

CONSTITUTION **and** **BY LAWS**



of
Local Union No. 599

of the
Operative Plasterers' and
Cement Masons'
International Association
of the United States and Canada

AMENDED 3-21-05

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AMENDED MARCH 21, 2005

ARTICLE I NAME AND COMPOSITION

- (1) This organization shall be known as Local #599, the Operative Plasterers and Cement Masons of the State of Wisconsin, OPERATIVE PLASTERERS and CEMENT MASONS INTERNATIONAL ASSOCIATION (hereinafter referred to as "Local Union" or "Local #599").
- (2) This Local Union shall be composed of (i) Local Areas now chartered by the International Union, or chartered by the International Union in the future, with jurisdiction over the State of Wisconsin; (ii) and Local Areas in continuous or proximate territory directed by the International; and (iii) any other Local Area in continuous or proximate which wishes to affiliate with Local #599 and whose affiliation is approved by the International Union.

ARTICLE II OBJECTIVES

- (1) The objectives of Local #599 are, by combining the economic power, effort and strength of the constituent Local Areas and coordinating, consolidating and unifying certain of their activities, to enhance, preserve, protect, and improve the working conditions of its members, and more particularly, but without limitation:
 - a. To promote the organization of all persons engaged in work within its jurisdiction for their mutual benefit, aid and protection, through direct organizing activity and by assisting its constituent Local Areas in their organizing activities;
 - b. To secure improved wages, fringe benefits, hours, working conditions and other economic advantages for all such workers;
 - c. To promote or establish programs to meet the cost of health care, retirement, unemployment and similar needs of all such workers and their families;
 - d. To promote the health, welfare and safety of all such workers and their families;
 - e. To promote and develop programs to increase employment opportunities for such workers;

- f. To secure recognition by employers and by the public of the right of all such workers to engage in collective bargaining;
- g. To promote and develop apprentice programs, training programs and other means to advance the skills, efficiency and working knowledge of the members of its constituent Local Areas, with Joint Apprenticeship Committee(s) and Apprenticeship Coordinator(s) designated as being responsible for the duties and responsibilities directed by the Local Union or Joint Apprenticeship Committee(s) and International Union.
- h. To promote and develop industrial peace and harmonious relations between employees and employers,
- i. To promote and develop harmonious relations with community organizations and other labor organizations;
- j. To promote financial and moral assistance to other labor organizations or bodies having purposes and objects in whole or in part similar or related to those of Local #599 and its constituent Local Areas;
- k. To promote and develop a better understanding by government and the public of the labor movement;
- l. To engage in legislative activity to promote and develop the physical, economic and social welfare of members of its constituent Local Areas and their families;
- m. To promote and develop the interest of Local #599, its constituent Local Area and their members, by such means as registration, voting, political education and citizenship activities involving its members and their families;
- n. To engage in such educational and research activities as may be appropriate;
- o. To engage in legal activities appropriate for the advancement or defense of the interests of Local #599, its constituent Local Areas and their members;
- p. To promote and develop the trade jurisdiction of Local #599 and its constituent Local Areas;

- q. To promote harmonious relations among its constituent Local Areas and their members;
 - r. To fulfill and require observance of Local #599 Collective Bargaining Agreements;
 - s. To promote and foster respect for and compliance with the constitutions of the International Union, this State Local and its constituent Local Areas, and all of the rules, regulations, policies, practices and lawful orders and decisions adopted and promulgated in the furtherance and administration of the said constitutions;
 - t. To negotiate, administer and enforce agreements with employers covering work performed within trade and geographic jurisdictions of its constituent Local Areas;
 - u. To coordinate the activities of its constituent Local Areas or such of its Local Areas as have a common interest;
 - v. To receive, manage, invest, expend or otherwise use the funds and property of Local #599 to carry out the duties and to achieve their objectives set forth in this Constitution and By-Laws and for such additional purposes and objects not inconsistent therewith as will further the interests of Local #599 and its constituent Local Areas and their members directly or indirectly;
 - w. To take such other actions as may tend to protect and promote the welfare of Local #599, its constituent Local Areas and the members of constituent Local Area.
- (2) The officers of this State Local shall dedicate themselves to achieving these objectives by taking the following oath;

I, _____, solemnly pledge my word of honor that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and that I will bear true faith and allegiance without any purpose of evasion or mental reservations. I will perform all the duties pertaining to the office to which I have been elected or appointed as provided for in the Constitution, and that I will turn over to my successor, when duly qualified, all documents and property of this International Association in my charge.

ARTICLE III POWERS

- (1) *The powers of Local #599 shall be Executive, Legislative, and Judicial.*
- (2) *Local #599 shall be the tribunal to which all matters of general importance to its constituent Local Areas, to their members and to Local #599, shall be referred.*
- (3) *Local #599 shall have the power:*
 - a. *To negotiate, bargain for and enter into understandings and Agreements with employers for and on behalf of its constituent Local Areas; to enforce and police the observance thereof by employees and Employers, Local Areas and their members; to supervise and to coordinate the activities of Local Area Officers in connection with the administration and enforcement of its Agreements, and when after due deliberations it believes and deems it necessary, to take such proper and lawful economic action as may be required to accomplish and effectuate the welfare of its constituent Local Areas and members;*
 - b. *To maintain uniformity in the conduct of the business of its constituent Local Areas;*
 - c. *To regulate the initiation fees charged by its constituent Local Areas;*
 - d. *(i) To establish a State Local dues, including hourly working dues, [the use of the term dues in this Constitution shall include all Local monthly dues, Local or International working dues, and/or Local or International assessments, and all fines consistent with Article XXIII, Section 1 of the International Constitution] (ii) to levy assessments, and (iii) to fix the compensation and expenses of its Officers and Representatives;*
 - e. *The salary, if any, of all State Local Officers, Committees, Delegate or Board Members, must be set either at the time of nomination or before their appointment, whichever is appropriate. The salaries of Local #599's Officers shall not be set so high as to prevent the Local from meeting its other legitimate and necessary expenses. Should Local #599's financial situation decline between Union elections of*

its paid Officers, it shall be the duty of the Business Representatives and/or Financial Secretary to call a special meeting to report this development to the membership. Local #599 shall, in such circumstances, either increase Local dues or pass an assessment. As an alternative, Local #599 may reduce salaries by the minimum necessary to bring finances into line;

- f. To assist constituent Local Areas in administrative matters, including, but not limited to, the collection of dues, the maintenance of membership and financial records, the filing of required government and International Union reports, and the operation of contractual hiring halls or job referral systems;
 - g. To take such action as it may deem necessary or appropriate to carry out the objects listed in Article II hereof;
 - h. To establish and effectuate proper rules, regulations, policies, and practices as are deemed necessary or appropriate to fulfill the purposes for which Local #599 was chartered;
 - i. To establish a Negotiating Committee or Committees to negotiate and administer Agreements with Employers or Employer associations.
 - j. All Local Unions affiliated with the International Association must become and remain affiliates of Local Building and Construction Trades Councils where such bodies exist unless the Local Union received an exemption from the General President. Where no Building and Construction Trades Council exists, Local Unions should endeavor to form such a body by cooperating with other Building and Construction Trades Unions covering the same territorial jurisdiction.
- (4) Neither Local #599 nor its Officers shall be responsible or liable for the wrongful or unlawful acts of its constituent Local Areas or their Officers, members, or Agents, except where Local #599 or its Officers shall have actually and directly participated in or actually and specifically authorized such acts.

