



High Performance/High Value

Bylaws
of
District Council 16
Northern California & Northern Nevada

International Union of Painters & Allied Trades

Effective, April 09, 2015

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.

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.

ARTICLE 3 OBJECTS

3.1 The objects of District Council 16 are to further the objects of the International Union; to 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 of signatory employers while 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 performed by those working under collective bargaining agreements negotiated by this District Council.

4.3 All Local Unions of the International Union within the territorial jurisdiction of District Council 16 are automatically fully affiliated with District Council 16.

4.4 Fully affiliated means that: (a) members of the Local Union pay administrative dues to the District Council through a check-off from wages; (b) members of the Local Union enjoy full voting rights as members of the District Council; (c) the District Council serves as the exclusive bargaining representative for all its members; (d) the District Council is the union party to, and has the right to enforce, all collective bargaining agreements covering its members; (e) the District Council has the power to appoint and remove the labor trustees for any trust funds in which the District Council or any affiliated Local Union participates, and should the governing documents of a trust fund in which an affiliated Local Union participates require the Local Union or any of its officers to take action to appoint or remove a trustee, the Local Union officer(s) shall obey any directive given by the District Council Business Manager/Secretary-Treasurer; and (f) all craft jurisdiction belongs to, and shall be protected by, the District Council.

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

The Business Manager / Secretary – Treasurer shall be a full-time position and shall serve as the principle officer of the District Council.

- (a) The Business Manager/Secretary-Treasurer shall be an automatic trustee to any Trust Fund in which the members of the District Council participate, and to any

Trust Fund in which the members of any affiliated Local Union participate, and shall appoint (and have the power to remove) all Union Trustees to all Trust Funds affiliated with the District Council or any Local Union affiliated with the District Council.

- (b)** The Business Manager/Secretary-Treasurer shall have full charge of the business office of the District Council, and he or she shall have the authority to employ, discharge, direct, and set the salaries and benefits of all non-elected employees of the Council, including but not limited to organizers, field representatives and office staff. The Business Manager/Secretary-Treasurer shall be authorized to purchase such equipment and supplies as he or she deems necessary for the proper operation of such offices.
- (c)** The Business Manager/Secretary-Treasurer shall maintain a current list of names and addresses of all members of the affiliated Local Unions.
- (d)** The Business Manager/Secretary-Treasurer shall be the spokesperson and Chair of, and shall appoint, the District Council negotiating committee(s).
- (e)** The Business Manager/Secretary-Treasurer shall have the power to direct and supervise Business Representatives in the performance of their duties and assign them to any territory or task irrespective of trade.
- (f)** The Business Manager/Secretary-Treasurer shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s) established under Council collective bargaining agreements, and he or she shall appoint all other delegates to the Joint Trade Boards.
- (g)** The Business Manager/Secretary-Treasurer may retain professional advisers (such as attorneys and accountants) and other service providers; provided, however, that the Business Manager/Secretary-Treasurer shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board.
- (h)** The Business Manager/Secretary-Treasurer shall be authorized to make contributions to the to the IUPAT Political Action Together Fund-Legislative and Educational Committee as may be necessary to qualify the District Council for organizing assistance under Section 291 of the International Constitution.
- (i)** The Business Manager/Secretary-Treasurer is authorized to make expenditures to carry out his or her responsibilities as set forth in this Section 5.2. 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 the Council of Delegates, and provided further that the Business Manager/Secretary-Treasurer must present to the Council of Delegates for their approval, a copy of

the check registry of all expenditures of all District Council bank accounts since the last District Council Delegates meeting.

- (j) 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.
- (k) 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.
- (l) The Business Manager/Secretary-Treasurer or his or her designee shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to insure that the IUPAT Constitution, these Bylaws, and the provisions of the collective bargaining agreements are enforced. It shall be the duty of the Stewards to see that all persons have their working cards, and to contact the District Council immediately if there should be any irregularity.
- (m) The Business Manager/Secretary-Treasurer shall appoint from among the members of all affiliated Local Unions the following standing Committees: Bylaws Committee; Building Committee; Retirees Committee and Community Organizing for Real Economics Committee (which shall be charged with organizing, political action and community outreach).
- (n) 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.
- (o) 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.

