



High Performance/High Value

Bylaws
of
District Council 16
Northern California & Northern Nevada

International Union of Painters & Allied Trades

Effective March 12, 2010

PREAMBLE

We, the members of District Council 16, of the International Union of Painters and Allied Trades, AFL-CIO, believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of the Locals affiliated with this International Union; to secure legislation in the interests of our members; to bring about higher wages, shorter hours and better working conditions for them; to influence public opinion by peaceful and legal methods, in favor of our affiliated organizations and all organized labor generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers; and to otherwise enrich the lives of our members and their families and all other working men and women hereby formulate and adopt these Bylaws for our guidance and government.

ARTICLE 1 BYLAWS

1.1 These Bylaws shall be subordinate to the provisions of the Constitution of the International Union of Painters and Allied Trades, AFL-CIO (hereinafter called “the International” or “International Union”). In case of conflict between these provisions and the provisions of the International Constitution, the latter shall govern. These Bylaws shall conform to Section 194 of the Constitution of the International Union.

ARTICLE 2 NAME

2.1 This organization shall be known as IUPAT, District Council 16, a subordinate body of the International Union of Painters and Allied Trades, and shall be comprised of Local Unions: 3, 12, 83, 169, 272, 294, 376, 487, 507, 567, 718, 741, 767, 913, 1176, 1237, 1621 and any future affiliates.

ARTICLE 3 OBJECTS

3.1 The objects of District Council 16 are to further the objects of the International Union; organize the unorganized; to bring about harmony and unity between Local Unions; to establish a minimum rate of wages in the District; to enforce a code of working rules governing hours, wages, and other terms and conditions of employment; to establish a High Performance/High Value culture amongst the membership and to create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity for Union employers while, at the same time, insuring job security, safety, training and excellent wages and benefits for our members.

ARTICLE 4 JURISDICTION

4.1 The territorial jurisdiction of District Council 16 shall include the counties of: Alameda, Alpine, Amador, Butte, Colusa, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba in California and Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine in Nevada. The territorial jurisdiction of District Council 16 may be altered at any time by the General Executive Board in accordance with the International Constitution.

4.2 The work jurisdiction of District Council 16 shall be all work set forth in Section 6 of the International Constitution and such other work as may be obtained and maintained through organizing and collective bargaining agreements.

4.3 All Local Unions of the International Union within the territorial jurisdiction of District Council 16 shall come under the jurisdiction of District Council 16 and shall be fully affiliated with District Council 16.

4.4 “Full affiliates” or “fully affiliated” means paying Administrative Dues Check Off, Organizing Dues and Unity Action Dues to District Council 16, enjoying full voting rights, full trade recognition, receiving direction, advice and assistance from the Business Manager/Secretary-Treasurer and all other Representatives and Officers of District Council 16 in negotiating collective bargaining agreements and adopting Bylaws, merging all fringe benefit funds, and policing jobs and enforcing contracts on a District Council-wide basis.

ARTICLE 5 OFFICERS

5.1 The Officers of District Council 16 shall consist of a Business Manager/Secretary-Treasurer, President, Vice President, Warden and four (4) Trustees One (1) Trustee from each affiliated craft (Drywall Finisher, Floor Coverer, Glazier and Painter).

5.2 DUTIES OF THE BUSINESS MANAGER/SECRETARY-TREASURER

- (a)** The Business Manager/Secretary-Treasurer shall be a fulltime position and shall serve as the active fulltime principal officer of District Council 16. The Business Manager/Secretary-Treasurer shall be an automatic trustee to any District Council 16 Trust Funds and any Trust Funds established by Local Unions fully affiliated with District Council 16; shall appoint and have the authority to remove all Union Trustees to all Trust Funds of District Council 16 and all Trust Funds established by Local Unions fully affiliated with District Council 16; shall have full charge of the business office of District Council 16 and all Local Union business offices

affiliated with District Council 16 and shall have the authority to employ and discharge such employees and purchase and utilize such equipment and supplies as he or she deems necessary for the proper operation of such offices; shall maintain a current list of names and addresses of all members of the affiliated Local Unions; shall be spokesperson on all District Council 16 negotiating committees; shall have the authority to direct, and supervise Business Representatives in the employ of District Council 16 in the performance of their duties and assign them to any territory or task irrespective of trade; and shall have the authority to appoint, discharge and set salaries and expenses for Regional Directors, Organizers, Field Representatives or any other staff and direct them in the performance of their duties; and shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s), if established by collective bargaining agreement and appoint all other delegates to the Joint Trade Boards. The Business Manager/Secretary-Treasurer shall have such other duties and authority as specified in the International Constitution and these Bylaws.

- (b)** The Business Manager/Secretary-Treasurer is authorized to make expenditures to pay salaries, bonuses and benefits to all District Council 16 employees and to purchase office equipment and supplies, to pay all obligations owed to the International Union, and to pay recurring expenses authorized by District Council 16 Delegates. The Business Manager/Secretary-Treasurer also is authorized to make such expenditures as he or she deems appropriate to promote and protect the interests of the membership, provided that such expenditures are not prohibited by resolution adopted by District Council 16 Delegates. The Business Manager/Secretary-Treasurer must also present to District Council 16 Delegates, for their approval, a copy of the check registry of all expenditures of all District Council 16 bank accounts since the last District Council 16 Delegates meeting.
- (c)** The Business Manager/Secretary-Treasurer shall be held responsible to District Council 16, the affiliated Local Unions, and the General President for results in organizing the jurisdiction of District Council 16, for establishing working relations with employers, and for protecting the jurisdiction of the International Union.
- (d)** The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes of District Council meetings and forward same to all affiliated Local Unions and to all delegates to District Council 16 and to the General Secretary-Treasurer. At a minimum, the minutes shall contain the following:

 - (1)** a listing of District Council 16 Delegates and Officers who were present or absent at each meeting, as well as a list of all members and guests in attendance,
 - (2)** a description of each item of business conducted at the meeting, which shall note all motions made and the disposition of each.

