



Local 4120

By-Laws

ARTICLE I

Name

This organization shall be known as United Steel Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (to be known in short as the "United Steelworkers" and by the acronym "USW") Local Union 4120 (hereinafter also referred to as "this Local Union" or "the Local Union").

ARTICLE II

Objects

First. To unite in this Local Union all individuals, in keeping with the Provincial Human Rights Code who are members of the United Steelworkers (hereinafter referred to as the "International Union") and who are within the jurisdiction of this Local Union.

Second. To establish through collective bargaining adequate wage standards, and improvements in the terms and conditions of employment for workers .

Third. To engage in educational, legislative, political, civic, social, welfare, community and other activities; to advance and safeguard the economic security and social welfare of workers , the International Union, its Local Unions and the free labor movements of the United States, Canada and the world; to seek to eliminate all forms of discrimination, to protect and extend our democratic institutions and civil rights and liberties; and to perpetuate and extend the cherished traditions of democracy and social and economic justice of the United States, Canada and the world community.

Fourth. To encourage the organization and affiliation of unorganized workers who, subject to the provisions of Article VII, Section 1 of the International Constitution, may be placed within the jurisdiction of this Local Union.

Fifth. To take all steps and actions consistent with the Constitution and policies of the International Union, and these By-Laws, to implement and carry out the objects, rights, activities and responsibilities of this organization and the International Union.

ARTICLE III

Eligibility

Section 1. All members in good standing of the International Union who are within the jurisdiction of this Local Union shall, by virtue of such membership in the International Union, constitute the membership of this Local Union.

Section 2. Persons having supervisory power shall be eligible for membership subject to the terms established by the International Executive Board.

Section 3. No person shall be eligible for membership, or for nomination or election or appointment to, or to hold any office, or position, or to serve on any Committee in the International Union or in this Local Union or to serve as a delegate who is a consistent supporter of, or who actively

participates in,, the activities of any hate based-racist, terrorist, or other organization which advocates violence to affect government policy or to oppose the democratic principles to which the United States and Canada and our Union are dedicated.

This eligibility requirement shall be in addition to any other eligibility requirement imposed by any other Article or Section of the Constitution.

ARTICLE IV **Election of Officers**

Section 1. Officers of this Local Union shall be: President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Guide, two (2) Guards, and three (3) Trustees.^{1 2}

Section 2. No member shall at the same time be a candidate for or hold more than one of the offices named in Section 1 of this Article.²

Section 3. Officers and Grievance Committee Members shall be elected for a term of three years at the last meeting in April 2009, or on such other day and/or at such other hours in April 2009 as the membership shall determine and which will enable all members who so desire to vote. Election shall be by a plurality vote of the members in good standing participating in a secret ballot vote. Those elected in April 2009 shall be installed at the first regular meeting in May 2009 and shall serve until their successors are elected and qualified, at which time all money, official records and documents, and all property belonging to the Local Union shall be turned over to such successors. In any case in which only one eligible member has been nominated for an office, and that member has indicated acceptance of the nomination within the time limits and in the manner prescribed by the approved By-Laws or rules of the Local Union, no election need be held for that office, and the member who has been so nominated shall be deemed elected. An Officer who retires from an enterprise serviced by the Local Union shall not be permitted to continue in office.

Section 4. The date of the Local Union elections for Local Union Officers and Grievance Committee Members must be advertised among members at least fifteen (15) days previous to the date of the election by mailing notice of the date, place and hours of the election to each member in good standing at the member's last known home address. The notice must also specify the Local Union offices to be filled.³ Nominations shall be made at the immediately preceding meeting. However, where a Local Union holds two meetings in each month, nominations may be made at the last meeting in the month

¹ As an alternative to the 11 offices set forth in Article IV, Section 1, Local Unions with a membership of one hundred (100) or less may adopt a By-Law provision providing only for the offices of President, Vice-President, Recording Secretary, Financial Secretary and Treasurer, and the By-Laws shall provide how the duties of the offices of Guide, Guard and Trustee are to be allocated among these five (5) offices. In the alternative, a Local Union which has a membership of one hundred (100) or less may adopt a By-Law provision which, in addition to providing for the five (5) offices mentioned above, combines the office of Guide and/or Guard with the office of Trustee.

² While the International Constitution makes no provision for a Local Union Executive Board, a Local Union may establish an Executive Board so long as such Executive Board is provided for in its By-Laws. The members of such an Executive Board must be persons elected to office or position in the Local Union in accordance with the provisions of the Local Union Elections Manual.

³ The requirement of a 15-day mail notice of the election need not be applied in Canada provided other suitable notice of the election is given to the membership at least one week previous to the date of the election.

preceding the month in which the election is held. Notice of the nominations meeting shall be given to the membership at least one (1) week in advance of the meeting.

Section 5. No member shall be eligible for election as a Local Union Officer or Grievance Committee Member unless:

(a) The member shall have been in continuous good standing for a period of 24 months immediately preceding the month in which the election is held;⁴ and

(b) The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union; and

(c) The member shall have attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the election is to be held.

Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the Local Union Elections Manual.⁵

Section 6. Local Union elections shall be conducted in accordance with the provisions of the Local Union Elections Manual adopted by the International Union.

ARTICLE V Duties of Officers

Section 1. Duties of President.

(a) The President shall preside at all meetings of the Local Union and preserve order, and shall decide all questions of order, subject to an appeal to the Local Union. The President shall have the right to vote at all elections of Officers, and when the members are equally divided on other questions, shall have the deciding vote.

