

SEIU 2000

Constitution and Bylaws

As Adopted at the 22nd
International Convention
May 2000



SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO, CLC

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Constitution and Bylaws

PREAMBLE

As almost every improvement in the condition of working people has been accomplished by the efforts of organized labor and as the welfare of wage, salary, and professional workers can best be protected and advanced by their united action in one International Union, we have organized the Service Employees International Union and have adopted the following Constitution:

SEIU MISSION STATEMENT

We are the Service Employees International Union, an organization of more than one million members united by the belief in the dignity and worth of workers and the services they provide and dedicated to improving the lives of workers and their families and creating a more just and humane society.

We are public workers, health-care workers, building service workers, office workers, professional workers, and industrial and allied workers. We seek a stronger union to build power for ourselves and to protect the people we serve.

Women and men of every race, ethnicity, religion, age, physical ability and sexual orientation, we are the standard-bearers in the struggle for social and economic justice begun nearly a century ago by janitors who dared to dream beyond their daily hardships and to organize for economic security, dignity and respect.

Our vision is of a society:

Where all workers and their families live and work in dignity.

Where work is fulfilling and fairly rewarded.

Where workers have a meaningful voice in decisions that affect them.

Where workers have the opportunity to develop their talents and skills.

Where the collective voice and power of workers is realized in democratic and progressive unions.

Where union solidarity stands firm against the forces of discrimination and hate and the unfair employment practices of exploitative employers.

Where government plays an active role in improving

the lives of working people.

To achieve this vision:

We must organize unorganized service workers, extending to them the gains of unionism while securing control over our industries and labor markets.

We must build political power to ensure that workers' voices are heard at every level of government to create economic opportunity and foster social justice.

We must provide meaningful paths for member involvement and participation in strong, democratic unions.

We must develop highly trained and motivated leaders at every level of the union who reflect the membership in all its diversity.

We must bargain contracts that improve wages and working conditions, expand the role of workers in workplace decision-making, and build a stronger union.

We must build coalitions and act in solidarity with other organizations who share our concern for social and economic justice.

We must engage in direct action that demonstrates our power and our determination to win.

To accomplish these goals we must be unified—inspired by a set of beliefs and principles that transcends our social and occupational diversity and guides our work.

We believe we can accomplish little as separate individuals, but that together we have the power to create a just society.

We believe unions are the means by which working people build power—by which ordinary people accomplish extraordinary things.

We believe our strength comes from our unity, and that we must not be divided by forces of discrimination based on gender, race, ethnicity, religion, age, physical ability, sexual orientation or immigration status.

We believe our power and effectiveness depend upon the active participation and commitment of our members, the development of our leaders, and solidarity with each other and our allies.

We believe we have a special mission to bring economic and social justice to those most exploited in our community—especially to women and workers of color.

We believe our future cannot be separated from that of workers in other parts of the world who struggle for economic justice, a decent life for their families, peace, dignity and democracy.

We believe unions are necessary for a democratic society to prevail, and that unions must participate in the political life of our society.

We believe we have a moral responsibility to leave the world a better place for our children--and everyone's children.

Article I

NAME

This organization shall be known as the Service Employees International Union, AFL-CIO, CLC, and shall consist of an unlimited number of Local Unions chartered by it, and the membership thereof, and such affiliated bodies as may be established from time to time. In order to add the strength of this great union to the efforts of its members at every level of the Union, the name of every Local Union and affiliated body shall begin with "SEIU." This change shall be implemented by 2004.

Name and organization

Article II

OBJECTS AND PURPOSES

The objects and purposes of this International Union shall be to benefit its members and improve their conditions by every means, including but not limited to:

Goals of the Union

A. Securing of economic advantages, including better wages, hours and working conditions, through organization, collective bargaining, legislative and political action, and the utilization of other lawful means;

B. By organizing and uniting in this International Union all working men and women eligible for membership herein;

Organizing

C. By engaging in all such civic, social, political, legal, economic, cultural, educational, charitable, and other activities, whether on local, national, or international levels, as will advance this International Union's standing in the community and in the labor movement and further the interests of this organization and its membership, directly or indirectly;

Wide range of activities

D. By advancing and strengthening the rights of working men and women to bargain collectively;

Collective bargaining

E. By providing benefits and advantages to individual union members, officers, and employees through education, training, access to new technology, pensions, death and welfare benefits;

Benefits

F. By helping Local Unions to share experiences, pool resources, learn from each other's best practices, and be accountable to each other;

G. By cooperating with and assisting, by moral, monetary or other means, other labor organizations, whether or not affiliated with this International Union, or any other groups or organizations, having objectives which are in any way related or similar to those of this

Cooperation with other organizations

International Union, or which are of a nature beneficial to this International Union or to its members, directly or indirectly;

***Safeguarding
the Union***

H. By strengthening and safeguarding this International Union by every lawful means so that it may carry out its purposes, objects and obligations;

***Financial
goals***

I. By utilizing, in every lawful way, including but not limited to every kind of use, expenditure and investment, the property and funds of this International Union, in order to achieve its purposes and objects and perform its obligations, and for such other purposes directly or indirectly furthering the interests of this International Union and its members; and

Affiliations

J. By affiliating workers in independent organizations through agreements which recognize the long history, unique needs and traditions, and successes of such organizations, and making every effort possible to provide such organizations the same types of services which have benefited our existing members.

Article III JURISDICTION AND MEMBERSHIP

Jurisdiction

Section 1. The International Union shall be composed of and have jurisdiction over its affiliated bodies and all Local Unions composed of working men and women who are employed or engaged in any phase of private, non-profit or public employment, including without limitation employees of colleges, schools or universities, public employers (including cities, counties, states, provinces, territories, commonwealths, governmental districts, federal agencies and multiple agencies or authorities and any subdivisions thereof), institutions or agencies, hospitals, nursing homes or other health facilities, and private and public utilities, department stores, industrial plants, law enforcement agencies, insurance companies and all employees thereof including clericals, technicians, professionals, paraprofessionals and paramedicals, or those who are engaged in maintenance, sales, servicing, protection or operation of all types of institutions, buildings or structures, commercial, mercantile or other establishments, edifices and grounds, and their environs, whether private, public or non-profit, and all categories of employees therein and thereabout, including places of assembly, amusement, recreation, entertainment and the presentation of sporting events.

***Power to
construe
jurisdiction***

The International President is empowered to construe the jurisdiction above defined to embrace all classifications of workers within any establishment.

***Authority of
International
Union***

Section 2(a). The International Union shall have jurisdiction over the Local Unions and their members and over all affiliated bodies.

(b). The term "affiliated bodies" shall include State and Provincial Councils, Joint Councils, Service Councils, area, regional, or industry Conferences and Divisions, organizing committees, and provisional locals, and such other bodies as the International Union shall from time to time establish, but shall not include Local Unions. The term "Local Union" shall not include any other affiliated body.

***Affiliated
bodies defined***

Section 3(a). Any person employed in any employment over which this International Union claims or exercises jurisdiction shall be eligible to be considered for membership in a Local Union, organizing committee or provisional local of this organization. Jurisdiction may also be construed as including service within a Local Union or affiliated body of the International Union but each Local Union shall have the option to determine whether an employee of the Local Union may be eligible for membership in the Local Union.

***Eligibility for
membership***

(b). Self-employed individuals doing work within the jurisdiction of this International Union may be eligible for membership in Local Unions, but unless a Local is entirely composed of such self-employed workers, they shall not be eligible for election as Executive Officers of the Local nor shall they be permitted to vote on acceptance or rejection of proposed collective bargaining agreements to cover the conditions of employment of other than self-employed workers. If a Local Union can prove to the satisfaction of the International President (or the International Executive Board in the event of an appeal thereto) that the admission of such individuals would be detrimental to the welfare of the Local Union, it may present such facts to the International President (or the International Executive Board in the event of an appeal thereto) for authority to refuse to accept such persons as members. After consideration of the facts submitted by the Local, the International shall render a decision, which shall be final and binding on the Local and the applicants for membership. The International President shall have the right to make all necessary rules and regulations respecting self-employed workers, under the jurisdiction of this International Union, with the Local Union or the applicant having a right to appeal the decision of the International President to the International Executive Board, in writing, within ten (10) days after notice of said decision is received.

***Self-employed
members***

Right to denial

***Right to
appeal***

(c). With the approval of the International Union, Local Unions may establish different categories of membership and rates of dues for persons represented and not represented by the Local Union for collective bargaining purposes including life members, retired members and associate members.

***Membership
categories
authorized***

(d). Any dispute respecting membership or eligibility for membership shall be decided by the International President, with the Local Union or the applicant having a right to appeal his or her decision to the International

***Membership
disputes***

Executive Board, in writing, within ten (10) days after notice of said decision is received.

***Discrimination
forbidden***

Section 4. No member shall discriminate or advocate discrimination against any other member on the basis of race, creed, color, religion, sex, sexual orientation, national origin, ancestry, age, or disability.

**Article IV
CONVENTION—REPRESENTATION THEREIN**

***International
Conventions***

Section 1. The Convention of this International Union shall meet every four (4) years and shall convene at such time and place as the International Executive Board may determine upon the recommendation of the International President.

***Special
conventions***

Section 2. Special Conventions may be called upon order of the International Executive Board to convene at such time and place as the Board may determine, and any and all business, including appeals from suspensions and decisions of the International Executive Board, may come before such Special Convention unless specifically limited by the call. Notice of such call shall be given to each Local Union at least sixty (60) days prior to the date of the Special Convention. All other provisions of this Article shall control all Special Conventions.

***Eligibility
of delegates***

Section 3. The International Convention shall consist of duly elected delegates from their Local Unions, and none but delegates duly elected in accordance with all applicable statutes and the provisions of this Constitution and Bylaws shall be eligible to represent any Local Union at the International Convention or be entitled to vote except that all full-time officers shall by virtue of their office be delegates with a voice but no vote to any Convention which is held during their term of office. All officers of a Local Union elected in conformity with all applicable statutes shall by virtue of such election be considered to be eligible delegates to any International Convention which may take place during their term of office. If at the time of the receipt of the Convention call it shall appear that such number of elected officers is less than the number of delegates to which the Local Union will be entitled at an International Convention, then arrangements may be made at the option of the Local Executive Board for nomination and secret ballot election, if required, of an additional number of eligible members as Convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures. The Local Union must designate in its Constitution and Bylaws the order in which the officers would be designated as delegates and alternates if less than all the officers are entitled to go to the Convention as delegates, provided that the chief executive officer of the Local Union shall, if otherwise eligible, be deemed entitled even in the event the Local Union fails to so designate. Any Local Union may by provision in its Local

***Additional
delegates***

Constitution and Bylaws dispense with the foregoing provision that officers of the Local Union be ex officio delegates to the International Convention and may provide for nomination and, if required, secret ballot election of such delegates.

Section 4. The basis of representation shall be one (1) delegate for five hundred (500) members or less, and one (1) additional delegate for every additional five hundred (500) members or major fraction thereof up to five thousand (5,000) members, and then one (1) additional delegate for every additional one thousand (1,000) members or major fraction thereof. A determination to be represented by less than a full complement of delegates shall not affect the Local Union's eligible votes. The Executive Board of a Local Union shall determine the number of delegates which shall represent it at the Convention. For the purpose of voting, the computation of membership for a Local Union shall not include life members, retired members paying less than the full dues required for working members of their Local Union, associate members or agency fee payers.

