



High Performance/High Value

Bylaws
of

Painters & Drywall Finishers

Local Union 376

AFFILIATED WITH DISTRICT COUNCIL 16

ARTICLE I: BYLAWS

These Bylaws are subordinate to the provisions of the International Constitution of the International Union of Painters and Allied Trades (hereinafter called the “International Union”) and the Bylaws of District Council 16. In the case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern. In the case of conflict between these Bylaws and the District Council Bylaws, the latter shall govern.

ARTICLE II: NAME

This organization, a subordinate body of the International Union and an affiliated Local Union of District Council 16, shall be known as Painters and Drywall Finishers Local 376.

ARTICLE III: JURISDICTION

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

ARTICLE IV: OBJECTS

The objects of this Local Union shall be as set forth in the Preamble, and Sections 2 and 124 of the International Constitution.

ARTICLE V: ELIGIBILITY FOR MEMBERSHIP

Eligibility for membership in this Local Union shall be as set forth in the International Constitution and in policies adopted by the General Executive Board.

ARTICLE VI: OFFICERS

1. Eligibility to hold office shall be as set forth in Sections 91(b) and 210 of the International Constitution.
2. Officers of this Local Union shall be as set forth in Section 185 of the International Constitution, and their duties shall be as set forth in the following sections of the International Constitution:
 - a. President: The duties of the President shall be as set forth in Sections 189-192.
 - b. Vice President: The duties of the Vice President shall be as set forth in Section 194.
 - c. Recording Secretary: The duties of the Recording Secretary shall be as set forth in Sections 195-197.
 - d. Financial Secretary: The duties of the Financial Secretary shall be as set forth in Sections 155(d), 198-202 and 211(d).
 - e. Treasurer: The duties of the Treasurer shall be as set forth in Section 203.
 - f. Trustees: The duties of the Trustees shall be as set forth in Sections 204-207.

- g. Warden: The duties of the Warden shall be set forth in Section 208.
3. When the District Council adopts the centralized Local Union dues, records and reporting plan outlined in Section 162 of the International Constitution, the following modifications will be in effect for dues collection, records, and reporting; and the Local Union officers' duties will be modified as outlined below.

Under the Dues Collection and Membership Reporting Plan adopted by Local Union 376 pursuant to Article XV-A of the District Council 16 Bylaws, the Business Manager/Secretary-Treasurer of District Council 16 performs many of the functions of the Financial Secretary and Treasurer of Local Union 376. Therefore, the duties of the Financial Secretary and the Treasurer of Local Union 376 shall be as set forth in this Article.

Where the Financial Secretary receives dues payments from members (such as at Local Union meetings), he or she shall (i) transmit such payments to the Business Manager/Secretary-Treasurer of District Council 16 within five (5) days, (ii) provide the member with a temporary receipt, a copy of which shall be transmitted to the Business Manager/Secretary-Treasurer with the payment and a copy of which shall be retained by the Financial Secretary. Such temporary receipt shall indicate only the amount of funds received and shall not indicate the member's standing or through which calendar month dues are paid.

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

- (i) the gross receipts of the Local Union in the prior month,
- (ii) the net receipts of the Local Union, along with the amounts of all per capita deductions made by the Business Manager/Secretary-Treasurer of District Council 16 and any other deductions,
- (iii) the overall membership of the Local Union, with the gain or loss in membership in the prior month noted,
- (iv) the number and names of members on application and those initiated,
- (v) the number and names of members suspended and reinstated, and
- (vi) the names and number of clearance cards deposited and issued.

The Treasurer shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of District Council 16. At each membership meeting,

the Treasurer shall deliver a report to the membership, which report shall include the following information:

- (i) list all deposits made to the Local Union account, if any,
- (ii) a copy of the Local Union cash disbursements journal, if applicable,
- (iii) list of all payments from the District Council made on behalf of the Local Union, from the funds collected by the District Council for the Local Union.

