

SHEET METAL | AIR | RAIL | TRANSPORTATION

**SMART**®

**FOCUS ON THE FUTURE**



# Constitution and Ritual

REVISED AND AMENDED BY THE AUTHORITY OF THE

**2<sup>ND</sup> SMART GENERAL CONVENTION**

HELD IN LAS VEGAS, NEVADA | AUGUST 12-16, 2019

**INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS**

AND AFFILIATED LOCAL UNIONS, STATE, DISTRICT, PROVINCIAL AND REGIONAL COUNCILS, LOCAL COMMITTEES  
OF ADJUSTMENT, GENERAL COMMITTEES OF ADJUSTMENT AND STATE LEGISLATIVE BOARDS

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298       **SEC. 12(d).** Each local union shall exert every reasonable effort to  
299 encourage the participation of its local chairperson in such training  
300 programs as may be sponsored by this Association.

301       **SEC. 12(e).** Notwithstanding any other provision of Article Twen-  
302 ty-One A (21A) of this Constitution, in those instances where a General  
303 Committee consists of only one (1) local union, the position of the  
304 local chairperson shall be eliminated and the duties and obligations  
305 of that position described in Section 14(b) hereof in addition to those  
306 described in Section 5 of this Article will be assumed by the General  
307 Chairperson of the General Committee who shall be elected by the  
308 local union for the same term and in the same manner as other officers  
309 of the local union. In this instance, the General Chairperson would be  
310 an automatic delegate.

## **ARTICLE TWENTY-ONE B (21B)**

### **Transportation Division**

#### **ABOUT THIS ARTICLE**

Locals which are covered by Article Twenty-One A (21A) shall be exempt from the provisions of this Article Twenty-One B (21B). Locals which are covered by this Article Twenty-One B (21B) are exempt from the provisions of Article Twenty-One A (21A).

#### **SECTION 1 – NAME OF DIVISION**

1

2       **SEC. 1.** This division shall be known as the Transportation Division of  
3 SMART and shall consist of the Transportation Division and a number  
4 of Transportation Division Locals.

## SECTION 2 – TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS

**SEC. 2.** The Transportation Division shall consist of the following Officers, Boards and Members:

A. Officers:

- President Transportation Division
- National Legislative Director
- Alternate National Legislative Director
- Eight (8) Transportation Division Vice President-International Representatives, of which Two (2) Transportation Division Vice President-International Representatives shall be from the Bus Department
- Eight (8) Alternate Transportation Division Vice President-International Representatives of whom:
  - One (1) shall be from the Bus Department from the Western Territory (West of the Mississippi River) and
  - One (1) shall be from the Bus Department from the Eastern Territory (East of the Mississippi River)
- Vacancies occurring in positions not subject to attrition shall be filled as follows:
  - President Transportation Division – By a two-thirds (2/3) vote of the Board of Directors
  - National Legislative Director – By the Alternate Legislative Director



- 25       ■ Vice President – International Representatives:
    - 26             □ The Senior Transportation Division Alternate Vice
    - 27             President-International Representative from the
    - 28             Bus Department shall fill a Bus Vice President-
    - 29             International Representative vacancy.
    - 30             □ Other Transportation Division Vice President-
    - 31             International Representative vacancies by a
    - 32             two-thirds ( $\frac{2}{3}$ ) vote of the Board of Directors
    - 33             from amongst the Alternate Vice Presidents
    - 34             other than those from the Bus Department.
  - 35       ■ Vacancies not otherwise provided for in this Article shall be
  - 36       filled by a two-thirds ( $\frac{2}{3}$ ) vote of the Board of Directors. The
  - 37       President Transportation Division, National Legislative Director
  - 38       and the three senior Transportation Division Vice President-
  - 39       International Representatives who are members of rail local
  - 40       unions and the senior Transportation Division Vice-President-
  - 41       International Representative who is a member of a Bus
  - 42       Department local union shall also be General Vice Presidents.
- 43   B. Boards:
- 44       ■ Board of Directors – The Board of Directors shall consist
  - 45       of the President Transportation Division, National
  - 46       Legislative Director, and Eight (8) Transportation
  - 47       Division Vice President-International Representatives,
  - 48       two of whom are elected from the Bus Department.
  - 49       ■ Board of Appeals (Members must hold seniority in one
  - 50       of the crafts under the jurisdiction of the Board.)
    - 51             □ Six (6) Members
    - 52             □ One (1) from Engine Service

□ One (1) from Road Service (Train Service)	53
□ One (1) from Yard Service (Train Service)	54
□ One (1) from Commuter Authorities	55
□ One (1) from Bus Department	56
□ One (1) from the Aviation Department	57
C. Members:	58
■ One (1) Delegate from each Local for the Transportation Division Convention	59 60
D. Attrition of Positions:	61
■ A position designated as attritable shall be eliminated when the present incumbent vacates the position for any reason.	62 63
E. President Emeritus:	64
■ The Immediate Past President shall be President Emeritus.	65
F. Members will vote for the following Officers and Boards:	66
■ President Transportation Division	67
■ National Legislative Director	68
■ Alternate National Legislative Director	69
■ Eight (8) Transportation Division Vice President- International Representatives, Two (2) of whom shall be from the Bus Department.	70 71 72
■ Eight (8) Alternate Vice Presidents—Two (2) of whom shall be from the Bus Department	73 74
■ Board of Appeals	75

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**SECTION 3 – REMOVED**

See Article Three (3).

**SECTION 4 – REMOVED**

See Article Five (5).

**SECTION 5 – DELEGATES**

**SEC. 5.** Each Local shall elect a Delegate and an Alternate Delegate to the Transportation Division, during the year preceding the quinquennial convention, from the members of each Local who have not voluntarily elected to receive a rebate of dues from any department. The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.

In the event the Delegate is unable to attend the convention, it will be the duty of the Alternate Delegate to attend and represent the Local.

If the office of Delegate becomes vacant for any reason, the Alternate Delegate will succeed to that office and the Local will elect another Alternate Delegate.

The General Secretary-Treasurer shall furnish each Local in good standing with a credential form which shall be signed by the President and Secretary of the Local. The credential shall bear the seal of the Local and be furnished to the Delegate, which shall be authorization to represent the Local at the convention of the Transportation Division.

Delegates to the Transportation Division Convention shall receive Transportation Division Vice President-International Representative's daily rate of pay for their services and per diem at the maximum rate allowed by the Internal Revenue Service for the locality of the convention site, commencing on the travel day prior to the opening day of the convention, the session day(s), and a travel day following the convention.

Each Delegate shall receive a travel expense allowance at the maximum automobile mileage rate set by the Internal Revenue Service from the city in which their Local is located to the convention city and return by the most direct route, and based on official Rand McNally Road Atlas mileage tables.

If a Delegate is absent at roll call or when the yeas and nays are called on any subject, no pay shall be received for that day unless excused by the convention.

A Delegate who becomes ill while attending a convention will, provided evidence of illness is reported to the convention, receive pay as though present.

A full time General Chairperson, Legislative Director or Representative, or other committee member or officer, who serves as Delegate to the Transportation Division Convention or some other position of the Transportation Division, will be paid the salary and expense allowance established for the position they are filling or their regular salary and expense allowance, whichever is the greater. If, under this arrangement, they receive their regular salary and expense allowance, the salary and expense allowance they would otherwise have received as Delegate will be credited to the fund from which their regular salary and expense allowance is paid.

SMART delegate compensation shall be handled in accordance with Article Seven (7).

The President Transportation Division shall have printed in the Transportation Division directory the name, address, Local number and title, if any, of each Delegate and Alternate Delegate. Directories will be mailed to each Delegate and Alternate Delegate no later than one hundred and twenty (120) days prior to the Transportation Division Convention.

1       **SECTION 6 –TRANSPORTATION DIVISION CONVENTION**

2       **SEC. 6.** The Transportation Division shall convene in regular session  
3       quinquennially after 2014, immediately preceding the SMART Con-  
4       vention and such regular session will not exceed four (4) consecutive  
5       calendar days — two (2) session days and two (2) travel days.

6       SMART has jurisdiction over all subordinate bodies and all sub-  
7       jects pertaining to the Transportation Division, except as provided in  
8       Section 80.

9       A majority of all Delegates in attendance at the Transportation Division  
10      Convention shall constitute a quorum for the transaction of business.

11      The President Transportation Division shall appoint a Committee  
12      on Officers’ Reports (listed in Section 2(A)) consisting of not less than  
13      one (1) member from each craft represented by the Transportation  
14      Division and such other committees, guards, etc., as may be necessary,  
15      to assist during the Transportation Division Convention.

16      Officers and Delegates of the Transportation Division will be fur-  
17      nished official badges at the beginning of the Transportation Division  
18      Convention. Official badges for the SMART Convention will be han-  
19      dled in accordance with Article Seven (7).

1                               **SECTION 7 – ELIGIBILITY FOR**  
2                               **TRANSPORTATION DIVISION OFFICE**

3       **SEC. 7.** Unless otherwise provided, any member paying full dues shall  
4       be eligible for election to any office in the Transportation Division,  
5       except a member who:

- 6           ■ Holds membership in any other union representing  
7           transportation employees, other fields of employment,  
8           trades and industries, whether in public or private  
9           employment, except when a member is forced  
10          by agreement to belong to another union;

- Is serving in an official capacity with a transportation company, other fields of employment, trades and industries, whether in public or private employment, except as yardmaster where the Transportation Division holds the contract for yardmasters;
- Does not hold seniority rights in transportation service, other fields of employment, trades and industries, whether in public or private employment where the Transportation Division holds the contract, except this does not apply when a member is dismissed from service and their case is being appealed;
- Voluntarily elects to receive a rebate of dues from any department will not be eligible to hold office in that department and will not be eligible for the offices of Delegate or Alternate Delegate, Legislative Representative, or Alternate Legislative Representative;
- Is restricted from holding office by Labor-Management Reporting and Disclosure Act;
- Is an elected officer of the Transportation Division, listed in Section 2(A), shall not be eligible to the office of Transportation Division Delegate;
- Is serving as a Local Officer and/or Local Committee of Adjustment Officer who serves on a part-time basis need only be members in good standing to retain their office.

**SECTION 8 – ELECTION AND INSTALLATION OF TRANSPORTATION DIVISION OFFICERS**

**SEC. 8.** Nominations for candidates shall be made from the floor by any Delegate. Seconds to nominations and nominating speeches will not be required.

6 Any candidate declining nomination shall do so before nominations  
7 are closed. The presiding officer shall twice call for withdrawals before  
8 accepting a motion to close nominations.

9 Officers shall be elected by a secret ballot during each regular con-  
10 vention of the Transportation Division. The provisions of the first and  
11 third paragraphs of Article Seven, General Conventions, Section 2(a)  
12 shall apply to these elections.

13 Officers elected by a convention will be obligated and installed  
14 during the convention session. Officers who succeed to office under  
15 the provisions of this Constitution or are appointed by the Board of  
16 Directors between conventions will be installed, by the General Pres-  
17 ident or their designated representative, before assuming office. The  
18 obligation shall be the same as that provided for officers of a Local.

## 1 SECTION 9 – TERM OF OFFICE

2 **SEC. 9.** Officers elected at the Transportation Division Convention shall  
3 assume their offices on October 1 following their election and shall hold  
4 such office until October 1 following the adjournment of the next quin-  
5 quennial convention, subject to the provisions of the Constitution.

## 1 SECTION 10 – REPORTS OF OFFICERS

2 **SEC. 10.** Vice President-International Representatives and the National  
3 Legislative Director shall make a report to the President Transporta-  
4 tion Division at the conclusion of each assignment.

5 All Officers and Boards of the Transportation Division shall submit  
6 a report to the President Transportation Division of their official acts  
7 and expenses incurred during each year. These reports will be mailed  
8 to the Delegates prior to the Convention.

## 1 SECTION 11 – DELETED IN ITS ENTIRETY

**SECTION 12 – TRANSPORTATION DIVISION** 1  
**DUES AND ASSESSMENTS** 2

**SEC. 12.** The funds of the Transportation Division shall be acquired by 3  
assessments of dues in the amount of \$31.50 per month on all mem- 4  
bers employed in transportation service, other fields of employment, 5  
trades, and industries, whether public or private employers. 6

Transportation Division dues will be apportioned to the various funds 7  
of the Transportation Division as follows effective January 1, 2020: 8

- Convention Fund ..... \$ 2.00 9
- General Fund ..... \$28.50 10
- Maintenance of Membership Fund ..... \$ 1.00 11
- Public Relations Fund ..... \$ .50 12
- Strike Fund ..... \$ .25 13
- Education and Training Fund ..... \$ 1.25 14

Requests for reduced Transportation Division dues must be pre- 15  
sented to the Board of Directors for consideration and subsequent 16  
referral to the General President with a recommendation. Upon the 17  
Board of Directors’ recommendation, the General President, with the 18  
approval of the General Executive Council, may grant a reduction of 19  
monthly Transportation Division dues in situations where special 20  
circumstances exist. Approved reductions shall be subject to review on 21  
an annual basis. 22

All receipts for charter fees, Local supplies, official publications, 23  
and other sources not otherwise provided for shall be placed in the 24  
General Fund. 25

Except as otherwise provided in Article Twenty-One B (21B), all 26  
disbursements for expenses incidental to conducting the business 27  
of the Transportation Division shall be paid from the General Fund. 28



29 Expenses in connection with the conventions, public relation activi-  
30 ties, strikes and maintenance of membership shall be paid from the  
31 funds created for such purposes. There shall be no transfer of funds  
32 from one account to another except upon approval by a majority vote  
33 of the Board of Directors and General Executive Council.

34 The assessment of dues shall be increased by the following monthly  
35 amounts effective on the dates shown and allocated to the General Fund:

- 36 ■ \$2.00 effective January 1, 2020
- 37 ■ \$1.00 effective January 1, 2021
- 38 ■ \$2.00 effective January 1, 2022
- 39 ■ \$1.00 effective January 1, 2023
- 40 ■ \$1.00 effective January 1, 2024

41 Notwithstanding any other language herein, the General Presi-  
42 dent, with the concurrence of the President Transportation Division  
43 and with the approval of the General Executive Council, may reduce,  
44 postpone or cancel the per capita dues or any increase for members  
45 in certain and specific work classifications of the entire industry,  
46 provided that such action is deemed advisable or necessary in the best  
47 interests of this Association and the members thereof.

48 Fund Trustees shall also be empowered to make agreements with  
49 vendors to provide members with disability insurance coverage or  
50 other benefits through the Transportation Division, at the members'  
51 cost, on an opt-out basis.

52 Fund Trustees shall also be empowered to make agreements with  
53 vendors to provide members with disability insurance coverage or  
54 other benefits through the Transportation Division, at the members'  
55 cost, on an opt-out basis. The President Transportation Division and  
56 General Secretary-Treasurer shall be equally responsible for the dis-  
57 bursements of funds.

**SECTION 13 – REMOVED**

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See Article Thirty-Three (33).

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**SECTION 14 – REMOVED**

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See Article Seven (7), Section 14.

2

**SECTION 15 – BONDING OF TRANSPORTATION  
DIVISION OFFICERS AND EMPLOYEES**

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**SEC. 15.** The President Transportation Division in concurrence with the General Secretary-Treasurer shall arrange for the bonding of Transportation Division officers and employees. The President Transportation Division shall be bonded for not less than Five-Hundred Thousand Dollars (\$500,000.00); all other officers and employees, if required, shall be bonded for not less than Twenty-Five Thousand Dollars (\$25,000.00) each, all payable to the International Association of Sheet Metal, Air, Rail and Transportation Workers.

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**SECTION 16 – PRESIDENT TRANSPORTATION DIVISION**

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**SEC. 16.** The President Transportation Division shall be the executive head of the Transportation Division, exercise general supervision over its affairs and interests, including all Transportation Division subordinate bodies and shall preside at all sessions of the Transportation Division Conventions.

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The President Transportation Division may employ sufficient personnel and such other assistance as necessary to properly conduct the business and affairs of the Transportation Division. The President Transportation Division would need approval of the General Executive Council whenever the General President needs approval, but the General Executive Council cannot withhold approval from the President Transportation Division's request except upon grounds that it would apply equally to a request from the General President.

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15 It is the responsibility of the President Transportation Division  
16 to interpret Article Twenty-One B (21B), decide all questions arising  
17 therefrom, and decide all other controversies not provided for under  
18 this Article, subject to the General President’s evaluation to determine  
19 whether the questions involve only the interests of the Transportation  
20 Division and the members it serves and do not include any matters  
21 that affect other members of SMART, such as financial questions that  
22 implicate more than the interests of the Transportation Division and  
23 actions that pose legal risk to SMART.

24 The President Transportation Division shall, no later than Janu-  
25 ary 31<sup>st</sup> of each calendar year, prepare an operational budget for the  
26 Transportation Division by department, which shall include an annual  
27 budget for each fund authorized by the delegates under the provisions  
28 of Section 12. This budget, which shall be reviewed and approved by  
29 the Board of Directors, will be submitted to the SMART Finance Com-  
30 mittee, with final approval by the General Executive Council.

31 Upon approval by the General Executive Council, the annual  
32 budget will be published in the SMART Transportation Division News  
33 not later than the May edition. In the event a budget has not been  
34 approved by May 1<sup>st</sup>, the President Transportation Division will pro-  
35 ceed to authorize the printing of the budget as proposed.