Section 5. In addition to the representation in Section 4, each Local Union with a retired members group of more than 500 members shall be entitled to one retired member delegate who shall serve with a voice and a vote at the Convention. Only retired members who have been members in good standing for two years prior to the Convention as either members, retired members, or life members of the Local Union shall serve as a retired member delegate. The retired member delegate shall be selected by the procedures provided for in the Local Union's Constitution and Bylaws for selecting such a retired member delegate or by the Local Union's Executive Board where no procedures are provided for in the Local Union's Constitution and Bylaws. The retired member delegate shall not be permitted to vote on dues or to nominate or vote for officers at the Convention.

Section 6. No delegate shall be permitted to represent more than one (1) Local Union.

Section 7(a). No Local Union that has not been chartered, affiliated, and in good standing for at least three (3) consecutive months prior to the opening of the Convention shall be entitled to representation in the Convention, and each Local Union to be entitled to said representation must have paid into the International treasury at least three (3) consecutive months' per capita tax prior to the opening of the Convention.

(b). For a Local Union to be entitled to representation at the Convention, all moneys due the International Union, whether by per capita tax or otherwise, and due to any affiliated bodies, whether by per capita tax or otherwise, and all moneys due for any pension or welfare funds provided for in this Constitution, must be paid at least fifteen (15) days prior to the opening of the Convention.

*Convention
representation
and voting
rights*

Exclusions

*Retired member
delegates*

*No dual
representation*

*Three-month
requirement*

*Good standing
requirement*

***Convention
call***

Section 8. The International Secretary-Treasurer shall notify each Local Union at least one hundred (100) days prior to the date of the Convention of the number of delegates to which said Local Union is entitled, and shall furnish credential blanks in duplicate to the Local Union. Credentials issued to delegates shall bear the signatures of the President and Secretary of the Local Union.

Credentials***Forwarding
of credentials***

Section 9. Credentials of delegates to the International Convention must be in the hands of the International Secretary-Treasurer at least thirty (30) days prior to the opening of the Convention. A delegate who is eligible to attend the Convention shall not be disqualified because of the failure of a Local Union officer to forward the delegate's credentials.

***Alternate
delegates***

Section 10. In addition to the delegates selected in the manner provided in Section 3 of this Article, a Local Union may provide for selection of such number of alternates as it may determine are reasonably required to serve if regularly elected delegates are unable to do so; such alternates shall be selected or elected in the manner provided in Section 3 of this Article. Each delegate or alternate must be a member of the Local Union employed in the jurisdiction of the Local Union. This requirement, however, shall not be construed to bar any member who is an officer or employee of the Local Union or of the International Union, or any affiliate thereof, or who is elected to public office or to a position with an organization with which this International Union is affiliated.

***Membership
requirement******Exceptions******Protests of
delegate
elections***

Section 11. Any member who wishes to protest the election of any delegate or the right of any Local Union officer to serve as a delegate pursuant to Article IV, Section 3, must file a written protest with the International Secretary-Treasurer within 15 days after such election or after the decision by a Local Union that no election is required pursuant to Article IV, Section 3. Any such protest shall be referred to the Credentials Committee, in care of the International Secretary-Treasurer. The Credentials Committee may waive the time limit for filing protests upon a showing that the protesting member did not know of the basis for his or her protest within sufficient time to file a timely protest and he or she filed a protest immediately upon discovery of the basis for his or her protest. The Credentials Committee shall consider all timely protests and shall include its decision on all protests in its report to the Convention. It may, in its discretion, hold a hearing on any protest upon reasonable notice to all affected parties.

***Computation
of voting
strength***

Section 12. The number of votes which each Local Union shall be entitled to vote in the Convention shall be determined by averaging the twelve (12) most recent regular monthly per capita tax payments for members which are received by the International Union on or before December 31 of the year immediately preceding the calendar year in which the Convention is held. The

computation of voting strength shall not include associate members, life members or agency fee payers. Where there are two (2) or more delegates in attendance from one (1) Local Union, the vote shall be divided equally between them.

Section 13. The International President shall, before each Convention, appoint from the delegates-elect a committee of at least seven (7) to act as a committee on credentials. The International President and International Secretary-Treasurer shall be members of said committee. All credentials shall be referred to this committee. This committee shall submit its report in writing to the Convention.

*Committee on
Credentials*

Section 14. All Resolutions to be acted upon by the Convention proposed by a Local Union must be submitted in writing to the International Secretary-Treasurer at least thirty (30) days prior to the Convention and unless so submitted may not be considered by the Convention except on unanimous consent of the delegates present. Resolutions may be presented to the Convention by the International Executive Board at any time during the Convention without requiring unanimous consent.

*Convention
resolutions*

Section 15. Delegates representing one-fourth of the votes entitled to be cast at the Convention shall constitute a quorum for the transaction of business.

*Convention
quorum*

Section 16. The rules and order of business governing the preceding Convention shall be enforced from the opening of any Convention of this International Union until new rules have been adopted by action of the Convention.

Interim rules

Article V ELECTION OF OFFICERS

Section 1. All nominations for International officers shall be made in open Convention and elections shall be by roll call where there is more than one candidate for any office. Officers shall be elected by plurality vote.

*Nomination
and election
of officers*

Section 2. No candidate (including a prospective candidate) for any International office or office in a Local Union or affiliated body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the International Union.

*No non-member
support*

Section 3. Any member wishing to protest the election of any International Officer must file a written signed protest with the Roll Call Committee within the time specified and at the place indicated in the Rules of the Convention at which such officer was elected.

Protests

Article VI OFFICERS

International Union officers

Section 1. The officers of this International Union shall consist of an International President, an International Secretary-Treasurer, four full-time Executive Vice Presidents, sixteen (16) Vice Presidents (two of whom shall be members of Canadian Local Unions), and forty-five (45) Executive Board Members (two of whom shall be members of Canadian Local Unions and one of whom shall be a Retired Member). The International President, the International Secretary-Treasurer, and the four Executive Vice Presidents shall be elected at large by all delegates assembled at the International Convention. The Canadian Vice Presidents and Canadian Executive Board Members shall be elected on the following basis: A Vice President and Board Member shall be nominated and elected from all of the provinces other than the Province of Quebec. A Vice President and Board Member shall be nominated and elected from the Province of Quebec only, provided, however, that the Vice President from Quebec and the Executive Board Member from Quebec may not be members of the same Local Union. In 2000, the Canadian officers shall be elected by the Canadian delegates in Canadian caucuses at the International Convention and the results shall be confirmed by the Convention. Thereafter, Canadian Vice Presidents and Executive Board Members shall be elected by the Canadian Council at its Convention composed of delegates elected in accordance with this Constitution and applicable law and which shall be held within 90 days prior to the International Convention at which the International Union officers are elected. The Canadian delegates shall not participate in the nomination or the election of Vice Presidents or Executive Board Members, at the Convention except for the Retired Member. All other Vice Presidents and Executive Board Members (including the Retired Member) shall be nominated and elected at large.

IEB Term of office

Section 2. These officers shall constitute the International Executive Board, and their term of office shall begin immediately following their election and they shall hold office for four (4) years or until their successors are duly elected and qualify.

Duties

(a). Each Vice President and Executive Board Member shall be responsible for such duties as assigned by the International President.

Executive Committee

(b). The International President may appoint an Executive Committee from among the members of the International Executive Board. The Executive Committee shall meet at the call of the International President. The Executive Committee shall be charged with advising the International President on how best to carry out the administrative duties of his or her office,

and with making recommendations to the International Executive Board on policies and programs for the International Union. Minutes of all meetings of the Executive Committee shall be kept by the International Secretary-Treasurer, who shall render reports to the International Executive Board.

Section 3. Each regular Convention of this International Union shall also elect a Board of Auditors consisting of eight (8) members. The Board of Auditors shall examine and review the books and accounts of the International Secretary-Treasurer once during each six-month period, utilizing the assistance of Certified Public Accountants designated by the International President. Such review of the books and accounts of the International Secretary-Treasurer shall include the books respecting all properties and facilities under the custodianship of the International Secretary-Treasurer. A copy of such semiannual reports of the Board of Auditors shall be submitted to the International Executive Board. The Board of Auditors shall also give a written report to the International Convention. In the event of the unavailability or temporary disability of an Auditor, the remaining Auditors shall perform the duties set forth herein. The Auditors shall receive such per diem compensation and expense allowance as may be fixed by the International Executive Board.

***Board of
Auditors***

Section 4. No person shall be eligible for office in this International Union who has not been a member in continuous good standing for at least two (2) years immediately preceding his or her election in Local Unions chartered by this International Union or in any labor organization which becomes affiliated with this International Union. In the case of the Retired Member position on the International Executive Board, only retired members who have been members in good standing for two years prior to the Convention as either members, retired members or life members of the Local Union shall be eligible to serve. No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall, in accordance with the provisions of applicable law, be eligible to hold office in this International Union.

***Qualifications
for officers***

Section 5. No more than two members from any one local union, excluding those persons serving as full-time officers of the International Union, may serve on the Executive Board at the same time. This limitation shall be increased to five members for any Local Union with more than 100,000 members.

Limitation

Section 6. Associate members, life members or those retired members paying less than the full dues required for working members of their Local Union shall not be eligible for nomination as an International officer, except that such retired members may be eligible for the Retired Member position on the International Executive Board.

Exclusions

***Multiple
compensation
barred***

Section 7. No full-time officer of the International Union may receive compensation of any kind, except for benefits paid by a pension plan, from any Local Union or from any entity owned or controlled by a Local Union.

***Retired
Members
Advisory
Committee***

Section 8. The International President shall appoint a Retired Members Advisory Committee which shall consist of leaders of local union retired members groups and retired International Executive Board Members. It shall be chaired by a retired member appointed by the International President.

Article VII FILLING VACANCIES

***Filling officer
vacancies***

President

In the event of a vacancy in the office of International President by reason of death, resignation or otherwise, it shall be the duty of the International Secretary-Treasurer, in addition to his or her other duties, to assume the duties of International President. The International Secretary-Treasurer shall serve in this capacity for a period of not longer than thirty (30) days during which time the International Executive Board shall be convened for the purpose of filling the vacancy for the unexpired term by majority vote. In the event of a vacancy in the office of International Secretary-Treasurer by reason of death, resignation or otherwise, it shall be the duty of the International President, in addition to his or her other duties, to assume the duties of International Secretary-Treasurer. The International President shall serve in this capacity for a period of not longer than sixty (60) days during which time the International Executive Board shall be convened for the purpose of filling the vacancy for the unexpired term by majority vote. In the event of a vacancy among the Vice Presidents, or on the Board of Auditors, by reason of death, resignation or otherwise, the International Executive Board shall, within ninety (90) days after such vacancy has occurred, fill the vacancy for the unexpired term by majority vote. In the event of a vacancy among the Executive Vice Presidents or International Executive Board Members, by reason of death, resignation or otherwise, the International Executive Board may in its discretion fill such vacancy for the unexpired term by a majority vote. In the event of a concurrent vacancy in both the office of the International President and the office of the International Secretary-Treasurer by reason of death, resignation or otherwise, the International Executive Board shall be convened in Washington, D.C. within ten (10) days upon the joint call of at least four (4) International Vice Presidents for the purpose of filling the unexpired terms by majority vote. In the case of a vacancy in the office of International President, International Secretary-Treasurer or Executive Vice President, the vote of an officer on the International Executive Board (except for the

***Secretary-
Treasurer***

***Executive Vice
President,
Vice President,
Auditor***

***Executive
Board***

***Concurrent
vacancies***

***Voting
Strength***

full-time officers and the Retired Member) shall be proportionate to the numerical strength of his/her local, as determined by the Local's payment of per capita tax to the International Union, excluding associate members, life members, retired members paying less than the full dues required for working members of their Local Union, and agency fee payers. If more than one officer is from the same Local Union, the voting strength shall be divided equally among those officers for this purpose

Article VIII INTERNATIONAL PRESIDENT—DUTIES AND POWERS

Section 1(a). It shall be the duty of the International President to preside at the Convention of the International Union and at meetings of the International Executive Board, and conduct them in accordance with parliamentary rules and in conformity with this Constitution. The International President shall appoint all committees and boards and be a member ex officio of all committees and boards.