ARTICLE IV UNION MEETINGS

- (1) Meetings shall be held monthly or bimonthly at the option of the members in each of the Local Areas making up Local #599. Four (4) Area members shall constitute a quorum.
- (2) In addition to the regular Area meetings, a Statewide Union meeting shall be held once a year. In order to afford an opportunity to make proper arrangements, the date of the Statewide Union meeting and the time and place at which the meeting will be held shall be decided by the Executive Board. Seven (7) members of Local #599 shall constitute a quorum.
- (3) The Financial Secretary shall, no less than fifteen (15) days prior to the opening of the Statewide meeting, mail to each member a notice stating the date, time, and place of the meeting.
- (4) The Statewide meeting shall be presided over by the President. Reports may be given by the Business Manager as well as the elected Officer of each Local Area having primary responsibility for the Area's day-to-day affairs.
- (5) The President shall have the authority to bring to the Statewide Meeting any informal business, such as the invocation and speakers, and have the power, subject to approval of the Executive Board, to determine who, other than members, may attend the meeting.
- (6) The General President or any person designated by the General President shall have the right to attend and have a voice at all regular or special called meetings of any Local Union and Local Executive Board meetings, as well as any Committee meetings or negotiations conducted by any Local Union, District Council, State or Provincial Conference, or subordinate bodies of these organizations.

ARTICLE V ELECTIONS

- (1) *Local #599's election will be held on the fourth Saturday in June, 2003, and every three (3) years thereafter. Voting polls will be at each Local Area's designated polling place. Polls will be open from 6:00 A.M. until 1:00 P.M. A Judge and two Tellers will be appointed by the President to serve as an Election Committee to oversee the election in each Local Area.*

All ballots used or unused will be transported by the Election Committee immediately after the polls are closed, to the Central Administrative Office.

- (2) *All Local Union Officers shall be elected for a term of three (3) years in a secret ballot election. All elections will be by plurality vote. Nominations of Officers for Local Unions shall be held not less than fifteen (15) days prior to the date of the election itself. Each member shall be given notice by mail at his last known address sent at least fifteen (15) days prior to the date of the nomination meeting. The notice shall set forth: 1) the date, place and time of the nomination meeting; 2) the offices which are to be filled; 3) the date, time and place of the election itself, and 4) the date, time and place of any run-off election, if necessary. All nominations must be made at the nomination meeting. At the nomination meeting, the salaries of each office to be filled will be announced in accordance with Article XV (1) (D) and (E) of the International Constitution and noted in the Local Union meeting minutes.*
- (3) *A member of a Local Union shall be eligible to hold office in the Local Union if he/she satisfies all of the following criteria:*
 - a. *The member must be a Journey person member of the International Association.*
 - b. *The member cannot be affiliated with any political party advocating the overthrow of the United States or Canadian government by force or by any illegal or unconstitutional means.*
 - c. *The member must have been in good standing in the Local Union for a period of twelve (12) months immediately preceding the date of the nomination meeting, provided that the members of the Local*

Unions which have been chartered within twelve (12) months before the election date need only be in good standing for as long as the Local Union has been chartered. A member shall be considered in good standing if at no time in the twelve (12) months preceding the date of the nomination meeting he/she owed no more than two (2) months Local dues, working dues or Local assessments to the Local Union and/or working dues or International assessments to the International Association including any financial obligations for the month in which the nomination meeting is held.

- d. The member must be actively employed at the craft within the jurisdiction of their Local Union for a period of twelve (12) months prior to the date of nomination meeting. For purposes of this section, "active employment at the craft" shall also include periods of time during which the Journey person member is employed by, or serves as an elected or appointed Officer/Administrator of, the International Association, State or Provincial Councils, District Councils, Local Unions and/or related organizations including Trust Funds, as well as periods of time during which the Journey person member serves in a capacity as a Trainer or Instructor in the craft.e. To be eligible for election to Local Union office, a candidate must not have deposited a Travel Card into another Local Union of the International Association unless he subsequently redeposited his Travel Card in his Home Local Union within six (6) months of the date on which the Travel Card was issued and at least thirty (30) days before the date of the nomination.
- f. The member must not have dual membership in a rival organization or serve as an Officer, Agent or employee of a rival Labor organization, unless the General President determines, in his discretion, in writing to waive this eligibility requirement for an individual when the General President determines the waiver to be in the best interest of the International Association.

Notwithstanding any provision contained herein, Local Unions may include a provision in their by-laws permitting retired members to hold Local Union office, other than paid, full-time positions.

- g. Before nominations take place, the President shall appoint from among the delegates an Election Committee composed of three (3) persons, none of whom may be a candidate for Local Officer. The

Election Committee shall have the general responsibility to oversee the entire election process, including the authority to promulgate such rules and regulations consistent with this Constitution as it deems necessary, to appoint persons to assist the Committee in supervising the elections, to oversee the actions of the Local Area committees appointed by the President pursuant to Section 1 of this Article, and to determine protests concerning nominations or elections.

(4) Nominations:

- a. Nominations for Officers and Business Agents shall be held at the Statewide Union meeting. The meeting shall take place not less than fifteen (15) days prior to elections.*
- b. A second for each nomination shall be required.*
- c. A member making a nomination shall be allowed the floor for no more than three (3) minutes, a member seconding a nomination shall be allowed the floor for no more than two (2) minutes.*
- d. Nominations shall be made in the following order: President, Vice-President, Business Manager, Financial Secretary-Treasurer, Recording Secretary, Sergeant-at-Arms, and Business Agents. Business Agents shall be nominated for each of the Local Areas as established by the Local Union's Executive Board. Candidates for Local Area Business Agents may also run for the following positions: Business Manager, President, Vice-President, Recording Secretary, Financial Secretary- Treasurer, and Sergeant-at-Arms. For purposes of economy and convenience, one or more elective offices may be combined as the need arises and as the membership approves, provided that such combination or consolidation receives a written approval of the General President of the International Association. Retired members of Local #599 shall be excluded from holding any elected office of the Union.*
- e. Each nominee shall be required to signify whether he/she accepts the nomination. If so, his/her name shall be included on the list of nominees for that office. Acceptance must be received in writing within seven (7) days of nomination. Any nominee for Business Agent who does not reside in the Local Area Region for which he/she is nominated, will have sixty (60) days to move to that Local Area upon winning the election.*

- f. The Financial Secretary, to the extent required by law, shall, upon reasonable notice, make available for inspection by any bona fide candidate the membership list of the Local Union once in thirty (30) days prior to the election date. No candidate shall be permitted by the Financial Secretary to copy any names or addresses shown on such list, any such inspection must be made in the presence of the Financial Secretary or someone designated by the Financial Secretary.
- g. If there is only one nominee for any office, the chair shall declare the nominee duly elected.

(5) Elections:

- a. The following elections shall be Statewide with all eligible members allowed to vote: President, Vice-President, Business Manager, Financial Secretary-Treasurer, Recording Secretary, and Sergeant-at-Arms. Only members who are listed as belonging to a Local Area in the membership records kept in the Central Administrative Office shall be eligible to vote for the Business Agent for the Local Area in which they are listed.
- b. No member shall vote at any election of Officers unless he/she has been a member for a period of at least six (6) months prior to date of the election. In addition, no member more than two (2) months in arrears in his or her Union dues including any amount owed for the month in which the election is held shall be allowed to vote in any election. A Member in good standings shall be eligible to vote only in the Local Area that he/she is listed as belonging to in the membership records kept in the Central Administrative Office.
- c. Ten (10) days prior to the election, the Financial Secretary shall prepare a list of all eligible voters for the Election Committee. Each member desiring to vote shall present his or her dues card prior to the time he or she votes to determine whether or not the member is in good standing. As each member votes, his or her name shall be checked off the voter eligibility list.
- d. Any member whose name does not appear on the voter eligibility list because he or she owes more than two (2) months Union dues, including any amount owed for the month in which the election is held, may nonetheless vote in the election if the members pays

sufficient dues to return to good standing prior to the elections, including the day of the election, and this fact is verified by the Financial Secretary and the Local Union's books and records.