- (e) When any question arises respecting the construction or interpretation of District Council 16 Bylaws, the Business Manager/Secretary-Treasurer shall, in the first instance decide any such question subject to the approval of District Council 16 Delegates. If District Council 16 Delegates take no action in respect to such interpretation at the next meeting after it is made, the same shall be deemed approved by District Council 16 Delegates.
- (f) The Business Manager/Secretary-Treasurer shall be the official Council Representative and shall be the first Delegate to all conventions. The Business Manager/Secretary-Treasurer shall act on all committees (Election Committee excepted), set up under these Bylaws. In case of the Business Manager/Secretary-Treasurer's absence, the Assistant to the Business Manager/Secretary-Treasurer shall act in place of the Business Manager/Secretary-Treasurer. The Business Manager/Secretary-Treasurer shall automatically be a Delegate from his Local Union to represent said Local Union and District Council 16 to the regular and special conventions of the International Union pursuant to the International Constitution.
- (g) The Business Manager/Secretary-Treasurer shall direct all work being performed by Business Representatives and shall advise them in respect to all matters which will assist them in the discharge of their duties. The Business Manager/Secretary-Treasurer shall have the authority to terminate Business Representatives if in his sole discretion he deems it in the best interest of the membership.
- (h) The Business Manager/Secretary-Treasurer shall attest all money orders drawn on District Council 16.
- (i) The Business Manager/Secretary-Treasurer's records shall be maintained in accordance with good business practices.
- (j) The Business Manager/Secretary-Treasurer shall be empowered to select competent, qualified members in good standing with any of the Council's affiliated Local Unions to fill the positions of Assistant to the Business Manager/Secretary-Treasurer/Director of Service, Director of Organizing, Director of Communications, Regional Director, Organizer, and/or any other position deemed necessary. Said appointees are to be under the direct supervision of the Business Manager/Secretary-Treasurer and to work under directives issued by him to carry out the approved policies and procedures of this Council.
- (k) It is recognized that from time to time the Business Manager/Secretary-Treasurer of District Council 16 for good public relations of the Union, will be called upon to disburse funds. In order to facilitate the disbursement of such funds in the interest of District Council 16 and its affiliated Local Unions, for the entertainment of members, employees, Business Agents, International Officials and for such other diverse reasons as may from time to time benefit the Union, the Business Manager/Secretary-Treasurer shall have the sole authority to disburse

sums of money. He shall, however, account for any disbursements to the Trustees of District Council 16 who shall pass upon the validity of such expenditures. It is the intent of this action that the Business Manager/Secretary-Treasurer shall not be called upon to use his own personal monies as working capital for public relations purposes for the Union.

- (l) The Business Manager/Secretary-Treasurer or his authorized Business Representative shall attend to all of the business of the Union whenever such business may arise. He is specifically authorized in the pursuit of such business to travel to such locations as may be convenient from time to time to transact such business. All such travel expenses shall be reimbursed to the Business Manager/Secretary-Treasurer or his authorized Business Representative by District Council 16 pursuant to Article 7.8 or 7.9 of these Bylaws.
- (m) The Business Manager/Secretary-Treasurer shall maintain a file record of all findings and decisions of the Trial Board. The Business Manager/Secretary-Treasurer shall maintain all records, communications and statements as shall be required in accordance with the provisions of the Constitution of the International Union.
- (n) The Business Manager/Secretary-Treasurer shall receive all monies due District Council 16, and deposit same in the bank.
- (o) Violation of the Constitution of the International Union or the Bylaws of District Council 16 by the Business Manager/Secretary-Treasurer shall subject him to be cited before the Executive Board of District Council 16 to show cause why charges should not be preferred. Upon filing of such, a hearing will be held as provided for in these Bylaws.
- (p) The Business Manager/Secretary-Treasurer shall receive a weekly salary of sixty (60) hours pay at the highest collectively bargained hourly Total Package Wage Rate set forth in District Council 16 collective bargaining agreements, plus \$400.00 per week expense.

5.3 DUTIES OF THE PRESIDENT

It shall be the duty of the President to preside at all meetings of District Council 16 Delegates and conduct the meetings according to parliamentary rules, enforce a due observance of the International Constitution and these Bylaws at such meetings, decide all questions of order without debate, subject to an appeal to the meeting, and see that all Officers perform their respective duties faithfully during each meeting. The President shall sign all official documents that have been passed by District Council 16 Delegates. The President shall not take part in any debate, nor make or second any motion while occupying the Chair. The President shall not vote on any motion except in case of a tie, when he or she shall have the deciding vote. The President shall appoint all committees, except as otherwise provided in the International Constitution or in these Bylaws.

5.4 DUTIES OF THE VICE PRESIDENT

The Vice President shall assist the President in the performance of his or her duties and preside at the meetings in the President's absence.

5.5 DUTIES OF THE WARDEN

The Warden shall take charge of the door at the meetings, and see that none but the Delegates to District Council 16 and authorized representatives and guests, be admitted. He or she shall also act as Sergeant-at-Arms.