36 The General Secretary-Treasurer shall furnish the General Chairper-  
37 son and State and District Legislative Director a copy of the current  
38 billing of each Local under their jurisdiction once each quarter.

39 The President Transportation Division shall perform all duties and  
40 responsibilities assigned under Article Twenty-One B (21B) and such  
41 other duties and responsibilities as may be necessary for the proper  
42 conduct of the affairs of the Transportation Division and the accom-  
43 plishment of its objectives.

## SECTION 18 – DUTIES OF THE VICE PRESIDENT- INTERNATIONAL REPRESENTATIVES

**SEC. 18.** The Vice President-International Representatives shall perform such duties as may be assigned by the President Transportation Division or as may be required by Article Twenty-One B (21B).

Vice President-International Representatives shall be assigned a location, and with the approval of the President Transportation Division, and General President and/or General Executive Council where required, may be permitted to provide office space and employ such assistance as may be necessary. The office rent, authorized assistance, telephone service, and supplies to be paid from the General Fund.

## SECTION 19 – REMOVED

See Article Three (3) and Article Twenty-One B (21B), Section 16.

## SECTION 20 – ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

**SEC. 20.** The Legislative Director of each State and the District of Columbia shall form the Association of State Legislative Directors for the purpose of coordinating concerted efforts for securing the enactment of laws and regulations, or the repeal or modification of laws and regulations to ensure the protection and welfare of the members of SMART, to exchange information regarding political and legislative activities affecting Transportation Division members and to recommend a legislative agenda for the Transportation Division.

The President Transportation Division will convene the Association during the year 1996, and quadrennially thereafter. State Legislative Directors shall be members of the Association and shall represent their State Legislative Boards at each meeting with salaries and proper expenses to be paid from the General Fund.

16 The Officers of the Association shall be a Chairperson, Vice Chair-  
17 person, Secretary and Treasurer to be elected by secret ballot during  
18 the 1996 meeting and quadrennially thereafter.

19 Bylaws consistent with the provisions of this constitution will be  
20 adopted at the 1996 meeting.

21 A majority of Association Members shall constitute a quorum.

1 **SECTION 21 – DUTIES OF NATIONAL**  
2 **LEGISLATIVE DIRECTOR**

3 **SEC. 21. (a)** The National Legislative Director shall devote their efforts  
4 to secure the enactment, modification, or repeal of laws in accordance  
5 with the legislative policy of the organization. They shall handle all  
6 legislative matters referred to them by the President Transportation  
7 Division. They shall collect and compile statistics on legislation affect-  
8 ing the organization, which shall be included in their report to the  
9 convention. Copies of this report shall be furnished to State Legislative  
10 Boards and to members on request.

11 The National Legislative Director shall handle with the proper  
12 agents of the Federal Government all alleged violations of Federal law,  
13 as brought to their attention, which involve the safety and welfare of  
14 our membership covered by such law. They will, when authorized by  
15 the President Transportation Division, represent the Transportation  
16 Division and/or the President Transportation Division before Federal  
17 agencies and Congressional Committees, and in such other capacities  
18 as the President Transportation Division may direct.

19 The National Legislative Director shall keep the President Transpor-  
20 tation Division advised on all bills and hearings before the Congress and  
21 other Federal agencies, which affect the interest of the organization.  
22 They shall furnish the President Transportation Division copies of all  
23 bills introduced to the Congress which may affect the organization,  
24 and such information as will enable the President Transportation  
25 Division to determine legislative policy on such matters as may affect

the Transportation Division in accordance with the law of the organization. They shall compile a voting record of the members of Congress on legislation affecting the interests of labor. Such voting record shall be furnished the President Transportation Division, State, and District of Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress. They shall submit recommendations to the President Transportation Division for candidates for Congress, based on voting records and other information concerning each candidate. The General President and President Transportation Division shall then confer on the selection of candidates. If there are differences of opinion between the National Legislative Director and a State or District of Columbia Legislative Board, such differences shall be submitted to the President Transportation Division, whose decision shall be final.

Headquarters for the United States National Legislative Department shall be maintained in Washington, D.C. The Legislative Director shall remain at the Capitol during sessions of the Congress and such other times as may be necessary to discharge their duties, unless otherwise instructed by the President Transportation Division. The Legislative Director may employ sufficient personnel and such assistants as necessary to properly conduct the business of the department, subject to the approval of the President Transportation Division.

**SECTION 22 - REMOVED**

**SEC. 22.** The duties formerly enumerated in this Section are covered under Article Five (5) General Secretary-Treasurer, Article Six (6) General Executive Council, Section 3, Article Seventeen (17), Article Eighteen (18) and Article Twenty-One B (21B), Section 15.

**SECTION 23 – DUTIES OF THE BOARD OF DIRECTORS**

**SEC. 23.** The Board of Directors shall meet on the first Tuesday in the months of April and October, and on call of the President Transportation Division, to consider all matters coming before it.

5 In circumstances in which an officer listed in Section 2A of this  
6 Article is temporarily unable to perform the duties of their office due  
7 to illness or absence, the Board of Directors may designate an officer  
8 who will assume the duties of the ill or absent officer until they are in  
9 position to resume the duties of their office.

10 A majority of the Board of Directors shall decide matters coming  
11 before the Board, except as otherwise provided in Twenty-One B (21B).  
12 Members of the Board of Directors must attend and participate in all  
13 Board meetings, unless prevented by illness or emergency. The General  
14 President and General Secretary-Treasurer shall be notified of all meet-  
15 ings of the Board of Directors and they or their designee may attend all  
16 such meetings but will not have a vote on matters under consideration.

17 A member of the Board of Directors will not be permitted to partici-  
18 pate in the Board's consideration of, or decision on, appeals taken from  
19 their actions or decisions. Board members will vote on all decisions  
20 and actions taken by the Board and will not be allowed to abstain  
21 from voting, except as stated herein above concerning their actions  
22 or decisions. The Annual Report shall show how each Member of the  
23 Board of Directors voted on all appeals brought pursuant to Section 75  
24 II immediately following the decision.

25 Unification, affiliation, or merger with another labor union shall be  
26 governed by Article Three (3), Section 1.

1 **SECTION 24 – REMOVED**

1 **SECTION 25 – REMOVED**

1 **SECTION 26 – REMOVED**

1 **SECTION 27 – BOARD OF APPEALS**

2 **SEC. 27.** Immediately after their election, the members of the Board  
3 of Appeals shall meet and elect a Chairperson and Secretary. The  
4 Secretary shall keep a correct record of the proceedings of the Board.

A record shall be taken of all oral testimony for the use of the Board in making its final decisions.

The Board of Appeals shall meet semiannually, on the second Monday of January and July, and at such other times as may be necessary, at the Transportation Division location, to consider and determine all appeals submitted under the provisions of Article Twenty-One B (21B). A majority of a Board shall decide all appeals coming before that Board. It shall have no authority to consider and determine any other matter, nor to refer any case to any other tribunal of the organization for a decision except questions arising as to the application of organization law under Article Twenty-One B (21B) shall be referred to the President Transportation Division.

The Board shall give a clear and concise report of each appeal properly submitted to it. Such report shall consist of a statement of all material facts involved in the appeal, the contentions of the parties and the decision of the Board, stating the reasons upon which the decision is based. All decisions shall be released by the Board without delay.

In an appeal involving a Board member's Local, such Board member must disqualify themselves and be excused by the Chairperson of the Board. The original decision shall be signed by each member of the Board participating and, following each signature, the word "for" or "against" shall be written indicating their vote on the matter. Copies of all decisions shall contain the names of the Board members participating. Decisions of the Board of Appeals shall be final and binding and shall not be appealable to the convention.

The Board shall, at the conclusion of each meeting, submit a report properly authenticated to all interested subordinate bodies and Transportation Division Officers.

A member of the Board of Appeals shall not represent the Transportation Division in any other capacity while serving as a member of the Board.



1       **SECTION 28 – OFFICERS, MEMBERS, OR SUBORDINATE**  
2       **BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL**  
3       **ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH**  
4       **THIS CONSTITUTION**

5       **SEC. 28.** No officer, member, or subordinate body of the Transportation  
6       Division shall resort to the civil courts to correct or redress any alleged  
7       grievance or wrong, or to secure any alleged rights from or against any  
8       officer, member, subordinate body, or the Transportation Division until  
9       such officer, member, or subordinate body shall have first exhausted all  
10      remedy by appeal provided in this Constitution for the settlement and  
11      disposition of any such rights, grievances, or wrongs.

12      Any officer, member, or subordinate body of the Transportation Divi-  
13      sion violating the provisions of this Section shall be subject to charges  
14      and trials as provided by Twenty-One B (21B).

1       **SECTION 29 – COMPENSATION AND VACATION BENEFITS**  
2       **OF TRANSPORTATION DIVISION OFFICERS, BOARD**  
3       **MEMBERS AND STAFF MEMBERS WHO HOLD SENIORITY**  
4       **IN A CRAFT ON A PROPERTY WHERE SMART HOLDS**  
5       **REPRESENTATION RIGHTS**

6       **SEC. 29.** Adjustments in salaries of Transportation Division officers,  
7       Board members and Staff members will be made in the same proportion  
8       as increases or decreases in wages received by employees represented by  
9       the Transportation Division, subject to final budget approval.

10      All officers, Board members and Staff members, devoting full time to  
11      the service of the Transportation Division, shall receive their salary in  
12      equal payments bi-weekly.

13      Members of the Board of Appeals, and other appointed committees  
14      shall receive their salary not less frequently than bi-weekly while in ses-  
15      sion, or when the work for which they have been assembled is completed.

Transportation Division officers, Board members, and Staff members, and representatives devoting full time to the service of the Transportation Division will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The method of handling vacations shall be determined by the President Transportation Division.

When a member serving the Transportation Division on a part-time basis suffers a loss of earnings from their carrier resulting in a reduction or loss of their vacation pay from the carrier, they shall receive from the department of the Transportation Division in which they served the amount of vacation pay lost as result of their services with the Transportation Division.

**SECTION 30 – FISCAL YEAR**

**SEC. 30.** The fiscal year of the Transportation Division and all its subordinate bodies shall begin on the 1<sup>st</sup> day of January and end on the 31<sup>st</sup> day of December of the same year.

**SECTION 31 – REMOVED**

**SECTION 32 – PRINTING AND SUPPLIES**

**SEC. 32.** The President Transportation Division and the General Secretary-Treasurer shall jointly receive bids and award contracts for printing International and Local supplies, and other necessary printing. All forms provided by such Locals must be submitted for approval before being printed.

All supplies shall be furnished Locals at cost and must bear the imprint of the SMART seal.

All printed matter purchased by the Transportation Division shall bear the union label.

1                                   **SECTION 33 – OFFICIAL PUBLICATIONS**

2       **SEC. 33.** Official print publications and all electronic media, web, com-  
3       munications shall be issued regularly by the Transportation Division  
4       which shall be under the business management of the President  
5       Transportation Division. The President Transportation Division shall  
6       be Editor-in-Chief and employ such editorial and other assistance as  
7       necessary. The publications shall be furnished to all active members  
8       of the Transportation Division and to widows and retired members  
9       who make requests for the print publications, and or electronic media,  
10      web, communications, provided they keep the Transportation Division  
11      advised as to their correct address. All money for subscriptions shall be  
12      paid and credited to the General Fund of the International.

13      The expense of maintaining the publications shall be paid from  
14      the General Fund of the International and the amount paid pro-rated  
15      quarterly against the various funds of the International on a percent-  
16      age basis established by the President Transportation Division. All of  
17      the above is in coordination with the General Secretary-Treasurer.

1                                   **SECTION 34 – ENDORSEMENT OF SOUVENIRS, ETC.**

2       **SEC. 34.** The Transportation Division or Locals shall not endorse  
3       articles of merchandise. Locals shall not sell or grant to any person the  
4       right to solicit advertisements or issue souvenirs or like objects in the  
5       name of SMART and/or the SMART Transportation Division.

6       Locals, subject to prior approval of the President Transportation  
7       Division, may issue advertising, programs, time books, or other publi-  
8       cations of general interest in the name of the Transportation Division  
9       for Local purposes, when properly authorized by the Local(s) inter-  
10      ested, providing the net proceeds therefrom go to the Locals making  
11      such authorization.

Where two (2) or more Locals are located in the same city or sub- 12  
 section in which such publications are to be issued, all Locals will be 13  
 given an opportunity to participate in the project. 14

All of the above is in coordination with the General Secretary-Treasurer. 15

## **SECTION 35 – ORDER OF BUSINESS OF THE** 1 **TRANSPORTATION DIVISION CONVENTION** 2

### **SEC. 35.** 3

1. Call to order 4
2. Invocation 5
3. Roll call of officers 6
4. Report of Credentials Committee 7
5. Announce or display: This meeting is an environment 8  
 free of discrimination and harassment 9
6. Action on previous day's minutes 10
7. Communications 11
8. Reports of officers 12
9. Reports of committees 13
10. Unfinished business 14
11. New business 15
12. Nominations and elections of officers 16
13. Installation of officers 17
14. Closing 18

1                                   **SECTION 36 – RULES OF ORDER,**  
2                                   **TRANSPORTATION DIVISION CONVENTION**

3       **SEC. 36.** The rules of order for conventions of the Transportation  
4 Division shall be Robert’s Rules of Order, Revised, except as otherwise  
5 provided in the following rules:

6           These rules may be amended at any regular meeting of the Trans-  
7 portation Division by a majority vote of the Delegates present.

- 8           1. The daily sessions of the convention shall begin at 9:00 a.m.  
9           and adjourn at 2:00 p.m. Evening sessions may be called  
10           by a majority vote of the Delegates to begin at 8:00 p.m.  
11           Instead of a roll call, appropriate checks shall be collected  
12           from the Delegates as a means of recording attendance.
- 13           2. The convention shall meet daily excepting Saturdays,  
14           Sundays, and legal holidays and, for parliamentary  
15           purposes, shall be considered to be in continuous  
16           session until adjourned on the last day.
- 17           3. The President Transportation Division shall supply each  
18           Officer and Delegate with a list of Delegates and standing  
19           committees. Proceedings of each day’s meeting shall be  
20           printed and shall be distributed the following morning.
- 21           4. Officers and Delegates shall be admitted upon display of their  
22           identification badge and will take their seats without ceremony.
- 23           5. No person except Officers and Delegates of the  
24           International shall be admitted to the floor reserved  
25           for Delegates. Other officers and members of SMART  
26           may attend the convention as visitors on presentation  
27           of a receipt for current dues or membership card.

6. The President Transportation Division, or in their absence, a Vice President-International Representative designated by the President Transportation Division, shall preside. They may speak to points of order in preference to other Officers and Delegates. They shall decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate may speak more than once on such appeal.
7. No main motion shall be debated until it has been scheduled and stated by the presiding officer who may require the motion to be put in writing before it is stated.
8. While in the Committee of the Whole, a Delegate may speak but once on any subject or motion. The maker of a motion may close debate but will not be permitted to speak in excess of five (5) minutes in the exercise of this right.
9. After a question has been decided, any two (2) Delegates who voted with the majority may, at any time during the session, move to reconsider the question. No debate will be permitted on such motions. Should the motion to reconsider be carried, the question at issue may then be debated in the same manner as a new motion.
10. When a question is put, every Delegate in the assembly must vote on it unless excused by a majority vote of the Delegates.
11. Except as provided in Section 6, members of each committee will be appointed by the President Transportation Division. The person named first on a committee shall be the chairperson.
12. A yea and nay vote will be taken on any question when called for by one-third ( $\frac{1}{3}$ ) of the Delegates present.
13. The convention is prohibited from considering proposed constitutional amendments not previously presented to the Constitution Committee.

- 58 14. All constitutional changes recommended by the Constitution  
59 Committee and all such proposals printed and distributed to  
60 Officers and Delegates will show the current constitutional  
61 provision and the proposed change printed on the same  
62 sheet in a manner which will permit easy and accurate  
63 comparison. Portions of the Constitution which are not  
64 involved in amendment proposals will not be read during  
65 sessions of the Committee of the Whole and such portions  
66 will, therefore, be identified and passed upon by making  
67 appropriate references to their number and/or title.
- 68 15. Affirmative action by the Committee of the Whole in  
69 rescinding a former action is not subject to a motion  
70 to reconsider. If the motion to rescind in a case of this  
71 kind fails to carry, a motion to reconsider would be  
72 proper but the matter can be acted upon but once.
- 73 16. During debate, the presiding officer will recognize the Delegate  
74 first in line before each microphone in series beginning with  
75 microphone No. 1, and continuing through the number of  
76 microphones on the floor before again recognizing microphone  
77 No. 1. Recognition shall be alternated between proponents  
78 and opponents on all questions, odd number microphones  
79 for proponents, and even numbers for opponents. When a  
80 Delegate wishes to speak they shall proceed to one of the  
81 microphones. When recognized by the presiding officer,  
82 the Delegate shall give their name and Local number.  
83 They shall confine remarks to the pending question.

