

*USW*

*Amalgamated*

*Local*

**397**

**UNITED STEELWORKERS**



**UNITY AND STRENGTH FOR WORKERS**

*By -Laws*

*September 3, 2011*

# By-Laws For Amalgamated Local Unions



## Article 1 Name

This organization shall be known as United Steel, paper and forestry, rubber, manufacturing, energy, Allied industrial and service workers international union (to be known in short as the United Steel workers and by the acronym USW), amalgamated local union 397 (hereinafter also refer to as this amalgamated local union, or the amalgamated local union

## Article 2 Objects

- First.** To unite in this local union all working men and working women who are members of the United Steel workers (hereinafter referred to as the international union) and who are within the jurisdiction of this local union.
- Second.** To establish through collective bargaining adequate wage standards, shorter hours of work and improvements and the condition of employment for workers and industrial.
- Third.** To engage in educational, legislative, political, civic, social, welfare, community and other activities; to advance and safeguard the economy security and social welfare of workers and industry, the international union, its local union and the three labor movement of the United States, Canada and the world to seek to eliminate all forms of discrimination; to protect and to extend our democratic institutions and civil rights and liberties; and to perpetrate and extend the cherished traditions of democracy and social and economic justice in the United States, Canada and the world community.
- Fourth.** To encourage the organization and affiliation of unorganized workers who, subject to the provisions of article 7, section 1 of the international constitution, baby place within the jurisdiction of this local union.
- Fifth.** To take all steps of actions consistent with the constitution and policies of the international union, and these by-laws, to implement and carry out the objects, rights, activities and responsibilities of this organization and the international union.

## Article 3 Eligibility

**Section 1.** All members in good standing of the international union or within the jurisdiction of this local union shall by virtue of such membership in the international union, constitute the membership of this local union.

**Section 2.** Person having supervisory power shall be eligible for membership subject to the times established by the international executive board.

**Section 3.** No person shall be eligible for membership, or for a nomination or election or appointment to, or to hold any office, or position, or to serve on any committee and the international union or in this local union or to serve as a delegate who is the consistent supporter of, or who actively participates in, the activities of any hate based-racist, terrorist, or other organization which advocates violence to affect government policy or to oppose the democratic principles to which the United States and Canada and the union are dedicated. This eligibility requirement shall be an additional two any other eligible and requirements and posed by any other article or section of the international constitution or of these by-laws.

## Article 4 Election of officers and unit positions

**Section 1(A).** The officers of this amalgamated local union shall be: president, vice president, recording secretary, treasurer, guide, two (2) guards,(3) trustees.  
**(B)** in addition to the local union officers identified in section 1 (A) there shall be the following unit positions: one(1) unit president, one(1) unit secretary, and no less than(1) grievance committee member. One member may hold more than one of these positions referred to in this section 1(B).

**Section 2** no member shall at the same time be a candidate for or hold more than one of these caucuses named in section1 (A) of this article.

**Section 3 (A).** Local union officers and unit officials shall be elected for term of three years at the last meeting in April 2009 are on such day and/or at such other hours in April 2009 as the membership shall determine in which will enable all members who shall desire to vote. Collection shall be by plurality vote of the members in good standing participating in a secret ballot vote. A selected April 2009 shall be installed at the first level are being they May 2009 and shall serve and tell their successors or elected and qualified, at which time all money, official records, and documents, and all property belonging to the local union shall be turned over to such successors.

**Section 3 (B)** persons occupy a unique position shall be elected by a plurality vote of the members and their respective units, or in good standing, participating in a secret ballot vote.

In any case in which only one telephone number has been nominated for the local union officer unit positions and that number has indicated acceptance of the nomination within the time limits and in the manner prescribed by the approved by-laws or rules of the local union, no election need be held for that office or unit position, and the member who has been so nominated shall be deemed elected. An officer or unit official who retires from and enterprise to serve by the local union shall not be permitted to continue in office.