(b) The President shall call special meetings by request of ten members in good standing of the Local Union. This request shall be in writing, shall state clearly the purpose of the meeting and shall be signed by those making such request. Notice of all special meetings must be given to the members of the Local Union by bulletin board posting or other reasonable means. The business of the special meeting shall be confined to the subject for which that meeting was called, and the meeting shall be conducted in accordance with the same procedures as govern regular meetings. The above provision concerning the

⁴ If the member's Local Union has been in existence for a lesser period prior to the election, the member must have been in continuous good standing from the time the member joined such Local Union.

⁵ Because of the difficulty many months after the fact of verifying the validity of a claim that an individual missed a meeting because of "sickness which confines" the Local Union may wish to adopt the following additional provision:

"Any member who claims inability to attend a Local Union meeting because of a 'sickness which confines' must notify the Recording Secretary of the Local Union within one month of such meeting; otherwise the meeting will be counted as a meeting held in determining such member's eligibility under this section."

holding of a special meeting does not require the Chair at such meeting to entertain a motion to vote on a matter which was acted upon after notice at a previous meeting. In the absence of a provision of the International Constitution or the Local Union By-Laws specifying the method of voting at such meeting the membership in attendance at such meeting shall determine the method of voting.

(c) The President shall enforce the provisions of the International Constitution and of these By-Laws and the policies and Manuals of the International Union, and shall appoint all committees not otherwise provided for and be ex officio member of all committees. The President shall perform such other duties as the Local Union may assign.

(d) (1) In the event that a vacancy occurs in the office of Vice President, Recording Secretary, Financial Secretary, Treasurer, Guide, Guard or Trustee or in the position of Grievance Committee Member at any time during the term of office, the remaining Local Union Officers shall, by majority vote select a successor to serve for the remainder of that term.

(d) (2) The Local Union Officers may, at their discretion, hold an election to seek the guidance of the membership before selecting a successor to fill a vacancy in any of the offices described in d (1). When this option is used, the President shall appoint a member of the Local Union to fill the vacancy until such election can be completed and the successor appointed to fill the vacancy. The President shall call for a special election as promptly as possible but such election shall not be held later than two (2) months following the occurrence of the vacancy. The date of the special election shall be advertised among the members at least one (1) week prior to that date. Nominations shall be made at the immediately preceding meeting, the date of which shall also be advertised in advance among the members at least one (1) week prior to that date.

(d)(3) Wherever a Local Union Officer (except President) or Grievance Committee Member, because of receipt of an extended vacation benefit or otherwise, will be unable to serve during an extended temporary period, a temporary replacement will be designated as provided in sub-paragraph (d) (5) of this section. The temporary replacement shall carry out all the duties of the office or post during such temporary period.

(d)(4) Where the temporary vacancy is in the office of the Local Union President, the Vice President shall assume the duties of the President including the authority to be one of the signatories to checks, and shall be known as "Temporary Acting President." When the temporary period has ended, the "Temporary Acting President" shall revert to the position of Vice President.

(d)(5) Where the temporary vacancy is in a Local Union Office (other than President) or in a Grievance Committee post, the Local Union Officers shall, by majority vote, select a "Temporary Acting" replacement. Temporary Acting Treasurers and Financial Secretaries shall be authorized, during the temporary period of their service, to be signatories to checks. A replacement shall serve only until the temporary period is ended.

(d)(6) In the event of a vacancy none of the remaining officers either alone or acting together may perform the functions of the vacant office but rather the vacancy must be filled in accordance with the provisions of this section.

(e) The President shall fill one of the employer paid executive union leave positions and will recommend to the executive elect, executive committee members to any other paid executive union leave positions, based on the needs of the local at the time. The President-elect will schedule a meeting with the incoming executive committee as soon as possible after elections to appoint executive members to these vacancies.

Section 2. Duties of Vice President. The Vice President shall assist the President in the discharge of the President's duties and during the President's absence shall perform the duties of the President. In the event that a vacancy occurs in the office of President, the Vice President shall act as President for the

unexpired term.

Section 3. Duties of Recording Secretary.

(a) The Recording Secretary shall record the proceedings of the Local Union in a book kept for that purpose, read all papers and perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union. The Recording Secretary shall also have custody of the Local Union Seal, and shall be responsible for any misuse of same.

(b) The Recording Secretary shall read to the Local Union communications which require attention.

Section 4. Duties of Financial Secretary.

(a) The Financial Secretary shall receive all money due the Local Union and pay the same to the Treasurer, from whom the Financial Secretary shall take a receipt. The Financial Secretary shall also keep accurately the accounts of the Local Union with its members, and shall at all times have the books open for examination by the Trustees, and perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union. The Financial Secretary shall make out the various reports required by the International Secretary-Treasurer and forward such reports to the International Secretary-Treasurer in accordance with instructions.

(b) Should it be proved that the Financial Secretary has failed to report monthly the full membership of the Local Union as provided for in the report to the International Secretary-Treasurer and transmit the full amount of initiation fees and dues, the Financial Secretary shall be suspended from all privileges and benefits until the deficiency is made good, and shall be liable to the International Union for the full amount unpaid.

(c) The Financial Secretary shall keep a record of all transfer request forms issued and received.

(d) The Financial Secretary's accounts shall be subject at all times to audit by the International Secretary-Treasurer.

(e) The Financial Secretary shall make a detailed financial report at least once each month at the Local Union meeting covering the receipts and expenditures of all funds of the Local Union. If the expenses of the Local Union exceed its current income or impair its reserves, the Financial Secretary is obliged to call this fact to the attention of the membership.

Section 5. Duties of Treasurer.

