for or against any candidate, that all candidates will be treated equally and fairly, and that appropriate safeguards for the conducting of a full and fair election are promulgated and adhered to during all Local 44 elections;
- F. Supervise the distribution of all official election notices, ballots, and candidates' campaign materials, to the most recent addresses of all members, in compliance with all applicable statutory and regulatory laws;
- G. Within 30 days prior to the election, the Local shall make available to each candidate the opportunity to inspect a list containing the names and last known addresses of all members of this Local in good standing and eligible to vote for that candidate. Candidates shall not be provided with copies of or an original of the membership list;
- H. Provide each candidate, within five (5) business days after receipt of a written request, a list containing the names of members. The list shall also contain corresponding telephone numbers for members who have previously authorized the Local to release such information from and through the Call Board;
- I. Subject to review and approval by the Executive Board, enter into a contract with an election services provider company. The Election Services Provider, under the supervision of and in consultation with the Election Committee, will be responsible for the creation, distribution, collection, and tabulation of all ballots and replacement ballots as prescribed in Section 5 of this Article. Any contract(s) with the Election Services Provider shall be retained in the files of the Business Office. The fiscal budget for the services of the Election Services Provider shall be established and approved in all instances by the Executive Board;
- J. Receive free dues as compensation for their services (other than those membership per capita payments required of the Local Union, e.g., I.A.T.S.E., Los Angeles County Federation of Labor, etc.) for the initial quarter in which they are elected to serve on the Election Committee (i.e., those years in which the Local conducts its election for officers and delegates) and for any additional quarter in which the services of the Election Committee are required (e.g., Special Elections, By-Law Referenda, etc.).
- K. Deliver a report to the Executive Board, which shall be presented at the next Executive Board meeting immediately following the election. The report shall contain the official report of the tabulation prepared by the Election Services Provider, the results of the Election Committee's investigation of any protests, and its proposed determination for each protest. The Executive Board shall not rule on any protest until it receives the Election Committee's report;
- L. Address post-election protests under Section 7 of this Article;
- M. Upon certification of the final election results, submit to the Secretary-Treasurer all pertinent papers, records, minutes, documents, and notes pertaining to the election, be they physical or digital, for safekeeping for a period of not less than one (1) year after the election.



## SECTION 4. NOMINATIONS

All nominations of candidates – for the offices and delegates set forth in Article VI, Section 1, of this Constitution and By-Laws – shall be made triennially by petition. Each petition must designate the office for which that potential candidate might run. A member may pull petitions for multiple offices, but may not be nominated for more than one (1) office, provided, however, that – with exception of the office of President, Secretary-Treasurer and Business Representative, who shall serve as Delegates by virtue of their office – a member may be nominated for one of the offices set forth at Article VI, Section 1, of this Constitution as well as for the position of Delegate or Alternate Delegate.

Only those members who (i) are in good standing with the Local Union as defined at Article IV Section 6 of this Constitution and By-Laws on or before the final business day of January in any election year and who have maintained good standing with the Local Union for the two (2) years prior to their nomination; (ii) are otherwise not in default in their obligations to the Local, and; (iii) who satisfy all federal and International regulations pertaining to candidacy for Local Union office, may be nominated for elective office and; (iv) have provided to the Election Committee written proof of compliance with Article 19, section 4, of the International Constitution and By-Laws.

The Election Committee shall make nomination petitions available during the first week of January in each election year. Nominating petitions for the positions of Executive Board, Alternate Executive Board Member, elected Delegate and Alternate Delegate shall bear only the signatures of those members eligible to vote in the craft involved. Those seeking nomination to the Executive Board, Alternate Executive Board Member, elected Delegate, and Alternate Delegate must be members in good financial standing from the craft involved.

In order to be nominated for any Local Union elective office, a member must have obtained, on his/her petition, the signatures and membership numbers of no less than either (i) fifty (50) members in good standing of this Local Union or Craft or (ii) 5% of the membership of this Local Union or Craft, whichever is less, and as applicable to the office for which the member seeks nomination.

All nomination petitions and proof of 120 days of work in the past 36 months within Local 44's jurisdiction must be filed with the Election Committee, in care of the Local Union's Business Office, no later than the final business day of January in any Election Year. The Election Committee, upon confirming that (i) a nominee is a member in good financial standing, as defined at Article V of this Constitution and By-Laws, (ii) the nominee's petition is supported by the requisite number of signatures from members in good standing of this Local Union, and (iii) the nominee's submission of 120 days worked within Local 44's jurisdiction is verified, shall send each nominee an "Acceptance of Nomination" form. The nominee, in order to have his/her name placed on the ballot, must sign, date, and return the acceptance form, such that it is received by the Election Committee on or before the second (2nd) Friday of February in any election year.

If no more candidates for an office are nominated than the positions available for that particular office, then the candidate(s) so nominated shall be deemed elected to that office.

## SECTION 5. ELECTIONEERING

The Election Committee shall review, supervise, and accommodate all reasonable requests for the mailing, at the candidate's own expense, of campaign material to the membership of Local 44; provided, however that the Election Committee shall not censor nor otherwise dictate the

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### SECTION 3. NOMINATIONS

#### A. THE NOMINATIONS MEETING

All nominations of candidates for the offices and delegates set forth in Article VI, Section 1, of this Constitution and By-Laws shall be made every three (3) years at a special general membership meeting (Nominations Meeting) during the second or third weekend of January in the election year. Written notice of the Nominations Meeting shall be included with the Notice of Election and posted on Local 44's website at least thirty (30) days prior to the meeting.

#### B. NOMINATIONS

The Election Committee shall chair the portion of the Nominations Meeting dedicated to nominating candidates. Nominations may be made from the floor at the Nominations Meeting or in writing by mail to the Election Committee. Mailed nominations must be received by the Election Committee no later than 5:00 p.m. on the day before the Nominations Meeting. All members in good standing may nominate one candidate for each office, except for Craft Representatives, Alternate Craft Representatives, Delegates, and Alternate Delegates. Only members of a specific Craft may nominate candidates for that Craft's Craft Representative, Alternate Craft Representative, Delegate, and Alternate Delegate positions, and may nominate up to the maximum number of candidates set forth in Article VI, Section 3, for that Craft. No seconds are required. Self-nomination is permitted. Candidates need not be present at the Nominations Meeting in order to be nominated.

#### C. ELIGIBILITY

Only members who meet all of the following requirements are eligible to run for Local office. Members must:

- I. Be in good standing with the Local as defined at Article IV Section 5 of this Constitution and By-Laws on or before the final business day of the month before the Nominations Meeting and have maintained good standing with the Local for the two (2) years prior to their nomination; and
- II. Not otherwise be in default in their obligations to the Local; and
- III. Satisfy all federal and I.A.T.S.E. International regulations pertaining to candidacy for Local office; and
- IV. Satisfy the "good standing" requirement set forth in Article 19, Section 4, of the International's Constitution and By-Laws, including but not limited to the requirement that candidates be actively engaged in the industry within the Local's jurisdiction and have worked for at least one hundred and twenty (120) days in the past thirty-six (36) months.

The eligibility of candidates nominated at the Nominations Meeting or by mail shall be determined by the Election Committee. The Election Committee may request information from the candidate concerning eligibility to run for office, and the candidate shall comply with the Election Committee's requests for information.

#### D. NOMINATIONS FOR MULTIPLE OFFICES

A member may be nominated for multiple offices, but may not accept the nomination for more than one (1) office, except for the positions of Craft Representative/Alternate Craft Representative and Delegate/Alternate Delegate, which may be held concurrently.

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content of campaign material presented by a candidate for mailing. The Election Committee shall not discriminate with regard to the use of the membership database in connection with a candidate's right to conduct, at his/her own expense, a mailing of campaign materials to the membership of Local 44. No property, facilities, equipment or materials owned, operated or under the control of Local 44 shall be utilized by a candidate for campaign purposes, nor shall any Local 44 employee campaign on behalf of a candidate for Local Union office while on working time and/or on Local 44 property.

Each candidate shall be entitled to submit one photograph and a campaign statement, for each position for which the candidate has been nominated (e.g., Craft Executive Board Representative and I.A.T.S.E. Delegate), of not more than 100 words for publication in the March issue of the Local 44 Newsreel at no charge to the candidate. Such picture and statement shall be submitted to the Chairperson of the Election Committee no later than the close of business on the final day of January, or the closest business day thereto, in any election year. Any picture or statement which does not conform to these requirements or which is not provided to the Chairperson of the Election Committee by the required date shall not be printed in the Newsreel, nor shall any pictures of candidates, by-lined columns or articles by candidates or any other non-official material opposing or supporting a candidate be printed in the Newsreel at any time. Only those members who were properly nominated and who accepted their nomination in accordance with Section 4 of this Article IX shall have their campaign statements printed in the election edition of the Newsletter.

**SECTION 6. RULES GOVERNING THE ELECTION AND BALLOTING**

There shall be a primary election held for each office subject to election pursuant to Section 1 of this Article IX. This primary election shall be conducted by mail ballot every three years in the month of March. The ballots for the primary election shall be tabulated on March 31st or the nearest business day thereto. The Candidate(s) receiving a majority of those votes cast (i.e., 50% plus 1) in the Primary Election shall be declared elected.

The Election Committee, in consultation and cooperation with the Election Services Provider, shall see that appropriate general and craft specific ballots are printed. Each ballot shall bear the seal of I.A.T.S.E. Local 44. In any Election Year, ballots will be mailed only to each member in good standing, as defined at Article IV Section 6 of this Constitution and By-Laws, by first class mail on March 15th, or the nearest business day thereto. Included with the ballot shall be clear instructions concerning the proper completion and return of the same. The member shall return the completed ballot in accordance with said instructions. In order to be counted, ballots must be returned to a Post Office box acquired by the Election Service Provider by 9:00 am on March 31st, or the closest business day thereto.

The Election Committee and the Election Service Provider, on March 31st, or the closest business day, shall retrieve the ballots from the Post Office, thereto. The Election Committee shall supervise the collection of the ballots from the Post Office box, their transportation to the tabulation site, and shall be present when the Election Services Provider tabulates the ballots. The Election Service Provider shall utilize appropriate safeguards to ensure the secrecy of all ballots during the tabulation process.

Ballots shall be counted and the results of the election(s) tallied under the auspices of the Election Service Provider. Candidates may have observers, who must be members of the Local Union and in good financial standing, to be present at the preparation, retrieval, and counting of the ballots. No candidate may be an observer, nor may any candidate have more than 3 observers present, at the same time, during the preparation, retrieval and/or counting of the

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The Election Committee, upon confirming that a nominee meets the eligibility requirements set forth in Section C above, shall send each nominee an "Acceptance of Nomination" form. The nominee, in order to have their name placed on the ballot, must sign, date, and return the acceptance form, such that it is received by the Election Committee on a date established by the Election Committee before the end of February in the election year.

**SECTION 4. ELECTIONEERING**

**A. MAILING CAMPAIGN MATERIALS**

The Election Committee shall review, supervise, and accommodate all reasonable requests for the mailing of campaign material at the candidate's own expense to the membership of Local 44; provided, however, that the Election Committee shall not censor nor otherwise dictate the content of campaign material presented by a candidate for mailing. The Election Committee shall not discriminate with regard to the use of the membership database in connection with a candidate's right to conduct, at their own expense, a mailing of campaign materials to the membership of Local 44.

**B. PROPERTY OF THE LOCAL**

No property, facilities, equipment, or materials owned, operated, or under the control of Local 44 shall be utilized by a candidate for campaign purposes.

**C. CAMPAIGNING**

No Local 44 employee may campaign on behalf of a candidate for Local office while on working time and/or on Local 44 property.

**D. PHOTOGRAPHS AND CAMPAIGN STATEMENTS**

Each candidate shall be entitled to submit one photograph and a campaign statement for each position for which the candidate has been nominated (e.g., Craft Executive Board Representative and I.A.T.S.E. Delegate), of not more than 200 words, for publication in the Election Edition issue of the Local 44 Newsreel at no charge to the candidate. The Election Edition shall be published by March 1. Such picture and statement shall be submitted to the Election Committee along with the candidate's acceptance of the nomination. Any picture or statement which does not conform to these requirements or which is not provided to the Election Committee by the required date shall not be included in the Newsreel, nor shall any pictures of candidates, by-lined columns, or articles by candidates or any other non-official material opposing or supporting a candidate be included in the Newsreel at any time. Only those members who were properly nominated and who accepted their nomination in accordance with Section 3 of this Article IX shall have their campaign statements included in the election edition of the Newsreel.

**SECTION 5. RULES GOVERNING THE ELECTION AND BALLOTING**

**A. THE ELECTION**

- I. There shall be a primary election held for each office subject to election pursuant to Section 1 of this Article IX. This election shall be conducted by mail and electronic ballot every three years in the month of March. The ballots for the election shall be tabulated on March 31 or the nearest business day thereto.
- II. The Election Committee, in consultation and cooperation with the Election Services Provider, shall see that appropriate general and Craft-

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ballot. Candidates must identify their observer(s) in advance of the ballot tabulation and in writing to the Election Committee.

The Election Committee shall post the results of the tabulation – on Local 44’s website and at the Business Office – as soon as possible after the same has been completed and certified by the Election Services Provider.