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

The Financial Secretary shall perform the Financial Secretary duties outline in Section 155(d) and 211(d) of the General Constitution from information provided the Financial Secretary by the Business Manager/Secretary-Treasurer of the District Council.

The Local Union shall use the IUPAT Integrated Membership Systems (IMSe) computer systems or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity.

ARTICLE VII: DELEGATES

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

ARTICLE VIII: EXECUTIVE BOARD

1. The Executive Board of this Local Union shall be as set forth in Section 185(c) of the International Constitution.
2. Duties of the Executive Board:
 - a. To enforce the laws of the Local Union between meetings.
 - b. To handle all matters delegated to the Executive Board by the members voting at regular or special called meetings.
 - c. To review all requests for donations, investigate the same and submit its findings and recommendations for membership action.
 - d. The Executive Board shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Local Union membership voting at a regular or special called meeting; provided, however, that during the interim between meetings it shall be authorized to act for the Local Union in cases of emergency, subject to review at the next regular meeting.

ARTICLE IX: COMPENSATION OF OFFICERS, DELEGATES AND COMMITTEE MEMBERS

1. Officers:

- a. President - \$60.00 per meeting attended (for travel and expense).
- b. Vice President - \$50.00 per meeting attended (for travel and expense).
- c. Recording Secretary - \$60.00 per meeting attended (for travel and expense).
- d. Financial Secretary - \$60.00 per meeting attended (for travel and expense).
- e. Treasurer - \$60.00 per meeting attended (for travel and expense).
- f. Trustees - \$45.00 per meeting attended (for travel and expense).
- g. Warden - \$45.00 per meeting attended (for travel and expense).

2. Delegates

- a. To District Council - \$60.00 per meeting attended.
- b. To Central Bodies - \$60.00 per meeting attended.
- c. To Conventions, Conferences, etc. – Delegates elected and/or appointed by this Local Union 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 the District Council.

3. Committee Members: - \$45.00 per meeting attended plus actual expenses incurred. Receipts must be provided to qualify for reimbursement

ARTICLE X: BONDS

Officers of Local Unions shall be bonded in accordance with Section 59(b) and (c) of the International Constitution and as required by law.

ARTICLE XI: ELECTIONS

1. Elections shall be held under the procedures and provisions as set forth in Sections 209-212 of the International Constitution.
2. The election of Local Union Officers and delegates to District Councils shall be held at the last meeting in June, and nominations for the same shall be held at the last meeting in May, as per Section 209(a) of the International Constitution. Delegates to the District Council shall be elected to a four (4) year term. Local Union officers shall be elected to a three (3) year term.
3. Delegates to the General Conventions of the International shall be elected as set forth in Section 28 of the International Constitution.

ARTICLE XII: VACANCIES Vacancies occurring among the officers shall be filled in accordance with Sections 215 and 216 of the International Constitution.

ARTICLE XIII: DUES, FEES, AND ASSESSMENTS

1. Dues:

- a. Dues shall be as follows:
 - (1) All Members (Regular/Apprentice/Industrial) shall pay dues of \$ 33.00 per month. Dues shall be payable to the Local Union on a quarterly basis.
 - (2) Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union and such increase shall be effective the date the increase in the payments due to the International Union becomes effective.
- b. The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17(b) and 18 of the International Constitution and the Rules and Regulations of the International Union's Death Benefit Fund. Accordingly, members not covered by the Death Benefit Fund pursuant to the foregoing provisions (example: members who are 60 years of age or over when initiated; or Life Members working at the trade who elected non-participation) will be required to pay the dues specified in sub-section (a) less the current Death Benefit payment.
- c. Quarterly working cards shall be obtained in accordance with Section 119 of the International Constitution.
- d. Administrative Processing Fees:
There shall be no initiation fees for membership in this Local Union. New members/candidates and apprentices shall be charged an Administrative Processing Fee in accordance with the provisions set forth in Sections 92 and 93 of the International Constitution.
- e. Life Membership fees shall be in accordance with Section 98 of the International Constitution.