- e. Any candidate or observer may challenge the decision of the Election Committee that a voter is eligible or ineligible at the time when the Election Committee makes its decision and before the member has voted. The challenged ballots, if any, shall be set aside: Only if the challenged ballots could affect the outcome of the election shall it be necessary to rule on the challenges made. If there are sufficient number of challenged ballots to affect the results of the election, the challenges shall be investigated further by the Election Committee. The Election Committee shall reach a decision on each challenged ballot before any of the challenged ballots are opened.
- f. A protest of the conduct and validity of the Local Union, State Conference, District Council or Provincial Conference election or nomination shall be filed with the Election Committee upon the discovery of the grounds of the protest but in no event later than five (5) working days after the date of the election. The Election Committee shall promptly rule on the protest. Pending the Election Committee's ruling on the protest, the candidate with the largest number of votes shall take office unless the General President otherwise determines or directs.
- g. An appeal may be taken from the decision of the Local Election Committee on any protest to the General President. Appeals for the Election Committee's decision on any protest of an election or nominations must be made within five (5) working days after the date of the election. And, appeals from the Election Committee's decision on a protest of nominations cannot be made until after the election except where a member is protesting a finding that he/she is not eligible to run for office in which case an appeal must be filed with the General President within five (5) working days as provided for in Article XVIII Section I (B) of the International Constitution. The appeal shall be made in writing to the General President and a copy must be simultaneously served on Local #599. The appeal must clearly and specifically set forth the grounds upon which the protesting member relies. Officers shall be inducted within seven days following the election irrespective of the existence or pendency

of a protest in accordance with Local Union procedures unless the General President otherwise determines or directs. The induction shall in no way affect or impair a protest or an appeal.

- h. Upon receipt of the protest, the General President shall refer it to one of his/her representatives who shall conduct an investigation and render a decision. Any Local #599 candidate or member who is not satisfied with the representative's decision must appeal in writing within fifteen (15) days to the General President. The General President shall have the right to affirm, reverse, modify or change the decision of his/her representative or enter any other decision as the facts warrant. The decision of the General President shall be final, binding and conclusive and there shall be no further appeal.
- i. Members found guilty, by Local #599 after notice and trial as provided by the Constitution, of maliciously and in bad faith filing a protest to the conduct and validity of an election or of a nomination shall be assessed and punished accordingly by the Local Union, subject to the appeal provisions of the International Constitution.

ARTICLE VI DUTIES OF OFFICERS

(1) Duties of the Business Manager:

- a. Local Unions must have a Business Manager designated as responsible for the duties enumerated in this Section. The Business Manager shall be responsible for performing the duties of a Business Agent, and shall be a member on the Local #599 Executive Board. In addition, the Business Manager shall supervise and direct all of the Local Union's Business Agents in the performance of their duties and the Business Agents must all report directly to the Business Manager. The Business Manager shall also be primarily responsible for filing copies of the Local Union's current Collective Bargaining Agreements and current version of the Local Union Constitution and By-Laws with the General Office of the International Association.

This Union shall have the option of using a different title for the principle Officer other than Business Manager. This Local Union upon selecting such option must receive approval from the International Association in writing.

- b. *The State Business Manager may be the recognized representative of Local #599. It shall be his duty to see to it that affairs of Local #599 are being properly conducted in accordance with all applicable rules, regulations, policies, practices, and lawful orders and decisions.*
- c. *Local #599 Business Manager shall be the chief executive officer of Local #599. Between the meetings of the Local #599 Executive Board, he shall have the authority to make all decisions necessary to the Locals operations and serve as an ex-officio Trustee of Local #599.*
- d. *The Business Manager may be a member and chairman of each of the Negotiating Committees of Local #599.*
- e. *The Business Manager is authorized to enforce the provisions of all Local #599 Agreements and to require compliance with such Agreement by all persons affected thereby. Pursuant to that authority, he shall have the power to supervise and coordinate the activities of Local Area officers engaged in the administration and enforcement of Local #599 Agreements within the jurisdictions of their Local Area, and shall direct the work of the Business Agents, Organizers, and State Apprenticeship Coordinator of Local #599.*
- f. *The Business Manager shall have the authority to visit construction projects within the jurisdiction of Local #599 in order to ascertain whether or not work is progressing in accordance with the provisions of the Collective Bargaining Agreements, or to designate a Business Agent or any other Officer of the Local Area in whose jurisdiction the jobsite is located to visit the construction project and make a report to him thereon.*
- g. *The Business Manager shall have the power, whenever he is so authorized by the Executive Board to visit any constituent Local Area of the Local and to inspect its proceedings and records, either personally or through a representative, and to request information in writing from any Officer of a constituent Local Area, in connection with any questions concerning the affairs of Local #599 or compliance with the Constitution and By-Laws of Local #599.*
- h. *The Business Manager shall make a report of his activities at each meeting of the Executive Board and at such other times as the Executive Board may require.*

- i. The Business Manager shall deliver to his successor in office all books, papers, and other property belonging to his office at the expiration of his term of office.
- j. The Business Manager shall fill all vacancies in elected offices by appointment of pro tem Officers with approval of the Local Executive Board. In the event of a vacancy in the office of Business Manager, the President of the Local shall make the pro tem appointment with the approval of the Local Executive Board. If a vacancy in any full-time, salaried office occurs with more than two (2) years remaining until the next regularly scheduled election, a special election must be held to fill the vacancy with nominations and election to be held within sixty (60) days of the vacancy. Nominations and Elections for any vacancy of any office for which a special election is called for may be conducted at a single meeting with a recommendation from the Executive Board, provided that members are sent at least a fifteen (15) day notice of such nomination/election meeting and provided further that the notice specifically states that both nominations and elections will be held at the same meeting. If the vacancy in any full-time, salaried office is less than two (2) years until the next regularly scheduled election, the person appointed pro tem shall serve until the next regularly scheduled election. If a vacancy occurs in any office that is not full-time and salaried, the person appointed pro tem shall serve until the next regularly scheduled election.
- k. The Business Manager shall appoint special committees as are deemed necessary under the regulations of this Constitution. The Business Manager shall also have the authority to appoint additional Business Agents/Organizers with the approval of the Local #599 Executive Board. Such appointed Business Agents/Organizers can be removed at the sole discretion of the Business Manager, and the number of appointed Business Agents/Organizers can be decreased to no less than the elected Business Agents provided for in the Constitution if, in the opinion of the Business Manager, this is fiscally necessary or in the best interest of the Local. Further, the appointed Business Agents/Organizers may be on a part-time basis if the Business Manager deems this to be the best interest of the Local.

