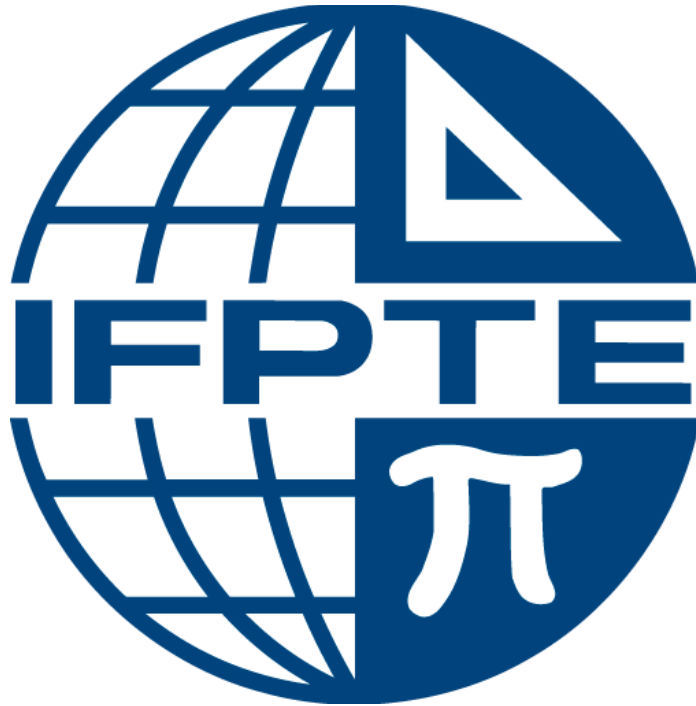


CONSTITUTION

OF



THE INTERNATIONAL FEDERATION

OF

PROFESSIONAL AND TECHNICAL ENGINEERS

AFL-CIO & CLC

UPDATED FEBRUARY 2009

**CONSTITUTION OF THE  
INTERNATIONAL FEDERATION OF PROFESSIONAL  
AND TECHNICAL ENGINEERS  
AFL-CIO & CLC**

**Updated January 2009**

***ARTICLE 1***  
***Name and Headquarters***

This Organization shall be known as the International Federation of Professional and Technical Engineers, hereinafter referred to as the Federation, one of the constituent organizations of the American Federation of Labor and Congress of Industrial Organizations and Canadian Labour Congress with which it shall be affiliated. Headquarters are to be maintained in the vicinity of Washington, District of Columbia.

***ARTICLE 2***  
***Jurisdiction***

This Federation shall be devoted and dedicated to organizing into a national organization and shall embrace within its jurisdiction all individuals who are professional, engineering, scientific, technical, administrative, clerical and allied-workers for the purpose of representing them in collective bargaining and otherwise improving their economic status and conditions of employment.

***ARTICLE 3***  
***Purpose***

**Section 3.1** The Federation shall strive to elevate the fields of endeavor within its jurisdiction to their proper positions in industrial activity and in the ranks of all workers; to encourage a higher standard of proficiency among its members; to cultivate feelings of friendship among those who work in these fields and with those who employ them; to assist members in securing stable employment; to assist employers in securing skilled workers from among the membership; to engage in negotiating and consummating contractual relationships with employers, through which wages, hours and conditions of employment may be properly regulated to the benefit of both the membership and the employers; to encourage and legislate for, or by economic means secure, such reduction of daily and weekly hours of work as will guarantee the proper distribution of available work to the greatest number of people in the field; to bring about increased opportunity for recreation and rest, the proper freedom to observe the days set aside for holidays and religious worship; to elevate the moral, intellectual and social conditions of all members by legal and proper means; to safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, farmers, and consumers, and the security and

welfare of all the people by political, educational and other community activity; to provide assistance, financial, moral or other, to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization; to protect and preserve the union as an institution and to perform its legal and contractual obligations. It is recognized that the problems with which this Federation is accustomed to dealing are not limited to "bread and butter" unionism or to organizing and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the union may determine from time to time; we, therefore, determine and assert that the participation of this labor organization individually and with other organizations in the pursuit and attainment of the objectives set forth herein are for the sole benefit of the organization and its members.

**Section 3.2** The Federation shall monitor legislative activities by local, state or federal governments which may affect the interests of the membership and shall use its influence to secure the promotion, rejection or amendment of legislation affecting the membership as the exigencies of the occasion may demand.

**Section 3.3** It shall be a purpose and aim of the Federation to inform, advise, and educate workers in these fields in the principles and policies of the Federation, and of the benefits to be derived through collective bargaining and joint action.

## ***ARTICLE 4*** ***Emblem***

**Section 4.1** The official emblem of the Federation, which shall be duly registered and protected, is as follows:



**Section 4.2** This emblem shall be generally used on all printed matter, including charters, publications, supplies and stationery of the organization and its various subdivisions, and in insignia to be worn by members.

**Section 4.3** The official seal of the Federation shall bear this emblem. The seal of each subdivision of the Federation shall likewise bear this emblem together with the designation of such subdivision. No seal shall be held or used by any subdivision of the Federation, nor shall the use or holding of any seal confer authority unless the seal shall have been furnished by the Secretary-Treasurer. All seals shall be the property of the Federation. No facsimile of the emblem shall be used except as approved by the Secretary-Treasurer.

**Section 4.4** No firm, organization or person outside the Federation shall be entitled to use any stamp, label, decal or other display of the official emblem on drawings or products unless approved in writing by the President or Secretary-Treasurer of the Federation. A record shall be kept of all such grants or authorizations for use of the official emblem on labels in the office of the national headquarters.

## ***ARTICLE 5*** ***Membership***

**Section 5.1** Any individual employed or qualified for employment as described under Article 2, shall be eligible to membership in this Federation upon application in the manner and form prescribed in this Constitution.

**Section 5.2** No person shall be admitted to membership in the Federation who is not employed, or seeking employment, in an occupation under the jurisdiction of this Federation.

**Section 5.3** (a) Qualified members who interrupt their regular employment to serve as paid representatives of the Federation or its subordinate bodies or those otherwise employed as representatives of the Federation or its subordinate bodies shall be considered as still employed in the fields under the jurisdiction of the Federation and shall be entitled to full membership rights and privileges, except as provided in subsection (b);

(b) No paid representative or employee of the Federation shall campaign or otherwise participate on paid union time in a partisan manner, directly or indirectly, in any election of the Federation or its subordinate bodies, provided however, that such representative or employee may campaign or participate in his/her own candidacy on non-union paid time. Employees of the Federation who are members in good-standing of the Federation, shall not assert Federation membership rights in the context of any labor dispute between themselves and/or their staff union and the Federation.

**Section 5.4** Members shall be affiliated with, and members of, local unions chartered by the Federation.

**Section 5.5** (a) To provide the opportunity for continuing association with the Federation to a member who has retired but remains an active member of a recognized IFPTE Retiree Club, or who has left a bargaining unit to accept other work normally considered to be under the jurisdiction of the Federation, the Secretary-Treasurer shall submit an application as well as an explanation of the mutual benefits to be derived from associate membership;

(b) The Secretary-Treasurer is authorized to issue an associate membership card to such members unless the issuance of the associate membership card is denied by the local union executive board, such denial to appear on the roster under "Reasons for Removal" and provided further that the member pays a fee established by the Secretary-Treasurer of the Federation;

(c) A member holding an associate membership card shall receive from the Federation all publications distributed to the membership and shall be eligible to participate in the Federation's Union Privilege Program, but shall not be a regular member of a local union and shall not be eligible to vote or hold office. A person presenting a valid associate membership card, and who has the requisite qualifications, may be admitted to membership in any local union free of initiation fee at the option of that local union;

(d) It shall be the obligation of an associate member; upon accepting work within an established bargaining unit of the Federation, to apply for immediate membership in the appropriate local union.

**Section 5.6** Applicants for membership who in the judgment of the Executive Council would not approximately be covered by the geographic or work jurisdiction of an existing local union, or are in a bargaining unit for which obtaining a collective bargaining agreement appears unlikely, may become members of the Federation in a form approved by the Executive Council and by payment of fees and dues in such amount as is determined by the Executive Council. The Executive Council is authorized to promulgate rules and regulations with respect to such members, to organize such members into units, and otherwise to determine the membership and representation rights and duties of such members within the Federation.

**Section 5.7** The Federation, its local unions and other subordinate bodies, and its members shall not discriminate against applicants for membership, or members, or co-workers on grounds of race, creed, color, national origin, religion, sex, sexual orientation, age, disability or any other ground prohibited by applicable federal or state law.

## ***ARTICLE 6*** ***Governing Bodies***

**Section 6.1** Subject to the limitations of this Constitution, the convention is the supreme legislative, judicial and reviewing authority. The policies and practices of the Federation shall be determined by convention action, except that between conventions, policies and practices shall be determined by Executive Council action.