5.6 DUTIES OF THE TRUSTEES

District Council 16 shall elect four (4) Trustees. The Trustees shall, immediately upon election, elect one (1) Trustee as Chairperson.

- (a) No District Council 16 Trustee may be employed by District Council 16 in any other capacity.
- (b) On no less than an annual basis the Trustees shall meet with the Independent Certified or Chartered Public Accountant to review the audit report upon its completion as required by Section 202(b) of the International Constitution. The Trustees will subsequently render a report on the audit to District Council 16 delegates, with a copy of the audit and report being forwarded to the office of the General Secretary-Treasurer. Further, the Trustees in fulfilling their duties as prescribed in Section 216(a) of the International Constitution shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.
- (c) The Trustees shall have supervision of all funds and property of District Council 16.
- (d) The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of District Council 16's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by District Council 16 are properly secured in an appropriate depository in District Council 16's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of District Council 16 except on an order or check signed in accordance with the International Constitution. They shall verify that expenditures have been made in strict compliance with the International Constitution.
- (e) At the end of each fiscal quarter the Trustees shall jointly fill out the quarterly checklist of the Trustees and forward the original copy to the office of the General

Secretary–Treasurer and District Council 16 Business Manager/Secretary–Treasurer. They shall examine the membership records of District Council 16 so as to ascertain the membership at the close of each month and shall compare their findings with the duplicates of the reports of the Business Manager/Secretary–Treasurer to the General Secretary–Treasurer’s Office to see if District Council 16 is paying per capita tax on the proper number of members and if all suspensions, reinstatements, initiations, admissions of members on clearance cards and other changes in membership of District Council 16 and its affiliates have been properly reported.

- (f) In lieu of the required quarterly checklist and other duties of Trustees set forth above, District Council 16 may submit to the office of the General Secretary–Treasurer a quarterly, semi-annual, or annual financial statement prepared by an independent accountant. The financial statement is to be reviewed and signed by the Trustees prior to submission to the General Secretary–Treasurer and District Council 16 Business Manager/Secretary–Treasurer. The Trustees shall report to the membership on the essential elements of the financial statement.
- (g) The Trustees shall see that the Business Manager/Secretary–Treasurer and other officers, representatives and employees required to be bonded are bonded in the manner and in the amount required by law, but not for less than \$2,500.00, sufficient to thoroughly protect the funds of District Council 16 and its affiliates and when directed by District Council 16 the Trustees shall file bonds in such amounts as District Council 16 shall require.

ARTICLE 6 EXECUTIVE BOARD

6.1 The Executive Board shall consist of the Business Manager/Secretary–Treasurer, President, Vice President, Warden and Trustee Chairperson in addition to one (1) duly elected Delegate from each affiliated craft (Drywall Finisher, Floor Coverer, Glazier and Painter).

6.2 The Executive Board shall be vested with the authority of recommendation only unless specifically authorized by District Council 16 Delegates. Provided, however, that during the interim between Council meetings the Board shall be authorized to act for District Council 16 in cases of emergency.

6.3 The Executive Board shall meet prior to all District Council Meetings and at other times as deemed necessary by the Business Manager/Secretary–Treasurer and/or President.

6.4 Five (5) members of the Board shall constitute a quorum for the transaction of business.

ARTICLE 7
BUSINESS REPRESENTATIVES

7.1 It shall be the duty of District Council 16's Business Representatives to render such assistance to the Business Manager/Secretary-Treasurer as he or she may require and, under his or her direction, to carry out their assigned functions. Business Representatives shall also be subject to assignment in accordance with Section 45 of the International Constitution.

7.2 Elected Business Representatives shall receive a weekly salary of forty (40) hours per week at the highest collectively bargained Foreman Taxable Net Wage Rate as prescribed in the current Collective Bargaining Agreement of their respective Local Union, plus \$400.00 per week expense.

7.3 The Assistant to the Business Manager/Secretary-Treasurer/Director of Service, Director of Organizing and Director of Communications shall receive a weekly salary which shall be 10% higher than the Total Package Wage Rate of the highest paid Business Representative, plus \$400.00 per week expense.

7.4 Regional Directors shall receive a weekly salary which shall be equal to the Total Package Wage Rate of the highest paid Business Representative within their respective regions plus 10% of the Taxable Net Wage Rate, plus \$400.00 per week expense.

7.5 Elected Business Representatives, Assistant to the Business Manager/Secretary-Treasurer/Director of Service, Director of Organizing, Director of Communications, Regional Directors and the Business Manager/Secretary-Treasurer shall receive fringe benefits as prescribed in the current Collective Bargaining Agreement and Trust Agreements of their respective Local Unions. District Council 16 shall make the contributions and provide for such coverage's in the amounts and in the manner provided for in said Collective Bargaining Agreements and Trust Agreements.

7.6 Elected Business Representatives, Assistant to the Business Manager/Secretary-Treasurer/Director of Service, Director of Organizing, Director of Communications, Regional Directors and the Business Manager/Secretary-Treasurer shall receive two (2) weeks paid vacation per year.

7.7 District Council 16 shall, upon receipt of verified insurance coverage, reimburse up to \$1,250.00 per year for car insurance. A minimum of \$300,000.00 in bodily injury liability and \$100,000.00 in property damage liability is required.

7.8 When any fulltime employee of District Council 16 is required by work assignment to be away overnight on business of District Council 16, said employee will be reimbursed for the actual cost of reasonable travel, reasonable hotel room and the amount of \$100.00 per day expense money. Under extenuating circumstances, additional daily expense may be granted by District Council 16.

