

STATUTES FOR THE GOVERNMENT OF LODGES

Under the Jurisdiction of the Transportation • Communications Union/IAM

PREAMBLE

For the purpose of effecting uniformity in the administration of privileges and benefits to its members, the Transportation • Communications Union/International Association of Machinists and Aerospace Workers (TCU/IAM) ordains the following Statutes for the Government of subordinate Lodges.

ARTICLE 1 -- CHARTERS

Section 1. This Lodge shall be known as _____ Lodge No. _____ Transportation • Communications Union/IAM (TCU/IAM), and cannot voluntarily surrender its charter or dissolve so long as forty (40) members in good standing object thereto. A Lodge charter may be retained by less than forty (40) members when in the judgment of the National President circumstances warrant.

Jurisdiction

Section 2. The National President shall define the jurisdiction of Lodges in instances where there is a conflict in jurisdiction between the Protective Committees of Lodges or may require the consolidation of such Lodges when

he deems it to be in the best interests of the Union, subject to appeal and review by the Executive Council.

ARTICLE 2 -- ELIGIBILITY

Section 1. (a) Any person of good moral character who, at the time of making application, is employed in the transportation or other industry over which the Union has or claims jurisdiction and who either is represented by the Union or is a person for whom the Union is seeking representation rights, shall be eligible for membership.

(b) The National President, when he deems it necessary in the interests of the Union, may make exceptions to this Section.

Applications for Membership

Section 2. Applications for membership, reinstatement to membership, or reinstatement upon deposit of a withdrawal card, shall be made in writing upon a form furnished for that purpose. The application must be signed by applicant.

Persons Not Favorable

Section 3. (a) Members shall not propose for membership persons whom they do not know to be favorable to the principles of the Union.

(b) No member of the Union may hold membership in any other railway

labor organization admitting membership as described in this Article, or any other organization or alliance that is dual to the purpose of the Union. Any member who advocates, encourages or affiliates with any dual movement or alliance in any manner whatsoever, shall be deemed to be guilty of conduct unbecoming a member and shall be subject to expulsion.

(c) Any member of the Union who advocates, promotes, or holds membership in any Communist, Fascist, or Nazi organization, or is affiliated with any organization controlled or directed by members of any of these organizations, shall be subject to expulsion.

Applicants for Membership

Section 4. All applications for membership, reinstatement to membership, or reinstatement upon deposit of withdrawal card, shall be accepted subject to the approval of the National President.

ARTICLE 3 -- LODGES

Section 1. (a) All Lodges shall make the necessary arrangements to procure appropriate bonds at the expense of the Lodge for each officer or other person who receives, handles, disburses, or otherwise exercises custody or control of the funds or property of the Lodge, as provided in Article 20 of the Constitution/By-Laws. No person shall serve in such capacity without having furnished bond.

(b) Lodges shall meet at least once each month unless prevented from doing so by an act of God. Lodges may also meet less frequently if a majority of members present so vote at a regular meeting after having been read at two consecutive meetings and if approved by the National President. In no event, shall a Lodge meet less than once every three (3) months. Special meetings may be called by the Lodge President and must be called by him upon written request by one-third of the members of the Lodge. Five (5) members, two (2) of whom must be officers of the Lodge including one qualified to act as President, shall constitute a quorum for the transaction of business; Lodges may in their By-Laws fix a quorum in excess of the foregoing requirement.

Authority to Make By-Laws and Rules

Section 2. Lodges may make, alter, or amend such By-Laws, rules and regulations to supplement these Statutes as may be deemed expedient. Such By-Laws, rules and regulations must be adopted by a vote of two-thirds of the members present, after having been read at two (2) consecutive meetings. The vote on adoption must be taken at the next succeeding meeting. Such By-Laws, rules and regulations shall not conflict with these Statutes, or the Constitution/By-Laws, or Regulations of the Union.

Adoption and Approval of By-Laws

Section 3. After adoption, three (3) copies of all By-Laws shall be submitted to the National President for approval. If approved, they become effective on the date fixed by him and shall not be published before being so approved. An official copy bearing the seal of the Lodge and signed by the Secretary shall be deposited with the National President.

Section 4. The influence or sympathy of the Local Lodge shall never be enlisted or used in favor of any religious organization. No member is permitted to discuss in Local Lodge meetings religious matters unrelated to Federal or State Law, grievances, rules or working conditions or criticize the religious belief of any member. Any Lodge permitting same to be done shall have its charter suspended, and all members participating in such discussion shall be subject to discipline including, but not limited to, expulsion. The influence or sympathy of the Local Lodge may be used in favor of partisan politics, or for a political party only with the prior approval of the National President. Any Lodge engaging in partisan political activity without the prior approval of the National President shall have its charter suspended.