*Presiding
officer*

*Appointment
of committees,
boards*

(b). The International President shall have the deciding vote in case of a tie on any question.

Deciding vote

(c). The International President shall act to the best of his or her ability in furthering the purposes and objects of the organization and the interests of its members.

*General
responsibility*

(d). The International President shall have general supervision and direction over the affairs of the International Union. The International President shall be authorized to call and make arrangements for such meetings, seminars and conferences as he or she may deem necessary; and shall direct all departments, functions and programs of the International Union.

*General
authority*

(e). The International President shall have general supervision and direction of the organizing efforts of this International Union. The International President shall have power to appoint organizers, representatives, coordinators and organizing committees and to make such loans or grant such subsidies to Local Unions and affiliated bodies as he or she deems necessary.

*Organizing
authority*

(f). The International President shall be empowered to negotiate and enter into national, regional, or area-wide collective bargaining agreements, including company-wide or multi-employer agreements, and to coordinate activities toward this end in consultation with the Local Unions involved, and is authorized to require and direct coordinated bargaining among Local Unions.

*Authority
for collective
bargaining*

(g). The International President shall be empowered to employ necessary staff and retain counsel, accountants and other professional personnel as he or she may require to assist in the duties of the office and to fix their compensation. He or she shall be empowered to fix the com-

*Authority to
employ staff*

Authority to set salaries

compensation of the International Executive Vice Presidents, International Vice Presidents and International Executive Board Members, provided, however, that all Vice Presidents shall receive equal salaries and all Executive Board Members shall receive equal salaries except that the salary as of March 1, 1996, of any Vice President, shall not be reduced as long as that person continues to serve as a Vice President.

Authority on questions of law

(h). The International President shall have authority to decide on all points of law submitted to him or her by Local Unions or the membership thereof, or by affiliated bodies, subject to appeal to the International Executive Board, and the next Convention.

Right of petition to President

Section 2. Any member or officer of a Local Union aggrieved by any action of his or her Local Union or affiliated body not covered by the provisions of Article XVII of this Constitution (including determinations of election protests) may petition the International President within fifteen (15) days after the act complained of, or may petition the International Executive Board, within fifteen (15) days after the action of the International President thereon, to review the action of the Local Union or affiliated body. The President will endeavor to have a hearing held within thirty (30) days of the petition or protest, if the President deems a hearing to be necessary, and shall attempt to render his or her decision within thirty (30) days thereafter.

*Right of appeal**Representing International Union at conventions*

Section 3. The International President shall, by virtue of his or her office, represent the International Union at the Conventions of labor organizations with which this International Union is affiliated and shall appoint all other delegates to such Conventions.

Charters, audits, and vouchers

Section 4. The International President shall sign all charters and other official documents of this International Union; shall have the authority to direct an examination of the books and records of any Local Union or affiliated body; and shall draw vouchers on the International Secretary-Treasurer for such sums of money as his or her activities require, and the same shall be paid by the International Secretary-Treasurer.

Appointment of assistants

Section 5. The International President shall have power to appoint upon recommendation of the International Secretary-Treasurer such office assistants as may from time to time be required.

Monitoring finances

Section 6. All vouchers of the International Union shall be submitted to the International President for approval. The International President may at any time appoint a member of the Board of Auditors or such other representative or accountant as he or she may designate to examine into any matter affecting the finances of the International Union.

*Investigation of finances**Authority to impose trusteeships*

Section 7(a). Whenever the International President has reason to believe that, in order to protect the inter-

ests of the membership, it is necessary to appoint a Trustee for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of this International Union, he or she may appoint such Trustee to take charge and control of the affairs of a Local Union or of an affiliated body.

(b). The Trustee shall be authorized and empowered to take full charge of the affairs of the Local Union or affiliated body and its related benefit funds, to remove any or all officers and/or trustees of any funds selected by the Local Union or affiliated body and appoint temporary officers, agents, or fund trustees during his or her trusteeship, and to take such other action as in his or her judgment is necessary for the preservation of the Local Union or affiliated body and for the protection of the interests of the membership. The Trustee shall report on the affairs/transactions of the Local Union or affiliated body to the International President. The Trustee and all of the acts of the Trustee shall be subject to the supervision and direction of the International President.

(c). Upon the institution of the trusteeship, all moneys, books and property of the Local Union or affiliated body shall be turned over to the Trustee, who shall receipt for them.

(d). The Trustee shall be bonded for the faithful discharge of his or her duties relating to the handling of funds or other property of the Local Union or affiliated body.

(e). The Trustee shall take possession of all the funds, books, papers and other property of the Local Union or affiliated body for which he or she shall receipt. The Trustee shall pay all outstanding claims, properly proved, if funds are sufficient. When self-government is restored, the Trustee shall return all funds, books, papers and other property to the Local Union or affiliated body. If, however, the Local Union or affiliated body is dissolved by the revocation of its charter, then any balance remaining to the credit of the Local Union or affiliated body shall be forwarded to the International Secretary-Treasurer and shall become the property of the International Union.

(f). In order to ensure that no trusteeship is imposed without an adequate right to be heard or without other appropriate safeguards, prior to the imposition of a trusteeship the International President shall appoint a hearing officer or officers (who need not be a member or members of this organization), and shall issue a notice, which shall be distributed in a timely fashion, setting a time and place for a hearing, for the purpose of determining whether a Trustee should be appointed. Said hearing officer or officers shall issue a report and recom-

***Powers and
duties
of Trustee***

***Responsibility
to President***

***Moneys, books,
property***

***Bonding
required of
Trustee***

***Financial
responsibilities
of Trustee***

***Procedure for
imposing
trusteeship***

***Appointment
of hearing
officer***

Emergency trusteeship

mendations, orally, or in writing, to the International President, who shall thereupon make his or her determination; provided that where in the judgment of the International President an emergency situation exists within the Local Union or affiliated body, a Trustee may be appointed prior to a hearing; provided further that in an emergency situation, the International Executive Board shall appoint a hearing officer or officers (who need not be a member or members of the organization) who shall conduct such a hearing within thirty (30) days after imposition of the trusteeship, and a decision by the International Executive Board shall be made within sixty (60) days after the appointment of such Trustee, which decision shall be final and binding. Pending such decision, the trusteeship shall remain in full force and effect.

President's personal representative

(g). The International President may appoint a representative to meet with the officials of Local Unions or affiliated bodies and to attend any meetings of Local Unions or affiliated bodies where in the judgment of the International President there is a need to assist the Local Unions or affiliated bodies with respect to their internal needs. The International President may appoint a hearing officer to examine the internal needs of the Local Union or affiliated body, and to assist him/her in determining what remedial action(s), if any, should be implemented by the Local Union or affiliated body. At any time, the International President also may designate his/her representative as a Monitor with additional oversight responsibility to review compliance with the International President's recommendations and/or otherwise assist in addressing the internal needs of the Local Union or affiliated body. Among the internal needs to be considered is whether a Local Union or affiliated body has met applicable standards endorsed by the International Convention or satisfied such procedures, rules and/or regulations duly adopted by the International Executive Board to carry out the goals set by the International Convention.

*Internal Needs Hearing**Monitor**Compliance with applicable standards**President's authority to call for assistance*

Section 8. The International President shall have power to call upon any and all officers for assistance and advice when the occasion demands or requires it.

President's duty to report

Section 9. The International President shall make a full report to each International Convention and at Executive Board meetings.

Article IX DUTIES OF INTERNATIONAL SECRETARY-TREASURER

Proceedings of Convention, Executive Board

Section 1. The International Secretary-Treasurer shall keep a correct record of all the proceedings of the International Convention and of the International Executive Board.

Safeguarding of moneys

Section 2. The International Secretary-Treasurer shall receive and collect all moneys due to the International

Union, which shall be deposited in such banks as may be designated by the International Executive Board.

Section 3. The International Secretary-Treasurer shall conduct all official correspondence, receive all applications for charters, countersign and issue charters as may be granted, and have charge of the official seal.

*Charters,
official seal*

Section 4. The International Secretary-Treasurer shall draw and sign or authorize the signing of all checks covering expenditures of the International Union, upon the co-signature or approval of the International President.

Expenditures

Section 5. The International Secretary-Treasurer shall maintain records of the membership of the International Union and shall report to the International President and the International Executive Board as required.

*Membership
records*

Section 6. The International Secretary-Treasurer shall make a full report of all matters relating to his or her office to each International Convention.

*Convention
reports*

Section 7. The International Secretary-Treasurer shall, at the end of his or her term of office, turn over to his or her successor in office all books, moneys, property and other belongings of the International Union.

*Obligation to
successor*

Section 8. The books and records of the International Secretary-Treasurer shall be open for inspection by the officers of the International Union.

*Obligation to
open books*

Section 9. The International Secretary-Treasurer shall keep all records pertaining to income, disbursements, and financial transactions of any kind for a period of at least six (6) years, or longer if required by applicable law.

*Maintenance
of Union
records*

Article X DUTIES OF THE EXECUTIVE VICE PRESIDENTS

Section 1. The International Executive Vice Presidents shall work under the supervision of the International President.

*Supervision
by President*

Section 2. The International Executive Vice Presidents shall perform such duties as are assigned to him or her by the International President.

*Duties
assigned
by President*

Article XI DUTIES OF THE INTERNATIONAL EXECUTIVE BOARD

Section 1. The International Executive Board shall hold sessions at least two (2) times within each year. The meetings of the International Executive Board shall be upon the call of the International President at times and places which, in his or her judgment, best serve the needs of the International Union. Whenever a majority of the International Executive Board requests the International President to call a meeting thereof, it shall be mandatory

*Meeting
requirement*

*Majority may
initiate
meeting*

upon him or her to do so. All necessary expenses for such meetings shall be paid by the International Union. The International Executive Board shall have power to transact all business of the International Union between Conventions. A majority of the members of the International Executive Board shall constitute a quorum for the transaction of its business.

Quorum

Notification to Local Unions

Right to present grievances

Section 2. The International Secretary-Treasurer shall notify all Local Unions and affiliated bodies of the time and place of International Executive Board meetings. Any Local Union or affiliated body may present any grievance or matter which it deems to be for the welfare of the International Union or any of its Local Unions or affiliated bodies at any meeting of the International Executive Board.

Right to decide appeals

Section 3. The International Executive Board shall act upon and decide all appeals presented to it by Local Unions or individual members or by affiliated bodies.

Bonding provisions

Section 4. The International Executive Board shall provide for the bonding of officers and employees of the International Union in accordance with the requirements of applicable statutes or as the International Executive Board shall deem necessary.

Polling by International President

Section 5. When the International Executive Board is not in meeting and the International President deems it necessary for the International Executive Board to act promptly, the International Secretary-Treasurer shall poll the International Executive Board and such action and vote may be taken by letter, telegram, teletype, facsimile, telephone or any other appropriate means of communication. Such action so taken on vote of the majority of the International Executive Board shall constitute official action of the International Executive Board.