In the event no candidate obtains a majority of the votes cast in the primary election (i.e., 50% plus 1), then a Run-Off Election shall be conducted under one of the four following methods:

If a run-off election is required for any office, the Election Committee shall supervise the run-off election and all of the rules and regulations set forth in this Article IX, shall apply to said run-off election. Under the supervision of the Election Committee, the Election Service Provider shall print appropriate ballots for the Run-Off Election, which shall be mailed to each Local 44 member, who was eligible to vote in the Primary Election, within seven (7) business days from the tabulation of those ballots cast in the Primary Election. The ballots for any Run-Off Election must be returned to the post office box rented by the Election Service Provider no later than 9:00am on April 30th, or the next business day thereafter, in any election year. The Election Committee and the Election Service Provider shall collect the Run-Off Election ballots by 9:00am on April 30th, or the next business day thereafter, in any election year and shall tabulate said ballots through the same procedure applicable to a Local 44 general election. The candidate(s) receiving the greatest amount of votes in the Run-Off Election shall be deemed elected to the office(s) contested in said election.

The Run-Off Election shall be subject to the following rules:

**A. RUN-OFF**

For the offices of Business Agent, President, Secretary-Treasurer, Vice-President, Alternate Craft Representative, Alternate Craft Delegate and Sergeant-At-Arms, the two (2) candidates receiving the highest amount of votes shall be the candidates in the Run-Off election;

**B. CONDUCT OF RUN-OFF FOR TWO POSITIONS**

For those offices (i.e., Executive Board and Delegate) where two (2) positions are at stake, a Run-Off election shall be conducted as follows: (i) where only one candidate obtains 50% plus one of the votes in the Primary Election, then that candidate shall be declared elected and the two (2) candidates receiving the next highest amount of votes shall be the candidates in the Run-Off election for the remaining office, and; (iii) where no candidate obtains 50% plus one of the votes in the Primary Election, then the three (3) candidates receiving the highest amount of votes shall be the candidates in the Run-Off election;

**C. CONDUCT OF RUN-OFF FOR THREE POSITIONS**

For those offices (i.e., Executive Board and Delegate) where three (3) positions are at stake, a Run-Off election shall be conducted as follows: (i) where only two candidates obtain 50% plus one of the votes in the Primary Election, then those candidates shall be declared elected and the two (2) candidates receiving the next highest amount of votes shall be the candidates in the Run-Off election for the remaining office; (ii) where only one candidate obtains 50% plus one of the votes in the Primary Election, then that candidate shall be declared elected and the three (3) candidates receiving the next highest amount of votes shall be the candidates in the Run-Off election for the remaining offices, and; (iii) where no candidate obtains 50% plus one of the votes

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specific ballots are printed and electronic ballots sent. Each ballot shall bear the seal of I.A.T.S.E. Local 44. In any election year, ballots will be provided only to each member in good standing, as defined at Article IV, Section 5 of this Constitution and By-Laws, by first class mail on March 1 or the nearest business day thereto. Included with the ballot shall be clear instructions concerning the proper completion and return of the same. To be counted, the member shall return the completed ballot in accordance with said instructions. Ballots shall be returned to the post office box acquired by the Election Services Provider by 9:00 a.m. on March 31 or the closest business day thereto. Electronic voting shall close at 9:00 a.m. on March 31 or the closest business day thereto.

III. The Election Committee and the Election Services Provider, on March 31 or the closest business day thereto, shall retrieve the ballots from the post office box. The Election Committee shall supervise the collection of the ballots from the post office box and their transportation to the tabulation site, and shall be present when the Election Services Provider tabulates the ballots. The Election Services Provider shall utilize appropriate safeguards to ensure the secrecy of all ballots during the tabulation process.

IV. Ballots shall be counted and the results of the election(s) tallied under the auspices of the Election Services Provider. Candidates may have observers, who must be members of the Local Union and in good standing of Local 44, present at the preparation, retrieval, and counting of the ballots. No candidate may be an observer, nor may any candidate have more than two (2) observers present at the same time during the preparation, retrieval, and/or counting of the ballots. Candidates must identify their observer(s) in advance of the ballot tabulation and in writing to the Election Committee.

V. The Election Committee shall post the results of the tabulation – on Local 44’s website and at the Business Office – as soon as possible after the same has been completed and certified by the Election Services Provider. After the tabulation, if the number of candidates equals the number of positions at stake, those candidates shall be deemed elected. In the event no candidate obtains a majority of the votes cast in the primary election (i.e., 50% plus 1) and there are more candidates than positions at stake, then a run-off election shall be conducted under one of the four following methods.

VI. If a run-off election is required for any office, the Election Committee shall supervise the run-off election and all of the rules and regulations set forth in this Article IX shall apply to said run-off election. Under the supervision of the Election Committee, the Election Services Provider shall print appropriate ballots for the run-off election which shall be sent to each Local 44 member who was eligible to vote in the Primary Election, within seven (7) business days from the tabulation of those ballots cast in the Primary Election. The ballots for any run-off election must be returned to the post office box rented by the Election Services Provider no later than 9:00 am on April 30 or the next business day thereafter in any election year. The Election Committee and the Election Services Provider shall collect the run-off election ballots by 9:00 am on April 30 or the next business day thereafter in any election year and shall tabulate said ballots through the same procedure applicable

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to a Local 44 general election. The candidate(s) receiving the greatest number of votes in the run-off election shall be deemed elected to the office(s) contested in said election.

The run-off election shall be subject to the following rules:

**I. CONDUCT OF RUN-OFF FOR SINGLE POSITIONS**

For the offices of Business Agent, President, Secretary-Treasurer, Vice-President, Alternate Craft Representative, Alternate Craft Delegate and Sergeant-At-Arms, the two (2) candidates receiving the highest amount of votes shall be the candidates in the run-off election.

**II. CONDUCT OF RUN-OFF FOR TWO POSITIONS**

For those offices (i.e., Executive Board and Delegate) where two (2) positions are at stake, a run-off election shall be conducted as follows:

- a. Where only one candidate obtains 50% plus one (1) of the votes in the Primary Election, then that candidate shall be declared elected and the two (2) candidates receiving the next highest amount of votes shall be the candidates in the run-off election for the remaining office, and;
- b. Where no candidate obtains 50% plus one (1) of the votes in the Primary Election, then the three (3) candidates receiving the highest amount of votes shall be the candidates in the run-off election.

**III. CONDUCT OF RUN-OFF FOR THREE POSITIONS**

For those offices (i.e., Executive Board and Delegate) where three (3) positions are at stake, a run-off election shall be conducted as follows:

- a. Where only two candidates obtain 50% plus one (1) of the votes in the Primary Election, then those candidates shall be declared elected and the two (2) candidates receiving the next highest amount of votes shall be the candidates in the run-off election for the remaining office;
- b. Where only one candidate obtains 50% plus one (1) of the votes in the Primary Election, then that candidate shall be declared elected and the three (3) candidates receiving the next highest amount of votes shall be the candidates in the run-off election for the remaining offices, and;
- c. Where no candidate obtains 50% plus one (1) of the votes in the Primary Election, then the four (4) candidates receiving the highest amount of votes shall be the candidates in the run-off election.

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in the Primary Election, then the four (4) candidates receiving the highest amount of votes shall be the candidates in the Run-Off election.

**D. INSTANT RUN-OFF**

Provided, however, that in consultation with the Election Services Provider, and upon approval from the Executive Board, the Election Committee may promulgate rules and regulations for the utilization of "instant run-off" balloting in the place and instead of the foregoing run-off election procedures, and provided that such "instant run-off" processes comply with all Federal regulations pertaining to the election of Local Union officers.

Local 44 shall retain all ballots, records of the Election, and the envelopes used for returning the ballots, for at least one (1) full year.

The Election Committee shall prepare a detailed report of the election for the Executive Board, which shall be presented at the next Executive Board meeting, immediately following the conducting of the election.

**SECTION 7. INSTALLATION**

A special meeting for the purpose of installing newly elected officers and members of the Executive Board shall be held on the first Wednesday in June, but in no event later than June 7th, for the purpose of installing those members elected to office.

**SECTION 8. POST ELECTION PROTESTS**

Appeals concerning nominations or elections must be filed within fifteen (15) days.

**A. REQUIREMENTS FOR CHALLENGE**

Challenges to an election shall be filed, in writing, with the Chair of the Election Committee, in care of the office of the Secretary-Treasurer, no later than fifteen (15) business days after the tallying of the ballots has been posted. Challenges may be based upon an objection to the tallying of the ballots, to the conduct of the election, or to conduct that may have affected the outcome of the election. Any such challenge shall set forth a brief statement supporting the challenge and the reason(s) why the conduct protested in the challenge may have affected the outcome of the election. If a challenge is filed, the Election Committee shall act as an Appeals Committee and shall investigate said challenge, make a determination thereon, and no later than the thirtieth (30th) calendar day after the filing of said challenge(s), file a report on said challenge(s) with the Office of the Secretary-Treasurer. A copy of said report shall be, within five (5) business days after its delivery to the Secretary-Treasurer, sent to the party(ies) who filed the challenge(s).

**B. WHEN A CHALLENGE WILL NOT CHANGE AN ELECTION OUTCOME**

In the event the Election Committee, sitting as an Appeals Committee, finds that any challenge did not raise any question affecting the outcome of the election or the results thereof as to all or any particular office subject to election, it shall so advise the Executive Board, at its next meeting, and the Executive Board shall proceed to declare the results of the election as final and as if no challenge had been filed.

**C. EFFECT OF A SUSTAINED CHALLENGE THAT IS OUTCOME DETERMINATIVE**

Should the Election Committee, sitting as an Appeals Committee, sustain a challenge

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**IV. INSTANT RUN-OFF**

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- by finding that the outcome of the election was affected by the conduct alleged in such challenge - it shall so notify the Executive Board, at its next meeting, and the Executive Board shall order that a re-run election be held and concluded no later than forty-five (45) days from said meeting. Only those offices, which the Election Committee, acting as an Appeals Committee, concluded were impacted by conduct effecting the original election, shall be subject to the re-run election. Only those candidates, who were candidates in the original election for the offices subject to the new election, shall be listed as candidates for the office(s) covered by the re-run election.

**D. ASSUMING OFFICE PENDING RE-RUN ELECTION**

Any candidate elected to an office which becomes subject to a re-run election shall be installed into and assume that office pending the results of the re-run election.

**E. APPEAL TO THE INTERNATIONAL**

All rulings and decisions of the Election Committee, sitting as an Appeals Committee, may be appealed to the International pursuant to the International's Constitution and By-Laws.

**ARTICLE X. MISAPPROPRIATION OF FUNDS OR PROPERTY**

**SECTION 1.**

An officer or member of Local 44 shall be obligated to make full restitution:

- (I) If anything of value owned by Local 44 (such as funds or property) is misappropriated by that officer or member;
- (II) If any Local 44 property is improperly destroyed by that officer or member or at that individual's direction; or
- (III) If anything of value that is owned by Local 44 (such as funds or property) is not turned over to any duly elected successor or to an entitled person by that officer or member.

The Executive Board shall have the power to rectify such wrongs and to institute, on Local 44's behalf, any action or proceedings in any court of competent jurisdiction to recover such monies or properties.

Additionally, the officer or member shall be liable for the amount misappropriated, any penalties imposed, can be suspended for a period of time, and may be expelled from membership. The requirements of Article XI, "Discipline" and Article XII Impeachment apply for discipline to be assessed against a member.

**ARTICLE XI. DISCIPLINE OF MEMBERS**

**SECTION 1. FAIRNESS, DUE PROCESS & FAIR DEALING**

- (I) Throughout the I.A.T.S.E., member rights are defined and protected in the International Constitution and By-Laws. Consistent with the International

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Additionally, the officer or member shall be liable for the amount misappropriated and any penalties imposed. The officer or member can be suspended for a period of time and may be expelled from membership. The requirements of Article XI, "Discipline of Members" and Article XII, "Impeachment of Officers" apply to discipline to be assessed against a member.

**ARTICLE XI. DISCIPLINE OF MEMBERS**

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Constitution and By-Laws, each member of this Local shall have the right to fair treatment in the application of union rules and law under the Local 44 Constitution and By-Laws. Recognizing that these requirements of fairness and due process of law will be administered by fellow members, this Local adopts the following procedures, which supplement the International Constitution and By-Laws.

- (II) Nothing in the provisions of this Constitution and By-Laws shall be construed to deprive a member charged with a violation to the right of a fair trial where the member's guilt or innocence may be determined, nor to conflict with any of the provisions of the International Constitution and By-Laws.
- (III) It is a cornerstone of unionism that members express solidarity to their fellow members through honorable conduct. At all times, Local 44 members are expected to deal fairly, and in good faith, with their fellow members. There is no principle more important to Local 44's advancement than its members being able to rely on the statements and actions of their fellows.

**SECTION 2. GROUNDS**

Any member of Local 44 charged of with improper conduct resulting from a violation of this Constitution and By-Laws shall be subject to trial and its penalties of reprimand, fine, suspension, or expulsion.

In addition to the penalties expressly provided under the various sections of this Constitution and By-Laws, there are two types of disciplinary grounds that a member shall be subject to under this Constitution and the International Constitution:

- (I) Violating a specific provision (or provisions) of the Local or International's Constitution and By-Laws;
- (II) Engaging in conduct that is detrimental to advancing the pursuits of this Local or the International.

**SECTION 3. ACCOUNTABLE TO LAWS DURING SUSPENSION**

A suspended member is accountable to and for all of the laws of this Local and of the International, including financial obligations.

Any penalty imposed upon the member that has not been satisfied during suspension must be complied with before reinstatement.

**SECTION 4. CHARGES**

The purpose of this Section is to ensure that a member is served with written specific charges, given a reasonable time for the member to prepare a defense, and afforded a full and fair trial.