ARTICLE 4 -- OFFICERS AND COMMITTEES

Section 1. (a) The officers of the Lodge shall consist of a President, Vice President, Recording Secretary, Financial Secretary-Treasurer, Chairperson of the Board of Trustees, two (2) or four (4) members of the Board of Trustees, Chairperson of the Local Protective Committee-Delegate, also referred to as Local Chairperson-Delegate and Alternate-Delegate. A member may only be nominated and run for one (1) office. No member shall be entitled to hold more than one (1) office at the same time absent approval of the National President when, in his discretion, he deems it in the best interest of the Union. The offices of Recording Secretary and Financial Secretary-Treasurer may be consolidated at the discretion of the Lodge.

(b) Committees of the Lodge shall consist of Local Protective Committees, an Organization Committee consisting of not less than three (3) members, one of whom shall be the Recording Secretary or Financial Secretary, a Community Services Committee, consisting of not less than three (3) members, the Chairperson of which shall be the Vice President, and such other Committees as may be established by the Lodge.

Eligible for Nominations

Section 2. (a) No member may be nominated for any office or committee in the Lodge who is indebted to the Lodge for more than the current month's dues or for assessments, or who is otherwise not eligible to hold office under the provisions of applicable law. In addition, he must have met his full dues obligation for the preceding year and must continue to do so for his term of office. He must also be a member in good standing as defined in Article 5, Section 5, of the Constitution/By-Laws of the National Union.

(b) Candidates for office or committee (except office of Chairperson of the Local Protective Committee-Delegate and Alternate-Delegate, who are covered under paragraph (e) of this Section) must be actually employed in service over which the Union claims jurisdiction, or exclusively employed by Lodges, Federations, or by the National Union and shall have been so employed continuously, as defined in Article 6, Section 5(a) of the Constitution/By-Laws of the National Union, for more than one (1) year. Such qualifications must be retained for term of office.

(c) Candidates for office or committee shall have had one (1) year or more continuous membership. This paragraph shall not apply to newly organized Lodges.

(d) The National President may approve exceptions to paragraphs (a), (b),

(c) and (e) of this Section where, in his judgment, the conditions warrant such exceptions.

(e) No member shall be eligible for nomination and election to office of Chairperson of the Local Protective Committee-Delegate or as Alternate-Delegate who does not meet all of the requirements set forth in Article 6, Section 5(a) of the Constitution/By-Laws of the National Union. Such qualifications must be retained for term of office.

(f) The one (1) year clause, referred in Article 6, Section 5(a) of the Constitution/By-Laws, shall not apply to newly organized Lodges during the first year of their existence; however, no member hereunder shall be eligible for nomination and election to the office of Chairperson of the Local Protective Committee-Delegate or as Alternate-Delegate until sixty (60) days after admission into the Union.

Nominations and Elections

Section 3. (a) Officers shall be nominated in October, elected in December, and shall be installed in the month of January following. A candidate unable to attend the meeting at which nominations are made must have his nominator submit his written acceptance of the nomination at the time his nomination is made. The term of office for all officers shall be three (3) years. Election shall be by secret ballot. Not less than fifteen (15) days

prior to the date fixed for the nominating meeting and election of officers, notice thereof shall be mailed to each member at his last known home address.

The election shall be by a secret referendum ballot conducted by an Election Committee composed of not less than three (3) or more than five (5) members. Names of candidates for office to be shown on the ballot in the order of continuous membership, the member with the longest membership to be first. All members to be supplied with a ballot through first-class mail and arrangements made for its return and tabulation by the Election Committee. The Election Committee shall make arrangements for ballots to be returned by mail to a restrictive access post office box. Full and complete instructions for voting and return shall appear on the ballot.

A plurality of the legal votes cast shall elect, i.e., the candidate receiving the highest number of legal votes for the office shall be declared elected. In the case of a tie, the candidate having the longest continuous membership in the Union shall be declared elected.

No vote shall be valid or recorded except for candidates who have been properly nominated. "Write-in" votes are not permissible.

A secret ballot need not be conducted where nominees are unopposed. Unopposed nominees shall be elected by motion adopted at the December

meeting that the Secretary be instructed to cast a unanimous ballot for the unopposed nominee or nominees.

Upon receipt of the election results from the Election Committee, the President shall fill out returns of said elections which shall set forth lists of all candidates, the number of votes cast for each, and the names and locations of all officers elected. These returns shall be signed by at least a majority of the election committee and after being attested by the President shall be mailed immediately to the National Secretary-Treasurer. The President shall notify the membership by circular letter within thirty (30) days of the tabulation of the votes.

The ballots and all other records pertaining to the election shall be retained by the Recording Secretary for not less than one (1) year.

Protests

(b) A candidate or member may protest in writing the election or election procedures as follows:

(i) To the President of the Lodge setting forth, in writing, the reasons for the protest within ten (10) days from the date of the incident or the counting of the ballots. When the U.S. mail is used, the postmark will govern in determining compliance with the time limit set forth herein.