- (p)** 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, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.
- (q)** The Business Manager/Secretary-Treasurer shall attest all money orders drawn on District Council 16.
- (r)** The Business Manager/Secretary-Treasurer's records shall be maintained in accordance with good business practices.
- (s)** The Business Manager/Secretary-Treasurer shall be empowered to select competent, qualified members in good standing 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.
- (t)** 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 . It is the intent of this section 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.
- (u)** 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.
- (v)** 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.

- (w)** The Business Manager/Secretary-Treasurer shall receive all monies due District Council 16, and deposit same in the bank.
- (x)** 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.
- (y)** The Business Manager/Secretary-Treasurer shall receive a weekly salary of sixty (60) hours pay at the highest collectively bargained hourly Wage Rate set forth in District Council 16 Collective Bargaining Agreements, plus \$400.00 per week expense.
- (z)** The Business Manager/Secretary-Treasurer shall receive fringe benefits as prescribed in the current Collective Bargaining Agreement and Trust Agreements covering members of his Local Union. District Council 16 shall make the contributions on 40 hours per week and provide for such coverages in the amounts and in the manner provided for in said Collective Bargaining Agreements and Trust Agreements.
- (aa)** The Business Manager/Secretary-Treasurer shall receive two (2) weeks paid vacation per year.
- (bb)** District Council 16 shall, upon receipt of verified insurance coverage, reimburse the Business Manager/Secretary-Treasurer 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.
- (cc)** When the Business Manager/Secretary-Treasurer is required by work assignment to be away overnight on business of District Council 16, the Business Manager/Secretary-Treasurer 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 the District Council 16 Assistant Business Manager.
- (dd)** The Business Manager/Secretary-Treasurer may retain professional advisers (such as attorneys and accountants) and other service providers; provided, however, that the Business Manager/Secretary-Treasurer shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board.

- (ee) The Business Manager/Secretary-Treasurer shall be authorized to make contributions to the IUPAT Political Action Together Fund-Legislative and Educational Committee as may be necessary to qualify the District Council for organizing assistance under Section 291 of the International Constitution.
- (ff) The Business Manager/Secretary-Treasurer shall see that the District Council complies with the requirement of Section 59(d) of the International Constitution that, absent an exception from the General Executive Board, all District Councils participate in the group liability insurance program developed by the General Secretary-Treasurer.

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 to conduct the meetings according to parliamentary rules: to enforce a due observance of the International Constitution and these Bylaws at such meetings: to decide all questions of order without debate, subject only 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 no one other than the Delegates to District Council 16 and authorized representatives and guests is 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 Accountant to review the audit as required by Section 146(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 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 and these Bylaws.
- (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 General Secretary-Treasurer and to the District Council 16 Business Manager/Secretary-Treasurer. They shall examine the membership records of District Council 16 to ascertain the membership at the close of each month and they shall compare their findings with the reports of the Business Manager/Secretary-Treasurer has submitted to the General Secretary-Treasurer's Office to verify that the District Council 16 is paying tax on the proper number of members and that all suspensions, reinstatements, initiations, admissions of members on clearance cards, and other changes in membership of District Council 16 have been properly reported.
- (f) 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.

5.7 SALARIES OF OFFICERS

- (a) President – Receives no compensation
- (b) Vice President – Receives no compensation
- (c) Warden – Receives no compensation
- (d) Trustees – Receives no compensation
- (e) A change in salaries must be accomplished by amendment of these Bylaws in accordance with the International Constitution, provided that the delegates, with

the approval of the General Executive Board, may reduce salaries temporarily during a period of high unemployment among the membership.

- (f) Salaries of officers shall not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.

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 Unless specifically authorized by the District Council 16 Delegates, the Executive Board shall be vested with the authority of recommendation only; provided, however, that 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 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 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 Wage Rate of the highest paid Business Representative within their respective regions plus 10% of the 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 and Regional Directors shall receive fringe benefits as prescribed in the current Collective Bargaining Agreement and Trust Agreements covering members of his local union. District Council 16 shall make the contributions on 40 hours per week and provide for such coverages 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 and Regional Directors 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 the District Council 16 Business Manager/Secretary/Treasurer.

