

CONSTITUTION
of the
LABORERS' INTERNATIONAL UNION
of NORTH AMERICA

As Amended by the 22nd Convention

September 17-20, 2001

and by Action of the General Executive Board

Through December 31, 2001

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Note: Throughout these Constitutions, wherever the masculine gender appears, the feminine form applies equally and may be substituted therefore.

PREAMBLE

We, the members of the Laborers' International Union of North America, believing that we are endowed with the inalienable natural right to provide for our existence and that of our families, and further believing that we have the right to band with others who have a common or mutual interest in the protection of these natural rights, in a proper and lawful manner, do hereby adopt this as the Constitution of the Laborers' International Union of North America.

ARTICLE I

Title and Authority

Section 1. This Organization shall be known as Laborers' International Union of North America, and shall consist of the members of Local Unions affiliated with, and subject to the laws, rules, regulations, policies, practices and lawful orders and decisions of the said International Union, and shall not be dissolved while there are five good-standing affiliated Local Unions objecting to its dissolution.

Section 2. The supreme authority of the International Union shall reside in the members in Convention assembled through representatives of their own choosing, by election of

delegates as hereinafter provided. In the interim period between Conventions, this authority shall reside in the General Executive Board.

ARTICLE II

Objects and Powers

Section 1. OBJECTS:

It shall be the object of the International Union:

- (a) To unite under its banner all persons engaged in work within its jurisdiction as hereinafter defined, for their mutual benefit, aid and protection;
- (b) To promote or establish appropriate wages, fringe benefits, training, hours of employment and working conditions for all such workers;
- (c) To secure recognition by employers and the public of the workers' right to engage in collective bargaining;
- (d) To promote the development and maintenance of health, welfare and on-the-job safety practices and such educational and staff training programs among its affiliates and members as would best effect a full knowledge of their rights, responsibilities, welfare and interest;
- (e) To promote, foster, develop and advance the skills, efficiency, and working knowledge necessary, of such workers;
- (f) To promote, foster and develop programs which advance the social utility and efficiency of the industries employing its members;
- (g) To promote industrial peace and develop a more harmonious relationship between employees and employers;
- (h) To promote a harmonious relationship between this Organization and other organizations in the Labor Movement, as would best effectuate the welfare and interest of the members;
- (i) To strive for effective programs which would improve, advance and increase the opportunities for employment;
- (j) To promote a better understanding by government and the public of the aims and objects of this Organization and the Labor Movement as a whole;
- (k) To engage in legislative and other activities to promote, protect and advance the physical, economic and social welfare of the workers and all people;

(l) To effectuate the philosophy of Samuel Gompers, of supporting our friends and defeating our enemies through such means as registration, voting, political education and citizenship activities involving the members, their families, and their friends;

(m) To engage in such research and educational activities as may be appropriate or necessary;

(n) To engage in legal activities appropriate for the defense and advancement of the interests of the International Union, its affiliates and their officers and membership;

(o) To promote and protect the trade jurisdiction of this International Union;

(p) To promote better understanding and improve the conditions of life of the laboring peoples of all countries;

(q) To establish a retirement program to maintain solidarity and to provide social and recreational opportunities for retirees; to publish information concerning and soliciting support for the Union's programs and policies; and to bring the special problems of retired members to the attention of the Union;

(r) To organize the unorganized and to take all such other action as may tend to conserve and promote the welfare and interest of this International Union, its affiliates and members.

Section 2. POWERS:

(a) The powers of this International Union are legislative, executive and judicial;

(b) As the sovereign authority it has the power to issue charters to Local Unions, District Councils and other subordinate bodies; and to define their powers and craft or territorial jurisdiction; to revise, amalgamate or revoke existing charters; and to govern, discipline, regulate or supervise these subordinate bodies as hereinafter provided;

(c) It is authorized to decide all questions relating to the rights, privileges and obligations of members and subordinate bodies of this International Union, as such rights, privileges and obligations are hereinafter provided;

(d) It is authorized to establish, declare, decide and enforce all matters of policy for and in behalf of itself, its subordinate bodies and members. It is also authorized to establish, declare and enforce such rules, regulations and orders or decisions that are incident to, or necessary to administer the provisions of this Constitution. Its orders and decisions on all such matters shall be final, binding and conclusive;

(e) When the International Union is not in Convention assembled, its executive and judicial powers are vested in the General Executive Board and the officers as hereinafter provided.

The General Executive Board may exercise legislative power when, in its opinion, it deems it necessary to conform to or comply with law; or when, in its judgment, the exercise of such power is deemed necessary, proper and appropriate. It may exercise this power for the purpose of new legislation or to amend the Constitution of the International Union or the Uniform Constitutions of affiliated Local Unions or District Councils provided that any such new legislation or amendment shall automatically be subject to ratification by the delegates to the next General Convention of the International Union. In the exercise of legislative authority other than as above specified, the General Executive Board may submit any legislative proposal to the membership, by referendum.

If any Article, Section or part thereof of the International Union, Uniform Local Union, or Uniform District Council Constitutions should be held invalid by operation of law, the remainder of such Constitution or the application of such Article, Section, or part thereof to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby;

(f) It shall have the authority to take such action as may be necessary, appropriate and proper to preserve this International Union as an institution;

(g) It shall have the authority to take such action as it may deem necessary, appropriate, and proper to assist the governments of the United States, Canada and elsewhere in the protection and conservation of the general welfare of the peoples of such countries;

(h) It shall have the authority, in behalf of itself, and/or its affiliated Local Unions, District Councils and other subordinate bodies, to affiliate or disaffiliate with any federation, or state, area, county or local labor organizations as, in its judgment, it deems proper;

(i) When deemed beneficial or necessary and in the best interests of the International and its subordinate bodies, it shall have the authority to amalgamate or merge with other labor organizations under such terms and conditions which, in its judgment, it deems appropriate, and to make such amendments to the Constitutions as may be necessary to effectuate the merger or amalgamation. Any such amalgamated or merged body is subject to deamalgamation or expulsion after notice and hearing when it shall be deemed beneficial or necessary and in the best interests of the International, its affiliates and its members;

(j) In order to promote and conserve the welfare and interest of the International Union and its subordinate bodies, it shall have the authority to take such action as, in its opinion, it may deem beneficial or necessary to carry out the objects and purposes of the Organization.

ARTICLE III

Jurisdiction

Section 1. (a) The territorial jurisdiction of the International Union shall include the United States of America and Canada and their Possessions, Territories, Protectorates and Instrumentalities and such other areas as may further the purposes and objects of the International Union;

(b) The trade jurisdiction of this International Union shall include all work recited in the original charter grant from the American Federation of Labor in 1903 and that work subsequently granted by the American Federation of Labor in 1912; and all the jurisdiction acquired by mergers and amalgamations with the Compressed Air and Foundation Workers International Union, the Tunnel and Subway Constructors International Union, the International Union of Pavers, Rammermen, Flag Layers, Bridge and Stone Curb Setters and Sheet Asphalt Pavers, the Journeymen Stone Cutters Association of North America, the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders Union, the National Federation of Independent Unions, and all work granted by the decisions of the American Federation of Labor and its affiliated Departments and as a result of decisions of public and private tribunals; and as a result of trade or area practice or subsequent mergers; as a result of organization and collective bargaining agreements; as historically and traditionally exercised by the International Union, including the Industrial, Health Care and Public Service Sectors, and as outlined in the Manual of Jurisdiction declared and promulgated by the General Executive Board.

ARTICLE IV

Headquarters, Label and Seal

Section 1. The headquarters and general office of the International Union shall be located in the City of Washington, District of Columbia; there shall also be established and maintained by the International Union such regional and subregional offices as, in the opinion of the General Executive Board, may be necessary, expedient or advisable for the purpose of carrying out the executive functions of the International Union as well as the service to affiliated subordinate bodies and members.

Section 2. The seal of this International Union shall be:



This seal shall constitute and be the official label of this International Union and all of its affiliated bodies, with such other descriptive language as the General Executive Board may determine.

ARTICLE V

Conventions and Representation

Section 1. A regular Convention of this International Union shall be held once every five years during the months of September or October of the Convention year.

In order to afford opportunity for proper reservations and arrangements to be made, the opening date and the city in which the Convention shall be held, shall be decided by the General Executive Board.

Section 2. The General Secretary-Treasurer shall, not later than the 30th day of the month of April of the Convention year, mail to each affiliated Local Union and District Council in good standing, a Convention Call, advising them of the opening date of the Convention and the city where the Convention is to be held. The Convention Call shall also specify the number of delegates that each Local Union is entitled to elect as its representatives to the said Convention; such delegates to be elected in accordance with the provisions herein provided.

Section 3. The Convention shall be composed of members of the General Executive Board and the legally elected delegates of such Local Unions and District Councils as are in good standing at the time of the Convention and for a period of at least six months prior thereto. The members of the General Executive Board shall by virtue of their office serve as accredited delegates to the Convention and be entitled to all the privileges of duly elected delegates, but shall not be permitted to vote for officers unless they are permitted by law to do so. The designation of the members of the General Executive Board as delegates shall not affect the number of delegates to which their respective Local Unions shall otherwise be entitled. No delegate shall be entitled to a seat in the Convention unless in good standing when elected and at the time of the Convention.

If a duly elected delegate is unable to attend the Convention, the Local Union or District Council may send a substitute in place of the regular delegate, provided the substitute has been selected and named by the Executive Board of the Local Union or District Council. The Secretary of the Local Union or District Council shall then certify to the Credentials Committee of the Convention such selection, indicating the name and membership card number of the substitute and the date of the meeting when the selection was made. Such substitute shall possess all of the qualifications required of a regular delegate. If the Credentials Committee accredits such substitute as being entitled to a seat at the Convention, such substitute may participate in all of the business of the Convention except in the business of the nomination and election of officers.

A Local Union or District Council that is not in good standing at the time of the Convention shall have no standing or rights at the Convention.

*⁽¹⁾Section 4. Each Local Union in good standing and having a total membership of at least 300 members, shall be entitled to representation as follows: one delegate for each 300 members, determined by dividing the total membership by 300 and rounding up only for any excess of 0.5 or greater, provided, however, that any Local Union having a total membership of less than 300 shall have its membership combined, for the purpose of election of Convention delegates only, with that of another Local Union designated by the General Executive Board subject to review by the Elections Officer pursuant to Article VII, Section 8 of the International Union Constitution and to a determination by the General Executive Board Attorney that such combinations are not inconsistent with the objectives and purposes of the L.I.U.N.A. Ethical Practices Code and the L.I.U.N.A. Ethics and Disciplinary Procedure. Local Unions so affected shall be so notified by the General President not later than April 30 of the year in which a regular Convention is to be held, with a copy to the Elections Officer. The total membership shall be the average membership for the twelve months ending December 31 of the year immediately preceding the Convention. Each District Council in good standing shall be entitled to one delegate.