- |   |                                  |
|---|----------------------------------|
| 17. If the report of a committee is adopted, the report shall be recorded as concurrence by the convention. If the report fails of adoption, it shall be recorded as non-concurrence. The full report of the committee showing concurrence or non-concurrence on each amendment shall be forwarded to the SMART Constitution Committee for their consideration. | 84<br>85<br>86<br>87<br>88<br>89 |
| 18. The report of the Committee on Transportation Division Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the final day of the convention.  | 90<br>91<br>92<br>93<br>94       |
| 19. Documents of interest to the convention shall be printed in the minutes without being read to the convention. This includes resolutions and other matters which direct themselves to appropriate committees for consideration prior to being brought to the floor of the convention.  | 95<br>96<br>97<br>98<br>99       |
| 20. Reports of the Sick Committee will be printed in each day's minutes.  | 100<br>101                       |
| 21. The daily sessions of the convention may be opened with a prayer by a member of the clergy or, in the absence of same, by a Delegate.   | 102<br>103<br>104                |
| 22. The General Secretary-Treasurer may advance travel allowances and per diem payments to Delegates upon request without approval of the convention.   | 105<br>106<br>107                |
| 23. While in the Committee of the Whole, a motion to stop debate shall apply only to the specific subject then under debate.  | 108<br>109                       |
| 24. Election of Transportation Division officers will commence not later than the first order of business on the second day of the convention.  | 110<br>111<br>112                |



113           25. When electing Transportation Division officers, the following  
114 rules will apply: Where an individual officer or position is  
115 involved, and no candidate receives a majority of legal votes  
116 cast on the first ballot, where there are three (3) candidates  
117 on the ballot, the candidate receiving the lowest number of  
118 votes will be dropped on the second ballot. Where there are  
119 more than three (3) candidates on the ballot, all candidates  
120 except the top three (3) will be dropped. If no candidate  
121 receives a majority of legal votes cast on the second ballot,  
122 the candidate receiving the lowest number of votes will  
123 be dropped on the third ballot. The balloting will continue  
124 until one of the candidates receives a majority of legal votes  
125 cast. In placing the names of candidates on ballots or voting  
126 machines, the names of incumbent officers shall appear first,  
127 with the names of other candidates following in alphabetical  
128 order. When elections are run simultaneously no member  
129 may be a candidate for more than one office or position.

130           In addition to the foregoing, the following procedure will govern the  
131 election of Transportation Division officers:

132           After the election of the President Transportation Division, the  
133 National Legislative Director will be elected. Nominations will be  
134 accepted for Vice Presidential-International Representative positions  
135 1 through 8, until there are four contested positions after which an  
136 election shall be conducted. In other words, it is contemplated that  
137 contested Vice President-International Representative positions will  
138 be elected simultaneously in groups of four (4), until all Vice Presi-  
139 dent- International Representative positions are filled. From among  
140 the elected Vice President-International Representatives, an election  
141 will be held to select the successor to the President Transportation  
142 Division in the event a vacancy occurs between Conventions.

The Alternate National Legislative Director shall be elected next. 143  
 Alternate Vice President-International Representatives shall be 144  
 elected as follows – the Alternate Bus Vice President-International 145  
 Representative in the Eastern Territory and the Alternate Vice 146  
 President-International Representative in the Western Territory shall 147  
 be elected simultaneously. The remaining six (6) Alternate Vice Presi- 148  
 dents, positions 1 through 6, shall be elected simultaneously. 149

The Board of Appeals will be elected next — (six (6) members). One 150  
 (1) member from engine service, position one; one (1) member from 151  
 road train service, position two; one (1) member from yard train service, 152  
 position three; one (1) member from Commuter Authorities, position 153  
 four; one (1) member from the Bus Department, position five; and one 154  
 (1) member from the Aviation Department. 155

26. When an election for a particular office or board 156  
 is commenced, the same must be completed 157  
 before the convention adjourns for the day. 158

27. Transportation Division officers listed in Section 2(A) may speak 159  
 but shall have no vote in Transportation Division Convention. 160

**SECTION 37 – PRINTING AND DISTRIBUTION** 1  
**OF CONSTITUTION** 2

**SEC. 37.** Copies of the SMART Constitution shall be furnished to all 3  
 members of the Transportation Division. The most current SMART 4  
 Constitution shall be made available to all members via electronic 5  
 media, the SMART web page. 6

**SECTION 38 – SAVING CLAUSE** 1

**SEC. 38.** The President Transportation Division, with the approval of 2  
 the Board of Directors and jointly with the General President, may 3  
 take such action as may be deemed necessary to meet situations not 4

5 covered in Article 21B in order to protect the interest of the member-  
6 ship and the Transportation Division.

7 See Article Thirty-Four (34), Section 1 as though contained herein.

## 1 SECTION 39 – LOCALS

2 **SEC. 39.** Employees in transportation service, other fields of employ-  
3 ment, trades and industries, whether public or private employees,  
4 desiring to organize a Local shall request an official application from  
5 the General Secretary-Treasurer. The application must be accompanied  
6 by a fee of Fifty Dollars (\$50.00) to cover the cost of necessary supplies  
7 for the Local. Upon receipt, the General Secretary-Treasurer will for-  
8 ward the application to the President Transportation Division for their  
9 review and recommendation to the General President.

10 Should the application be favorably considered by the General  
11 President, the General Secretary-Treasurer shall issue a charter, prop-  
12 erly signed under official seal, and forward to the person designated.  
13 Upon notification by the General President, the President Transpor-  
14 tation Division will direct an officer of the Transportation Division to  
15 organize the Local and install the elected officers in accordance with  
16 this Constitution.

17 Bylaws for their special government, which do not conflict with this  
18 Constitution, shall be adopted, subject to the approval of the General  
19 Secretary-Treasurer.

20 The General President shall assign each Local a number and thereaf-  
21 ter it shall be known as "International Association of Sheet Metal, Air,  
22 Rail and Transportation Workers (SMART) Local Union No. \_\_\_\_."

## 1 SECTION 40 – JURISDICTION AND AUTHORITY

2 **SEC. 40.** The jurisdiction of Locals shall be that which existed on the  
3 date of unification. Changes in jurisdiction may be recommended by  
4 the President Transportation Division after giving the interested Gen-  
5 eral Chairperson an opportunity to file recommendations regarding

the matter. Changes in jurisdiction are made by the General President  
 subject to the above. The Local shall have jurisdiction over all mem-  
 bers of the Transportation Division employed under its jurisdiction.

The decision of a Local on all matters within its authority shall be  
 final, unless appealed and reversed.

Jurisdiction and authority shall not extend to the transfer of  
 members from one Local to another Local to result in any Local of  
 twenty-five (25) or more members being closed. Henceforth the Gen-  
 eral President shall not make changes in jurisdiction of Locals which  
 would result in closing a Local whose membership is twenty-five (25)  
 or more members.

A Local may discipline its members for misconduct or violation of  
 their obligation.

## SECTION 41 – MEMBERSHIP

**SEC. 41.** Any person of good moral character who is employed in a craft  
 or vocation, whether public or private employment, represented by the  
 Transportation Division is eligible to membership.

To gain admission or readmission, an applicant must execute and  
 file with the Local Treasurer an official application for membership  
 which must be accompanied by cash, check, or money order to cover  
 one month's dues and assessments.

No application for admission or readmission shall be accepted by the  
 Treasurer or considered in any manner until three (3) members of the  
 Local have signed the same certifying that to the best of their belief the  
 applicant is of good moral character and if admitted to membership in  
 SMART will be a worthy member. Upon receipt of a properly executed  
 application accompanied by the required dues and assessment, the  
 Local Treasurer will issue to the applicant an official receipt and will  
 promptly forward to the General Secretary-Treasurer the completed  
 application, together with the required dues and assessments. The Local

18 Treasurer will report at each meeting all admissions and readmissions  
19 occurring subsequent to the last meeting of the Local.

20 The official membership application form will include the following  
21 statement which will be subscribed to, and signed by, the applicant in  
22 the presence of an officer or member of the Local who shall witness the  
23 applicant's signature and certify by signature that they have done so:

24 "I pledge my honor to faithfully observe the Constitution and Laws  
25 of the International Association of Sheet Metal, Air, Rail and Trans-  
26 portation Workers, including the bylaws of my Local; to comply with  
27 the rules and regulations for the government of the International  
28 Association of Sheet Metal, Air, Rail and Transportation Workers; not  
29 to make known to outsiders any private proceedings of the Inter-  
30 national Association of Sheet Metal, Air, Rail and Transportation  
31 Workers; to faithfully perform all the duties assigned to me to the  
32 best of my ability and skill; to so conduct myself at all times as not to  
33 bring reproach upon my union and at all times bear true and faithful  
34 allegiance to the International Association of Sheet Metal, Air, Rail  
35 and Transportation Workers."

1 **SECTION 42 – CONTINUOUS MEMBERSHIP**

2 **SEC. 42.** Continuous membership in the former Order of Railroad  
3 Conductors and Brakemen, Brotherhood of Locomotive Firemen and  
4 Enginemen, Brotherhood of Railroad Trainmen, Switchmen's Union  
5 of North America, or Railroad Yardmasters of America in addition to  
6 service in the Merchant Marine during a national emergency and any  
7 military service together with continuous membership in the United  
8 Transportation Union will be combined to compute total continuous  
9 membership in SMART.

1 **SECTION 43 – MEMBERSHIP CARDS**

2 **SEC. 43.** Members of the Transportation Division, upon written request  
3 to the Treasurer of their Local during the month of December, will be

furnished a membership traveling card for the following year. Such cards shall bear the number and seal of the Local, and the signature of the President and Treasurer of the Local. The title, if any, and the continuous membership record of the member shall also be shown thereon.

Members totally disabled or having twenty (20) years' continuous membership as provided in Section 42 and retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union, now SMART. Such members shall be entitled to attend Local meetings.

## SECTION 44 – AUTHORITY TO REPRESENT

**SEC. 44.** Every member of SMART grants complete authority to SMART and any of its constituted representatives to act in said member's behalf for the purpose of disposing, in any manner, of any and all of said member's claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary. The Organization shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with consideration and determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the Organization to the contrary.

Decisions reached disposing of or settling claims, complaints, and grievances referred to herein shall be furnished in writing, within thirty (30) days after such decision, to the Local Chairperson and Secretary of the Local submitting such claims, complaints, and grievances.

1                                   **SECTION 45 – DUTIES OF MEMBERS**

2       **SEC. 45.** Members of the SMART Transportation Division are obligated  
3       to pay all dues and assessments promptly, to attend all meetings of  
4       their Local where reasonably possible to do so, to faithfully observe  
5       the provisions of the Constitution of the International and the bylaws  
6       of the Local, to keep from outsiders the private proceedings of SMART,  
7       to faithfully perform all the duties assigned to them to the best of  
8       their ability and skill, and to so conduct themselves at all times as not  
9       to bring reproach upon SMART. Members who are found to be in viola-  
10      tion of these duties are subject to reprimand, suspension, or expulsion,  
11      as their Local may determine, following a trial conducted in strict  
12      compliance with Section 74 of Article Twenty-One B (21B).

1                                   **SECTION 46 – VISITING MEMBERS**

2       **SEC. 46.** Visiting members of SMART shall be admitted to Local meet-  
3       ings upon presentation of an official receipt for the current month's  
4       dues or life membership card. In case the identity of the visiting mem-  
5       ber is not known, further proof of membership may be required.

1                                   **SECTION 47 – TRANSFER OF MEMBERS**

2       **SEC. 47.** (a) In the event the charter of a Local is revoked or surren-  
3       dered, the members shall be transferred to a Local having jurisdiction  
4       over their current employment. The Local having jurisdiction will be  
5       designated by the President Transportation Division, subject to review  
6       by the General President, and such members will be transferred on the  
7       date such revocation or surrender is effective.

8       (b) Following the date of unification, members in active service  
9       must become members and maintain membership in the Local having  
10      jurisdiction over the craft in which assigned on the seniority territory  
11      on which employed. Thereafter, if a member is assigned to another  
12      craft under the jurisdiction of another Local for a period in excess of

ninety (90) days, the Treasurer of the Local with which the member is affiliated shall, upon receipt of written request from the Treasurer of the Local under whose jurisdiction the member is working, issue a transfer certificate for the member.

Nothing in this section shall prohibit a member from voluntarily transferring to another Local in less than (90) days provided they are working under the jurisdiction of that Local.

(c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals have identical jurisdiction, a member may, upon written request, transfer their membership from one such Local to the other.

(d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Chairpersons, First Vice Local Chairpersons, Secretary and Treasurers, Trustees and Legislative Representative, shall not be subject to the aforementioned transfer requirements.

(e) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer and completed in quadruplicate by the Local Treasurer, forwarding the original to the Local requesting the transfer, the second copy to the General Secretary-Treasurer, the third copy to the member being transferred, and retaining the fourth copy for their records. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the Local to which transferred.

(f) Members required to transfer from one Local to another Local in the application of this Section may continue to participate in any benefit program in which they were participating at the time of said transfer, provided such member continues to remit the necessary payment for said benefits.

**SECTION 48 – LOCAL FUNDS** 1

**SEC. 48.** Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The 2 3



4 amount of Local dues shall be established by the members present,  
5 voting by secret ballot, when the Local is organized.

6 No change in Local dues, the daily rate or salary established for  
7 Local officers or Legislative Representatives, or the levying of a special  
8 assessment, may be considered by a Local until notice of such propo-  
9 sition has been read at one (1) regular or special meeting and all  
10 members have been notified of the proposition and date on which  
11 the proposition will be considered. Any proposition to change Local  
12 dues, the daily rate, or salary established for Local officers or Legisla-  
13 tive Representatives, or the levying of a special assessment, must be  
14 approved by a majority vote of the members, voting by secret ballot, in  
15 attendance when the proposition is considered.

16 Each Local shall maintain a Local Committee fund to pay the cost of  
17 representation by the Local Committee of Adjustment by levying Local  
18 Committee dues, as established by the members present under its juris-  
19 diction, voting by secret ballot, when the committee is established.

20 No change in Local Committee dues, the daily rate or salary  
21 established for Local Committeepersons, or the levying of a special  
22 assessment may be considered until such proposition has been read  
23 at one (1) regular or special meeting and all members working under  
24 the jurisdiction of the Local Committee have been notified of the  
25 proposition and date on which the proposition will be considered.  
26 Any proposition to change Local Committee dues, daily rate or salary  
27 of Local Committeepersons, or to levy a special assessment must be  
28 approved by a majority vote of the members working under the juris-  
29 diction of the Local Committee involved, voting by secret ballot, who  
30 are in attendance when the proposition is considered.

31 The effective date of any increase in Local, Local Committee of  
32 Adjustment dues, or special assessments must coincide with the  
33 requirements of any checkoff of Union Dues Agreement in effect.

## SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS

**SEC. 49.** The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. Any member who fails to pay their dues and assessments within the time provided shall be suspended without notice or further action.

No member shall be considered in arrears for dues and assessments when their employer has withheld from their pay money for such dues and assessments, pursuant to a dues check-off agreement, and the employer has delayed or defaulted payment to the Local.

A member who for any reason, including sickness and disability, is not engaged in transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, holds the contract, or in the service of the Transportation Division for a full calendar month (excluding their vacation) shall, upon submitting to the General Secretary-Treasurer and the Local Treasurer written request on the prescribed form, be relieved from the payment of all dues and assessments for subsequent calendar months until they again return to transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, hold the contract, or service with the Transportation Division. Such member will promptly report to the Local Treasurer their date of return to active service with the employer and will be obligated to pay full dues and assessments beginning with the first month thereafter.

During the period in which members request relief and are relieved from the payment of dues and assessments in accordance with this Section, they shall continue to enjoy all privileges of membership, except they shall not be permitted to vote in elections or on any other subject involving grievances, hours or mileage limitation, or other

31 methods of work distribution, unless allowed to vote by virtue of Local  
32 bylaws in Local matters only.

33 The Local Treasurer, in cooperation with the Local President and  
34 the Local Chairperson involved, will maintain a close check of the  
35 roster of members who are relieved from the payment of full dues and  
36 assessments under the provisions of this Section with a view towards  
37 avoiding the abuse of this privilege. In addition, the Local Treasurer  
38 will, at each regular meeting of the Local, read for the benefit of mem-  
39 bers present the roster of members who have been excused from the  
40 payment of full dues and assessments.

41 Where the reason for a member not being engaged in transportation  
42 service, other fields of employment, trades, and industries, whether in  
43 public or private employment where the United Transportation Union,  
44 now SMART, holds the contract, or in the service of the Transportation  
45 Division is sickness or disability, the Local, upon receipt of written  
46 request from the member, may by majority vote of the members  
47 present at any regular meeting, authorize the Local Treasurer to pay  
48 the member's remaining dues and assessments for such period as the  
49 Local might determine. The written request shall be a condition prece-  
50 dent to the member's rights under this paragraph.

51 Dues and assessments advanced for the benefit of sick or disabled  
52 members under the foregoing paragraph represent a loan to the mem-  
53 ber. The Local shall designate a date on or before which the amount  
54 advanced should be repaid. If repayment is not made within the time  
55 specified, the member shall be suspended for non-payment of dues.

56 It shall be the duty of the members to keep the Local Secretary and  
57 Treasurer advised of their current home address.

## 1 SECTION 50 – SUSPENSIONS

2 **SEC. 50.** A member suspended for improper conduct shall, at the expi-  
3 ration of the time for which the member was suspended, be reinstated  
4 but shall not be required to pay dues and assessments accrued during

the suspension. Should the member be accused of improper conduct during the suspension, the member shall be liable to charges.

## SECTION 51 – READMISSION

**SEC. 51.** A member, as defined under Section 41, who has been suspended for non-payment of dues or assessments may be readmitted upon application on proper form and the payment of all money due up to the date of their suspension, plus dues and assessments for the current month and a reinstatement fee of One-Dollar (\$1.00). Where less than one calendar month has elapsed, no reinstatement fee will be required. A member expelled for causes other than non-payment of dues or assessments shall not be readmitted in less than six (6) months. A member expelled upon charges ordered by a convention, or one who was expelled for defrauding a Local, shall secure a dispensation from the President Transportation Division before presenting application for readmission.