7.9 Delegates elected and/or appointed by District Council 16 to attend conventions, conferences, etc., shall in addition to wages lost, receive the actual cost of reasonable travel, reasonable hotel room and the amount of \$100.00 per day expense money. Under extenuating circumstances, additional daily expense may be granted by District Council 16.

**ARTICLE 8
DUTIES AND AUTHORITY SUBJECT TO INTERNATIONAL UNION POLICIES**

8.1 The duties of all Officers, Business Representatives and employees of District Council 16 shall be carried out, and their authority shall be exercised, in strict accord with the International Constitution; the policies and programs established by the International Union's General Conventions, by the General President, by the General Executive Board; these Bylaws, and the policies established by District Council 16 Delegates.

**ARTICLE 9
NOMINATIONS AND ELECTION OF
BUSINESS MANAGER/SECRETARY-TREASURER**

9.1 The Business Manager/Secretary-Treasurer shall be elected at large by the membership of all Local Unions affiliated with District Council 16. All nominations for the Office of Business Manager/Secretary-Treasurer shall be filed with District Council 16.

9.2 Each Local Union may nominate any number of candidates for the Office of Business Manager/Secretary-Treasurer; and a nominee need not be a member of the Local Union that nominates him or her.

9.3 Candidates nominated for the Office of Business Manager/Secretary-Treasurer shall be members in good standing of their Local Union, meeting the requirements of Section 227 of the International Constitution.

9.4 The Notice of Nominations and the ballot shall note that the Business Manager/Secretary-Treasurer shall also be an automatic Delegate to General Conventions, pursuant to Section 224(b) of the International Constitution.

9.5 The term of the Business Manager/Secretary-Treasurer, elected District Council 16 Business Representatives and Local Union Delegates to District Council 16 shall be four (4) years and all terms shall run concurrently in accordance with the provisions of Sections 180 through 183 of the International Constitution. All terms shall commence immediately upon certification of the election results by the Election Committee.

ARTICLE 10
NOMINATIONS AND ELECTION OF
DISTRICT COUNCIL 16 BUSINESS REPRESENTATIVE

10.1 Each affiliated Local Union shall be entitled to the following schedule of Business Representatives:

Local 3 1	Local 376. 1	Local 767. 1
Local 12 1	Local 487. 1	Local 913. 1
Local 83 1	Local 507. 1	Local 1176. 1
Local 169 1	Local 567. 1	Local 1237. 1
Local 272 1	Local 718. 1	Local 1621. 1
Local 294 1	Local 741. 1	

10.2 The Business Manager/Secretary-Treasurer, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as the financial conditions of District Council 16 may dictate.

10.3 The Business Representatives shall be elected at-large by the membership of all Local Unions fully affiliated with District Council 16.

10.4 Fully affiliated Local Unions entitled to a Business Representative under Section 10.1 shall nominate candidates for Business Representative from among their respective members. The Business Representative nominees must be members in good standing of their Local Union, meeting the requirements of Section 227 of the International Constitution.

10.5 The term of office for the position of Business Representative(s) shall be four (4) years and shall run concurrently with the term of office of the Business Manager/Secretary-Treasurer in accordance with the provisions of Sections 180 through 183 of the International Constitution.

10.6 The notice of nominations and the ballot shall note that the Business Representative(s) shall also be an automatic delegate to District Council 16.

ARTICLE 11
ELECTION BOARD - ELECTION PROCEDURES

11.1 The President of District Council 16 shall appoint in January of each election year an Election Committee from among the regular Delegates. This Election Committee shall supervise the election of Business Manager/Secretary-Treasurer and Business Representatives in accordance with these Bylaws and in accordance with the International Constitution's election provisions. The Election Committee shall immediately elect, from among its appointed members, a Chairman. The Election Committee shall draft rules governing the election. The Chairman of the Election Committee shall be permitted to appoint Judges, Tellers and assistants from the membership of the Council to help the Board conduct the election.

11.2 The Election Committee, Judges, Tellers and assistants shall receive compensation in the amounts established by the Delegates of District Council 16.

11.3 The election of the Business Manager/Secretary-Treasurer and Business Representatives employed by District Council 16 shall take place in June of each election year pursuant to Section 225(b) of the International Constitution. Nominations shall take place in the Local Unions' last meeting in May. Notice of the Local Unions' nomination meetings, and the election, shall be given by the Business Manager/Secretary-Treasurer by mail posted to the last known home address of all members at least five (5) days prior to the nomination dates and at least fifteen (15) days prior to the election date. Secret ballots shall be cast on such date, at times and locations as shall be established by the Election Committee. Each candidate may designate one (1) election observer to remain in each polling place. No other persons shall be allowed to remain in the polling places except members of the Election Committee and appointed Judges, Tellers and assistants.

11.4 The Chairman of the Election Committee shall have full authority over the election process after the rules are implemented by the Election Committee. All challenges regarding eligibility, taking place after a candidates' nomination has been accepted by the Local Union, shall be decided by the Chairman of the Election Committee pursuant to these Bylaws. All rulings of the Chairman of the Election Committee shall be in accordance with the International Constitution and these Bylaws.

11.5 At each polling place, the Financial Secretary of each affiliated Local Union shall be responsible for supplying a current list, to the Judge at each of their respective polling places, of members who are in good standing and eligible to vote.