All charges against a Local 44 member must be presented to Local 44's Secretary-Treasurer (if the Secretary-Treasurer is the charged party, charges can be filed with any other officer in this written format and within the time period allowed. The International Constitution and By-Laws requires the use of an affidavit, which is located in the International By-Laws at Article 10, Sec. 5. The International Constitutional requirements are located at Article 16, Sec. 3.

- (I) As an affidavit of charges against a member of this Local, sworn under penalty of perjury to a Notary Public;
- (II) This affidavit of charges against a member of this Local must clearly identify the offense or offenses charged, including:
  - (a) The name of the accused member;

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- A. The affidavit of charges against a member of this Local must be sworn under penalty of perjury to a Notary Public;
- B. The affidavit of charges against a member of this Local must clearly identify the offense or offenses charged, including:

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- (b) The time, place and nature of the violation or violations;
  - (c) The section or sections of this Constitution, By-Laws or the other grounds enumerated in Section 2, GROUNDS, above, alleged to have been violated;
  - (d) A statement that lists the name or names of any witness to the offenses charged, if any such witness is known;
  - (e) A statement from the accuser that the charges are brought in good faith, and either were witnessed by the accuser or based upon a sufficient inquiry that the charges are true;
  - (f) The accuser's signature;
  - (g) Charges shall be filed in duplicate;
  - (h) Only the original charge need bear the seal of the Notary Public before whom the affidavit was sworn.
- (III) Charges must be filed with Local 44 within sixty (60) calendar days after the offense is or should have become known to the member making the charge.
- (IV) Charges shall be filed with the Secretary-Treasurer of this Local, who shall provide the member or members filing the charges with a receipt that demonstrates that Local 44 has received the charges and supporting documents. The Secretary-Treasurer shall then present the charges to the Executive Board no later than the next regularly scheduled Executive Board meeting.

**SECTION 5. COGNIZANCE**

The Executive Board shall review all charges lodged against members of this Local. The Executive Board exercises the power to declare charges cognizable or not cognizable. Taking cognizance of charges requires the Executive Board to assume jurisdiction over the charges and to determine whether the charges, if true, constitute a violation under this Constitution and By-Laws.

Therefore, the purpose of cognizance is for the Executive Board, considering only the charges as presented, to determine whether:

- (I) All allegations are written in an understandable and clear manner;
- (II) The charges are timely and proper (See this Article for "To Whom and When Preferred" and "Charges");
- (III) The accusation is indeed a violation as stated in Section 2, above.

If the accusation is deficient because it does not state grounds that can sustain the charge, the Executive Board shall refuse to take cognizance of that specific allegation.

**SECTION 6. PREFERRING FALSE CHARGES & ITS PENALTY**

The responsibilities required of Local 44's members include acting in good faith when preferring charges against a fellow member. Charges must be based upon either something observed by the accusing member, or evidence in the accusing member's possession. The accused member is entitled to show evidence that the accusing member has maliciously brought false charges. This defense against charges that are malicious and false must show that the accuser either knew or should have known that the charges brought against the accused member are false.

If false charges are maliciously preferred against any member, the person or persons preferring such charges shall be fined, in accordance with Article Sixteen, Section 4 of the International Constitution. This fine to be imposed upon the acquittal of the member falsely and maliciously accused, and the accused member having shown that his or her accuser maliciously preferred false charges. Notice to the accuser that false and malicious charges

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- I. The name of the accused member;
  - II. The time, place and nature of the violation or violations;
  - III. The section or sections of this Constitution, By-Laws or the other grounds enumerated in Section 2, "Grounds", above, alleged to have been violated;
  - IV. A statement that lists the name or names of any witness to the offenses charged, if any such witness is known;
  - V. A statement from the accuser that the charges are brought in good faith, and either were witnessed by the accuser or based upon a sufficient inquiry that the charges are true;
  - VI. The accuser's signature.
- C. Charges shall be filed in duplicate. Only the original charge need bear the seal of the Notary Public before whom the affidavit was sworn;
- D. Charges must be filed with Local 44 within sixty (60) calendar days after the offense is or should have become known to the member making the charge;
- E. Charges shall be filed with the Secretary-Treasurer of this Local, who shall provide the member or members filing the charges with a receipt that demonstrates that Local 44 has received the charges and supporting documents. The Secretary-Treasurer shall then present the charges to the Executive Board no later than the next regularly scheduled Executive Board meeting.

**SECTION 5. COGNIZANCE**

The Executive Board shall review all charges lodged against any member of this Local at the next regularly scheduled meeting. The Executive Board exercises the power to declare charges cognizable or not cognizable. Taking cognizance of charges requires the Executive Board to assume jurisdiction over the charges and to determine whether the charges, if true, constitute a violation under this Constitution and By-Laws.

Therefore, the purpose of cognizance is for the Executive Board, considering only the charges as presented, to determine whether:

- A. All allegations are written in an understandable and clear manner;
- B. The charges are timely and proper;
- C. The accusation is indeed a violation as stated in Section 2, "Charges" above.

If the allegation is deficient as defined above, the Executive Board shall refuse to take cognizance of that specific allegation.

**SECTION 6. PREFERRING FALSE CHARGES AND ITS PENALTY**

The responsibilities required of Local 44's members include acting in good faith when preferring charges against a fellow member. Charges must be based upon either something observed by the accusing member, or evidence in the accusing member's possession.

If false charges are maliciously preferred against any member, each member or members preferring such charges shall be fined not less than \$2,500.00 and may be required to pay for the cost of the trial as well. The Executive Board, upon the acquittal of the accused member, shall impose this fine.

Charges that are inaccurate or are unsatisfactory to prove guilt may not be false or malicious charges. Impeachment charges are maliciously preferred when the accuser knew that the charges were false. The accused member is entitled to show evidence that



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are subject to sanction under this Constitution is a required element of proper charges (see this Article at Section 4(2) (e)).

**SECTION 7. WITHDRAWAL OF CHARGES**

After charges have been filed with the Secretary-Treasurer, these charges cannot be withdrawn unless the accused member consents to the withdrawal.

**SECTION 8. PUBLICATION OF CHARGES**

Following Local 44's Executive Board taking cognizance of charges, the Secretary-Treasurer at the Executive Board's next regular meeting shall read the charges into the record. No debate or discussion is permitted. Within five (5) business days, the Secretary-Treasurer shall refer the charges to the appropriate Trial Board, designated by the Executive Board to conduct the trial.

**SECTION 9. NOTICE OF TRIAL & REQUEST FOR EXPEDITED TRIAL**

Within one week after the Executive Board taking cognizance of charges, the Secretary-Treasurer shall cause personal service of a duplicate copy of the charges on the accused member. Where personal service is impossible, the Secretary-Treasurer will serve a duplicate copy of the charges by mail with proof of service to the accused member's last known address. The Trial Notice shall notify the accused member of the time and place appointed for the trial; provided that such notice shall be served upon or sent to the accused at least thirty (30) calendar days before the date appointed for the trial. The Trial Notice also must inform the accused member that any correspondence from the accused should be sent to the office of the Secretary-Treasurer.

The accused member can request of the Trial Board an expedited trial that begins earlier than thirty (30) calendar days. The Trial Board has the discretion to accept or deny the request for an expedited trial. This request must be in writing and presented to the Trial Board through the Secretary-Treasurer.

**SECTION 10. POSTPONEMENTS**

Should the accused be unable to attend or prepare for the trial at the time and place designated for proper cause, the accused shall, upon application and at the discretion of the Trial Board, be granted a postponement or continuance to an agreed upon place and date. Proper cause includes, but is not limited to: a doctor verified medical explanation; a verified family emergency, or; some like event. Verification by the member must be under penalty of perjury and sworn to a Notary Public, unless prevented by an emergency, itself subject to verification at a later date.

Any member who must travel to distant locations for work within Local 44's jurisdiction cannot be compelled to return from a distant work location for trial until such work is complete. This distant location postponement only applies for work being performed at the time the charges are served on the accused member. The Trial Board may require proof of the member's distant work location status.

**SECTION 11. WAIVER OF TRIAL**

An accused member may plead guilty and waive the holding of a trial, provided the member does so in a written and witnessed statement and that the member has been advised in writing of the potential range of penalties that may be imposed because of such a plea. If the accused wishes to plead guilty with an explanation, this explanation shall also be in written and witnessed form, as required above. A witnessed statement requires a notary public, and serves the purpose of verifying the guilty plea.

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the accusing member has maliciously brought false charges.

**SECTION 7. WITHDRAWAL OF CHARGES**

After charges have been filed with the Secretary-Treasurer, these charges cannot be withdrawn unless the accused member consents to the withdrawal.

**SECTION 8. PUBLICATION OF CHARGES**

Following Local 44's Executive Board taking cognizance of the charges, the Secretary-Treasurer – or another officer designated by the Board if the Secretary-Treasurer is the subject of impeachment charges or unavailable – shall read the charges into the record.

**SECTION 9. NOTICE OF TRIAL AND REQUEST FOR EXPEDITED TRIAL**

Within seven (7) calendar days of the Executive Board taking cognizance of charges, the Secretary-Treasurer shall cause to be served upon the accused personally, or by certified mail to their last known address, a duplicate copy of the charges, and shall notify the accused of the time and place appointed for the hearing thereon. Provided, that such notice shall be served or sent to the accused at least fifteen (15) calendar days prior to the hearing. The notice also must inform the accused member that any correspondence from the accused should be sent to the office of the Secretary-Treasurer.

The accused member can request of the Trial Board an expedited trial that begins earlier than thirty (30) calendar days. The Trial Board has the discretion to accept or deny the request for an expedited trial. This request must be in writing and presented to the Trial Board through the Secretary-Treasurer.

**SECTION 10. POSTPONEMENTS**

Should the accused be unable for proper cause to attend the hearing at the time and place designated, they shall, at the discretion of the Trial Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.

**SECTION 11. WAIVER OF TRIAL**

An accused member may plead guilty and waive the holding of a trial, provided the member does so in a written and witnessed statement and that the member has been advised in writing of the potential range of penalties that may be imposed because of such a plea. If the accused wishes to plead guilty with an explanation, this explanation shall also be in written and witnessed form, as required above. A witnessed statement requires a notary public, and serves the purpose of verifying the guilty plea.

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An accused member who pleads guilty to charges shall be deemed to have waived the right to any appeal that raises any question concerning the member's guilt or innocence. The appeal following waiver of trial, therefore, is limited to the question of the appropriateness of the penalty imposed.

**SECTION 12. APPEARANCE FOR TRIAL & MEMBER COUNSEL**

The accused member shall have the right to be represented by counsel, who shall be a member of the Alliance in good standing. If the accused member so desires, he or she may waive the right of appearing before the Trial Board to defend the pending charges, or may designate a fellow member as counsel to appear in the member's place and conduct the defense.

If the accused member fails to appear, and has not designated counsel, nor been granted a postponement, the trial should proceed in the accused member's absence. The Trial Board shall hear all evidence and base its decision on the innocence or guilt of the accused member on that basis.

**SECTION 13. TRIAL BOARD**

A Local 44 Trial Board is made up of voting members in good standing from the Local 44 membership (including voting retirees). A Trial Board comprised of fellow members serves for the specific purpose of making factual findings and instituting penalties if there has been a finding or admission of guilt.

A pool of three Presiding Officers will be appointed by the President to conduct trials and rule on procedural matters, but will have no vote or voice in determining the outcome of the charges. The President will appoint one pool member as the Presiding Officer within five (5) business days of the Executive Board taking cognizance of the charges.

To ensure compliance with applicable law and sound practices, the Presiding Officer shall review the trial procedures and charges with Local 44's legal counsel.

The Secretary-Treasurer will maintain a list of at least twenty (20) members from Local 44 crafts who are willing to serve on Trial Boards. As the need occurs when charges are filed, the Secretary-Treasurer will choose member-jurors and alternates at random and based upon availability for each Trial Board. Based upon the availability of jurors, the Secretary-Treasurer will endeavor to empanel at least one member of the accused member's craft on the Trial Board. The Secretary-Treasurer will secure a 5 or 7 member-jury based upon the difficulty or complexity of the issues presented for the Trial Board, and an appropriate number of alternates. At least one alternate Trial Board member shall be present in case of need. The Secretary-Treasurer will empanel the Trial Board within five (5) business days of the Executive Board taking cognizance, unless member availability for Trial Board service requires additional time.

A Trial Board will not be comprised solely of members from a single craft.

**SECTION 14. CHALLENGES TO TRIAL BOARD MEMBERS**

The accused or accusing member shall have the privilege of challenging the right of any member of the Trial Board to hear the Charges. In the event of such a challenge, the Presiding Officer shall either sustain or overrule its validity. Members of the Trial Board can only be excluded based upon actual evidence of bias or prejudgment against the member bringing the challenge.

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An accused member who pleads guilty to charges shall be deemed to have waived the right to any appeal that raises any question concerning the member's guilt or innocence. The appeal following waiver of trial, therefore, is limited to the question of the appropriateness of the penalty imposed.

**SECTION 12. APPEARANCE FOR TRIAL AND MEMBER COUNSEL**

The accused member shall have the right to be represented by counsel, who shall be a member of the Alliance in good standing. If the accused member so desires, they may waive the right to appear before the Trial Board to defend the pending charges, or they may designate a fellow member as counsel to appear in the member's place and conduct the defense.

If the accused member fails to appear and has not designated counsel nor been granted a postponement, the trial should proceed in the accused member's absence. The Trial Board shall hear all evidence and base its decision on the innocence or guilt of the accused member on that basis.

**SECTION 13. TRIAL BOARD**

A Local 44 Trial Board is made up of voting members in good standing from the Local 44 membership. A Trial Board composed of fellow members serves for the specific purpose of making factual findings and instituting penalties if there has been a finding or admission of guilt.