- l. *The Business Manager shall be a delegate by virtue of his office to all Conventions, Conferences and Committees of the OP&CMIA.*

(2) Duties of the President:

- a. *The President shall be a member and Chairman of the Local #599 Executive Board and shall preside as Chairman of all Statewide meetings of Local #599 and all of its Executive Board meetings, exercising all of the authority and responsibility of the Chairman. He/she will appoint a four (4)-person Board to serve as Trustees of Local #599 to review the books, and financial records.*
- b. *The President shall be a delegate by virtue of his/her office and to all Conventions, Conferences and Committees of the OP&CMIA.*
- c. *The President shall appoint the members of the Election Committee and all special committees, and fill all vacancies on any such committee unless otherwise provided. The President shall also appoint members to fill any special positions which may be created, and fill any vacancies which may occur in such positions, subject to review and approval by the Executive Board. The President shall have the authority to establish suitable rules and regulations, subject to review and approval by the Executive Board for the removal and replacement of members to these committees and positions.*

(3) Duties of the Financial Secretary-Treasurer:

- a. *The Financial Secretary-Treasurer shall be a member of the Local #599 Executive Board.*
- b. *The Financial Secretary-Treasurer shall sign all checks or orders for the payment of monies from Local #599, except as otherwise provided in this Constitution.*
- c. *The Financial Secretary-Treasurer shall hire office employees for any positions he/she determines to be required for the efficient administration of Local #599, he/she shall establish the terms and conditions of employment for all such positions, subject to approval by the Executive Board, he/she shall direct and supervise such employee, and he/she shall be in charge of the office established by the Executive Board, provided he/she permits all members of the Executive Board such access to the use of the office and any office employees as they may require to carry out their responsibilities.*

- d. The Financial Secretary-Treasurer shall make and keep a proper record of all monies received, deposited and paid out, and make written financial reports at least monthly to the Executive Board.
 - e. The Financial Secretary-Treasurer shall transmit any International Union dues collected by Local #599 to the International Union and make all other lawful payments and obligations due and owing to the International Union.
 - f. All records of all financial transactions within Local #599 shall be in the custody of the Financial Secretary-Treasurer, who shall see that copies of such records are maintained on file at the office of Local #599 at all times.
 - g. The Financial Secretary-Treasurer shall submit his/her books to the Certified Public Accountant retained by the Executive Board for the purpose of auditing the financial records of Local #599.
 - h. He/she shall make available to any Officer or properly designated representative of the International Union, on request, the Local's books, records or documents in his keeping.
 - i. He/she shall receive and safely keep all records, reports, communications, papers and documents, and shall conduct the correspondence of Local #599.
 - j. Within three (3) months after the end of the calendar year, the Financial Secretary-Treasurer shall submit a copy of Local #599's annual LM-2/LM-3 report filed with the Department of Labor to the General Secretary-Treasurer.
 - k. The Financial Secretary-Treasurer shall be a delegate, by virtue of his/her office, to all Conventions, Conferences and Committees of the OP&CMIA.
- (4) Duties of the Vice President:
- a. The Vice President shall in the absence of the President perform all the duties pertaining to the office of President. The Vice-President shall be a member of the Local #599 Executive Board.
 - b. The Vice President shall be a delegate, by virtue of his/her office, to all Conventions, Conferences and Committees of the OP&CMIA.

(5) *Duties of the Recording Secretary:*

- a. The Recording Secretary shall keep a correct record of each meeting's proceedings; attest with the President all orders of the Financial Secretary-Treasurer authorized by the Union and record the same in Local #599's book of records together with the minutes of the meeting. Minutes of Local #599 meetings shall be kept by the Recording Secretary in a bound minute book with the pages pre-numbered. Local #599's minute books must be kept in Local #599's office and may not be removed from the office without prior approval of the Executive Board. He/she shall at the end of his/her term of office deliver to his/her successor when duly elected and qualified, all books, papers or other property in his/her possession, belonging to this Union.
- b. The Recording Secretary shall also be responsible for compiling and maintaining the minutes taken at Local Area meetings, and shall supervise the taking and recording of those minutes. The Recording Secretary shall prepare a monthly report for the Local #599 Executive Board to be sent to all Area offices. This report shall summarize the discussion at each Local Areas monthly meeting.
- c. The Recording Secretary, shall be a delegate, by virtue of his/her office, to all Conventions, Conferences and Committees of the OP&CMIA.
- d. The Recording Secretary shall be a member of the Local #599 Executive Board.

(6) *Duties of the Sergeant-at-Arms:*

- a. The Sergeant-at-Arms will assist the President in keeping order at all meetings of Local #599.
- b. The Sergeant-at-Arms will serve as a member of the Local #599 Executive Board.
- c. The Sergeant-at-Arms shall be a delegate, by virtue of his/her office, to all Conventions, Conferences and Committees of the OP&CMIA.

(7) *Duties of the Business Agent:*

- a. The Business Agent shall work under the direction of and receive assignments from the Business Manager. It is the Business Agent's

solemn duty and obligation to vigilantly protect the trade jurisdiction of the International Association, to compel Employers to observe and respect Bargaining Agreements, to adjust all grievances between members of his/her Local Union and their employers with justice and fairness and to promote and foster employment for members of the Local Union.

The Business Agent shall also be primarily responsible for filing copies of the Area's Collective Bargaining documents with the Central Administrative Office.

- b. The Business Agent under the direction of the Business Manager shall appoint and coordinate the activities of the jobsite stewards in the Area's jurisdiction. Jobsite stewards shall perform such duties as assigned to them by the Business Manager and shall work under the directions and such supervision in matters relating to the business of Local #599.*
- c. Each Area Business Agent, subject to the approval of the State Local #599 Executive Board, will appoint two (2) members from his Area, to run his/her respective meetings. One will chair the Local Area meetings and the second will be Recording Secretary at the meetings, who shall, following each meeting, report to the Local #599 Recording Secretary. A third may be appointed as an alternate and may serve as Sergeant-at-Arms.*

(8) Requirements of Officers:

- a. A member elected or appointed pursuant to this Constitution to any office or position of Local #599 shall fully perform all such duties, responsibilities and obligations that are attached to such office or position as required by the International Union and Local #599 Constitution, and shall perform all acts and comply with all obligations and responsibilities as required by law.*
- b. All Business Managers, Financial Secretaries, Business Agents and Organizers must have a valid driver's license, as well as adequate automobile insurance, and maintain said license and insurance during his term of office in order to be eligible to hold and maintain Local Union office. The Local Union shall be obligated to promptly notify the International Association whenever a loss of driving privileges or insurance occurs. When the General President, in his*

discretion, determines that a reasonable accommodation is appropriate without interference with the duties of the officer, such accommodation may be allowed by the General President in writing.

- (9) *A member elected to the position of Business Agent or any office of Local #599 who willfully fails to perform his/her duties may be removed and barred from his/her office or position. If there are charges being filed against a person elected to any office or the position of Business Agent, and the Executive Board, after it investigates the charges, determines that there is probable cause to believe they are true and, if true, that the best interests of this organization would be in serious jeopardy if the person were allowed to continue to serve, it may, by majority vote, immediately suspend the person charged from his/her office pending the outcome of the trial proceedings. Any vacancy created by the removal of an officer or a Business Agent pursuant to this provision shall be filled in the manner specified in Article V, Section 5 of this Constitution.*

ARTICLE VII TRIAL COMMITTEE

- (1) *The Trial Committee shall consist of the Area Business Agent, two delegates, and one Executive Board Member appointed by the President.*

Fines

- (2) *All violations of any portion of the Constitution and By-Laws or working rules of this Union or of the International Constitution shall be punishable by fine or suspension or expulsion.*
- (3) *The proper cause for discipline of membership, as expressed herein, should include, but not be limited to, the following:*
- a. Violation of the oath of membership by a member.*
 - b. Actions by a member tending to undermine the working rules, wages and conditions of the members of this Local Union.*
 - c. Sponsoring dual Unionism.*
 - d. Assaulting an Officer of any Local Union or any representative of the International Association.*