11.6 The Election Committee shall prepare ballots with numbered tear-off stubs and with the names of candidates printed alphabetically along with their Local Union number. Candidates for Business Manager/Secretary-Treasurer and for Business Representatives for each Local Union entitled to a Business Representative under Section 10.1, respectively, shall be separately grouped and listed on each ballot. Each ballot shall clearly state the number of candidates to be voted for within each grouping.

11.7 The candidates receiving the highest number of votes in each grouping shall be officially certified by the Election Committee as having been elected to the Offices of Business Manager/Secretary-Treasurer and Business Representatives.

11.8 The Election Committee shall tabulate the vote as cast and shall immediately submit a report thereon to District Council 16.

ARTICLE 12 VACANCIES

12.1 All vacancies shall be filled in accordance with Section 231 of the International Constitution.

ARTICLE 13
NOMINATIONS AND ELECTION OF AFFILIATED LOCAL UNION OFFICERS
AND DELEGATES

13.1 The nomination and election of Local Officers, Executive Board members and Delegates to central bodies, Building Trades Councils and District Council 16 shall be held in accordance with Sections 180 through 183 of the International Constitution.

13.2 Delegates to District Council 16 shall be elected by all affiliated Local Unions on the following basis:

- 0 to 500 Working Members 4 Delegates
- 501 to 1000 Working Members 5 Delegates
- 1001 or more Working Members. 6 Delegates

13.3 To be entitled to elect Delegates, each affiliated Local Union is required to be current in its payment of per capita tax to the International Union.

13.4 The eligibility of Delegates shall be as set forth in Section 181 of the International Constitution. Credentials for elected Delegates must be forwarded by Local Unions to District Council 16. Each Delegate shall be entitled to one (1) vote at District Council meetings.

13.5 The term of office for the position of District Council 16 Delegate shall be four (4) years and shall run concurrently with the term of office of the Business Manager/Secretary-Treasurer in accordance with the provisions of Sections 180 through 183 of the International Constitution.

ARTICLE 14
NOMINATIONS AND ELECTION OF DISTRICT COUNCIL 16 EXECUTIVE BOARD

14.1 The President, Vice President, Trustees, Warden, and Delegate members of the Executive Board shall be nominated, and elected by secret ballot, by the Delegates of District Council 16 within thirty (30) days after District Council 16 elections every four (4) years. The term of each office shall be four (4) years.

ARTICLE 15
FINANCES

15.1 The revenue of District Council 16 shall be derived from Administrative Dues Check Off, Organizing Dues Check Off, Unity Action Dues Check Off, assessments, fines or such other means as permitted by the International Constitution. All monies received from Administrative Dues Check Off, Organizing Dues Check Off, Unity Action Dues Check Off, assessments, fines, etc. shall be placed in the General Fund unless otherwise specified.

- 15.2 (a)** All Local Unions shall establish for the payment of Administrative Dues Check Off to District Council 16 that is hereby established at 3% of each member's Taxable Net Wage Rate.
- (1)** Each Local Union shall receive a rebate of a portion of the Administrative Dues Check Off paid to District Council 16 for the purpose of paying its Officers, holding its meetings, and otherwise conducting its affairs. The amount of said rebate shall be determined by the Business Manager/Secretary-Treasurer.
- (b)** All Local Unions shall establish for the payment of Organizing Dues Check Off to District Council 16 that is hereby established at \$0.15 per hour.
- (c)** All Local Unions shall establish for the payment of Unity Action Dues Check Off to District Council 16 that is hereby established at \$0.05 per hour.

15.3 District Council 16 and all affiliated Local Unions shall use the IUPAT Integrated Membership System (IMS) computer system or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity, no later than January 1, 2014.

15.4 Assessments may be levied in accordance with Section 194 of the International Constitution.

15.5 Trustees shall have supervision over funds and property of the Council, subject to such instructions as they shall receive from District Council 16 Delegates. The Trustees shall audit all bills and receipts of District Council 16 and shall ensure that a competent and professional Certified Public Accountant will be hired to perform an annual audit of all District Council funds and expenditures.

15.6 The finances of District Council 16 shall be maintained, and appropriations of District Council 16 funds shall be made, in accordance with Sections 202 through 208 of the International Constitution. All funds of District Council 16 shall be audited at least once annually by a certified public accountant; and copies of the audit report shall be submitted to District Council 16 delegates, each affiliated Local Union, and the International Union. Such audit shall be done in accordance with Section 202(b) of the International Constitution.

- 15.7 (a)** When a member works outside the jurisdiction of District Council 16 and within the jurisdiction of another Local Union or District Council affiliated with the International Union, and the Bylaws of the other Local Union or District Council make provisions for Administrative Dues, the member shall pay to that other Local Union or District Council, either directly or by check off, the amount of administrative dues.
- (b)** When a member works outside the jurisdiction of District Council 16 and within the jurisdiction of another Local Union or District Council affiliated with the

International Union, and the Bylaws of that other Local Union or District Council make no provision for Administrative Dues the member shall continue to pay to District Council 16, either directly or by check off, the amount of Administrative Dues provided in the first sentence of this sub-section.

ARTICLE 16 MEMBERSHIP

16.1 An applicant shall be considered a member upon meeting all requirements set forth in Sections 85 through 92 of the International Constitution.

16.2 A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification from membership after appropriate proceedings consistent with the provisions of these Bylaws and International Constitution, or by nonpayment of Regular or Administrative Dues as provided by the International Constitution. A member who loses his or her good standing because of a failure to pay dues or other obligations as required by the International Constitution and these Bylaws may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections by payment of all delinquent dues and other financial obligations prior to such meetings and elections as provided by the International Constitution. Expelled members may be reinstated only in accordance with the International Constitution.