**Section 6.2** The administrative authority of the Federation, when not in convention, shall be in the following descending order:

1. Executive Council.
2. Executive Officers
  - a. The President for matters under his/her cognizance.
  - b. The Secretary-Treasurer for matters under his/her cognizance.
3. The appropriate Vice President

## ***ARTICLE 7***

### ***Officers and Executive Council***

**Section 7.1** The officers of the Federation shall consist of the President, Secretary-Treasurer, and nine or more vice presidents. These officers shall constitute the Executive Council. The two Executive Officers may not be members of the same local union. Two or more Vice Presidents may be members of the same local union, provided that the local qualifies for additional vice president(s) as provided for in Section 7.7. All officers shall take office immediately after being elected and shall continue in office until their successors are qualified, as herein provided. Elected officers shall be and remain members of the Federation for the duration of their term in office.

**Section 7.2** Terms of office of President, Secretary-Treasurer and Vice Presidents shall be three (3) years.

**Section 7.3** To be eligible for the office of President or Secretary-Treasurer, a candidate must have been in continuous good standing as a member of the Federation for at least 24 consecutive months immediately preceding the convention in which the candidate is nominated. Any Federation member in good standing is eligible to be nominated and elected to serve as a Federation Area Vice President. The officers shall be nominated and elected by a regular convention.

**Section 7.4** Vacancies in office occurring between conventions shall be filled by appointment of the Executive Council of a qualified member to serve until the convention. In the event a vacancy occurs among the vice presidents, nominations shall be obtained from the locals in good standing in the area wherein the vacancy occurs and the Executive Council shall make a selection to fill the vacancy from such nominations within 60 days of the date when the vacancy occurs unless a convention is convened prior thereto. Local unions in the area shall be notified within 15 days of the occurrence of the vacancy by registered or certified mail, return receipt requested.

**Section 7.5** In case of a vacancy in the office of President or Secretary-Treasurer by death or resignation, or other causes, the remaining incumbent executive officer shall perform the duties of both offices until the successor is appointed by the Executive Council. It shall be the duty of such interim successor to issue, within ten days of the date of the vacancy, a call for a general meeting of the Executive Council within thirty

days of the date of the vacancy for the purpose of appointing a successor to fill the vacancy until the next convention.

**Section 7.6** Should a Vice President cease to be eligible for Federation membership he/she must resign as a member of the Executive Council. Failing to do so, the office shall be declared vacant by the Executive Council and a successor selected under the procedures specified in Section 7.4.

**Section 7.7** (a) The jurisdiction of the Federation for the purpose of nomination and election of vice presidents shall be divided into nine (9) areas, each of which shall be represented by one vice president; provided, however, that any vice presidential area or local which has paid monthly average per capita tax on 7,500 or more members to the Federation during the six-month period as set forth in Section 12.15(c), shall be entitled to one additional vice president; further, that any vice presidential area or local union which has paid monthly average per capita tax on 15,000 or more members to the Federation during the six month period as set forth in Section 12.15(c), shall be entitled to a third vice president. Nominations shall be obtained from the locals in good standing in the area within such additional vice presidency occurs and the Executive Council shall make a selection to fill the position from such nominations within 60 days of the date when the area qualifies for the additional vice president in accordance with this section, unless a convention is convened prior thereto. Local unions in the area shall be notified within 15 days following determination by the Executive Council that the area qualifies for an additional vice president. The Executive Council shall determine the jurisdiction of each of the vice presidents within the area, and that area shall continue to vote for two /three vice presidents as long as, within each applicable six-month period as set forth in Section 12.15(c), the area continues to meet 80 percent of the per capita standard as set forth above. The areas are designated as follows:

**NORTHEAST AREA:** Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, with the exception that Local 13-Philadelphia, PA and Local 138-Erie, PA, shall be locals within the Northeast Area.

**ATLANTIC AREA:** Delaware, Florida, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, District of Columbia, Commonwealth of Puerto Rico, with the exception that Local 13-Philadelphia, PA, and Local 138-Erie, PA, shall be locals within the Northeast Area.

**MIDWEST AREA:** Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin

**WESTERN AREA:** Arizona, California, Colorado, Hawaii, Nevada, New Mexico, Utah,

**NORTHWESTERN AREA:** Montana, Wyoming, Idaho, Washington, Oregon, Alaska.

## **CANADIAN AREA**

## **SPEEA AREA**

**WESTERN FEDERAL AREA:** Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming

**EASTERN FEDERAL AREA:** Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia, Commonwealth of Puerto Rico.

(b) The nomination and elections of each area vice president shall be conducted at the convention by the delegates representing local unions in each respective area;

(c) At the meeting immediately following the convention, the Executive Council shall elect by secret ballot one of the vice presidents to serve as Executive Vice President.

**Section 7.8** All officers of the Federation shall be ex officio members of all subordinate bodies of the Federation with the privilege of attending meetings of such chartered subordinate bodies, but not voting.

## ***ARTICLE 8*** ***The President***

**Section 8.1** Except as provided elsewhere in this document, the President shall be the chief executive officer of the Federation and shall enforce all the laws according to the Constitution and policies set by conventions and the Executive Council.

**Section 8.2** It shall be the duty of the President to preside at all conventions, to exercise supervision over the affairs of the Federation throughout its jurisdiction, to sign all official documents, to travel whenever required in the interests of the Federation, and to submit to each regular convention a report of his/her activities between conventions, copies of which report are to be sent to all local unions so that they are received at least three weeks prior to the opening date of the convention.

**Section 8.3** The President shall act as executive officer of the Executive Council in all matters wherein authority is not especially conferred upon other officers of the



Federation. The President shall chair the Executive Council with power to vote in case of a tie, and shall have authority to convene the Council at any time.

**Section 8.4** The President shall employ or discharge, and fix the salaries, and approve the reasonable expenses and allowances of the administrative employees and professional representatives / organizing staff in the field and office, except those employees engaged in the financial and membership reporting activities of the Federation, subject to the approval of the Executive Council. However, if a local of a region registers objection to someone who has been appointed in his / her region by the President, the matter shall be referred to the Executive Council. All such employees shall serve under his / her direct supervision except as they may be otherwise assigned by him/her. Employees of the Federation shall not be considered as agents of the Federation and the Federation shall not be liable for any of their acts unless they are specifically appointed and authorized to act as agents by the President or Executive Council.

**Section 8.5** The President in conjunction with the Secretary-Treasurer and the Executive Council, shall be responsible for all organizing activities within the Federation, and will endeavor to maintain a full-time organizer(s) in Canada. The Federation's organizing program shall be formulated by the President. He / she shall present an organizing program for each respective vice presidential area. He / she shall direct the organizing program of the Federation and in connection therewith, shall approve their reasonable expenses and allowances and establish their salaries. He / she shall be authorized to establish cooperative organizing activities with the local unions and to assume the payment of a reasonable portion of expenses which may arise in connection therewith; however, such payments shall be made only on the condition that a complete and accurate report of those activities involved are made available to the Federation.

**Section 8.6** The President shall be authorized to make such expenditures of the funds of the Federation as are necessary for the operation of his/her office and the daily functioning of the Federation but provided that no extraordinary expenditures shall be made without the approval of the Executive Council.

**Section 8.7** The President shall be required to examine all rules and bylaws adopted by local unions or other subordinate bodies and ascertain that they are not in conflict with this Constitution, and all such bodies shall submit their bylaws governing local membership to the President for such examination. If any violation is found to exist, then such local bylaws shall be inoperative in that respect, and the Federation Constitution provisions shall govern until the local bylaws are revised to conform.

**Section 8.8** The President shall be authorized to allow the salaries, expenses and allowances of the other officers of the Federation, as hereinafter provided.

**Section 8.9** The President shall appoint all committees not otherwise provided. The President shall appoint deputies to act with full power whenever impossible for him/her

to be present in person. He/she shall have supervision over publicity and over editorial policy of the official publication of the Federation. The Federation's newsletter shall be the official publication of the Federation for all purposes, including notices.

**Section 8.10** The President shall decide any questions respecting the construction or interpretation of the Constitution, and any protests and questions regarding local union elections. His/her decisions may be appealed to the Executive Council and thereafter to the convention. However, pending any such appeal, the President's decision shall be accepted by and be binding upon the Federation, the local unions, other subordinate bodies, and officers and members thereof.

**Section 8.11** The President shall be a delegate of the Federation to all conventions, including the conventions of the American Federation of Labor and Congress of Industrial Organizations and its departments and the Canadian Labour Congress. He/she is empowered, with approval of the Executive Council, to appoint delegates of the Federation to any convention where he/she deems it to be in the interest of the Federation to have additional representation or to act in his/her behalf as a delegate at any such convention.

**Section 8.12** The President shall be paid weekly at a per annum rate determined by vote of the Convention. He/she shall be allowed all legitimate expenses and allowances. He/she shall be granted such benefits as are specifically provided for by action of the Executive Council.