Executive Board is highest authority

Section 6. The International Executive Board shall, subject to action of an International Convention, be the final authority and the highest governing body of this International Union.

Duties and responsibilities

The Board is hereby authorized and empowered to take any and all lawful action not inconsistent with this Constitution to safeguard and protect this International Union, the rights, duties and privileges of the officers and members of this International Union and its Local Unions or any of its affiliated bodies; to guide, manage, conduct and direct the activities, affairs, and functions of this International Union and to, in every way, including but not limited to expenditure, investment, and management, utilize the property and funds of this International Union towards the fulfillment of the purposes and objects of this organization. In addition to the general and specific powers conferred upon the Board elsewhere in this Constitution, and in addition to any lawful powers appertaining thereto, the Board is specifically authorized to:

A. Establish, adopt, prescribe and order such procedures, rules and regulations, consistent with this Constitution, as are required for the direction and management of the affairs of this International Union and its constituent subordinate bodies and to repeal or amend the same;

*Establishment
of rules and
regulations*

B. Delegate, consistent with this Constitution, to any of its officers or agents any of the functions and powers herein set forth, except the power to fill vacancies in office;

*Delegation of
powers*

C. Establish and/or approve the payment of salaries, wages, expenses, allowances, and disbursements for its officers, agents and employees; and adopt, maintain or amend any pension or health and welfare trust agreement or plan which it deems to be in the interest of the officers and employees of the International Union or its Local Unions or other affiliated bodies or employees represented by the International Union or any of its Local Unions or other affiliated bodies and the families of said officers and employees, provided that no accrued rights of a participant shall be impaired;

*Salaries
and trusts*

D. Take such legal action as it deems necessary to protect the interests of this International Union, its officers, representatives, agents, employees, members, or constituent Local Unions or its affiliated bodies, including the initiation, prosecution, and defense of lawsuits and arbitrations, the settlement or compromising of any claim whether defended or prosecuted, and the payment of expenses and costs of all such proceedings and actions, or abstain from enforcing any claim;

*Authority
to take
legal action*

E. Invest or re-invest the funds of this International Union in such property, real or personal, tangible or intangible, as it shall consider desirable for the effectuation of the purposes and objects of this International Union and the interest of its members, or permit such funds to remain uninvested;

*Investment
of funds*

F. Lease, buy, and in every lawful manner acquire, on behalf of this International Union, all property, rights, and privileges, as it shall think desirable for the effectuation of the purposes and objects of this International Union and the interests of its members, at such prices, terms and conditions as this Board shall, in its discretion, determine;

*Acquisition
of property*

G. Sell, lease, rent, mortgage, pledge, exchange, or otherwise dispose of any property, real or personal, tangible or intangible, and any rights or privileges appertaining or belonging to or in the possession of this International Union or its membership, whenever in its discretion the Board considers that the purposes and objects of this International Union and the interests of its members will be thereby effectuated for such prices and upon such terms and conditions or for such consideration as the Board in its discretion determines;

*Disposal
of property*

Authority to borrow

H. Obtain loans from any banks, firms, corporations or institutions, upon such terms and conditions as the Board shall determine, and for the sums so borrowed, issue its promissory notes or other evidence of indebtedness;

Mortgages and trusts

I. Enter into, issue and create, effectuate and terminate such mortgages, deeds, trust agreements, and negotiable instruments, however secured, as the Board in its discretion believes will effectuate the objects and purposes of this International Union and the interests of its members;

Affiliations

J. Affiliate this International Union with such organizations and bodies, local, national and international, as the Board believes will effectuate the objects and purposes of this International Union and the interests of its members;

Terms of affiliation

K. Affiliate to this International Union by merger, consolidation, charter or otherwise any existing labor organization and in connection therewith may grant to such labor organization until the next International Convention such executive positions and/or representation on the International Executive Board in the form of additional Vice Presidents and Executive Board Members in excess of the total number provided in Article VI, Section 1. The terms and conditions of such affiliations, mergers, or consolidations may include waiver of other provisions of this Constitution for such affiliation or merging organizations for such periods of time as shall be set forth in the agreement of affiliation or merger;

Authority to waive constitutional provisions***Jurisdictional questions and agreements***

L. Decide questions of jurisdiction relating to Local Unions and other bodies affiliated to the International Union, and conclude organizational and jurisdictional agreements with other labor organizations;

Authority to lend

M. Make such loans, either direct or indirect, whether to individuals or organizations, as are lawful and not inconsistent with this Constitution, with such security and with such arrangement for repayment as the Board may deem appropriate, and as the Board considers will effectuate the purposes and objects of this International Union and the interests of its members; and

Agency and other fee procedures

N. Establish, adopt and order such procedures as it deems necessary for the International Union, Local Unions, and affiliated bodies pertaining to agency shop fees, fair share fees and similar fees, and repeal or amend the same.

Constitutional authority

The International Executive Board shall be the final authority in fulfilling, interpreting and enforcing this Constitution, subject to review by an International Convention.

Protection from liability

The opinion of any attorney, accountant, or other professional consultant or expert hired pursuant to this Constitution shall be full and complete authority and

protection with respect to any action taken, suffered or omitted by this Board or any member thereof in good faith and in accordance with such opinion. The International Executive Board, or any member of it, shall not be liable to any person or organization, for any act, which is not willful misconduct or in bad faith, done by this Board or said member in effectuation of the purposes and objects of this Constitution and the interests of the members of this organization.

Article XII

STRIKES AND LOCKOUTS

No Local Union or affiliated body shall strike without previous notification to the International President, or, where prior notice is not practicable, without notification as soon as possible after commencement of the strike, in which notice the Local Union or affiliated body has stated that it has complied with all applicable notice requirements. If the Local Union or the affiliated body fails to give such notice, the International President may withhold sanction for the strike called by the Local Union or affiliated body.

***Strike
notification
requirement***

Article XIII

REVENUE

Section 1(a). The revenue of this International Union shall be derived from per capita tax, initiation fees, charter fees, assessments or from any other source that the International Executive Board may determine.

***Per capita
taxes***

The per capita tax from Local Unions shall continue to be six dollars and eighty cents (\$6.80) per member per month on all dues required to be paid through the month of December, 2000. For dues paid thereafter the per capita tax due the International Union from the Local Union shall be as follows:

On dues received by the Local Union in the month of January, 2001, and through the month of December, 2001—six dollars and ninety-five cents (\$6.95).

On dues received by the Local Union in the month of January, 2002 and through the month of December, 2002—seven dollars and ten cents (\$7.10).

On dues received by the Local Union in the month of January, 2003, and through the month of December, 2003—seven dollars and thirty cents (\$7.30).

On dues received by the Local Union in the month of January 2004 and through the month of December, 2004—seven dollars and fifty cents (\$7.50).

On dues received by the Local Union in the month of January, 2005, and thereafter—seven dollars and sixty-five cents (\$7.65).

***Special
membership
categories***

For a retired member, associate member or organizing committee member paying less than the full dues required for working members of his or her Local Union, the per capita shall be one dollar (\$1.00) per month.

The International Union shall not set aside any segregated funds from per capita tax payments received from Local Unions on behalf of retired, associate or organizing committee members.

***Authority to
adjust tax***

Upon the recommendation of the International President, the International Executive Board shall have the authority to adjust the per capita tax required from Local Unions for non-working members, including retired members and associate members; provided, however, that notwithstanding the provisions of Article XV, Life Members granted such status pursuant to this Constitution on or before May 1, 2000 shall have no continuing dues obligations, but they shall nonetheless be eligible to enjoy all the benefits and privileges of retired members in the International Union, including continued participation in the International Union's Death Gratuity Program if otherwise eligible.

Political Fund

(b). An amount of money which shall be determined annually by the International Executive Board shall be set aside from the per capita tax and shall be expended by the International Union directly or indirectly for political education and political action purposes, but solely in accordance with the provisions of applicable law; and an amount to be determined annually by the International Executive Board shall be set aside which shall be returned to an affiliated body or Local Union as the International President shall determine, for such use.

***Rebate to
Local Unions***

***Strike and
Defense Fund***

(c). The International Union shall set aside out of the per capita tax, the sum of forty cents (\$.40) per member per month on all monthly dues received by the Local Union as a Strike and Defense Fund to aid Local Unions engaged in authorized strikes, in defending against lock-outs, and in defending the integrity and welfare of the Local Union and shall credit each Local Union with the amount which such Local Union has paid into the Strike and Defense Fund.

Such moneys shall not be set aside out of per capita tax payments received from Local Unions on behalf of retired, associate, or organizing committee members.

***Withdrawals
from Strike
and Defense
Fund***

A Local Union may after no less than one (1) year of contributions draw on the Strike and Defense Fund, or from such other funds of the International Union as shall be determined by the International Executive Board, to the extent of the total unexpended funds remaining to its credit, plus an additional sum equal to the amount set aside out of its required payments in the preceding twelve (12) months. Once such an additional payment has been drawn by the Local Union, no further payment shall be made to the Local Union pursuant to this Section until an amount equal to such additional pay-

ment, plus payment for one (1) additional year, has been again paid into the credit of such Local Union. Interest and income credited to the Strike and Defense Fund shall be used in support of strikes conducted for organizational purposes or for other defense purposes. In addition to the foregoing provisions, the International President shall in his or her discretion be authorized to return to such Local Union all or part of its Strike and Defense contributions to be used for such defense purposes or other purposes as he or she may determine. Any refund or return to a Local Union under the terms of this paragraph shall be made only once a year, after the end of such year, upon the prior request of the Local Union. The International Executive Board is authorized to direct that a Local Union's contributions to the Strike and Defense Fund be used to satisfy the Local Union's outstanding financial liability to the International Union or, pursuant to a decision of the International Executive Board after appropriate proceedings, to another affiliated body or Local Union if such liability is at least 90 days past due. In such circumstances, the Local Union will receive 15 days notice before such action is initiated.

*Discretionary
refunds*

*Use of fund
to satisfy
outstanding
liabilities*

(d). In addition to the per capita tax set forth in Section 1(a), each Local Union, except those based in Canada, shall pay to the International Union a per capita tax to finance the Unity Fund. Through the Unity Fund, all local unions will pool resources in order to have the new strength to win improved pay, benefits and security for members in the 21st century. This additional per capita tax per member per month shall be as follows:

*Unity Fund
(except Canada)*

On dues received by the Local Union in the month of January, 2001, and through the month of December, 2001—one dollar (\$1.00).

On dues received by the Local Union in the month of January, 2002, and through the month of December, 2002—two dollars (\$2.00).

On dues received by the Local Union in the month of January, 2003, and through the month of December, 2003—three dollars (\$3.00).

On dues received by the Local Union in the month of January, 2004, and through the month of December, 2004—four dollars (\$4.00).

On dues received by the Local Union in the month of January, 2005, and thereafter—five dollars (\$5.00).

Notwithstanding the above, this additional per capita tax for the Unity Fund shall not be paid for the months of January 2001 through the month of June 2002 on dues from any member who is paid gross wages of less than \$433 per month. Thereafter, the International Executive Board shall determine the additional per capita tax to be paid on dues from members who it defines as low wage workers. The additional per capita tax for

*Low wage
workers*

the Unity Fund shall also not be payable on dues from members who have not achieved a first collective bargaining agreement.

Definition

(e). For the purposes of this section, the term "member" shall include agency fee payer and Rand Formula payer, and the term "dues" shall include agency service fees and Rand Formula fees.

Payment of dues

Section 2. Dues of members are due and payable on or before the last day of the current month and in order for a member to be in good standing his or her dues must be paid on or before the last day of each month. All other financial obligations of the Local Union must likewise be paid on or before the last day of the month in which they fall due.