16.3 Every member, by virtue of the member's membership in a Local Union affiliated with District Council 16, authorizes District Council 16 to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member and have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement, or out of his or her employment with such employer in such manner as it deems within its discretion to be in the best interests of District Council 16. District Council 16 Officers, Business Representatives and agents may decline to process any grievance, complaint or dispute if, in their sole discretion and judgment, such grievance, complaint or dispute lacks merit.

16.4 Every member, by virtue of his or her membership in a Local Union affiliated with District Council 16, is obligated to adhere to and follow the terms of these Bylaws, the Bylaws of their Local Union and the provisions of the International Constitution with respect to their rights, duties, privileges and immunities. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

16.5 No member shall interfere with the elected officers or authorized representatives of District Council 16, the International Union or its subordinate bodies in the performance of their duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required of them, provided this does not interfere with the individual's right as a member. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from conduct that would interfere

with the performance of the International Union, its subordinate bodies or District Council 16 of its legal, contractual, and Constitutional obligations.

16.6 Every member shall be required to assist the International Union, its subordinate bodies, District Council 16 and their Local Union, as well as their officers and representatives, by engaging in picketing, hand-billing, salting, and other organizing activities, and attending education and training seminars, as directed and assigned by the International Union, District Council 16's Executive Board, Business Manager/Secretary-Treasurer, Business Representatives or Local Union Officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.

ARTICLE 17 MEETINGS

17.1 Regular meetings of District Council 16 shall be held monthly. The regular meetings of District Council 16 shall be the third Wednesday of each month. Meetings shall be opened at 7:00 p.m. promptly and shall be held at 8400 Enterprise Way, Oakland, California.

17.2 A quorum shall consist of seven (7) Delegates representing at least four (4) Local Unions.

17.3 Special Meetings may be called by the Business Manager/Secretary-Treasurer and President acting jointly, or upon written request of Delegates representing a majority of the affiliated Local Unions provided that notice of date, time and place of such meetings is given to all Delegates of all affiliated Local Unions at least 48 hours in advance of the meeting.

17.4 Only duly elected and Credentialed Delegates and Representatives of the Council may attend Council Meetings, unless invited or granted permission by the Body. The Business Manager/Secretary-Treasurer shall keep a Roll Call Record Book to record the presence or absence of all Credentialed Delegates and Officers of the Council at meetings. The seat of any Delegate or Officer that is absent from three (3) consecutive meetings without reasonable excuse shall be declared vacant and the vacancy shall be filled in accordance with these Bylaws.

17.5 The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes in accordance with Section 213(e) of the International Constitution and forward the same to all affiliated Local Unions and Delegates to District Council 16. A copy of the minutes shall be sent to the International Union.

17.6 Meetings of District Council 16 shall be conducted and governed by the "Order of Business" and the "Parliamentary Rules and Rituals" set forth in the International Constitution.

ARTICLE 18 TRADE RULES

18.1 In accordance with Section 85(e) of the International Constitution, all new members of District Council 16 must attend a new member orientation class offered by District Council 16 within 90 days of being initiated.

18.2 Any violation of the International Constitution, Local Union Bylaws and/or District Council 16 Collective Bargaining Agreements hereby becomes a violation of these Bylaws.

Membership Rights, Duties and Obligations:

18.3 All members of the Union shall be empowered to cite any other members of the Union before the Executive Board for the purpose of investigating possible violations of the Collective Bargaining Agreement, International Constitution, Local Union Bylaws and these Bylaws. Members failing to answer citations of District Council 16 Executive Board will be subject to a fifty dollar (\$50.00) fine and the citation meeting shall proceed regardless of the absence of the cited member.

18.4 Any member who rushes, drives, intimidates or uses foul language toward another member or uses their position to abuse or to cause a member to violate conditions of the Collective Bargaining Agreement or these Bylaws or discriminates against a member, shall have charges preferred against them.

18.5 Members shall investigate all building job sites to determine if all work covered by the jurisdiction of the International Union is to be performed by Union Members and shall report to the Union Office if said work is assigned to non-union and/or another craft, or if such information is not available at the job site.

18.6 All members must demand and receive payment as set forth in the applicable Collective Bargaining Agreement covering the appropriate branch of the trade. All travel time and expenses shall be in accordance with the applicable Collective Bargaining Agreement.

18.7 Members who are employed on projects outside of the jurisdiction of their home Local Union and/or outside the jurisdiction of their home Collective Bargaining Agreement, must notify the Local Union having geographical jurisdiction over where the work is being performed regarding the job location and start date. In all cases the member shall demand and receive the wages and conditions effective in either their home or outside jurisdiction, whichever is more favorable to such member.

18.8 Any member found working for an employer below the minimum rate of wages and/or conditions established in the applicable Collective Bargaining Agreement shall have charges preferred against them.

18.9 Each member shall be responsible for their own overtime permit.

18.10 No member shall supply, purchase or maintain any tools and/or equipment that the employer is required to supply, purchase or maintain under the Collective Bargaining Agreement.

18.11 Members shall not pass or work behind a picket line recognized by the Building Trades Council or Central Labor Council. Any member found crossing an authorized picket line or working behind same shall have charges preferred against them. Recognizing the "special problems" in the construction industry including the friction, conflicts, and confrontations when union and non-union employees work side-by-side, members shall immediately leave or shall refuse to enter upon any construction site where non-union employees are working.