- e. *Advocating or sponsoring any movement to overthrow the laws of the country.*
 - f. *And for all other causes which generally violate sound trade Union principles.*
- (4) *All trials shall be conducted in accordance with the following procedure. Charges against a member must be made in writing, signed by a member of the Operative Plasterers' and Cement Masons' International Association in good standing or by duly authorized representative of this Local who has personal knowledge of the offense committed. The member or a duly authorized representative filing the charges against a member must specify the section or sections of the Constitution and By-Laws or Working Rules of Local #599 or of the International Association that were violated stating with reasonable certainty, the facts of the offense charged, the time and place of the occurrence and the names of witnesses.*
- (5) *Charges preferred against a member shall be immediately referred to the Local Executive Board or Trial Board. The accused member shall be served with a copy of the charges by the Secretary or the Business Agent of the Local Union personally or by registered or certified mail. Along with the charges, the Business Agent or Secretary of the Local Union shall serve upon the charged member a notice specifying the date, time, and place where the accused shall be required to stand trial. The charges and notice sent by registered or certified mail shall be addressed to the members' last known address as shown on the books of the Local Union. If the Local Union does not have a current address for charged members, it shall obtain the last known current address from the International Union.*
- (6) *When the charges have been accepted and served on the charged member, the Local Executive Board shall without unnecessary delay summon the parties, hear all witnesses, and try the case, provided that the accused must have at least ten (10) days from the date of notice before being called upon to plead guilty or not guilty to the charges against him/her.*

- (7) The Local Executive Board or other Trial Board will report their findings at the next regular meeting of the Local Union. If the accused is found guilty, he may be assessed, suspended, expelled, reprimanded, removed and/or barred from holding Local Union Office. The Local Executive Board or Trial Board may impose any or all of these disciplinary measures. The findings of the Local Executive Board or Trial Board shall be final and binding subject to the appeal provisions of the Constitution. No vote shall be taken among the Local Union membership on the report of the Local Executive Board or Trial Board.
- (8) Except as provided in Article XXV Section 5 of the International Constitution, no Local Union shall impose a fine of more than \$200.00 for each offense and the total fines levied shall not exceed \$1,000.00 upon an accused OPCMIA member unless approved by the General Executive Board.
- (9) If the Local Union seeks to issue a fine of more than \$200.00 per offense or \$1,000.00 total, the Local Union shall, within ten (10) days file an application upon forms supplied by the General Secretary-Treasurer with the General Executive Board requesting the approval of the penalty of more than \$200.00 per offense or \$1,000.00 total.

The petition for approval shall set forth the name and membership number of the disciplined member; the exact nature of the discipline imposed; details of the charges including the name of the charging party; the identity of the particular provisions of the OPCMIA Constitution that were violated; a copy of the full-text of any provision of the Local Union's Constitution, by-laws or working rules that the disciplined member violated; the date a copy of the charges and notice of hearing were mailed by certified mail to the member's last known address; a digest or summary of all of the testimony of the various witnesses appearing at the hearing, including the accused; the findings of the Local Executive Board or Trial Board; and the date the Local Executive Board or Trial Board reported its findings at a regular meeting of the Local Union.

The General Secretary-Treasurer shall mail a copy of the petition to the member by certified mail to his last known address as shown on the records of the Local Union. The accused member shall have a

period of fifteen (15) days after receipt of the copy of the petition for approval in which to file a statement of position.

The General Executive Board shall render a decision and the decision of the General Executive Board shall be final and binding if no appeal is taken as provided in Article XXVI, Section 5.

Appeals

- (10) *Except as otherwise expressly provided for in this Constitution, members disciplined by Local Executive Board or Trial Board pursuant to the Constitution may, within thirty (30) days after the decision and penalty are registered at the International headquarters, appeal the decision of the Local Union to the General Executive Board. Provided, however, that the disciplined member must comply with the decision of the Local Executive Board or Trial Board or make arrangements to fully comply with that decision prior to the expiration of the thirty (30) day period, and provided further, that the disciplined member's appeal must be sent by registered or certified mail to the General Executive Board within the thirty (30) day period. Except that if the penalty is removal from office or barred from holding office, or suspension, expulsion or reprimand, the penalty shall not be effective until after the General Executive Board decides the appeal or the thirty (30) day period has run.*

 - a. *If a part of the discipline imposed by the Local Union the accused member was fined, then the fine must be paid or arrangements made with the Local Union for payment before the appeal to the General Executive Board can be made. Fines paid under protest shall be deposited with the General Secretary-Treasurer and will be held by him until the case is finally resolved by the General Executive Board. The disciplined member may pay the Local Union the amount of the fine under protest, and the Local shall immediately forward the amount of the fine to the General Secretary-Treasurer's office pending final settlement of the case. Alternatively, the accused member may pay the protested fine directly to the General Secretary-Treasurer by certified check, bank draft, or money order only.*
 - b. *The written appeal to the General Executive Board must be filed with the General Secretary-Treasurer and must set forth the grounds*

and reasons why the fine or other action of the Local Union should be reversed or modified.

- c. The General Secretary-Treasurer shall forward a copy of the member's appeal to the Local Union and direct the Local Union to provide the General Executive Board with a copy of the original charges, the date on which the charges and notice were sent to the accused, the copy of the notice, a copy of the certified or registered mail receipts, the findings of the Local Executive Board or Trial Board, the date on which the Local Executive Board reported its findings at the regular meeting of the Local Union and a brief explanation if the Local Union believes such an explanation is necessary.*
 - d. The General Secretary-Treasurer shall forward a copy of this information to the disciplined member. The accused member may file with the General Secretary-Treasurer a reply to the Local Union's statement provided that any such reply is received by the General Secretary-Treasurer within fifteen (15) days after the materials were forwarded to the disciplined member. The accused must also send a copy of his reply to the Local Union Secretary. The Local Executive Board shall then have ten (10) days after receipt of the accused's reply to submit a response.*
 - e. The General Executive Board shall render its decision base upon the record and its decision shall be final and binding. The General Executive Board shall have the power to affirm, reverse, modify or amend any decision or to enter any new decision or penalty as the General Executive Board in its discretion deems just and proper.*
- (11) Unless otherwise expressly provided for, any decision made by the General Executive Board shall be subject to appeal to the next regular Convention, if either party so desires, within sixty (60) days after notification after the General Executive Boards' decision is mailed to the parties. Provided however, that the decision of the General Executive Board must be carried out and complied with in all respects by all parties until the Convention determines or directs otherwise.*

- (12) No Officer, Representative, or member of the International Association and its Local Unions, District Councils, or State or Provincial Conferences shall resort to court proceedings of any description in any manner relating to this organization, any affiliated body, or to his membership or office until all the remedies and appeals provided for by this International Association Constitution have been fully exhausted.

Hearings

- (13) In any trial or hearing provided for in this Article or in other Articles of this Constitution, involving either a Local Union Executive Board or Trial Board or a hearing officer appointed by the General President, the accused may select only a member of the International Association to represent him/her in the presentation of his defense at the hearing and the charging party may select only a member of the International Association to assist him/her in the presentation of the evidence at the hearing in support of the charges. Persons who are not members of the International Association may appear as witnesses if they have personal knowledge concerning the issues in the trial or hearing. However, such non-member may not represent or assist in the presentation of evidence or argument for either the accused or the charging party at any hearing or trial called for under the Constitution.

ARTICLE VIII EXECUTIVE BOARD

- (1) Local #599, having been created with the object of combining the economic power effort and strength of the constituent Local Areas, in order to more effectively protect and promote the welfare of its members, it shall be the duty of the Executive Board:
- a. To formulate coordinated strategies for Collective Bargaining by Local #599 that utilize the combined strength of the Local Areas and their members to achieve common bargaining goals; and,
 - b. To ensure the effective implementation of its bargaining goals and policies and by establishing policies and goals for Collective Bargaining; and monitor the progress of all negotiations conducted on behalf of Local #599.