2. Clearance Cards:

Clearance Card fees and rules shall be as set forth in Sections 233-250 of the International Constitution.

3. Assessments and Funds:

- a. Assessments can only be levied in accordance with Section 92 of the International Constitution.
- b. International Union Death Benefit Fund. The International Union's Death Benefit Fund is governed by Sections 287-289 of the International Constitution, and the rules and regulations of the fund. Members should refer to the pamphlet "Rules and Regulations covering the Death Benefit Fund and the former Death and Disability Fund."
- c. All monies due the International Union for per capita tax, Administrative Processing Fees or application fees, Death Benefit Fund payments, reinstatements, clearance card fees, life membership fees, and supplies shall be forwarded to the General Secretary-Treasurer immediately after the close of the month, along with required reports.

Remittances must be made by express or post office money order, check or bank draft payable to the IUPAT.

- d. Should a majority of the Trustees doubt the accuracy of any bill from the General Secretary-Treasurer, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board at their next meeting.
- e. Each month the Local Union shall hold in its treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments and all other payments that must be made to the International Union as required by Section ~~440~~ 177 of the International Constitution. Such required payments shall be made prior to allowing other expenditures.
- f. The funds and property of a Local Union may only be used for such purposes as are specified in the International Constitution, the District Council Bylaws, these Bylaws, and as approved by a majority of the Local Union members present at a meeting at which the question is presented. Recurring and fixed expenses may be authorized by a single vote of the membership. Local Union's shall not make any non-per capita tax expenditures in excess of \$5,000.00 without prior written approval of the District Council Business Manager/Secretary-Treasurer.
- g. On no consideration shall money from the Local Union Treasury be loaned or donated to members (strike, lockout and regularly established sick benefits excepted), provided that the Local Union may levy an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade. Before any such assessment is levied (1) all members shall be notified by mail that the proposed assessment will be considered at the next meeting and, (2) the majority of members present and voting must approve the assessment in a secret ballot vote.

4. Owner Member Dues:

All Owner Members shall pay monthly over-the-counter dues of one hundred dollars (\$100.00) per month. Owner Member Dues shall be payable to the Local Union on a quarterly basis.

Haden Blaylock Sr. Membership Appreciation Fund

A. Purpose: The object of this fund is for the aiding of members who are in distress and all expenditures deemed to be in the defense of the Local Union on its behalf of its members. The Fund shall be governed by the following rules:

1. To assist Local Union 376 Members' who are out of work for 3 months or more due to no fault of their own.
2. Purchase apparel and supplies including promotional items for Local 376 Union Promotion (when approved by membership)

B. Established: Within Local Union 376 ByLaws.

C. Funding: Article XIII 3. C. - A Membership Assistance Fund shall be established and funded by a fee of \$2.00 (two dollars) per month. (NOTE - Active Members Only)

D. Administration & Distributions: Shall be governed by the Local 376 E-Board.

E. Duties of the Board: Establish Rules and Regulations to qualify prospective Members' requests. Oversight of the Fund's Management. Establish a separate Accounting of Funds.

F. Fund's Requirements for Distribution: Selection for distribution to Active Members shall be as follows:

1. Member must be Active and in continuous good standing with Local 376 for 3 years to qualify.
2. Must submit an application at a Regular Scheduled Monthly Local Union Meeting. (Applications available at the Local 376 Office)
3. Must be a registered Member on the Local Union's Out-of-Work-List and have not turned down work when available if physically able.
4. Must be unemployed for a minimum of three (3) months.
5. Must be an Active Member of Local Union 376 for at least three (3) years.