18.12 Whenever a Business Representative of the Union notifies the members that their employer or job is struck, declared unfair or their employer is in default with its trust fund and/or any other monetary obligation imposed under the terms and conditions of the Collective Bargaining Agreement, all members must immediately remove themselves from working until released to return to work by the Union. Members failing to remove themselves or returning to work prior to the Union's instruction shall have charges preferred against them.

18.13 Any member who refuses to comply with the instructions (paycheck inspection included) of a District Council 16 Business Representative shall have charges preferred against them.

18.14 No member shall be allowed to work with other than members in good standing of any classification.

18.15 Regular members shall not work on their own behalf, as self employed individuals, on any work covered in each craft jurisdiction.

18.16 No member shall instruct or give information to any other craft in any work of our trades.

18.17 Any member found working for a builder or non-signatory employer performing work covered under District Council 16 agreements, and/or assisting that entity in any aspect of our industry, without written consent of District Council 16 shall have charges preferred against them.

18.18 Any member who is working in a shop or job where a violation exists, and fails to notify a Business Representative, shall have charges preferred against them.

18.19 All members are expected to participate in District Council 16 STAR Training and exemplify a High Performance/High Value culture while engaged in any activities associated with District Council 16, their Local Union or the International Union.

18.20 No work shall be performed during the twenty-four (24) hours of Labor Day.

18.21 All members must notify their Local Union Office of any change of address.

18.22 Members who wish to file a grievance against a contractor or a member of the Union, must do so within twelve (12) days of the violation.

18.23 Members who are no longer actively engaged working with the tools and wish to maintain membership must notify their Local Union immediately so status may be determined.

18.24 Any member who is off work and is collecting either Workers Compensation insurance payments or State Disability payments must notify their Local Union within seven (7) days.

Quarterly Working Cards:

18.25 Quarterly Working Cards shall be obtained in accordance with Section 122 of the International Constitution. All members must secure their current quarterly working card by the 20th of the first month of the current quarter. Any member failing to secure a current working card shall be subject to removal from the job. It shall be the duty of each member to keep their working card in their possession and determine that each payment to the Local Union is correct. A member's last dues receipt/working card shall be deemed sufficient notice of arrears, and no further notice shall be required.

18.26 Quarterly working cards shall be issued by the Local Union Financial Secretary. The working card shall not be issued unless such card is paid for in advance for the full quarter.

18.27 In order to properly identify members of District Council 16, identification cards may be issued to its members. The identification card may include the members' picture and other information as designated by District Council 16.

18.28 It shall be the duty of each member to carry their working cards at all times. Failure to comply may subject the member to charges, trial and such penalties as District Council 16 may decide.

18.29 All members must show their working cards and/or work referrals when requested to do so by a member of any Local Union affiliated with District Council 16, provided the requesting member displays his or her card. The member shall be required to show his or her working card and/or work referral when requested to do so by an authorized representative of District Council 16 or the International, provided the representative displays his or her card.

Referral System Procedures:

18.30 Each affiliated Local Union shall maintain a nondiscriminatory referral system and shall maintain an accurate membership Out-of-Work-List. There shall be no discrimination in hiring and/or promotion and/or any other aspects of employment because of race, creed, color, sex, national origin or age.

18.31 It shall be the sole responsibility of each member, who is unemployed and wishes to make them self available for work, to notify their Local Union of such and place their name on their Local Union's Out-of-Work-List. The Local Union's Out-Of-Work-List shall include the member's name, classification, current telephone number and the date the member placed his or her name on the List. It shall be the sole responsibility of each member, who wish to continue being available for dispatch and have their name remain on their Local Union's Out-of-Work-

List, to check in with their Local on the first working day of each month. Members who do not check in on the first working day of each month shall have their names removed from their Local Union's Out-of-Work-List.

18.32 Members in good standing with a Local Union may seek their own job and Employers may have referred to them any applicant, who is registered on the Local Union's Out-of-Work-List, by submitting a written request by name to the Local Union.

18.33 In the event no specific member is requested by name, the Local Union will dispatch members in the order in which they are registered on the Local Union's Out-of-Work-List.

18.34 Each member shall be responsible to comply with these referral system procedures and must secure and sign-off on a work referral from their Local Union prior to commencing work for any signatory employer. Members failing to comply with these procedures shall be assessed a twenty-five dollar (\$25.00) fine.

18.35 These referral system procedures shall not be applied and/or interpreted so as to contradict Apprenticeship Standards as approved by DAS.

ARTICLE 19 STEWARDS

19.1 Shop and Job Stewards shall be appointed by the Business Manager/Secretary-Treasurer or his or her designee.

19.2 Stewards are charged with the responsibility of notifying the Business Manager/Secretary-Treasurer or his or her designee of any potential violations of the International Constitution, these Bylaws, Working Rules, Local Union Bylaws and/or provisions of the Collective Bargaining Agreement.

19.3 It shall be the duty of the Shop and Job Stewards to see that all persons have their working cards and to contact District Council 16 immediately if there should be any irregularity.

19.4 All members serving as stewards shall be responsible for attending union meetings and assisting District Council 16 in activities including, but not limited to, organizing, political member mobilization, PATCH fundraising and community outreach.

ARTICLE 20 TRIALS AND APPEALS

20.1 The Executive Board of District Council 16 shall conduct all Trials of all members of the International Union in District Council 16 who are formally charged with violations of the Constitution of the International Union, violations of these Bylaws, violations of Local Union Bylaws and/or violations of any District Council 16 Collective Bargaining Agreements.

20.2 The Executive Board shall be governed in both Trials and Appeals by the procedure outlined in the applicable sections of the International Constitution.