## SECTION 52 – REGISTERS

**SEC. 52.** Locals shall maintain a register showing the name, address, and employment of their members.

Locals shall also maintain an attendance register and require that every member who attends Local meetings personally register their name and Local number therein.

Local Secretaries shall be responsible for the maintenance of accurate registers by their Local.

## SECTION 53 – RIGHTS AND BENEFITS

**SEC. 53.** Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of SMART, unless dues and assessments are paid within the time specified herein.

1                               **SECTION 54 – LOCAL MAINTENANCE**  
2                               **OF MEMBERSHIP FUND**

3       **SEC. 54.** When authorized by a majority vote of its membership, a  
4       Local may establish a Maintenance of Membership fund by levying an  
5       assessment of One-Dollar (\$1.00) per member for one month or trans-  
6       ferring an equivalent amount from the Local Fund.

7       The purpose of the Maintenance of Membership Fund is to provide  
8       a fund from which the Local Treasurer may, without written request  
9       from the member or advance approval of the Local, advance the dues  
10      and assessments of members who do not pay the same in advance  
11      before the first day of the month. The Treasurer will not advance the  
12      dues and assessments of a member who submits, before the first day  
13      of the month, written request for a termination of membership.

14      When dues and assessments are advanced from the Maintenance  
15      of Membership fund, the member involved must reimburse the fund  
16      for the amount of the dues and assessments plus a service charge  
17      of One-Dollar (\$1.00). Should the member fail to repay this amount  
18      during the month for which the advance was made, the Treasurer will  
19      make no further advances for benefits until that member has paid the  
20      indebtedness. If the member is subsequently suspended for non-pay-  
21      ment of dues or discontinues membership in any other manner, the  
22      amount of indebtedness to the Maintenance of Membership fund  
23      will be deducted from any payment that may be due said member  
24      from the International or the Local. If recovery of the amount due the  
25      Maintenance of Membership fund is not accomplished in this manner,  
26      the suspended member will not be readmitted to membership until  
27      the amount due has been paid.

1                               **SECTION 55 – TIME AND PLACE OF MEETING**

2       **SEC. 55.** A Local shall hold at least one regular meeting each month at  
3       the time and place specified in its bylaws. Upon reasonable notice to

the members and the President Transportation Division, a Local may  
take action to change the place and time of meeting in the same town  
or city in accordance with its bylaws.

Special meetings may be called by the President of the Local and  
the purpose thereof must be stated. The President shall call a special  
meeting, upon receipt of written request of five (5) members in good  
standing, stating the purpose for which the meeting is requested. In  
the absence of the President, the meeting shall be called by the Vice  
President or Secretary. Reasonable notice of special meetings shall be  
given to all members and no business shall be transacted except that  
for which the special meeting is called.

Five (5) members in good standing shall constitute a quorum for the  
transaction of business.

## SECTION 56 – OFFICERS AND LOCALS

**SEC. 56.** The elective officers of a Local shall consist of a President,  
Vice President, Secretary and Treasurer, and a Board of Trustees  
consisting of three (3) members. By action of a Local, the office of  
Secretary and Treasurer may be separated and elections held to fill  
each office. A Local having fifty (50) or more members may create the  
office of Collector.

The President of the Local may appoint officers consisting of  
guards, committees, and stewards as necessary to conduct the func-  
tions of the Local.

Stewards will be responsible for the interchange of information and  
communication between Local officers and the membership. They shall  
not be vested to act with any authority reserved to elected officers.

The elective and appointed officers shall serve for a period of three  
(3) years or until their successors assume office. No member may fill  
more than one (1) of these elective offices at the same time.

**SECTION 57 – ELECTIONS IN LOCALS**

**SEC. 57.** The election for officers of a local shall be held in November, 1969, and each three (3) years thereafter.

An election to fill the offices of Local Committees of Adjustment shall be held in November 1970, and quadrennially thereafter.

An election for Legislative Representatives and Alternate Legislative Representatives shall be held in November 1971, and quadrennially thereafter. Candidates for these offices must be qualified voters.

Local Committeepersons and Legislative Representatives shall assume their office on January 1, following the year of the Quadrennial election.

An election for Delegate and Alternate Delegate to the Transportation Division Convention shall be held in November 2018, and quinquennially thereafter. In Locals having jurisdiction over more than one craft, the Delegate and Alternate Delegate must be elected from different crafts. The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.

Officers stipulated in the Section shall be elected by secret ballot at a November meeting of the Local, or by referendum vote, as provided by existing bylaws or procedures of each Local. An electronic voting method may be used if it meets the standards of the Department of Labor for guaranteeing secrecy of the ballot. Nominations must be filed with the Secretary not later than the last regular meeting in October in the year of election. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall sign the petition. The Secretary shall promptly acknowledge receipt of all petitions and read them at the last regular meeting in October.

The members present at the last regular meeting in October shall set the date on which the ballots shall be counted and the election held.

The Secretary shall prepare ballots showing the names of all candidates and the offices for which they are nominated. 31  
32

Incumbent officers shall appear first with names of other candidates following in alphabetical order. 33  
34

The ballots shall be prepared so as to provide a square opposite each candidate's name in which the voter can mark their preference of candidates. 35  
36  
37

In Locals having more than one Local Committee of Adjustment for different crafts, the Secretary will provide a separate ballot for all eligible voters of each craft working under the jurisdiction of the committee involved. 38  
39  
40  
41

When voting by mail referendum, the ballot shall be mailed by government first-class mail to each member eligible to vote in envelopes bearing a return address the same as the Post Office address on the "Ballot" envelopes. Ballots shall be mailed at least fifteen (15) days prior to the date set to tabulate the ballots, together with a leaflet containing voting instructions, an envelope marked "A", and a stamped envelope marked "Ballot" addressed to the Secretary in care of the postmaster for mailing by the voter. 42  
43  
44  
45  
46  
47  
48  
49

The leaflet containing voting instructions shall contain the following: 50

"Instructions for voting by mail: The voter will make a mark in the square of their choice, fold, and place the ballot in the envelope marked 'A' and seal. Place sealed envelope 'A' in envelope marked 'Ballot' and seal. Place name and address in upper left-hand corner of envelope marked 'Ballot' and mail. Do not place any mark of identification on the ballot or the envelope marked 'A' that would destroy the secrecy of the ballot." 51  
52  
53  
54  
55  
56  
57

The Secretary shall arrange with the postmaster for a post office box. The key or combination of such box shall remain in possession of the postmaster. Such arrangement shall be confirmed by letter. 58  
59  
60

On the day set for the tabulation of the ballots and election, the President will appoint three (3) Tellers. A copy of the letter confirming 61  
62



63 the arrangement with the postmaster will be furnished the Tellers  
64 which will authorize the postmaster to deliver the content of the box  
65 to the Tellers at a given hour.

66 The Tellers shall return to the Local and canvass the ballots. They will  
67 check the names on the envelopes marked "Ballot" against the list of  
68 eligible voters furnished by the Secretary, open the envelopes marked  
69 "Ballot," and remove the envelopes marked "A." After all envelopes  
70 marked "Ballot" have been opened, and emptied, the envelopes marked  
71 "A" shall be opened, ballots removed, and canvassed by the Tellers. The  
72 results shall be reported to the President of the Local in writing.

73 The candidate receiving a majority of the votes cast for a given office  
74 shall be declared elected. If no one (1) of the candidates for a given  
75 office receives a majority of the votes cast, another ballot shall be sub-  
76 mitted to all eligible voters upon which shall appear only the names of  
77 the two (2) candidates receiving the highest numbers of votes cast for  
78 that office. If any number of the candidates for a given office are tied  
79 for the highest number of the votes cast, another ballot shall be sub-  
80 mitted to all eligible voters upon which shall appear only the names  
81 of the candidates receiving the highest number of votes cast for that  
82 office. If one (1) candidate receives the highest number but that num-  
83 ber does not constitute a majority of the votes cast for a given office  
84 and any number of candidates are tied for the second highest number  
85 of votes cast, another ballot shall be submitted to all eligible voters  
86 upon which shall appear only the name of the candidate receiving the  
87 highest number and the names of the candidates receiving the second  
88 highest number of the votes cast for that office.

89 The Board of Trustees shall be elected by a majority of the ballots cast.

90 The Secretary will keep all election records for one (1) year, including  
91 used, unused and void ballots, eligibility list, tally sheets, and "ballot"  
92 envelopes used to mail in marked ballots.

When only one (1) nomination has been received for an office, the member so nominated will be declared elected on the day set for the tabulation of ballots and election.

In the event of a permanent vacancy in any office, the Local shall proceed to fill the vacancy in accordance with the bylaws of the Local or as provided in this Section; except the Vice President shall succeed to the office of President, the Alternate Legislative Representative shall succeed to the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of Delegate.

In elections of Local Committees of Adjustment, only members in service under the jurisdiction of such committee will be notified of such election and permitted to file or sign nominating petitions and vote.

Locals failing to complete their regular elections during the month of November must notify the President Transportation Division the reason therefor and the date set for the completion of the election.

Locals must, following each election of officers or succession to office, promptly notify the President Transportation Division, General Secretary-Treasurer, interested General Chairpersons, State and District Legislative Boards of the names and addresses of the new officers.

Local Officers, Committeepersons, Legislative Representatives and Delegates upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership in SMART.

Candidates may have observers present during the counting and tallying process, including the tallying of the ballots, totaling, recording, and reporting of tally sheets. In a mail ballot election, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening, and counting.

1                   **SECTION 58 – INSTALLATION OF LOCAL OFFICERS**

2           **SEC. 58.** The elective and appointive officers enumerated in Section 56  
3 shall be installed as soon as possible following their election and  
4 shall assume their duties on January 1 or as soon thereafter as they  
5 are installed.

6           They must present themselves at a regular or special meeting for  
7 installation within sixty (60) days following their election or appoint-  
8 ment and failing to do so, their office will be declared vacant.

9           Where a vacancy is filled in an interim election, the successful candi-  
10 date will assume the duties of such office immediately upon installation.

11           The installation ceremony shall be performed by the ranking or the  
12 most recent Past President, or if no Past President is available, by a  
13 member named by the officer presiding at the meeting. The officers to  
14 be installed will be called before the installing officer who will read the  
15 following obligation:

16           “Do you hereby pledge on your honor to perform the duties of  
17 your respective offices as required by the International Association  
18 of Sheet Metal, Air, Rail and Transportation Workers’ Constitution; to  
19 bear true and faithful allegiance to the International Association of  
20 Sheet Metal, Air, Rail and Transportation Workers and with complete  
21 good faith to support, advance, and carry out all official policies of  
22 the International Association of Sheet Metal, Air, Rail and Transpor-  
23 tation Workers; to deliver to your successor all books, papers, and  
24 other property of the International Association of Sheet Metal, Air,  
25 Rail and Transportation Workers that may be in your possession at  
26 the end of your term of office; and at all times conduct yourself as  
27 becomes a member of the International Association of Sheet Metal,  
28 Air, Rail and Transportation Workers?”

29           The officers being installed shall respond:

30           “I do.”

31           The installing officer shall then say:

“Your duties are defined in the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the International Association of Sheet Metal, Air, Rail and Transportation Workers.

“You will now assume your respective stations.”

**SECTION 59 – DUTIES OF THE LOCAL PRESIDENT** 1

**SEC. 59.** The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. They shall appoint a majority of all committees and shall sign all documents that require authentication.

The President shall see that the Local officers respond to inquiries from the International and shall, with the Secretary and/or Treasurer, file all reports required of Locals by Federal, State or local laws, and countersign all disbursements issued by check or draft.

The President may speak on any subject before the Local but they may not vote except, in case of a tie vote, on a matter upon which they are otherwise eligible to vote shall cast the deciding ballot.

**SECTION 60 – DUTIES OF THE LOCAL VICE PRESIDENT** 1

**SEC. 60.** The Vice President shall assist the President in the discharge of their duties and preside at meetings in the absence of the President. They shall appoint a minority of all committees and, if the President’s office becomes vacant, shall discharge the duties and assume the responsibilities of the President for the remainder of the term.

1                   **SECTION 61 – THE LOCAL PAST PRESIDENT**

2       **SEC. 61.** When a Local President has completed their term of office  
3 and a successor has been installed, they shall become the ranking  
4 Past President of the Local and shall serve as such until succeeded.  
5 They shall thereafter be a Past President according to the regular  
6 order of succession.

1                   **SECTION 62 – DUTIES OF THE LOCAL PAST PRESIDENT**

2       **SEC. 62.** The Past President shall install the officers of the Local and,  
3 in the absence of the President and Vice President, shall preside at  
4 Local meetings.

1                   **SECTION 63 – DUTIES OF THE LOCAL SECRETARY**

2       **SEC. 63.** The Secretary shall keep an accurate record of all proceedings,  
3 receive all communications, conduct the correspondence, and shall have  
4 charge of the seal and records of the Local. They shall notify all officers  
5 of their election or appointment and shall notify other Locals of action  
6 taken by their Local which might affect, interest, or concern them.

7           The Secretary shall notify the General Secretary-Treasurer of all  
8 changes in the time and place of meetings and prepare, sign, and affix  
9 the seal to all documents requiring their official signature as provided  
10 by the Constitution and bylaws of the Local.

11          They shall see that all notices required regarding elections and levy-  
12 ing of assessments are sent in accordance with Article Twenty-One B  
13 (21B). The Secretary shall perform the duties of the Treasurer in Locals  
14 that do not provide for the separation of the offices of Secretary and  
15 Treasurer and shall, with the President and Treasurer, file all reports  
16 required by Federal, State, or local laws.

## SECTION 64 – DUTIES OF THE LOCAL TREASURER

**SEC. 64.** The Treasurer shall receive all money due to be collected by the Local and give their receipt for the same. Where a Local maintains the office of Collector, the provisions of Section 65 will apply. The Treasurer shall hold and keep secure all Local funds and shall be bonded as provided in Section 71 of Article Twenty-One B (21B). They shall sign all papers requiring their signature and perform other duties required by Article Twenty-One B (21B) and the bylaws of the Local. They shall keep an accurate account for all receipts and expenditures of the Local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the International or their representatives.

The Treasurer shall promptly, but not later than the 20th day of each month, remit to the General Secretary-Treasurer all monies due the International. All disbursements issued by check or draft must be countersigned by the President of the Local. Each disbursement shall be reported by the Treasurer at the first meeting of the Local following the disbursement.

During the month of January of each year, the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent has been verified, the Board members shall sign and submit the report to the first regular meeting of the Local following the audit. A copy of the signed report shall then be sent to the General Secretary-Treasurer by the Board of Trustees.

The Treasurer shall be a member of all Local Committees which receive or disburse money. When Local action is taken approving the disbursement of funds which in the opinion of the Treasurer is in violation of provisions of this Constitution or the Local's bylaws, they shall

32 withhold payment for a period not to exceed thirty (30) days and report  
33 the matter at once to the President Transportation Division. The Trea-  
34 surer will then be governed by the President Transportation Division's  
35 instructions regarding the expenditure involved, subject to appeal.

36 The Treasurer shall notify the Treasurer of another Local when they  
37 have knowledge that a member of their Local is employed under the  
38 jurisdiction of the other Local.

39 It shall be the responsibility of the Treasurer to credit dues and  
40 assessments paid to the appropriate Local Committee of Adjustment  
41 and General Committee of Adjustment accounts of their Local in  
42 accordance with the provisions of Article Twenty-One B (21B).

43 The Treasurer shall, with the President and Secretary, file all reports  
44 required by Federal, State, and local laws.

## 1 SECTION 65 – DUTIES OF THE LOCAL COLLECTOR

2 **SEC. 65.** The Collector shall receive all money due the Local and  
3 will give receipt therefore. They shall, prior to the first day of each  
4 month, report to the Local Treasurer on the required forms all  
5 money received during the current month and shall pay to the Local  
6 Treasurer the amount so collected. Their records shall be open at  
7 all times for inspection and audit by officers of the International or  
8 their representatives. They shall be bonded as provided in Section 71  
9 of Article Twenty-One B (21B).

## 1 SECTION 66 – DUTIES OF LOCAL 2 LEGISLATIVE REPRESENTATIVES

3 **SEC. 66.** (a) Local Legislative Representatives shall attend all meetings  
4 of their State or District Legislative Board. They shall report to their  
5 Locals regarding the handling of all alleged unsafe or unsanitary  
6 working conditions found to exist, or reported to them, within their  
7 jurisdiction. They shall undertake to correct such conditions through  
8 appropriate measures consistent with the local and national policies

of the Transportation Division. If they are unable to correct the  
 alleged unsafe or unsanitary working conditions, they will so report  
 to the President Transportation Division and the National Legislative  
 Director regarding Federal matters and to the State or District Legis-  
 lative Director regarding State or District matters. They shall urge all  
 members of the Transportation Division to qualify and vote in all elec-  
 tions. When called upon, they shall give all possible assistance to the  
 President Transportation Division, National Legislative Director, State  
 or District Legislative Director, and the officers of the State or District  
 Legislative Boards, subject to the supervision of the Local.