(ii) The President of the Lodge shall investigate the matter and within

thirty (30) days from receipt of the protest issue a written ruling. If a ruling is not issued within thirty (30) days, the protest shall be deemed denied.

(iii) The ruling of the Local Lodge President may be appealed, in writing, within thirty (30) days to the National President whose decision is appealable to the Executive Council and the Convention in accordance with Article 16 of the Constitution/By-Laws of the National Union. When the U.S. mail is used, the postmark will govern in determining compliance with the time limit set forth herein.

(iv) A protest involving the election of Chairperson Local Protective Committee-Delegate or Alternate-Delegate, that has been timely appealed to the Convention shall be referred to the Committee on Credentials for its review and report to the Convention. In the event this election is held in the year immediately preceding the Convention, appeals from the National President's decision or if a decision is not made by him by the forty-fifth (45th) day prior to the first day of the Convention, an appeal may be filed, in writing, with the National Secretary-Treasurer by the twentieth (20th) day prior to the first day of the Convention. The National Secretary-Treasurer shall refer all such appeals to the Credentials Committee for its review and report to the Convention.

Absent Through Neglect

Section 4. If officers through neglect absent themselves for three (3) successive meetings (unless working hours prohibit attendance), their office may, by vote of the Lodge, be declared vacant.

Interim Vacancies

Section 5. (a) Any interim vacancy in an elective office other than the Chairperson of the Local Protective Committee-Delegate shall be filled by the President or in his absence by the Vice President through appointment, subject to approval of the Lodge, such appointment to be made within thirty (30) days from the date of vacancy, and approval of the appointment by the Lodge members at a meeting of the Lodge.

(b) Interim vacancy in the office of Chairperson of the Local Protective Committee-Delegate or Alternate-Delegate shall be filled by a secret ballot election in accordance with the standards set forth in Section 3 of this Article. The Lodge President or in his absence the Vice President shall appoint an Acting Chairperson of the Protective Committee to fulfill the duties of this office pending the election.

Past President

Section 6. (a) Upon installation of a new President of a Lodge the retiring President becomes past President. At the institution of a new Lodge the past

President shall be elected.

(b) The past President shall preside at meetings in the absence of the President and Vice President.

Duties-Various Officers

Section 7. The duties of the various officers and committees shall be such as are laid down in the charges of their office in the ritual and as specified in the National Union Constitution/By-Laws and Statutes for the Government of Lodges of the Union.

Reports

Section 8. (a) It shall be the duty of the Financial Secretary-Treasurer of the Lodge to timely prepare and forward to the National Secretary-Treasurer any and all reports required by him, including those showing all changes in membership, including withdrawals, suspensions, deaths, sickness, out-of-work, military service, disability, age and service pensions and to promptly submit all dues, fees and assessments collected by the Lodge to the National Secretary-Treasurer.

(b) Upon receipt of an application for membership on a form provided for that purpose, it shall be the duty of the Financial Secretary-Treasurer to complete the application and forward same to the National Secretary-

Treasurer with the required dues and fees. The National Secretary-Treasurer will issue the member a membership card. The membership card will be valid once the applicant has been accepted by the Lodge. In case an applicant is rejected for membership, the membership card will be returned to the National Secretary-Treasurer and the fees paid will be returned to the Lodge for return to the applicant.

Failure to Make Report

Section 9. Should any Lodge fail to timely file its reports or forward any dues, fees or assessments collected as specified in Section 8, paragraph (a) above, it shall thereby forfeit its charter after ten (10) days' notice to President and Chairperson of the Board of Trustees of the Lodge.

Charters Forfeited, Suspended, Revoked or Surrendered

Section 10. When a Lodge charter is forfeited, suspended, revoked or surrendered for any cause (except mergers), the charter, supplies, books, records, funds and other property of the Lodge shall become the property of the National Union. The officer or officers of the Lodge having in their possession funds or other property of the Lodge, shall be held responsible under his or their bonds for their transfer to the National Union.

Section 11. Members in good standing of such Lodges shall be given

the right to transfer within thirty (30) days to a Lodge of their choice (if not in violation of defined jurisdiction), and if such privilege is not exercised in the time limit allowed, the National Secretary-Treasurer shall transfer such members to such Lodge as he may designate.

President

Section 12. The President shall, when possible, preside at all meetings, regular and special, decide on all questions of law and interpret the Constitution/By-Laws, Statutes for the Government of Lodges and/or By-Laws of the Local, and on request from any member he shall settle all questions or disputes subject to appeal to the Lodge with further appeal to the National President within thirty (30) days.

Section 13. (a) The President shall appoint at the January meeting, subject to the approval of the Lodge, members of the Lodge to perform the duties of Chaplain, Sergeant-at-Arms and Inner and Outer Guards, and they shall serve at the pleasure of the Lodge.

(b) The President or officer acting as such shall appoint a majority and the Vice President or officer acting as such, a minority of all committees, provided, the President shall have the authority to remove a member from any committee for good and sufficient reasons.