(a) The Treasurer shall receive from the Financial Secretary all money collected by the Financial Secretary and shall deposit all money belonging to the Local Union in a bank designated by it. All initiation fees and dues shall be deposited in a separate bank account to be designated as a trust fund for the International Union. The Treasurer shall cause to be issued to the Financial Secretary a receipt for all money turned over to the Treasurer or deposited to the Treasurer's credit in the regular bank account. The Treasurer shall issue a separate receipt for the amount of money turned over at any time or for such deposit made, and shall sign all checks and have them countersigned by the President and the Financial Secretary.

(b) The Treasurer shall keep regular and correct accounts of all money received and paid by the Treasurer, and report at each meeting the balance of cash shown by the last report, the amount received since, the total checks issued and authorized, and the balance remaining. The Treasurer's accounts shall

be open for examination by the Trustees at any time when called upon. The Treasurer's books shall be subject at all times to audit by the International Secretary-Treasurer of the United Steelworkers of America. The Treasurer shall perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union.

(c) All money paid out by the Local Union from its treasury must be approved by the members at a Local Union meeting. Under no circumstances shall Officers or members pay bills without authorization by a Local Union meeting, nor shall the members authorize payment of any bill or incur any obligation for which funds are unavailable, nor shall the members authorize the payment of or incur a debt for any activity not in accordance with the Constitution and policies of the International Union and these By-Laws. Bills charged to the Local Union shall be submitted to the Recording Secretary, who in turn shall submit them to the Local Union meeting for approval.

(d) Recurring standard bills (fixed salaries which have been previously authorized, taxes – local, state, and federal – rent, light, heat, etc.) may be paid by the Treasurer on a single authorization by the Local Union to pay such bills when due.

(e) Under no circumstances shall any of the dues collected by the Local Union be spent before being sent to the International Secretary-Treasurer.

Section 6. Duties of Guide. It shall be the duty of the Guide to see that all present are entitled to remain.

Section 7. Duties of Guards. It shall be the duty of the Guards to take charge of the door and see that no one enters who is not entitled to do so.

Section 8. Duties of Trustees. It shall be the duty of the Trustees to have charge of the hall and all property of the Local Union, subject to the direction of the Local Union. They shall audit the books and financial records of the Local Union every three months and give a report of such audit at the next regular Local Union meeting.⁶ They shall perform such other duties as the Local Union may require.

Section 9. This Local Union shall enforce the International Constitution, the various International Manuals and policies, and these By-Laws, as affecting its membership.

The funds and property of the Local Union shall be managed, invested, expended or otherwise used to implement and carry out the objects, rights, activities, and responsibilities of the Local Union or the International Union, and to administer the affairs of the Local Union, in accordance with the Constitution, Manuals and policies of the International Union and these By-Laws.

Section 10. It shall be the duty of the President, Financial Secretary and Treasurer to insure that the funds and property of the Local Union are preserved, managed, invested and expended in accordance with the International Constitution, Manuals and policies and these By-Laws.

ARTICLE VI

Compensation for Services

⁶ The Trustees should give special attention when checking disbursements recorded by the Financial Secretary and Treasurer that proper authorizations for such payments have been entered by the Recording Secretary in the Minutes of the Local Union.

Section 1. Salaries and expenses for Officers and employees of this Local Union shall be as follows.⁷

- a) Executive Expenses The local shall provide honoraria to executive committee members, to be paid to member twice per year in November and May. The following monthly rates (plus the amount of dues to be paid) will apply as of 2009. These rates may be adjusted with the approval of the membership.

President \$ 100.00
Vice-President \$100.00
Recording-Secretary \$ 75.00
Financial-secretary \$ 75.00
Treasurer \$ 75.00
Trustees (3) \$ 50.00
Guide \$ 50.00
Guards (2) \$ 50.00

- b) Honoraria for executive members on full time union release to work in the local will be adjusted by an additional \$50.00 per month for the term of their release.
- c) Executive members must perform the duties required of the position as designated by the international union, the executive committee, and the members to be eligible to receive honoraria as set out in a).
- d) No executive member shall collect honoraria for more than one office.
- e) Stewards of the local shall receive \$ 15.00 (as of 2009) per diem for attending regular stewards meetings to a maximum of 12 meetings a years. The amount of this per diem may be adjusted with the approval of the membership.
- f) The local union shall pay accommodation, travel expenses and per diem in the amount set by the international union to members attending union business, events, conventions and conferences.
- g) Travel to conferences, conventions and schools and other car use on behalf of the local union shall be compensated at the rate approved by the International Union. Train or plane or taxi travel, as necessary, at the most economical fare available, shall be paid by the local union.
- h) The Local Union will pay the member's hotel bill, and travel expenses upon presentation of the bill/receipt to the Financial Secretary.
- i) No payment for lost time shall be made to any member for time spent on union business for any hours outside of the member's regular and normal working hours. Lost time shall not be paid for any overtime or accumulated hours. All requests for time away from work to perform union

⁷ Insert in this section the amount of salaries and expenses. Each Local Union is permitted to reimburse for expenses in accordance with its approved By-Laws but in no event in excess of the standards utilized by the International Union for reimbursement of its employees.

Any Local Union By-Law which has been approved by the International Union but which reimburses in amounts in excess of those allowed by the International for its employees will be permitted to continue provided that such payments are lawful and provided further that no changes increasing such amounts will be approved while the By-Laws are in excess of the International reimbursement policy.