**Section 4.** The date of local union elections for local union officers and union positions must be advertised among members at least 15 days previous to the date of the election by mailing notice of the date, place and hours of the election to each member in good standing at the members last known home address. The notice was also specify the local union offices and unit positions to be filled. Nominations for local union offices shall be made at the immediately preceding local union meeting. However, where amalgamated local union holds two meetings in each month, nominations may be made at the last meeting in the months preceding the month in which elections is held. When nominations for the unit positions named in section 1 (B) of this article shall be made at the immediately preceding main of each unit unless some other date, time and place is selected by the local union officers and consultation with the unit officials. Notice of the nominations meeting four unit officers shall be given to the membership at least one week in advance of the meeting.

**Section 5.** No member shall be eligible for election as a local union officer in any regular election or election to fill a vacancy unless:

- (A) The member shall have been in continuous good standings for a period of 12 months immediately preceding the month in which the election is held; and
- (B) The member is employed in an enterprise, public or private, or other place within the jurisdiction of the local union; and
- (C) In the member shall have attended at least one 3<sup>rd</sup> of the regular meetings held by the member's local union during the 12 month period immediately preceding the month in which the election is to be helped.

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

**Section 6.** No member shall be eligible for election to a unique position in any regular election or election filled a vacancy unless:

- (A) .The member shall have been in continuous good standings for a period of 12 months immediately preceding the month in which the election is held; and
- (B).The member is employed in an enterprise, public or private, or other place within the jurisdiction of the local union; and

(C).In the member shall have attended at least one 3<sup>rd</sup> of the regular meetings held by the member's local union during the 12 month period immediately preceding the month in which the election is to be helped.

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

**Section 7.** Local union and unit election shall be conducted in accordance with the provisions of the local union election Manual adopted by the international union.

## **Article 5** **Duties of officers and unit positions**

**Section 1.** Duties of President.

- (A) The president shall preside at all meetings of the local union and preserve order, and shall decide on all questions of order, subject to an appeal to the local union. The president shall have the right to vote at all elections of officers, and when the members are equally divided on other questions, shall have the deciding vote.
- (B) The president shall call special meetings by request of 10 members in good standing of the local union. This request shall be in writing, shall state clearly the purpose of this meeting and shall be signed by those making such request. Notice of all special meetings must be given to the members of the local union by bulletin board posting or other reasonable means. The business of the special meeting shall be confined to the subs for which that meeting was called, and the bees shall be conducted in accordance with the same procedures as govern regular meetings. The above provision concerning the holding of special meetings does not require the chair at such meetings to entertain a motion to vote on a matter which was acting upon after notice at a previous meeting. In the absence of the provision of the international constitution or the amalgamated local union by-laws specifying the method of voting at such meetings the membership attendance at such meeting shall determine the methods of voting.
- (C) The president shall force the provisions of the international constitution and of these bylaws and the policies and manuals of the international union, and shall appoint all committees not a wise provided for and be ex officio member of all committees. The president shall perform such other duties as the local union may assign
- (D) .(1) in the event that a vacancy occurs in the office of vice president, recording secretary, financial secretary, treasurer, guide, garden or trustee at any time during the term of office, the remaining local union officers shall, by majority vote select a successor to serve for the remainder of the term.