Vice President

Section 14. The Vice President shall assist the President in any way directed and preside during his absence.

Recording Secretary

Section 15. The Recording Secretary shall keep the minutes of meetings, conduct all correspondence for the Lodge and render such report to the Lodge and National Union as are provided for in the National Union Constitution/By-Laws or By-Laws of the Local. He shall be custodian of the records and seal, and perform such other duties as pertain to his office.

Financial Secretary-Treasurer

Section 16. The Financial Secretary-Treasurer shall receive all dues, fines, assessments and other monies due the Lodge and keep a complete record thereof. If a member owes two (2) months dues he shall collect only full amount of dues owed, not partial payment. He shall deposit said funds in the name of the Lodge in a bank to be designated by the Lodge or the Board of Trustees. He shall disburse the funds of the Lodge in payment of the regular and authorized expenses of the Lodge requiring necessary receipts and/or documentation to substantiate such expenditures. Unusual or extraordinary expenses, those not required for the normal operation of the Lodge, shall be

referred to the Board of Trustees for consideration and its recommendations, which shall be reported to the Lodge for approval by a majority vote of the members voting at a meeting of the Lodge. No disbursements may be made by the Financial Secretary-Treasurer except on duly approved vouchers signed by the President and the Chair of the Board of Trustees. He shall keep the accounts of the Lodge, timely file all reports required by federal, state and local governments, providing a copy of DOL Form LM and IRS Form 990 to the National Secretary Treasurer, and perform such other duties as pertain to his office.

Chairperson Local Protective Committee

Section 17. (a) The Chairperson of the Protective Committee-Delegate shall appoint all members of the Protective Committee and shall report such appointments at the January meeting of the Lodge following the election in December.

(b) It shall be the duty of the Chairperson of the Local Protective Committee to enforce the agreement extant between the Union and the employer, to receive and adjust grievances referred to him under the laws of the Union and to make a report of the disposition that has been made of those matters, with the approval of his Committee. He shall handle grievances of members within the Local in accordance with the procedure prescribed in

Article 12 of these Statutes.

(c) He is also charged with the duties to see that all laws, rules, regulations, and directives, of the National Union, are strictly enforced. He shall cooperate fully with National Union Officers in enforcing agreements. He shall keep the members of the Local fully informed on matters of legislative interest to the Union and to carry out the instructions of the National Legislative Director and the National President concerning these legislative issues. He shall perform such other duties as are prescribed in the National Union Constitution/By-Laws or By-Laws of the Local.

Board of Trustees

Section 18. (a) The Board of Trustees shall provide a place for holding meetings, and shall exercise supervision over the finances and property of the Lodge. The compensation of officers and committee members for services rendered shall be recommended by the Board of Trustees, subject to approval by a majority vote of the members voting at a regular or special meeting of the Lodge. The Board of Trustees shall also consider and make recommendations to the Lodge on unusual or extraordinary expenses.

(b) The Board of Trustees shall audit the accounts of the Lodge at least once each year in the month of January, and the Chairperson of the Board shall file with the National Secretary-Treasurer on or before February 15, a

certified audit signed by at least a majority of the members of the Board. Should the Board of Trustees fail to audit and file with the National Secretary-Treasurer a certified copy of the audit, as above provided, the Lodge shall stand suspended until they have done so and the National Secretary-Treasurer will notify the Lodge. Between audits, the Board of Trustees is authorized to make periodic examination of the books and records of the financial officer. It shall also, through its Chairperson, examine and if found correct, approve all bills presented for payment.

(c) It shall also be the duty of the Chairperson of the Board of Trustees to preside at all meetings where the President, Vice President and Past President are absent.

Local Protective Committee

Section 19.(a) Any employee who considers that he or she has been dealt with unjustly by the employer, or has been otherwise aggrieved by action of the employer shall report the grievance, in writing, giving all known facts, to the Local Chairperson-Delegate having jurisdiction in the territory. If the reported grievance is considered a proper subject for investigation and adjustment, the Local Chairperson-Delegate or a member of the Protective Committee shall undertake the handling of such grievance on behalf of the complaining employee. (See Article 12 -- Handling Grievances)

(b) Should the Local Chairperson-Delegate or member of Protective Committee fail to secure a satisfactory adjustment, he shall refer the grievance to the National Representative with a full and complete statement of facts and all papers pertaining thereto.

Organization Committee

Section 20. It shall be the duty of the Organization Committee to compile a list of the names and home addresses of all eligible nonmembers, within the jurisdiction of the Lodge, if possible, and forward the list to the National President. The Organization Committee shall use every endeavor to increase the membership of its Lodge.

Local Organizers

Section 21. Lodges may, with the consent of the National President, select local Organizers and provide means for paying all expenses. Such Organizers shall be under the direction of such Lodge and under the discipline of the National President.

Community Services Committee

Section 22. It shall be the duty of the Community Services Committee to provide assistance to our members and their families, outside the workplace, implementing those policies and instructions emanating from the National

Union and the National President.