Maintenance of good standing

Section 3. For a Local Union to be considered in good standing, per capita tax and all other fees and payments must be paid by each Local Union to the International Union before the end of the month following the month in which the Local Union received dues or other payments on account of which per capita tax or fees are payable to the International Union. Effective January 1, 1993, if the monthly per capita tax, or any part thereof, is not submitted by the end of the month following that in which it is due, the Local Union shall be deemed delinquent in its payment and shall be charged a late payment fee, at an interest rate to be determined periodically by the International Executive Board, on that portion of the per capita tax which has not been paid by the due date, except that the International President may waive this penalty charge for good cause shown. If a Local Union fails to make the payments herein required within thirty (30) days of the date due, the International Secretary-Treasurer shall notify the Local Union that it is no longer in good standing and shall within thirty (30) days thereafter refer the matter to the International President for such action as the International President shall deem appropriate, including without limitation, suspension of the Local Union, revocation of its charter, or the appointment of a Trustee as provided in Article VIII, Section 7 of this Constitution and Bylaws. The International President, and in the event of an appeal from his or her decision, the International Executive Board, may lift any suspension or stay revocation of the charter upon such terms and conditions as may be prescribed.

Sanctions for non-payment

Priority of per capita payment

Section 4. No Local Union shall have any right to pay any bills before it pays its full obligation to the International Union each month.

Reporting requirements of Locals (Membership lists)

Section 5. The Local Union by its Secretary-Treasurer shall forward to the International Secretary-Treasurer the correct names and addresses (including e-mail address and phone number, if available) of all its members, and other membership information as specified by the International Executive Board. Each month it shall sub-

mit all changes of addresses; the names, addresses and Social Security or Social Insurance numbers of all members initiated or readmitted, of all other persons from whom revenue is derived, and of those suspended for nonpayment of dues or for any other cause; and a correct list of those who take transfer or withdrawal cards. In addition, the International Union must be notified of the names and addresses of all officers elected to office within fifteen (15) days of such action. The proper Zip code shall be included for each address. Each Local Union must provide the same membership list to the State Council with which it is affiliated.

Section 6(a). Local Union officers or the officers of any other affiliated body shall furnish to any person designated by the International President to examine its books and records, all of its books, records, accounts, receipts, vouchers and financial data whenever requested. All Local Unions and other affiliated bodies shall promptly forward to the International Secretary-Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements which are required by law.

*Examination
of Local books
and records*

(b). All records of a Local Union or other affiliated body pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six (6) years or longer if required by applicable law.

*Annual audit
reports*

*Maintenance
of Local
records*

Section 7. When the charter of a Local Union or other affiliated body is revoked, the Local Union or other affiliated body and its officers shall return all books, documents, property and funds to the International Union.

*Requirements
on revocation
of charter*

Section 8. The revenue from per capita taxes paid by Canadian Local Unions shall be spent by International Union for activities that support Canadian Local Unions.

*Canadian
Locals—
Per Capita*

Article XIV ISSUANCE OF CHARTERS

Section 1. Twenty-five (25) or more persons within the jurisdiction of this International Union may apply to the International Secretary-Treasurer for the issuance of a charter. In any event, the International President or the International Executive Board may issue a charter whenever it is deemed advisable. The application for a charter shall be accompanied by the required initiation fees and charter fee.

*Application
for charter*

Section 2. The International Executive Board shall establish the policy and procedures governing the issuance of charters and shall determine all questions of jurisdiction between Local Unions. Local Unions in existence at the time of the formation of the International Union shall retain the jurisdiction which they held at

*Chartering
procedures
and
jurisdiction*

Contested questions

that time. If there be any contested question in connection with the matters referred to in this Section, action of the International Executive Board shall be after a hearing upon reasonable notice before it or a hearing officer or officers (who need not be a member or members of this organization) designated by the International Executive Board.

Consolidation and merger

Section 3. The International Executive Board may consolidate or merge existing Local Unions under such terms and conditions as the International Executive Board may determine when in the opinion of the International Executive Board the interests and welfare of the International Union and the membership thereof will be better served by such action.

Merger hearings

Section 4. Such merger or consolidation of existing Local Unions shall be conditioned upon the consent of the Local Unions or shall be effectuated after a hearing upon reasonable notice before the International Executive Board or a hearing officer or officers (who need not be a member or members of this organization) designated by the International Executive Board.

Provisional organizations

Section 5. The International President may designate such coordinators and establish such organizing committees or provisional Local Unions for the purpose of organizing workers, with or without requiring the payment of dues, initiation fees or per capita tax, as he or she may deem advisable, and the International President shall be authorized and empowered to name provisional officers for and to expend and control the finances of such organizing committees or provisional Local Unions. The International President shall thereafter report such matters to the International Executive Board.

Article XV DUTIES OF LOCAL UNIONS

Bonding of Locals

Section 1. All Local Unions and affiliated bodies shall secure and maintain surety bonds in the amounts and the form required by applicable statutes. The International Secretary-Treasurer may direct an increase in the amount of any bond whenever he or she deems it necessary and advisable and may direct bonding by any Local Union not required by statute to secure a bond.

Eligibility requirements for Local officers

Section 2. No person shall be eligible for nomination as an officer, member of the Executive Board, delegate, or any other office in a Local Union who has not been a member in continuous good standing in the Local Union for at least two (2) years immediately preceding the nomination and has, during all of that time, paid the full dues required for working members of the Local Union within each month when due. No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or indictable offense in Canada) shall in accordance with the provisions of

Exclusions

applicable law be eligible for nomination under the terms of this Section. If the Local Union has been chartered less than two (2) years, the required period of continuous good standing shall be the entire time that the Local Union has been chartered. The International President may waive the foregoing requirements for good cause shown. Any Local Union may provide in its Constitution and Bylaws for further limitations upon eligibility for nomination, provided such provisions are approved by the International Union. Upon the request of a Local Union Executive Board, the International President may waive Local Union eligibility requirements for good cause shown. Associate members, life members, and those retired members paying less than the full dues required for working members of the Local Union shall not be eligible for nomination as an officer, member of the Executive Board, delegate, or any other office in the Local Union. Proxy voting shall not be permitted in any election for an officer, member of the Executive Board, delegate or any other office in the Local Union. Write-in candidates shall not be permitted in any election for an officer, member of the Executive Board, delegate or any other office in the Local Union, except if expressly approved by the International President upon request of the Local Union Executive Board.

Waiver

*Proxies,
write-ins
prohibited*

Section 3. The Constitution and Bylaws of all Local Unions and affiliated bodies and amendments thereto must be submitted to the International Union and be approved before they become valid; provided, however, that notwithstanding such approval, the Constitution and Bylaws of all Local Unions and affiliated bodies shall at all times be subordinate to the Constitution and Bylaws of the International Union as it may be amended from time to time. If a Local Union or an affiliated body shall not have secured the approval of a valid Constitution and Bylaws, the provisions contained in the Constitution and Bylaws of the International Union as it may be amended from time to time shall govern said Local Union and affiliated body insofar as applicable. Regardless of approval, if any conflict should arise between the Constitution and Bylaws of a Local Union and affiliated bodies or any amendments thereto, and the Constitution and Bylaws of the International Union as it may be amended from time to time, the provisions of the Constitution and Bylaws of the International Union shall govern.

*Approval
of Local
Constitutions*

*Priority of
International
Constitution*

Section 4. Each Local Union shall provide its members upon request with a copy of the Constitution and Bylaws of the International Union and the Local Union. Copies of the International Constitution and Bylaws will be provided by the International Union to the Local Unions at cost.

*Distribution
of Constitution*

Section 5. The All Local Unions must provide for meetings of the membership on a general, division, chapter or worksite basis at least once every two months,

*Local meeting
requirements*

except during the months of July and August. The Executive Board of each Local Union shall in any case meet at least once a month, except if waived by the International President.

Minimum dues

Section 6(a). Effective January 1, 2001, for all members of Local Unions who have annual earnings of \$16,000 or more, the minimum dues shall be twenty dollars (\$20.00) per month. Effective January 1, 2001, for all members with annual earnings between \$5,000 and \$16,000, the minimum dues shall be \$12.00 per month.

Effective January 1, 2002 through January 1, 2005, the minimum monthly dues for each category of members of Local Unions shall be increased by two dollars (\$2.00) effective January 1 of each year.

Notwithstanding the above, by action of the Local Union the minimum dues may be reduced for retired members, organizing committee members, associate members. The Local Union may establish a minimum dues for members with annual earnings which are less than \$5,000.

Maximum dues caps

(b). By no later than January 1, 2004, a Local Union's dues system shall not contain a maximum limitation on the dues amount per member otherwise applicable under the Local Union's dues formula. In order to phase out such maximum limitations, the maximum dues rate in a Local Union dues system shall be increased by five dollars. (\$5.00) per month, beginning January 1, 2001 and continuing each year until January 1, 2004 or until the limitation is eliminated, whichever is earlier. This requirement may be waived by the International President, as provided in subsection 6(f), if the maximum limitation applies to less than three percent (3%) of the Local Union's members, or if the affected members are not covered by a union security or agency shop provision.

Dues increases

(c). Unless i) the Local Union is covered by an exception set forth in subsection 6(e) below, or ii) a waiver is requested from, and granted by, the International President, as provided in subsection 6(f) below, the dues rate increases required by this Section shall be as follows:

As of January 1, 2001, all dues rates shall be increased by one dollar (\$1.00) per week;

As of January 1, 2002, all dues rates shall be increased by one dollar (\$1.00) per week;

As of January 1, 2003, all dues rates shall be increased by one dollar (\$1.00) per week;

As of January 1, 2004, all dues rates shall be increased by one dollar (\$1.00) per week;

As of January 1, 2005, all dues rates shall be increased by one dollar (\$1.00) per week.

(d). Local Unions in which the Constitution and ByLaws provide for a dues system other than a flat rate system (eg., a scale, hourly or percentage formula system) shall increase the formula as necessary to generate an average dues increase and a dues minimum equal to the flat rates specified in this section. Questions concerning the application or interpretation of this subsection shall be resolved by decision of the International Secretary-Treasurer, subject to appeal to the Executive Board.

(e). There shall be no required increase in the rate of dues for i) members who earn less than \$100 per week (or the monthly equivalent of \$433); or ii) members who have not achieved a first collective bargaining agreement.

Exceptions

Local Unions in which a majority of the members are industrial and allied sector workers shall increase dues rates by 50 cents per week (or the equivalent as described in Section 6(d) effective January 1 2001, and each January 1 thereafter continuing until 2005 unless a waiver is requested from, and granted by, the International President, as provided in subsection 6(f).

(f). The International President, with the approval of the International Executive Board, may waive these requirements for such period as he or she deems advisable so long as such waiver does not impair the ability of the Local Union to properly represent its members.

Dues waivers

Such waiver may be a full or partial waiver. In the case of a partial waiver, the required dues rate increase shall be reduced to 50 cents per member per week (or the equivalent as described in Section 6(d)).

A full waiver will be granted to any Local Union which has established, in accordance with its Constitution and Bylaws, an alternative dues structure and/or dues increases which satisfy the goals of this Section.

A partial waiver may be granted to a Local Union in which the majority of members are public sector workers and in which the average monthly dues rate is greater than \$30 per month as of January 1, 2001, or beginning January 1, 2002 and continuing through January 1, 2005, to such public sector Local Union in each year in which average monthly dues are greater than \$32 .