- (D).(2) the local union officers may, at their discretion hold election to seek the guidance of the membership before selecting a successor to fill a vacancy in any of the officers described and (D.1). In when this option is used, the president shall appoint a member of the local union to fill the vacancy until such election can be completed and a successor appointed to fill the vacancy. The president shall call for special election as promptly as possible but such election shall not be held later than two months following the occurrence of the vacancy. The date of the special election shall be advertised among the members at least one week prior to the date. Nomination shall be made at the immediately preceding meeting, the date of which shall also be advertised in advance among the members at least one week prior to that date.
- (D).(3) whenever a local union officer (except the president), because of receipt of an extended vacation benefits or otherwise, will be unable to serve during an extended temporary period, a temporary replacement will be designated as provided in sub paragraph(D)(5) of this section. The temporary placement shall carry out all duties of the office or post during such temporary period.
- (D).(4) with temporary vacancy is in the office of the local union president, the vice president shall assume the duties of the president including the authority to be one of the signatories to checks, and shall be known as” temporary acting president.” When the temporary period has ended, the temporary acting president shall revert to the position of vice president.
- (D).(5) with a temporary vacancy is in a local Union Office( other than president), the local union officers shall, by majority vote, temporary acting replacement. Temporary acting treasurer or financial secretary shall be authorized, during the temporary period of their service, to be signatories to checks. The replacement shall serve only and told a temporary period is ended.
- (D).(6) in the event of a vacancy among the 11 officers, none of the remain officers either alone or acting together may perform the functions of the vacant office but rather the vacancy must be filled in accordance with the provisions set forth above.
- (D).(7) in the event a vacancy(other than a temporary vacancy) occurs at any time in a unit position, the remaining unit officials[not including unit grievance committee member] together with the local union officers shall, by majority vote, select a successor to serve the remainder of the term; provided, however that the member so selected shall be from among the members within the unit which the vacancy occurs.
- (D).(8) where temporary vacancy occurs in a unique position, a temporary acting replacement shall be selected by majority vote of the unit president the unit secretary and the local union officers.

**Section 2** . Duties of vice president. The vice president shall assist the president in the discharge of the presence duties and during the president’s absence shall perform the duties of the president. In the event that a vacancy occurs in the office of president the vice president shall act as president for the unexpired term.

**Section 3**. Duties of recording secretary.

- (A)the recording secretary shall record the proceedings of the local union in a book kept for that purpose, read all papers and Perform Such Other Duties as are required by the international constitution, these bylaws, the various manuals and policies of the international union and the local union. The

recording secretary shall also have custody of the local union seal, and shall be responsible for any misuse of same.

- (B) The recording secretary shall read to the local Union Communications which require attention.

**Section 4.** Duties of treasure.

- (A) the receive from the financial secretary all money collected by the financial secretary and shall deposit all money belonging to a local union in a bank designated by it. All initiation fees in dues shall be deposited in a separate bank account to be designated as a trust fund for the international union. The treasure shall cause to be issued to the financial secretary the receipt for all money turned over to the treasure or deposited to the treasure's credit in the regular banking account. The treasure shall issue a separate receipt for the amount of money turnover at any time or for such deposits made, and shall sign all checks and have them countersigned by the president and the financial secretary.
- (B) The treasure shall keep a regular and correct amounts of all money received and paid by the treasure, and report at each meeting the balance of cash shown by the last report, the amount received since, the total checks issued an authorized, and the balance remaining. The treasure's accounts shall be opened for examination by the trustees at any time when called upon. The treasure's books shall be subject at any time to warn it by the international Secretary-Treasurer of the united steelworkers of America. The treasure shall perform such other duties as they are required by the international constitution, these bylaws, the various manuals and policies of the international union, and the local union.
- (C) All money paid out by the local union from its treasury must be approved by the members at a local union meeting. Under no circumstances shall officers or members pay bills without workers authorization by the local union meeting, nor shall members authorize payment of any bill or incur any obligations for which funds are available, nor shall all members or the rise the payment of war incur a debt for any activity not in accordance with the constitution and policies of the international union and these bylaws. Bills charge to the local union shall be submitted to the recording secretary, who in turn shall submit them to the local union meeting for approval.
- (D) Rip current standard bills(fixed salaries which have been previously authorized, taxes-local, state, and Federal-rent, light, heat, ect.) May be paid by the treasure on a single authorization by the local union to pay such bills when due.
- (E) Under no circumstances shall any of that dues collected by the local union be spent before been sent to the international Secretary-Treasurer.

**Section 5**duties of guide. It shall be the duty of the guide to see that all present are entitled to remain.

**Section 6** duties of guards. It shall be the duty of the guard to take charge of the door and see that no one enters who is not entitled to do so.

**Section 7** duties of trustees. It shall be the duty of the trustees to have charge of the hall and all property of the local union, subject to the discretion of the local union.

They shall audit the books and financial records of the local union every three months and if a report of such quoted at the next regular local union meeting. They shall perform such other duties as the local union may require.