ARTICLE 5 -- DUES, FEES AND ASSESSMENTS

Section 1. Except as provided in Section 3 of this Article, the initiation fee, reinstatement fee, dues and assessments for all members of a Local Lodge shall be as established pursuant to Article 25 of the Constitution/By-Laws of the National Union.

Section 2. Lodges shall not be permitted to waive dues of any member or officer except that members on strike over two (2) weeks and who have not secured other employment shall be exempt from the payment of dues.

Section 3. No assessment shall be levied by any Lodge except by majority vote by secret ballot of the members voting, at a regular or special meeting, after reasonable notice of intention to vote upon such question, or by a majority vote of the members voting in a secret ballot referendum and subject to approval by the National President in either event.

ARTICLE 6 -- SUSPENSION

Members

Section 1. (a) Dues and assessments are due and payable on the first day of each calendar month. A member owes two months' dues and assessments

on the first day of the second month, which means that two months' dues and assessments, and not a portion thereof, must be paid on or before midnight of the last day of that month or the member will be automatically suspended. It is the responsibility of every member to know when dues and assessments are payable and pay them to an authorized representative of his Lodge within the time limits specified in this Article. No demand for payment of such dues and assessments or notice of nonpayment thereof or delinquency is necessary or required. A member who fails to pay his dues and assessments within the time limits specified in this Article is automatically suspended at 12 o'clock midnight of the last day of the second month for which he owes dues and assessments. The Financial Secretary-Treasurer shall immediately report such suspension to the National Secretary Treasurer. In cases where the suspended member is working on a position covered by a union shop agreement, notification shall promptly be made to the National President or his designee.

(b) Any individual paying an agency fee will be treated in the same manner as above set forth in this Section and Article 7 below.

ARTICLE 7 -- REINSTATEMENT

Section 1. A member suspended for non-payment of dues may apply for reinstatement upon payment of reinstatement fee plus any unpaid assessment or any unpaid dues for which he was liable under a union shop or other

agreement between the Union and his employer at the time of suspension. If the suspended member is subject to the terms and conditions of a union shop, check-off or a union security agreement between the Union and the Employer, and has been reported by the Lodge to the National President or his designee for non-compliance with the terms and conditions of such agreement the application and tender of dues and/or fees shall not be accepted unless approved by the National President, before his application can be acted upon by the Lodge. The National President may make exceptions where in his judgment exceptions are necessary to accommodate the terms and conditions of union shop or other agreements.

Section 2. A member suspended or expelled due to charges being sustained under Article 10 can only apply for reinstatement in the Lodge from which suspended or expelled.

ARTICLE 8 -- WITHDRAWAL CARDS

Section 1. (a) A member who performs no compensated service for sixty (60) consecutive days on a position in industry over which the Union claims jurisdiction (unless such member is on a leave of absence that requires agreement of the Union, retains seniority under an agreement negotiated by the Union, or, is a member receiving protective benefits, called to service in another craft pursuant to a protective agreement) due to reduction in force,

furlough, sickness, disability, or a member working in another craft in the industry where he is required to join another union under a Union Shop Agreement (unless such member is required to pay dues to the Union to retain seniority under an agreement negotiated by the Union) may, upon request to the Financial Secretary-Treasurer of the Lodge, be granted a withdrawal card free of charge, provided he has paid all dues and assessments up to and including the month in which he last received compensation under any agreement or he requests the withdrawal card, whichever is later.

(b) A member who resigns from the service of an employer, including a member who severs his employment relationship for the purpose of accepting an age annuity, may, upon request, be granted a withdrawal card, provided he has paid all dues and assessments up to and including the month in which he last received compensation under any agreement or he requests a withdrawal card, whichever is later.

Re-entering Employment

(c) A member who has been issued a withdrawal card and who is eligible for membership may apply to reinstate his membership in the Union by presenting his withdrawal card, tendering a month's dues and signing an application for reinstatement within thirty-five (35) days after his return to any position over which the Union claims jurisdiction. If the member fails to

surrender his withdrawal card, sign an application for reinstatement and pay a month's dues and assessments within thirty-five (35) days after his return, the card will become null and void and he will be required to pay the reinstatement fee necessary to reinstate his membership in the Union.

Reporting to National Secretary-Treasurer

Section 2. Immediately after the Lodge accepts the withdrawal card, it shall forward the completed application form to the National Secretary-Treasurer as provided in Article 4, Section 8(a). If the applicant is accepted as a member by the National Union, the National Secretary-Treasurer shall then issue a membership card.

ARTICLE 9 -- TRANSFER OF MEMBERSHIP

Section 1. (a) A member desiring to transfer his membership to another Lodge, under the jurisdiction of the National Union may do so by requesting transfer from his present Lodge. Lodges must grant a transfer to any member requesting same, provided he has his dues and assessments paid up to and including the month in which the request for transfer is made and provided further that such member is not under charges, and that he does not seek admission to a Lodge in violation of jurisdiction fixed pursuant to Article 13, Section 20 of the National Union Constitution/By-Laws and Article 1, Section 2 of the Statutes for the Government of Lodges.