**SECTION 67 – DUTIES OF THE LOCAL BOARD OF TRUSTEES**

**SEC. 67.** The Local Board of Trustees shall supervise the financial affairs  
 of the Local. Upon approval by the Local, the Board shall also have the  
 authority to rent, lease, or purchase property, office equipment, or nec-  
 essary supplies. Additionally, the Board shall assure that the Treasurer  
 and other Local officers are bonded as required by Section 71.

The Board shall meet in the month of January of each year for the pur-  
 pose of auditing the annual report of the Treasurer and verifying bank  
 balances and cash on hand. If the Treasurer’s annual report is found to be  
 correct, the Board members shall endorse the report with their signatures,  
 furnishing copies to the Local and the General Secretary-Treasurer.

**SECTION 68 – LOCAL ELECTIVE OFFICE  
 OR POSITION DECLARED VACANT**

**SEC. 68.** If any elected officer, Legislative Representative or Commit-  
 teeperson of a Local becomes negligent in the performance of their  
 duties and responsibilities as a Local representative, the Local may,  
 after due deliberation, take action to notify them to appear at a desig-  
 nated meeting and show cause why their office or position should not  
 be declared vacant. The notice must be in writing and will fully specify  
 the complaints they will be required to answer. If they fail to respond



10 to the notice or if the explanations offered for their negligence are  
11 unsatisfactory, the Local may, by majority vote of the members  
12 involved, present at the meeting, declare their office or position vacant,  
13 unless they invoke the trial procedure as set forth in Section 74 within  
14 fifteen (15) days from the date of the aforementioned notice.

1 **SECTION 69 – LOCAL APPOINTIVE**  
2 **OFFICE DECLARED VACANT**

3 **SEC. 69.** If any appointed officer or committeeperson is negligent in  
4 performing their duties as a Local representative, the President of the  
5 Local may declare the office vacant and appoint a successor at any  
6 regular meeting.

1 **SECTION 70 – VACATIONS – LOCAL OFFICERS**  
2 **AND COMMITTEEPERSONS**

3 **SEC. 70.** Officers and Committeepersons employed by their Locals on a  
4 full-time basis shall be granted vacation with pay, consistent with the  
5 terms of the National Vacation Agreement, based upon earnings from  
6 their Local. Such vacations may be split but will not be carried over  
7 from one year to the next. Officers and Committeepersons employed  
8 by their Locals on a part-time basis shall be paid the difference  
9 between the amount of vacation pay allowed by their carrier and the  
10 amount of vacation pay they would have received had their wages  
11 with the Local been earned with the carrier. However, if they do not  
12 work a sufficient amount of time with their carrier to qualify for a  
13 vacation, they shall be allowed a vacation with pay, consistent with  
14 the terms of the National Vacation Agreement, based upon their total  
15 earnings with the carrier and the Local.

16 Vacation allowances provided herein shall be paid by the Treasurer  
17 from the appropriate Local funds within ten (10) days after receipt of  
18 the vacation claim. This Section is intended to prevent any loss in vaca-  
19 tion time and pay as a result of serving the Local.

## SECTION 71 – BONDING OF LOCAL OFFICERS

**SEC. 71.** For bonding see Article Five (5), Section 1 (c).

If a shortage in Local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the evidence must be sent to the General Secretary-Treasurer by the President, Secretary, or other officers of the Local having such knowledge.

Auditors of the International will audit local records in such cases and attempt to collect any shortage that may exist.

## SECTION 72 – SURPLUS ASSETS OF LOCALS

**SEC. 72.** A Local may deposit surplus assets with the International. Locals making such deposits shall be responsible for the pro rata share of expenses incidental thereto.

The General Secretary-Treasurer shall be the custodian of such assets deposited. The deposits shall be placed in a suitable safety deposit box. At least two (2) members of the General Executive Council shall be present when assets are deposited or the deposit box is opened.

The General Secretary-Treasurer shall maintain a record of the deposits and attend to the collection of any income due thereon and remit same to the Local involved.

Assets deposited with the International must be shown by the Treasurer as part of the balance on hand to the credit of the Local. Deposits may be withdrawn at any time upon submitting to the General Secretary-Treasurer a resolution adopted by Local action, signed by the President and Treasurer, and bearing the Local seal.

## SECTION 73 – REVOKING OR SURRENDERING LOCAL CHARTERS

**SEC. 73.** The charter of a Local may be revoked by recommendation of the President Transportation Division, with approval of the General

5 President in accordance with Article Three (3), Section 2(d), for any of  
6 the following reasons:

- 7 1. Improper conduct.
- 8 2. Neglecting or refusing to conform to the provisions  
9 of this Constitution or the Local's bylaws.
- 10 3. Neglecting or refusing to make required returns and reports.
- 11 4. Neglecting or refusing to hold at least one (1)  
12 regular meeting each month.
- 13 5. Neglecting or refusing to elect and install a successor  
14 to an officer who was removed from office.
- 15 6. Neglecting or refusing to bring an officer or member  
16 to trial when directed to do so by the General  
17 President and President Transportation Division.

18 No charter can be revoked until the President Transportation Divi-  
19 sion has given at least thirty (30) days' written notice to the President  
20 and Secretary of the Local and the interested General Chairpersons  
21 of their intention to revoke the charter and a Transportation Division  
22 officer, or International Representative, has attended a designated  
23 regular meeting of the Local for the purpose of investigating the  
24 matter and giving the officers and members of the Local an opportu-  
25 nity to be heard.

26 A Local whose charter has been revoked shall be known as a defunct  
27 Local. All property, funds, and securities of a defunct Local shall  
28 automatically be vested in the Local(s) into which its members are  
29 transferred, on a pro rata basis, as of the date the charter is revoked.  
30 The President Transportation Division, subject to review by the  
31 General President and after consultation with the interested Gen-  
32 eral Chairpersons, State or District Chairpersons, shall designate the  
33 Local(s) into which the defunct Local's members will be transferred

consistent with such changes in jurisdiction as might become necessary as a result of closing the Local. 34  
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The officers of a defunct Local shall deliver to the General Secretary-Treasurer, within thirty (30) days after its charter is revoked, all required items under Article 10, Section 10. Local officers who fail to comply with the provisions of this paragraph shall be suspended from membership in SMART. 36  
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An expelled or suspended member whose Local is defunct may file application for admission into the Local then holding jurisdiction over their employment. Such application shall be treated and progressed as if it were an application for readmission under the provisions of Section 51 of Article Twenty-One B (21B). 41  
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Any Local wishing to surrender its charter may do so by majority vote of the members and shall notify the President Transportation Division, who will with approval of the General President, appoint a responsible representative to take full charge of the charter and all property of the Local for disposition in accordance with this Section. 46  
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**SECTION 74 – CHARGES AND TRIALS – OFFICERS, COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS** 1  
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**SEC. 74.** (a) Charges may be preferred against a Local officer, Committeeperson, or member for failure to fulfill the obligations and responsibilities imposed upon them by Article Twenty-One B (21B). Charges not covered under Article Twenty-One B (21B) and charges which could be brought under Article Twenty-One B (21B) and Article Seventeen (17) will be processed under the provisions of Articles Seventeen (17) and Eighteen (18). 5  
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Charges must be made in writing and shall clearly specify the alleged offense(s) together with the section(s) of Article Twenty-One B (21B) which it is alleged have been violated. 12  
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15 Charges must be signed by the party preferring them. They shall  
16 then forward the charges by certified mail to the Secretary of the Local  
17 in which the accused holds membership unless the alleged offense was  
18 committed under the jurisdiction of another Local, in which case the  
19 charges will be sent to the Secretary of that Local.

20 A Local officer or Committeeperson against whom charges have  
21 been preferred shall continue in office while under charges unless  
22 otherwise voted by the Local.

23 A member shall not be suspended for non-payment of dues while  
24 under charges. The Local Treasurer is authorized to pay such member-  
25 ship dues from the Local fund until the charges have been tried and  
26 determined. The money involved will be considered as a loan to the  
27 member, and unless repaid on or before a day designated by the Local,  
28 the member will be suspended for non-payment of dues.

29 The Local will consider the charges at its first regular meeting fol-  
30 lowing their receipt by the Secretary of the Local, and unless charges  
31 are found to be completely lacking in substance or merit, the Local will  
32 accept the charges and authorize a trial. A decision by the Local not  
33 to hold a trial on charges may be appealed to the General President as  
34 provided in Article Eighteen (18), Section 1(d).

35 A Trial Board consisting of five (5) members of the Local working  
36 in the craft of the accused shall be elected by the Local and the Trial  
37 Board shall elect from its members a Chairperson and a Secretary and  
38 proceed to try the case. Within three (3) days of their first meeting, the  
39 Secretary of the Trial Board shall send to the accused by certified mail  
40 a copy of the charges and notice of the date, time, and place of trial.  
41 The date selected for the trial must permit not less than fifteen (15)  
42 days' advance notice to both parties involved in the trial. The trial shall  
43 be held within thirty (30) days from the meeting at which the charges  
44 were presented.

45 The Secretary of the Trial Board shall send by certified mail the  
46 same information relative to the trial to the party preferring the

charges along with instructions to attend the trial for the purpose of submitting evidence and testimony in support of the charges and to participate in cross-examination by or on behalf of the accused.

The majority of the Trial Board shall constitute a quorum and, in the absence of a quorum, no trial shall be held and the Trial Board will report the circumstances to the Local at its next meeting. If the Local elects to continue the trial, the Chairperson of the Trial Board will then set another date for the trial and notify all parties involved of the time, place, and date of the rescheduled trial, which shall be held within thirty (30) days.

No member of a Trial Board shall be directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges preferred against the accused. In the event any of the members of a Trial Board are so involved, they shall be disqualified to sit and the Local shall elect a substitute member.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their representative or counsel in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of the names of witnesses which they intend to call in support of the charges. They shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in person or through their counsel or representative.

For good cause any party may request a postponement of the date set for trial. Such request shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or rejection within the discretion of the members of the Trial Board. Such postponements shall not exceed ninety (90) days.

Should the accused fail to appear for trial after being notified as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B), the Local bylaws, or the Trial Board, or should they engage in

79 conduct designed to obstruct the trial, the Trial Board shall proceed  
80 to conduct the trial in their absence. The accused, the party prefer-  
81 ring charges, counsel or other representative for either party, or any  
82 witnesses who are guilty of misconduct before the Trial Board shall  
83 be excluded thereafter from the trial proceedings and the trial shall  
84 continue in their absence.

85 The Trial Board shall arrange for a transcript of the trial proceedings.  
86 A copy of the transcript shall be furnished to each party without cost.

87 Both parties to the trial shall be given full opportunity to present  
88 any witnesses and all relevant evidence and exhibits which they deem  
89 necessary to a proper presentation of their case and shall be entitled  
90 to cross-examine witnesses of the other party. Should a witness be  
91 unable to attend any trial session of the Trial Board, the evidence of  
92 such witness may be taken in deposition form before a notary public  
93 or other civil officer authorized to administer oaths. Said deposition  
94 shall be admissible evidence at the trial proceedings provided the  
95 adverse party or their counsel is given the opportunity of being pres-  
96 ent and cross-examining the witness when the deposition is taken.

97 Before giving testimony, any witnesses who are members of SMART  
98 shall be required to make the following affirmation:

99 “Do you solemnly affirm upon your honor as a member of SMART  
100 that the evidence to be given by you in this case shall be the truth and  
101 nothing but the truth?”

102 All persons shall be excluded from trial sessions except the members  
103 of the Trial Board, parties to the trial and their counsel or repre-  
104 sentative, the witness who is testifying, and the reporter or person  
105 transcribing the testimony.

106 After all evidence has been presented and arguments made by all  
107 parties or their counsel, the Trial Board shall conclude the trial and, as  
108 soon as practicable, assemble in executive session for consideration of  
109 its decision.

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be fine, reprimand, removal from office or suspension. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in Article Nineteen (19).

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President Transportation Division, General Secretary-Treasurer, and the Secretary of the Local.

If suspension is the penalty prescribed by the Trial Board, such suspension will be for not more than two (2) months beginning with the first day of the month following the month in which the Trial Board renders its decision.

If removal from office is the penalty, such removal shall become effective on the date the Trial Board's decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5.

If reprimand is the penalty, the accused shall be summoned to attend a regular meeting of the Local to be reprimanded by the President. If they fail to attend, the accused shall be suspended from membership until they do attend a meeting to receive the reprimand. If the failure to attend continues until the close of the month following the month in which the accused was summoned, they shall be expelled.

If the President Transportation Division finds a local treasurer to be negligent, they may remove the treasurer from office pending completion of a trial by an International Trial Board on charges filed by the President or another member.



141 (b) Charges may be preferred against officers and members of  
142 General Committees of Adjustment or Legislative Boards for failure  
143 to fulfill the obligations and responsibilities imposed upon them by  
144 this Constitution and by their General Committee of Adjustment or  
145 Legislative Board. Charges not covered under Article Twenty-One B  
146 (21B) and charges which could be brought under Article Twenty-One B  
147 (21B) and Article Seventeen (17) will be processed under the provisions  
148 of Articles Seventeen (17) and Eighteen (18).

149 Charges must be made in writing and shall clearly specify the  
150 alleged offense(s) together with the section(s) of Article Twenty-One  
151 B (21B) and/or those obligations and responsibilities which it is alleged  
152 have been violated.

153 Charges must be signed by the party preferring them. Said party  
154 shall forward copies by certified mail to the accused, the President  
155 Transportation Division, and the Secretary of the General Committee  
156 of Adjustment or Secretary of the Legislative Board as the case may  
157 be. The President Transportation Division shall promptly furnish  
158 copies of the charges to all members of the General Committee of  
159 Adjustment or Legislative Board involved.

160 If in the opinion of the majority of the members of the General  
161 Committee of Adjustment or Legislative Board the charges warrant  
162 trying the accused, the President Transportation Division shall give  
163 the accused and the party preferring the charges fifteen (15) days'  
164 notice prior to the convening of a Trial Board to try the accused. The  
165 Trial Board shall consist of not more than five (5) members appointed  
166 by the President Transportation Division from among those members  
167 of the General Committee of Adjustment or Legislative Board, as the  
168 case may be, who are not involved in the charges. The first named  
169 shall be chairperson. A majority of the Trial Board shall constitute a  
170 quorum. The Trial Board shall meet at the time and place chosen by  
171 the President Transportation Division, elect a Secretary, and proceed  
172 to try the case. If members of the General Committee of Adjustment

or Legislative Board decide not to hold a trial on charges, the charging party may request the General President as provided in Article Eighteen (18), Section 1(d) to appoint a Trial Board to hear the charges.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their counsel or representative in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of names of witnesses which they intend to call in support of the charges and shall furnish a copy to the accused. The accuser shall also act as prosecutor in the case either in person or through their counsel or representative.

Should the accused fail to appear for trial after notice as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B) or the Trial Board, or should they engage in conduct designed to obstruct their trial, the Trial Board shall proceed to conduct the trial in their absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the transcript shall be furnished to each party without cost.

Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witnesses may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party or their counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken.

205 Before giving testimony, any witnesses who are members of SMART  
206 shall be required to make the following affirmations:

207 "Do you solemnly affirm upon your honor as a member of SMART  
208 that the evidence to be given by you in this case shall be the truth and  
209 nothing but the truth?"

210 All persons shall be excluded from trial sessions except members of  
211 the Trial Board, parties to the trial and their counsel or representative,  
212 the witness who is testifying, and the reporter or person transcribing  
213 the testimony.

214 After all evidence has been presented and arguments made by all  
215 parties or their counsel, the Trial Board shall conclude the trial and, as  
216 soon as practicable, assemble in executive session for consideration of  
217 its decision.

218 The Trial Board shall render its decision in writing within fifteen  
219 (15) days following the date upon which the trial was concluded. If  
220 the accused is found guilty, the Trial Board shall fix the penalty to  
221 be assessed which shall be fine, reprimand, removal from office or  
222 suspension. Such decision shall contain a statement of the pertinent  
223 facts involved, the violations charged, and the penalty to be imposed  
224 if the verdict is one of guilt. Such decision and penalty shall be final  
225 and binding unless reversed or modified upon appeal as provided in  
226 Section 75 of Article Twenty-One B (21B).

227 The Trial Board shall forward copies of its decision by certified mail  
228 to the accused and the party preferring the charges. Copies shall also  
229 be mailed to the President Transportation Division, General Secre-  
230 tary-Treasurer, and members of the General Committee of Adjustment  
231 or Legislative Board.

232 If reprimand is the penalty, the President Transportation Division  
233 shall issue the reprimand in writing to the accused and furnish all  
234 members of the General Committee of Adjustment or Legislative  
235 Board a copy of the reprimand.

All other forms of discipline shall become effective on the date the Trial Board’s decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5. An officer or member removed from office or suspended may not again serve in any office of the Transportation Division except upon recommendation by the President Transportation Division and final approval of the General President.

(c) All officers of the Transportation Division and of affiliates within the Transportation Division shall be subject to the provisions of Article Twelve (12), Section 11(b).

**SECTION 75 – APPEALS**

**I – TO THE BOARD OF APPEALS**

**SEC. 75.**

(a) An officer or member of a Local may appeal from an action or decision of a Local to the Board of Appeals, except as provided in paragraph (c) below. Such appeal shall be filed with the General Secretary-Treasurer within ninety (90) days from the date the action or decision occurred.

(b) A subordinate body may appeal an action or decision against it to the Board of Appeals, provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from the date the action or decision occurred.