All qualified applications shall be reviewed by the Local 376 E-Board and selected for distribution of funds. The Assistance Fund is established at three hundred dollars \$300 per person, per quarter with payouts not to exceed six hundred \$600.00 to assist a total of 2 members per quarter. If at such time NO applications are submitted in a quarter, four (4) separate applications for assistance may be granted in the next available quarter. The first quarter ends in March, the second quarter ends in June, the Third quarter ends in September, the fourth quarter ends in December. Not to exceed two thousand four hundred \$2,400 per year (January - December).

No Members may qualify more than once every two (2) years. All other distributions of Membership Appreciation Fund must be submitted at a Regular Local Union Membership Meeting and be approved by a majority present at that meeting, such as purchasing of apparel and supplies including promotional items for Local 376 members.

Application shall be submitted in a sealed envelope for review by the board at a Regular Local Union 376 Membership Meeting.

ARTICLE XIV: MEETINGS

1. Regular Meetings: The regular meetings of this Local Union shall be held on second Wednesday of each month. Meetings will be called to order promptly at 6 p.m.

2. Special Meetings: Special meetings of this Local Union may be called by the President as he or she deems necessary. Special meetings shall also be called as required by Section 191 of the International Constitution.
3. Quorum: A quorum for a membership meeting shall consist of seven (7) members, provided that five (5) members shall constitute a quorum if the Local Union's membership is fewer than twenty-five (25) members.
4. Members' Rights: Members in attendance at meetings shall have the right to express their views, arguments or opinions upon any business properly presented before the meeting, subject to these Bylaws and the rules and regulations adopted by the Local Union pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his or her responsibility to the organization as an institution or engage in or advocate any conduct that would interfere in the Local Union's performance of its legal or contractual obligations, or conduct him or herself in an unruly, or boisterous manner.
5. Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

ARTICLE XV: COMMITTEES

There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section 169(b) of the International Constitution.

1. Membership Assistance Committee: Consisting of four (4) members in good standing appointed by the President. The Membership Assistance Committee shall oversee all funds, disbursements and actions and have authority to execute transactions and conduct business for the Membership Assistance Fund.

ARTICLE XVI: CONTRACTORS

1. An employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the National Labor Relations Act or Provincial law) or in a permanent, policy-making position.
 - a. Employers shall be eligible for membership, but they must comply with the trade rules and working conditions of the locality in which the work is performed, must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay themselves and all their employees the wages and benefits established by the applicable area collective bargaining agreement.
 - b. No employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any elected position.

ARTICLE XVII: MEMBERSHIP

1. An applicant is considered a member when the applicant meets all the requirements as set forth in the International Constitution.

2. A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections 116-117 of the International Constitution.

A member who loses his or her good standing status because of his or her failure to pay dues or other obligations as required by the International Constitution and these Bylaws, but who has not been expelled from membership, may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections, by paying all delinquent dues and other financial obligations prior to such meeting and election as provided in Section 118 of the International Constitution. Expelled members may be reinstated only in accordance with Section 276 of the International Constitution.

Quarterly dues payments must be made on or before the 20th day of the first month of the quarter to maintain good standing membership for the entire quarter period.

Resignation from membership is governed by Section 120 of the International Constitution.

3. Members' Responsibility:

- a. Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of these Bylaws, the District Council Bylaws and the International Constitution with respect to the members' rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.
- b. Every member authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council and its officers, and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their sole discretion and judgment, such grievance, complaint or dispute lacks merit or that such action would not be in the best interests of the District Council.
- c. No member shall interfere with the elected officers or representatives of the International Union, the District Council or this Local Union in the performance of their duties. Each member shall when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the

International Union, District Council or Local Union's performance of its legal or contractual obligations.

- d. Every member shall be required to assist the International Union, the District Council and this 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, as directed by the International Union, the District Council or the Local Union officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.
- e. All new members of this Local Union shall attend a new member orientation class offered by the District Council within ninety (90) days of being initiated.