(b) The Lodge will furnish the National Secretary-Treasurer a certificate of transfer covering the member, showing the member to be in good standing with all dues and assessments fully paid up to and including the month in which the request for transfer was made, signed by the Financial Secretary-Treasurer together with name and number of the Lodge to which the member desires to transfer.

Certificate

(c) Upon receipt of the certificate of transfer, the National Secretary-Treasurer shall complete the transfer.

ARTICLE 10 -- CHARGES, TRIALS AND PENALTIES

Violation of Principles

Section 1. A member who violates any of the policies or principles of the Union or offends against the Constitution/By-Laws or Statutes for the Government of Lodges may be reprimanded, fined, or expelled, as the laws may direct.

Charges

Section 2. (a) Charges may be brought and filed with the President of the Local Lodge by any member in good standing against any other member. Such charge should specify with reasonable particularity the alleged offense committed and that section of the Constitution/By-Laws or Statutes for the Government of Lodges under which the accused is being charged.

(b) Any Lodge, officer or member of the Union preferring frivolous, baseless, or unwarranted charges, shall be dealt with subject to the provisions of Article 13, Sections 8 and 10, of the TCU/IAM Constitution/By-Laws.

Action on Charges

Section 3. (a) The President shall, within a reasonable time after reviewing the charge, appoint a Trial Committee of the Lodge, consisting of not less than three (3) members and no more than five (5) members, with one (1) member designated as the Chairperson. Subsequent to the appointment of the Committee, the President shall furnish the Committee with the charge.

(b) The Committee upon receipt of the charge shall notify the accused by certified mail or personal delivery of the time, date and place the trial will be held and attach thereto a copy of the charge. In no event shall the trial be held less than fifteen (15) days from the date the charges were furnished to the

accused. The Committee may postpone the trial, provided, however, such adjournment should not exceed one hundred twenty (120) days from the date the charges were filed.

The Trial

Section 4 (a). The accused shall have the right to present witnesses and other evidence, to examine and cross-examine witnesses, and right to testify or not to testify.

(b) The accused has the right at the commencement of the trial to challenge any member of the Trial Committee for good cause; such challenge to be ruled on by the Lodge President.

(c) If an accused member without just cause refuses or neglects to stand trial when duly notified, the Committee may proceed with the trial in his absence, may find him guilty or guilty of contempt or both.

(d) The trial should be open to any member of the Union in good standing. The Committee is empowered to take those steps necessary to have the trial conducted in an orderly manner and to require individuals present to maintain proper decorum.

(e) The Committee shall keep minutes of these proceedings and preserve the evidence presented. Minutes should accurately reflect the proceedings, but need not be a word-for-word transcript.

(f) Where the accused or his representative is present and elects not to testify, it shall be deemed to be a plea of not guilty and the trial shall proceed.

(g) A charging or accused member may only be assisted, or advised or represented by any member of this Union in good standing.

(h) The Committee, in executive session, shall agree upon a verdict, reduce it to writing, and present it to the Lodge at its next regularly scheduled meeting and it shall be entered on the minutes. The Lodge shall determine whether the Trial Committee's verdict should be sustained and, if so, proceed to fix the penalty by majority vote, which may be a reprimand, fine or expulsion; except, however, the penalty of expulsion shall require a two-thirds majority vote of those present. If present, the accused and charging party(ies) shall withdraw from the meeting during such balloting.

(i) When the verdict is announced, it shall be entered on the minutes, and the Recording Secretary shall notify the accused in writing of the Lodge's vote by hand delivery or certified mail. Any penalty imposed shall be enforced by the President of the Lodge; however, the National President may, on his own motion or following an appeal to him, stay the penalty pending his decision on appeal.

Member Fined or Reprimanded

Section 5. A member who is fined must remit payment to the Lodge within

thirty (30) days after receiving notice thereof. If the penalty imposed is a reprimand, the member shall be summoned to attend the next regular meeting for that purpose. Failure to pay the fine or receive the reprimand shall result in the loss of the right to attend Lodge meetings, hold Union office, or obtain a withdrawal card. A member may pay any fine imposed, without in any manner affecting his right of appeal from the imposition of such fine, and if said fine be set aside on appeal, the Lodge shall immediately refund the amount of fine paid.

Appeal From Action of Lodge

Section 6. A member may appeal from the action of the Lodge to the National President on any matter covered by this Article, within thirty (30) days after being furnished with the Lodge's verdict. Appeals shall be in writing and state the grounds therefor. A copy shall be filed with the President and with the Recording Secretary of the Lodge. Upon receipt of such copy, the Recording Secretary shall at once send a certified copy of all charges, reports, evidence and other papers relating to the appeal to the National President, who shall render a decision as promptly as possible, which decision may affirm, reverse, or modify the decision appealed from. The decision of the National President may be appealed to the Executive Council under procedures set forth in Article 16 of the Constitution/By-Laws, which shall be

the final appellate step.