- business shall be approved and authorized by the Local Executive Committee prior to the beginning of the lost of time to be eligible for reimbursement from the local union.
- j) Lost time and expenses shall not be paid for a member who does not attend the event assigned by the local unless an explanation for absence is presented to and approved by the executive committee.
 - k) Members are required to submit Lost Time and Expense Vouchers within six weeks of returning to work after the expense was incurred. In special circumstances the President and Financial Officer may approve reimbursements to be paid to members beyond this period.
 - l) The local will pay expenses for the cell phone plan(s) approved by the executive committee for the President and the other executive member in release positions. If they are out of the country on union business, the amount may be adjusted to the most economical option that provides the necessary coverage during that period of time.
 - m) In addition to the foregoing, any member of the Bargaining Committee shall receive a meal allowance when actively engaged in Collective Bargaining except where a group meal receipt is submitted. The amount of the meal allowance will be subject to approval by the membership.
 - n) Any lost time required for local committee work, must be approved by the Local Union 4120 Executive Board. The committees will perform tasks assigned by Local Union 4120.
 - o) Local Executive members may accept appointments and appoint members to represent the Local Union on Committees and Boards whose aims and objectives will benefit the membership and the Union. They will be entitled to claim per diem and expenses for any meetings they attend outside the workplace on behalf of the local.
 - p) In the event of an official strike, the per diems/honoraria of all striking Local 4120 members shall cease for the duration of the strike.

Section 2. All tax requirements in connection with the above payments shall be complied with.

Section 3. The Local Union shall have authority to employ paid staff when Local may decide necessary. The Executive Board shall hire any paid workers. The President shall supervise all personnel working for the Local Union, subject to the approval of the Executive Board and the Local Membership.

ARTICLE VII

Meetings

Section 1. The Local Union shall hold a general membership meeting at least once every month, except that a Local Union may, with the approval of the membership and the District Director, hold meetings, less often, but in no event less than quarterly.

Section 2.⁸ General membership meetings will be held at the time and place to be determined by the Executive Board and communicated to the members at least 7 working days in advance.

ARTICLE VIII

⁸ Insert in this Section the time of the regular monthly meeting (or meetings) of the Local Union.

Membership

Section 1. No applicant for membership shall be regarded as being a member in good standing until the full amount of initiation fee has been paid.¹⁰

Section 2. A member shall pay dues promptly commencing with the month during which the member shall have been admitted, and shall continue to pay all dues, assessments and fines or other obligations promptly when due in order to be and remain in good standing.⁹

Section 3. A member who has not lost good standing under other provisions of the International Constitution shall be in good standing if not more than three (3) months in arrears in any constitutional obligations, except in respect to assessments on which the member shall be not more than one (1) month in arrears.

Section 4. Members who lose good standing shall stand automatically expelled and devoid of all membership rights,¹⁰ and shall not be reinstated in good standing except upon such terms as the Local Union and the International Executive Board may decide.

Section 5 Any member who retains employee status in a bargaining unit represented by the International Union but who because of layoff has not, for twenty-four (24) continuous months, performed at least (5) days' work in any month in such bargaining unit shall be deemed not in good standing (but not expelled) and devoid of all membership rights until such time as the member is recalled or obtains employment in a bargaining unit represented by the International Union and resumes payment of current dues, at which time the member shall automatically be restored to good standing. No Local Union Officer or Grievance Committee Member shall lose good standing under this Section for the remainder of the term in office.

Section 6. A member not in good standing shall not be permitted to vote, nominate for office, hold office, or be a candidate for office.

Section 7. A member whose membership is terminated shall have no right or interest in any property of the Local Union or of the International Union, including any dues, assessments or other financial obligations paid by such member in advance of the effective date of such termination.

ARTICLE IX

⁹ Please note the provision in the Local Union Elections Manual which specifies that a recently hired employee who has signed and delivered to the company and/or Local Union a dues check-off and membership application card is considered to have satisfied the dues payment requirement for membership even though the member's first dues payment has not yet been deducted by the Company.

¹⁰ Automatic expulsion for loss of good standing must be construed as being confined to situations wherein members have not paid their dues fixed in accordance with the International Constitution, and all their assessments or other financial obligations which have been imposed by the International Union. Failure to meet financial obligations which have not been imposed by the International Union may not result in automatic expulsion but must be treated on the same basis as a commission of any other type of an offense by a member of the Union as provided in Articles XII and XIII of the International Constitution and Articles IX and X of these By-Laws.

Discipline

Section 1. Any member may be penalized for committing any one or more of the following offenses: (a) violation of any of the provisions of the International Constitution or of these By-Laws, any collective bargaining agreement, or rule of the Local Union; (b) obtaining membership through fraudulent means or by misrepresentation; (c) instituting, or urging, or advocating that a member of any Local Union institute action outside the Union against the International Union, Local Union or any of their Officers without first exhausting all remedies through the forms of appeal of the International Union; (d) advocating or attempting to bring about the withdrawal from the International Union of any Local Union or any member or group of members; (e) publishing or circulating among the membership false reports or misrepresentations;¹¹ (f) working in the interest of or accepting membership in any organization dual to the International Union; (g) slandering or willfully wronging a member of the International Union;¹² (h) using abusive language or disturbing the peace or harmony of any meeting in or around any office or meeting place of the International Union; (i) fraudulently receiving any money due the organization or misappropriating the monies of the organization; (j) using the name of the Local Union or the International Union for soliciting funds, advertising, etc., of any kind without the consent of the appropriate body or Officer of the International Union; (k) furnishing a complete or partial list of the membership of the International Union or of any Local Union to any person or persons other than those whose official position entitles them to have such a list; (l) deliberately interfering with any official of the International Union in the discharge of that official's duties; (m) deliberately engaging in conduct in violation of the responsibility of members toward the organization as an institution; and (n) deliberately interfering with the performance of the organization's legal or contractual obligations.

Section 2. It is an offense under this Constitution to harass a member at a union or workplace - related location or activity on the basis of race, creed, color, sex, sexual orientation, age, disability, nationality, or other legally protected status.