ARTICLE XVIII: GENERAL RULES

1. All apprentice members of this District Council shall serve 2 days annually as District Council activists. These days will not conflict with days worked under an IUPAT collective bargaining agreement. The activities must be sanctioned and supervised by the District Council. Activities may include, but not be limited to, Organizing, PATCH Fundraising, Political Member Mobilization and Community Outreach. Activist days will not count towards required apprenticeship classroom training. These activist days are in addition to any duty associated with obligatory organizing activity called for by these Bylaws for all members.
2. In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair days work in workmanlike manner. Any member who is terminated for cause three times within a twenty-four month period shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.
3. In cases where the terminations resulted strictly from lack of skills, the Trial Board may require the member to attend journeyman upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 100 of the IUPAT Constitution, the Trial Board may recommend that Section 100 be implemented in lieu of expulsion.
4. In accordance with Section 84(e) of the International Constitution, all new members of Local Union 376 must attend a member orientation class offered by District Council 16 within ninety (90) days of being initiated.
5. Any violation of the International Constitution, Local Union Bylaws and/or District Council 16 Collective Bargaining Agreements hereby becomes a violation of these Bylaws.

6. **Membership Rights, Duties and Obligations:** 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.
7. 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.
8. 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.
9. 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.
10. 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. All members of the International Union entering the jurisdiction of this District Council to work herein shall deposit a clearance card (if seeking work on their own) or notify the Business Manager/Secretary-Treasurer (if working for a home employer at the request of the employer) as required by Sections 241 and 244 of the international Constitution.
11. 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.
12. Each member shall be responsible for their own overtime permit.
13. 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.
14. 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.

15. 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.
16. 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.
17. No member shall be allowed to work with other than members in good standing of any classification.
18. Regular members shall not work on their own behalf, as self-employed individuals, on any work covered in each craft jurisdiction.
19. No member shall instruct or give information to any other craft in any work of our trades.
20. 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.
21. 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.
22. 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.
23. No work shall be performed during the twenty-four (24) hours of Labor Day.
24. All members must notify their Local Union Office of any change of address.
25. 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.
26. 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.
27. 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.

28. **Quarterly Working Cards:** Quarterly Working Cards shall be obtained in accordance with the International Constitution. All members must secure their current Quarterly Working Card by the Twentieth (20th) of the first (1st) 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.
29. 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.
30. In order to properly identify members of District Council 16, and to record the good status of each member, 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.
31. 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 the District Council may decide.
32. 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 the District Council, and to record the good status of each member 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 the District Council or the International, provided the representative displays his or her card.
33. **Referral System Procedures:** 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.
34. It shall be the sole responsibility of each member, who is unemployed and wishes to make themselves 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 1st working day of each month. Members who do not check in on the first 1st working day of each month shall have their names removed from their Local Union's Out-of-Work-List.
35. 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.

36. 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.
37. 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.

ARTICLE XIX: CHARGES AND TRIALS

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

ARTICLE XX: EXHAUSTION OF REMEDIES

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

ARTICLE XXI: PROPERTY

1. The funds and property of the Local Union shall be governed by Sections 179-181 of the International Constitution.
2. No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers or employees, and no property held in trust, express or implied, which was created or established by this Local Union and whose primary purpose is to provide benefit for the members of the Local Union or their beneficiaries, shall be given, contributed or donated, either directly or indirectly, to aid or assist, or be expended in behalf of, any seceding, dual or antagonistic labor organization, nor to any Local Union which is in violation of the International Constitution.

ARTICLE XXII: AGENCY

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

ARTICLE XXIII: AMENDMENTS

Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section 169 of the International Constitution.

ARTICLE XXIV: STANDING RULES FOR UNION MEETINGS

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

ARTICLE XXV: INTERNATIONAL UNION CONSTITUTION

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

ARTICLE XXVI: SAVING CLAUSE

1. The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution, the District Council Bylaws and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.
2. If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal or state government, the Local Union Executive Board, subject to approval of the Local Union, shall have the authority to suspend the operation of such provisions during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any article or section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.