A pool of three (3) Presiding Officers will be appointed by the President to conduct trials and rule on procedural matters, but will have no vote or voice in determining the outcome of the charges. The President will appoint one (1) pool member as the Presiding Officer within five (5) business days of the Executive Board taking cognizance of the charges.

To ensure compliance with applicable law and sound practices, the Presiding Officer shall review the trial procedures and charges with Local 44's legal counsel.

The Secretary-Treasurer will maintain a list of forty (40) members from Local 44 Crafts who are willing to serve on Trial Boards. As the need occurs when charges are filed, the Secretary-Treasurer, together with the Executive Board, will choose 7-9 member-jurors (based upon the difficulty of the issues presented) and alternates at random from the list. The Secretary-Treasurer and Executive Board shall endeavor to empanel at least one member of the accused member's Craft for the Trial Board, and the Trial Board shall not consist solely of members from a single Craft.

Before the next regularly scheduled Executive Board meeting, the Secretary-Treasurer shall promptly confirm the availability of these member-jurors. The Trial Board will be formally empaneled when the charges are read into the record.

**SECTION 14. CHALLENGES TO TRIAL BOARD MEMBERS**

The accused or accusing member shall have the privilege of challenging the right of any member of the Trial Board to hear the charges. In the event of such a challenge, the Presiding Officer shall either sustain or overrule its validity. Members of the Trial Board can only be excluded based upon actual evidence of bias or prejudgment against the accused or the accusing member.

**SECTION 15. UNAVAILABLE WITNESS STATEMENTS**

If a witness is unable to attend a trial, a written statement of that person's testimony will be accepted in the form of a sworn and notarized affidavit.

**SECTION 16. TRIAL**

At the trial, the accused member shall have the right to present the accused member's defense in full, and to confront and question witnesses, as well as examine all of the evidence of the case. The burden of proof shall always be on the charging party. The accused member may question the accusing member only when the accusing member is a direct witness to the charges or to demonstrate that the charges were not brought in good faith. The technical or legal rules of evidence do not apply, but a finding of guilty cannot be supported only by hearsay evidence. The testimony of all witnesses must be taken under an oath administered by the Presiding Officer of the Trial Board, as required by the International Constitution.

The Trial Board's verdict shall not be announced at the trial.

The Trial Board shall weigh the evidence and render a verdict at a meeting held as soon as reasonably possible with the trial transcript available. The Presiding Officer will draft a written verdict for submission, as per Article 16 of the International Constitution. The complete, written verdict must be submitted to the Secretary-Treasurer within five (5) business days of the Trial Board's verdict. The verdict will include a finding of guilty or not guilty, and, if the accused member is found guilty, it will include the penalty imposed by the Trial Board. The Trial Board's written verdict shall be filed with the Secretary-Treasurer, and a copy shall be served personally or by mail with proof of service on the accuser(s) and accused within five (5) business days from the Secretary-Treasurer's receipt of the written verdict. The Secretary-Treasurer will provide copies of the written verdict at the next Executive Board meeting.

The membership shall be informed of the charges and the outcome of the trial by a commonly known and regularly used forum, such as the Newsreel and/or the Local 44 website.

**SECTION 17. TRANSCRIPT**

A written transcript of the trial shall be made, either by a court reporter or based upon a recording. All evidence presented will be appropriately marked and will accompany the final version of the transcript. A copy of the transcript of the evidence and proceedings at the trial shall be available for examination by the accused or his or her counsel. If requested by the accused member in writing, a single transcript copy shall be furnished to the accused. The Secretary-Treasurer shall notify the accused member in writing of its availability when informed of the verdict.

**SECTION 18. INTERNAL APPEALS**

Any member found guilty under this Article may appeal the decision to the Executive Board. The member must appeal the verdict and/or penalty in writing to the Secretary-Treasurer within thirty (30) days of the member's receipt of the verdict.

The purpose of the appeal is for the Executive Board, at a regularly scheduled Executive Board meeting, to consider the findings and penalty assessed by the Trial Board. The Executive Board, at its discretion, may hold a special meeting to consider an appeal.

A representative or representatives of the Trial Board will present the verdict, penalty and the factual findings in support of the verdict and penalty. The appealing member shall have an opportunity to respond. No witnesses are permitted to speak or testify. The representative or

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**SECTION 15. UNAVAILABLE WITNESS STATEMENTS**

If a witness is unable to attend the trial, written interrogatories and cross interrogatories, on notice to the adverse party, may be allowed upon due application to the Trial Board; or a written deposition of their testimony may be taken in the form of an affidavit, in which latter case such portions of it as are not denied by the adverse party shall be admitted as evidence.

**SECTION 16. TRIAL**

At the trial, the accused member shall have the right to present the accused member's defense in full, and to confront and question witnesses, as well as examine all of the evidence of the case. The burden of proof shall always be on the charging party. The accused member may question the accusing member only when the accusing member is a direct witness to the charges or to demonstrate that the charges were not brought in good faith. The technical or legal rules of evidence do not apply, but a finding of guilty cannot be supported only by hearsay evidence. The testimony of all witnesses must be taken under an oath administered by the Presiding Officer of the Trial Board, as required by the International Constitution.

The Trial Board's verdict shall not be announced at the trial.

The Trial Board shall weigh the evidence and render a verdict as soon as reasonably possible with the trial transcript available. The Presiding Officer will draft a written verdict for submission, as per Article 16 of the International Constitution. The complete, written verdict must be submitted to the Secretary-Treasurer within five (5) business days of the Trial Board's verdict. The verdict will include a finding of guilty or not guilty, and, if the accused member is found guilty, it will include the penalty imposed by the Trial Board. The Trial Board's written verdict shall be filed with the Secretary-Treasurer, and a copy shall be served personally or by certified mail with proof of service on the accuser(s) and accused within five (5) business days from the Secretary-Treasurer's receipt of the written verdict. The Secretary-Treasurer will provide copies of the written verdict at the next Executive Board meeting.

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A written transcript of the trial shall be made, either by a court reporter or based upon a recording. All evidence presented will be appropriately marked and will accompany the final version of the transcript. A copy of the transcript of the evidence and proceedings at the trial shall be available for examination by the accused or their counsel. If requested by the accused member in writing, a single transcript copy shall be furnished to the accused. The Secretary-Treasurer shall notify the accused member in writing of its availability when informed of the verdict.

**SECTION 18. INTERNAL APPEALS**

Any member found guilty under this Article may appeal the decision to the Executive Board. The member must appeal the verdict and/or penalty in writing to the Secretary-Treasurer within thirty (30) days of the member's receipt of the verdict.

The purpose of the appeal is for the Executive Board, at a regularly scheduled or special Executive Board meeting, to consider the findings and penalty assessed by the Trial Board.

A representative or representatives of the Trial Board will present the verdict, penalty and the factual findings in support of the verdict and penalty. The appealing member shall have an opportunity to respond. No witnesses are permitted to speak or testify. The representative or

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representatives of the Trial Board will have an opportunity to rebut the appellant by referring to the transcript, evidence, and their decision only. Upon completion of the presentation, the Trial Board representatives and the appealing member will be excused and the Executive Board shall proceed to vote by secret ballot upon the findings of the Trial Board as to the guilt or innocence of the accused. The appeal must be completed within one (1) meeting.

If a two-thirds majority of those Executive Board members present and voting rejects the Trial Board's verdict, then the member is deemed not guilty. If the Executive Board confirms the Trial Board's verdict of guilty, a second secret ballot vote must be taken on the appropriateness of the penalty imposed by the Trial Board, unless that penalty is required by this Constitution upon a finding of guilt. In the case where the Executive Board affirms the Trial Board's guilty verdict, but rejects the penalty, the Executive Board shall then vote, by secret ballot, upon the appropriate penalty to be imposed by a simple majority (fifty percent plus one) of those Executive Board members voting.

Any member who is suspected of lying during their appeal, may subsequently be brought up on charges for that offence.

**SECTION 19. ACTION BY MEMBERSHIP**

At the next general membership meeting, but in no event sooner than twenty (20) days from the date on which the accused has been notified of the availability of the written transcript, any written verdicts from the Trial Board or Executive Board, shall be submitted to the membership for the appropriate action as provided for in the International Constitution.

**SECTION 20. SENTENCE REPORTED TO THE INTERNATIONAL**

The President of Local 44 shall forward a report of the sentence imposed upon the accused to the International President for filing.

**SECTION 21. CONSISTENCY WITH THE INTERNATIONAL CONSTITUTION AND BY-LAWS**

Nothing in this Article shall be construed to conflict with the International Constitution. In the event that an International Convention modifies the International Constitution's provisions for discipline of members, this Article shall be modified to conform to such changes.

**ARTICLE XII. IMPEACHMENT OF OFFICERS**

**SECTION 1. GROUNDS**

Any Local 44 officer may be impeached for:

- (I) Misconduct in office;
- (II) Disloyalty to this Local;
- (III) Violation of the officer's duties under this Constitution and By-Laws or that of the International, or of any Working Agreements, or;
- (IV) Any act or practice contrary to Local 44's or its members' best interests.

Impeachment is defined here as removing an officer from office under the Local 44 Constitution and By-Laws because of the reasons listed above from 1 to 4.

All officers of Local 44 are subject to discipline as members under the International Constitution at Article 16 and Article 7, Section 5 (e). Impeachment charges brought

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representatives of the Trial Board will have an opportunity to rebut the appellant by referring to the transcript, evidence, and their decision only. Upon completion of the presentation, the Trial Board representatives and the appealing member will be excused and the Executive Board shall proceed to vote by secret ballot upon the findings of the Trial Board as to the guilt or innocence of the accused. The appeal must be completed within one (1) meeting.

If a two-thirds majority of those Executive Board members present and voting rejects the Trial Board's verdict, then the member is deemed not guilty. If the Executive Board confirms the Trial Board's verdict of guilty, a second secret ballot vote must be taken on the appropriateness of the penalty imposed by the Trial Board, unless that penalty is required by this Constitution upon a finding of guilt. In the case where the Executive Board affirms the Trial Board's guilty verdict, but rejects the penalty, the Executive Board shall then vote by secret ballot upon the appropriate penalty to be imposed by a simple majority (50% plus one (1)) of those Executive Board members voting.

Any member who is suspected of lying during their appeal may subsequently be brought up on charges for that offense.

The membership shall be informed of the charges and the outcome of the trial or appeal by a commonly known and regularly used forum, such as the Newsreel and/or the Local 44 website.

**SECTION 19. ACTION BY MEMBERSHIP**

At the next general membership meeting, but in no event sooner than twenty (20) days from the date on which the accused has been notified of the availability of the written transcript, any written verdicts from the Trial Board or Executive Board shall be submitted to the membership for the appropriate action as provided for in the International Constitution.

**SECTION 20. SENTENCE REPORTED TO THE INTERNATIONAL**

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**ARTICLE XII. IMPEACHMENT OF OFFICERS**

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- A. Misconduct in office; or
- B. Disloyalty to this Local; or;
- C. Violation of the officer's duties under this Constitution and By-Laws or that of the International, or of any Working Agreements.

All officers of Local 44 are subject to discipline as members under the International Constitution at Article 16 and Article 7. Impeachment charges brought

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under this article are not member discipline, and do not have the power to alter an officer's membership rights. This Impeachment Article applies only to officers of Local 44 in the capacity as an officer. Any disciplinary charges against officers are made under Article XI of this Constitution, or any impeachment or disciplinary charges made under the authority of International Constitution at Article 16.

Impeachment charges must be made by a Local 44 member or members in good standing. The Local 44 Executive Board, serving as the representatives of the members of this Local, is responsible for overseeing and carrying out the Impeachment process.

**SECTION 2. CHARGES**

All Impeachment charges against a Local 44 officer must be written and presented to Local 44's Secretary-Treasurer. This is the form each separate charge must take:

- (I) As a sworn statement for Impeachment of a Local 44 officer, under penalty of perjury to a Notary Public;
- (II) This sworn statement for Impeachment of a Local 44 officer must clearly identify the misconduct, including:
  - (a) The name of the accused Local 44 officer;
  - (b) The time, place and information supporting an allegation of a violation or violations;
  - (c) The section or sections of this Constitution, By-Laws or the other basis enumerated in Section 1, GROUNDS, above, alleged to have been violated;
  - (d) A statement that lists the name or names of any witness to the offenses charged, if any is known;
  - (e) A statement from the accuser that the charge is brought in good faith, and either was witnessed by the accuser or based upon a sufficient inquiry that the charge is true (See Section 4, below);
  - (f) The accuser's signature;
  - (g) Charges shall be filed in duplicate;
  - (h) Only the original charge needs an original seal from the Notary Public who recorded the sworn statement; all other copies need only be clear and exact duplicates.
- (III) The accuser or accusers shall submit to Local 44 a notarized statement confirming that they are familiar with the responsibilities and consequences inherent in the Article for those intending to bring these charges. This signed statement shall be submitted with the presentation of charges. The purpose of this statement is to require members to understand the obligations of bringing charges before doing so, and to minimize questionable or frivolous efforts on the part of some members to prefer charges.

**SECTION 3. COGNIZANCE**

The Executive Board shall review all impeachment charges made against officers of this Local. The Executive Board shall exercise the power to declare impeachment charges cognizable or not cognizable. Taking cognizance of impeachment charges requires the Executive Board to assume jurisdiction over the charges and to determine that the impeachment charges, if true, are impeachable offenses.