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 the District Council 16 Business Manager/Secretary Treasurer.

7.10 Pursuant to Section 133(b) of the International Constitution, an increase in the Business Representatives' compensation may only be accomplished by amendment of these Bylaws. The delegates, with the approval of the General Executive Board, may reduce the Business Representatives' salary temporarily during a period of high unemployment among the membership.

7.11 Pursuant to Section 133(b) of the International Constitution, the salary of Business Representatives may not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.

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 accordance with the International Constitution and with these Bylaws; the policies and programs established by the General

Conventions, the General President, the General Executive Board, and the District Council 16 Delegates.

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

9.1 The Business Manager/Secretary-Treasurer shall be elected atlarge by the members in good standing of 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. Any member in good standing of the Local Union conducting nominations may nominate any eligible member of the District Council.

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 154 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.

9.5 The term of the Business Manager/Secretary-Treasurer shall be four (4) years and it shall commence immediately upon certification of the election results by the Election Committee.

9.6 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

**ARTICLE 10
NOMINATIONS AND ELECTION OF DISTRICT COUNCIL 16 BUSINESS
REPRESENTATIVES AND DELEGATES**

10.1 Subject to the limitation contained in Section 10.2, there shall be no more than one elected Business Representative from the same Local Union.

10.2 No Local Union with fewer than 150 active members in good standing as of April 1 of an election year may be guaranteed a Business Representative and no Local Union or grouping of Local Unions with fewer than 800 active members in good standing may be guaranteed more than one Business Representative. Should a Local Union that otherwise would be entitled to a Business Representative under the District Council Bylaws fall below 150 active members in

good standing, that Local Union shall be grouped with the nearest Local Union as determined by the Business Manager/Secretary-Treasurer. Should a Local Union or grouping of Local Unions that otherwise would be entitled to more than one Business Representative fall below 800 members in good standing, that Local Union or grouping of Local Unions shall only be entitled to one elected Business Representative.

10.3 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.

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

10.5 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 154 of the International Constitution.

10.6 The term of office for the position of Business Representative(s) shall be four (4) years and term shall commence immediately upon certification of the election by the Election Committee.

10.7 The Notice of Nominations and the ballot shall note that the Business Representative(s) shall also be an automatic delegate to District Council 16.

10.8 The term of District Council Delegates shall be four (4) years, and they shall be elected in the same year as the Business Manager/Secretary-Treasurer and Business Representatives. The term of District Council Delegates shall commence immediately upon certification of the election results by the Election Committee.

10.9 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

ARTICLE 11 ELECTION BOARD - ELECTION PROCEDURES

11.1 The President of the District Council shall appoint in January of each election year an Election Committee from among the regular delegates. This Committee shall adopt rules governing the election, which rules shall be consistent with the Election Guide published by the General Executive Board, and it shall supervise the election of Business Manager/Secretary-Treasurer and Business Representatives in accordance with the District Council Bylaws and the International Constitution. Upon the request of the Election Committee, the President may

appoint assistants to act as tellers or perform other election related duties from the membership of the District Council.

11.2 The Election Committee 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 152(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.

11.4 Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

11.5 Voting shall be at such date, times, and locations as shall be established by the Election Committee.

11.6 Each candidate may designate one (1) election observer to remain in each polling place. An observer must be a member in good standing of the District Council. No other persons shall be allowed to remain in the polling place(s) except members of the Election Committee and the Committee's assistants. Observers also may be present at the counting of the ballots.

11.7 At each polling place, a designee of the Election Committee shall verify that each of its members who votes is in good standing.

11.8 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. Voting machines may be used in lieu of paper ballots, provided candidates are listed as stated above.

11.9 After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots.

11.10 Immediately upon the completion of the vote count, the Election Committee shall submit to the Business Manager/Secretary-Treasurer, a report listing the total number of votes cast, the number of ballots disqualified, if any, and the reason for such disqualification, and the votes cast for each candidate.