Delegates selected from the Mail Handlers Division shall be entitled to vote for the nomination and election of candidates for the offices of Vice Presidents at Large and for the nomination of candidates for the offices of General President and General Secretary-Treasurer, but shall not be entitled to vote for the nomination or election of candidates for the offices of District Vice President.

Section 5. The Credentials Committee shall, prior to and during the Convention, be authorized to examine, pass upon and determine the validity of the credentials of the various delegates, as submitted by their Local Unions or District Councils. The Committee shall report its findings to the Convention and recommend the seating of those delegates that it has accredited. The findings of the Credentials Committee shall be subject to review by the Elections Officer, pursuant to Article VII, Section 8 of the International Union Constitution.

Section 6. Any member desiring to protest the nomination or election of a delegate or delegates to the Convention from that member's Local Union or District Council, must mail the protest to the General Secretary-Treasurer of the International Union at Headquarters not later than thirty days after the election. All such protests shall be filed with and determined by the Elections Officer pursuant to Article VII, Section 8 of the International Union Constitution.

Section 7. If, after a member has been duly elected as a delegate to a Convention, such member is convicted of dishonesty, dual unionism, having worked in violation of established Union wages, hours and conditions, attempted secession, or other similar offenses, after filing of charges, due notice and proper hearing before a Trial Board, such conviction shall invalidate and deprive such member of the right to be seated as a delegate to the Convention.

Section 8. A majority of the delegates accredited and seated shall constitute a quorum.

Section 9. (a) Any member of a Local Union is eligible to be a delegate of the Local Union provided such member shall have been a member in good standing for at least two years in the International Union and for at least two years in the Local Union immediately prior to nomination and is current in the payment of dues and possesses such other qualifications as are required by Article V of the Uniform Local Union Constitution for the election of Local Union officers. However, in a Local Union chartered less than two years before the Convention, any member is eligible to be a delegate provided such member shall have been in good standing for at least six months in the International Union and for at least six months in the Local Union immediately prior to the Convention and is current in the payment of dues and possesses such other qualifications as are required by Article V of the Uniform Local Union Constitution for the election of Local Union officers. No newly-chartered Local Union or District Council shall be entitled to representation at the Convention if that Local Union or District Council has not held its charter for a period of at least six months immediately prior to the Convention;

(b) Each Local Union shall nominate and elect delegates to the Convention of the International Union by secret ballot, after receipt of the Convention Call from the General Secretary-Treasurer, in such number as is specified in the Convention Call, not earlier than the month of May nor later than the 30th day of June of the Convention year; self-nominations shall not be allowed.

(c) A Local Union shall not conduct nomination and election of delegates to the Convention at the same meeting. No less than fourteen days prior to said nominations meeting, notice thereof shall be mailed by the Secretary-Treasurer to the last-known address of each good-standing member of the Local Union, and such notice shall list the number of delegate positions to be filled and the time and place of such meeting. Notice shall also be sent to the Elections Officer, who must receive said notice no less than seven days before the meeting. If, following the close of nominations and prior to the election, it is discovered that one or more of the nominees is unqualified to run, that person shall be disqualified. Further nominations to fill the position of the disqualified member shall be accepted if, but only if, the disqualification brings the number of nominees below the number of delegates allocated to the Local Union. If, at said nomination meeting candidates for the position of delegate are unopposed, the nominees shall be declared duly elected.

(d) In the event there are more candidates than delegate positions to be filled, a secret ballot election shall be conducted and the membership shall determine and fix the date on which the election shall be held and the place and hours during which the polls shall remain open. The Secretary-Treasurer of the Local Union shall mail a written notice to the last-known address of each member in good standing, informing the member of the date, place and time of election and the number of delegates to be elected; such notice to be mailed not less than fifteen days prior to the date of election. Notice shall also be sent to the Elections Officer, who must receive said notice no less than seven days before the election;

(e) The conduct of the election itself shall be as provided for in Article VI, Sections 3 and 4 of the Uniform Local Union Constitution;

(f) The delegate to the International Union Convention shall be elected by the District Council by secret ballot in accordance with the provisions hereof from among its Local Union delegates who have been elected thereto.

Section 10. The General Secretary-Treasurer shall furnish to each Local Union blank original and duplicate credentials in such number as hereinabove provided.

After receipt of said credentials, the Recording Secretary shall fill in the names of the duly elected delegates to the Convention and shall sign both the original and duplicate credentials; the President shall countersign said credentials.

The duplicate credentials shall then be forwarded to the General Secretary-Treasurer not later than the 30th day of June of the Convention year with a copy to the Elections Officer.

The original credential shall then be delivered to each duly elected delegate. Each delegate shall register with the Credentials Committee in order to be duly accredited and entitled to a seat in the Convention and as such delegate, shall be entitled to cast one vote.

Section 11. A per diem allowance and transportation to duly elected delegates who are accredited and seated and who attend all sessions of the regular Convention shall be in such amount as is established by the General Executive Board of the International Union and shall be paid out of the Convention Fund.

Section 12. The Order of Business and Rules of a Convention shall be considered by the Convention Committee on Order of Business and Rules, after which it shall prepare its report and submit same to the Convention, at the opening thereof, for adoption.

Section 13. All resolutions submitted for consideration of a Convention must be sent to and be received by the General Secretary-Treasurer at the Headquarters of the International Union in Washington, D.C., not later than thirty days immediately preceding the opening date of said Convention.

All resolutions must be filed in duplicate and must be signed by a duly elected delegate to the Convention.

Section 14. The Committees of the Convention, except as herein otherwise provided, shall be composed of at least nine members or such greater number as determined by the General President and shall be as follows:

Committee on Credentials and Audit

Committee on Order of Business and Rules

Committee on General Executive Board's Report

Committee on General President's Report

Committee on General Secretary-Treasurer's Report

Committee on Constitution and Law

Committee on Resolutions

Committee on Organization

Committee on Grievances, Adjustments and Appeals

Committee on Education, Training and Safety

Committee on Welfare and Pension

Committee on Legislation and Public Affairs

Committee on Canadian and International Affairs

Section 15. The General President shall, before the opening of the Convention, appoint the Committee on Credentials and Audit, the Committee on Order of Business and Rules, the Committee on Constitution and Law and the Committee on Resolutions. Committee appointments shall be made at such time as the General President may deem necessary.

Section 16. The Committee on Credentials and Audit shall consist of three Convention delegates. After appointment and upon notice from the General President, this Committee shall go to the Headquarters of the International Union and examine the financial records and securities of the International Union and prepare its audit report for submission to the Convention.

Section 17. SPECIAL CONVENTIONS:

(a) A Special Convention may be held upon order of the General Executive Board of the International Union when, in its opinion, it deems it necessary, advisable and expedient to hold such Convention;

(b) If and when a Special Convention is ordered by the General Executive Board, such Special Convention may deal only with such matter or matters as are stated by the General Executive Board as the purpose for holding the Special Convention;

(c) In the event a Special Convention is ordered, then the General Executive Board is authorized to set and fix all dates dealing with and relative to the holding of such Convention and the city in which the Convention shall be held;

(d) The provisions under this Article dealing with Convention matters shall apply to Special Conventions insofar as they are applicable;

(e) When such a Special Convention is to be held, the General Executive Board shall determine the number of Committees necessary to properly handle the matter or matters to be considered and acted upon by said Special Convention;

(f) The General Executive Board shall also fix and determine the number of delegates to be appointed by the General President to function as members of such Committee, or Committees.

ARTICLE VI

Officers

Section 1. The officers of this International Union shall be a General President, a General Secretary-Treasurer, four Vice Presidents at Large and one District Vice President from each of the nine Electoral Districts created by the General Executive Board pursuant to Article VIII, Section 2(a-ix) of this Constitution and, on an ex-officio basis, the President of the Mail Handlers Division, also known as the National Postal Mail Handlers Union. The President of the Mail Handlers Division shall serve as a member the General Executive Board solely by virtue of that office and shall not be subject to the provisions of Article VII of this International Union Constitution. In the period between Conventions, the General Executive Board shall have the power and authority to expand the number of Vice Presidents beyond those provided for herein if such action is taken to further a legitimate and proper object of the International Union in connection with a merger, affiliation or amalgamation with another national or international labor organization. Any such action shall first be submitted to the Inspector General for his approval. In the event such action is taken, the General Executive Board shall fill the position by appointment and shall select a member who possesses all of the qualifications required of an officer of the International Union. All Vice Presidents shall have the same duties, powers, authority and responsibility as described in Article X of this Constitution.

Section 2. Except in the case of a filling of a vacancy by death, resignation or otherwise, these officers shall be elected in accordance with terms of Article VII of the International Union Constitution; and upon election shall serve for a term of five years, beginning January 1st of the year following the said Convention and until their successors have been duly installed.

Section 3. These officers shall constitute and be members of the General Executive Board.

Section 4. A candidate for office shall be required to be and have been in good standing in the International Union for a period of at least five years; to be a citizen of the United States or Canada, unless such requirement is prohibited by provisions of applicable law; and to be a duly accredited delegate to the Convention.

Section 5. In the case of a vacancy occurring by reason of death, resignation or otherwise, the vacancy shall be filled by action of the General Executive Board of the International Union. In the event of a vacancy in the office of General President, the General Secretary-Treasurer shall inform the members of the General Executive Board that a vacancy in the office of General President exists, and shall convene a meeting of the General Executive Board for the purpose of filling the vacancy. The General Executive Board shall select one of the then members of the General Executive Board to serve as General President of the International Union for the unexpired term.

In the event of a vacancy in any other office, the General President shall inform the members of the General Executive Board of such vacancy and convene a meeting of the General Executive Board for the purpose of filling the vacancy. The General Executive Board shall select a member who possesses all of the qualifications required of an officer of the International Union to fill the vacancy and to serve for the unexpired term.

All officers to fill vacancies as herein provided shall serve as provisional officers until the next regular election at a Convention and until their successors have been duly installed.

Section 6. The officers and provisional officers of the International Union shall, by virtue of such office, be delegates at large to all Conventions and shall be entitled to all the rights of a delegate to the Convention, except the right to vote for officers unless they are permitted by law to do so.