Full or partial waivers may also be granted taking into consideration the resources of the Local Union, the Local Union's dues rate, whether the Local Union has recently implemented a dues increase, the percentage of workers represented by the Local Union covered by a union security clause and the wage rate of the Local Union's members.

(g). Nothing in this Section shall apply to Local Unions based in Canada.

Canada

Section 7(a). The minimum dues of all members of any Canadian Local Union shall be ten dollars (\$10.00) per month except that by action of a Local Union they

Canadian Local Unions

Minimum dues

may be reduced to not less than two dollars and fifty cents (\$2.50) per month for retired members and organizing committee members and two dollars (\$2.00) per month for associate members.

For Canadian Local Unions employing a percentage dues system, the minimum dues of all members of any Local Union shall be one percent (1%) of gross monthly salary per month or ten dollars (\$10.00) per month, whichever is greater, except that by action of a Local Union they may be reduced for retired members, organizing committee members and associate members.

The International President, with the approval of the International Executive Board, may waive these requirements for such period as he or she deems advisable as long as such waiver does not, in his or her judgment, impair the ability of the Local Union to properly represent its members.

Dues Increase

(b). All dues in Canadian Local Unions shall be increased by no less than one dollar (\$1.00) no later than September 1, 2000, and each September 1 thereafter, continuing until September 1, 2004, unless a waiver is requested from, and granted by, the International President; provided, however, that a Local Union may delay the implementation of this increase for a period of up to four months past this date without requesting a waiver from the International Union.

For those Canadian Local Unions employing a percentage dues system, all dues shall be increased by no less than one-tenth percent (1/10%) no later than September 1, 2000, and each September 1 thereafter, continuing until September 1, 2004, unless a waiver is requested from, and granted by, the International President; provided, however, that a Local Union may delay the implementation of this increase for a period of up to four months past this date without requesting a waiver from the International Union.

***Dues payments,
good standing***

Section 8. In order to be considered in good standing and to be eligible to participate in all of the gratuities and benefits of the Local Union and the International Union, members must pay on time the full dues and other payments prescribed by the Constitution of the Local Union.

Dues credits

Section 9. When a member is laid-off from employment or is absent from work due to employer lockout or union-authorized strike for more than twenty (20) days in any calendar month, such member may be entitled, if so provided in the Local Union's Constitution and Bylaws, to credit for membership dues for the period of unemployment but not to exceed six months in any calendar year.

Dues receipts

Section 10. Each member shall be entitled to receive a proper receipt or acknowledgement for any payment of dues.

Section 11. Any Local Union may order that withdrawal cards be taken out by members working outside the trade or jurisdiction of the Local Union.

*Withdrawal
cards*

Section 12. The International Union shall be notified in writing when any collective bargaining negotiations or memoranda of understanding have been concluded and be advised of the number of employees covered. For the purpose of maintaining a file, and for informational uses, copies of collective bargaining agreements and contracts entered into by a Local Union shall, after signing, be sent to the Research Department of the International Union. Such notification to or filing with the International Union shall not operate to impose any liability on the International Union or its officers or to make them parties to any such collective agreement or memorandum of understanding.

*Notification
of collective
bargaining
agreements*

*No notification
liability*

Section 13. No Local Union or affiliated body or any subdivision thereof, or member or group of members, including Councils, Conferences, leagues, clubs or any association composed of members of this International Union, or subdivision thereof, shall in any manner, directly or indirectly, use, exploit, or trade upon the name of this International Union, or Local Union or affiliated body or any similar name or designation, nor in the name of this International Union or Local Union, or affiliated body, levy or collect any tax, dues, or other moneys, nor in the name of this International Union or Local Union, or affiliated body, conduct any affair or other activity for the purpose of raising funds, including programs or soliciting advertisements in any publication, either directly or indirectly, without first obtaining written permission from the International President.

*Permission
to conduct
fund-raising*

All of the aforesaid matters covered by this Section, including without limitation funds, solicitations, gifts, and donations collected in the name of this International Union, or Local Union, or affiliated body, shall at all times be subject to audit by this International Union, and all books, records and documents pertaining to matters covered by this Section shall be available for inspection, copying and audit by this International Union.

*International's
authority to
audit*

The International President shall have authority to formulate such rules and regulations as he or she deems necessary and proper to carry out the purpose of this Section.

*Authority to
prescribe rules*

Section 14. The Executive Board of each Local Union shall appoint a Civil and Human Rights Committee to assist such Executive Board in carrying out the civil and human rights programs and policies of this International Union.

*Civil and
Human Rights
Committees*

Section 15. The Executive Board of each Local Union shall appoint a Committee on Political Education to assist such Executive Board in carrying out a program for sound political education and political action and encouraging its members and their families to register and vote. No Local Union shall establish its own regis-

*COPE
Committees*

tered federal political committee or any political candidates fund for contributions in connection with federal elections, provided, however, that the International President may in his or her discretion waive this provision or establish such conditions as the International President may deem necessary.

***Senior Members
Committees***

Section 16. The Executive Board of each Local Union shall appoint a Senior Members Committee to assist such Executive Board in developing a program for senior members and retired members.

***Organizing
Committees***

Section 17. The Executive Board of each Local Union shall appoint an Organizing Committee to assist such Executive Board in developing organizing programs for the Local Union.

***Notification
requirement***

Section 18. The International Secretary-Treasurer shall be notified promptly by each Local Union of the composition of the Civil and Human Rights Committee, the Committee on Political Education, the Senior Members Committee, and the Organizing Committee.

Article XVI

MEMBERS' INTERESTS, TRANSFERS

***Members'
interests
safeguarded***

Section 1. No member of this International Union shall injure the interests of another member by undermining such member in connection with wages or financial status or by any other act, direct or indirect, which would wrongfully jeopardize a member's office or standing.

***Transfers from
Local Union
to Local Union***

Section 2. Any member may transfer from one Local Union to another within this International Union, subject to the approval of the Local Union into which such member seeks admission, provided there shall be no interruption of continuous payment of monthly dues if continuous good standing is to be maintained or upon presentation of a current withdrawal card.

Article XVII

TRIALS AND APPEALS

Preamble

PREAMBLE. In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply:

***Bases of
charges for
hearings or
trials***

Section 1. Local Unions, their officers or members, and officers of any affiliated body, and officers of the International Union, as the case may be, may be charged with:

(Whenever used in this Article, the term "Local Union" shall include any affiliated body or Local Union chartered by this International Union.)

(1) Violation of any specific provision of this Constitution or of the Constitution and Bylaws of the Local Union;

- (2) Violation of an oath of office;
- (3) Gross disloyalty or conduct unbecoming a member;
- (4) If an officer, gross inefficiency which might hinder and impair the interests of the International Union or the Local Union;
- (5) Financial malpractice;
- (6) Engaging in corrupt or unethical practices or racketeering;
- (7) Advocating or engaging in dual unionism or secession;
- (8) Violation of democratically and lawfully established rules, regulations, policies or practices of the International Union or of the Local Union.
- (9) The wrongful taking or retaining of any money, books, papers or any other property belonging to the International Union or Local Union; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or other property of the International Union or the Local Union;
- (10) Working as a strikebreaker or violating wage or work standards established by the International Union or a Local Union; and
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent.

Charges must be specific and in writing.

Section 2(a). Charges against any member or officer of a Local Union shall be filed in duplicate with the Secretary of the Local Union, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No charges may be filed more than six months after the charging party learned, or could have reasonably learned, of the act or acts which are the bases of the charges.

(b). The Executive Board of the Local Union shall act as or appoint the trial body, unless the Constitution and Bylaws of the Local Union provide for another trial procedure. The accused may appear in person and with witnesses to answer the charges against him or her and shall be afforded a full and fair hearing. The accused may select a member of his or her Local Union, or an attor-

Filing charges

*Specificity
requirement*

*Trial
procedure*

ney if the Constitution and Bylaws of the Local Union so permit, to represent the accused in the presentation of a defense.

Judgment and discipline

(c). If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary action as provided for in this Constitution. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Local Union.

Reporting trial results

(d). If the Constitution and Bylaws of the Local Union so provides, the decision of the trial body shall be reported to the next regular membership meeting of the Local Union for such action as is provided for in the Constitution and Bylaws of the Local Union.

Suspensions

(e). If the International President believes that charges filed against an officer of a Local Union involve a situation which may seriously jeopardize the interests of the Local Union or the International Union, the International President may suspend such officer from office in the Local Union until a decision has been reached.

Basis for original jurisdiction

(f). The International President may assume original jurisdiction:

i. If the Local Union, the Local Union Executive Board, a Local Union officer or a Local Union member, or members, believe that the charges filed against a member or officer of a Local Union involve a situation which may seriously jeopardize the interests of the Local Union or the International Union or that the hearing procedure of the Local Union will not completely protect the interests of a member, officer or Local Union and such party requests that the International President assume original jurisdiction.

Procedures for original jurisdiction

ii. If the International President as a result of an investigation believes that the charges filed against a member or officer involve a situation which may seriously jeopardize the interests of the Local Union or the International Union.

Upon the International President assuming original jurisdiction, the International President may remove the proceedings from the trial body of the Local Union and, upon at least ten (10) days notice, hold a hearing on the charges either personally or before a hearing officer or officers (who need not be a member or members of this organization) designated by the International President. The International President shall make the decision upon the record taken at the hearing and the report of the hearing officer or officers.

Notice of charges

Section 3. Charges against a Local Union or an officer of the International Union shall be filed in duplicate with the International Secretary-Treasurer, who shall serve a copy thereof upon the accused either personally or by registered or certified mail, directed to the last

known address of the accused, at least ten (10) days before the hearing upon the charges. The International Executive Board may hold a hearing on the charges either itself or before a hearing officer or officers designated by it or it may determine to dismiss the charges without the need for a hearing to be conducted. If the hearing is conducted by a hearing officer or officers, the International Executive Board shall make its decision upon the record taken at the hearing and the report of the hearing officer or officers.

*Executive
Board
hearings*

Section 4. In all hearings or trials provided for herein, if the member filing charges is a member of the trial body, he or she may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration of or the decision on such charges. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the hearing regardless of the absence of the accused.

*Conduct of
hearings
or trials*

Section 5. The trial body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires.

*Possibility
of sanctions*

Section 6. An appeal to the International Executive Board may be taken by either the accused or the member filing the charges from any decision of a Local Union with respect to such charges, provided such decision is a final decision under the terms of the Constitution and Bylaws of the Local Union; or from a decision of the International President. Any such appeal shall be filed in writing with the International Secretary-Treasurer, by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision appealed from shall remain in full force, unless it is stayed by the International Executive Board. The International Executive Board may decide the appeal on the record made by the trial body or may in its discretion, upon at least ten (10) days notice, hear argument or hold a rehearing either itself or before a hearing officer or officers designated by it. The International Executive Board may affirm, reverse or modify the decision appealed from.

*Hearing or
trial appeals*

*Manner of
filing appeals*

*Determination
of appeals*

Section 7. Appeals from any decision of the International Executive Board with respect to charges may be taken to the next Convention. Any such appeal shall be filed in the same manner and within the same time as appeals to the International Executive Board. During the pendency of such appeal, the decision appealed from shall remain in full force. The appellant shall have the right to appear before an appeals committee of the Convention and, if the appellant is a Local Union or a member appealing an expulsion from mem-

*Appeal to
Convention*

bership, shall have the right to appear before the Convention itself under such conditions and for the period of time fixed by the Convention. An individual appellant, other than one appealing an expulsion from membership, shall have the right to appear before the Convention itself only with the consent of the Convention. The action of the Convention on all appeals shall be final and binding.