- (2) The Local Executive Board shall consist of the Business Manager, President, Vice-President, Recording Secretary, Financial Secretary-Treasurer, Sergeant-at-Arms, and all elected Business Agents. The Executive Board shall meet at least once every month, and the Executive Board shall be empowered to take whatever action is necessary to comply with the directions of the International Association. In the absence of the President or Vice-President, Board Members shall act as President or Vice President in the order of their election. The Local Executive Board shall constitute the Membership Committee and make a thorough, systematic examination of each candidate for membership as to his/her ability and previous record and standing; they shall act as a Rules Committee, to whom shall be referred all proposed changes or additions to this Constitution and By-Laws and such Standing Rules as this Union may adopt from time to time. A Board Member shall be subject to a fine or removal from office or both as the Union may decide for failure to perform his/her duties. Board members shall remain in office until their successors have been duly elected and qualified. Four (4) members of the Board shall constitute a quorum for the transaction of business at regular or called Board meeting. The Board shall transact all business referred to it by Local #599 or by the Union's duly elected officers in between meetings of Local #599 and reported at the next following Local #599 meeting. The Local Union Executive Board must keep accurate minutes of the transactions of business at Board meetings in a bound minutes book, which shall be read and approved at the next following Local Union membership meeting.
- (3) The Local Executive Board shall have the power to engage legal counsel, and bring suit and assume the costs of any legal actions in which Local #599 becomes involved on behalf of Local #599 or one or more of its constituent Local Areas, with full authority to bind in such suit all constituent Local Area and members of the constituent Local Areas of Local #599. It may also commit Local #599 to pay all expenses for investigation services, employment of counsel and other necessary expenditures in any cause, matter, case or cases where a Local #599 Officer, employee, Agent or one alleged to have acted on behalf of Local #599 is charged with any violation or violation of law or is sued in any civil action with respect to any matter arising out of his official duties, except if such Officer,

representative, employee or Agent is charged with a breach of his trust to Local #599 or International or any member or affiliate thereof in which event he may be indemnified only if the action is terminated favorable to him.

- (4) The Local Executive Board shall appoint all Labor Trustees to all Trust Funds, including the Health & Welfare, Pension and Apprenticeship Funds. They shall be appointed from active participating members of Local #599. In the event of a vacancy on the Board of Trustees due to death, resignation, loss of Union membership or removal for failing to perform the duties of a Trustee properly, the Local Executive Board shall make the appointment to fill the vacancy. Removing a Trustee for failure to perform his duties is also the responsibility of the Local Executive Board.
- (5) The Local Executive Board shall retain a Certified Public Accountant who shall audit the books and records of Local #599 annually, or at such more frequent intervals as the Local Executive Board deems appropriate. The Certified Public Accountant shall provide the Local Executive Board with a certified report on the annual audit.
- (6) A summary report on the annual audit shall be issued to each of the constituent Local Areas within three (3) months of the audit and shall be mailed to the International Union in such form as the International may require.
- (7) An adequate summary of the most recent annual audit shall be available for inspection by any member of a constituent Local Area of Local #599 at Local #599's office during regular business hours, and a copy of such a summary shall be mailed to any member making a written request to the Business Manager.
- (8) The Local Executive Board shall have the right to require the books, records and other data from all Officers, officials, or employees of Local #599 or its constituent Local Areas, and to request their appearance for the purpose of making such report or explanation as may be deemed necessary.
- (9) Bonding: Each Officer, employee, or representative of Local #599 who handles or has authority over funds or other property thereof shall be bonded for the faithful discharge of his duties in

accordance with applicable law and Article XV, Section I(c) of the International Constitution. The cost of such bond shall be paid by the International Association.

- (10) Subject to approval by the International, the Local #599 Executive Board has the authority to set initiation fees.*

ARTICLE IX TRUSTEES

- (1) There shall be a four(4)-member Board of Trustees whose duty it shall be to meet quarterly to review the books, finances and records of Local #599.*

ARTICLE X FUNDING LOCAL #599

- (1) Local #599 will be funded by a dues checkoff work assessment up to five percent (5%) of Journeyman's base hourly wage for the highest negotiated rate of all Areas of Local #599.*
- (2) The basic monthly dues for actives and retirees will be set at a minimum of \$5.00 per month subject to change as the Local per capita increases.*
- (3) Dues are payable on the first day of each month. Members who are three (3) months behind in monthly dues will receive a statement for the back dues and a charge of \$10.00 for delinquent fee.*
- (4) All financial transactions will be handled in compliance with the International Constitution. The primary revenue of the International Association shall consist, not of per capita tax, but of International working dues as follows:*
 - a. The revenue of this Association shall be determined by International working dues, requests or search for record fees, registration fees, percentage of fines and any other form of income the Association may have earned.*
 - b. A fee of twenty percent (20%) shall be added to each registered fine assessed disciplined members by their Local Union. This additional twenty percent (20%) fee shall be collected for and paid to the International Association immediately upon registration of the fine with the International Association.*

- c. *Effective January 1, 2005, each member shall pay to the International Association for each hour worked an amount equal to one percent (1%) of the total package (wages plus fringes, including but not limited to Pension, Health and Welfare, and Training) then enforced under the Collective Bargaining Agreement covering the work that is performed. These International working dues shall be collected by each Local Union and transmitted on a monthly basis to the International Association.*
- (5) *All dues increases shall be approved by a majority vote of the Local Union membership voting in a secret ballot election after written notice setting the time, date, and place when the vote on the dues increase will be held.*
- (6) *Should it become necessary, this Local Union shall have the authority to levy an assessment on the membership to pay any extraordinary costs of the Local. The assessment must be approved by a majority vote of the Local Union membership voting in a secret ballot election after written notice setting the time, date, and place when the vote on the assessment will be held. If the assessment is expressed in the terms so much for each hour, day, week, or month worked, such an assessment shall apply to all members and prospective members of the International Association who are working in the jurisdiction. If, however, the assessment is expressed in terms of an absolute dollar amount, then the assessment shall be paid by all members of the Local Union.*

ARTICLE XI NEGOTIATIONS

- (1) *Local #599 shall negotiate Agreements with Employers covering work performed within the trade and jurisdictions of its constituent Local Areas through Negotiating Committees, each of which may consist of the Business Manager, who may serve as the Committee's Chairman. The Business Manager may appoint up to three (3) members to serve on the Committee, one of which shall be the Business Agent for the Area the contract covers. The Business Manager may expand a Negotiating Committee whenever necessary to assure that each Local Area is represented in negotiations for an Agreement covering the Local Area.*