Section 7. SALARIES:

The salary of the General President shall be increased from two hundred and one thousand six hundred twenty-four dollars (\$201,624.00) to two hundred and fifty thousand dollars (\$250,000.00) a year; the salary of the General Secretary-Treasurer shall be increased from one hundred ninety-three thousand five hundred sixty dollars (\$193,560.00) to two hundred thirty-five thousand (\$235,000.00) a year; the annual salary of each Vice President shall be twenty-five thousand dollars (\$25,000.00) provided that if the Vice President's total compensation from LIUNA and its affiliated or subordinate bodies is less than fifty-seven thousand five hundred dollars (\$57,500.00), LIUNA will pay the Vice President an additional amount to bring the Vice President's total annual compensation from LIUNA and its affiliated or subordinate bodies to fifty-seven thousand five hundred dollars (\$57,500.00).

The General President and General Secretary-Treasurer shall each be provided with the use of accommodations purchased or leased by the Union when such officers are in the City of Washington, District of Columbia, in connection with the performance of their duties and responsibilities.

The General Executive Board, between Conventions, is authorized to increase the salaries, benefits or other compensation of the General President or General Secretary-Treasurer to account for the increase in the cost-of-living, said adjustment not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau

of Labor Statistics, United States Department of Labor or based upon other factors deemed appropriate by the Board.

The officers shall receive such benefits and compensation, other than salary, as are provided other staff personnel of the International Union or are authorized for such officers by the General Executive Board and shall be entitled to receive awards for their services. The officers shall be reimbursed for all expenses incurred in connection with the performance of their duties and responsibilities.

Travel expenses may also be provided for an officer's spouse who accompanies the officer when the officer travels in connection with the performance of official duties and responsibilities.

Section 8. If a Local Union of which an officer of the International Union is a member becomes suspended for any reason, such officer shall then have the right to transfer membership into any other good-standing Local Union of the International Union.

ARTICLE VII

Election

Section 1. Except in the case of a filling of a vacancy caused by death, resignation or otherwise, the officers except as otherwise provided, shall be elected as set forth herein.

Section 2. No later than July 1 in any year in which a regular Convention is to be held, members wishing to seek the office of General President, General Secretary-Treasurer, or Vice President, shall declare their intention in writing to the Elections Officer, indicating the office sought. The Elections Officer shall determine the qualifications of such individual to hold such office pursuant to Article VI, Section 4 of the International Union Constitution as of July 1 of such year. No person may declare the intention to seek more than one of the above offices.

Section 3. No later than July 15 in any year in which a regular Convention is to be held, the Elections Officer shall furnish to each person appearing to hold the necessary qualifications the names, addresses, and telephone numbers of all relevant delegates.

Persons seeking the office of General President, General Secretary-Treasurer, and Vice President at Large shall be furnished with information concerning all delegates; persons seeking the office of District Vice President shall be furnished with information concerning those delegates from Local Unions and District Councils located within the Electoral District served by the District Vice President.

Section 4. In order to stand for election, a candidate must be nominated by duly elected delegates by secret ballot at the Convention.

In order to be nominated for the office of General President, General Secretary-Treasurer, or Vice President at Large, a candidate must secure the votes of at least five percent of all

delegates eligible to vote. If the candidate receives the votes of three percent or more of all delegates eligible to vote from among the delegates from any one Electoral District, the candidate must also receive the votes of a total of at least two percent of all delegates eligible to vote from among the delegates from another Electoral District or Districts. In order to be nominated for the office of District Vice President, a candidate must secure the votes of at least five percent of all delegates eligible to vote from the Electoral District served by such Vice President. If the candidate receives the votes of three percent or more of the delegates eligible to vote from the Electoral District from among the delegates eligible to vote from any one Local Union, the candidate must also receive the votes of a total of at least two percent of the delegates eligible to vote from the Electoral District from among the delegates eligible to vote from another Local Union or Unions. Any delegate may place in nomination the name of any member in good standing for the offices of General President, General Secretary-Treasurer, Vice President at Large, and District Vice President otherwise meeting the qualifications for the office specified in Article VI, Section 4 of the International Union Constitution.

Section 5. The General President, General Secretary-Treasurer, Vice Presidents at Large and District Vice Presidents shall be elected by direct secret ballot elections by members in good standing as defined in Article VI, Section 3(d) of the Uniform Local Union Constitution. The Elections Officer shall have the authority to determine the method of election of the General President, the General Secretary-Treasurer, Vice Presidents at Large, and District Vice Presidents, provided the method of election in a particular local shall be the same for all officers. Members of all Local Unions shall be entitled to vote for candidates for the offices of General President, General Secretary-Treasurer, and Vice Presidents at Large. Only members from Local Unions within an Electoral District shall be entitled to vote for candidates for the office of District Vice President from their respective District, as set forth in Article VIII, Section 2(a-ix) of the International Union Constitution. The election will be held at a time set by the Elections Officer, but no less than 60 days and no more than 80 days following the close of the regular Convention. The candidate receiving the highest number of votes cast shall be considered elected.

In the event that there is no contest for any particular office, the Secretary of the Convention may declare the candidate to be elected upon motion duly made and adopted to do so.

Section 6. Any protest regarding the nomination and election of any International Union officer must be made prior to the induction of such officer.

ELECTIONS OFFICER:

Section 7. Excepting the 1996 election, no less than one year before each regular Convention as described in Article V, the General Executive Board shall appoint an individual to serve as Elections Officer. The General Executive Board may appoint the Inspector General to serve as Elections Officer.

Section 8. It shall be the responsibility of the Elections Officer to ensure that elections for members of the General Executive Board are conducted in a free, fair and democratic manner, consistent with the principles of the LIUNA Ethical Practices Code. To achieve these goals, the Elections Officer shall have authority:

- (a) to take such actions as the Elections Officer may deem necessary to accomplish the purpose of the objects hereinabove outlined;
- (b) to establish and promulgate such rules and regulations as the Elections Officer believes or deems necessary to achieve the objects hereinabove outlined. The Elections Officer may provide reasonable limitations, variances, tolerances and exemptions from the requirements of said rules and regulations as, in the Elections Officer's judgment are appropriate and proper;
- (c) to adjudicate all disputes pertaining to the integrity of the nomination and election of delegates to the regular Convention and the nomination and election of members of the General Executive Board for the purposes of securing free, fair and honest election. Without limiting the foregoing, and notwithstanding any other provision of the International Union Constitution, the Uniform Local Union Constitution, or the Uniform District Council Constitution, the Elections Officer shall resolve all disputes pertaining to the qualification, nomination and election of delegates and the qualification, nomination and election of members of the General Executive Board;
- (d) to employ such personnel as are reasonably necessary to assist in the proper discharge of the Elections Officer's duties and to delegate any of the powers of that office to any such person as the Elections Officer may deem necessary;
- (e) to review and amend the combination of local unions for the purposes of election of delegates as set forth in Article V, Section 4 hereof;
- (f) the Elections Officer shall be given reasonable space in "The Laborer" for the purpose of communicating with the membership concerning election matters. The Elections Officer shall also promulgate rules granting space in "The Laborer" to qualified candidates. These rules shall comply with all requirements of law.

Section 9. The Appellate Officer shall have authority to review and pass upon any decision of the Elections Officer in accordance with procedures established by the Appellate Officer, who shall affirm the decision of the Elections Officer unless it is determined that the Elections Officer acted contrary to the terms of the International Union Constitution, the Uniform Local Union Constitution, the Uniform District Council Constitution, governing law, or any agreement between the United States and LIUNA with respect to international elections; or with respect to the exercise of the Election Officer's authority in accordance with Section 8(c) above, it is determined that there is an abuse in discretion by the Elections Officer.

Section 10. The appointment of the Elections Officer shall terminate one month after the election of the General Executive Board provided, however, that the Elections Officer shall have authority to resolve all matters then pending upon the expiration of the term. During the term of the Elections Officer's appointment, the Elections Officer may not be removed except upon a finding of good cause by the Independent Hearing Officer. An action to remove the Elections Officer may be brought only by the General Executive Board, with the concurrence of the GEB Attorney;

Section 11. Obstruction of or interference with the Elections Officer or any person designated by the Elections Officer to assist in carrying out the responsibilities of said office shall be deemed "barred conduct" and subject to disciplinary action in accordance with the Ethics and Disciplinary Procedure.

ARTICLE VIII

General Executive Board

Section 1. The General Executive Board of this International Union shall be composed of the General President, the General Secretary-Treasurer, and the four Vice Presidents at Large, and the nine District Vice Presidents.

Section 2. POWERS:

(a) Subject to review by the Convention it shall have authority and control over all of the executive and judicial powers of the International Union;

(b) The General Executive Board may exercise legislative power when, in its opinion, it deems it necessary to conform to or comply with the law; or when, in its judgment, the exercise of such power is deemed necessary, proper and appropriate. It may exercise this power for the purpose of new legislation or to amend the Constitution of the International Union or the Uniform Constitutions of affiliated Local Unions and District Councils provided that any such new legislation or amendment shall automatically be subject to ratification by the delegates to the next general Convention of the International Union. In the exercise of legislative authority other than as above specified, the General Executive Board may submit any legislative proposal to the membership, by referendum;

(c) It shall have authority and power to establish and promulgate such rules and regulations as, in its opinion, it believes or deems necessary to implement and carry out the intent of any provision of the International Union Constitution, the Uniform Local Union Constitution and the Uniform District Council Constitution. It may provide reasonable limitations, variances, tolerances and exemptions from the requirements of said rules and regulations as, in its judgment, it would deem appropriate and proper;

(d) It shall have the authority to interpret the provisions of said Constitutions and to review and pass upon interpretations of said Constitutions as may be made by the General President of the International Union, as hereinafter provided;

(e) It shall have the authority to review and pass upon the executive and judicial functions and acts of the Officers of the International Union;

(f) It shall have the authority to order the issuance of charters to Local Unions, District Councils or other subordinate bodies, specifying the territorial and craft jurisdiction to be allotted, when and where, in its opinion, the issuance of such charter would tend to accomplish, promote, enhance and conserve the welfare and interest of this International Union, its affiliates and members;

(g) Upon notice and after hearing, it shall have the authority to revoke, consolidate or amalgamate the charters of Local Unions, District Councils, or other subordinate bodies and to define or revise their craft or territorial jurisdiction;

(h) It may for good cause, illness or disability, make such financial provision for an officer or employee of the International Union as it deems is warranted by the length and character of the service rendered to the International Union by the individual;