***Obligation
to exhaust
remedies***

Section 8. Subject to the provisions of applicable statutes, every Local Union or member or officer thereof or officer of the International Union against whom charges have been preferred and disciplinary action taken as a result thereof or who claims to be aggrieved as a result of adverse rulings or decisions rendered, agrees, as a condition of membership or affiliation and the continuation of membership or affiliation, to exhaust all remedies provided for in the Constitution and Bylaws of the International Union and the Local Union and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

***Member Bill
of Rights and
Responsibilities***

Section 9. The SEIU Member Bill of Rights and Responsibilities in the Union shall be enforced exclusively through the procedures provided in this Article and any decision rendered pursuant to the procedures provided for herein, including any appeals, shall be final and binding on all parties and not subject to judicial review.

Article XVIII

AFFILIATIONS WITH INTERMEDIATE BODIES

***Obligation to
affiliate***

Section 1. Local Unions shall affiliate with City or Local Central Bodies and State or Provincial Federations, where such exist, under rules to be established by the International Executive Board. The International President may in his or her discretion waive this requirement for individual Locals for good cause.

***Establishment
of intermediate
bodies***

Section 2. The International Executive Board shall from time to time establish intermediate bodies including, but not limited to, State and Provincial Councils, and Canadian Regional Conferences as well as other bodies, when in its judgment such bodies are necessary to further the aims of the International Union and the interests of Local Unions. The International Executive Board shall establish the jurisdiction of such bodies, and shall issue rules prescribing the activities and financing of such bodies.

***Local affiliation
and per capita
requirements***

Section 3. All Local Unions determined by the International Union to be within the jurisdiction of any intermediate body shall affiliate with such bodies and comply with their bylaws, including provisions in such bylaws requiring the payment of per capita taxes to the intermediate body, together with interest on late payment if so authorized by the intermediate body. The

International Executive Board may in its discretion modify these requirements. In the case of State Councils, a Local Union shall affiliate with each State Council having jurisdiction over the primary worksite(s) of its members, and shall pay each such State Council per capita tax on those members whose primary worksite is within that State Council's jurisdiction.

Section 4. The bylaws of such intermediate bodies shall not conflict with the Constitution and Bylaws of the International Union. Such bylaws shall provide that the number of votes a Local has in such bodies shall be proportionate to its numerical strength as determined by the payment of per capita tax, excluding associate members, life members and agency fee payers, to the intermediate body. This requirement may be waived by the International President, subject to his/her approval of an alternative voting procedure. Such bylaws and any amendments must be submitted to and approved by the International President before becoming valid. Notwithstanding such approval, each intermediate body shall resubmit its bylaws to the International President for consideration and approval within one hundred twenty (120) days following the conclusion of each regular International Convention.

*Conformance
to International
Constitution*

Section 5. The bylaws of the Regional Conferences and Joint and State Councils shall provide that all officers of a Local Union elected in conformity with all applicable statutes shall by virtue of such election be considered to be eligible delegates to any Convention of such body which may take place during their term of office. If under the rules of the particular intermediate body a Local Union is entitled to additional delegates at said Convention, then arrangements may be made at the option of the Local Union Executive Board for nomination and secret ballot election, if required, of an additional number of Convention delegates. The Local Union must designate in its own bylaws the order in which the officers would be designated as delegates if fewer than all the officers are entitled to go to the Convention as delegates, provided that the chief executive officer of the Local Union shall, if otherwise eligible, be deemed entitled even in the event the Local Union fails to so designate. Any Local Union may by provision in its Local Constitution and Bylaws dispense with the foregoing provision that officers of the Local Union be ex officio delegates to the Convention of such intermediate bodies and may provide for nomination and, if required, secret ballot election of such delegates.

*Eligibility
of Local
officers as
delegates*

*Additional
Delegates*

Section 6. No officer of an intermediate body may receive compensation of any kind from the intermediate body, except for a minimal stipend or expenses as appropriate. This limitation shall not apply to intermediate bodies in Canada.

*Restrictions on
Compensation*

Article XIX PAYMENTS IN CONNECTION WITH DEATHS OF MEMBERS

Death gratuities

For members of any Local Union who were in good standing in connection with this Article XIX on September 1, 1984, the Service Employees International Union Death Gratuity Program, as amended effective September 1, 1984, shall be maintained in effect for those members who meet the eligibility and participation requirements set forth in such amended Program. When the International Executive Board in its discretion determines that it is necessary or advisable to abolish, curtail or limit any payments provided for in the Program or to amend or modify any provisions governing such payments, it shall have authority to do so. The International Union shall notify each Local Union sixty (60) days before the effective date of any changes in the provisions of the Program.

Article XX PENSION FUND FOR OFFICERS AND EMPLOYEES OF LOCAL UNIONS AND AFFILIATED BODIES

Maintenance of Pension Fund

Section 1. The Pension Fund known as the "SEIU Affiliates' Officers and Employees Pension Fund," heretofore established pursuant to mandate of this Constitution and existing by virtue of a Trust Agreement entered into between the International Executive Board and the Trustees shall continue to be maintained in accordance with the terms of said Trust Agreement. The SEIU Affiliates' Officers and Employees Pension Fund shall be divided into two distinct sections, the United States Section and the Canadian Section.

Pension sponsor

Section 2. The International Union shall be the "Plan Sponsor" as that term is defined in the Employee Retirement Income Security Act of 1974.

Executive Board authority

Section 3. The International Executive Board shall have the power to:

Pension Trustees

(a). Designate the number and appoint all of the individual Trustees of the Pension Fund; and to remove any such Trustee and to fill any vacancy as may exist from time to time; provided, however, that at least two (2) Trustees shall be officers or employees of Local Unions and at least two (2) Trustees shall be members of the International Executive Board; and provided further that there shall be no less than the number of Canadian Trustees required by Canadian law.

Agreements, amendments

(b). On behalf of the International Union, enter into agreements with the Trustees to amend the Trust Agreement in such manner as it may deem necessary or desirable.

(c). Upon recommendation of the Trustees of the Pension Fund, waive participation in, or payments in whole or in part to, the Pension Fund by any Local Union, or affiliated body, upon a finding that contributions are not advisable or are not necessary or required, and upon such terms as the International Executive Board may require, including directing that participating Local Unions remit the amount waived directly to the International for such purposes as the Board deems appropriate and

Waivers

(d). Waive, in whole or in part, or increase the payments required by Section 8 of this Article XX, upon the merger or affiliation of any labor organization or Local Union with the International Union or any of its Local Unions, upon a finding that such action is necessary or required.

*Waivers upon
merger or
affiliation*

Section 4. The Trustees of the Pension Fund shall be the "Named Fiduciaries" as that term is defined in the Employee Retirement Income Security Act of 1974.

*Pension
fiduciaries*

Section 5. The Trustees shall be and the same are hereby empowered to adopt a Pension Plan or Plans and Rules and Regulations for the administration thereof which they deem appropriate, provided, however, that such Plan or Plans and Rules and Regulations shall, to the extent permitted by applicable law, provide that:

*Pension
participation
requirements*

(a). Only officers, full-time permanent employees who have gross compensation at an annual rate of four thousand dollars (\$4,000) and part-time and temporary employees who work more than six months in any twelve-month period and who have gross annual compensation of four thousand dollars (\$4,000) or more in that period shall be eligible for coverage. Gross compensation shall include only the regular salary paid by a Local Union, or affiliated body, or if accepted for participation by the Trustees, any organization related to a Local Union or affiliated body which furthers the purposes of or benefits the membership of such Local Union or affiliated body. Gross compensation shall be defined so as to preclude the award of credits for what the Trustees may consider special or unusual compensation (as, for example, payment for attending meetings or participating in picket duty), including but not limited to part or all of any compensation as may be received from a second or additional employer. In the event that applicable law requires employee participation and/or the granting of pension credits for employment which would otherwise be precluded by the foregoing, then, in such event, the Trustees shall endeavor to limit such participation and granting of service credit in accordance with the foregoing to the extent permitted by law.

Coverage

*Unusual
compensation
precluded*

On or after January 1, 1994, the Trustees shall be empowered to adjust the four thousand dollars (\$4,000) and/or the six month contribution requirements, should the Trustees determine that said change(s) would be actuarially sound.

(b). Employees of related organizations may be eligible for participation in the Pension Fund subject to such Rules and Regulations as the Board of Trustees may adopt.

*Authority of
Pension
Trustees*

Section 6. The Board of Trustees shall have the following powers, in addition to those which may be granted to them by the Trust Agreement:

*Employment
of advisors*

(a). To employ the services of any actuary, legal counsel and other professional advisors as they deem necessary to assist them with the formulation of the Pension Plan or Plans, the determination and monitoring of the contribution rate to support the Plan on a sound actuarial basis and maintenance of the Pension Fund, and to pay for such services from the Pension Fund.

*Access to
records*

(b). To require the Secretary-Treasurer of any Local Union or affiliated body to furnish to them such records as they may deem necessary for the proper administration of the Pension Fund.

*Amendments
to Pension
Plans*

(c). To make all necessary amendments to the Pension Plan or Plans as may be required to render the Pension Trust Fund qualified and tax exempt under applicable provisions of the Internal Revenue Code and the Income Tax Act (Canada) or which may be deemed by them to be necessary to conform the Pension Plan or Plans and Trust Fund to all other applicable laws.

*Exceptions
from coverage*

(d). To provide exceptions from coverage in the case of officers or employees who are entitled to be covered under an employee pension benefit plan maintained by a public employer or public utility, under such uniform and non-discriminatory rules as the Board of Trustees may establish, for the purpose of preventing duplication of pension coverage or benefits for such persons, if such exceptions do not conflict with applicable law or adversely affect the tax exempt status of the Pension Plan or Trust.

*Increasing
payments*

(e). To increase or decrease the payments required by Section 8 of Article XX as permitted by law.

*General
authority*

(f). To take all such steps as they deem necessary to effectuate the purposes of this Article XX and to protect the rights and interests of the participants of the Pension Fund.

*Safeguarding
of assets*

Section 7. The Trustees shall keep all assets of the Pension Fund separate and distinct from all other revenue and income received by the International Union; shall transfer said Pension Fund assets to Corporate Trustee(s) or Corporate Custodian(s) which they may appoint; may remove any such Corporate Trustee(s) or Corporate Custodian(s) and appoint a successor; and may pay the fees of such Corporate Trustee(s) or Corporate Custodian(s) from the Pension Fund.

*Pension
contributions*

Section 8(a). Subject to any changes and amendments made by the International Executive Board or the Trustees pursuant to their authority set forth herein, each

Local Union and affiliated body within the United States shall pay to the Pension Fund an amount equal to fourteen percent (14%) of the gross monthly compensation of each eligible officer and employee, and each Local Union and affiliated body within Canada shall pay to the Pension Fund an amount equal to fourteen percent (14%) of the gross monthly compensation of each eligible officer and employee.

(b). The contribution provided for above shall be paid to the Pension Fund before the end of the month following the month in which the eligible officer or employee receives any compensation on which a pension contribution is payable. Contributions shall commence from the first date of employment of the eligible officer or employee.

*Time of
contribution
to Pension Fund*

(c). If a Local Union or affiliated body required to contribute to the Pension Fund fails to make payments required herein, the provision of Article XIII, Section 3 of this Constitution and Bylaws shall be applicable.