(c) An officer or member of a Local may appeal from an action or decision of a Local Committee of Adjustment to the appropriate General Chairperson, provided such appeal is filed with the General Chairperson within ninety (90) days from the date the action or decision occurred.

(d) A Local or member of a Local may appeal from an action or decision of a General Chairperson to the General Committee of Adjustment, provided the appeal is filed within ninety (90) days from the date

21 the action or decision occurred. Appeals to the General Committee of  
22 Adjustment must be filed with the Secretary of the General Com-  
23 mittee and shall be acted upon not later than the next session of the  
24 General Committee of Adjustment.

25 (e) An appeal pending before a General Committee of Adjustment  
26 which has not been acted upon within ninety (90) days shall be referred  
27 by the Secretary of the General Committee of Adjustment to the Board  
28 of Appeals for a decision, provided the appellant makes a request to do  
29 so to the Secretary of the General Committee at least thirty (30) days  
30 prior to the date the Board of Appeals is scheduled to convene.

31 (f) An appeal from the decision of the General Committee of Adjust-  
32 ment may be made to the Board of Appeals provided the appeal is filed  
33 with the General Secretary-Treasurer within ninety (90) days from the  
34 date of the decision of the General Committee of Adjustment.

## 35 **II – TO THE BOARD OF DIRECTORS**

36 (a) A member or subordinate body may appeal to the Board of  
37 Directors from an interpretation of Article Twenty-One B (21B) made  
38 by the President Transportation Division, provided such appeal is filed  
39 with the General Secretary-Treasurer within ninety (90) days from the  
40 date the decision by the President Transportation Division was made.  
41 Decisions of the Board of Directors under this paragraph are subject to  
42 appeal to the General President under Article Nineteen (19).

43 (b) Actions or decisions of Trial Boards conducted under Sec-  
44 tion 74 may be appealed to the President Transportation Division,  
45 provided such appeal is filed with the General Secretary-Treasurer  
46 within ninety (90) days from the date on which the action or decision  
47 occurred. The General Secretary-Treasurer shall docket the appeal  
48 and present all papers relating to the appeal to the President Trans-  
49 portation Division.

50 The President Transportation Division will promptly render a  
51 decision on the appeal which shall be final and binding on all parties

unless appealed to and reversed or modified by the General Executive Council. Appeals to the General Executive Council must be filed with the General Secretary-Treasurer within sixty (60) days from the date of the decision by the President Transportation Division. Decisions rendered by the General Executive Council on appeals referable to the Council shall be final unless changed upon appeal to the SMART General Convention in accordance with Article Nineteen (19).

**III – PROCEDURES**

In all appeals as provided herein the party whose action or decision is being appealed shall be allowed sixty (60) days from the date the appeal is filed to reply to the appeal.

All appeals must be in writing, contain the pertinent facts involved, and set forth the basis of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply thereto, and all related correspondence. Copies of decisions involving appeals, will be in writing, contain the pertinent facts involved, provide the rationale leading to the decision and be furnished all interested parties.

**SECTION 76 – LOCAL RULES OF ORDER**

**SEC. 76.** The Rules of Order of the International shall be used by the Local insofar as they can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will be decided in accordance with the parliamentary principles contained in Robert’s Rules of Order, Revised.

**SECTION 77 – CONDUCT OF LOCAL MEETINGS**

**SEC. 77.** Meetings of the Local shall be opened by the President, Vice President, Past President, or in their absence by any other officer or member with the following statement:

5 "I now declare this meeting of SMART Local No. \_\_\_\_\_ open for the  
6 transaction of such business as may properly come before it."

7 The following order of business is suggested but Locals may alter the  
8 suggested order of business as necessary to suit their requirements:

- 9 1. Roll call of officers
- 10 2. Announce or display: This meeting is an environment  
11 free of discrimination and harassment
- 12 3. Reading minutes of the previous meeting
- 13 4. Admission of new members
- 14 5. Treasurer's report
- 15 6. Reports of officers and committees
- 16 7. Communications
- 17 8. Unfinished business
- 18 9. New business
- 19 10. Bills of allowance
- 20 11. Nomination of officers and committeepersons
- 21 12. Election and installation of officers
- 22 13. Safety first
- 23 14. Way and means of improving SMART
- 24 15. Closing

## 1 SECTION 78

2 **SEC. 78.** NOTE: The provisions of Section 78 were declared void by the  
3 Federal Court ruling in Civil Action No. 97-5732 (NHP) and the Section  
4 has been deleted from Article Twenty-One B (21B) per Section 38.

## SECTION 79 – CONSIDERATION OF GRIEVANCES

**SEC. 79.** Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction. Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer. A report by the committee will be made at the next meeting.

When grievances are being considered by a Local, only those members employed in the craft on the territory involved shall be permitted to vote, provided that at least five (5) such members must be present before any action can be taken. If more than one (1) craft is involved, the grievance shall be considered and determined separately by each craft.

In the absence of a collective bargaining agreement to the contrary, no grievance involving requests for reinstatement shall be accepted after the expiration of two (2) years from the date of dismissal. Any grievance involving positions and rank on seniority rosters shall be reviewed and corrected when and if factual evidence is presented to show an error in record keeping.

## SECTION 80 – PRESERVATION OF CRAFT AUTONOMY

**SEC. 80.** (a) Local working conditions of a craft over which a Local has jurisdiction may not be revised or changed unless authorized to do so by a majority of the votes cast by the members affected and working in the craft. Such a proposal will not be voted upon prior to the first meeting following that in which the proposition was presented. If more than one craft is affected, the issue shall be determined by a majority vote of each and every affected craft, i.e., in the event any one of the crafts affected rejects the issue, the matter shall remain unchanged.

(b) In the event twenty-five percent (25%) of the members working in a craft in the territory involved petition the Local to circulate a referendum ballot, on any issue to be voted upon involving a change



13 in local working conditions in the territory over which the Local has  
14 jurisdiction, a referendum ballot will be circulated. Only those mem-  
15 bers assigned in the craft and working in the territory affected shall  
16 be permitted to vote. A majority of the votes cast shall determine the  
17 issue. An issue decided by referendum vote can be changed only by  
18 another referendum vote.

19 (c) General Committees of Adjustment, by a majority vote, may  
20 authorize the revision of general or system schedule rules, amend  
21 existing rules, or establish new rules, except, General Committees of  
22 Adjustment consolidated on or after date of unification with other  
23 General Committees of Adjustment and/or officers representing Trans-  
24 portation Division, assisting those General Committees of Adjustment,  
25 shall not revise or amend general or system schedule rules of any craft  
26 unless authorized to do so by a majority vote of the representatives of  
27 that craft on the General Committee.

28 (d) When voting on matters involving wages, rules, working condi-  
29 tions, or elections held in a Local meeting is by craft vote, the craft in  
30 which a member is entitled to vote shall be the craft in which they  
31 are assigned, irrespective of Local affiliation, at the time the vote is  
32 taken. In the event referendum procedures are used for such voting,  
33 the craft in which a member is entitled to vote shall be the craft in  
34 which they are assigned on the date prior to the date the ballots are  
35 mailed by the Secretary.

36 (e) The provisions of this Section may not be changed by the Inter-  
37 national Union, except upon the approval of a majority vote of the  
38 members of each of the crafts represented by the United Transporta-  
39 tion Union, now SMART.

## 1 SECTION 81 – LOCAL COMMITTEES OF ADJUSTMENT

2 **SEC. 81.** Each Local shall elect a Local Committee of Adjustment,  
3 consisting of a Chairperson, one or more Vice Chairpersons, and a Sec-  
4 retary. Additional Local Committees of Adjustment may be formed to

represent members on a separate seniority district or when employed  
 in a separate craft represented by the SMART Transportation Division.  
 Such committee persons must hold seniority rights in one of the crafts  
 under the jurisdiction of the Local Committee.

The President Transportation Division may grant dispensation for  
 the establishment of separate Local Committees of Adjustment for the  
 members of a Local working in one of the various crafts represented  
 by the SMART Transportation Division. Each Local Committee shall  
 be maintained by dues and/or assessments levied upon the members  
 under the jurisdiction of such committee.

When required, it shall be the duty of the Chairperson of the Local  
 Committee of Adjustment to furnish the Treasurer of the Local and  
 the interested General Chairpersons the names of nonmembers  
 and members who have been taken out of service, or who have been  
 returned to service. Additionally, the Chairperson of the Local Com-  
 mittee of Adjustment will assist in furnishing information to the  
 Treasurer as to the names of employees working under the jurisdiction  
 of their committee.

It shall be the duty of the Chairperson of the Local Committee of  
 Adjustment to promptly handle claims and grievances when presented  
 in accordance with Section 79. They shall be authorized to file claims  
 and grievances including those where time has not been claimed, or  
 where claims were incorrectly and/or improperly filed. They shall report  
 on the handling of all claims and grievances at the next Local meeting.

Should the Local Chairperson fail to satisfactorily adjust any case  
 presented, they may refer same to the General Chairperson with the  
 complete facts and history of the case, including copies of correspon-  
 dence exchanged with local officials.

It shall be the duty of the Vice Chairperson to handle matters  
 referred to the Local Committee when so directed by the Chairperson.  
 The Vice Chairperson of the Local Committee shall act as Chairperson  
 when the Chairperson is unable to perform their duties, and in case

37 of a permanent vacancy in the office, they shall act as Chairperson  
38 until the office is filled as provided in Section 57. When more than one  
39 Vice Chairperson is elected to a Local Committee of Adjustment, the  
40 Local Committee shall designate the Vice Chairperson who shall act as  
41 required by this paragraph.

42 Local Committees shall not take grievances to the general officers  
43 of an employer, except through the General Chairperson, and will not  
44 be permitted to enter into any agreement or understanding or change  
45 an agreement or understanding unless approved and signed by the  
46 General Chairperson and the designated carrier representative.

47 Local Committees of Adjustment may consolidate their Committees  
48 under such terms and conditions as they deem appropriate, subject to  
49 approval by a majority of the members under the jurisdiction of each  
50 Committee involved.

51 In the event twenty-five percent (25%) of the members, working in  
52 a craft under the jurisdiction of a Local Committee of Adjustment,  
53 petition the Secretary of their Local to circulate a referendum ballot  
54 on a proposition of discontinuing their Local Committee of Adjust-  
55 ment and to be placed under the jurisdiction of another Committee  
56 in the same Local, the Secretary will circulate a ballot on the prop-  
57 osition among the members represented by each respective Local  
58 Committee of Adjustment. Upon approval by a majority vote of the  
59 members represented by each respective Committee, the Committee  
60 to be discontinued will, within fifteen (15) days from the date of such  
61 approval, make an orderly transfer of the property, funds, and files to  
62 the Committee assuming jurisdiction.

63 Compensation and expenses for members of the Local Committee  
64 shall be determined by the members of the Local under the jurisdic-  
65 tion of the Committee. The Local Committeeperson when authorized  
66 by the General Chairperson to perform service in connection with  
67 General Committee matters shall be compensated from the General  
68 Committee Fund.

**SECTION 82 – GENERAL COMMITTEE OF ADJUSTMENT**

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**SEC. 82.** The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General Committee of Adjustment shall be a member of such General Committee of Adjustment. Local Chairpersons representing yardmasters only, may be members of the General Committee representing yard/switchpersons subject to approval of such General Committee.

The officers of a General Committee of Adjustment shall be a General Chairperson, one or more Vice Chairpersons, and a Secretary. The officers of a General Committee must hold seniority rights in one of the crafts under the jurisdiction of such General Committee.

Each General Committee of Adjustment shall hold a quadrennial meeting in January of 1971. Beginning with this meeting, not more than two (2) officers of a General Committee shall be elected from any one craft when such Committee represents only two crafts, and not more than one officer from any one craft when such Committee represents more than two crafts, except by unanimous consent of the full General Committee.

If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent their Local, but as such, they shall not be eligible for election as an officer of the General Committee, except that of General Chairperson. The absent Local Chairperson shall be eligible for election as an officer of the General Committee of Adjustment.

Incumbent officers and members of the General Committee, and any member holding seniority in the craft represented by the General Committee shall be eligible for election to the office of General Chairperson. Only members of the General Committee shall be eligible for election to the office of Vice General Chairperson, or Secretary of the Committee. A General Committee requiring the full-time services of a

32 Vice General Chairperson or Secretary may re-elect such officers, with-  
33 out their being re-elected as Local Chairpersons. In such cases these  
34 officers may speak but shall have no vote in the General Committee.

35 The officers of a General Committee shall be elected by secret vote  
36 of the members of the General Committee during the quadrennial  
37 meeting except as otherwise provided herein.

38 The Chairperson of a General Committee of Adjustment may be  
39 elected by referendum vote instead of by General Committee vote as  
40 provided for in the preceding paragraph if two-thirds ( $\frac{2}{3}$ ) of the Local  
41 Chairpersons under the jurisdiction of a General Committee, prior to  
42 August 1 preceding the year of the regular quadrennial meeting of the  
43 General Committee, vote for and advise the President Transportation  
44 Division in writing of their desire to have the Chairperson of that  
45 Committee elected by referendum vote.

46 Upon receipt of such request the President Transportation Division  
47 will notify the Locals under the jurisdiction of that General Commit-  
48 tee that a referendum election for General Chairperson will be held.

49 Each Local under the jurisdiction of the General Committee, after  
50 giving at least fifteen (15) days prior notice thereof, shall schedule a  
51 meeting to be held prior to October 1, at which nominations for Gen-  
52 eral Chairperson will be accepted.

53 Nominations for General Chairperson will only be accepted when a  
54 petition is signed by at least five (5) members holding seniority rights  
55 in one of the crafts and holding membership in one of the Locals  
56 under the jurisdiction of the General Committee. The petition shall  
57 be presented to the Secretary of the Local no later than the meeting  
58 scheduled to accept such nominating petitions.

59 The Local Secretary shall certify the names of candidates and for-  
60 ward same to the President Transportation Division by certified mail  
61 no later than ten (10) days after the nominating meeting. The President  
62 Transportation Division shall have prepared ballots placing the name  
63 of the incumbent candidate on the ballot first and the names of the

other candidates in alphabetical order. The President Transportation Division shall send a ballot as described in Section 57 to each member entitled to vote no later than October 25. Only members employed under the jurisdiction of a General Committee of Adjustment shall be eligible to vote in the referendum election for the Chairperson of such Committee. The President Transportation Division shall request a list of eligible voters to be prepared by the General Secretary-Treasurer showing the names and addresses of the members paying General Committee assessments to that General Committee for the month of August preceding the election.

The President Transportation Division shall arrange for the General Secretary-Treasurer to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the General Secretary-Treasurer and shall not be opened prior to the date set for tabulation.

The General Secretary-Treasurer will tabulate the ballots between November 10 and November 15 and shall notify the General Chairperson and candidates the date set for tabulating the ballots. Each candidate, or their representative, may witness the tabulation at their own expense.

The General Secretary-Treasurer shall immediately notify the President Transportation Division, General Chairperson, candidates, and each Local the results of the election.

The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the General Secretary-Treasurer shall be governed by the applicable provisions of Section 57.

A defeated General Chairperson shall not sign system agreements unless they are also signed by the Vice Chairperson and Secretary of the General Committee. A defeated General Chairperson shall not

96 close out pending cases unless concurred in by the Vice Chairperson  
97 and Secretary of the General Committee.

98 The cost of referendum election for General Chairperson shall be  
99 considered as General Committee expense under Section 84, and such  
100 expense shall be paid by the General Secretary-Treasurer from the  
101 appropriate General Committee fund.

102 The Chairperson of each General Committee of Adjustment shall  
103 convene the full Committee between January 1 and May 31 following  
104 the completion of the quadrennial elections for Local Committees  
105 of Adjustment, or as soon thereafter as elections are completed, and  
106 quadrennially thereafter. Actions of the General Committee shall be  
107 retroactive to January 1 of that year. In the event the Chairperson fails  
108 to convene the Committee, the Committee shall be convened by the  
109 President Transportation Division on request of one or more Locals.

110 When the Chairperson has been elected by referendum vote, the  
111 results of the vote shall be announced on the first day of the quadren-  
112 nial meeting and the Chairperson elected shall immediately assume  
113 the office.

114 A General Chairperson shall have no vote in General Committee  
115 meetings except in case of a tie vote on matters other than elections,  
116 the Chairperson will cast the deciding vote. In case of a tie vote in a  
117 Committee election after five (5) secret ballots the Chairperson shall  
118 then be permitted to vote.

119 Each General Committee of Adjustment may adopt its bylaws and  
120 procedures, establish salaries, set the amount of General Committee of  
121 Adjustment dues, and such other matters necessary for its operation,  
122 subject to the provisions of this Constitution.

123 The President Transportation Division may grant dispensation for  
124 the establishment of separate General Committees of Adjustment, for  
125 the various crafts represented by the SMART Transportation Division.  
126 Each such Committee shall be maintained by dues and/or assessments  
127 levied upon the members under the jurisdiction of such Committee.