Readmission of Expelled Member

Section 7. A member having been expelled by action of a Lodge and not appealing there from, shall not be readmitted within less than six (6) months after such expulsion; after six (6) months, he may make application for readmission, which shall be considered and acted upon as provided for in the laws governing the admission of candidates. A member expelled for defrauding a Lodge must secure the consent of the National President, the Executive Council, and the Lodge expelling him before application for readmission to the Union will be received.

Misappropriation of Funds-Penalty

Section 8 (a). An officer or member of a Lodge who misappropriates funds of the Union, if found guilty, shall thereafter be ineligible to hold any office or to represent the Union in any capacity.

(b) No Lodge shall have authority to compromise or offer settlement with any officer or member, but shall immediately report same to the National Secretary-Treasurer. Failure to report will be sufficient cause for revocation

of the charter.

ARTICLE 11 -- RECALL OF LODGE OFFICERS

Section 1. The recall of any officer of a Lodge may be initiated by petition of a majority of the members of the Lodge, provided that in the case of the Chairperson of a Local Protective Committee the petition shall be by a majority of the members he represents. Upon the filing of such a petition with the Recording Secretary of the Lodge, the President shall institute recall proceedings in accordance with uniform rules and regulations promulgated and published by the Executive Council. Two-thirds of the members of the Lodge, or the members he represents, as the case may be, must participate in such election and a majority thereof, voting by secret ballot for the recall, shall be necessary to recall an officer.

Rules and Regulations Governing Recall of Lodge Officers

Rule 1. Proceedings to recall a Lodge officer may be instituted by petition signed by a majority of the members of a Lodge, or in the case of a Chairperson of a Local Protective Committee, by a majority of the members he represents, setting forth that the Lodge officer has been found guilty of serious misconduct under federal or state law, or under the National Union Constitution/By-Laws or Statutes for the Government of Lodges.

Rule 2. Such recall petition shall state the serious misconduct which serves as the grounds for which removal is sought, shall be signed by the members demanding recall, shall include a copy of a written finding of guilt of charges brought under the Constitution/By-Laws or Statutes for the Government of Lodges (issued pursuant to Article 13, Section 10 of the TCU/IAM Constitution/By-Laws or Article 10, Section 4(i) of the Statutes for the Government of Lodges), or a written copy of a judgment issued by a state or federal court against the officer, and shall be filed with the Recording Secretary of the Lodge.

Rule 3. The Recording Secretary shall ascertain and certify whether the petition is signed by the requisite number of qualified members as shown by the membership records of the Lodge on the date the petition is filed. He shall transmit the petition together with his certification to the President of the Lodge and shall furnish a copy thereof to the officer sought to be recalled.

Rule 4. The President of the Lodge upon receipt of a recall petition certified by the Recording Secretary as bearing the necessary number of signatures, shall appoint a committee of three (3) members to prepare and supervise the distribution of the ballot, tabulate the result and report same to the Lodge.

Rule 5. If the petition involves the President or the Recording Secretary,

the procedures indicated above shall be conducted by the Board of Trustees.

Rule 6. The officer sought to be recalled may, if he so desires, file a concise statement in answer to the grounds stated in the recall petition with the Recording Secretary within ten (10) days after the receipt of the petition.

Rule 7. In the event the officer sought to be recalled wishes to challenge whether he has been found guilty of “serious misconduct” as required in Rule 1 above, he shall file such a challenge with the Recording Secretary, who shall file the recall petition and challenge with the National President for resolution, subject to appeal to the Executive Council.

Rule 8. The recall ballot shall briefly state the reasons therefor and the answer of the officer sought to be recalled. Below this information shall be provided space for the member to indicate his choice as follows:

1. If you favor recall of (insert name of officer) place an X in this square.....☐

2. If you do not favor recall of (insert name of officer) place an X in this square.....☐

The ballot shall state the date on or before which it must be returned.

Rule 9. The recall ballot, together with necessary instructions for voting and returning the ballot, shall be mailed to each member qualified to vote at

his last known home address not less than fifteen (15) days before the closing date of the ballot. An addressed and stamped return envelope and a smaller plain envelope in which the marked ballot shall be placed and sealed, shall accompany the ballot. The return envelope shall provide space for the voter to write his name and address, which identification shall be checked to determine if the voter is entitled to cast a ballot before it is opened.

Rule 10. The election committee shall make such other arrangements, not in conflict with these Rules, as it deems necessary to insure the secrecy of the ballot.

Rule 11. The officer subject to recall shall be entitled to be present or to be represented by an observer when the envelopes are checked for voter qualification, opened and the ballots are counted.