## ***ARTICLE 9***

### ***The Secretary-Treasurer***

**Section 9.1** The duties of the Secretary-Treasurer shall be to keep the books and accounts. He/she shall receive and take charge of all monies, properties, and securities of the Federation and pay all bills and vouchers approved for payment by the President. He/she shall submit to the regular convention a complete statement of all receipts and disbursements during his/her term of office, and at its expiration shall deliver to his/her successor all monies, securities, books, papers, and property of this Federation under his/her control.

**Section 9.2** The Secretary-Treasurer shall formulate and establish adequate accounting and other record keeping procedures regarding all financial transactions between local unions and the Federation, including the collection of per capita tax and other collections from local unions, and shall furnish such standard forms as he/she deems necessary for such financial reports and names and addresses of all members of the local unions. All local unions must use such forms in their transmittals to the Federation. All procedures shall be subject to the approval of the Executive Council, and all local unions must comply with this provision.

**Section 9.3** The Secretary-Treasurer shall cause an annual audit of the financial records and condition of the Federation to be made by a Certified Public Accountant which audit shall be submitted to the Executive Council and the convention.

**Section 9.4** The Secretary-Treasurer in consultation with the President shall draw-up a budget for the general fund and the organizing program consistent with the income of the Federation and submit it to the Executive Council at least once a year and/or whenever the financial status of the Federation is a topic of the Council's agenda.

**Section 9.5** The Secretary-Treasurer shall employ or discharge, fix the salaries, and approve the reasonable expenses and allowances all employees engaged in the financial and membership reporting activities of the Federation, subject to the approval of the Executive Council. All such employees shall serve under his / her direct supervision except as they may be otherwise assigned by him / her. Such employees of the Federation shall not be considered as agents of the Federation and the Federation shall not be liable for any of their acts unless they are specifically appointed and authorized to act as agents by the Secretary-Treasurer or Executive Council.

**Section 9.6** The Secretary-Treasurer shall direct the Federation's leadership development and educational program, subject to the approval of the Executive Council.

**Section 9.7** The Secretary-Treasurer shall be paid weekly at a per annum rate determined by vote of the Convention. He/she shall be allowed all legitimate expenses and allowances. He/she shall be granted such benefits as are specifically provided for by action of the Executive Council.

**Section 9.8** For staff and officer expenses and allowances approved by the President or Secretary-Treasurer, the Secretary-Treasurer shall be authorized to pay standard railroad or air rates, or mileage at the maximum amount allowed by the IRS for use of private automobile, plus IRS established per diem rates for subsistence (i.e., meals and incidentals) and actual expenses for other costs such as lodging and transportation incurred while away from home, provided however, that the President may direct payment for all actual expenses in lieu of fixed rate subsistence amounts.

**Section 9.9** The Secretary-Treasurer shall submit to each regular convention a report of his/her activities between conventions, copies of which report are to be sent to all local unions so that they are received at least three weeks prior to the convention. The Secretary Treasurer's report may be combined with that of the President and prepared as a single document entitled "Officers' Reports."

**Section 9.10** The Secretary-Treasurer shall, at least thirty (30) days before the first day of the Federation Convention, mail, without charge, copies of the constitution of the

Federation to each local union incorporating all changes to the Constitution made at and after the previous Convention and approved by the local unions.

**Section 9.11** It shall be the duty of the Secretary-Treasurer to see that the officers and representatives of the Federation who are required to be bonded by law are adequately bonded in favor of the Federation through a reliable surety company.

## ***ARTICLE 10***

### ***The Vice Presidents***

**Section 10.1** The vice presidents shall serve as members of the Executive Council, shall act as volunteer or special organizers or representatives of the Federation, and shall perform such other duties as may be determined and assigned to them by the President and Executive Council in carrying out the objectives of the Federation.

**Section 10.2** The area vice president shall be responsible for servicing their area. The area vice president shall communicate regularly with locals in their area on their servicing needs and with the staff assigned to their area. The vice presidents shall advise the President and Secretary-Treasurer, whichever appropriate, of their concerns and priorities for the area, discuss budgetary constraints, and be consulted about assignments in their area. They shall report periodically to the President on conditions and progress in their respective areas. They shall promote organizing in their area and shall report on the organizing activities of the locals in their area at each Executive Council Meeting. Vice presidents are entitled to attend conventions and to participate in discussions.

**Section 10.3** Vice Presidents, not otherwise on the payroll of the Federation, shall be reimbursed for lost time and expenses while attending conventions of the Federation if not a local union delegate, and meetings of the Executive Council, and while performing assigned tasks. Reimbursement for actual salary loss shall be at the current rate of compensation. They shall receive IRS established per diem rates for subsistence (i.e. meals and incidentals) and actual expenses for other costs such as lodging and transportation incurred while away from home; provided, however, that the President may direct payment for all actual expenses in lieu of fixed rate subsistence amounts. In the case of Vice Presidents attending conventions as delegates from local unions, their travel expense and other expenses and lost time reimbursement incurred during the period of the convention shall be paid by such local union.

**Section 10.4** Each Vice President shall be paid an annual stipend of \$1,500.00, payable at the start of each fiscal year.

**ARTICLE 11**  
***The Executive Council***

**Section 11.1** The principal function of the Executive Council shall be to execute the instructions contained in the Constitution or adopted by the convention. Between conventions the Executive Council shall be vested with discretionary power and full authority to act on any matter which cannot be deferred until the meeting of the next convention, subject to the limitations of this Constitution. The Executive Council shall be empowered to authorize such expenditures of the funds of the Federation as in its judgment are necessary to carry out and fulfill the purpose and objectives of the Federation.

**Section 11.2** The Executive Council shall hold a meeting of the Council during the Spring and Fall of each non-convention year with due notice of the date and place being sent to all local unions as far in advance as practical, and thereafter, additional sessions at such places and such times as it may decide. During convention years the Council shall meet immediately before and after the convention for such length of time as the President shall designate. It shall meet at the call of the President or at the request of a majority of the members of the Council. In the event the President fails to call a meeting of the Council within 30 days as requested by a majority of the members of the Executive Council, the Secretary-Treasurer shall be obligated to call the meeting. If the Secretary-Treasurer fails to call the meeting, then the vice presidents who favor calling the meeting shall have the authority to call a meeting. In such case, the meeting shall have full force and effect of a meeting called by the President.

**Section 11.3** A quorum for the transaction of any business by the Executive Council shall consist of a majority of the members thereof. All members of the Council shall be given reasonable notification of Executive Council meetings. The actions of the Executive Council shall be determined by a majority vote of the members present.

**Section 11.4** On specific propositions and in response to requests by the President for a decision, the Executive Council members shall vote by mail, telephone, facsimile, or electronic mail; provided, however, that in such cases it shall require a majority of the entire Executive Council to decide any issue. After a request from the President for a decision, failure of any member of the Executive Council to forward his vote, including a vote of present, within a reasonable period of time after receipt of such request, shall be taken as an indication that he/she favors the recommendation of the President, where such recommendations are made.

**Section 11.5** The Executive Council may initiate amendments to the Constitution for referendum to the membership and subordinate bodies, as hereinafter provided.

**Section 11.6** The Executive Council shall have power to approve or disapprove all rulings of the President respecting the construction or interpretation of the constitution and its decisions between conventions shall be final and binding.

**Section 11.7** The Executive Council shall determine all questions of jurisdiction and shall settle, subject to appeal to a convention, all controversies respecting jurisdiction between member groups. The Executive Council shall determine the work or trade jurisdiction of local unions upon issuance of the charters, and no departure from such jurisdiction, by way of agreements with other unions or otherwise, shall be permitted unless authorized by the Executive Council.

**Section 11.8** The Executive Council shall have authority to approve and thereafter effect the merger of two or more local unions when in its judgment it is to the best interest of the Federation to do so. No such merger shall be effected until all interested parties have had an opportunity to be heard, and if any merger is effected the membership and property rights of the members affected by the merger shall be safeguarded.

**Section 11.9** The Executive Council is authorized to charter councils of local unions, either on a geographic or industrial basis, under such terms and conditions of function and operation as are consistent with this Constitution, as well as to revoke any such charter. Councils chartered by the Executive Council shall be governed by this constitution and by bylaws approved by the President.

**Section 11.10** The Executive Council is authorized to grant strike, lockout or victimization benefits to members and local unions from the funds of the Federation upon terms and conditions established by the Executive Council. The Executive Council is also authorized to establish and administer rules and regulations governing the Emergency Assistance Fund, which the Executive Officers will follow in administering the Fund.

**Section 11.11** The Executive Officers shall be authorized to negotiate collective bargaining agreements with the bargaining representatives of the Federation's employees subject to approval of the Executive Council. A Vice President will attend all negotiating meetings between the office and staff unions and the Federation's Executive Officers.