11.11 The candidates receiving the highest number of votes in each grouping shall be elected.

11.12 All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

11.13 In accordance with Section 156 of the International Constitution, any protest concerning election or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

**ARTICLE 12
VACANCIES**

12.1 All vacancies shall be filled in accordance with Section 158 of the International Constitution.

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

13.1 Affiliated Local Unions shall hold nominations and elections of delegates to this District Council, Local Union Officers, Executive Board members and delegates to central bodies in accordance with Sections 209 through 212 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 and to the District Council.

13.4 The eligibility of Delegates shall be as set forth in Section 210 of the International Constitution. Each Delegate shall be entitled to one (1) vote at District Council meetings.

**ARTICLE 14
NOMINATIONS AND ELECTION OF PRESIDENT, VICE PRESIDENT,
TRUSTEES, WARDEN, AND DELEGATE MEMBERS
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. To be eligible for such positions,

nominees must be delegates to the District Council. The term of each office shall be four (4) years.

14.2 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

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) Monthly Administrative Dues are hereby established at 3% of each member's wages. The Business Manager/Secretary-Treasurer may establish a lower dues structure for specialty bargaining units with the approval of the General Executive Board.

(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) Organizing Dues are hereby established at \$0.15 per hour, or such higher amount as the members working under a particular collective bargaining agreement shall approve as a referendum vote conducted in accordance with the IUPAT Constitution.

(c) Unity Action Dues are hereby established at \$0.05 per hour.

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

When a member works outside the jurisdiction of this District Council and within the jurisdiction of another District Council affiliated with the International Union, and the Bylaws of that other District Council make no provision for

administrative dues, the member shall continue to pay to this District Council, either directly or by check-off, the amount of administrative dues provided in the first sentence of this sub-section.

- (e) Assessments may be levied only in accordance with Section 92 of the International Constitution.
- (f) Organizing Dues shall be placed in the District Council Organizing Fund. The Business Manager / Secretary-Treasurer shall determine how these funds are expended, provided such funds may only be spent for the purpose of Organizing.

15.3 The finances of the District Council shall be maintained, and appropriations of District Council funds shall be made, in accordance with Sections 131 through 136 of the International Constitution. All funds of the District Council shall be audited at least annually by a certified public accountant; and copies of the audit report shall be submitted to the District Council delegates on behalf of each affiliated Local Union, and the International Union. Such audit shall be done in accordance with Section 131(c) of the International Constitution.

15.4 Each Local Union may establish its own regular dues rate, subject to the provisions of the International Constitution.

DUES COLLECTION AND MEMBERSHIP REPORTING PLAN

15.5 (1) This Article is adopted pursuant to the Dues Collection and Membership Reporting Plan (“the Plan”) promulgated by the General Secretary-Treasurer pursuant to Sections 54(c) and 162 of the General Constitution. In accordance with the Plan, this Article shall apply to, and shall govern all affiliated Local Unions. All funds received and disbursed pursuant to this Article (whether on behalf of the District Council or participating Local Unions) shall be subject to all audit procedures applicable to the District Council under the General Constitution and/or these Bylaws.

(2) All administrative processing fees, dues and assessments payable to affiliated Local Unions by applicants and members shall be collected by the Business Manager/Secretary-Treasurer or by designated staff. Upon receipt of any payment, the Business Manager/Secretary-Treasurer shall issue a receipt for the same to the applicant or member, and shall record the receipt in an account for the applicable Local Union and in the individual member’s ledger for each member.

(3) At the end of each month, the Business Manager/Secretary-Treasurer shall deduct from the dues received for each affiliated Local Union (1) the per capita tax payable to the International Union, (2) any per capita tax payable to the District Council, (3) any monies due from the Local Union to any other IUPAT affiliated entity. As soon as possible, but no later than ten (10) days after the end of each month, the Business Manager/Secretary-Treasurer shall transmit the monies due from each Local Union to the International Union, the District Council and any other appropriate entity.

(4) The District Council shall remit an amount established by the Business

Manager/Secretary-Treasurer to each Local Union, or upon agreement of the Local Union, deposit that amount in a bank account maintained by the Business Manager/Secretary-Treasurer for the benefit of the Local Union pursuant to the authority granted in paragraph 10 below. The District Council shall pay the cost of any necessary Local Union meeting space.