**Section 8** duties of unit positions

- (A) Unit president. It shall be the duty of the unit present to preside at all meetings of the unit; to decide all questions of water, subject to appeal to the local union: and, consistent with the provisions of these bylaws and the manuals, policies and constitution of the international union, to perform such other duties as the unit or the local union may assign. The unit president shall be an ex officio member of all committees and his/her unit, and shall appoint all committees within the unit not otherwise provided for.
- (B) Unit Secretary. It shall be the duty of the unit secretary to record the attendance and the proceedings of the unit in books kept for that purpose, to read all papers on to perform such other duties, consistent with these bylaws and the manuals, policies and constitution of the international union, as the unit or local union may assign.
- (C) Unit grievance committee men. It shall be the duty of the unit grievance committee men to process complaints and grievances, with their respective units and in accordance with the appropriate collective bargaining agreement and, consistent with these bylaws and the manuals, policies and constitution of the international union to perform such other duties as the unit or the local union may assign.

**Section 9.** This local union shall enforce the international constitution, the various international manuals and policies, and these bylaws, as affecting its membership.

The funds and property of the local union shall be managed, and invested, expended or otherwise used to implement carry out the objectives, rights, activities, and responsibilities of the local union or the international union, and to administer the affairs of the local union, in accordance with the constitution, manuals and policies of the international union and these bylaws.

**Section 10.** It shall be the duty of the president, financial secretary and treasurer to ensure that the funds and propping of the local union or preserved, managed, and vested and expended in accordance with the international constitution, manuals and policies in these bylaws.



## Article 6 Compensation for services

**Section 1.** Salaries and expenses for officers and employees of this amalgamated local union shall be as follows.

Position	monthly expenditure/salaries
1. President	
2. Vice President	
3. Recording Secretary	
4. Treasure	
5. Guide	
6. Guards (2) move	
7. Trustees (3)	

List of permitted expenses for reimbursement (miles, lodging, food, and phone ect).

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

**Section 3.** If pursuant to a voluntary order is a show of dues deduction, the financial secretary shall be responsible for establish a procedure to deduct from the union pay of local union officers, unit officers and/or representative monthly dues which are not deducted by the company in any given month

## Article 7 Meetings

**Section 1.** If the Local Union Shall Hold A General Membership Meeting at least once every month except that a local union made with the approval of its membership and district director, hold meetings, less often, but in no event less than quarterly.

**Section 2.** The local union shall hold a general membership meeting the first Tuesday of every month from September thru June of each year. Local union officers and unit presidents will meet at 5:00 PM and the general meeting will start at 6:00 PM.

**Section 3.** Each unit of this amalgamated local union may hold regular scheduled membership meetings.

**Section 4.** In any officer of this local union and any officer or Arthur eyes representative of the international union may attend to report to any unit meeting.

## **Article 8** **Membership**

**Section 1.** No application for membership shall be regarded as being a member in good standing until the full amount of initiation fee has been paid. A newly hired employee who has signed and delivered to the company and/or local union a dues check-off and membership application card is considered to have satisfied the dues payment requirement for members even though the members first dues payment has not yet been deducted by the company

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

**Section 3.** The member who has not lost good standing under other provisions of the international constitution shall be in good standing skiff not more than three months in arrears in any constitutional obligations, except in respect to assessment on which the member shall not be more than one month in arrears.

**Section 4.** Member who lose good standing shall stand automatically expelled and devoid of all membership rights, and shall not be reinstated in good standing except upon such terms as the local union an international executive board may decide..(Automatic expulsion for Loss of good standing must be construed as being confined to situations wherein members have not paid their dues in accordance with the international constitution).

**Section 5.** Any member who retains employee status in the bargaining unit represented by the international union but who because of layoff has not for 24 continuous months, performed at least five days of work in any month in such bargaining unit shall be deemed not in good standing (but not expelled) and devoid of all membership rights until such time as the member is recalled or pains employment in the bargaining unit represented by the international union and resumes payment of current dues, at which time the member shall automatically be restored to good standing. No local union officer shall lose good standing under this section for the remainder of the term in office.