Section 3. Any member convicted of any one or more of the above offenses may be denied the right to be a candidate for or hold office or position in the Union, declared a member not in good standing, fined or otherwise appropriately disciplined.

Section 4. If any Officer of the Local Union, or delegate to an International Convention, is convicted of any one or more of the aforementioned offenses, such person may be penalized as herein before described, and removed from office or position.

ARTICLE X **Trials of Members and Local** **Union Officers¹²**

¹¹ A resolution of the International Executive Board adopted on February 11, 1976, in accordance with applicable law restricts enforcement of this provision in the United States.

¹² An August 11, 1999 resolution of the International Executive Board prohibits the processing of charges instituted as a means of retaliating against a member for asserting rights under Civil Rights legislation in the United States and Human Rights legislation in Canada, regardless of whether such rights are asserted using the Union's internal procedures, contractual provisions or external statutory procedures.

Section 1. Any charges against a member or Officer of the Local Union must be made in writing, signed by the member making the charges, and must be submitted to the Local Union. Upon submission of the charges, the Recording Secretary shall send a copy by certified or registered mail to the accused member at the member's last known address.

The charges shall be sufficiently specific so as to enable the accused to prepare a defense. This means that the charges should indicate both the provision(s) of the Constitution or the Union's other rules allegedly violated and also a brief statement of the facts (names, dates, places) constituting that violation. If there is more than one charging party, they must designate a person to be responsible for receiving and filing documents related to the charges. Where the charges fail to designate such person, then the first charging member named in the charge shall be considered the representative of the others.

Section 2. Charges must be submitted within sixty (60) days of the time the complainant becomes aware of the alleged offense.

Section 3. A separate Trial Committee composed of **3** members shall be elected for each individual trial, and shall be given the responsibility of conducting such trial provided that in the case of multiple related charges the same Trial Committee may be appointed to try all such charges and may consolidate them into one hearing. Neither the accuser nor the accused shall be eligible for membership on the Trial Committee.¹³ No one shall be eligible to serve as a member of the Trial Committee who is a witness to the facts alleged to constitute a violation or who has a personal interest in the outcome of the Trial.

The Local Union action electing the Trial Committee shall take place at the first meeting after the Local Union receives the charges unless the charges are received by the Local Union within five (5) days before the meeting in which event the Local Union action shall take place at the meeting following the first meeting after the Local Union receives the charges.

Section 4. Immediately after the Trial Committee has been selected by the Local Union pursuant to Section 3 of this Article, the Recording Secretary of the Local Union shall send by certified mail or registered mail to the accused member at the member's last known address written notice of the time and place when the hearing will be held before the Trial Committee, a copy of such written notification of time and place shall also be sent to the member preferring the charges; and the accused member shall appear before the Trial Committee on said charges. A copy of the charge and notice of hearing shall also be sent to the International Secretary-Treasurer of the International Union by the Recording Secretary.

Section 5. The hearing shall be held no sooner than two (2) weeks and no later than four (4) weeks from the date of the mailing of the notice and the charges to the accused member.

Section 6. Every effort shall be made to schedule the Trial so that it does not conflict with the working schedules of the parties. The hearing shall be conducted by the Trial Committee in an orderly manner and shall assure the full presentation to the Committee of all the facts. The accused shall be

¹³ If the Local Union decides to have members of the Trial Committee appointed, the following sentence should be added to this Section: "If the accused member or the accuser is an Officer of the Local Union, such person shall not participate in the designation of the membership of the Trial Committee."

entitled to be present at all times during the hearing, investigation or argument of the case and shall be entitled to question all witnesses appearing in the matter so long as the questioning does not become insulting, unduly argumentative or repetitious. In the event that the accused fails to appear at the hearing at the time and place provided in the notice and presents no reasonable excuse for absence, the hearing shall proceed with the same force and effect as if the accused were present.

Section 7. At any time during the processing of charges alleging a serious violation by a Local Union Official of Section 2 of Article IX, the International President may, upon written request (sent by certified mail, overnight courier or other means providing proof of receipt), and where supported by preliminary investigation conducted on behalf of the International President, summarily remove such Local Union Official from office during all or a portion of the time necessary to process the charge.

Section 8. The Trial Committee shall record minutes of its meetings and proceedings, and these minutes, together with any documents submitted, shall constitute the official record of the Trial Committee.

Section 9. A member placed on trial shall be permitted representation by a representative of the member's own choice, who shall be a member of the International Union; such representative, however, shall be required to abide by the trial procedure as established by the Trial Committee and as provided in these By-Laws. The same procedure shall be available to the person filing the charges.

Section 10. The Trial Committee, upon completion of the hearing upon the evidence and argument, shall go into closed session to determine the verdict and penalty. The Trial Committee shall prepare a report in writing, stating the facts briefly as it found them, and its conclusions and recommendations. A majority vote of the members of the Trial Committee shall be required to find the accused guilty.

Section 11. In case the accused is found guilty, the Trial Committee may recommend that the accused be reprimanded; assessed a fine; assessed a fine with automatic suspension and removal from office or position or expulsion in the event of the failure of the accused to pay the fine within a specified time; suspended or removed from office or position in the Local Union; or suspended or expelled from membership in the International Union; or otherwise appropriately disciplined.

Section 12. The Trial Committee shall submit its written report to the Local Union within two (2) weeks following completion of the hearing. At the same time a copy of the report shall be mailed to the International Secretary-Treasurer of the International Union and to the accuser and the accused by the Trial Committee.