**Section 11.12** The Federation is authorized to pay all the expenses for investigating services, employment of all counsel and other necessary expenditures in any cause, matter, case or cases where an officer, representative employee, or agent is charged with any violation or violations of any law or is sued in any civil action or actions, (1) if a majority of the Executive Council in its sole discretion determines that such charges or law suits are (a) unfounded, (b) are politically motivated, or (c) were filed in bad faith to embarrass or destroy the union or the union officers or representatives; or (2) if a majority of the Executive Council in its sole discretion determines that the expenditures should be made.

**Section 11.13** The Executive Council shall act upon the annual budgets submitted by the President and Secretary-Treasurer. The Executive Council shall, at least quarterly, examine the expenditures of the Federation to ensure that they are consistent with the approved budget.

## ***ARTICLE 12***

### ***Conventions and Representation at Conventions***

**Section 12.1** The regular convention of the Federation shall be convened every three years on the date and in the city designated by the preceding convention.

**Section 12.2 (a)** The Secretary-Treasurer shall send out the convention call to all local unions at least sixty (60) days before the convention convenes;

(b) All delegates from locals to Federation conventions shall be elected by secret ballot. There shall be no proxy voting permitted as part of the election of delegates. Except as provided below, (1) delegates shall be elected on a separate ballot or ballot section, from any ballot used for any other purpose; and (2) no member may be considered a delegate by virtue of election to, or holding, any other office in their local, except by separate election. Locals may at their discretion, provide in their local constitution/bylaws, that officers elected local wide will be automatic delegates to the IFPTE convention by virtue of having been elected to their office. If a local elects this option its constitution/bylaw provision must require that the ballot for such positions note specifically that the position being voted for is "(Name of Position /Delegate to the (\_\_\_) IFPTE Convention." The officer would only be an automatic delegate for the specific conventions noted in the blank on the foregoing statement. This delegate election option may only be used for specific "Officer/Delegates" noted in the local constitution/bylaws and may not be used for any other position in the local. All other delegates from locals must be selected by separate election as specified above on a separate ballot section. Each local union shall afford its membership reasonable opportunity to nominate candidates for delegates, and shall mail to each member at his/her last known home address notice of the time and place at which elections of delegates are to be held, such notice to be mailed not less than fifteen (15) days prior to such election;

(c) Whenever a local union determines to be represented at convention by proxy pursuant to the provisions of Section 12.16, any such proxy delegates shall be elected by secret ballot and with due notice as provided above;

(d) At the opening of every convention, the committee on credentials shall be furnished with evidence that this section has been complied with.

**Section 12.3** The voting strength of this Federation shall be defined as the total number of votes to which local unions are entitled in the convention. A quorum shall consist of not less than one-third of the total voting strength of the Federation. Proxies shall not be included in such quorum.

**Section 12.4** The President shall preside over all conventions except that when he/she desires to speak on any question, or when otherwise necessary, one of the vice presidents shall perform the duties of President.

**Section 12.5** The order of business at regular conventions shall be as follows:

1. Call to order
2. Salute to flags
3. Appointment of Credentials Committee
4. Report of Credentials Committee
5. Roll call of delegates
6. Appointment of committees
7. Report of officers
8. Report of committees
9. Nomination of all officers which shall take place on the day prior to the date of elections for said officers.
10. Election and installation of new officers
11. Selection of site for next convention
12. Unfinished business
13. New business
14. Good and Welfare
15. Adjournment

**Section 12.6** No persons other than officers and delegates shall be permitted to participate in the deliberations of the convention except by a two-thirds vote of the total convention voting strength.

**Section 12.7** No discussion of a sectarian or religious nature shall be permitted on the floor of the convention.

**Section 12.8** No grievances shall be considered by any convention that have already been considered by a previous one, except upon the recommendations of the Executive Council, nor shall any grievances be considered where no attempt has been made to effect a settlement by means at hand.

**Section 12.9** Each local union affiliated with this Federation shall defray the expense of its delegates to all conventions.

**Section 12.10** The President and Secretary-Treasurer shall submit to each regular convention a report of their activities between conventions, copies of which are to be sent



to all locals unions so that they are received at least three weeks prior to the Convention. All affiliated local unions in good standing and each delegate attending the convention shall be furnished with copies of the officers' reports to the convention. The verbatim proceedings of the convention shall be retained on file at the Federation headquarters, excerpts of which may be made available to delegates and local unions at their own expense.

**Section 12.11** All elections shall be conducted by secret ballot, a majority of the voting strength of those delegates present and voting being necessary to elect; provided, however, that in the election of vice presidents, a majority of the voting strength of those delegates present and voting representing the local unions in each respective area is necessary to elect. The Secretary-Treasurer shall preserve for one year the ballots and all other records pertaining to the election of officers of the Federation.

**Section 12.12** A special convention may be called at such time and place as the Executive Council may deem advisable, or by written request for such special convention to the Secretary-Treasurer from fifteen (15) locals in good standing representing not less than twenty-five percent (25%) of the members in good standing of the Federation. Such special conventions shall be held at a time and place which is centrally located, and within ninety days of the receipt of the request at Federation headquarters; provided that sufficient advance notice must be given to permit members and representatives of local unions at great distance to reach the convention in time.

**Section 12.13** At any special convention, the specific business for which it is convened shall be taken up immediately after the roll call, and no business shall be transacted other than that which is set forth in the call.

### ***Rules of the Convention***

**Section 12.14** To be considered, resolutions and constitutional amendments shall be submitted to the Secretary-Treasurer in writing, and must be postmarked no later than sixty (60) days preceding the opening day of the Convention; provided that such resolutions and constitutional amendments may be introduced thereafter upon two-thirds vote of the delegates present at the Convention, following distribution to the delegates; and further provided that the Executive Council and Convention Committees may introduce resolutions and constitutional amendments at any time without such two-thirds vote. All resolutions or constitutional amendments submitted prior to a convention shall bear the signature of the introducer and seal of the local union he/she represents, if such is the case. The Secretary-Treasurer shall provide to each local union copies of proposed resolutions, constitutional amendments and the rules adopted at the previous convention, to be postmarked no later than forty (40) days preceding the opening day of the Convention.

**Section 12.15** (a) Local unions shall be entitled to delegates as follows:

Members and Agency Fee Payers	Delegates	Members and Agency Fee Payers	Delegates
75 or less	1	976-1125	9
76-150	2	1126-1275	10
151-250	3	1276-1425	11
251-375	4	1426-1575	12
376-525	5	1576-1725	13
526-675	6	1726-1875	14
676-825	7	1876-2025	15
826-975	8	Over 2026	One additional delegate For each 150 members

(b) Local Unions need not vote as a unit in conventions. Their votes may be split evenly among the delegates; however, if there is an uneven number of votes within a delegation, a delegate may not cast a fractional vote. The delegation must decide how the uneven votes will be cast;

(c) Membership of local unions for the purpose of computing voting strength shall be determined by taking the average of due and paid per capita tax, including agency shop per capita, as shown by the reports covering the six-month period up to but not including the month preceding that in which the convention is opened; except as provided in Section 12.19, the voting strength of a local union will correspond with the number of delegates to which it is entitled.

**Section 12.16** All local unions beyond a radius of five hundred miles from the city in which the convention is held may be represented by proxy, and such local unions within the five hundred mile radius which have a membership of less than 30 members may also be represented by proxy.

**Section 12.17** The delegates, alternates and proxies shall be elected and the credentials of such delegates, alternates and proxies must be received by the Federation Headquarters not later than two weeks prior to the opening day of the regular convention of this Federation. All credentials shall be forwarded to the local union and returned to the Federation by either registered or certified mail with return receipt requested. Between conventions, the Executive Council will establish a reasonable delegate registration fee, which must be paid by the delegate's local prior to the delegate being seated at the convention. The amount of the fee will be announced in the Convention Call. No delegate, alternate or proxy whose local has not complied with this section will be seated at the convention; provided, however, that the convention by two-thirds vote may approve a departure from this procedure.

**Section 12.18** No local union or person that has seceded or has been suspended or expelled by this Federation or by any local union connected with this Federation shall, while under such penalty, be allowed representation or recognition in this convention.

**Section 12.19** No local union shall be entitled to representation unless such organization has applied for and obtained a certificate of affiliation at least three months prior to the opening of the convention. Any local union which has obtained a certificate of affiliation, but which has not been affiliated long enough to be able to compute the six months average membership specified in Section 12.15, shall be entitled to representation on the basis of the average paid-up membership on which per capita tax has been paid for whatever portion of that six months period it has been affiliated. The convention representation of any affiliated local union which merges with another affiliated local union during the six month period specified in Section 12.15, shall be calculated in the same manner as a new affiliate under this section.