(5) The per capita payment to the International Union shall be directed to the General Secretary-Treasurer and shall be accompanied by all Local Union reports required by the General Secretary-Treasurer, including the Monthly Activity Report required by Section 198(b) of the General Constitution and the Local Union Activity Report required by 198(e) and Section 199(b) of the General Constitution. Checks for per capita tax shall be made payable to the International Union of Painters and Allied Trades (IUPAT).

(6) Each Local Union Financial Secretary shall receive copies of all reports required to be made to the General Secretary-Treasurer, and a detailed report stating (1) the total receipts collected on behalf of the Local Union in the prior month, (2) the overall membership of the Local Union, with gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members suspended and reinstated, and the names and number of clearance cards deposited and issued, (3) a correct account of each member's financial standing together with the member's full name and address, social security and telephone number, date of birth and date of initiation.

(7) In order to fully and properly carry out his or her responsibilities under this Section the Business Manager/Secretary-Treasurer shall have authority to establish a procedure (1) for collection of dues by mail or other appropriate means and (2) for reporting changes of member's addresses and contact information by mail or by other appropriate means. The Business Manager/Secretary-Treasurer may authorize the Local Union Financial Secretary to receive dues payments and membership information from members, provided that such system requires that all dues received by the Financial Secretary shall be transmitted to the Business Manager/Secretary-Treasurer within five (5) days, and further provided that when the Financial Secretary receives dues payments from members he or she must provide the member with a temporary receipt (such receipt will indicate the amount received and the date only, and shall not indicate dues status. The official receipt from the District Council will indicate that information), 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.

(8) In carrying out his or her responsibilities under this Section, the Business Manager/Secretary-Treasurer shall be subject to and shall comply with all the provisions of the General Constitution, including but not limited to Sections 198 through Section 203, governing the duties of Local Union Financial Secretaries and Treasurers.

(9) The Business Manager/Secretary-Treasurer's duties shall include the filing of Life Membership Applications, Death Benefit Claims, Armed Services Cards, Clearance Cards, Beneficiary Cards, etc. The Business Manager/Secretary-Treasurer shall also be responsible for the preparation and filing of all required Government reports and forms. The Business Manager/Secretary-Treasurer shall secure the signatures of the proper Local Union officers on the Government forms and reports.

(10) The Business Manager/Secretary-Treasurer shall also perform the functions of the Local Union Treasurer, as per Section 203, and shall provide the Treasurer with such reports as are called for in the affiliated Local Union Bylaws for the Treasurer to report out at Local Union meetings. In carrying out these responsibilities, the Business Manager/Secretary-Treasurer shall be authorized to establish a bank account in the name of each participating Local Union (or move existing Local Union accounts), provided that no disbursement from such account shall be made without the sanction of the Local Union and the required signatures of the appropriate Local Union officers on the checks.

(11) The District Council Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to the Business Manager/Secretary-Treasurer's duties under this Article.

(12) Notwithstanding anything to the contrary in this Article, the Business Manager/Secretary-Treasurer and all other officers of the District Council and all participating Local Unions shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

(13) This District Council 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.

(14) The Business Manager/Secretary-Treasurer may designate any affiliated Local Union to continue to have all records, dues, and reporting done by the Local Union Financial Secretary and Treasurer in accordance with their duties in Sections 198 through 203. This process can continue as long as the Local Union is timely and accurate with all reporting and per capita payments to the General Secretary-Treasurer's office. In addition the Business Manager/Secretary-Treasurer will verify annually that all the membership records and financial records of the Local Union are accurate and correct, and that all reporting and per capita payments have been made on time in accordance with the IUPAT Constitution. The Business Manager/Secretary-Treasurer shall also verify that all required Government forms and reports have been processed and filed by the Local Union.

15.6 Each Local Union upon affiliating with this District Council shall retain twelve (12) months of per capita tax to the IUPAT of its Local Union treasury. All remaining monies, real estate, and assets shall be turned over to the District Council upon affiliation.

ARTICLE 16 MEMBERSHIP

16.1 An applicant shall be considered a member upon meeting all requirements set forth in 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 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 may decline to process any grievance, complaint or dispute if, in their sole discretion and judgment of the Business Manager/Secretary-Treasurer or his designated representative, such grievance, complaint or dispute lacks merit.