Section 13. The Local Union Officers may convene a special meeting of the membership to consider the report of the Trial Committee. In such event the notice of the membership meeting shall inform the members that the report of the Trial Committee will be presented at such special meeting. Notice of such special meeting must also be given to the accused member(s) and accuser(s).

Section 14. In the event the report of the Trial Committee is to be presented to the next regular meeting of the Local Union, the membership must be advised by special notice that the report of the Trial Committee will be considered at such regular meeting.

Section 15. The meeting at which the report of the Trial Committee shall be considered shall not be held earlier than one week or later than four weeks following the submission of the report of the Trial Committee to the Local Union.

Section 16. At the meeting of the Local Union, the Trial Committee shall present its written report. The report of the Trial Committee shall become effective only upon approval by a majority vote of the members present at the Local Union meeting. The Local Union meeting may approve or reject the report of the Trial Committee, modify the report in any respect, or order a new trial.

Section 17. The accused member shall be afforded full opportunity to present to the Local Union meeting the accused member's position on all matters bearing upon the trial and the report of the Trial Committee.

Section 18. A report of the Local Union's decision shall be forwarded immediately to the International Secretary-Treasurer of the International Union by the Recording Secretary.

Section 19. A copy of the decision of the Local Union shall be forwarded by the Recording Secretary using certified or registered mail, to the accused member and to the person who originally filed the charges. The accused or the accuser may appeal from the decision of the Local Union to the International Executive Board and thereafter to the next regular International Convention, provided that such person files notice of appeal with the International Secretary-Treasurer within thirty days after the mailing of the notice of the decision of the Local Union or the International Executive Board from which the appeal is taken. On appeals, the International Executive Board or such body as it designates - either itself or through a Commission or other mechanism - affords all parties the opportunity to present all arguments and facts whether or not presented in the proceedings at the Local Union level. Decisions on such appeals are based on the evidence presented in the appeal. The International Executive Board shall not, in making its decision, be limited to the arguments or testimony presented at the earlier stages in the proceedings and shall be permitted to cure by its appeal proceedings procedural defects which may have occurred at earlier stages in the proceedings.

Section 20. The decisions of the Local Union and of the International Executive Board shall be given full force and effect unless a stay thereof is obtained from the International Executive Board.

Section 21. It shall be the duty of a member to exhaust all internal remedies and appeals provided under the Constitution and policies of the International Union and these By-Laws.

ARTICLE XI

Notification to Employers Regarding Status of Members

Section 1. Whenever a member has lost good standing by virtue of having become in arrears in the payment of dues or initiation fees, and the Local Union desires to have such person discharged from employment in accordance with the provisions of the outstanding collective bargaining agreement with the employer, the Local Union shall communicate with the International Secretary-Treasurer, setting

forth the facts.

Section 2. The International Secretary-Treasurer will determine whether the employer should be notified that in accordance with the provisions of the contract the particular person must be discharged. The Local Union shall refrain from communicating with the employer until advised by the International Secretary-Treasurer as to the procedure to be followed on requesting the discharge.

ARTICLE XII

Finances

Section 1. Except for newly organized units, where initiation fees are waived pursuant to Article XIV Section 2, of the International Constitution, the initiation fees shall be ten dollars (\$10.00). The local union will bear the cost of the initiation fee for all new members.

Section 2. Monthly dues for a member shall be an amount equal to 1.3% of said member's total earnings during the month provided that monthly dues shall not be less than five dollars (\$5.00) and provided further that monthly dues shall not be more than 2.5 times the member's average hourly earnings. For lump sum payments, dues shall be calculated separately by applying the 1.3% to such payments. The International Executive Board shall issue appropriate interpretive rulings.¹⁴

Section 3. The full amount of all dues and initiation fees and assessments collected by the Local Union shall be deposited by the appropriate Officers of the Local Union in a bank account designated as a trust fund held for the International Union. The Officers of the Local Union shall forward to the International Secretary-Treasurer, within fifteen days after the close of any month, the full amount of the dues and initiation fees and assessments collected by the Local Union.

Section 4. Compulsory assessments may not be imposed by the Local Union unless approval has first been secured from the International Union and unless agreed to by a two-thirds (2/3) majority vote of the membership of the Local Union, voting by secret ballot after prior notice to the membership. At no time shall the Local Union assessment exceed two dollars (\$2.00) per member in any one year.

In addition, a Local Union which has removed the cap of 2.5 times the member's average hourly earnings referred to in Section 2 of this Article may, with the approval of the International Secretary-Treasurer, establish a supplemental local strike and defense fund to be financed by an increase in dues adopted by the Local Union by secret ballot vote, which increase shall not exceed \$3.50 per member per month. Distributions from the local supplemental strike and defense fund shall be in accordance with the rules of the International Strike and Defense Fund and such additional rules as may be established by the International Secretary-Treasurer.

Section 5. An individual member shall be entitled to exoneration from the payment of dues for

¹⁴ Local Unions whose dues at the time of the adoption of the International Constitution exceeded the amount provided for in Article XIV, Section 3 of the International Constitution, may maintain such differential. In such cases, the dues shall be computed by adding such differential to the amount required by the applicable provisions of Article XIV of the International Constitution. The amount of this differential should be listed in this Section.

any month for which the member has not become entitled to five (5) days' pay or its equivalent in wages and benefits in lieu of wages. The International Executive Board shall adopt rules and regulations governing the implementation, application and administration of this Section.

Section 6. In all cases, other than the one provided in Section 5 of this Article, where the Local Union desires exoneration from the payment of dues or initiation fees for certain of its members, the request for exoneration must be signed by the Local Union President, the Local Union Financial Secretary and the Local Union Recording Secretary, and approved by the District Director and the International Secretary-Treasurer.