- (2) *The formulation of Collective Agreements shall be the work of the Negotiating Committees. Each Negotiating Committee, when meeting with representatives of Employers, shall, together with the Employer representatives, constitute a Joint Arbitration Board to consider and resolve all matters of mutual interest to Employers and employees working under the Local #599 Agreement in the jurisdiction of the Negotiating Committee. The decisions and findings of the Joint Arbitration Boards shall be final and binding upon all parties concerned.*
- (3) *The Negotiating Committees shall act by majority vote for their members, so that each member shall be required to accede to any action to which the majority agrees. Otherwise, the Negotiating Committees shall be governed by the rules of the procedure outlined in the applicable State Local Agreement with the Employers and the rules of procedures adopted by the applicable Joint Arbitration Board.*
- (4) *All Agreements entered into by Local Unions or other affiliated bodies with Employers must be submitted to the General President so that the Agreements may be forwarded to the Department of Labor and other Government Agencies that require certificates of wage rates in various geographical areas. In addition, a separate document signed by the Employer and Local Union must be sent to the OPCMIA in duplicate every time a wage increase, fringe benefit contribution or other cost factor is increased pursuant to the terms of an existing Agreement. The International Association, its Officers and Representative shall not in any manner become a party to any Local, District Council or Statewide Collective Bargaining Agreement unless otherwise authorized by the General President. The International Association shall not assume any duty, liability or obligation concerning the terms and conditions of any Local, District Council, or Statewide Collective Bargaining Agreement. The Officers and Representatives of the International Association are not responsible for any conduct engaged in by a Local Union, District Council, or State Association respecting their Collective Bargaining Agreements.*

ARTICLE XII DISAFFILIATION

- (1) *This Local shall not be dissolved or withdraw from affiliation with the Operative Plasterers and Cement Masons International Association so long as seven or more members in good standing of this Local vote to retain their Local Charter, and their affiliation with the International.*
- (2) *Before the members of this Local shall be permitted or required to vote on the question of dissolving or withdrawing from affiliation with the Operative Plasterers and Cement Masons International Association, three (3) months notice in writing shall be given to the General Secretary/Treasurer and no vote shall be taken on either question by the members except at a specifically called meeting, after due notice in writing to the General Secretary-Treasurer, and each and every member, designating the time and place of meeting and the purpose for which the special meeting is called.*
- (3) *Should this Local, by vote of its members at a specifically called meeting in the manner specified herein, decide to dissolve or withdraw from affiliation with the Operative Plasterers and Cement Masons International Association, the officers shall immediately notify the General Secretary-Treasurer of the action taken and a record of the vote cast by members to dissolve or withdraw from affiliation, and the Officers, Representatives, and members of this Local shall comply with all requirements of Article IX Section 4(d) of the International Constitution before being relieved of responsibility and liability to this Local and to the Operative Plasterers and Cement Masons International Association.*

ARTICLE XIII DUTIES OF MEMBERS

- (1) *An applicant for membership in this Union must be a practical Cement Mason or Plasterer. He/she may be required to present himself/herself before the Examining Committee at the time and place designated to answer such questions and furnish such information and references as the Committee may require. The Committee may require that an applicant stand a practical test on a job in order to prove his/her mechanical ability. The test for each*

classification of work person, whether it be oral or practical, must be uniformly given and non-discriminatory applied to all applicants for membership. An applicant who fails to make regular payments on his/her initiation fee shall forfeit all monies paid unless a reasonable excuse is given.

Anyone who shall certify falsely to any statement of fact or give any misleading answers on any of the membership application forms shall immediately be disciplined up to and including expulsion from membership in the International Association and its affiliated Local Union upon evidence of such false pretense, misrepresentation, or fraud being presented to the General Officers.

- (2) Members of dual organization or of associations that are antagonistic to the fundamental principles of Trade Unionism are ineligible for membership in this Union, and any member joining such organization or association shall, after a fair and impartial trial, be expelled.*
- (3) When a candidate for membership is accepted, he/she shall take the obligation of the OP&CMIA as follows:*

I, _____, promise and pledge my word of honor that I am familiar with the laws of the Constitution of the International Association and of this Local Union and that I will not perform any acts in any way prejudicial to the best interests of the International Association, but will endeavor at all times to promote the International Association's prosperity and usefulness. I agree to remain loyal and true to the principles and policies and to be governed by the Constitution, By-Laws, and ritual of the International Association, and the Local Union in any and all matters that now or may hereafter be included therein. I further promise and swear that I am not a member of any organization advocating the overthrow by force and violence of the Government of the United States. I take this obligation voluntarily, without any mental reservation, and I will, to the best of my ability, faithfully, meet all obligations and discharge of my duties as a member of this Association, which I am about to enter, so help me God.

- (4) When there is a joint Agreement in force between the Union and a Contractor, or Association of Contractors or any other party, it shall be the duty of every member to strictly abide by and live up to such Agreement which becomes part of the by-laws. Members are to be kept informed of such Agreements and for violations of any provisions contained therein shall be subject to such penalty as the Union may impose after a fair and impartial trial.
- (5) Any member who is suspended for any cause shall forfeit all claims to the benefits and privileges of this Union during such suspension.
- (6) Initiation Fee
 - a. The Local Union shall have the privilege of giving the new member up to six (6) months to pay Local initiation fees in full. However, this grace period, if extended, will not affect the applicant's status as a full member from the date that the application is signed and the first International working dues are paid. During such grace period, the new member shall have the full obligation of paying all Local dues, and Local and International working dues that are normally required for members of the Local and International.
 - b. If a new member fails to pay the Local initiation fee in a timely manner including any grace period not to exceed six (6) months that has been established by the Local, or if financial obligations regularly required of all members including the payment of Local monthly dues, Local working dues, and International working dues, are not satisfied, the new member will be dropped and shall forfeit any and all monies paid and shall have to reapply for membership in the International Association by filing a new application for membership with the Financial Secretary or authorized agent of the Local Union and pay all financial obligations in accordance with Article XXIII, Section 3(c) of the International Constitution.
- (7) 1. Loss of good standing and suspension
 - a. Any member who becomes more than two (2) months delinquent in the payment of dues is no longer in good standing, in accordance with Article XXXIV, Section 1 of the International Constitution. Any elected or appointed Officer of the International Association or Local Union who, at any time, is not in good standing is subject to removal from office by the General President.

- b. Any member who becomes more than three (3) months delinquent in the payment of dues shall be suspended from the Local Union and the International Association. A suspended member shall be denied all rights and privileges of good standing and is not entitled to any monetary benefits.
- c. A suspended member returns to good standing by paying (1) all his back indebtedness through the current month; and (2) any reinstatement fee required by the Local Union so long as that fee does not exceed seventy-five dollars (\$75.00).

2. Dropped Members

- a. Members who have not paid dues for a period of more than six (6) months will automatically be dropped from the Local and the International Association.
- b. Members who have not paid a disciplinary fine or made arrangements to pay the fine within thirty (30) days from the date the decision and penalty is registered at the International Association shall be automatically dropped (expelled) from the Local Union and the International Association.
- c. Members dropped for non payment of dues may rejoin their Local Union and the International Association. Dropped members wishing to rejoin a Local Union may be required to pay all indebtedness owed at the time of being dropped; shall pay a request for records fee of seventy-five dollars (\$75.00) to the International Association; and may be required to pay a new initiation fee of no more than one and one-half times (1½) the current regular initiation fee of the Local Union from which he/she was dropped.

Dropped members wishing to join a Local Union other than the Local Union from which they were dropped may do so by paying a request for records fee to the International Association of seventy-five dollars (\$75.00) and a new initiation fee of no more than one and one-half times (1½) the regular initiation fee of the Local Union the expelled member wishes to join, plus all indebtedness due to the Local Union and the International Association from which he/she was dropped.

- d. Local Unions may also uniformly require dropped members who are seeking to rejoin the International Association to establish their current qualifications as required of new members.
- e. Members dropped from membership for non payment of dues who rejoin the Union pursuant to this Section cannot be restored to their former initiation date.