(i) It shall have the authority to submit or decline to submit referenda to the membership;

(j) It shall have the authority to levy such assessments as, in its opinion, it may deem necessary and adequate and each such levy shall be valid no longer than the next succeeding regular Convention;

(k) It shall have the authority and the right to formulate proposals, resolutions, etc., for submission and consideration of a Convention, at any time;

(l) It shall have the authority to designate the depositories for the funds of the International Union and to regulate the method of withdrawal by the General President and the General Secretary-Treasurer, and shall have the power and authority to establish the investment policy of the funds of the International Union and regulate the manner and method in which these investments shall be made;

(m) The General Executive Board and the officers of the International Union shall be empowered and authorized to make such expenditures and payments out of the various funds of the International Union as, in their judgment, they deem proper and necessary to carry out the objects, purposes and policies of the International Union and to fulfill their duties and responsibilities as required by this Constitution;

(n) In order to promote and conserve the welfare and interest of the International Union, it shall have the authority to take such action as, in its opinion, it may deem beneficial or necessary to carry out the objects and purposes of this organization;

(o) It shall have the authority to require all officers, officials and members of the International Union and all its affiliates, to exercise every possible effort in the protection of the jurisdiction of the International Union, entrusted to their care;

(p) In the event of recurrence of national disputes with other labor organizations, the General Executive Board is authorized, either directly or through executive officers, or a committee appointed for such purpose, to meet and consider such disputes and adjust same in such manner as in its opinion, is deemed fitting and proper;

(q) It shall be authorized to prepare a Manual of Jurisdiction in which it shall outline and specify the craft jurisdiction of the International Union and promulgate same among the affiliates and members of the International Union for their information and guidance. It may, from time to time, revise said Manual;

(r) It shall have the authority to merge or amalgamate other national or international labor organizations into this International Union if, in its opinion, such merger or amalgamation would tend to conserve and protect the welfare and interest of this Organization, its affiliates and members and to establish the terms and conditions upon which this may be accomplished. After notice and hearing, it shall have the authority to deamalgamate or expel any such amalgamated or merged labor organization if, in its opinion, such deamalgamation or expulsion would serve and protect the welfare and interest of this Organization, its affiliates and members;

(s) It shall have the power to authorize the General President and General Secretary-Treasurer to enter into national, regional or area agreements with employers or employer associations and the General President is vested with authority to enforce observance of

such agreements by affiliated subordinate bodies and members and to issue such directions or orders as may be necessary to accomplish such purpose, subject to review by the General Executive Board;

(t) The General Executive Board, after investigation of areas where work is not organized, which could and should otherwise be organized, shall have the authority to take such action and steps and to regulate the procedure to be followed by affiliates and members, necessary to accomplish the goal of organizing the unorganized;

(u) It may, within the minimum and maximum initiation fee fixed herein or without regard thereto, waive or regulate the initiation fee an applicant for membership shall pay to join a particular Local Union, and it may regulate the payment in installments of initiation fees to Local Unions by applicants for membership and to fix the membership privileges of such applicants, pending payment in full thereof;

(v) It shall hold a regular meeting at least once each year at such time and place as it may decide; the General President may call special meetings from time to time as may be deemed necessary in the General President's judgment. It may also consider and decide matters brought to its attention, through the medium of a referendum by mail, telegram or telephone;

(w) It may establish and maintain regional and subregional offices in such areas within the jurisdiction of the International Union as, in its opinion, it deems necessary, expedient

or advisable; such offices shall be under the supervision of the General President who shall have authority to appoint a manager over each of said offices and such staff and additional personnel as may be required;

(x) It shall have the authority to establish and maintain Departments, Divisions, Bureaus, National Councils or Conferences of the International Union, when, in its opinion, it deems it necessary, expedient, or advisable to do so and to fix and promulgate regulations and rules to accomplish this purpose and to govern their operation;

(y) It shall have the power to authorize the publication of an official journal, to be known as "The Laborer" and to issue such other releases, pamphlets, bulletins or manuals as it may deem necessary;

(z) It may, from time to time, authorize research, surveys or actuarial studies to be made in conjunction with any or all of the operations or business of the International Union;

(a-i) It shall have the power to authorize the purchase or sale of property, both personal and real;

(a-ii) It may, after consideration and study of a particular matter or situation and when it believes it necessary to fully accomplish an object or purpose of the International Union or of its affiliates and members, grant limited variances, tolerances or exemptions from specific provisions of the Constitutions, established policies, practices, lawful orders and decisions, for a limited period of time and specify the conditions under which such grant is made;

(a-iii) It shall have the authority to take such action as it may deem necessary to accomplish the purpose of all of the objects hereinabove outlined;

(a-iv) It may, when in its opinion, the need for the preservation of records is no longer existent, order the disposition of same after a period of five years;

(a-v) It shall have the authority to delegate any of its powers to any member or members thereof and may revoke such delegation at any time;

(a-vi) Judicial Authority In the interim periods between regular Conventions of the International Union, all judicial authority not otherwise vested in the Independent Hearing Officer, Appellate Officer, Elections Officer, or Special Election Officer shall reside in the General Executive Board of the International Union; in pursuance of such authority it may impose such judgment or take such action as it deems warranted or appropriate over any circumstance concerning which such action is taken.

However, all charges and trials within affiliated Local Unions and District Councils must be processed at the Local Union or District Council level in the first instance unless the General President exercises the International Union's original jurisdiction pursuant to Uniform Local Union Constitution Article XII, Section 3 or Uniform District Council

Constitution Article XII, Section 3. Any interested party aggrieved by a resulting decision at the local level may then appeal therefrom to the Appellate Officer.

(a-vii) Delegation of Judicial Powers: The judicial power of the General Executive Board may be delegated by the General President to one or more of its members, with authority to hold hearings on appeals, protests, trusteeships, petitions, charges, or any other matter properly filed with the General Executive Board; when so delegated, such member or members of the General Executive Board shall be known as a Hearings Panel. Said Hearings Panel shall, after due notice, hold hearings and from the evidence adduced, make such Findings of Fact and Recommendations as, in its judgment, it deems proper, which Findings of Fact and Recommendations must then be reported and submitted to the General Executive Board as a whole for determination and decision;

(a-viii) Any member or subordinate body aggrieved by a decision, direction, ruling or order of the General Executive Board shall have the right to appeal therefrom to the Convention of the International Union, provided, within thirty days from the date of notice of said decision, direction, ruling or order, from the General Secretary-Treasurer, the aggrieved member or subordinate body shall file an appeal in writing with the International Union, addressed to the General Secretary-Treasurer at Headquarters.

A decision, direction, ruling, or order by the General Executive Board on any matter is final and binding until and unless it is reversed or modified by the following regular Convention.

(a-ix) There shall be nine Electoral Districts throughout the United States and Canada from each of which one District Vice President shall be elected. These Electoral Districts shall be as follows:

Electoral District 1 shall consist of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; and the state of New York except for the Mason Tenders' District Council of Greater New York and its affiliates. Newly chartered Local Unions in New York City will be assigned either to District 1 or District 2, as appropriate;

Electoral District 2 shall consist of the states of New Jersey and Delaware; and in New York City the Mason Tenders' District Council of Greater New York and its affiliates. Newly chartered Local Unions in New York City will be assigned either to District 1 or District 2, as appropriate.

Electoral District 3 shall consist of the Canadian provinces of Ontario, Nova Scotia, New Brunswick, Newfoundland, Labrador, Quebec, and Prince Edward Island.

Electoral District 4 shall consist of the states of Missouri, Kansas, Iowa, Indiana, Nebraska, and South Dakota; in the state of Kentucky the counties of Crittenden, Henderson, Union and Webster; and all of Illinois except the counties of Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will.

Electoral District 5 shall consist of the states of North Dakota, Minnesota, Michigan, and Wisconsin; and in the state of Illinois the counties of Boone, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will.

Electoral District 6 shall consist of the states of Alaska, Oregon, Washington, Montana, Idaho, Wyoming, Utah, Colorado, and Nevada; the Canadian provinces of British Columbia, Alberta, Saskatchewan, Manitoba, and the Yukon Territory and the Northwest Territory.

Electoral District 7 shall consist of the states of Pennsylvania, Maryland North Carolina, and Virginia; West Virginia except for the counties of Brook and Hancock; in Ohio the county of Belmont; and the District of Columbia.

Electoral District 8 shall consist of the states of Alabama, South Carolina, Georgia, Florida, Tennessee, Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Arizona; Kentucky except for the counties of Crittenden, Henderson, Union and Webster; in West Virginia the counties of Brook and Hancock; Ohio except for the county of Belmont; the Commonwealth of Puerto Rico, and the Virgin Islands.

Electoral District 9 shall consist of the states of California and Hawaii, and Guam.

ARTICLE IX

The General President

Section 1. GENERAL POWERS:

- (a) The General President, as the chief executive officer, shall have executive, administrative and judicial authority over the affairs and business of the International Union;
- (b) The General President shall have the authority to see to it that the affairs and business of Local Unions, District Councils or other subordinate bodies are being properly conducted in accordance with the International Union Constitution, the Uniform Local Union Constitution, the Uniform District Council Constitution and with all rules, regulations, policies, practices and lawful orders and decisions.

Section 2. CONVENTIONS:

- (a) The General President shall be the Chairperson and preside over all Conventions of the International Union;
- (b) The General President shall prepare and submit to each regular Convention a written report of the activities of the General President since the last regular Convention;

(c) The General President shall appoint an Assistant Secretary and other necessary clerical assistants and a Sergeant-at-Arms and assistants and such other Convention personnel as may be necessary to carry on the business of all Conventions;

(d) The General President shall, for each Convention, from the list of delegates, appoint all Committee members to function as members of all Convention Committees and advise the General Executive Board of all such appointments; the General President shall, ex-officio, be a member of all such Committees.

Section 3. GENERAL EXECUTIVE BOARD:

(a) The General President shall call and preside over all sessions of the General Executive Board, as its Chairperson;

(b) The General President may submit to the General Executive Board any matter within the authority of the General President.

Section 4. In order to administer the business of the International Union and to fulfill the duties and obligations required of the office, the General President shall have the authority to interpret the provisions of the International Union Constitution, the Uniform Constitutions of Local Unions and District Councils and the rules, regulations, policies, practices and lawful orders and decisions of the International Union and to decide grievances and disputes submitted by affiliated subordinate bodies and members. The General President's judgment or decision thereon shall be effective and binding until and unless reversed or modified by the General Executive Board.