Rule 12. The election committee shall certify to the results of the election and report same to the Lodge. All records in connection therewith shall be turned over to the Recording Secretary of the Lodge who shall preserve them for not less than one (1) year.

Rule 13. In order to recall the officer, two-thirds of the members eligible to vote must participate in the recall election, and a majority of the valid votes cast is necessary to recall the officer.

ARTICLE 12 -- HANDLING OF GRIEVANCES

Section 1. (a) The term “grievance” wherever it appears in these statutes, shall be construed as a complaint by the employee against the employer concerning application of agreements covering wages and working conditions or concerning employment relations.

(b) No member other than a member of the Local Protective Committee, the aggrieved member himself or herself, or a designated representative of the National Union (including National Representative or Assistant National Representative) shall represent any employee in any investigation, or assist in any way in adjusting grievances and any member violating this provision shall be guilty of misconduct and subject to the penalties provided by the National Union Constitution/By-Laws. Any member electing to pursue a claim on his own behalf, forfeits the right to union assistance, financial or otherwise.

(c) *Prima facie* violations of working agreements by employers may be handled by Protective Committees or the National Representative, without formal grievances having been presented by the employee. It is the duty of such representatives to see that agreements are enforced without violation by the employer or by the employees. This duty does not impose an obligation on such officers to seek out violations nor is it intended to minimize, in any way, the responsibility of an individual member to file grievances in writing.

(d) Any employee represented by the Lodge who considers that he or she has been dealt with unjustly by the employer, or has been otherwise aggrieved by action of the employer, shall report the grievance, in writing, giving all known facts, to the Local Chairperson-Delegate. If the reported grievance is considered a proper subject for investigation and adjustment, the Local Chairperson-Delegate shall undertake the handling of such grievance on behalf of a complaining member. In pursuing such adjustment, the Local Chairperson-Delegate shall first present the grievance to the official of the company having jurisdiction over such matters, and, if unsuccessful at that level, further handling shall be according to the procedures established by the National Representative. The Local Chairperson-Delegate may discuss the grievance with members of the Local Protective Committee, and designate member(s) of the Committee to assist in the handling of the grievance.

(e) No member of the Committee except the Local Chairperson or National or Assistant National Representative shall discuss with any official of the company any matters pertaining to existing grievances, unless at least one other member of said committee is present at such discussion, and any member of the Union, or employee, who having placed grievances in the hands of the Lodge, who shall personally attempt to adjust same, communicate with or reply to any communications received from any official

of the company except by instructions from the proper committee or National Representative, shall forfeit all rights to assistance from the Union in adjusting same.

(f) Any officer or member of a Lodge interfering in any matter detrimental to the successful conclusion of a grievance, shall be subject to expulsion from the Union when found guilty of such act. This Section shall not be construed to prohibit free discussion by any member of a grievance being considered at a regular meeting of a Lodge.

Section 2. (a) Any Local Chairperson-Delegate declining to handle a grievance shall, in writing, promptly so notify the employee provided the employee submitted the grievance in accordance with Section 1(d) above. Such denial should inform the employee of his right to appeal the Local Chairperson-Delegate's decision to the National Representative and of his individual rights, if any, to seek adjustment of such grievance himself, at his own expense.

(b) Upon written request timely filed by the employee who intends to appeal within the Union, the Local Chairperson-Delegate shall file with the proper officer of the employer a copy of the grievance with request for an extension of time. The employee shall be advised it is the employee's responsibility to secure any further time extensions necessary to pursue

appeals within the Union without endangering the presentation of the grievance within the time limits established by any agreement with an employer.

(c) Any appeal to the National Representative should contain a full and complete statement of facts and all papers pertaining thereto.

Section 3. (a) If the National Representative declines to handle a grievance it may be appealed to the National President. Such appeals must be sent, together with the reasons for appeal, supporting documents and correspondence, so as to be received by the National President within thirty (30) days from the date of the letter of declination from the National Representative. If an appeal is made to the National President, it will be the claimant's responsibility to request any necessary time limit extensions from the Carrier to insure that the claim could, if the internal appeal is successful, be progressed to arbitration.

(b) If the decision of the National President is unsatisfactory, it may be appealed within thirty (30) days from the date of the decision to the Executive Council, whose decision shall be final. All appeals must be filed timely and in writing. When the U.S. mail is used, the postmark will govern in determining compliance with the time limits set forth herein. If an appeal is made to the Executive Council, it will be the claimant's responsibility to

request any necessary time limit extensions from the Carrier to insure that the claim could, if the internal appeal is successful, be progressed to arbitration.

(c) Time limits shall be thirty (30) days from date of decision for each further appeal provided; when the U.S. mail is used, the postmark will govern in determining compliance with the time limits set forth herein. In no event will appeal be entertained if not received within time limits unless officer, whose decision is being appealed from, is agreeable to extension of time limits provided.

(d) In the event an appeal is sustained, the grievance shall immediately be referred to the proper officer for prompt handling as the laws may provide.