3. Disciplinary Expulsion

- a. Members who are expelled for disciplinary reasons or for failing to pay their fines or for otherwise failing to observe the discipline imposed against them cannot be restored to their former initiation date. Such members may, however, rejoin the International Association provided that (1) two (2) years or more has passed since the member was expelled; or (2) the member fully complies with the original discipline imposed against him/her or secures waiver of the discipline from the Local Union and/or International Association; or (3) the member fully complies with the requirements c and d of Section 2 of this Article pertaining to initiation fees, re-initiation fees, request for records fees and qualification. Provided however, that the Local Union originally imposing the discipline may petition the General Executive Board to prevent expelled members from rejoining the International Association for just cause.
 - b. The General President has the authority to waive, in whole or in part, the two (2) year waiting period, disciplinary fines, back indebtedness, reinstatement or re-initiation fees for just cause for former members seeking readmission to the International Association or any Local Union.
 - c. The use of the term “dues” in this Article shall include all monthly dues, assessments, and/or Local or International working dues owed to an OPCMIA Local Union or the International Association.
- (8) No member or group of members shall discuss or meet for the purpose of discussing the promotion of dual membership, disaffiliation, calling a wildcat strike, interfering with the legal duties of the officers of the Union as required by the Constitution of this Association or of Local #599 or by Federal Law, or of interfering with the conduct and performance of the legal or contractual obligations of the Union.

- (9) Any member who shall interfere with an Officer in the discharge of his/her duties shall be fined or expelled, or suspended, after a fair and impartial trial held in accordance with the trial procedure set forth herein.
- (10) No member shall violate his/her oath of membership or take any action that would tend to undermine the working rules, wages, and conditions of the other members of the Union, nor shall he/she sponsor a dual Union, assault an officer of Local #599 or of the International Association, and shall not advocate or sponsor any movement to overthrow the laws of the country, nor perform any act which generally violates sound trade Union principles, may be disciplined pursuant to the procedures set forth in the International Constitution.
- (11) Any member finding his/her wages or hours short on payday shall refuse to accept same unless steps are immediately taken to rectify such shortage. He/she shall report the shortage to the Union and receive advice and assistance of the Business Manager or Business Agent. Any member reporting a shortage after more than a week has elapsed or after being discharged, unless discharged for reporting a shortage shall, if found guilty after a fair and impartial trial, be fined as the Union may decide.
- (12) All members of the OP&CMIA must clear in with the Business Manager or a Business Agent before starting to work in a Local Area jurisdiction. If a member is found guilty of not reporting in, he/she shall be subject to such penalty as the Union may impose.
- (13) The place of residence of each member as recorded with the Secretary shall be considered his/her official address, and all notices and other mail pertaining to such member shall be forwarded to that address. It shall be the duty of every member to be observant of the decorum requisite in all well-conducted assemblies, to be respectful to the Officers, and address all as Brothers and Sisters; to avoid, when on the floor, anything personal or of a nature calculated to annoy or hurt the feelings of a Brother or Sistermember; to steer clear of any religious matters; to be concise as possible, and to keep strictly to the question before the house, not to interrupt a fellow member when he/she is speaking, to follow closely the rules of order, making the duties of the presiding officer satisfactory and the proceedings agreeable and pleasant.

- (14) Excepting where elements of danger exist or the health of a member may be impaired, it shall be the duty of all members to perform all or any kind of work contained in our work jurisdiction. Should a member at any time refuse to do so he/she shall, if found guilty, be subject to such penalty as the Union may impose.
- (15) Members shall not speak injuriously of another member to a Contractor. Should any member be found guilty of a kick-back or of working for less than scale of wages or lesser working conditions after a fair and impartial trial, held in accordance with the trial procedure set forth herein, he/she shall be penalized as the Union may decide.
- (16) A Local member who declares himself/herself a Contractor, shall have the right to keep his/her Union book. He/she will pay dues only. In the event he/she wishes to return as a journeyman he/she shall give thirty (30) days notice before returning to work. During his/her contracting he/she will not have the right to voice or vote on Union or Local matters. In addition, a contracting member shall not be allowed to take any part in the official affairs of this Local until one (1) year after the member has terminated his/her business or financial interest in any business directly connected with the Plastering, Cement Mason, and Shop industries. A contracting member may use his/her working tools when members are not available.
- (17) Notwithstanding anything to the contrary stated in this Article or any of the Articles making up the instant Constitution and By-Laws, it shall not be a violation thereof for a member to seek employment with a Non-signatory Contractor or to work for a Non-signatory Contractor so long as that individual signs and abides by a Salting Agreement between that member and Local #599.

ARTICLE XIV ASSOCIATE MEMBERS

Recognizing the duty to organize the unorganized, Local #599 Executive Board may approve applications for membership in Local #599 from workers not traditionally associated with the craft of Plasterers, Cement Masons or Shop Hand. In such instances, Local #599 Executive Board shall have full authority, at its sole discretion to establish new classifications and to alter or modify initiation fees and obligations for such classification, including monthly dues and dues check off.

ARTICLE XV STRIKES

A special meeting shall be called to consider any resolution or motion to strike. This Union shall not adopt the resolution or motion to strike unless it is voted by the Area membership by secret ballot and is supported by a 2/3 majority vote of the members present and voting.

No member shall be allowed to vote on a strike unless he/she has been a member of this Local for six (6) months previous to the date of the strike vote. Members working during a strike for Contractors who have agreed to pay retroactively a new wage rate upon settlement of the strike shall not be entitled to vote upon recommendations of the negotiating committee that affect wage rate or upon a motion to continue or to terminate a strike unless such members are required to pay assessments to support the strike.

ARTICLE XVI FRINGE BENEFITS

The Local Union shall make provisions for a Health and Welfare Plan and a Pension Plan for its members. Such plans are to be directed by an Administrator and Trustees as chosen by the Union.

ARTICLE XVII SAVINGS CLAUSE

If any provisions or section of this Constitution shall be invalid by operation of law or by any court or tribunal or legislative action, whether Federal, State, or Provincial, the remainder of this Constitution or the application of such section or provision to persons or circumstance other than those as to which it has been held invalid shall not be affected thereby. Whenever language in this Constitution appears to favor one (1) sex (male-female) over the other, it is of no consequence and in all cases, any interpretation otherwise is an error of omission rather than an action of intent.

ARTICLE XVIII AMENDMENTS

- (1) This Constitution may be amended only in the following manner:
 - a. The proposed amendment or amendments shall be submitted in writing at a regular meeting of the Local Union and without debate be immediately referred, after initial reading, to the Local Executive**

Board for consideration and recommendation. The Local Executive Board, as the Rules Committee, may also originate proposed amendments and make recommendations on the same to the Local Union.

- b. The Chairperson of the Local Executive Board shall notify the Financial Secretary of the Local Union, the Secretary in turn shall send a written notice to all members of the Local Union in good standing to be present at each of two successive special meetings at which recommendations are to be read.
- c. At the first special meeting at which the recommendations of the Board are read no vote shall be taken upon the recommendations but explanations may be called for and given. At the second special meeting the amendment or amendments shall again be read, explained, and a vote taken. It shall require a two-thirds vote of the members in good standing that are present and voting to adopt any amendment or amendments to the Constitution and by-Laws.

The Local Union Constitution and by-laws shall be reviewed no later than six (6) months after the effective date of the revisions in the International Constitution adopted by any Convention. Any necessary changes in the Local Union Constitution and by-laws required to conform with changes in the International Constitution by the International Convention shall be adopted.

- d. The Local Union shall submit a copy of the Local Union Constitution and by-laws, with amendments conforming to revisions to the International Constitution, to the General Office, within thirty (30) days of the amendments.

ARTICLE XXIV GENDER

- (1) Whenever any words are used in this Constitution in the masculine gender, they shall be construed as though they were also used in the feminine gender or neuter gender in all situations where they would so apply.