**Section 12.20** Delegates and proxies shall not be entitled to a seat in any convention unless their local union is in good standing as specified in Section 13.7(a) at least ten (10) days prior to the opening of the Convention.

**Section 12.21** Proxy votes are to be carried at the convention only by a duly authorized delegate or alternate of a local union except that proxy votes may not be cast in any vice president election by a delegate from another area.

**Section 12.22** No appointed full- or part-time representative or organizer of the Federation, who is paid by the Federation shall be permitted to cast proxy votes at a convention.

**Section 12.23** Officers of the Federation attending Federation Conventions, excluding any area vice president elected as a delegate from a local, shall be considered delegates-at-large and each shall be entitled to a vote, except in nominations and elections of officers, or as provided in Section 12.26. Such delegates-at-large cannot carry proxy votes. The Secretary-Treasurer shall initiate and submit credentials of delegates-at-large to the convention credentials committee.

**Section 12.24** All delegates and their alternates shall be members in good standing of their local union and of the Federation.

**Section 12.25** The officers of the Federation shall be elected in the following order: President, Secretary-Treasurer, and the Vice Presidents as listed in Section 7.7(a). If there are nominees for the office of President and Secretary-Treasurer from the same local union, once the President has been elected any nominee for Secretary-Treasurer from the same local union shall be removed from the ballot. In areas that qualify for two or more Vice Presidents, multiple nominees may be received from the same local union. However, only those candidates that receive the highest number of votes and are not from

the same local union shall be elected, except in those cases where a local union is entitled to two (2) or more vice presidents as provided in Section 7.1.

**Section 12.26** After receiving direction from each area or council the IFPTE Executive Council may recommend, and thereby nominate, candidates for election to IFPTE Area Vice President positions. No nominating or seconding speeches will be permitted for any area Vice President who is nominated by this process.

## ***ARTICLE 13***

### ***Finances***

**Section 13.1** The revenue of this Federation shall be derived from dues, fees and other sources in accordance with this Constitution and as follows:

- (a) Dues from Associate Members.
- (b) A per capita tax from all affiliated local unions.
- (c) Charter application fees.
- (d) Assessments that may be voted by convention or by a favorable referendum of two-thirds of the voting strength of the local union's casting votes and who are in good standing at the time the matter is received by them for ratification. Ratification action must be completed by the local unions and reported to Headquarters Office by registered or certified mail, made within 30 days of the date of the return receipt, showing date received by the local unions. Such referendum matter shall be forwarded to local unions by registered or certified mail, return receipt requested. Refusal by a local union to receive such registered or certified mail shall disqualify the local union from participation in the referendum and the local union's voting strength shall not be included in the total voting strength for purposes of determining the outcome of the referendum. The action for such referendum may be initiated by the Executive Council or by fifteen (15) locals in good standing representing not less than 25% of the members in good standing of the Federation, and shall bear the signature of president and secretary of each local union. Such proposal shall be submitted in triplicate to the Secretary-Treasurer of the Federation. All local unions in good standing, regardless of their attendance or nonattendance at conventions, are required to act on the referendum. Ratification voting strength of the local union shall be on the basis of the formula used for convention representation requirements.

**Section 13.2** The funds of the Federation shall be disbursed only for the conduct of the business of the Federation.

**Section 13.3** Except as otherwise provided by the Federation Constitution, The Federation is prohibited from assuming any responsibility for expenses or debts incurred

by members or subordinate bodies, and conversely, local unions are not responsible for expenses or debts incurred by the Federation.

**Section 13.4** Locals, at their discretion, may require initiation fees for members. If a local elects to have initiation fees for members, the amount, the rules for use, and specifically any provisions for waiver must be spelled out in the local union's bylaws. The Executive Council may authorize the reduction of minimum dues and per capita tax as required for a limited period of time for the purpose of organizing or affiliating new bargaining units.

**Section 13.5** Dues for members under jurisdiction of local unions shall be not less than an average of \$9.00 per month as determined by local union bylaws.

**Section 13.6** (a) Per Capita Tax effective March 2006 per capita tax payment, the base per capita tax rate payable from each member's dues shall be \$6.45 on all dues and agency fees collected; effective with the March 2007 per capita tax payment, the base per capita tax rate payable from each member's dues shall be \$6.60 on all dues and agency fees collected; effective with the March 2008 per capita tax payment, the base per capita tax rate payable from each member's dues shall be \$6.85 on all dues and agency fees collected; effective with the March 2009 per capita tax payment, the base per capita tax rate payable from each member's dues shall be \$7.00 on all dues and agency fees collected. Locals shall pay to the Federation per capita taxes computed by multiplying Equivalent Dues Members by the appropriate local per capita tax as defined in Section 13.6. Equivalent Dues Members shall be computed by multiplying the number of agency fee payers by the percentage that agency fees are of full dues and adding that number to the number of members.

Locals shall pay to the Federation per capita taxes based on each Locals membership consistent with the following schedule.

Total Number of Members and Agency Fee Payers	Locals Shall Pay
1-500	Base Rate
501-1000	95% of Base Rate
1001-2000	89% of Base Rate
2001 10000	78% of Base Rate
10001 and higher	68% of Base Rate

97% of all per capita tax collected shall be allocated to the General Fund and 3% shall be allocated

to the Emergency Assistance Fund. Locals which have members who are part-time and/or casual employees shall be permitted to combine all dues received from said employees, each month, and shall pay a per capita tax on a portion of one tax payment for each twenty dollars (\$20.00) of such dues or major portion thereof. Locals which have Agency Shop payments on a percentage basis shall pay on each person at the same percentage of the per capita rate rather than the full rate. All per capita taxes shall be paid to the Federation by not later than the 28th day of the month following the month for which the dues are collected by the locals; except that during strike action by one or more bargaining units of a member local, the obligation for per capita tax payments for members of the affected bargaining unit or units will be suspended for any month during which the members have been idled by strike for a minimum of fifteen (15) working days, and that under these conditions the convention voting strength of a local union shall be calculated based upon the formula provided in Section 12.15, including credit for all per capita tax payments that would have been due to the Federation had the payments not been suspended as provided for above;

(b) Notification by the Executive Council of their estimate of the amount of any potential per capita tax increase shall be made to local unions at least ninety (90) days prior to convening of the Convention.

**Section 13.7** (a) Any local union failing to pay per capita tax on all members and subordinate bodies for two months shall be considered in bad standing. In addition, any local union failing to pay all bonding fees, office supplies and/or assessments of more than \$200.00 within two months from the date of billing by the Federation, or as required by the Constitution, shall be considered in bad standing after a hearing or investigation of the charges by the Area Vice President or the Executive Council, and the charges are found to be warranted. This will deprive the local union of any and all privileges of the Federation. The Federation Headquarters is required to advise the local union of this Constitutional requirement.

(b) If, at the end of six months, any local union has failed to achieve good standing by paying all per capita tax arrearages, the charter of the local union may be revoked. In the event an established local union, which retains a contractual or labor-management relationship representing its members, fails to pay per capita tax for six months, the President shall be empowered to suspend the local union and invoke trusteeship over the local union, in accordance with the provisions of Article 17.

(c) Reinstatement shall be permitted under terms specified by convention action or by the Executive Council only on definite assurance that all back per capita taxes have been paid on all dues that have been collected.

(d) In applying the Constitutional requirements of subsections (a) (b) and (c) above, the President and the members of the Executive Council are denied any and all authority to make any ruling whatsoever in conflict therewith. Any departure from these

Constitutional requirements may be authorized only by the delegates to the succeeding convention.

(e) Any local union failing to pay per capita tax as described above shall incur a late fee for each month per capita tax is late commencing with the second month and each occurrence thereafter. The amount of the late fee shall be equal to the greater of \$50 or 3% of the monthly per capita tax due per month. The Secretary-Treasurer shall have the authority to waive the application of late fees upon written request by the affected Local Union. Such waiver determination shall be made in accord with guidelines established by the Executive Council. Local unions failing to pay the late fee shall not be permitted to be seated at the conventions of the Federation.

**Section 13.8** The Federation when requested by locals will provide an official membership card for all members, such card may be used by the locals as a receipt for dues money paid.

**Section 13.9** A fee of \$100.00 shall be charged for certification of affiliation with this Federation to cover the expense of furnishing a charter, seal and other necessary equipment.

## ***ARTICLE 14*** ***Local Unions***

**Section 14.1** Twenty-five employees of good character eligible for membership in the Federation as provided for in Section 5.1 who are favorable to trade unions, and are not organized, and are not members of, or represented by, any body affiliated with this Federation, and who will subscribe to this Constitution, shall have the power to form a local union upon issuance of a temporary certificate of affiliation. They shall hold regular meetings for the purpose of strengthening and advancing the trade union movement and shall have the power to make their own rules in conformity with this Constitution.