20.3 In the application of all rules and procedures relating to District Council 16 discipline the essential requirements of due process of law, notice, hearing, and judgment based upon the evidence shall be observed without, however, requiring technical formality followed in courts of law.

20.4 The requirements of the International Constitution and of fairness and due process will be attained by substantial adherence to the following:

- (a) Charges must be filed within a reasonable time as specified in Section 291 of the International Constitution.
- (b) Copies of all charges together with the Notice of Hearing shall be submitted in writing by Registered or Certified Mail to the last known address of the person charged at least fourteen (14) days prior to any trial or hearing.
- (c) Details of the conduct or activity charged shall be described in the charges, giving dates, places and persons involved where possible.
- (d) The Trial Board shall not include among its members any person who is also in the role of an accuser.
- (e) Either verbatim minutes, stenographic transcripts, or accurate summaries of the evidence shall be kept.
- (f) The accused shall have the right to confront and cross examine witnesses giving testimony against him or her.
- (g) The Trial Board shall give to the accused full opportunity to make his or her defense and to produce testimony or documentary evidence for that purpose.
- (h) The decision of the Trial Board shall recite the facts which it finds to be true and shall also set forth the basis for the decision reached.
- (i) All documents in the proceedings, as well as summaries of evidence or stenographic minutes, shall be preserved and kept available for use in further proceedings in District Council 16.
- (j) Every accusation must be supported by proof, even though the accused may not appear.

20.5 Any Officer or member who commits any offense enumerated in the International Constitution shall be given an impartial trial, and if found guilty, shall be subject to penalties.

20.6 Any Business Representative or the Business Manager/Secretary-Treasurer of District Council 16 who is alleged to have violated the Constitution of the International Union, or these Bylaws, or who is alleged to have been negligent in the performance of his or her duties, may be subject to trial by District Council 16. Such charges must be made in writing and signed by the complainant. If after an impartial Trial, the accused is found guilty, he or she shall be subject to penalties as set forth in the International Constitution. If the accused is not satisfied with the result of the trial, an appeal may be made to the General Executive Board of the International Union.

20.7 All appeals from District Council 16's Executive Board, acting as Trial Board, must be made directly to the General Executive Board of the International Union, in accordance with Sections 307 and 308 of the International Constitution.

ARTICLE 21 BONDS

21.1 Officers of District Council 16 and its affiliated Local Unions shall be bonded in accordance with Section 209 of the International Constitution.

ARTICLE 22 STRIKES & LOCKOUTS

22.1 Procedures regarding strikes and lockouts shall be handled in accordance with Sections 276 through 280 of the International Constitution.

22.2 The Executive Board shall make themselves available at all times and they shall be, or they shall appoint, a Strike Committee prior to a strike or lockout.

22.3 All members who are employed by an employer who is signed to an Interim Working Agreement binding the employer to the terms of the successor Collective Bargaining Agreement shall be assessed an amount equal to one (1) hour's taxable net wage per each day worked during the strike. Those members so working shall register at their respective Local Union on the first day of the strike and obtain a work referral. Said members shall report to their respective Local Unions on each Saturday and pay their strike assessment and any other assignment in support of the Union and their Brothers and Sisters. Those members failing to timely pay their working assessment, as described above, shall have their work referral revoked.

- (a)** All monies received from the temporary working assessment shall be accounted for separately and shall be disbursed by the Strike Committee to the members who are performing physical strike and picket duties.
- (b)** The Strike Committee may require written permission or re-dispatch for all members working under the terms of an Interim Agreement and/or Project Labor Agreements.

22.4 All active members in good standing of the craft on strike must register at their respective Local Unions on the first day of a strike or lockout. Each member shall check in daily during the strike or lockout for assignment and/or information.

22.5 Any member who fails to register and/or check in daily as required by these rules shall be cited to appear before the Executive Board of District Council 16.

ARTICLE 23 PROPERTY

23.1 The funds and property of District Council 16 shall be governed by Sections 198-201 of the International Constitution.

ARTICLE 24 AGENCY

24.1 Neither District Council 16, nor any of its Officers or employees, has any power to make any representation, contract, or agreement, nor to incur any liability, which shall be binding upon the International Union without the expressed written consent of the General President or his designee. Neither District Council 16, nor any of its Officers or employees, has been authorized or empowered to act as agent of the International Union and shall not be deemed an agent of the International Union unless expressly authorized in writing by the General President or his designee.

ARTICLE 25 AMENDMENTS

25.1 All Bylaw amendments shall be processed, voted upon, and adopted in accordance with, and subject to, the provisions set forth in Section 194 of the International Constitution.

ARTICLE 26 STANDING COMMITTEES

26.1 The Business Manager/Secretary-Treasurer shall appoint from among the members of all affiliated Local Unions the following standing committees:

- (a) Bylaws Committee
- (b) Organizing Committee
- (c) Political Action Committee

- (d) Building Committee
- (e) Voluntary Activist Committee
- (f) Retiree Committee
- (g) Community Organizing For Real Economics Committee

All other Committees of District Council 16 shall be appointed by the President or as otherwise set forth in District Council 16's Bylaws.

ARTICLE 27 SAVINGS CLAUSE

27.1 The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution and these District Council 16 Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.

27.2 If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal, state, or provincial government, the Executive Board, subject to approval of District Council 16, shall have the authority to suspend the operation of such provisions during the period of its invalidity and to substitute in its place a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any article or section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such article or section to person or circumstances other than those as to which it has been held invalid, shall not be affected thereby.