Section 5. When any subordinate body, officer or member thereof fails, neglects or refuses to conform to or comply with a decision or order of the General Executive Board or of the General President, the General President may request, for such failure or refusal to conform and comply, a hearing before the General Executive Board, by filing such request with the General Secretary-Treasurer of the International Union. Upon receipt of such a request, the General Secretary-Treasurer shall issue an order to show cause why the decision or order of the General Executive Board or of the General President, as the case may be, was not complied with and shall convene the General Executive Board for the purpose of holding a hearing thereon. If after hearing all concerned, the General Executive Board finds (a) that there has been a failure to show compliance and (b) that there has been a failure to show good and sufficient reason for non-compliance, the General Executive Board may: (1) in the case of a subordinate body, revoke, recall and cancel its charter or impose such other discipline as, in its judgment, it deems just and proper, or (2) in the case of an officer or member, suspend such officer or member or impose such other discipline as, in its judgment, it deems just and proper.

Section 6. The General President shall have the authority and power to investigate the affairs of a subordinate body when, upon information or complaint or when, in the General President's opinion, it is necessary to determine whether the affairs of a

subordinate body or the activities of any of its officers or members are being conducted in violation of the Constitution.

Pursuant to said authority, the General President shall have the power, either personally or through a designated representative to investigate and inquire into the manner in which the affairs are administered by the subordinate bodies, their officers or members and to examine the books, records, papers, accounts, securities, purported agreements or understandings or any other documents in the custody of said subordinate bodies or any officer, official, employee or member thereof and require personal appearance of any officer, official, employee or member as, in the General President's judgment, may be deemed necessary to such investigation or inquiry.

In connection therewith, the General President may employ the services of a Certified Public Accountant or other services as the General President may deem advisable or necessary. After such investigation or inquiry, the General President shall take such action as the General President may deem necessary or appropriate, including the temporary suspension of an officer or employee pending a hearing to be conducted within thirty (30) days before the General Executive Board on charges filed by the General President.

Section 7. TRUSTEESHIP:

When in the opinion of the General President, action is necessary 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 such subordinate body or the International Union, or to protect the organization as an institution, the General President may file charges against any officer or member with the General Secretary-Treasurer for hearing before the General Executive Board, or appoint a temporary trustee or, in the General President's sole discretion, a supervisor to take charge and control of the affairs of such subordinate body; provided, however, that prior to the appointment of such trustee or supervisor the General President shall cause to be issued a notice setting a time and place for hearing for the purpose of determining whether such temporary trustee or supervisor shall be appointed, but provided further, however, that where, in the judgment of the General President, an emergency situation exists within the subordinate body, a temporary trustee or supervisor may be appointed prior to such hearing, but such hearing shall then commence within 30 days and a decision made within 60 days after the appointment of such temporary trustee or supervisor; and further provided in all cases the subordinate body shall be advised of the reasons for the proposed or actual appointment of a trustee or supervisor, and that adequate notice of a hearing thereon at least 10 days prior to the date of the hearing shall be given to the subordinate body involved. During the period of trusteeship, all the officers and delegates of the subordinate body are relieved of their particular trust. In the case of supervision, one or more of the officers or delegates may be removed from office at the direction of the General President. The subordinate body and the officers and members thereof shall cooperate with the trustee or supervisor designated by the General

President, in order that the purposes of the trusteeship or supervision may be accomplished as soon as possible. The trustee or supervisor shall be authorized to take full charge of the affairs of the subordinate body, to appoint temporary officers or employees at any time during the trusteeship or supervision, and to take such other action as, in the trustee's or supervisor's judgment, is necessary for the preservation of the subordinate body and its interests. The trustee or supervisor shall, from time to time, report on the affairs and transactions of the subordinate body to the General President. The General President may remove trustees or supervisors at any time and appoint successor trustees or supervisors.

The trustee or supervisor, temporary officers and persons employed to carry on the affairs of said subordinate body, during the period of trusteeship or supervision, shall give bond in such form and amount as may be necessary to indemnify against possible financial loss.

The trustee or supervisor shall take possession of all such funds, books, records, and papers of the Local Union or subordinate body and tender receipt for same. The trustee or supervisor shall pay all outstanding claims, properly proved, if funds are sufficient.

The International Union shall not be responsible for any actions or activities or activities of the Local Union or subordinate body unless such actions or activities have been directed or authorized by the trustee or supervisor and unless such actions or activities were undertaken in the trustee's or supervisor's capacity as a representative of the International Union and not in such official's capacity as a fiduciary of the subordinate body. Actions undertaken by the trustee or supervisor in the capacity of fiduciary of the subordinate body shall not be the responsibility of the International Union unless such actions have been directed or authorized by the International Union.

When it is determined by the General President or the General Executive Board that self-government should be restored, in the case of trusteeship, the trustee shall conduct an election at such time as the trustee shall designate, in conformity with the provisions of the Uniform Local Union Constitution as far as practical and, upon the installation of officers, the trusteeship shall terminate and the trustee shall return all remaining funds, books, records and papers to the Local Union or other subordinate body. In the case of supervision, full autonomy shall be restored upon direction of the General President terminating the supervision. Officers of the Local Union who were not removed from office during supervision and whose term of office has not expired or who were re-elected to office during supervision, shall continue in office upon the termination of supervision.

Section 8. THE GENERAL PRESIDENT SHALL HAVE THE AUTHORITY:

(a) To appoint such personnel as the General President may deem necessary to assist in carrying out all of the duties and functions of the office;

(b) To appoint managers of regional and subregional offices of the International Union and to appoint such organizers and representatives as may be necessary to the function and purposes of said regional or subregional offices;

(c) To direct the activities of all Departments of the International Union and appoint such personnel as may be necessary to carry out such activities;

(d) To fix the salaries and other compensation of persons appointed pursuant to this section and reimburse them for expenses incurred by them in connection with the performance of their duties and responsibilities.

Section 9. (a) The General President shall have the authority to retain the services of a Certified Public Accountant for the purpose of auditing the financial books and records of the International Union;

(b) The General President and General Secretary-Treasurer, jointly, shall have the authority to employ auditors for the purpose of rendering assistance to affiliates and their officers in complying with their legal and constitutional obligations and in connection therewith, they may examine such books, records, accounts and any other documents relating to the financial standing of subordinate bodies and render such other assistance at such times and for such purpose as they, in their judgment, may deem necessary and appropriate to conserve the integrity and welfare of the International Union, its affiliates, officers and members.

Section 10. The General President shall have the authority to appoint delegates or representatives of this International Union to conventions, meetings or conferences of all bodies

with which this International Union is affiliated or in the activities in which it participates or in which, in the General President's opinion, it has an interest, and to reimburse them for expenses incurred by them in connection with the performance of their duties and responsibilities.

Section 11. (a) Whenever the General President deems it to be in the best interests of the International Union, the General President may waive or regulate the initiation fee or readmission fee, or any part thereof, payable to the International Union. The General President may also waive or regulate the initiation fee an applicant for membership shall pay to join a particular Local Union, and may regulate the payment in installments of initiation fees to Local Unions by applicants for membership, and fix the membership privileges of such applicants, pending payment in full thereof;

(b) The General President may, after consideration and study of a particular matter or situation and when believed necessary to fully accomplish an object or purpose of the International Union or of its affiliates and members, grant variances, tolerances or exemptions from specific provisions of the Constitutions, established policies, practices,

lawful orders and decisions, for a period of time and specify the conditions under which such grant is made.

Section 12. The General President and the General Secretary-Treasurer are jointly vested with authority to enter into National, Regional, and Area agreements with employers or employer associations. The General President, subject to review by the General Executive Board, is vested with full authority to enforce observance of such agreements and to enforce observance of other lawful agreements made by Local Unions and other subordinate bodies; and to enforce observance of other lawful orders pertaining thereto, by Local Unions, other subordinate bodies, and members.

Section 13. The General President and the General Secretary-Treasurer are jointly authorized to order the issuance of Local Union and District Council charters, specifying the territorial and trade jurisdiction to be allotted, when and where, in their opinion, the issuance of such charter would tend to accomplish, promote, enhance and conserve the welfare and interest of this International Union, its affiliates and members.

Section 14. The General President and the General Secretary-Treasurer shall make all expenditures of the International Union out of the funds of the International Union as hereinafter provided, on order drawn on the various accounts of the International Union.

All checks for expenditures of less than \$5,000.00 may be signed by either the General President or General Secretary-Treasurer; all checks in amounts of \$5,000.00 or more shall require the signatures of both the General President and the General Secretary-Treasurer.

Section 15. The General President shall be authorized to institute or defend and resolve such suits or proceedings as may be necessary to protect and conserve the property, welfare and interest of this International Union and its subordinate bodies.

Section 16. The General President shall furnish bond in such sum as the General Executive Board may determine, to indemnify against possible financial loss to the International Union. The premium for such bond shall be paid by the International Union.

Section 17. The General President shall, upon the expiration of the term of said office, surrender and turn over to the International Union all books, monies or other property in the General President's custody, possession or control.

Section 18. The General President shall have the authority to dismiss or resolve administratively a charge, objection, protest or appeal where the General President finds that the charge, objection, protest or appeal would not warrant action by the International Union General Executive Board or Local Union or District Council Trial Board even if the facts recited in the charge, objection, protest or appeal were true or where the General President finds that the charge raises matters not properly the subject of the disciplinary process. An administrative determination by the General President of a charge, objection,

protest or appeal is final and binding unless modified or reversed on appeal to the General Executive Board or to the International Union Convention.

Legal Department--General Counsel

Section 19. The General President, with the approval of the General Executive Board, shall retain the services of a General Counsel and such Associate General Counsel as may be deemed necessary and proper.

The General Counsel shall perform the duties of said office under the supervision and direction of the General President with the approval of the General Executive Board.

The General Counsel shall have the general surveillance of the Legal Department of the International Union in all legal matters.

The General Counsel shall meet with and advise the General Executive Board on all matters dealing with the legislative and judicial functions of the International Union, matters of International policy, and at all hearings on appeals filed with the General Executive Board.

The General Counsel shall maintain said office at the Headquarters of the International Union, in order to advise and consult with the General President and General Secretary-Treasurer and all other officials of the International Union, on general and routine business of the Organization.

Unless excused by the General President or the General Executive Board, the General Counsel shall, without vote, be present and have a voice at all conventions, conferences and meetings of the General Executive Board or of the International Union.

The General Counsel shall fulfill all assignments received from the General Executive Board or the General President.