If less than three (3) Locals are located on a property, the General Chairperson shall be elected by referendum vote. 128  
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A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property, the Local Committee of Adjustment shall constitute the General Committee of Adjustment. 130  
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In Bus Department Locals where there is one Local on a property, General Committees of Adjustment and/or officers representing the SMART Transportation Division, shall not revise or amend general or system schedule rules unless authorized to do so by a majority of votes cast by the members of the craft under the jurisdiction of the General Committee. 134  
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The Secretary of the General Committee shall promptly notify the President Transportation Division in the event of a vacancy in the office of Chairperson. The President Transportation Division shall order an election, to be held in accordance with the provisions of this Section, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of their election will fill the vacancy. 140  
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Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows: The Chairperson will set a period in which any member of the Committee may nominate another member of the Committee to fill the office. When the period for making nominations has expired, the Chairperson shall prepare ballots, placing the names of the candidates in alphabetical order. They shall furnish ballots to each member of the Committee, with notification as to the date on which the ballots must be returned for tabulation. On the date specified, the Chairperson, with the assistance of at least two members of the Committee or two officers of the nearest local, shall tabulate the ballots and certify the results to the Secretary of the General Committee. The Secretary of 147  
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160 the General Committee shall report the results of the election to the  
161 Locals and members of the General Committee.

162 General Chairpersons or Executive Committee of General Commit-  
163 tees of Adjustment may voluntarily consolidate their committees under  
164 such terms and conditions as they deem appropriate subject to approval  
165 by two-thirds ( $\frac{2}{3}$ ) vote of the members of each General Committee of  
166 Adjustment involved and the President Transportation Division.

167 In the event twenty-five percent (25%) of the members working  
168 under the jurisdiction of a General Committee of Adjustment petition  
169 the Secretary of the General Committee to circulate a referendum  
170 ballot on a proposition of discontinuing the officers of their committee  
171 and consolidating their committee under the officers of another com-  
172 mittee holding similar jurisdiction on the same property, the Secretary  
173 will prepare a ballot on the proposition to be circulated among the  
174 members involved by the Secretaries of the Locals involved. Upon  
175 approval by a majority vote of the membership represented by such  
176 committee, a referendum ballot will be circulated among the mem-  
177 bership represented by the other General Committee of Adjustment  
178 involved in the consolidation. Upon approval by a majority vote of the  
179 membership under the jurisdiction of such other committee, the offi-  
180 cers of the committee being dissolved will, within sixty (60) days, make  
181 an orderly transfer of the property, funds, and files to the committee  
182 having jurisdiction.

183 If as a result of the referendum vote it is the desire of the mem-  
184 bership represented by the two General Committees to consolidate, a  
185 referendum election will be held as provided in this Section to elect a  
186 General Chairperson from the two incumbent General Chairpersons.  
187 The defeated General Chairperson will become an Assistant General  
188 Chairperson of the consolidated General Committee and shall be  
189 placed in no worse position with respect to salary or compensation.  
190 Their term of office as Assistant will expire at the same time as the  
191 General Chairperson at the next quadrennial meeting.

Nothing in this Section shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the consolidated General Committee to relocate their residence as a result of a consolidation of General Committees.

### SECTION 83 – RETIRED MEMBERS

**SEC. 83.** Members of the United Transportation Union, now SMART, retired from service on account of age shall be assessed International dues of Seventy-Five Cents (\$0.75) per month, to be collected in a manner prescribed by the President Transportation Division. Retired members paying the Seventy-Five Cents (\$0.75) per month assessment shall be members of the United Transportation Union Alumni Association so long as such dues are paid. Provided, however, that the President Transportation Division with the concurrence of the Board of Directors may increase the dues from Seventy-Five Cents (\$0.75) per month to One Dollar (\$1.00) per month.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of SMART Transportation Division.

### SECTION 84 – GENERAL COMMITTEE FINANCING

**SEC. 84.** Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

The General Committee fund shall be deposited with the President Transportation Division. The General-Secretary Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary-Treasurer shall furnish each interested Local Treasurer and

11 the General Chairperson a monthly report showing the division of  
12 dues and assessments.

13 Dues, assessments, salaries, expenses, and other allowances estab-  
14 lished for the maintenance of General Committees, and in effect as  
15 of the effective date of unification, shall remain in effect, subject to  
16 change as provided herein.

17 Any proposition to establish or abolish full-time salaried officers of  
18 a General Committee or to increase or decrease dues, assessments, per-  
19 sonal expense, or other allowances established for the maintenance of  
20 General Committees shall be submitted to the members of the General  
21 Committee while in session or by mail by the appropriate officer of the  
22 General Committee setting forth the specific change and effective date  
23 of such change. Such proposition must be approved by a majority vote  
24 of the members of the General Committee before being made effective.

25 All reasonable and proper expenses of a General Committee, officers,  
26 or member thereof when in the service of a General Committee shall be  
27 allowed as expense of the General Committee. An itemized statement of  
28 expenses incurred, with receipts for all items in excess of Twenty-Four  
29 Dollars (\$24.00), and any amount due for services rendered shall be  
30 submitted to the Chairperson of the General Committee. When such  
31 statements are approved they shall be submitted to the General Secre-  
32 tary-Treasurer for prompt payment. A copy of all such statements shall  
33 be furnished to the Secretary of the General Committee.

34 Where not otherwise provided for, the General Chairperson may  
35 rent office space, purchase office equipment, and employ such clerical  
36 assistance as necessary, when authorized to do so by a majority vote of  
37 the General Committee in session or by mail vote between sessions.

## 1 SECTION 85 – DUTIES OF GENERAL 2 COMMITTEES OF ADJUSTMENT

3 **SEC. 85.** General Committees of Adjustment shall have author-  
4 ity to make and interpret agreements with representatives of

transportation companies covering rates of pay, rules, or working conditions — subject to membership ratification in accordance with the provisions of this Article.

General Committees shall investigate all matters properly submitted to them and shall have the authority to alter, amend, add to, or strike out any part, or all, of any matter submitted to them.

In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request the assistance of the President Transportation Division. Upon receipt of such request, the President Transportation Division or their representative shall meet with the General Chairperson, renew efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority held by the General Committee to progress the matter to a conclusion. Any system or local adjustments agreed to by the President Transportation Division or their representatives, shall be subject to a majority vote of Local Chairpersons affected.

In the event the President Transportation Division or their representative and the Committee are unable to reach a satisfactory adjustment of the matter, the President Transportation Division may recommend to the General President who may order a strike on all or any portion of the company involved. Such strike action under this Section must be authorized by a two-thirds ( $\frac{2}{3}$ ) vote of the members of the General Committee. Such vote may be taken by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.

Between sessions of the General Committee of Adjustment, the Chairperson of such Committee shall exercise all rights, privileges, and authority vested in the General Committee, except as otherwise directed by the General Committee while in session, subject to the membership ratification provisions of this Section.

The General Chairperson must poll the entire membership holding seniority and working in the craft involved on the property by mail

37 referendum ballot prior to signing any system agreements and be  
38 governed by the majority of the votes cast.

39 Upon completion of the balloting for a system agreement, the  
40 General Chairperson will prepare a report designating the result of  
41 the vote. A copy of the report shall be submitted to each affected Local  
42 within thirty (30) days after the close of balloting.

43 The General Chairperson must poll the affected Local Chairpersons  
44 prior to signing any local agreement and be governed by the majority  
45 of the votes cast.

46 Upon completion of the balloting for a local agreement, the General  
47 Chairperson will prepare a report designating the result of the vote of  
48 each Local Committee. A copy of the report shall be submitted to each  
49 affected Local within thirty (30) days after the close of the balloting.

50 A General Committee may elect from its members a sub-committee  
51 and vest such committee with authority of the General Committee  
52 of Adjustment to adjust such matters as may be assigned to it by the  
53 General Committee. The Chairperson of the General Committee shall  
54 be Chairperson of all such subcommittees.

55 General Committees or subcommittees of General Committees of  
56 Adjustment making settlement of matters referred to them shall,  
57 within thirty (30) days of such settlement, notify the interested Local  
58 Chairpersons and Secretary of the Locals in which the matters origi-  
59 nated of the action taken.

60 Actions or decisions of a General Committee shall be binding upon  
61 the members and Locals under the jurisdiction of such General Com-  
62 mittee unless reversed or modified upon appeal as provided in Section  
63 75 of Article Twenty-One B (21B).

64 (NOTE: Delegates moved that this Section 85 would be interpreted  
65 that a SMART Engineer working under another union's agreement  
66 would vote as a fireman on any agreement involving firemen.)

## SECTION 86 – VACATIONS – GENERAL COMMITTEEPERSONS

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**SEC. 86.** Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.

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Officers and members of General Committees employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the General Committee been earned with the carrier, except, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the General Committee.

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Vacation allowances provided herein shall be paid by the General Secretary-Treasurer from the General Committee fund upon approval of the vacation claim by the General Chairperson and Secretary of the General Committee. This Section is intended to prevent any loss in vacation time and pay as a result of serving the General Committee.

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## SECTION 87 – CHAIRPERSON OF GENERAL COMMITTEE

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**SEC. 87.** The Chairperson of a General Committee of Adjustment shall be its executive head, preside over all meetings, and exercise general supervision over its affairs and interests.

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The Chairperson shall furnish a quarterly report of their activities to all Local Chairpersons and Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of their Committee which shall be furnished by the

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10 General Secretary-Treasurer in sufficient number for distribution with  
11 this report.

12 The Chairperson shall convene the General Committee upon  
13 request of a member of said Committee provided, (1) a two-thirds ( $\frac{2}{3}$ )  
14 majority of the Committee concurs in such request and (2) sufficient  
15 funds are available.

16 The Chairperson shall perform such other duties as may be required  
17 by the General Committee and this Constitution.

1 **SECTION 88 – VICE CHAIRPERSONS**  
2 **OF GENERAL COMMITTEE**

3 **SEC. 88.** The Vice Chairpersons of a General Committee of Adjustment  
4 shall act for or on behalf of the Chairperson when so directed by the  
5 Chairperson. They shall perform such other duties as may be delegated  
6 to them by the General Committee of Adjustment.

1 **SECTION 89 – SECRETARY OF GENERAL COMMITTEE**

2 **SEC. 89.** The Secretary of a General Committee of Adjustment shall  
3 keep a record of the proceedings of each meeting. They shall issue  
4 notices of meetings when so directed by the General Chairperson.  
5 They shall have charge of the books and papers of the Committee  
6 pertaining to this office. The Secretary shall prepare and furnish the  
7 President Transportation Division, General Secretary-Treasurer, each  
8 Local Chairperson and each Local Secretary a copy of the proceedings  
9 of the Committee within twenty (20) days of the close of each session.  
10 They shall notify the President Transportation Division and General  
11 Secretary-Treasurer the names and addresses of the General Commit-  
12 tee immediately following their election.

13 The Secretary shall perform such other duties as might be required  
14 by the General Committee and this Constitution.

**SECTION 90 – MERGERS, LEASES, COORDINATIONS, ETC.**

**SEC. 90.** When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority district to another on the same carrier and such affects the seniority rights of employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.

General Committees shall give consideration to all factors involved, including but not limited to hours worked, cars and tonnage handled where applicable, and mileage of operations on each seniority district or territory involved prior to the change in operation, consolidation, or the diversion or re-routing of traffic.

In circumstances in which a new line is established by a carrier and no seniority rights exist, employees from the line from which traffic is diverted, will be transferred to the new line in equal percentage to the mileage of the traffic diverted from the old line. If the portion of line transferred is insufficient in extent to constitute a separate seniority district, the employees taken over therewith in the merger may be placed on the roster of the proper seniority district to which the merged line is attached with seniority on such roster in their respective classes from a date not later than the date of merger.

In applying this Section to bus lines, the Transportation Division and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.



32 Disputes arising under this Section which cannot be resolved by  
 33 the General Committee or General Committees shall be referred to  
 34 the President Transportation Division. The President Transportation  
 35 Division shall promptly assign an officer to assist the General Commit-  
 36 tee or General Committees involved in resolving the dispute. Failing  
 37 to resolve the dispute the officer shall make a complete report and  
 38 recommendation to the President Transportation Division who, in  
 39 turn, shall decide the dispute.

40 Any Local or member of a Local affected by action or decision of a  
 41 Chairperson, or General Committee, or by the decision of the Presi-  
 42 dent Transportation Division with respect to this Section may appeal  
 43 such action or decision to the Board of Appeals, provided such appeal  
 44 is filed with the General Secretary-Treasurer within ninety (90) days  
 45 from the date of the action or decision. The Chairperson, General Com-  
 46 mittee, or President Transportation Division, as the case may be, shall  
 47 be allowed thirty (30) days from the date the appeal is filed in which to  
 48 reply to the appeal. The parties involved in an appeal shall exchange  
 49 copies of the appeal and reply to the appeal.

## 1 **SECTION 91 – ASSOCIATION OF GENERAL CHAIRPERSONS**

2 **SEC. 91.** The Chairpersons of the General Committees in each district,  
 3 as hereinafter set forth, shall form an Association of General Chairper-  
 4 sons, each to function independently of the other, for the purpose of  
 5 formulating concerted movements relating to wages, rules, and work-  
 6 ing conditions of transportation service employees in their district.

- 7 ■ District No. 1 shall include all rail lines in the United States.
- 8 ■ District No. 3 shall include all bus lines in the United States.

9 All General Chairpersons on properties where the combined  
 10 membership represented by SMART Transportation Division is one  
 11 hundred (100) or more, shall be members of the Association of General

Chairpersons in their respective districts as outlined above. Where 12  
the combined membership represented by SMART Transportation 13  
Division on a property is less than one hundred (100) the General 14  
Chairpersons on that property shall elect one of their group to be a 15  
member of the Association in their respective districts. Members of 16  
the Association of General Chairpersons shall attend all meetings of 17  
their Association and represent their committees with pay and proper 18  
expenses to be paid from the General Fund of the International. 19

The President Transportation Division shall convene the General 20  
Chairpersons during the year 1969 for the purpose of organizing the 21  
Association in each district. Each district shall elect, by secret ballot, a 22  
Chairperson, a Vice Chairperson, and a Secretary to serve as officer of 23  
their Association. 24

Following the reorganization of General Committees in 1971, and 25  
quadrennially thereafter, the President Transportation Division shall 26  
convene the Association of General Chairpersons for the purpose of 27  
reorganizing and electing officers. 28

Each Association shall adopt bylaws for its special government 29  
consistent with the provisions of this Constitution. 30

The Association will be convened by the President Transportation 31  
Division whenever necessary and will be convened by them when a 32  
majority of the General Chairpersons within a district of the Associ- 33  
ation request a special meeting, provided the requests are uniform in 34  
object and purpose and the meeting is limited to subjects over which 35  
the Association has jurisdiction. 36

In any general or concerted wage-rules movement, members in an 37  
Association cannot withdraw support of a movement which has been 38  
approved by a two-thirds ( $\frac{2}{3}$ ) vote of the members of an Association, 39  
unless sanction thereto is given by a majority vote of eligible members 40  
of the Association and approved by the President Transportation 41  
Division. In the event any transportation company refuses to be repre- 42  
sented by the conference committee representing the companies in a 43

44 general or concerted movement, the President Transportation Division  
45 may exclude the General Committee on such company from participa-  
46 tion in the movement.

47 A strike may be authorized by the President Transportation Divi-  
48 sion, with approval of the General President, in support of a general  
49 or concerted wage-rules movement, provided such action under this  
50 Section is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the members in any  
51 Association. Such vote may be taken as the President Transportation  
52 Division may direct by mail, wire, or while in session.

53 In any general or concerted wage-rules movement the President  
54 Transportation Division shall appoint a negotiating committee  
55 representative of each of the former organizations and crafts repre-  
56 sented by them, which are involved in the movement. The negotiating  
57 committee shall assist in the prosecution of the wage-rules movement  
58 as directed by the President Transportation Division.

59 When in the judgment of the President Transportation Division  
60 and the negotiating committee a final offer of settlement has been  
61 received, the offer with the committee's recommendation shall be  
62 submitted by referendum to the Membership of the crafts involved in  
63 the movement for their acceptance or rejection. Following receipt of  
64 the offer of settlement, each General Chairperson shall have fifteen (15)  
65 days to submit questions pertaining to the offer. The negotiating com-  
66 mittee will, consolidate the submitted questions into a single, uniform  
67 list. When the answers to these questions are determined by the nego-  
68 tiating committee and the carriers' representatives, the agreed-upon  
69 questions and answers will be distributed to the General Chairpersons  
70 and made a part of the offer of settlement.

71 A majority of the members voting of each of the crafts to be covered  
72 or affected by the terms of the proposed agreement shall be required  
73 to ratify the offer of settlement.

74 The terms of the settlement shall be submitted, by the President  
75 Transportation Division, to each Local involved in the movement, in

sufficient quantity to permit circulation to the membership, and/or the terms may be mailed to each member in a special edition of the SMART Transportation Division News. Recommendations of the President Transportation Division and/or Negotiating Committee may be included along with a digest or summary of the provisions of the settlement.

The Board of Directors shall establish and publish procedures for the conduct of referendum elections which shall thereafter be contained as an appendix to this Section; guaranteeing each affected member the right-to-vote on wages, rules and working conditions.

Voting and tabulation of the results must be completed within twenty-one (21) days from the date the proposal is dispatched or presented by the President Transportation Division. The final result and tabulation of voting shall be furnished to each Local involved in the movement and shall be printed in the SMART Transportation Division News.

### **APPENDIX:**

Agreements shall be sent via first-class mail in an envelope marked "Important – Agreement and Ballot Enclosed". The ballot will be a self-addressed, postage paid postcard that will contain space for the member to print name, Local number and railroad employer, or a telephone electronic voting system supervised by the American Arbitration Association or similar neutral organization.

### **SECTION 92 – STRIKES**

When a strike has been inaugurated by SMART Transportation Division, the President Transportation Division, shall be the recognized leader and shall have authority, in conjunction with the General President, to appropriate from the Strike Fund such money for legal assistance and incidental expenses as may be required for a successful prosecution of the strike.