Section 7. When exoneration is granted, the request on the required report must be renewed each month.

Section 8. The Local Union President, Financial Secretary, and Treasurer shall be bonded in amounts to be determined by the International Executive Board. Such bonds shall be obtained by the International Secretary-Treasurer. Clerks employed by the Local Union and handling finances in any way must be bonded by the Local Union through arrangement with the International Secretary-Treasurer.

Section 9. Effective January 1, 1999, an Organizing Fund has been created that will be funded and administered as outlined in Article XIV, Section 16 of the International Constitution.

Section 10. Local Union 4120 shall be affiliated to and pay the required per capitas to the following:

Ontario Federation of Labour
South Central Ontario Area Council
Guelph and District Labour Council

ARTICLE XIII

Delegates to International Convention

Section 1. No member shall be eligible to be a delegate to an International Convention unless the member:

(a) is employed in an enterprise, public or private, or any other place within the jurisdiction of the International Union or is one of the staff representatives of the International Union;

(b) shall have been in continuous good standing for a period of twenty-four (24) months immediately preceding the International Convention;¹⁵ and

(c) has attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the delegate election is to be held. Meetings which a member was prevented from attending because of such

¹⁵ If the Local Union has been in existence for less than 24 months prior to the International Convention, the member must have been in continuous good standing from the time that the member joined such Local Union.

member's Union activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the Local Union Elections Manual.¹⁶

Section 2. Delegates to the International Convention must be elected at an official meeting of the Local Union or by referendum ballot election, after the Call for the International Convention is received and has been read to the Local Union. The Recording Secretary shall issue a Notice, signed by both the Recording Secretary and the Local Union President, at least one week prior to such meeting or election, stating that delegates are to be elected on a certain day.

Section 3. The Local Union may choose to have the Local Union President, if nominated at the official meeting, elected separately as a delegate by acclamation. In such event, the President shall be a delegate if approved by a majority of the members voting. Otherwise, the delegates to be selected from among the nominees must receive a plurality vote of the members voting.

ARTICLE XIV
Workers' Compensation Committee,
Safety & Health Committee,
Civil Rights Committee, Women's Committee,
Organizing Committee and Bargaining Committee

Section 1. A Workers' Compensation Committee and a Safety & Health Committee, under the direction of the International Union or its designated representative, shall be established in the Local Union.

Section 2. A Civil Rights Committee, (which may also be known as a Human Rights Committee), under the direction of the International Union or its designated representative, shall be established in the Local Union to implement our Union's commitment to the protection and extension of civil and human rights and liberties.

Section 3. To further our commitment to encourage activism, leadership development and greater understanding of gender issues in our Local Unions with female membership, a Women's Committee, under the direction of the International Union or its designated representative, shall be established by such Local Unions.

Section 4. An Organizing Committee under the direction of the International Union or its designated representative shall be established in the Local Union to assist in organizing unorganized

¹⁶ Because of the difficulty many months after the fact of verifying the validity of a claim that an individual missed a meeting because of "sickness which confines", the Local Union may wish to adopt the following additional provision: "Any member who claims inability to attend a Local Union meeting because of a 'sickness which confines', must notify the Recording Secretary of the Local Union within one month of such meeting, otherwise the meeting will be counted as a meeting held in determining such member's eligibility under this section."

workers in the geographic area in which the Local Union is situated.¹⁷

Section 5. A Bargaining Committee shall be selected at least nine (9) months prior to the expiry of the Collective Bargaining Agreement. The Committee shall consist of the President, the Vice President, one executive committee member, to be appointed by the executive committee and members elected from the membership at large, in accordance with the provisions of the constitution and by-laws.

ARTICLE XV Transfer Certificates

Section 1. The Local Union may issue to a member in good standing a "transfer request" transferring membership to another Local Union. All transfer request forms must be obtained from the International Secretary-Treasurer by the Local Union Financial Secretary.

Section 2. All members must immediately transfer to the Local Union having jurisdiction over the enterprise, public or private, at which they are employed.

Section 3. Transfer requests issued in violation of this Article shall be invalid.

ARTICLE XVI Strikes

No strike shall be called without the approval of the International President.

ARTICLE XVII Order of Business for Local Union Meetings

1. Call meeting to order.
2. Roll call of Officers - by Recording Secretary.
3. Reading of the minutes of the previous meeting.¹⁸

¹⁷ Broad participation by members from all segments of the Local Union should be sought for the committees established pursuant to Article XIV. The Resolution on Organizing Committees in Canada on Page 46 of these By-Laws shall continue in effect where applicable.

¹⁸ After the minutes have been read by the Recording Secretary a motion must be made and seconded that the minutes be "approved" (or adopted) as read. Such a motion means that in the opinion of the members, the Secretary has recorded the minutes of the previous meeting correctly. Should the reading reveal any errors, or omissions, a member may move to correct the minutes. If this motion is carried, another motion should follow that the minutes "as corrected" now be approved.

It is very important that brief, comprehensive minutes of each meeting be kept by the Recording Secretary. These minutes are the official record of the business transacted by the Local Union meeting. A regular book is provided by the International Union for this purpose and should always be kept up to date.

4. Reading of Communications.¹⁹
5. Report of Officers
6. Report of Organizer or International Representative.
7. Initiation of New Members.
8. Report of Special Committees.
9. Reports of Standing (or Permanent) Committees.
10. Unfinished Business.²⁰
11. New Business.²¹
12. Good and Welfare.²²
13. Adjournment.

ARTICLE XVIII

Effective Date

Section 1. The provisions of these By-Laws which conform, as required, with the provisions of the standard By-Laws approved by the International Union are automatically in full force and effect. Any additions or amendments to additions to such standard By-Laws shall be in full force and effect after their adoption by vote at a regular meeting of the Local Union in accordance with the form and procedure provided for in Article XIX, and approval by the International Union.