Taking cognizance requires the Executive Board to consider only the charges as presented and then to determine whether:

- (I) All allegations are written in an understandable and clear manner because the officer accused is entitled to know what the exact charges are;

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under this Article are not member discipline and do not have the power to alter an officer's membership rights. This Impeachment Article applies only to officers of Local 44 in their capacity as officers. Any disciplinary charges against officers are made under Article XI of this Constitution, or any impeachment or disciplinary charges made under the authority of International Constitution at Article 16.

Impeachment charges must be made by a Local 44 member or members in good standing. The Local 44 Executive Board, serving as the representatives of the members of this Local, is responsible for overseeing and carrying out the impeachment process.

**SECTION 2. CHARGES**

All impeachment charges against a Local 44 officer must be written and presented to Local 44's Secretary-Treasurer. This is the form each separate charge must take:

- A. As a sworn statement for impeachment of a Local 44 officer, under penalty of perjury to a Notary Public;
- B. This sworn statement for impeachment of a Local 44 officer must clearly identify the misconduct, including:
  - I. The name of the accused Local 44 officer;
  - II. The time, place, and information supporting an allegation of a violation or violations;
  - III. The section or sections of this Constitution, By-Laws or the other basis enumerated in Section 1 above, alleged to have been violated;
  - IV. A statement that lists the name or names of any witness to the offenses charged, if any are known;
  - V. A statement from the accuser that the charge is brought in good faith, and either was witnessed by the accuser or based upon a sufficient inquiry that the charge is true;
  - VI. The accuser's signature;
  - VII. Charges shall be filed in duplicate;
  - VIII. Only the original charge needs an original seal from the Notary Public who recorded the sworn statement; all other copies need only be clear and exact duplicates.
- C. The accuser(s) shall submit to Local 44 a notarized statement confirming that they are familiar with the responsibilities and consequences inherent in the Article for those intending to bring these charges. This signed statement shall be submitted with the presentation of charges. The purpose of this statement is to require members to understand the obligations of bringing charges before doing so, and to minimize questionable or frivolous efforts on the part of some members to prefer charges.

**SECTION 3. COGNIZANCE**

The Executive Board shall review all charges lodged against Officers of this Local at the next regularly scheduled meeting. The Executive Board exercises the power to declare charges cognizable or not cognizable. Taking cognizance of charges requires the Executive Board to assume jurisdiction over the charges and to determine whether the charges, if true, are impeachable offenses.

Therefore, the purpose of cognizance is for the Executive Board, considering only the charges as presented, to determine whether:

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- (II) The charges are timely and proper (See Sections 5 "To Whom and When Preferred" and Section 2 "Charges") because charges that are filed late are unfair and should be excluded; and
- (III) The accusation is indeed an impeachable offence as defined in Section 1, Grounds.

If any specific Impeachment allegation fails, that Impeachment allegation shall be dismissed individually.

If the Executive Board determines that the Impeachment charges are proper, the Executive Board will take cognizance of the Impeachment charges.

The Executive Board may temporarily suspend the accused officer from office if it takes cognizance of Impeachment charges. In that event, further payment of salary to the accused officer may be withheld, as is consistent with the International Constitution at Article 16, Section 6a.

If the accused officer was temporarily suspended from office pending the outcome of the trial, and the accused officer is found not guilty after the trial, the officer shall be immediately reinstated to office, and any withheld compensation will be paid to the officer upon resumption of the officer's duties (or as soon as reasonably possible).

An officer who is accused of an impeachable offense shall be entitled to a trial no later than thirty (30) days after whichever of the following events first occurs: (1) The publication of the Charges by the Executive Board (pursuant to Section 6, of this Article XII), or; (2) the officer's temporary suspension from office. In the event the officer has been temporarily suspended from office, a failure to conduct the trial within thirty (30) days from the effective date of that suspension, without suitable explanation such as a request to postpone the trial date by the accused officer, shall result in the charges being dismissed by the International President.

If an officer is suspended, the Executive Board shall ensure that Local 44 is otherwise providing for the suspended officer's job duties during the suspension period. The Executive Board shall consider the Local's needs and make appropriate and temporary administrative arrangements, including the appointment of a temporary replacement for the accused officer. For the purpose of impeachment, suspension of an accused officer does not constitute a vacancy.

**SECTION 4. FALSE CHARGES**

All Local 44 members must recognize that Impeachment charges are serious and interfere with the normal business of the Local. Proper impeachment charges can assist the Local in correcting serious misconduct, but false charges undermine the Local by attacking its democratic governance. If false charges are maliciously or frivolously preferred against any Local 44 officer, the member or members preferring such charges shall be fined not less than \$500.00 each and shall pay for the cost of the trial as well. The Executive Board, upon the acquittal of the accused officer, shall impose this fine.

Impeachment charges that are inaccurate, or are unsatisfactory to prove guilt may not be false or malicious charges. Impeachment charges are maliciously or frivolously preferred when the accuser knew or should have known that the charges were false.

The accuser or accusers are required to have evidence in support of Impeachment charges, either from direct observation or a thorough investigation. Charges brought without sufficient

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- A. All allegations are written in an understandable and clear manner;
- B. The charges are timely and proper (See Section 4 "To Whom and When Preferred" and Section 2 "Charges");
- C. The accusation is indeed an impeachable offense as stated in Section 1, "Grounds".

If the allegation is deficient as defined above, the Executive Board shall refuse to take cognizance of that specific allegation.

If any specific impeachment allegation fails, that impeachment allegation shall be dismissed individually.

If the allegation is deficient because it does not state grounds that can sustain the charge, the Executive Board shall refuse to take cognizance of that specific allegation.

The Executive Board may temporarily suspend the accused officer from office if it takes cognizance of impeachment charges. In that event, further payment of salary to the accused officer may be withheld, as is consistent with the International Constitution at Article 16, Section 7.

If the accused officer is temporarily suspended from office pending the outcome of the trial, and the accused officer is found not guilty after the trial, the officer shall be immediately reinstated to office, and any withheld compensation will be paid to the officer upon resumption of the officer's duties (or as soon as reasonably possible).

An officer who is accused of an impeachable offense shall be entitled to a trial no later than sixty (60) days after the publication of the Charges by the Executive Board (pursuant to Section 6 of this Article XII), and no later than thirty (30) days after the officer's temporary suspension from office. In the event the officer has been temporarily suspended from office, a failure to conduct the trial within thirty (30) days from the effective date of that suspension, without suitable explanation such as a request to postpone the trial date by the accused officer, shall result in the charges being dismissed by the International President.

If an officer is suspended, the Executive Board shall ensure that Local 44 is otherwise providing for the suspended officer's job duties during the suspension period. The Executive Board shall consider the Local's needs and make appropriate and temporary administrative arrangements, including the appointment of a temporary replacement for the accused officer. For the purpose of impeachment, suspension of an accused officer does not constitute a vacancy.

**SECTION 4. TO WHOM AND WHEN PREFERRED**

Impeachment charges shall be filed with the Local 44 Secretary-Treasurer. Any officer who is the subject of pending charges shall not participate in any aspect of the processing of impeachment charges. Charges must be filed within 60 days after the offense becomes or should have become known to the person making the impeachment charge. If the Local 44 Secretary-Treasurer is being charged with impeachment, the impeachment charges may be filed with either the Business Agent or the President.

**SECTION 5. FALSE CHARGES**

All Local 44 members must recognize that impeachment charges are serious and interfere with the normal business of the Local. Proper impeachment charges can assist the Local in correcting serious misconduct, but false charges undermine the Local by attacking its democratic governance. If false charges are maliciously preferred against any Local 44 officer, each member or members preferring such charges shall be fined not less than \$2,500.00 and may be required to pay for the cost of the trial as well. The Executive Board,

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evidence may not necessarily constitute maliciously or frivolously preferred charges. Charges brought without any credible basis in fact are maliciously or frivolously preferred.

Either the accused officer or an Executive Board member who is sitting as a member of the Impeachment Trial Board can raise the issue of a false or malicious impeachment charge. The false or malicious charge response to an Impeachment allegation can take two forms: either as a separate allegation from the accused officer that the accuser or accusers have made a false or malicious charge or as a defense to the Impeachment charge. The Executive Board, while serving as the Impeachment Trial Board, has the discretion to pursue evidence of a false charge during the accused officer's impeachment trial.

**SECTION 5. TO WHOM AND WHEN PREFERRED**

Impeachment charges shall be filed with the Local 44 Secretary-Treasurer. Any officer who is the subject of pending charges shall not participate in any aspect of the processing of Impeachment charges. Charges must be filed within 60 days after the offense becomes or should have become known to the person making the Impeachment charge. If the Local 44 Secretary-Treasurer is being charged with impeachment, the Impeachment charges may be filed with either the Business Agent or the President.

**SECTION 6. PUBLICATION OF CHARGES**

Following Local 44's Executive Board taking cognizance of impeachment charges, the Secretary-Treasurer at the Executive Board's next regular meeting shall read the charges into the record. No debate or discussion is permitted. Local 44 will identify any officer charged with impeachable offenses via its meeting minutes and in standard forms of group communication to the Local 44 membership.

**SECTION 7. WITHDRAWAL OF CHARGES**

After Impeachment charges have been filed with the Local 44 Secretary-Treasurer, they shall not be withdrawn unless the accused officer consents to the withdrawal.

**SECTION 8. NOTICE OF TRIAL**

Within five (5) business days after cognizance has been taken, the Local 44 Secretary-Treasurer - or another officer designated by the Board, if the Secretary-Treasurer is the subject of impeachment charges - shall serve the accused officer personally, or if this impossible, a duplicate copy of the charges shall be sent by an expedited form of mail, with a proof of service, to the accused officer's most recent address.

The Executive Board shall also notify both the accused officer and the person(s) filing the Impeachment charges of the time and place appointed for the trial, provided that such notice shall be given at least thirty (30) calendar days before the date of the trial. However, with the consent of both parties and the Executive Board, the date of the impeachment trial may be expedited.

Not less than twenty-five (25) calendar days before the date set for the trial, the Executive Board shall serve both the accused officer and person(s) filing the impeachment charges written notice of the date, time and place appointed for the trial. The notice of trial shall be served on the accused officer by an expedited form of mail, with a proof of service, to the accused officer's and charging member's most recent address.

Per Section 3 of this Article XII, and only in the event the accused officer has been suspended from office, the trial may not be set on a date that is more than thirty (30) calendar days after

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upon the acquittal of the accused officer, shall impose this fine.

Impeachment charges that are inaccurate, or are unsatisfactory to prove guilt may not be false or malicious charges. Impeachment charges are maliciously preferred when the accuser knew that the charges were false. The accused officer is entitled to show evidence that the accusing member has maliciously brought false charges.

The accuser or accusers are required to have evidence in support of impeachment charges, either from direct observation or a thorough investigation. Charges brought without sufficient evidence may not necessarily constitute maliciously preferred charges. Charges brought without any credible basis in fact are maliciously preferred.

Either the accused officer or an Executive Board member who is sitting as a member of the Impeachment Trial Board can raise the issue of a false or malicious impeachment charge. The false or malicious charge response to an impeachment allegation can take two forms: Either 1) as a separate allegation from the accused officer that the accuser or accusers have made a false or malicious charge or 2) as a defense to the impeachment charge. The Executive Board, while serving as the Impeachment Trial Board, has the discretion to pursue evidence of a false charge during the accused officer's impeachment trial.

**SECTION 6. PUBLICATION OF CHARGES**

Following Local 44's Executive Board taking cognizance of impeachment charges, the Secretary-Treasurer - or another officer designated by the Board if the Secretary-Treasurer is the subject of impeachment charges or unavailable - shall read the charges into the record. No debate or discussion is permitted. Local 44 will identify any officer charged with impeachable offenses via its meeting minutes and in standard forms of group communication to the Local 44 membership.

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Within five (5) business days after cognizance has been taken, the Local 44 Secretary-Treasurer - or another officer designated by the Board, if the Secretary-Treasurer is the subject of impeachment charges or unavailable - shall serve the accused officer personally. If this is impossible, a duplicate copy of the charges shall be sent by an expedited form of mail, with a proof of service, to the accused officer's most recent address.

The Executive Board shall also notify both the accused officer and the person(s) filing the impeachment charges of the time and place appointed for the trial, provided that such notice shall be given at least thirty (30) calendar days before the date of the trial. However, with the consent of both parties and the Executive Board, the date of the impeachment trial may be expedited.

Not less than twenty-five (25) calendar days before the date set for the trial, the Executive Board shall serve both the accused officer and person(s) filing the impeachment charges written notice of the date, time and place appointed for the trial. The notice of trial shall be served on the accused officer by an expedited form of mail, with a proof of service, to the accused officer's and charging member's most recent address.

Per Section 3 of this Article XII, and only in the event the accused officer has been suspended from office, the trial may not be set on a date that is more than thirty (30) calendar days after

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the date of such suspension. With the consent of both parties and the Executive Board, the date of the impeachment trial may be expedited.

**SECTION 9. POSTPONEMENTS**

There are valid but limited reasons to postpone an impeachment trial. If an accused officer is unable to attend at the time and place selected for the hearing for proper cause, or prepare for the hearing, the accused can be granted a postponement or continuance to an agreed-upon place and date. A postponement request requires the accused officer to apply to the Executive Board for a proper cause. Postponement is granted at the discretion of the Executive Board. Proper cause includes, but is not limited to: a doctor-verified medical explanation; a verified family emergency, or; some similar verifiable explanation. Verification by the accused officer must be under penalty of perjury and sworn to by a Notary Public, unless prevented by an emergency, itself subject to verification at a later date.