16.4 Every member 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 or the International Union in the performance of their duties, and each member shall, when requested, render such assistance and support 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 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, provided that such employment is approved and directed by the Business Manager/Secretary-Treasurer or his designee.

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 6:00 p.m. promptly and shall be held at 2020 Williams Street, San Leandro, CA. The Business Manager/Secretary-Treasurer or President of a District Council shall have the authority to use, at his/her discretion, video conferencing as a means to conduct the monthly meeting of the District Council.

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 forty-eight (48) hours in advance of the meeting.

17.4 Only duly elected and Credentialed Delegates and Representatives of the Council, International Representatives and invited guests may attend Council Meetings. 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 140(f) of the International Constitution and prior to next meeting, shall forward the same to all affiliated Local Unions, Delegates to District Council 16, and 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 84(e) of the International Constitution, all new members of District Council 16 must attend a member orientation class offered by District Council 16 within ninety (90) days of being initiated.

18.2 All apprentice members of this District Council shall serve two (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.

18.3 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 (3) times within a twenty-four (24) month period shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.

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.

18.4 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:

18.5 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.

18.6 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.

18.7 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.

18.8 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.

18.9 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.

18.10 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.

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

18.12 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.

18.13 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, when so instructed members shall immediately leave or shall refuse to enter upon any construction site where non-union employees are working.

18.14 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.

18.15 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.

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

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

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

18.19 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.

18.20 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.

18.21 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.

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

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

18.24 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.

18.25 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.

18.26 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:

18.27 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.

18.28 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.

18.29 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.

18.30 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.

18.31 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:

18.32 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.

18.33 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 (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.

18.34 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.

18.35 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.

18.36 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.

18.37 These referral system procedures shall not be applied and/or interpreted so as to contradict Apprenticeship Standards as approved by DAS or any Collective Bargaining Agreement.

**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, and of completing weekly steward reports in the form required by the Business Manager/Secretary-Treasurer.

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 Trial Board of District Council 16 shall consist of five (5) or more members of the Executive Board appointed by the President and 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 Trial Board shall be governed by the procedure set forth in the International Constitution.

20.3 In the application of all rules and procedures relating to trials of District Council 16 members, 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 267(a) 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) The conduct or activity constituting the basis of the charges must be described in the charges with sufficient particularity that the charged member can prepare a defense. The charges shall provide dates, places and persons involved where possible.

- (d) The Trial Board shall not include among its members any person who is an accuser or witness to the events forming the basis of the charge.
- (e) The Trial Board shall arrange to have accurate summaries of the evidence, as well as all exhibits kept as the trial record.
- (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 All appeals from District Council 16's Trial Board, must be made directly to the General Executive Board of the International Union, in accordance with Sections 281 and 282 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 the International Constitution.

ARTICLE 22 STRIKES & LOCKOUTS

22.1 Procedures regarding strikes and lockouts shall be handled in accordance with Sections 253 through 256 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

(1st) 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 (1st) day of a strike or lockout, and take the strike assignment given by the Strike Committee. 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, and/or perform the strike assignment as instructed as required by these rules shall be cited to appear before the Trial Board of District Council 16.

ARTICLE 23 PROPERTY

23.1 The funds and property of District Council 16 shall be governed by Sections 128 through 130 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 express, written consent of the General President. Neither District Council 16, nor any of its Officers or employees, is an agent of the International Union and such officers and employees shall not hold themselves out as agents of the International Union.

ARTICLE 25 AMENDMENTS

25.1 These Bylaws may only be amended in accordance with Section 124 of the International Constitution.

ARTICLE 26
STANDING COMMITTEES

26.1 The Business Manager/Secretary-Treasurer shall appoint from among the members of District Council 16 the following standing committees:

- (a) Bylaws Committee
- (b) Building Committee
- (c) Retirees Committee
- (d) Community Organizing for Real Economics Committee, which shall be charged with organizing, political action and community outreach.
- (e) Voluntary Activist 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 These Bylaws shall not be construed in a manner that would violate the law.

27.2 If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the federal, state, or provincial government, the Executive Board, subject to approval of District Council 16 delegates, 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 provision of these Bylaws should be declared invalid 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.