The General Counsel shall receive for such services an annual salary or retainer, payable monthly, as is fixed by the General President, with the approval of the General Executive Board, and may receive such other compensation, allowances and expenses as the General President deems fitting and proper.

ARTICLE X

Vice Presidents

Section 1. Each Vice President, as a member of the General Executive Board, shall attend all meetings of the said General Executive Board.

Section 2. Each Vice President shall, when assigned by the General President, act as the General President's personal representative and in such matters as may be deemed of such importance as to require the attention of an officer of the International Union.

Section 3. When designated and assigned by the General President, a Vice President shall be authorized to investigate a dispute between Local Unions or between Local Unions and District Councils or between District Councils, regarding their territorial or craft jurisdiction. The Vice President shall, after due notice, hold hearings or conduct such investigation as the Vice President deems appropriate and from the evidence adduced, make Findings of Fact and Recommendations, which Findings of Fact and Recommendations must then be reported and submitted to the General Executive Board as a whole for determination and decision. The decision, ruling, or order of the General Executive Board is final and binding until and unless it is appealed to the General Secretary-Treasurer within thirty days and reversed or modified by the following regular Convention.

Section 4. Each Vice President shall be authorized to act on any matter delegated by the General Executive Board, as an officer or member of said Board, including the authority to officiate as a Hearings Panel, either singly or jointly with other Vice Presidents, as herein-above provided.

ARTICLE XI

General Secretary-Treasurer

Section 1. The General Secretary-Treasurer shall receive all monies due and owing to the International Union, including per capita tax, initiation fees, readmission fees and all other lawful fees and assessments payable by affiliated Local Unions and other subordinate bodies. The General Secretary-Treasurer shall give proper receipt for such monies collected.

Section 2. The General Secretary-Treasurer shall be authorized to pay all financial obligations of the International Union in amounts up to \$5,000.00; payments of amounts of \$5,000.00 and over, shall be made jointly with the General President.

Section 3. The General Secretary-Treasurer shall deposit all monies received in such bank or depositories as may be designated by the General Executive Board, in the name of the International Union.

Section 4. The General Secretary-Treasurer shall keep a true and accurate record of all such financial transactions and shall be authorized to hire and engage the services of such personnel as may be necessary to carry out all of the duties and responsibilities of said office and to purchase and maintain such equipment and supplies as may be available, for the proper and efficient keeping of records.

Section 5. The General Secretary-Treasurer shall be authorized to issue such instructions and orders to affiliated Local Unions, District Councils or other subordinate bodies and members thereof, as may be deemed necessary in carrying out the duties of said office.

Section 6. The General Secretary-Treasurer shall be the custodian of all books, records, documents and property of the International Union.

Section 7. The General Secretary-Treasurer shall prepare and distribute to the members of the General Executive Board, to each affiliated Local Union and District Council, an annual financial report of the receipts and disbursements of the International Union.

Section 8. The General Secretary-Treasurer shall, together with the General President, negotiate agreements as provided for in Article IX, Section 12 of this Constitution.

Section 9. The General Secretary-Treasurer shall, together with the General President, issue charters to Local Unions, District Councils and other subordinate bodies, as provided for in this Constitution.

Section 10. The General Secretary-Treasurer shall, upon receipt of the per capita tax, initiation fees and readmission fees, allocate to the various Funds of the International Union, the proportion hereinafter provided.

Section 11. The General Secretary-Treasurer shall perform the duties of Secretary at all Conventions of the International Union.

Section 12. The General Secretary-Treasurer shall perform the duties of Secretary at all meetings of the General Executive Board.

Section 13. The General Secretary-Treasurer shall, when requested by the General President, perform such duties as are outlined in Article IX, Section 5 of this Constitution.

Section 14. The General Secretary-Treasurer shall furnish bond in such sum as the General Executive Board may determine to indemnify against possible financial loss to the International Union. The premium for such bond shall be paid by the International Union.

Section 15. The General Secretary-Treasurer shall, upon the expiration of said term of office, surrender and turn over to the International Union all books, monies or other property in the General Secretary-Treasurer's custody, possession or control.

Section 16. The General President and General Secretary-Treasurer, jointly, shall have the authority to employ auditors for the purpose of rendering assistance to affiliates and their officers in complying with their legal and constitutional obligations and in connection therewith, they may examine such books, records, accounts and any other documents relating to the financial standing of subordinate bodies and render such other

assistance at such times and for such purpose as they, in their judgment, may deem necessary and appropriate to conserve the integrity and welfare of the International Union, its affiliates, officers and members.

ARTICLE XII Limitation of Powers

Section 1. The powers of all Officers shall be those as specifically provided for in this Constitution.

Section 2. The powers and acts of representatives or employees of the International Union, shall be as authorized by the General Executive Board, General President or General Secretary-Treasurer or as herein otherwise provided.

Section 3. The International Union shall not be held responsible for any act by any of the above, which act is not in accordance with the powers specifically provided for either in the Constitution or as specifically granted, unless:

- (a) such unauthorized act or acts were ordered or approved by the International Union, or
- (b) such unauthorized act was ratified by the International Union after written notice thereof.

Section 4. Local Unions, District Councils, and Divisions affiliated with the International Union are not agents of the International Union and are not authorized to act for, or to otherwise bind, the International Union except where prior approval, authorization, or direction is given in writing by the International Union, or where the International Union ratifies acts performed by affiliated Local Unions, District Councils or Divisions after written notice thereof. However, in no case is the International Union liable or responsible for autonomous acts of its affiliated Local Unions, District Councils, or Divisions.

ARTICLE XIII Revenue

Section 1. The revenue of this International Union from affiliated Local Unions shall be as follows:

- (a) Charter and Initial Supplies. \$25.00

Monthly Per Capita Tax (including apprentice members and agency fee payers):

Effective January 1, 2002 \$12.00

Effective January 1, 2003 12.50

Effective January 1, 2004 13.00

Effective January 1, 2005 13.50

Any affiliate which receives income or revenue from bargaining unit members who do not become members or apprentice members, shall pay a monthly assessment on such unit members to the International Union in an amount equal to the then-applicable per capita for members.

(b) Initiation Fee

Effective January 1, 2002 \$45.00

Readmission Fee

Effective January 1, 2002 \$20.00

(c) Assessments, supplies and all other lawful payments from affiliated Local Unions, District Councils and other subordinate bodies or other income from sources not specified in this section.

Section 2. The revenue of the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND shall be derived by payment directly thereto, by each affiliated Local Union and District Council, monthly, of an amount equal to twelve percent (12%) of the gross salary paid to each of its full-time officers and employees covered by the Fund, provided that no payment shall be made on behalf of salary which is at a rate lower than six thousand dollars (\$6,000.00) per year for any one person, or for any salary in excess of seventy-five thousand dollars (\$75,000.00) per year for any one person, together with such contributions as the International Union may determine to make; effective January 1, 2002, the revenue of the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND shall be derived by payment directly thereto, by each affiliated Local Union and District Council, monthly, of an amount equal to fourteen percent (14%) of the gross salary paid to each of its full-time officers and employees covered by the Fund together with such contributions as the International Union may determine to make. The minimum salary requiring contributions to the Fund shall be ten thousand (\$10,000.00) dollars per year except that said minimum salary shall continue to be six thousand (\$6,000.00) dollars per year for full-time employees and officers who were participants in the Fund as of December 31, 1996. Additional revenue shall be derived from contributions from training trust funds and other entities obligated to contribute to the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND pursuant to and at the rate set forth in agreements with its trustees.

ARTICLE XIV

Funds

Section 1. There shall be maintained a General Fund, a Death Benefit Fund, an International Union Pension or Retirement Fund, a Regular Convention Fund, and such other special funds as may be duly established in accordance with the International Union Constitution, by order of the General Executive Board.

Section 2. These Funds and their assets shall be kept separate and distinct from each other and the proceeds of one Fund shall not be used to meet the obligations of another Fund. Each Fund shall be liable for its particular obligations. Notwithstanding this or any other provision of this Constitution to the contrary, a portion of the payments and contributions described herein may be applied to finance a supplemental, excess benefit retirement program that may be established and maintained by the General Executive Board for the benefit of participants and beneficiaries in the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND, and the revenue of the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND shall then consist of such payments and contributions less the amounts applied first to finance such supplemental program.

Section 3. If these Funds are to be administered by the officers of the International Union through their facilities, then an administration charge to each Fund shall be made in such amount as is fixed by the General Executive Board; such administration charge shall be paid to the General Fund.

Section 4. There shall be established and maintained, by an Agreement and Declaration of Trust entered into by the General Executive Board on behalf of the International Union, with three persons who shall then serve as Trustees of the Pension Fund, a separate and distinct Pension Fund for full-time officers and employees of Local Unions and District Councils, affiliated with the Laborers' International Union of North America, which shall be known and designated as L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND for the purpose of receiving and disbursing all money necessary to finance such a Pension Fund. The three Trustees of the Pension Fund shall at all times be those persons who occupy the office or position of General President, General Secretary-Treasurer and General Counsel; such trust agreement shall be substantially consistent with the draft form submitted to and discussed by the Resolutions Committee of the Fourteenth Convention, and in conformity with the Convention Resolution adopted by the aforesaid Fourteenth Convention. The General Executive Board may establish and maintain a supplemental, excess benefit retirement program for the benefit of participants and beneficiaries of the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND, and may direct that a portion of the payments and contributions payable to the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND by Local Unions, District Councils, and other bodies be applied first to finance such supplemental program, with the balance constituting revenues of said Pension Fund, provided that the Pension Fund remains soundly funded.

ARTICLE XV

Apportionment and Distribution of Revenue

Section 1. The apportionment, distribution and allocation from initiation fees, readmission fees and per capita tax received by the International Union to each of the various Funds shall be as follows:

INITIATION FEES: One hundred percent (100%) thereof shall belong to the General Fund.

READMISSION FEES: One hundred percent (100%) thereof shall belong to the General Fund.

PER CAPITA TAX: Effective January 1, 2002, eleven dollars and fifty cents (\$11.50) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2003, twelve dollars (\$12.00) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2004, twelve dollars and fifty cents (\$12.50) thereof shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

Effective January 1, 2005, thirteen dollars (\$13.00) shall belong to the General Fund; fifty cents (\$.50) thereof shall belong to the Regular Convention Fund.

With respect to the per capita tax charged for retirees, five dollars (\$5.00) thereof shall belong to the General Fund.