Any officer that does not serve Local 44 as an employee, and must travel to distant locations for work within Local 44's jurisdiction, cannot be compelled to return from a distant work location for trial until such work is complete. The Executive Board has the discretion to suspend the officer until such time as the officer returns from the distant work location and the trial takes place. This distant location postponement only applies to work being performed at the time the charges are served on the accused officer.

If the accused officer has been suspended and the hearing is conducted after thirty (30) days from notice to the accused officer because of, for example, the accused officer's request to postpone the Impeachment trial, the salary of that officer shall continue to be held in escrow until the completion of the trial.

**SECTION 10. EXECUTIVE BOARD AS TRIAL BOARD**

The Local 44 Executive Board is the Trial Board in all impeachment cases. It shall hear all evidence of the charges and determine the guilt or innocence of the accused officer. Any member of the Executive Board who is the accuser, the accused, or a witness for the charging party is recused participation in the Trial Board.

Local 44 will provide a stenographer for the impeachment trial. All impeachment trial records will be kept at the Local in the permanent files.

A quorum must be present for a trial to take place. If a quorum cannot be reached due to the proliferation of charges against the Executive Board's members, then such impeachment charges must be referred to the International.

**SECTION 11. APPEARANCE FOR TRIAL**

The accused shall have the right to be represented by counsel who shall be a member in good standing of this Alliance. If the accused officer so desires, that officer may waive the right to appear before the Executive Board for hearing upon the charges preferred against him/her, or designate a fellow member of the I.A.T.S.E. in good standing as counsel to appear for the officer and conduct the defense. Provided that the waiver of appearance shall not be prejudicial to the accused, and trial shall, if the officer fails to appear, proceed in the officer's absence, with the Executive Board hearing all evidence and basing its decision as to the guilt of the accused solely thereon.

**SECTION 12. PENALTY**

The guilt or innocence of the accused officer shall be determined by a two-thirds majority vote

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the date of such suspension. With the consent of both parties and the Executive Board, the date of the impeachment trial may be expedited.

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Any officer that does not serve Local 44 as an employee, and must travel to distant locations for work within Local 44's jurisdiction, cannot be compelled to return from a distant work location for trial until such work is complete. The Executive Board has the discretion to suspend the officer until such time as the officer returns from the distant work location and the trial takes place.

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A quorum must be present for a trial to take place. If a quorum cannot be reached due to the recusal of officers, then such impeachment charges must be referred to the International.

Local 44 will provide a stenographer for the impeachment trial. All impeachment trial records will be kept at the Local in the permanent files.

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The accused shall have the right to be represented by counsel who shall be a member in good standing of this Alliance. If the accused officer so desires, that officer may waive the right to appear before the Executive Board for hearing upon the charges preferred against them, or designate a fellow member of the I.A.T.S.E. in good standing as counsel to appear for the officer and conduct the defense. Provided that the waiver of appearance shall not be prejudicial to the accused, and trial shall, if the officer fails to appear, proceed in the officer's absence, with the Executive Board hearing all evidence and basing its decision as to the guilt of the accused solely thereon.

**SECTION 12. PENALTY**

The guilt or innocence of the accused officer shall be determined by a two-thirds majority vote



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of the Executive Board members present. If the accused is found guilty as charged, it is the Executive Board's duty to declare the convicted officer's position and office vacant. A successor officer shall be selected in the manner provided for in this Constitution.

**SECTION 13. PUBLICATION OF RESULTS**

Within five (5) business days of the completion of the trial, the Secretary-Treasurer shall inform the accused officer and the person(s) who filed the charges of the Executive Board's decision. This notice of the Executive Board's decision will be accomplished in a customary manner, such as personal service or delivery, with proof of arrival. This notice will contain the charges, the factual findings, the decision of the Executive Board, and information needed for the officer to appeal the Executive Board's verdict, including the timetable for such an appeal. Within five (5) business days of notice being provided to the exonerated or convicted officer, the Secretary-Treasurer shall also inform the Local 44 membership of the decision of the Executive Board in a customary manner of communication with the membership, including mail and electronic mail.

**SECTION 14. APPEALS**

An officer found guilty has the right to appeal the decision of the Executive Board as described in this Constitution at Article XIII "Appeals" and in Article 17 "Appeals" of the International Constitution. The convicted officer has no right to salary until the impeachment verdict has been reversed. If the conviction is overturned by appeal, the officer's right to salary is reinstated, including all salary and benefits unpaid throughout the impeachment process, but reduced by any monies earned or benefits accrued from work performed within the I.A.T.S.E. International's jurisdiction.

**ARTICLE XIII. APPEALS**

**SECTION 1. RIGHT OF APPEAL**

Any member found guilty and aggrieved by the decision, rule, regulation, order, or mandate of a Local 44 officer or its Executive Board may, after exhausting all remedies within Local 44 appeal the case in the following order:

- (I) From the Local 44 decision (either by membership review at the annual Local 44 membership meeting or the Executive Board) to the International President;
- (II) From the decision of the International President to the General Executive Board of the International;
- (III) From the ruling of the General Executive Board to the International in Convention assembled and the latter body shall be the tribunal of ultimate judgement.

However, in the interim, rulings of any Local 44 Trial Board or the International shall be enforced pending the appeal, unless a stay of the decision has, upon application, been granted.

Since the appeals process beyond Local 44 is subject to the International's Constitution and By-Laws, a copy of said document shall be made available to any member in good standing upon request.

**SECTION 2. TIME ALLOWED FOR FILING**

Appeals from a lower to a higher tribunal of this Alliance shall be cognizable only if filed within thirty (30) days after the decision. Appeals concerning nominations or elections must be made within fifteen (15) days.

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of the Executive Board members present. If the accused is found guilty as charged, it is the Executive Board's duty to declare the convicted officer's position and office vacant. A successor officer shall be selected in the manner provided for in this Constitution.

**SECTION 13. PUBLICATION OF RESULTS**

Within five (5) business days of the completion of the trial, the Secretary-Treasurer shall inform the accused officer and the person(s) who filed the charges of the Executive Board's decision. This notice of the Executive Board's decision will be accomplished in a customary manner, such as personal service or delivery, with proof of arrival. This notice will contain the charges, the factual findings, the decision of the Executive Board, and information needed for the officer to appeal the Executive Board's verdict, including the timetable for such an appeal. Within five (5) business days of notice being provided to the exonerated or convicted officer, the Secretary-Treasurer shall also inform the Local 44 membership of the decision of the Executive Board in a customary manner of communication with the membership, including mail and electronic mail.

**SECTION 14. APPEALS**

An officer convicted under this Article may appeal the decision to the general membership. The officer must file the appeal in writing to the Secretary-Treasurer (or President if the Secretary-Treasurer is the convicted officer) within thirty (30) days of the officer's conviction.

At the next general membership meeting, but in no event sooner than twenty (20) days from the date on which the accused has been notified of the availability of the written transcript, the convicted officer's appeal shall be submitted to the membership.

The convicted officer has no right to salary until the impeachment verdict has been reversed. If the conviction is overturned by appeal, the officer's right to salary is reinstated, including all salary and benefits unpaid throughout the impeachment process, but reduced by any monies earned or benefits accrued from work performed within the I.A.T.S.E. International's jurisdiction.

**ARTICLE XIII. APPEALS**

**SECTION 1. RIGHT OF APPEAL**

Any member or officer found guilty and aggrieved by the decision, rule, regulation, order, or mandate of a Local 44 officer or its Executive Board under Articles XI and XII may, after exhausting all remedies within Local 44, appeal the case in the following order:

- A. From the Local 44 decision (either by membership review at the biannual Local 44 membership meetings or by the Executive Board) to the International President;
- B. From the decision of the International President to the General Executive Board of the International;
- C. From the ruling of the General Executive Board to the International in Convention assembled. The latter body shall be the tribunal of ultimate judgment.

However, in the interim, rulings of any Local 44 Trial Board or the International shall be enforced pending the appeal, unless a stay of the decision has, upon application, been granted.

Since the appeals process beyond Local 44 is subject to the International's Constitution and By-Laws, a copy of said document shall be made available to any member in good standing upon request.

### SECTION 3. INTERNAL UNION JURISDICTION

The members of Local 44 shall submit all their rights within the Local and the International first to the determinations of their proper tribunals.

### SECTION 4. EXHAUSTING INTERNAL REMEDIES

All members further consent to be disciplined in the manner provided by this Constitution and By-Laws and under no circumstances shall resort to the civil courts until all the processes and remedies provided here have been exhausted.

## ARTICLE XIV. PERMANENCY AND CONTROL

### SECTION 1. SUPREME LAW

This Constitution and By-Laws shall be the supreme law of this Local, its officers and members for the government of all its affairs.

### SECTION 2. IGNORANCE OF LAW

Ignorance of this Constitution and By-Laws or of any Local 44 working agreement shall never constitute a defense for a violation of these laws or agreements. Any transgression shall be strictly, fairly, and impartially enforced.

### SECTION 3. PERMANENCY

This Local shall not dissolve itself while there are seven dissenting members, nor shall this section be subject to any alteration or amendment whatsoever.

### SECTION 4. CONTROL

This Local shall exercise full and complete control over its own membership, its affairs, and its jurisdiction, while subject to laws of the International Alliance or federal and state governments.

## ARTICLE XV. AMENDMENTS

### SECTION 1. CONSTITUTIONAL AMENDMENTS

All proposed amendments to this Constitution must be submitted in writing, in resolution form, to the Business Office. The proposed amendment must be signed by not less than one hundred (100) members in good financial standing, or by one of the representatives from three (3) different crafts of the Executive Board. The Executive Board shall consider the legality of all resolutions. If approved for member consideration, the proposed amendment requires a simple majority vote (fifty percent plus one) of the active Local 44 members in good standing who opted to vote. The vote to approve or reject a change to this Constitution shall be conducted by a secret mail ballot supervised by the Election Committee, with the complete proposal sent to the members at least twenty (20) calendar days prior to the day on which the Election Service Provider must receive the ballots.

### SECTION 2. ADDITIONS OR AMENDMENTS TO BY-LAWS

All proposed additions or amendments to the By-Laws must be submitted in writing in resolution form to the Secretary-Treasurer's Office, and signed by not less than one hundred

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### SECTION 2. TIME ALLOWED FOR FILING

Appeals from a lower to a higher tribunal of this Alliance shall be cognizable only if filed within thirty (30) days after the decision. Appeals concerning nominations or elections must be made within fifteen (15) days.

### SECTION 3. EXHAUSTING INTERNAL REMEDIES

All members consent to be disciplined in the manner provided by this Constitution and By-Laws and under no circumstances shall resort to the civil courts until all the processes and remedies provided here have been exhausted.

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### SECTION 1. AMENDMENTS TO THE CONSTITUTION

All proposed amendments to this Constitution must be submitted in writing, in resolution form, to the Business Office. The proposed amendment must be signed by not less than one hundred (100) members in good financial standing, or by one of the representatives from three (3) different Crafts of the Executive Board. The Executive Board shall consider the legality of all resolutions. If approved for member consideration, the proposed amendment requires a simple majority vote (50% plus one (1)) of the Local 44 members in good standing who opted to vote. The vote to approve or reject a change to this Constitution shall be conducted by a secret ballot supervised by the Election Committee within a reasonable time, with the complete proposal sent to the members at least twenty (20) calendar days prior to the day on which the Election Services Provider must receive the ballots.

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All proposed additions or amendments to the By-Laws must be submitted in writing in resolution form to the Secretary-Treasurer's Office, and signed by not less than one hundred

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(100) members in good standing, or by one of the representatives from three different crafts of the Executive Board. A proposed addition or amendment shall be considered by the Board at two meetings, whether regular or special, and cannot be voted upon until the second meeting. An affirmative vote of a simple majority (50% plus 1) of the Executive Board members present (and constituting a quorum) shall be necessary for the adoption of the proposed addition or amendment. If the Board rejects an addition or amendment proposed by a member of the Board, the member of the Board presenting the proposal must withdraw the proposed addition or amendment. If the Board rejects an addition or amendment proposed by one hundred (100) members, this proposed addition or amendment must be submitted to the Membership in the same manner and with the same procedure used for Constitutional amendments as set forth in Section 1 of this Article.

#### SECTION 3. INTERNATIONAL APPROVAL

Every amendment to this Constitution and By-Laws must first be submitted to the International for approval. No proposed change to this Constitution and By-Laws shall be enacted without approval from the International President, as provided in the International Constitution at Article 19, Section 3. This requirement in no manner prohibits the preparation of proposal of new provisions by Local 44 for proper authorization and ratification by the International and Local 44's members.

#### SECTION 4. REJECTED PROPOSALS

A proposed amendment to the Constitution and By-Laws, which has been rejected by the membership, may not be resubmitted to the Executive Board for action within one year from the date of rejection.

### ARTICLE XVI. MEETINGS

#### SECTION 1. ANNUAL MEETING

Local 44 shall hold an annual general membership meeting in Los Angeles County. The purpose of this meeting is to inform the membership of Executive Board decisions, actions and proposals; report on Local 44's financial status; and to address business requiring the membership's consideration. Any matter that is relevant to Local 44's business is proper for consideration at a general membership meeting. Additionally, this meeting (and craft meetings for craft members) is a forum for members to raise relevant issues about Local 44 to the elected leadership.

- (I) The Secretary-Treasurer shall determine the date and location of this meeting, which is to be held on any day during the months of March or April, except on a legal holiday.
- (II) Admission to any general membership meeting, with or without a quorum, is for Local 44 members in good standing only, with all dues paid in full and current for the present quarter. No other person shall be admitted to any general membership meeting unless invited to attend by the presiding chairperson, Business Agent or by majority vote of themembers present.