*Sanctions for
non-payment*

Section 9. The International Union shall indemnify all Trustees, the Fund Coordinator and Fund office employees from and against any liability which they may incur while acting in their official capacities, except for liability resulting from their gross negligence, willful misconduct, fraud or criminal act, including the cost of all legal expenses incurred in connection with the defense against any such charge.

*Limitation
of liability*

Article XXI LOCAL ENFORCEMENT OF INTERNATIONAL CONSTITUTION

Any Local Union or affiliated body willfully neglecting to enforce the provisions of this Constitution and Bylaws shall be subject to suspension or revocation of its charter or such other sanctions as may be determined by the International President.

*Obligation
to enforce
Constitution*

Article XXII NON-LIABILITY OF INTERNATIONAL UNION

Except as is otherwise specifically provided in this Constitution, no Local Union, or affiliated body, nor any officer, employee, organizer or representative of a Local Union or affiliated body or of this International Union shall be authorized to make contracts or incur liabilities for or in the name of the International Union unless authorized in writing by the International President and the International Secretary-Treasurer, or the International Executive Board.

*Lack of
authorization
to obligate
International*

Article XXIII LITIGATION

Obligation to exhaust procedural remedies

A. Subject to applicable law, no member, Local Union or affiliated body shall bring any action against the International Union or any other Local Union or affiliated body or any officers thereof, with respect to any matter arising out of the affairs of the International Union or its Local Unions or affiliated bodies unless he or she has exhausted all procedures available under this Constitution and the laws promulgated thereunder. Any member, or Local Union or affiliated body, filing suit in violation of this provision may, in addition to other penalties, be ordered to reimburse the organization or officers sued for the costs and attorneys' fees expended, or a portion thereof.

Authority to defend

B. The International Union is authorized upon affirmative vote of the International Executive Board to pay all expenses for investigation services, employment of counsel and other necessary expenditures in any cause, matter, case or cases where an International Union officer, representative, employee, agent or one alleged to have acted on behalf of the International Union is charged with any violation or violations of any law or is sued in any civil actions with respect to any matter arising out of his or her official duties on behalf of the International Union, except if such officer, representative, employee or agent is charged with a breach of trust to the International Union, or any affiliate or member thereof, in which event he or she may be indemnified only if the action is terminated favorably to him or her.

Limitation of liability

C. Neither the International Union nor any of its officers shall be responsible or liable for the wrongful or unlawful acts of any Local Union or affiliated body or officers, members, or agents thereof, except where the International Union or its officers have actually participated in or actually authorized such acts, or have ratified such acts after actual knowledge thereof.

Service of process

D. Only the elected officers of the International Union are authorized to be its agents for service of process. General organizers, staff members and employees of the International Union and the officers and employees of subordinate bodies are not authorized to be agents of the International Union for service of process under any circumstances.

Article XXIV AMENDMENTS

Amendment procedure

This Constitution and Bylaws may be amended by action of any regular Convention of the International Union or Special Convention called for that purpose. Amendments may be proposed at such Convention in the same manner as is provided herein for the submission of Convention resolutions. A majority of the Convention votes cast on such amendment shall be necessary for adoption.

Article XXV DISSOLUTION

This International Union cannot dissolve while there are seven (7) dissenting Locals. No Local Union, provisional local or organizing committee can dissolve, secede or disaffiliate while there are seven (7) dissenting members; no other affiliated bodies can dissolve, secede or disaffiliate while there are two (2) dissenting Local Unions. The International Union shall be notified by registered or certified mail of any meeting, scheduled by a Local Union or affiliated body for the purpose of taking a vote on disaffiliation from the International Union at least sixty (60) days prior to the date of such scheduled meeting, and a representative of the International Union shall be afforded an opportunity to speak at such meeting. The International President shall direct whether the membership vote shall be conducted by secret ballot at a membership meeting and/or by mail referendum, and, if appropriate, a separate method by which dissenting Local Unions or members may assert their dissent. The vote shall be counted by an independent neutral party. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of such Local Union or affiliated body shall become the property of the International Union. Under no circumstances shall any Local Union or affiliated body distribute its funds, assets or properties individually among its membership.

*Dissolution
procedure*

*Membership
Vote and
Dissent*

*Reversion
of property,
funds*

Article XXVI SAVINGS PROVISION

If any provision of this Constitution shall be modified or declared invalid or inoperative by any competent authority of the executive, judicial or administrative branch of a state, provincial or federal government, including, but not limited to, any provision concerning dues or per capita tax, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity or modification and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purposes of the invalid or modified provision. In the case of a challenge to a dues or per capita tax provision, this authority shall also apply in the event the Executive Board determines that such actions are necessary at an earlier stage of judicial or administrative proceedings in order to ensure the effective implementation of the intent of the Constitutional provision at issue. If any Article or Section of this Constitution should be modified or held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances, other than those as to which it has been held invalid or modified, shall not be affected thereby.

*Savings
provision*

SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION

Rights

The right to have opinions heard and respected, to be informed of union activity, to be educated in union values and union skills.

The right to choose the leaders of the union in a fair and democratic manner.

The right to a full accounting of union dues and the proper stewardship over union resources.

The right to participate in the unions bargaining efforts and to approve union contracts.

The right to have members concerns resolved in a fair and expeditious manner.

Responsibilities

The responsibility to help build a strong and more effective labor movement, to support the organizing of unorganized workers, to help build a political voice for working people, and to stand up for ones co-workers and all workers.

The responsibility to be informed about the internal governance of the union and to participate in the conduct of the unions affairs.

The responsibility to contribute to the support of the union.

The responsibility to treat all workers and members fairly.

The responsibility to offer constructive criticism of the union.

SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES ON THE JOB

Rights

The right to have work that is worthwhile to society, personally satisfying to the worker, and which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.

The right to have a meaningful and protected voice in the design and execution of ones work and in the long-term planning by ones employer as well as the training necessary to take part in such planning.

The right to fair and equitable treatment on the job.

The right to share fairly in the gains of the employer.

The right to participate fully in the work of the union on the scope, content and structure of ones job.

Responsibilities

The responsibility to participate in the unions efforts to establish and uphold collective principles and values for effective workplace participation.

The responsibility to recognize and respect the interests of all union members when making decisions about union goals.

The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.

The responsibility to participate fully in the unions efforts to expand the voice of workers on the job.

The responsibility to give fully and fairly of ones talents and efforts on the job and to recognize the legitimate goals of ones employer.

MANUAL OF COMMON PROCEDURE

INITIATION RITUAL

PRESIDENT:—"It is my duty to inform you that the Service Employees International Union requires perfect freedom of inclination in every candidate for membership. An obligation of fidelity is required; but let me assure you that in this obligation there is nothing contrary to your civil or religious duties. With this understanding are you willing to take an obligation?"

(Answer.)

PRESIDENT:—"You will now, each of you, raise your right hand and recite the following obligation:

MEMBERSHIP OBLIGATION:

"I, (name) _____, pledge upon my honor that I will faithfully observe the Constitution and Bylaws of this Union and of the Service Employees International Union.

"I agree to educate myself and other members in the history of the labor movement and to defend to the best of my ability the principles of trade unionism, and I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it."

PRESIDENT:—"You are now members of the Service Employees International Union."

OFFICERS' INSTALLATION OBLIGATION

"I, (name) _____, accept my responsibility as an elected officer of the Service Employees International Union and "I pledge that I will faithfully observe the Constitution and Bylaws of the Service Employees International Union.

"I pledge that I will work to the best of my ability to provide effective and responsible leadership and representation to the members, including organizing the unorganized workers within my jurisdiction.

I agree to defend the principles of trade unionism; to work to improve the lives of working people; and to help elect _____ pro-worker politicians.

"I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it."

DEBATE

The following rules shall be used to govern debate unless the Local Union has adopted its own rules or regulations:

Rule 1. The regular order of business may be suspended by a vote of the meeting at any time to dispose of urgent business.

Rule 2. All motions (if required by the chair) or resignations must be submitted in writing.

Rule 3. Any conversation, by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business shall be deemed a violation of order.

Rule 4. Sectarian discussion shall not be permitted in the meetings.

Rule 5. A motion to be entertained by the presiding officer must be seconded, and the mover as well as seconder must rise and be recognized by the chair.

Rule 6. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote.

Rule 7. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 8. A motion shall not be subject to debate until it has been stated by the chair.

Rule 9. A member wishing to speak shall rise and respectfully address the chair, and if recognized by the chair, he or she shall be entitled to proceed.

Rule 10. If two or more members rise to speak, the chair shall decide which is entitled to the floor.

Rule 11. Any member speaking shall be confined to the question under debate and avoid all personal, indecorous or sarcastic language.

Rule 12. Attending meetings under the influence of liquor or any controlled substance not lawfully prescribed is basis for removal.

Rule 13. No member shall interrupt another while speaking, except to a point of order, and the member shall definitely state the point, and the chair shall decide the same without debate.

Rule 14. Any member who is called to order while speaking shall be seated until the point of order is decided, after which, if decided in order, such member may proceed.

Rule 15. Any member who feels personally aggrieved by a decision of the chair may appeal such decision to the body.

Rule 16. When an appeal is made from the decision of the chair, the Vice President shall act as chairperson; the appeal shall be stated by the chair to the meeting in these words: "Shall the decision of the chair be sustained as the decision of this Union?" The member will then have the right to state the grounds of appeal and the chair will give reasons for its decision; thereupon the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the chair.

Rule 17. No member shall speak more than once on the same subject until all who wish to speak have spoken, nor more than twice without unanimous consent, nor more than five (5) minutes at any one time without consent of a two-thirds vote of all members present.

Rule 18. The presiding officer shall not speak on any subject unless such officer retires from the chair, except on a point of order or to make an official report or give such advice and counsel as the interests of the organization warrant. In case of a tie the presiding officer shall have the deciding vote.

Rule 19. When a question is before the meeting, no motion shall be in order except:

1. To adjourn;
2. To lay the question on the table;
3. For the previous question;
4. To postpone to a given time;
5. To refer or commit;
6. To amend.

These motions shall have precedence in the above order. The first three of these motions are not debatable.

Rule 20. If a question has been amended, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall be put as follows:

1. Amendment to the amendment.
2. Amendment.
3. Original proposition.

Rule 21. When a question is postponed indefinitely, it shall not come up again except by a two-thirds vote.

Rule 22. A motion to adjourn shall always be in order, except:

1. When a member has the floor;
2. When members are voting.

Rule 23. Before putting a question to vote, the presiding officer shall ask, "Are you ready for the question?" Then it shall be open for debate. If no member rises to speak or the debate is concluded, the presiding officer

shall then put the question in this form: "All in favor of this motion say 'aye'"; and after the affirmative vote is expressed, "Those of the contrary opinion, say 'no'." After the vote is taken, the presiding officer shall announce the result in this manner: "It is carried [or lost] and so ordered."

Rule 24. Before the presiding officer declares the vote on a question, any member may ask for a division of the house. The chair is required to comply with this request. A standing vote shall thereupon be taken.

Rule 25. When a question has been decided it can be reconsidered only by two-thirds vote of those present.

Rule 26. A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 27. A member ordered to be seated three (3) times by the chair without complying shall be debarred from participating in any further business at that session.

Rule 28. All questions, unless otherwise provided, shall be decided by a majority vote.

Rule 29. The presiding officer of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.

ORDER OF BUSINESS

1. Opening.
2. Roll call of officers.
3. Reading of minutes of the previous meeting.
4. Applications for membership.
5. Initiation of new members.
6. Communications and bills.
7. Reports of officers, executive board
and committees.
8. Unfinished business.
9. New business.
10. Good and welfare.
11. Adjournment.

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