The International Union Staff Pension or Retirement Fund shall be funded on an actuarial cost basis to comply with applicable pension law. The General Fund of the International Union will make monthly employer contributions to the International Union Staff Pension or Retirement Fund based on actuarial cost as determined by the actuary. There will be no direct allocation of per capita tax or fees to the International Union Staff Pension or Retirement Fund; and the funding of the Plan will be the obligation of the International Union General Fund.

Section 2. All other income, unless expressly otherwise provided, shall belong to the General Fund.

ARTICLE XVI

Membership

Section 1. The qualifications, rights and obligations of members shall be as specifically provided for in Article III, Sections 1, 2, and 3, Article VIII, Section 5 and Article VIII, Section 7 of the Uniform Local Union Constitution.

Section 2. No member shall bring or cause to be brought in any court, whether in law or equity, any action against a Local Union, District Council or the International Union or their officers, representatives or employees, in any matter involving an issue arising out of or related to his the member's membership, which is remediable within the framework of the International Union, Local Union or District Council Constitution without having first exhausted all of the remedies available under the aforesaid Constitutions.

Section 3. No member, Local Union, District Council or other subordinate body or officer thereof, shall bring or cause to be brought in any court, whether in law or equity, any action against a Local Union, District Council or the International Union or their officers, representatives or employees, asserting rights set forth in the International Union Constitution, the Uniform Local Union Constitution, or the Uniform District Council Constitution as a matter of contract. The sole and exclusive remedy for the enforcement of rights found in this Constitution shall be through procedures contained herein, including provisions relating to charges, trials and appeals. Decisions of the General President or the General Executive Board regarding such constitutional rights or, upon any appeal, of the International Union Convention, deciding any such rights are final and binding and not subject to further judicial review.

Section 4. Venue to litigate any action arising out of contractual rights allegedly premised upon the International Union Constitution, the Uniform Local Union Constitution or the Uniform District Council Constitution, including any cause seeking to challenge or restrict the application of the foregoing Section shall exist only in the Federal District Court for the District of Columbia.

ARTICLE XVII

Charters

Section 1. Charters to Local Unions, District Councils and other subordinate bodies shall be issued in accordance with this Constitution, as hereinabove provided.

Section 2. The General Executive Board shall fix and determine the form of application for charter and the form of the charter.

Section 3. The charter fee and the initiation fee and per capita tax for each member to be registered must accompany the application.

Section 4. Every charter, when issued, shall be deemed to have been issued in accordance with and subject to the International Union Constitution and every provision now a part of said Constitution or hereafter duly adopted shall be binding upon Local Unions, District Councils or other subordinate bodies, their officers and members, as binding provisions as if they had been specifically included in said charter. Each Local Union and each District Council shall be bound by and comply with all of the provisions of the International Union Constitution, the Uniform Local Union Constitution and Uniform District Council Constitution, respectively.

ARTICLE XVIII

Obligations of Affiliates

Section 1. Each affiliated Local Union and each affiliated District Council and the officers thereof, shall conform to and comply with all of the obligations as provided for in the Uniform Local Union Constitution, Uniform District Council Constitution, and the International Union Constitution, respectively.

Section 2. Any Local Union, District Council or other subordinate body or the officers thereof, which attempts to cause secession by a Local Union, District Council or other subordinate body from the International Union, or seeks the division of funds, or affiliates with or joins an entity not created by or specifically approved by the International Union, may be fined, suspended, expelled or placed in trusteeship, after notice, hearing and decision by the General Executive Board.

Section 3. Each Local Union shall, through its Secretary-Treasurer, pay to the International Union a per capita tax of \$12.00 effective January 1, 2002, \$12.50 effective January 1, 2003, \$13.00 effective January 1, 2004, and \$13.50 effective January 1, 2005, payable for the current month on each member in the Local Union and, pay an initiation fee of \$35.00 for each member registered with the International Union as a member and \$15.00 for each member readmitted; and effective January 1, 2002, pay an initiation fee of \$45.00 for each member registered with the International Union and \$20.00 for each member readmitted; each initiation fee and each readmission fee must be accompanied by the per capita tax for the month in which the member is registered or readmitted. For retirees each Local Union shall pay to the International Union a per capita tax of \$5.00 per retired member each month.

Section 4. If a Local Union fails, neglects or refuses to pay to the International Union the per capita tax, initiation fees, readmission fees or other lawful payments within the time prescribed, it may be deemed suspended without further notice.

Section 5. Upon a complaint, hearing, and finding by the General Executive Board that a Local Union has falsified or been delinquent in its payments and/or its reports to the International Union, or has failed, neglected, or refused to pay to the District Council with which it is affiliated the per capita tax, initiation fees, readmission fees, or other lawful payments within the time prescribed, it may be suspended from, or may be placed in trusteeship by, the International Union or it may be assessed the cost of investigation and audit, in addition to the amount involved in the falsification and/or delinquency of its reports.

Section 6. If a Local Union is suspended, dissolved or ceases to exist, all of its property, funds, books, papers and paraphernalia shall immediately revert to and become the property of the International Union and the General President may forthwith, either personally or by deputy, take possession thereof for the International Union. Alternatively, in the General President's sole discretion, the International Union may

refrain from taking any or all of the former Local Union's property, funds, books, papers, or paraphernalia.

The officers and members of said Local Union shall be severally and jointly responsible for such property, funds, books, papers, and paraphernalia until the same are turned over to the General President or authorized representative.

This section shall apply to affiliated District Councils and all other subordinate bodies chartered by the International Union.

Section 7. No Local Union or officer thereof shall bring or cause to be brought in any court, whether in law or in equity, any action against another Local Union, District Council or the International Union, or their officers, representatives or employees, in any matter involving an issue arising out of or related to their charter or to their rights or obligations, which is remediable within the framework of the International Union, Local Union or District Council Constitution, without first having exhausted all of the remedies available under the aforesaid Constitutions. Any Local Union which violates this reasonable obligation may, if found guilty, after notice and hearing in accordance with the provisions of the aforesaid Constitutions, have its charter revoked and be fined, and may in addition thereto, be assessed the amount which such litigation caused to be expended on the Local Union, the District Council or the International Union. Any officer who violates this reasonable obligation, after notice and hearing in accordance with the provisions of the aforesaid Constitutions, if found guilty, may be removed from office and fined, and may, in addition thereto, be assessed the amount which such litigation caused to be expended by the Local Union, the District Council or the International Union.

This section shall apply to affiliated District Councils and all other subordinate bodies chartered by the International Union.

Section 8. (a) Effective January 1, 2002, Local Unions shall charge not less than forty-five dollars (\$45.00) nor directly or indirectly more than six hundred dollars (\$600.00), as an initiation fee.

(b) Local Unions shall charge, as readmission fee, amounts as provided for in Article VIII, Section 6 of the Uniform Local Union Constitution;

(c) Each Local Union shall fix and regulate the dues payable by its members in such amount as is lawful and necessary to carry out its objects, purposes and obligations; except for apprentice members, such amount shall not be less than twenty dollars (\$20.00) as of January 1, 2002, twenty-one dollars (\$21.00) as of January 1, 2003, twenty-two dollars (\$22.00) as of January 1, 2004, twenty-three dollars (\$23.00) as of January 1, 2005, and twenty-four dollars (\$24.00) as of January 1, 2006. In areas where District Councils exist, said dues shall be fixed and regulated as provided for in Article II, Section 2(e) and Article VIII, Section 2 of the Uniform District Council Constitution. Affiliates shall have the authority upon the recommendation of the Executive Board and

approval by the membership to set a lesser schedule of minimum dues for apprentice members. Regular monthly dues for apprentices may be reduced but not eliminated. A member who has held continuous membership for 50 years or more shall receive a gold membership card and shall be excused from the payment of any further dues obligation, and the member's Local Union shall not owe per capita tax for such member, in tribute to their years of service and devotion to the Laborers' International Union.

(d) All dues, whether below, at, or above the minimum of nineteen dollars (\$19.00) shall be increased by no less than one dollar (\$1.00) per month no later than January 1, 2002, by an additional one dollar (\$1.00) no later than January 1, 2003, by an additional one dollar (\$1.00) on January 1, 2004, by an additional one dollar (\$1.00) on January 1, 2005, and by an additional one dollar (\$1.00) on January 1, 2006.

Section 9. (a) Effective January 1, 2002, each Local Union and District Council, through its Secretary-Treasurer, shall pay directly to the L.I.U.N.A. LOCAL UNION AND DISTRICT

COUNCIL PENSION FUND, payable by the last day of the following month for which said salary is paid, an amount equal to fourteen percent (14%) of the gross salary paid to each of its full-time officers and employees covered by the Fund.

The minimum salary requiring contribution to the Fund shall be ten thousand dollars (\$10,000.00) per year with respect to full-time officers and employees who were not participants in the Fund prior to January 1, 1997, but shall remain at six thousand dollars (\$6,000.00) per year for full-time officers and employees who were participants in the Fund as of December 31, 1996.

(b) If a Local Union or District Council fails, neglects or refuses to pay the L.I.U.N.A. LOCAL UNION AND DISTRICT COUNCIL PENSION FUND the payment herein specified within the time prescribed above, but not later than the last day of the month following the month in which it is due, the Local Union or District Council may be deemed suspended without further notice.

(c) The provisions of the Agreement and Declaration of Trust (10/25/61), as amended, for the L.I.U.N.A. Local Union and District Council Pension Trust are hereby incorporated into this Constitution as if specifically set forth, provided however that nothing in this Constitution shall require the Pension Fund to exhaust constitutional remedies before invoking available legal remedies.

ARTICLE XIX

District Councils

Section 1. The General Executive Board, or the General President and General Secretary-Treasurer, shall authorize the issuance of District Council charters in such areas as, in

their judgment, the best interests of the International Union, Local Unions and members thereof, demand.

Section 2. SUCH CHARTERS MAY BE ISSUED:

(a) Upon application of a number of affiliated Local Unions in an area when it is deemed advantageous and beneficial to said Local Unions to combine their economic power, effort and strength into a unit which would tend to enhance, promote and conserve their welfare and interest and that of their members; or

(b) When the General Executive Board, or the General President and General Secretary-Treasurer, upon examination of conditions as they may exist in a given area, believe that the welfare and interest of a group of Local Unions and their members would be enhanced, promoted and conserved by the issuance of a District Council charter.

Section 3. When a District Council charter is issued, all Local Unions within its territorial and/or craft jurisdiction shall affiliate and remain affiliated with said District Council.