#### SECTION 2. EXECUTIVE BOARD MEETINGS

See Article VII, Section 3

#### SECTION 3. CRAFT MEETINGS

- (I) Local 44 shall hold two meetings for each craft per year. The Secretary-Treasurer

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(100) members in good standing, or by one of the representatives from three different crafts of the Executive Board. A proposed addition or amendment shall be considered by the Board at two meetings, whether regular or special, and cannot be voted upon until the second meeting. An affirmative vote of a simple majority (50% plus 1) of the Executive Board members present (and constituting a quorum) shall be necessary for the adoption of the proposed addition or amendment. If the Board rejects an addition or amendment proposed by a member of the Board, the member of the Board presenting the proposal must withdraw the proposed addition or amendment. If the Board rejects an addition or amendment proposed by one hundred (100) members, this proposed addition or amendment must be submitted to the Membership in the same manner and with the same procedure used for Constitutional amendments as set forth in Section 1 of this Article.

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### ARTICLE XVI. MEETINGS

#### SECTION 1. BIENNIAL MEETINGS

Local 44 shall hold two annual general membership meetings in Los Angeles County. The purpose of these meetings is to inform the membership of Executive Board decisions, actions and proposals; report on Local 44's financial status; and to address business requiring the membership's consideration. Any matter that is relevant to Local 44's business is proper for consideration at a general membership meeting. Additionally, the meetings (and Craft meetings for Craft members) are a forum for members to raise relevant issues about Local 44 to the elected leadership.

- A. The Secretary-Treasurer shall determine the date and location of the meetings.
- B. Admission to any general membership meeting, with or without a quorum, is for Local 44 members in good standing only, with all dues paid in full and current for the present quarter. No other person shall be admitted to any general membership meeting unless invited to attend by the presiding chairperson, Business Agent or by majority vote of the members present.
- C. Local 44 shall use best efforts to permit virtual attendance at general membership meetings. Virtual admission to the meeting is allowed on the same basis as in-person admission.

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shall determine the time and location of the meetings, but they must occur within Los Angeles County. The first meeting will occur between June 1 and June 30, and the second meeting between October 15 and November 15. Craft meetings shall be presided over by the senior board member of that craft assisted by a junior member. Any action taken must relate only to the assembled craft, although the individual craft may express an opinion on any Local 44 issue.

- (II) Craft representatives to the Executive Board shall report to their respective craft and convey information from the Executive Board.
- (III) The craft representatives shall take resolutions and decisions from the craft meetings to the Executive Board.
- (IV) Admission to any craft meeting, with or without a quorum, is for craft members in good standing only, with all dues paid in full and current for the present quarter. No other person shall be admitted to any craft meeting unless invited to attend by the presiding craft representative or by majority vote of the members present.
- (V) The Business Agent, or a designee, and the Secretary-Treasurer, or a designee, shall attend all craft meetings and act in their regular capacity. The Business Agent and Secretary-Treasurer may bring members of their respective staff to any craft meeting.

**SECTION 4. SPECIAL MEETINGS**

- (I) Special General Meetings;  
Special General Membership Meetings may be called at any time by the Business Agent, President, the Executive Board, or by request in writing, stating the purpose of such meeting, by ten (10) percent of the members in good standing entitled to vote. Such requests shall be filed with the Local 44 Business Office. The Business Office shall acknowledge receipt of the request. After the issue for which the special meeting was called has been addressed, if time permits and by simple majority vote (fifty percent plus one) of those present and voting, additional issues may be addressed. Special meetings, like all Local 44 meetings, shall adhere to quorum requirements for official business.
- (II) Special Craft Meetings;  
Special Craft Meetings may be called at any time by the craft representative of an individual craft with permission granted by one of the following:
  - (a) the Business Agent;
  - (b) the President;
  - (c) the Executive Board; or by
  - (d) Petition signed by ten (10) percent of the craft members in good standing entitled to vote.

Such requests shall be filed with the Local 44 Business Office. The Business Office shall acknowledge receipt of the request. After the issue for which the special meeting was called has been addressed, if time permits and by simple majority vote (fifty percent plus one) of those present and voting, additional issues may be addressed. Special meetings, like all Local 44 meetings, shall adhere to quorum requirements for official business.

**SECTION 5. COMMITTEE MEETINGS**

All committee persons must be regular members, including members of the Voting Retiree, Pensioner and Reduced Active categories (See Article IV Membership, Section. 7). All committee members must remain in good standing. The committee's chairperson will arrange the meeting time and location as needed.

**PROPOSED CONSTITUTION**

**SECTION 2. EXECUTIVE BOARD MEETINGS**

See Article VII, Section 3.

**SECTION 3. CRAFT MEETINGS**

- A. Local 44 shall hold at least two meetings for each Craft per year. The Secretary-Treasurer shall determine the time and location of the meetings, but they must occur within Los Angeles County. Craft meetings shall be presided over by the senior board member of that Craft assisted by another Craft representative. Any action taken must relate only to the assembled Craft, although the individual Craft may express an opinion on any Local 44 issue.
- B. Craft representatives to the Executive Board shall report to their respective Craft and convey information from the Executive Board.
- C. The Craft representatives shall take resolutions and decisions from the Craft meetings to the Executive Board.
- D. Admission to any Craft meeting, with or without a quorum, is for Craft members in good standing only, with all dues paid in full and current for the present quarter. No other person shall be admitted to any Craft meeting unless invited to attend by the presiding Craft representative or by majority vote of the members present.
- E. Local 44 shall use best efforts to permit virtual attendance at Craft meetings. Virtual admission to the meeting is allowed on the same basis as in-person admission.
- F. The Business Agent, or a designee, and the Secretary-Treasurer, or a designee, shall attend all Craft meetings and act in their regular capacity. The Business Agent and Secretary-Treasurer may bring members of their respective staff to any Craft meeting.

**SECTION 4. SPECIAL MEETINGS**

- A. Special General Meetings;  
Special General Membership Meetings may be called at any time by:
  - I. The Business Agent;
  - II. The President;
  - III. The Executive Board; or
  - IV. A request in writing, stating the purpose of such meeting, by ten (10) percent of the members in good standing entitled to vote.

Such requests shall be filed with the Local 44 Business Office. The Business Office shall acknowledge receipt of the request. After the issue for which the special meeting was called has been addressed, if time permits and by simple majority vote (50% plus one) of those present and voting, additional issues may be addressed.

Special meetings, like all Local 44 meetings, shall adhere to quorum requirements for official business, except that the Nominations Meeting shall not have a quorum requirement.

- B. Special Craft Meetings;  
Special Craft Meetings may be called at any time by the Craft representative(s) of

**PROPOSED CONSTITUTION**

an individual Craft with permission granted by one of the following:

- I. The Business Agent;
- II. The President;
- III. The Executive Board; or
- IV. A Petition signed by ten (10) percent of the Craft members in good standing entitled to vote.

Such requests shall be filed with the Local 44 Business Office. The Business Office shall acknowledge receipt of the request. After the issue for which the special meeting was called has been addressed, if time permits and by simple majority vote (50% plus one) of those present and voting, additional issues may be addressed. Special meetings, like all Local 44 meetings, shall adhere to quorum requirements for official business.

- C. Local 44 shall use best efforts to permit virtual attendance at special meetings. Virtual admission to the meeting is allowed on the same basis as in-person admission.

**SECTION 5. COMMITTEE MEETINGS**

All committee persons must be regular members, including Reduced Active members (see Article IV, Section 7). All committee members must remain in good standing. The committee's chairperson will arrange the meeting time and location as needed. The Executive Board shall establish and maintain a policy for the operation of committees, and committees shall be bound by that policy.

## SECTION 6. NOTICE & POSTPONEMENT OF GENERAL MEMBERSHIP, CRAFT & SPECIAL MEETINGS

- (I) **General Membership and Craft Meetings;**  
The Secretary-Treasurer shall send written notice of all regular Local 44 membership meetings (general and craft), specifying the time and location, to every eligible Local 44 member in good standing. Meeting notice shall be addressed to the last known address of each member at least fifteen (15) business days prior to such meeting. Information on the meeting shall also be placed on Local 44's Internet site (or equivalent) and on the Local 44 Business Office's bulletin boards. Where possible, meeting notices shall be posted at places of work.
- (II) **Special Meetings;**  
Notice requirements for special meetings are identical to those for regular meetings, except that notice of special meetings shall be given at least five (5) business days before the special meeting.
- (III) **Postponement of Regular Meetings;**  
For good cause, the Executive Board may postpone any regular membership or craft meeting for a period not to exceed thirty (30) days. The membership must be informed at least 72 hours prior to each postponed regular meeting.
- (IV) **Postponement of Special Meetings;**  
The Executive Board can postpone special meetings under extraordinary and unforeseen events or circumstances. The Secretary-Treasurer is responsible for alerting the affected membership of the cancellation, dispatching a Sergeant-At-Arms to the meeting place for those members who did not receive notice of the postponement, and expeditiously rescheduling the special meeting.
- (V) **Member Address;**  
It is the responsibility of each Local 44 member to verify that the Business Office has their current contact information, including address, e-mail address and telephone number(s), for notice and business purposes.

## SECTION 7. QUORUMS

Ten (10) percent of Local 44 members and officers, all in good standing and present, with all dues paid in full and current for the present quarter, shall constitute a quorum for the transaction of business at any Local 44 general or craft (regular or special) meeting. Except for those specific issues where this Constitution requires different criteria, the affirmative vote of a simple majority (fifty percent plus one) of those present and voting shall constitute a valid act. Quorum requirements are subject to the International Constitution.

## SECTION 8. VOTING

Every active Local 44 member in good standing with paid up dues, shall be entitled to one (1) vote (see Article 4 "Membership") on any proposition or referendum or motion acted upon by voice or secret ballot at any Local 44 membership meeting.

## SECTION 9. CUMULATIVE AND PROXY VOTING

No cumulative or proxy voting shall be permitted.

## SECTION 10. STANDING RULES FOR MEETINGS

The following rules of order shall be observed at all Local 44 meetings addressed in this article:

## SECTION 6. NOTICE AND POSTPONEMENT OF GENERAL MEMBERSHIP, CRAFT, AND SPECIAL MEETINGS

### A. General Membership and Craft Meetings;

The Secretary-Treasurer shall send written notice of all regular Local 44 membership meetings (general and Craft), specifying the time and location, to every eligible Local 44 member in good standing. The meeting notice shall be sent to each member at least fifteen (15) business days prior to such meeting. The meeting notice shall also be placed on Local 44's website.

### B. Special Meetings;

Notice requirements for special meetings are identical to those for regular meetings, except that notice of special meetings shall be given at least five (5) business days before the special meeting.

### C. Postponement of Regular Meetings;

For good cause, the Executive Board may postpone any regular membership or Craft meeting for a period not to exceed thirty (30) days. The membership must be informed at least 72 hours prior to each postponed regular meeting.

### D. Postponement of Special Meetings;

The Executive Board can postpone special meetings under extraordinary and unforeseen events or circumstances. The Secretary-Treasurer is responsible for alerting the affected membership of the cancellation, dispatching a Sergeant-At-Arms to the meeting place for those members who did not receive notice of the postponement, and expeditiously rescheduling the special meeting.

### E. Member Address;

It is the responsibility of each Local 44 member to verify that the Business Office has their current contact information, including address, e-mail address and telephone number(s), for notice and business purposes.

## SECTION 7. QUORUMS

Five (5) percent of Local 44 members and officers, all in good standing and present, shall constitute a quorum for the transaction of business at any Local 44 general or Craft (regular or special) meeting, except for the Nominations Meeting. Except for those specific issues where this Constitution requires different criteria, the affirmative vote of two-thirds of those present and voting shall constitute a valid act. Quorum requirements are subject to the International Constitution.

## SECTION 8. VOTING

Every active Local 44 member in good standing with paid up dues shall be entitled to one (1) vote (see Article 4) on any proposition or referendum or motion acted upon by voice or secret ballot at any Local 44 membership meeting. Members attending virtually shall be permitted to vote electronically, consistent with law.

## SECTION 9. CUMULATIVE AND PROXY VOTING

No cumulative or proxy voting shall be permitted.

## SECTION 10. STANDING RULES FOR MEETINGS

**JANUARY 2013 CONSTITUTION**

- (I) This shall be the order of business:
  - (a) Opening of the meeting
  - (b) Determination of a quorum
  - (c) Reading of the minutes
  - (d) Report of committees
  - (e) Report of the Business Agent/grievances
  - (f) Report of the Secretary-Treasurer
  - (g) Old business
  - (h) New business
  - (i) Good and welfare
  - (j) Adjournment
- (II) In the absence of a standing rule to apply to questions before the meeting, Robert's Rules of Order, current edition, shall govern. When deemed necessary to appoint, the Local 44 Parliamentarian is tasked with providing guidance in applying Robert's Rules of Order to properly conducting the Local 44 meetings addressed in this article.
- (III) No business shall be taken up except in the order prescribed unless on motion sanctioned by a two-thirds majority vote of the members present and voting.
- (IV) Disorderly conduct at Local 44 meetings, including intoxication, will not be tolerated. This section is not intended to stifle open debate or any right of membership, but instead sanctions the exclusion by the chairperson of any individual who, through his or her actions, is preventing the conduct of normal business.

**ARTICLE XVII. SEAL**

This Local shall have a seal consisting of a circle having in its outer circumference INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS OF THE UNITED STATES, ITS TERRITORIES, AND CANADA, A.F.L., C.I.O., C.L.C. and having in the center the emblem of the International surrounded by the words AFFILIATED PROPERTY CRAFTSPERSONS, LOCAL 44, CHARTERED MAY 15, 1939.