8        Every member of SMART shall be duty bound to comply with strike  
9 orders of SMART. A member who neglects or refuses to do so and who  
10 takes the place or performs the duties of a striking member shall be  
11 expelled from SMART upon conviction thereof under the trial proce-  
12 dures of Article Twenty-One B (21B).

13        Any member of SMART who crosses the picket lines of SMART,  
14 or the picket lines of any other railroad union(s) that SMART has  
15 recognized as on legal authorized strike, for the purpose of assisting  
16 the struck carrier(s) by rendering service, consultation, or advice for  
17 wages, profit, gain, or gratis, will pay a fine of One Thousand Dollars  
18 (\$1,000.00), and in addition to such fine if such member received any  
19 wages, compensation, or remuneration for time, expense, consultation,  
20 for service rendered to such carrier(s) during the strike that mem-  
21 ber will also be fined Two Dollars (\$2.00) for every One Dollar (\$1.00)  
22 received upon conviction thereof under the trial procedures of Article  
23 Twenty-One B (21B).

24        The cost and expense of such trials will be borne solely by the Locals  
25 conducting the trials and all fines collected by such Locals will be  
26 retained by the Local conducting the trial.

27        Any member of SMART who participates in a strike which has not  
28 been legally authorized shall be expelled from SMART upon conviction  
29 thereof under the trial procedures of Article Twenty-One B (21B).

30        The President Transportation Division and the General Committee  
31 of Adjustment, may terminate a strike. In the event of a difference  
32 of opinion between the President Transportation Division and the  
33 General Committee of Adjustment as to the advisability of terminating  
34 a strike, the matter shall be referred to the General President for a final  
35 decision. The discontinuance of strike benefits shall be decided by the  
36 General President.

37        Strikes inaugurated by the SMART Transportation Division — Mem-  
38 bers of crafts represented by the SMART Transportation Division who  
39 engage in a strike inaugurated by the SMART Transportation Division,

including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.

Strikes inaugurated by other recognized Unions – Members of the SMART Transportation Division, who are unemployed due to any recognized union representing employees of the railroads or other transportation companies being on legal strike, shall be allowed strike benefits for a period not to exceed sixty (60) days, as though they were active participants in the strike. However, the sixty (60) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President.

Qualifications — In order to qualify for strike benefits, members must withdraw from service at the outset of the strike, register each day, and perform or be available to perform picket duty as required by the Local having jurisdiction. A member must verify their correct address and Social Security number with the Local Treasurer for the purpose of mailing benefit checks.

Strike benefits will be One Hundred Dollars (\$100.00) per day and will not exceed a maximum of Twelve Hundred Dollars (\$1,200.00) per month.

Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days as the result of one strike. However, the one hundred twenty (120) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President, except as specified in lines 44–51.

Procedures for claiming benefits — Upon inauguration of a strike by the SMART Transportation Division or upon authorization of strike benefits to SMART Transportation Division members in the case of a recognized Union representing employees of railroads or other transportation companies being on legal strike, the President Transportation Division shall notify the General Secretary-Treasurer accordingly.

71        Upon receipt of such notification, the General Secretary-Treasurer  
72 shall prepare a list, in duplicate, and furnish each local involved,  
73 showing all members of each local having jurisdiction over striking  
74 members or members who may be affected by a legal strike or a  
75 recognized union as they appear on monthly billing including home  
76 addresses, space for Social Security number or social insurance  
77 number, occupation and length of service which shall be identified  
78 as Form #1. The President and Treasurer of each Local shall complete  
79 Form #1 by filling in the required blanks and return one (1) copy to  
80 the General Secretary-Treasurer within ten (10) days. Form #1 must be  
81 signed by the President and Treasurer of the Local and notarized by  
82 a notary public.

83        Upon receipt of Form #1, the General Secretary-Treasurer shall  
84 prepare a strike payroll, in duplicate, from the information contained  
85 therein. The strike payroll shall be known as Form #2 and shall list  
86 striking members in alphabetical order with space provided for  
87 number of days for which payment is claimed and amount of payment  
88 due. The Local Treasurer will fill in the spaces as indicated noting any  
89 changes from Form #1, i.e., additions, deletions, E-49, sick or injured,  
90 vacation, death, retired, or members who, for any reason, are not avail-  
91 able for picketing or other duties required by the Local. The Treasurer  
92 shall return the completed Form #2 on the 15<sup>th</sup> and the last day of the  
93 month. The Local seal must be affixed to all payrolls.

94        Upon receipt of strike payrolls, the General Secretary-Treasurer,  
95 when directed by the President Transportation Division, shall issue  
96 checks drawn upon the strike fund for payment. The General Sec-  
97 retary-Treasurer will mail strike benefits to all members entitled to  
98 receive benefits, whose proper address appears on Form #1. A copy of  
99 Form #2 will be mailed to the Local Treasurer.

100        In the event of a general strike by the SMART Transportation  
101 Division or by other unions representing employees of railroads or  
102 other transportation companies, the General President may suspend

all strike benefits if such action becomes necessary for the protection of SMART funds. 103  
104

When a strike of any other nationally recognized labor organization is in effect and danger to the safety of our members exists in or about the area affected by the strike, and/or if there exists any substantial present or potential threat of danger to the members en route to or from their work, and/or to the members' families, it is the policy of SMART to support its members in declining to enter the territory directly affected. 105  
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**SECTION 93 – LEGISLATIVE DEPARTMENT** 1

**SEC. 93.** The Legislative Representatives of each Local in each State and in the District of Columbia, shall form a State or District Legislative Board for the purpose of protecting the legislative interests of the members under its jurisdiction. 2  
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Officers of a State or District Legislative Board shall be a Chairperson, one or more Vice Chairpersons, Secretary and/or Treasurer where required by state law, and a State or District Legislative Director, an Assistant State Legislative Director where desired by the State Legislative Board. Such officers shall also be the Executive Committee of such State or District Legislative Board. 6  
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In states where prior to the first reorganization meeting in 1972 there were salaried State Legislative Directors on a full-time basis, the Board shall retain such positions; provided, any proposition to establish or abolish a salaried State Legislative Director, or Assistant Legislative Director on a full-time basis must be approved by a two-thirds (2/3) majority vote of the members of the Legislative Board. 12  
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Beginning in 1972 the Chairperson of each State and District Legislative Board shall convene the full Legislative Board not later than May 31<sup>st</sup> following the completion of the quadrennial elections for Local Legislative Representatives for reorganizational purposes which shall include the election of officers and adoption of bylaws and procedures. 18  
19  
20  
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22



23 Beginning with the first reorganization meeting not more than two  
24 (2) officers of the Executive Committee shall be elected from any one  
25 craft except by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Board.

26 Incumbent officers and members of the Legislative Board shall be  
27 eligible for election to the offices of the Executive Committee.

28 Nothing in this Section shall prevent a Legislative Board from  
29 providing a residence property settlement, moving expenses and  
30 transfer allowance for a Legislative Director who is required by the  
31 consolidated Legislative Board to relocate their residence as a result of  
32 a consolidation of State Legislative Boards.

33 If the Local Legislative Representative is unable to attend a meeting  
34 of the full State or District Legislative Board, the Alternate Legislative  
35 Representative of such Local shall attend the meeting and represent  
36 their Local.

37 The officers of the Executive Committee and Alternate State Legis-  
38 lative Director shall be elected by secret ballot of the members of the  
39 Legislative Board during the quadrennial meeting except as otherwise  
40 provided herein. The candidate receiving a majority of the votes cast  
41 shall be declared elected. If no candidate receives a majority on the  
42 first ballot, all but the two (2) candidates receiving the largest vote will  
43 be dropped from the ballot, and a second election will be held in the  
44 same manner.

45 Officers of the Executive Committee shall assume the duties of  
46 their offices upon election and their term of office shall extend for  
47 four (4) years.

48 The Director will cast the deciding vote in case of a tie vote on  
49 matters other than elections. In case of a tie vote in elections, after the  
50 fifth (5<sup>th</sup>) secret ballot, the Director shall then be permitted to vote.

51 In states where there is a Legislative Director and an Assistant  
52 Legislative Director, a vacancy in the office of Legislative Director  
53 shall be filled by the Assistant Legislative Director. A vacancy in the  
54 office of Assistant Legislative Director shall be filled by the Alternate

Legislative Director. Any other vacancy shall be filled by a majority  
 vote of the Legislative Board in accordance with the Board's bylaws  
 and procedures.

The Chairperson of each State or District Legislative Board shall  
 preside over all meetings. They shall, through the Secretary of the Leg-  
 islative Board, issue the necessary summons to convene the Executive  
 Committee and/or Legislative Board as required by Article Twenty-One  
 B (21B) and at such other times as may be necessary.

Each State or District Legislative Board may adopt its bylaws and  
 procedures, including the filling of vacancies, establishing salaries,  
 setting the amount of Legislative Board dues, and such other matters  
 necessary for its operation, subject to the provisions of Article Twenty-  
 One B (21B).

## SECTION 94 – STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

**SEC. 94.** Each State or District Legislative Board must maintain a fund  
 sufficient to pay all salaries and expenses necessary for the mainte-  
 nance of such State or District Legislative Board through assessments  
 levied upon the members under their jurisdiction.

The State or District Legislative Board funds shall be deposited with  
 the President Transportation Division. The General Secretary-Trea-  
 surer shall use such funds to pay the salaries, expenses, and other  
 allowances necessary for the maintenance of the State or District  
 Legislative Board.

Dues, assessments, salaries, expenses, and other allowances estab-  
 lished for the maintenance of State or District Legislative Boards and  
 in effect as of January 1, 1969, shall remain in effect subject to change  
 as provided herein.

Any proposition to increase or decrease dues, assessments, personal  
 expense, or other allowances established for the maintenance of the  
 State or District Legislative Boards shall be submitted to the members

19 of the State or District Legislative Board while in session or by mail by  
20 the Secretary of the State or District Legislative Board setting forth  
21 the specific change and effective date of such change. Such proposi-  
22 tion must be approved by a majority vote of the members of the State  
23 or District Legislative Board before being made effective.

24 All reasonable and proper expenses of a State or District Legislative  
25 Board, Executive Committee, or officer or member thereof when in  
26 the service of a Legislative Board shall be allowed as expense of the  
27 Legislative Board. An itemized statement of expenses incurred, with  
28 receipts for all items in excess of Twenty-Four Dollars (\$24.00), and any  
29 amount due for services rendered shall be submitted to the Director of  
30 the Legislative Board. When such statements are approved they shall  
31 be submitted to the General Secretary-Treasurer for prompt payment.  
32 A copy of all such statements shall be furnished to the Secretary of the  
33 Legislative Board.

34 The State or District Legislative Director may rent office space, pur-  
35 chase necessary office equipment, and employ such clerical assistance  
36 as necessary when authorized to do so by a majority vote of the Board  
37 in session or by mail vote between sessions.

## 1 SECTION 95 – DUTIES OF STATE OR 2 DISTRICT LEGISLATIVE BOARDS

3 **SEC. 95.** The Executive Committee of each State or District Legislative  
4 Board may be convened by the Director at least forty-five (45) days, where  
5 possible, prior to each primary and general election, for the purpose of  
6 endorsing candidates for State offices and to make recommendations  
7 for candidates for the U.S. Senate and the House of Representatives and  
8 to transact such other business as may be necessary.

9 State Legislative Directors will promptly advise the President  
10 Transportation Division and the National Legislative Director of all  
11 endorsements of State Candidates and recommendations for Members  
12 of Congress made by the Executive Committee.

The State or District Legislative Directors may remain in the capital during sessions of the Legislature, when so authorized by the Legislative Board, and shall devote all of their time to securing the enactment of such laws, or the repeal or modification of such other laws as directed by the Legislative Board. They shall organize opposition to and appear before appropriate agencies to oppose discontinuance of trains and buses. They shall urge compliance with all laws which protect the welfare of members of SMART and shall promptly report violations of State laws and regulations to the proper State enforcement agency. Violations of all Federal laws and regulations shall be reported to the National Legislative Director or proper Federal agency.

An additional Director or Directors may remain at the capital to assist in legislative matters, when recommended by the Executive Committee and approved by the President Transportation Division. They shall perform such duties as may be assigned by the President Transportation Division.

The Secretary of the State or District Legislative Board shall keep a record and make a report of the proceedings of all meetings of the Legislative Board and the Executive Committee and shall furnish the Legislative Representative and Secretary of each Local, under the jurisdiction of the Board, and the President Transportation Division with a copy of the report.

Full-time Legislative Directors shall make a quarterly report of their activities to Secretaries and Legislative Representatives of all Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of the Board which shall be furnished to them by the General Secretary-Treasurer. A copy of this report shall be furnished to the President Transportation Division.

Part-time State or District Legislative Directors or Assistant Directors may, when recommended by the Executive Committee and

45 approved by the President Transportation Division, visit Locals and  
46 appear before commissions or other agencies in SMART’s behalf. They  
47 shall be authorized to cooperate with other organizations to this end.  
48 They shall perform such other duties as may be required by their Leg-  
49 islative Board by-laws and Article Twenty-One B (21B).

50 All proposed legislation shall be submitted to the President Trans-  
51 portation Division for approval and copies of all bills introduced which  
52 may be detrimental to labor shall be forwarded by Legislative Direc-  
53 tors to the President Transportation Division.

54 Questions of jurisdiction involving Legislative Boards and General  
55 Committees pertaining to laws, abandonments, and/or borderline matters  
56 shall be referred to the President Transportation Division for decision.

57 Any Transportation Division member using their influence in the  
58 name of SMART to defeat any action taken by the National Legislative  
59 Director or a State or District Legislative Board shall, upon conviction  
60 thereof, be expelled.

61 Officers and members of State and District Legislative Boards shall  
62 be under the direction of, and cooperate with, the National Legislative  
63 Director on all National Legislative policies and proposed Federal legis-  
64 lation established by the International. They shall cooperate with the  
65 Auxiliary and other groups on matters of mutual interest consistent  
66 with the legislative policies of SMART Transportation Division.

67 On any legislative issue which involves the discontinuance of  
68 engine-service positions on railroads, the Executive Committee will  
69 authorize an engine-service officer of the Legislative Boards to handle  
70 such issues under the supervision of the Executive Committee.

1                   **SECTION 96 – VACATIONS – STATE OR DISTRICT**  
2                   **LEGISLATIVE BOARDS**

3                   **SEC. 96.** Full-time officers and employees of State or District Legis-  
4                   lative Boards shall be granted vacation with pay, consistent with the  
5                   terms of the appropriate Vacation Agreement, based upon earnings

from their Boards. Such vacations may be split but will not be carried  
over from one year to the next.

Officers and members of such Legislative Boards employed on a  
part-time basis shall be paid the difference between the amount of  
vacation pay allowed by their carrier and the amount of vacation pay  
they would have received had their wages with the Legislative Board  
been earned with the carrier. However, if they do not work a sufficient  
amount of time with their carrier to qualify for a vacation, they shall  
be allowed a vacation with pay consistent with the terms of the appro-  
priate Vacation Agreement based upon their total earnings with the  
carrier and the Legislative Board.

Vacation allowances provided herein shall be paid by the General  
Secretary-Treasurer from the appropriate Legislative Board fund upon  
approval of the vacation claim by the Chairperson and Secretary of  
the Legislative Board. This Section is intended to prevent any loss in  
vacation time and pay as a result of serving the Legislative Board.

## SECTION 97

**SEC. 97.** Deleted in its entirety.

## SECTION 98

**SEC. 98.** Deleted in its entirety.

## SECTION 99

**SEC. 99.** Deleted in its entirety.

1                   **SECTION 100—DECLARATION OF POLICY OF**  
2                   **THE TRANSPORTATION DIVISION REGARDING**  
3                   **INTERNATIONAL EMPLOYEES**

4                   **SEC. 100.**

- 5                   1. No officer or other representative of SMART  
6                   shall deny or in any way question the right of  
7                   Transportation Division employees to:
- 8                         a. Join, organize or assist in organizing a labor  
9                         organization or association of their choice.
  - 10                        b. Determine their bargaining representatives in  
11                        accordance with applicable Federal or State laws.
  - 12                        c. Bargain collectively through their duly  
13                        designated bargaining representatives.
- 14                   2. SMART will as a matter of policy maintain for its  
15                   Transportation Division non-bargaining unit employees  
16                   the same wages and working conditions presently  
17                   enjoyed by such employees, including the practice of  
18                   increasing or decreasing rates of pay based upon general  
19                   increase or decreases in the pay of train and yard service  
20                   employees represented by SMART Transportation  
21                   Division, subject to final budget approval.
- 22                   3. Transportation Division employees will receive no  
23                   preferential treatment based upon membership in  
24                   SMART or the absence of such membership.
- 25                   4. For the information and guidance of Transportation  
26                   Division officers and employees, the President  
27                   Transportation Division will compile and publish a  
28                   manual showing the wages and working conditions

applicable to Transportation Division employees. If and	29
when changes are made appropriate supplements will be	30
issued for inclusion in said manual. All Transportation	31
Division officers and employees will be furnished with	32
copies of this manual and the supplements thereto.	33
5. If and when Transportation Division employees establish	34
a collective bargaining procedure in accordance with	35
applicable State or Federal laws and through the exercise	36
of that procedure an agreement covering wages and	37
working conditions of Transportation Division employees is	38
consummated, Item 2, hereof, becomes void and of no effect.	39