Section 4. The form of the application and the form of the charter of District Councils shall be as is prescribed by the General Executive Board.

Section 5. The membership of the District Council shall consist of the delegates from affiliated Local Unions who have been properly and lawfully elected as such delegates and each affiliated Local Union shall be entitled to representation as provided for in Article IV, Section 3 of the Uniform District Council Constitution.

Section 6. Suspension of Local Unions from this International Union automatically suspends them from the District Council.

Section 7. The objects and powers of a District Council shall be as provided for and fully outlined in Article II of the Uniform District Council Constitution.

Section 8. The obligations of a District Council, its officers and members thereof, shall be those as outlined in Article III of the Uniform District Council Constitution.

Section 9. The District Council shall hold meetings in accordance with the requirements of Article X of the Uniform District Council Constitution.

ARTICLE XX

Mail Handlers Division

Section 1. Effective January 1, 2002, the per capita tax payable by the National Postal Mail Handlers Union, a Division of LIUNA ("Mail Handlers Division") to the International Union shall be six dollars (\$6.00) per regular member per month. Three dollars and ninety-five cents (\$3.95) thereof shall belong to the General Fund; twenty-

five cents (\$.25) thereof shall belong to the Regular Convention Fund; and one dollar and eighty cents (\$1.80) thereof shall belong to a bargaining and administration fund.

Effective January 1, 2003, the per capita tax payable by the Mail Handlers Division to the International Union shall be six dollars (\$6.00) per regular member per month. Four dollars and five cents (\$4.05) thereof shall belong to the General Fund; twenty-five cents (\$.25) thereof shall belong to the Regular Convention Fund; and one dollar and seventy cents (\$1.70) thereof shall belong to a bargaining and administration fund.

Effective January 1, 2004, the per capita tax payable by the Mail Handlers Division to the International Union shall be six dollars (\$6.00) per regular member per month. Four dollars and fifteen cents (\$4.15) thereof shall belong to the General Fund; twenty-five cents (\$.25) thereof shall belong to the Regular Convention Fund; and one dollar and sixty cents (\$1.60) thereof shall belong to a bargaining and administration fund.

Effective January 1, 2005, the per capita tax payable by the Mail Handlers Division to the International Union shall be six dollars (\$6.00) per regular member per month. Four dollars and twenty-five cents (\$4.25) thereof shall belong to the General Fund; twenty five cents (\$.25) thereof shall belong to the Regular Convention Fund; and one dollar and fifty cents (\$1.50) thereof shall belong to a bargaining and administration fund.

Section 2. The per capita tax payable by the Mail Handlers Division to the International Union shall be three dollars and sixty cents (\$3.60) per associate member per year which shall belong to the General Fund. The General Executive Board may increase the associate member per capita tax in an amount not to exceed any per capita tax increase adopted by the AFL-CIO with respect to associate members.

Section 3. Consistent with the provisions of Article XX of the Constitution of the Mail Handlers Division, amendments to the Mail Handlers Division Constitution shall not become effective until their approval by the General Executive Board.

Section 4. In accordance with the provisions of Articles I and II of the International Union Constitution, the provisions of this Article shall preempt and supersede any and all conflicting provisions contained in the Constitutions of the Mail Handlers Division and/or its Local Unions.

ARTICLE XXI

Transfers

Section 1. A member of a Local Union shall have the right to transfer membership from ~~his~~ the Local Union into another Local Union affiliated with the International Union, provided that at the time of requesting such transfer, the member is in good standing with the Local Union. Transfers between Local Unions affiliated with a District Council in a metropolitan area shall not be required.

Section 2. In addition to being in good standing, the member shall pay dues up to and including the month in which the transfer is sought and obtained.

Section 3. If at the time that a transfer is requested, there are charges pending against the member awaiting trial, or there are assessments or other fees or fines properly and lawfully imposed which remain unpaid, then such member shall not be entitled to a transfer.

Section 4. A member shall not be entitled to the right of transfer until after six months from the date of the member's initiation.

Section 5. A member shall, upon transferring as aforesaid, become a member of the Local Union to which the transferee has transferred and entitled to all the rights and privileges of a member, except that the transferee shall not have the right to vote until three months of membership have been completed and shall not be eligible to be a candidate for or hold any office or represent the Local Union as a delegate or in any other elective capacity, until achieving continuous good standing therein for at least two years.

Section 6. The transfer shall be deposited by the transferee with the Secretary-Treasurer or some other official of the Local Union in whose area the transferee wishes to deposit said transfer, within one month from the date of issuance.

Section 7. A transferee who does not deposit the transfer within one month from the date of issuance and who desires to maintain membership, may return the transfer to the Secretary-Treasurer of the Local Union that issued the transfer, within the second month; failure to do so will forfeit the transferee's membership in the organization.

Section 8. A transferee who has been a member of the International Union continuously for at least five years prior thereto shall not be required to pay any initiation fee or admission charge by the Local Union to which the transfers is made. But, if the transferee has not been a member for the said period and the initiation fee in the accepting Local Union is more than the existing initiation fee in the originating Local Union, the transferee shall pay the accepting Local Union the difference in the initiation fees.

Section 9. When a good-standing member of a Local Union is working within the territorial jurisdiction of another Local Union outside of the same metropolitan area, for a period of more than thirty days, the Local Union in whose area the member is working may demand a transfer from that member.

Section 10. The form of transfer shall be as determined and prescribed by the General Secretary-Treasurer.

ARTICLE XXII

Death Benefits

Section 1. Upon the death of a member whose earliest date of initiation is prior to January 1, 1997, and who at the time of death was and had been in continuous good standing with the International Union for one year and up to six years and who when last admitted or readmitted to membership was in good health, the International Union will pay to those legally entitled thereto the sum of one hundred dollars (\$100.00); and for such member who had been in continuous good standing for six years and up to twelve years the International Union will pay to those legally entitled thereto the sum of two hundred dollars (\$200.00); and for such member who had been in continuous good standing for twelve years and up to eighteen years the International Union will pay to those legally entitled thereto the sum of five hundred dollars (\$500.00); and for such member who had been in continuous good standing for eighteen years and up to twenty-four years the International Union will pay to those legally entitled thereto the sum of one thousand dollars (\$1,000.00); and for such member who had been in continuous good standing for more than twenty-four years the International Union will pay to those legally entitled thereto the sum of one thousand five hundred dollars (\$1,500.00). The General Executive Board shall have the power and authority to act between Conventions to adjust the foregoing benefit levels and/or membership provisions if it is determined that such an adjustment is reasonably necessary to preserve the financial integrity of the Death Benefit Fund.

In the event of accidental death while actually working at the calling, where the accident was the direct and proximate cause of death, the death benefit payable shall be double the amount provided for in this section. "Actually working at the calling" is hereby defined to mean that the decedent was employed at the jurisdiction of this International Union pursuant to the terms of an agreement with an affiliate.

Section 2. The burden shall be upon the individual claiming the death benefit to furnish proof that said claimant is legally entitled to the benefit and also to furnish sufficient proof of death and to furnish proof of the good-standing of the member at the time of death, together with the membership card of the deceased. The claimant shall fill out, sign and acknowledge a certificate of the truth of the statements contained in the death claim form, which form shall be as prepared by direction of the General Secretary-Treasurer. The officers of the Local Union of which the deceased was a member shall assist the claimant in preparation of the proof as required, insofar as the membership and standing of the deceased as a member of the Local Union is concerned and furnish claimant with a copy of the prescribed death claim form.

In the event of presentation of conflicting claims over the decease of a member or in the event that the General Secretary-Treasurer has any doubt that a claimant is legally entitled to the death benefit, the General Secretary-Treasurer shall require such proof as may be deemed necessary to substantiate the validity of the claim.

Upon the presentation of valid and properly filed claims where more than one death benefit may be payable, the liability of the International Union shall be limited to the highest single death benefit payable.

Section 3. If no proper claim for benefit is made within one year of the death of a member, no death benefit shall be payable. If a timely claim for payment of a death benefit is made and the claim is rejected by the International Union, the claim shall be barred unless suit is brought therefor and commenced within one year from the rejection thereof by the International Union.

ARTICLE XXIII

Charges, Trials and Appeals

The procedure with respect to Charges, Trials and Appeals in Local Unions and in District Councils shall be, as provided for in Article XII of the Uniform Local Union Constitution and Article XII of the Uniform District Council Constitution, respectively.

ARTICLE XXIV

Miscellaneous Provisions

Section 1. No Local Union, District Council or other subordinate body, officer or member thereof, shall sell or grant permission to sell or solicit any advertising, or to issue souvenirs or booklets of any kind with advertising matter contained therein.

Section 2. Every Amendment to this Constitution, unless otherwise provided, shall go into effect immediately upon its adoption.

Section 3. (a) The General Executive Board may establish rules to allow a privilege to members in good-standing who enter military service, to be reinvested with their period of good-standing prior to military service, provided they report to their Local Union on their return from military service, within ninety days from the date of discharge and pay the current month's dues. Such members may continue their good-standing by paying an amount equivalent to the monthly per capita tax to their Local Union while in military service.

(b) The General Executive Board may also provide that non-member Veterans may be admitted as members, provided they apply for membership within four months of the date of discharge from military service and pay as an initiation fee an amount fixed by the General Executive Board, in addition to the current month's dues; member Veterans who do not avail themselves of the privilege referred to in (a), shall be entitled to the privilege provided in this section.

Section 4. The official language of the Union shall be English and all its affairs shall be conducted in English unless otherwise prescribed by law.

ARTICLE XXV

Oath

Each officer or person elected to an elective position, when duly elected as provided for in the Constitution, shall prior to being installed and assuming the duties of office or position, take the following oath:

"I (name) do hereby solemnly pledge my honor to recognize and comply with all of the provisions of the Constitution of the International Union, the Uniform Local Union Constitution and the Uniform District Council Constitution and all of the rules, regulations, policies, practices, and lawful orders and decisions adopted and promulgated in the furtherance and administration of the said Constitutions and to perform the duties of my office as prescribed in said Constitutions and to deliver to the Union all of the books, papers and other property of the Union that may be in my custody and control at the close of my official term.

And, I further declare that I am not now a member of, nor sympathize with, any organization that has for its purpose the overthrow of this Organization or of the Government of the United States of America or Canada by force or violence. All this I solemnly promise on my honor, so help me God."

Governance of the Laborers' International Union of North America is supplemented by the LIUNA Ethics and Disciplinary Procedure and the LIUNA Ethical Practices Code, which together constitute part of this Constitution.

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