**Section 14.2** Upon receipt of an application for a charter or temporary affiliation certificate, the President with the approval of the Executive Council, may issue said document. After the new local union has demonstrated its fitness both in manner of functioning and in meeting the official obligations, it then shall be granted a permanent charter.

**Section 14.3** It shall be the duty of each local union affiliated with this Federation to furnish to the Federation headquarters a copy of all official reports, issued by each local union, containing a statement of its membership in good standing, and to furnish such additional statistical data as may be called for by the Secretary-Treasurer of this Federation that may be in the possession of the respective local unions.

**Section 14.4** Where there are other unions in the same vicinity affiliated with the American Federation of Labor and Congress of Industrial Organizations, or the Canadian Labor Congress, it shall be the duty of local unions affiliated with this Federation to join in hearty cooperation for the formation of central labor councils, trade assemblies, or other central bodies, as may be proper in accordance with local conditions.

**Section 14.5** The seal of any local union shall not be used upon any but official correspondence.

**Section 14.6** In the case of a previously unaffiliated organization affiliating with the Federation, the Federation shall cause an audit to be made of the net worth of the organization at the effective date of the affiliation unless an audit of the new affiliate acceptable to the Federation Executive Council has recently been performed.

**Section 14.7** The financial records and bookkeeping procedures of all newly chartered local unions must conform to procedures approved by the Secretary-Treasurer in consultation with the Executive Council.

**Section 14.8** Local Unions shall at all times keep a current and accurate record of all their properties, funds and other tangible assets. The President of the Federation shall have the authority to appoint any person, who is a member in good standing of the Federation or who is a certified public accountant to audit the accounts of such local unions as the President of this Federation may direct and report the result thereof to the President. The books and accounts of any local union shall be at all times open to the inspection of auditors appointed under this article.

### ***Jurisdiction of Local Unions***

**Section 14.9** (a) The jurisdiction of local unions affiliated with this Federation shall cover the territory allotted to them by the Executive Council, and shall include within their membership all workers in accordance with the terms of their charter;

(b) Changes may be made in a local union's jurisdiction by the Executive Council to permit the organization of a displaced unit of an employer if another unit of same employer has been organized. Due notice will be given to the local having jurisdiction by the Executive Council, provided that adequate steps be taken by the Executive Council to safeguard, insure and provide for cooperation among the said displaced local units and other local unions of this Federation in any area. In the event that existing locals do not attempt to organize potential new membership within the jurisdiction as granted by their charter, the Executive Council shall attempt to have the locals or groups involved meet to resolve these problems. If a satisfactory resolution of these problems is not developed within 60 days, the Executive Council may establish jurisdictional adjustments, provided that such adjustments do not affect existing organized groups of any local. The



Executive Council decision shall be effective after due notification and may be appealed to the next regular convention;

(c) Where enlargement of a local union's jurisdiction is desired and where such enlargement does not encroach upon any existing jurisdiction, such enlargement of jurisdiction may be granted by the Executive Council where such local has demonstrated their ability to conduct an organizational drive in that area.

**Section 14.10** No local union shall dissolve, disband, disaffiliate or secede while there are seven members thereof desiring to continue its existence. In the event a Local Union dissolves, disbands, disaffiliates or secedes in violation of this section; a Local Union is suspended or surrenders its charter or; where a Local Union no longer retains a contractual or a labor-management relationship representing its members, the Charter, funds, assets, properties, books and records of the Local shall revert, at the discretion of the Executive Council, immediately to the Federation.

**Section 14.11** Local unions shall guarantee the right of their members to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of the collective bargaining agreement. All members shall have an equal right to vote and each vote cast shall be of equal weight.

## ***ARTICLE 15*** ***Officers of Local Unions***

**Section 15.1** (a) The officers of local unions shall consist of those duly authorized and elected officers specified in the local union bylaws;

(b) All officers of the Local Union shall be elected in the manner prescribed by the applicable laws, rules or regulations.

**Section 15.2** Each council and local union shall bond its officers, employees and representatives for at least \$5,000. Any additional coverage as may be required by law must also be obtained. A blanket bond for the minimum amount shall be made available by the Federation, the premium cost of which shall be borne by the local unions.

**Section 15.3** All officers, business managers, business representatives and organizers of local unions shall be members in good standing of such local and the Federation.

## ***ARTICLE 16***

### ***Adjustment of Differences Between Employers and Employees***

**Section 16.1** This Federation is opposed to strikes and lockouts for adjusting differences between employers and employees, where such differences exist, preferring the method of arbitration. If all efforts at arbitration fail, the provisions of the Constitution of the American Federation of Labor and Congress of Industrial Organizations and Canadian Labor Congress, governing strikes, shall be strictly adhered to.

**Section 16.2** No local union shall call or engage in a strike without first making inquiry to the Federation President or the President's designated representative as to whether such strike is a legal and proper one and without first having received information from the President or the President's designated representative that, in his/her judgment, the strike is a legal and proper one. This information shall be furnished not later than one (1) week following the local union inquiry. The determination that the strike is a legal and proper one goes only to the actual calling of such strike and is not to be taken as a sanction of any activities or conduct carried on in connection with such strike, nor is such determination intended to make the Federation a party to such strike, nor to impose any liability on the Federation or its members in respect to such strike.

## ***ARTICLE 17***

### ***Discipline-Offenses***

**Section 17.1** The following shall constitute offenses the commission of which shall, but not exclusively, subject any officer or member of the Federation or of any subordinate body of the Federation, or a subordinate body itself, to disciplinary action as set forth in this Article.

- (a) Violating any provision of the Constitution or laws of the Federation or of a subordinate body or failure to perform duties or functions specified or required therein.
- (b) Engaging in any activity or course of conduct contrary or detrimental to the welfare or best interest of the Federation, or of a subordinate body, or member.
- (c) Committing any unlawful, dishonest, dishonorable or discreditable act.
- (d) Engaging in dual unionism or in a secessionist movement which has for its purpose the fostering or promoting a rival organization.
- (e) Obtaining membership through fraudulent means or by misrepresentation, either on the part of the member or others interested.

- (f) Making known the business of the Federation or of any local union to persons not entitled to such knowledge. This provision shall not be construed to prohibit the Federation or its officers from establishing and maintaining an archival repository by agreement with a university or other suitable repository and placing therein the historical records of the Federation.
- (g) Causing or advocating a stoppage of work because of any alleged grievance or dispute in violation of any existing collective bargaining agreement or without having consent of the local union or its proper officers.
- (h) Willfully engaging in any acts or course of conduct which are inconsistent with the duties, obligations and fealty of the members of a trade union and which violate sound trade union principles or which constitute a breach of an existing collective bargaining agreement.
- (i) Refusal to follow lawful directives, orders or regulations of the President, Secretary-Treasurer or of the Executive Council.
- (j) Mishandling, misappropriating or otherwise misusing union funds or properties.
- (k) Willfully making any false or fraudulent report required under this Constitution.
- (l) Failing to exercise responsibility toward the Federation or engaging in conduct which would interfere with the Federation's performance of its obligations.
- (m) Threatening with violence or assaulting any union member or officer.
- (n) Causing disruption or disturbance at a union meeting or interfering with the orderly conduct thereof, or appearing at any such meeting in an intoxicated condition or failing to obey lawful orders, directions or ruling of the presiding officer of any union meeting.
- (o) Dealing with this Federation or any subordinate body as an adverse party in any manner connected with his/her duties, or holding or acquiring any pecuniary or personal interest which conflicts with the interest of the Federation or any subordinate body thereof.
- (p) Wrongfully failing to make any report required by statute to be filed by him/her for or on behalf of any organization he/she represents, or wrongfully taking or retaining any money, books, records, papers or other property belonging to the Federation or any subordinate body thereof; willfully making a false entry in, or willfully concealing, withholding or destroying any books, records, reports

or statements required by statute to be kept by him/her for and on behalf of the Federation or any subordinate body thereof.

(q) Crossing a legal and authorized picket line of a local union, by one of its members, in order to perform work for the struck company. Such conduct may be considered a separate offense for each day the individual crosses the picket line.

**Section 17.2** An officer or member or subordinate body found by a Trial Board, based upon a hearing held under this Constitution, to have committed any of the offenses set forth in the Article, and except as otherwise specified in this Constitution, may be disciplined by reasonable fine, suspension or expulsion, probation or other appropriate disciplinary action, including the suspension or limitation on the right to attend and participate in meetings or the right to run for any union office.

**Section 17.3** All charges shall be in writing, signed by the charging party, and shall be sufficiently explicit so as to inform the charged party of the nature of the offense with which he/she is charged. All charges filed under this Constitution shall be submitted to the President of the Federation together with a statement signed by the charging party that a copy has been provided to the charged party.