**PROPOSED CONSTITUTION**

The following rules of order shall be observed at all Local 44 meetings addressed in this Article:

- A. This shall be the order of business:
  - I. Opening of the meeting
  - II. Determination of a quorum
  - III. Reading of the minutes
  - IV. Report of committees
  - V. Craft representative reports
  - VI. Report of the Business Agent/grievances
  - VII. Report of the Secretary-Treasurer
  - VIII. Old business
  - IX. New business
  - X. Good and welfare
  - XI. Adjournment
- B. In the absence of a standing rule to apply to questions before the meeting, Robert's Rules of Order, current edition, shall govern. When deemed necessary to appoint, the Local 44 Parliamentarian is tasked with providing guidance in applying Robert's Rules of Order to properly conduct the Local 44 meetings addressed in this article.
- C. No business shall be taken up except in the order prescribed unless on motion sanctioned by a two-thirds majority vote of the members present and voting.
- D. Disorderly conduct at Local 44 meetings, including intoxication, will not be tolerated. This section is not intended to stifle open debate or any right of membership, but instead sanctions the exclusion by the chairperson of any individual who, through their actions, is preventing the conduct of normal business.

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JANUARY 2013 CONSTITUTION  
**BY-LAWS**  
OF THE  
MOTION PICTURE, TELEVISION STUDIOS,  
AND SIMILAR AFFILIATED  
INDUSTRIES, SHOPS AND LOCATIONS,  
LOCAL NO. 44



OF THE  
INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES  
AND MOVING PICTURE MACHINE OPERATORS  
OF THE UNITED STATES AND CANADA

## ARTICLE 1. REGULATIONS GOVERNING EMPLOYMENT

There is no provision in this Constitution and By-Laws concerning wages and hours of employment. Every member agrees to be governed by conditions of employment including minimum wage scales, hours of employment, working conditions, wage classifications, working classifications, and jurisdictional prerogatives which are not included here, but which are delineated in various working agreements. Such agreements shall be obeyed and upheld by all members under penalty of discipline.

- (l) A member consents to be penalized in accordance with the Constitution and By-Laws of Local 44 and the International if the member:
- (a) Violates any provision in a working agreement;
  - (b) Fails to maintain the standards established in a working agreement;
  - (c) Aids, directly or indirectly, an employer or an employee who does not maintain these standards, or;
  - (d) Works in any studio or on any location, or any production or unit, within the jurisdiction of this Local, that is declared to be unfair by the International, Local 44's Executive Board or Business Agent;
  - (e) Does not report any such violations to the Business Agent.
  - (f) A member found guilty of disregarding the proper orders of the International, Business Representative, Business Office, or Executive Board shall be appropriately fined, or suspended for one year, or both, and for repeated offences of this nature, may be expelled from this Local.
  - (g) Engages or assists in the procuring of a non-member or non-rostered person within the jurisdiction of this Local, in the performance of covered work, having prior knowledge that a properly released work call has not occurred.

## PROPOSED CONSTITUTION

### By-Laws

of the  
Motion Picture, Television Studios, and  
Similar Affiliated  
Industries, Shops and Locations,  
Local No. 44



of the  
International Alliance of Theatrical Stage Employees and  
Moving Picture Machine Operators  
of the United States and Canada

#### SECTION 1. AMENDMENTS TO THE BY-LAWS

These By-Laws may be amended in accordance with Article XV, Section 2.

#### SECTION 2. REGULATIONS GOVERNING EMPLOYMENT

Every member agrees to be governed by conditions of employment which are delineated in various working agreements. Such agreements shall be obeyed and upheld by all members under penalty of discipline.

- A. A member consents to be penalized in accordance with the Constitution and By-Laws of Local 44 and the International if the member:
- I. Violates any provision in a working agreement;
  - II. Aids, directly or indirectly, an employer or an employee who violates these provisions;
  - III. Does not report any such violations to the Business Agent's office; or
  - IV. Engages or assists in the procuring of a non-member or non-rostered person within the jurisdiction of this Local, in the performance of covered work.



## SECTION 2. FALSE REPRESENTATION

Every working member in this jurisdiction must remain in good standing by paying their quarterly dues and all financial obligations on time. A member who works in violation of this provision or who makes false representation about the member's good standing or roster classification shall be appropriately charged.

## SECTION 3. SALARY, PAYMENT & EMPLOYER MISCONDUCT

- (I) Any member not receiving salary and/or other negotiated benefits within two working days after coming due must report this failure to compensate to the Local 44 Business Agent's Office.
- (II) No member shall waive payment or time of payment for any money due for services rendered anywhere within Local 44's jurisdiction.
- (III) No member may accept an offer of payment less than that prescribed in the prevailing wage scale for the contract under which that member is working.

## SECTION 4. VOLUNTARY LABOR TO AN AFFILIATE PRODUCER

All requests for voluntary services of Local 44 members must be presented to the Business Agent.

## SECTION 5. RENDERING OF SERVICE

No member shall render services for more than one employer simultaneously, except under the exceptions listed below. The member must request and receive permission from the Business Agent before rendering simultaneous service. In all instances such requests, if granted, must comply with current bargaining agreements:

- (I) Services may be needed for retakes or added scenes for productions on which the member was an employee;
- (II) For wrap or prep overlaps with new employment.

Simultaneous services for more than one employer under this Section shall be defined as:

- (I) Any member rendering services to more than one employer simultaneously under the collective bargaining agreements within the jurisdiction of Local 44, and thereby depriving a fellow member of a specific employment opportunity; or
- (II) Any member working a consecutive shift with the same or another production entity without a proper rest period or without receiving compensation applicable to the total hours worked during that day.

A written request for permission to perform simultaneous services must be submitted to the Business Agent, by mail, fax, or email, which must be granted before performing such services. A copy of the member's request and the Business Agent's response will be kept in the member's file for reference. A member requesting permission to perform simultaneous services from the Business Agent shall, at the time of the request, submit written verification from each involved employer that the employer is (i) aware of the simultaneous employment and (ii) does not object to the member performing simultaneous employment.

No member who is simultaneously engaged by more than one employer shall accept less than scale wages for such employment.

A member violating this Section 5 shall be subject to internal charges under the Constitution and By-Laws of local 44 and the International, in addition to any other penalty provided for in the Constitution and By-Laws of Local 44 and the International, the member, if found guilty, shall be fined in an amount equivalent to the wages the member received for all unauthorized simultaneous employment beyond the first engagement.

## PROPOSED CONSTITUTION

## SECTION 3. SALARY, PAYMENT, AND EMPLOYER MISCONDUCT

- A. Any member not receiving salary and/or other negotiated benefits within two (2) working days after coming due must report this failure to compensate to the Local 44 Business Agent's office.
- B. No member shall waive payment or time of payment for any money due for services rendered anywhere within Local 44's jurisdiction.
- C. No member may accept an offer of payment less than that prescribed in the prevailing wage scale for the contract under which that member is working.

## SECTION 4. RENDERING OF SERVICE

No member shall render services for more than one employer simultaneously, except under the exceptions listed below. The member must request and receive permission from the Business Agent before rendering simultaneous service. In all instances, such requests, if granted, must comply with current bargaining agreements:

- A. Services may be needed for retakes or added scenes for productions on which the member was an employee; or
- B. For wrap or prep overlaps with new employment.

Simultaneous services for more than one employer under this Section shall be defined as:

- A. Any member working a consecutive shift with the same or another production entity without a proper rest period or without receiving compensation applicable to the total hours worked during that day; or
- B. Any member rendering services to more than one employer simultaneously under the collective bargaining agreements within the jurisdiction of Local 44, and thereby depriving a fellow member of a specific employment opportunity.

A member violating this Section shall be subject to internal charges under the Constitution and By-Laws of Local 44 and the International in addition to any other penalty provided for in the Constitution and By-Laws of Local 44 and the International. The member, if found guilty, may be fined in an amount equivalent to the wages the member received for all unauthorized simultaneous employment beyond the first engagement.

## SECTION 5. SAFETY

Every member shall have the right to refuse to place themselves in any unsafe position which may endanger life or property and shall notify the Business Office immediately of such conditions.

## SECTION 6. PERSONAL EQUIPMENT

Other than tools required under a working agreement, a member shall not be permitted to furnish equipment of any kind unless that member is compensated for the rental or reimbursed for the purchase of the equipment.

**JANUARY 2013 CONSTITUTION**

If such services are deemed unauthorized by the Business Agent and are to be found in violation of this Section, such member, being found guilty after trial in accordance with Article XI of this Constitution, may be fined an amount equivalent to the wages received for the employment beyond the first engagement and any additional penalties.

**SECTION 6. FAILURE TO FULFILL ENGAGEMENT**

A member found guilty of accepting a call for work and failing to report thereto, or of leaving a position or terminating an engagement before the expiration of the agreement, without first obtaining the consent of the Business Office, may after trial in accordance with Article XI of this Constitution, be appropriately fined. However, in cases of sickness or other emergency, the Business Office may, after receiving notice, excuse a member from so reporting to work after accepting a call, or may authorize leaving the position or terminating the engagement. The Business Office shall then fill the position in a proper fashion. In any event, the member must attempt to alert the member's supervisor of his/her failure to appear.

**SECTION 7. PERSONAL EQUIPMENT**

Other than tools required under a working agreement, a member shall not be permitted to furnish equipment of any kind unless that member is compensated for the rental or reimbursed for the purchase of the equipment.

**SECTION 8. NOTIFICATION OF CALL BOARD UPON HIRE, LAYOFF, OR CHANGE OF CONTACT INFORMATION**

- (I) It is essential that the Local 44 Call Board maintain an accurate "out of work" list. Therefore, any member working under Local 44's jurisdiction shall be obligated to notify the Call Board within two business days when hired or laid off. All members must give their name and classification to the Call Steward. Any member who refuses a work call without a valid excuse shall have their name placed at the bottom of the "out of work" list.
- (II) Local 44 will maintain written Call Board rules and policies, and members found guilty of violating these rules and policies may be subject to fine.
- (III) Members shall notify the Call Board within five working days after each change of their contact information, including telephone, address or other primary contact information, such as an electronic mail address.

**SECTION 9. DISTANT LOCATION WORK**

- (I) When an employer advises a member that the member is being dispatched to a distant location, that member must notify the Call Board as soon as reasonably possible. The member shall provide the date of leaving, the destination, and approximate duration.
- (II) A member must not go on distant locations when not in good standing, or remain on location beyond the start of a new quarter without forwarding dues and payment of other financial obligations.
- (III) When on location anywhere, all members must abide by Local 44's jurisdiction as established in its own and the International's Constitution and By-Laws and its working agreements.

**SECTION 10. COMPLAINTS, DISAGREEMENTS, AND DISPUTES**

- (I) Members shall immediately report any complaints, disagreements, or disputes between members, or an employer and members, to the Business Agent.
- (II) Members shall immediately report any violation by a fellow member or an employer regarding the Local 44 Constitution and By-Laws or its working agreements, to the Business Agent.

**PROPOSED CONSTITUTION**

**SECTION 7. NOTIFICATION OF CALL BOARD UPON HIRE, LAYOFF, OR CHANGE OF CONTACT INFORMATION**

- A. It is essential that the Local 44 Call Board maintain an accurate "out of work" list. Therefore, any member working under Local 44's jurisdiction shall be obligated to notify the Call Board within two business days when hired or laid off.
- B. Local 44 will maintain written Call Board rules and policies, and members found guilty of violating these rules and policies may be subject to fine.
- C. Members shall notify the Call Board within five (5) working days after each change of their contact information including telephone, address, or other primary contact information such as an email address.

**JANUARY 2013 CONSTITUTION**

- (III) Every member shall have the right to refuse to place themselves in any unsafe position which may endanger life or property, and shall notify the Business Office immediately of such conditions.

**SECTION 11. DISORDERLY CONDUCT & MEMBER DESTRUCTION OF PROPERTY**

- (I) Local 44 members shall not engage in disorderly or intoxicated conduct at any meeting of this Local or on Local 44's property. Any member proven guilty of disorderly conduct or being under the influence of alcohol or drugs shall be subject to appropriate discipline.
- (II) Any Local 44 member found guilty of willfully damaging or destroying any Local 44 property shall be subject to appropriate discipline and reimbursement fees for damages as estimated by the Secretary-Treasurer and proven at trial (see Article XI "Discipline").
- (III) Unless otherwise noted, a member found guilty of violating any of these By-Laws shall be fined an amount no less than the equivalent of eight (8) hours pay at the current hourly rate for that member's craft under the Basic Agreement.

**SECTION 12. PICKET DUTY DUES CREDIT**

Any member who responds to a request from a Business Agent, and is selected to appear for picket line duty, shall receive a credit on the member's dues with proof of service rendered. The Executive Board will approve the dues amount credited to the participating member.

**SECTION 13. I.A.T.S.E. EMBLEM**

The I.A.T.S.E. emblem must be placed on all appropriate props and scenery produced through the efforts of Local 44 members, whenever possible.

**PROPOSED CONSTITUTION**

**SECTION 8. DISORDERLY CONDUCT**

Local 44 members shall not engage in disorderly or intoxicated conduct on Local 44's property. Any member proven guilty under this Section shall be subject to appropriate discipline and reimbursement fees for damages.

**SECTION 9. I.A.T.S.E. EMBLEM**

Whenever possible, the I.A.T.S.E. emblem shall be placed on all appropriate props and scenery produced through the efforts of Local 44 members.

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2. Determination of a quorum
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8. Old business
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