Section 2. Notwithstanding anything to the contrary herein, these By-Laws and any additions or amendments to additions thereto shall be subject to, and shall not in any way be construed to supersede any of the provisions of the International Constitution or the Manuals and policies of the International Union.

ARTICLE XIX

Additions and Amendments to Additions

Additions and Amendments to additions may be made in the following manner:

1. Any addition or any amendment to an addition to the standard By-Laws approved by the International Union must be in the form of either a new Subsection under the proper Section, a new Section under the proper Article, or a new Article.

2. All additions and amendments to additions to the standard By-Laws must not conflict with such standard By-Laws and must be submitted to the International Union for approval. Such additions shall become effective only after approval by the International Union.

3. Proposed additions or amendments to additions must be submitted in writing and read at two

¹⁹ The Recording Secretary reads the letters which require attention. Those that do not require much discussion may be dealt with immediately; others may be laid over to "New Business" or referred to a standing committee. If no action is required or desired, the communications may be read and, upon a motion, filed.

²⁰ These matters are those remaining over from previous meetings. They are usually recorded in the minutes of the previous meeting. The Recording Secretary should inform the President of any unfinished business so it may be included in the order of business in this Section.

²¹ These are matters which have been laid aside earlier in the meeting or which have come up since the last meeting.

²² All miscellaneous matters for the good of the Union which should be brought to the attention of the meeting should come to the floor at this time. These matters usually do not require any action by the meeting. They are simply matters of information and education.

(2) consecutive Local Union meetings, and passed by a two-thirds (2/3) majority vote of the membership present at the next regular meeting. The subject matter of such additions or amendments to additions must be advertised to the membership through bulletin board or other medium prior to the meeting at which the vote thereon is to be taken. Such additions or amendments to additions shall become effective only after approval by the International Union.

Article XX **Donations/Good & Welfare**

Section 1. Any donations from Local 4120 shall be limited to the value set annually per request, to a maximum of 3 such donations per month. Where special circumstances require more than the maximum allowed, that request will first come to the Local Union 4120 Executive Board for consideration, who will then make a recommendation to the membership.

Section 2 . When a member becomes deceased, the family shall receive a flower arrangement or a donation to a charity of their choice. When a member's spouse or child becomes deceased, the local will make a donation to charity or send a flower arrangement. The maximum value of these will be set annually, subject to the approval of the membership.

Section 3. Any member of the Local Union who is hospitalized may be sent flowers or a fruit basket, the cost to be set annually, subject to the approval of the membership.

Section 4. The local will present a gift card to any member on long term disability during the December holiday season, the value to be set annually, subject to the approval of the membership.

Section 5. Upon the retirement of a member, the local will pay the first year's membership fee to S.O.A.R.

Article XXI **STRIKE and DEFENSE FUND**

As per the terms of the merger agreement between our previous union, the University of Guelph Staff Association (UGSA), and the United Steelworkers, Local 4120 will continue to maintain its own Strike Fund, as it had under the constitution of UGSA and is required to include the terms and conditions of that Strike Fund in these by-laws.

- a. Union Local 4120 shall maintain a strike fund.
- b. Monies shall be held in trust on behalf of the Local Union.
- c. Monies shall be administered on behalf of the Local in accordance with the bylaws and constitution of the United Steelworkers.
- d. No monies, either principal or earned interest may be diverted from the fund except as per Section (e).
- e. Monies may be paid out, in the following priority, for:
 - 1) Administration of the fund
 - 2) Legal fees and defense expenses (e.g. Contract Action Team strike avoidance campaign, challenging an employer strike injunction) incurred leading up to and during negotiations and

- during a legal strike up to a maximum of 20% of available funds; these expenses are to be extraordinary and not budgeted for within the usual negotiations reserve funds budgeted by the local nor within the usual legal expenses of the Local's budget
- 3) In the event of a legal strike, for the payment of benefits normally covered under the collective agreement
 - 4) Strike pay to members, as directed by the Strike Committee.
- f. In the event of a legal strike, strike pay will be paid to each striking member on a prorated weekly basis provided that
- (1) sufficient funds are available in the strike fund
 - (2) picket duties, or other normal strike activities are fulfilled as directed by the Executive
 - (3) that the member is not on LTD
 - (4) 8, 9 and 10 month appointment members of the Local Union are eligible only during the normal term of their appointment
 - (5) in the event of a legal strike, monies will be paid over both signatures of the President and the Trustee.
- g. In the event that the fund is exhausted by a strike, the Local Union shall not borrow money for the continuance of strike pay.

APPENDIX

RESOLUTION BY INTERNATIONAL EXECUTIVE BOARD

In order to further organizing activities in Canada, the following language is added to the "By-Laws for Local Unions" and shall be considered a part of the By-Laws of all Local Unions in Canada where provincial or federal law requires the Local Union to be the applicant for certification:

Organizing Committee -- In order to facilitate the recruiting and unionizing of workers in the Canadian provinces and in the federal jurisdiction, each Local Union, where provincial or federal law or the practice of any provincial labour board or court or of the federal labour board requires the Local Union to be the applicant for certification, shall have an organizing committee consisting of the President, the Vice President and a staff representative assigned to organizing. This committee may authorize the filing of an application for certification with the applicable labour board or court on behalf of the Local Union, may appoint the persons who are authorized to file and sign the application on behalf of the Local Union and may take any steps deemed appropriate to insure that the certification proceedings are successfully completed. If necessary, the organizing committee may hold a meeting by conference call