**Section 17.4** (a) The President of the Federation shall supervise the conduct of trials on charges involving all matters not included in Section 17.4(b). The President shall appoint an impartial Trial Examiner who shall be a member of the Executive Council or a member of the Panel of Federation Trial Examiners, for the purpose of holding a hearing. The Trial Examiner shall hold a trial under the trial procedures established by the Executive Council, shall make findings of fact and conclusions of law in respect to such charges, and shall recommend to the Federation President what disciplinary action, if any, is to be taken. The President shall independently determine what disposition should be made of the charges. In cases where a local is found to have aggrieved another local or locals in violation of the Federation's Constitution, the losing party shall reimburse those reasonable expenses of the prevailing party(ies);

(b) The Executive Council of the Federation shall constitute a Trial Board before which hearings on charges involving the President or Secretary-Treasurer as the charged or charging parties, are heard. This Trial Board may appoint one of their members, who shall be impartial, to act for it as Trial Examiner for the purpose of holding a hearing. The Trial Examiner shall hold trial under the trial procedures established by the Executive Council, shall make findings of fact and conclusions of law in respect to such charges, and shall recommend to the full Trial Board what disciplinary action, if any, is to be taken by the Trial Board. The Trial Board shall determine for itself what disposition should be made of the charges. Executive Council members who are charged or charging parties under this Article, must recuse themselves from participation as a Trial Examiner, or as a member of the Trial Board, in the consideration of such charges.

(c) In cases where charges brought under this Article involve members or officers of a subordinate body and pertain to alleged violations of the Constitution or Bylaws of a subordinate body, are presented to the President, the President may if he/she deems it appropriate, refer charges to the subordinate body involved. The executive board or a separate elected trial board of a subordinate body shall have jurisdiction only to hear and determine charges filed by, and brought against members or officers of such subordinate body under the subordinate body constitution and bylaws.

(d) The procedures for establishment of Trial Boards, the procedures for establishment of a Federation Panel of Trial Examiners, and the procedures for conduct of trials, for locals which do not have approved trial procedures in place, shall be per rules and regulations established by the Executive Council. Such rules and regulations shall provide for full and fair due process per this Constitution and the requirements of prevailing laws. The rules and regulations for establishment of Trial Boards, Panels of Trial Examiners, and procedures for conduct of trials shall be published in the Federation Manual of Policies.

**Section 17.5** In any emergency situation created by acts of subordinate bodies or their members or officers, which violate the Constitution of the Federation, the following procedures shall apply:

(a) the President, if the best interests of the Federation so require, may assume original jurisdiction in such matters whether or not charges have been filed with another body and are pending;

(b) The President, after notice and a hearing before the President or a Trial Examiner designated as prescribed in this Article may, with the approval of the Executive Council, suspend the member, officer or subordinate body involved;

(c) It is further provided that in emergency situations where secession or dissolution of a subordinate body is threatened, or where the dissipation or loss of the funds or assets of a subordinate body is threatened, the President is empowered summarily to suspend a member or officer of the subordinate body, or impose a trusteeship under this Article, with approval of the Executive Council pending a hearing. A hearing shall be held within sixty (60) days after said suspension or trusteeship.

**Section 17.6** In case of an expulsion of subordinate body or an officer of a subordinate body or of the Federation, all funds, properties, books and assets of the subordinate body, or of the Federation in the possession of such expelled subordinate body, or of such subordinate body officer, or of such Federation officer, shall be turned over to a duly authorized representative of the Federation and the Federation shall have the right to possession of such funds, properties, books and assets. All such funds, properties, books and assets received by the Federation shall be held in trust by it until such time as the subordinate body which has been expelled is either reconstituted, rechartered or reorganized, at which time such funds, properties, books and assets shall be returned to

such reconstituted subordinate body; provided, however, that if such subordinate body is not reconstituted, rechartered or reorganized within a period of two years from the time such assets are received by the Federation, such assets shall become the property of this Federation.

**Section 17.7** (a) The trusteeship of a subordinate body is authorized under the Constitution in the event of secession or threatened secession, dissolution or threatened dissolution, dissipation or loss of funds or assets or financial malpractice or corruption, violation or threatened violation of collective bargaining agreements, the deprivation of democratic procedures and other activities constituting a violation of the Constitution and threatening the welfare of the subordinate body membership or the Federation.

(b) A hearing consistent with this Constitution, law and the Federation's rules and regulations regarding trials under Section 17.4 shall be held prior to the imposition of the trusteeship, except in emergency situations as provided under Section 17.5.

(c) In such cases the President shall have the power to assume charge of the affairs and business of the trustee body by the appointment of a trustee, who shall be adequately bonded, to handle the affairs of the subordinate body.

(d) The trustee shall have the right, upon demand, to all funds, properties, books and assets of the suspended organization for the period that he/she is in charge. Such properties to be held in trust for the benefit of the subordinate body and to be expended only to the extent necessary for the proper conduct of the affairs of the subordinate body. The trustee shall be empowered to pay all claims, which are properly approved if funds therefore are available and in all necessary particulars to conduct the affairs and management of the subordinate body with the assistance of the temporary officers herein provided for until the trusteeship is terminated. Expenses, including salaries, but not exceeding the current costs of administration of the affairs of the local union, which are assumed by such trustee, shall be paid out of the funds of the subordinate body, if they are available; otherwise they shall be borne by the Federation. During the period of trusteeship, no funds of the trustee body except normal per capita tax and other financial obligations normally payable by subordinate bodies shall be transferred to the Federation unless the local union is dissolved or consolidated.

(e) The trustee so appointed shall be authorized and empowered to remove any or all officers from office but not from membership and appoint temporary officers for the duration of his/her trusteeship, and to take such other actions as in his/her judgment are necessary for the preservation of the subordinate body, subject to the direction, instructions, and approval of the President. Any officer who may be suspended by the trustee under the provisions of this section shall surrender to him/her, upon proper receipt therefore, all monies, books and properties of the subordinate body. Temporarily appointed officers shall be appointed from members in good standing of such subordinate body.

(f) Trusteeships imposed under this Constitution shall be continued no longer than is necessary to coordinate and reorganize the affairs of the subordinate body and safeguard the welfare of the membership and shall in all events be concluded as soon as practicable within the judgment of the President; provided, however, that the suspended subordinate body shall have the right to appeal to the Executive Council for removal of the trusteeship if it is deemed that such trusteeship has been continued longer than is necessary.

### **Section 17.8**

(a) Any person or body against whom, disciplinary action has been taken shall have the right to appeal as follows:

- (i) From the disciplinary action by a subordinate body: (1) to the Executive Council; and (2) to the Convention.
- (ii) From the disciplinary action by the Executive Council to the Convention.
- (iii) From the disciplinary action of the President: (1) to the Executive Council; and (2) to the Convention.

(b) Where charges have been dismissed in whole or in part, the person filing such charges shall have the right of appeal to the Executive Council.

(c) When acting as an appeal board, Executive Council may appoint one of its members, who shall be impartial, to act for it for the purpose of hearing any appeal, in which case the member so named shall make recommendation to the Executive Council concerning the disposition of the appeal, but the Executive Council shall determine for itself what final disposition shall be made of the appeal. Executive Council members must recuse themselves from participation as an Appeal Board member in the consideration of any charges where the Council member has acted as a Trial Examiner, or participated as a charged or charging party under this Article.

(d) Appeals shall be taken within a reasonable time not to exceed 30 days from the date that notice of disposition of the charges or disposition of any intermediate appeal is received; provided, however, that the appellate body may, in its discretion, extend such time for appeal if circumstances so warrant. Appellants shall not be entitled to a new trial or hearing; the Executive Council or its designee shall consider only such facts as were presented during the trial before the Trial Examiner. Appeals shall be in writing and shall state the basis of the appeal. The Executive Council or its designee may in its discretion, permit the parties to appear personally before it in the presentation of the appeal.

(e) In the case of an appeal to a convention, said appeals shall be taken within a reasonable time not to exceed 30 days from the date that notice of disposition of the charges or disposition of any intermediate appeal is received. Such personal appeal shall be limited to appearance before the convention committee established to deal with

appeals unless such appeals committee or the Convention itself determines to permit a personal appearance before the Convention.

**Section 17.9** Individuals or subordinate bodies against whom disciplinary action has been taken shall, to the extent required by law, be obligated to exhaust all remedies provided for in this Constitution before resorting to a court of law or other tribunal.

## ***ARTICLE 18*** ***Applications, Member's Rights, Transfers, And Withdrawals***

### ***Applications***

**Section 18.1** All applicants for membership must fill in a membership application which includes including the following particulars:

1. Full name;
2. Home address;
3. Present employer;
4. Work location;
5. Date of Application / Initiation
6. Any further particulars required by the local union to which the application is made.

A copy of the membership application to be forwarded to the Federation.

**Section 18.2** Members will promptly pay all dues and assessments as they come due. Where a member's dues and assessments are checked off under a local union contract, such member shall be deemed to be paying on time and in good standing until revocation of such check-off, unless he or she shall have failed to fulfill any other constitutional obligation to the Federation or any of its subordinate bodies.

### ***Member's Rights***

**Section 18.3** An applicant obtains membership rights in accordance with the local union's constitution and bylaws. He/she thereafter continues as a member as long as he/she follows an occupation coming under the jurisdiction of this Federation or is employed as an officer or representative of this Federation or subordinate body thereof or is employed by the AFL-CIO/CLC, and as long as he/she maintains his/her obligations, financial and otherwise, to the Federation and compiles with this Constitution.

**Section 18.4** Any member who fails to pay his/her local union dues or assessments as prescribed by the local union's constitution and bylaws may be suspended or expelled.



To be reinstated, he/she may be required to pay all back dues, fines and assessments in such payment as may be acceptable to the local union.

**Section 18.5** A member in good standing is entitled to all rights and privileges of both an individual member and the benefits accruing from collective action by this Federation. His/her dues will be deemed and taken to include his/her paid-up subscription to all literature and publications, which may be published by this Federation. He/she is also qualified to vote and to hold office, subject to eligibility requirements set forth in this Constitution and local union bylaws.

### *Transfers*

**Section 18.6** Members who are transferred or obtain employment in areas under the jurisdiction of other local unions shall be obligated to apply for transfer into, and shall be entitled to membership in, such other local union, unless such member has violated the laws of the Federation.

**Section 18.7** Any member serving in the Armed Forces of his/her country in excess of thirty (30) days is excused from payment of all dues and financial obligations during the period of such service. This shall include any period spent in hospital or convalescing from injuries sustained while in the Armed Forces of his/her country.

### *Withdrawals*

**Section 18.8** (a) All members who are in good standing at the time of separation from the jurisdiction of a local union, regardless of future employment, may be issued a withdrawal card from the local union. Withdrawal cards may be issued by the local union provided the local union informs the Federation of the withdrawal. The local union is denied the right to issue any withdrawal card except under the conditions specified above. Members eligible to receive withdrawal cards lose all membership rights, but members who apply for and are issued withdrawal cards are entitled to reinstatement as members as provided in Section 18.8 (b);

(b) An individual on withdrawal shall, upon returning to work under the jurisdiction of the Federation, deposit his/her withdrawal card and apply for reinstatement with the local union within 30 days. Failure to do so shall be considered sufficient cause for the local union to apply any reinstatement penalty such as back dues and initiation fees as are outlined in the local union constitution and bylaws.

**ARTICLE 19**  
**General Provisions**

**Section 19.1** All collective bargaining agreements signed by any local union and all local union bylaws must be filed with Federation headquarters.

**Section 19.2** The President and the Executive Council are denied any and all authority to grant special financial assistance in the form of rebates, refunds, etc., to any local union which special concession is not at the same time uniformly accorded all of the other local unions.

**ARTICLE 20**  
**Merger**

The Executive Council shall have the authority to effectuate a merger between the Federation and any other union in accordance the following procedure:

1. The Executive Council shall authorize the Executive Officers to negotiate with the other union an agreement setting forth the essential elements of the merger. The Executive Officers shall undertake the negotiations either on their own or with the aid and assistance of a Merger Committee appointed by them.
2. The merger agreement shall be submitted by the Executive Officers to the Executive Council for its approval.
3. If the Executive Council approves the merger agreement, it shall submit the agreement to a regular or special convention of the Federation for its approval.
4. If the Convention approves the merger agreement, it shall be submitted to the local unions for ratification.
5. If the merger agreement is approved by both the Convention and local unions ratification, the Executive Council and Executive Officers shall have the authority to take the necessary steps to effectuate and finalize the merger. Included in that authority will be the specific power to transfer all monies, assets, properties, leases, and representation and contractual rights to the merged organization.

***ARTICLE 21***  
***Amendments***

**Section 21.1** The following procedure shall govern in proposed changes and amendments to the Constitution:

- (a) Proposed changes will either be submitted to or originate with the regular or special conventions. If these proposed changes are sustained by a majority vote of the Convention they will be implemented upon adoption by the Convention;
- (b) The Executive Council may initiate proposed amendments to the Constitution between conventions for submission to the local unions;
- (c) Proposals to amend the Constitution by referendum by the local unions may be made in writing above the signatures of the presidents and secretaries of fifteen (15) Locals in good standing representing not less than 25% of the members in good standing of the Federation. Such proposals shall be forwarded in triplicate to the Secretary-Treasurer of the Federation for submission to the local unions;
- (d) All proposed amendments subject to local union referendum shall be forwarded to the local unions by either registered or certified mail with a return receipt requested. Refusal by a local union to receive such registered or certified letter shall disqualify the local union from participation in the referendum and the local union's voting strength shall not be included in the total voting strength for purposes of determining the outcome of the referendum;
- (e) Referendum action on amendments must be completed by the local unions and reported to the Headquarters office by either registered or certified mail, made within 90 days of the date of the return receipt, showing date received by them for ratification;
- (f) Ratification of amendments shall be carried by a majority of the voting strength of the local unions casting votes and who are in good standing at the time amendments are received by them for ratification;
- (g) Ratification voting strength of the local unions shall be on the basis of the formula used for convention representation requirements.
- (h) In submitting proposed changes for ratification, each local union must be reminded of all of the above requirements;

(i) The Executive Council shall have the power, following convention adoption of amendments to this Constitution to make such corrections, typographical, grammatical, punctuation or otherwise, including the remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted;

(j) The Convention may, by a majority vote, suspend any provision of this Constitution for a specified time, not to exceed the time between Federation Conventions, for a specified purpose, so long as the suspension is not inconsistent with any requirement imposed by law.

**Section 21.2** The Executive Council is authorized by a two-thirds vote thereof, to make such amendments to or changes in this Constitution which may be required by legislative action and which amendments or changes the Executive Council has been advised by legal counsel are necessary under the law. Any such amendments or changes shall become effective immediately upon adoption by the Executive Council.

## ***MANUAL OF SUGGESTED COMMON PROCEDURE***

### **OPENING**

(The hour of meeting having arrived, and a quorum being present, the President of the Union shall call the body to order, upon which all officers and members shall be seated and a general silence observed.)

(The President will appoint officers pro tem for any of the absentees that may be necessary, and will then proceed to conduct the meeting according to the laws governing that particular local union.)

(On occasions of installation of any elected officers or the initiation of candidates for membership, the following obligations will be given.)

### **INSTALLATION**

(The newly elected officers will take their places in front of the President's chair; beginning with the President-elect on the right, and Vice President, Secretary, and Treasurer-elect to his left. All members will rise, and remain standing while the presiding officer administers to the officers collectively the following obligation.)

### **INSTALLATION OBLIGATIONS**

"I (candidate pronounces his/her name) do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the laws of this local union, and as required by the International Federation of Professional and Technical Engineers. I will deliver to my successor in office all books, papers, and other property of this union that may be in my possession at the close of my official term."

President:

"You will now proceed to your respective seats and perform the duties devolving on your office." (Outgoing officers then vacate their chairs to their successors.)

### **INITIATION**

President:

"The obligation that is required has nothing that would be in conflict with your civic or religious duties. The International Federation of Professional and Technical Engineers requires that every candidate is exercising free will to undertake the obligation. With this in mind, do you take the obligation that binds you on your honor to keep the same as long as you are engaged in work coming under the jurisdiction of the Federation?" (if answered in the affirmative:)

"Having answered in the affirmative, you will now each raise your right hand while I recite the Obligation."

## **INITIATORY OBLIGATION**

President:

"Do you promise to abide by the laws of this union; promise to be loyal; and promise to put the interests of the International Federation of Professional and Technical Engineers before those of any other labor organization of which you may be a member of, now, or in the future?"

"Do you also promise that you will not purposefully wrong another member or permit a member to be wronged if you can prevent it; and that you will put self-serving actions aside as you direct your efforts to advancing the moral, intellectual, and economic condition of working people?"

"Do you further promise that you will buy union made items, and encourage others to do the same when and where you find it possible to do so?"

"To all promises, do you pledge on your honor to observe and keep as long as you are a member-or until such time as the International Federation of Professional and Technical Engineers releases you from such promises?"

President to members:

"Do you bear witness to these promises?"

Members in chorus:

"We bear witness."

President:

"You are now members of the International Federation of Professional and Technical Engineers. I give you my right hand in full acknowledgment thereof please be seated." (Membership cards and constitution will then be presented to the new members by the Secretary.)

## **CLOSING**

"You will all do well to bear in mind the meaning of your obligations. Uphold the union, because it teaches you how to live. Have faith in the union, and it will be there for you when you need it. Above all, be enthusiastic and involved in the union-help the union to grow and you will help yourself and others, and find great satisfaction in doing so.

"There being no present business before the Union, we will now proceed to close. As President, I declare this meeting adjourned until our next regular or special meeting when I hope to see you all present."