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

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

## Article 9 Discipline

**Section 1.** Any member may be penalized for committing any one or more of the following offenses:

- A. Violation of any of the provisions of the international constitution or of these bylaws, any collective bargaining agreement, or rule of the local union;
- B. Obtaining membership through fraudulent means or by a misrepresentation.
- C. Instituting, or urging, or advocating that a member of any local union institute action outside the union against international union, local union or any of their officers without first exhausted all remedies through the forms of appeals of the international union;
- D. Advocating or attempting to bring about the withdrawal from the international union of any local union or any member or group of members;
- E. Working in the interest of or accepting membership in any organization dual to the international union;
- F. Using abusive language or disturbing the peace and harmony of any meeting in or around any office or meeting place of the international union;
- G. Fraudulently receiving any money to the organization or misappropriation the monies of the organization;
- H. Using the name of the local union or the international union for soliciting funds, advertising,ect., Of any kind without the consent of the appropriate body or officer of the international union;
- I. Furnishing a complete or partial list of membership of the international union or of any local union to any person or persons other than those whose official position entitles them to have such a list;
- J. If deliberately interfering with any official of the international union and the discharge of that officials duties;
- K. Deliberately engaging in conduct in violation of the responsibility of members towards the organization as an institution;
- L. Deliberately interfering with the performance of the organization's legal or contractual obligations:

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

**Section 3.** Any member convicted of any one or more of the above offense is maybe denied the right to be a candidate for or hold office or position in the union, declared a member not in good standing, find are otherwise appropriately disciplined.

**Section 4.** If any officer of the local union, unit official, or delegate to the international convention, is convicted of any one or more of the aforementioned offenses, such person may be penalized as herein before described and remove from the office or position.

## **Article 10** **Trials of members and local** **Union officers**

**Section 1.** Any charges against a member or officer of the local union must be made in writing, signed by the member making the charges, and must be submitted to the local union. Upon submission of the charges, the recording secretary shall send a copy by certified or registered mail to the accused member at the members last known address. These charges shall be sufficiently specific so as to an able the accused to prepare a defense. This means that the charge issued indicate both provision(s) of the constitution or the unions other rules allegedly violated and also a brief statement of the facts (names, dates, places) constituting that violation. If there's more than one charge in party, they must designate a person to be responsible for receiving and filing documents related to the charges. Where the charge fell to designate such person, than the first charging member named in the charge shall be considered the representative if of the others.

**Section 2.** The charges must be submitted within 60 days of the time the complainant becomes aware of the alleged offense.

**Section 3.** If a separate trial committee composed of three members shall be appointed for each individual trial, and shall be given a responsibility of conducting such trials provided that in the case of multiple related charges the same trial committee may be appointed to try all such charges and may consolidate them into one hearing. Neither the accuser nor the accused shall be eligible for membership on the trial committee. No one shall be eligible to serve as a member of the trial committee who is a witness to the facts alleged to constitute a violation or who has personal interest in the outcome of the trial. The local union action approving the appointment of the trial committee shall take place at the first meeting after the local union receives the charges and lest the charges are received by the local union within five days before the meeting in which event the local union shall take place at the meeting following the first meeting at the local union receives the chargers

**Section 4.** Immediately after the trial committee has been selected by the local union pursuant to section three of this article, the recording secretary of the local union shall send by certified mail or registered mail to the queues member at the members last known address written notice of the time and place when the hearing will be held before the trial committee, a copy of such written notification of time and place shall also be sent to the member preferring the chargers; and the accused member shall appear before the trial committee on

said charges. A copy of the charge and notice of hearings shall also be sent to the international Secretary-Treasurer of the international union by the recording secretary.

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

**Section 6.** Every effort shall be made to schedule the trial so that it does not conflict with the working schedules of the parties. The hearing shall be conducted by the trial committee in an orderly manner and shall assure the full presentation to the committee of all the facts. The accused shall be entitled to be present at all times during the hearing, investigation or argument of the case and shall be entitled to question all witnesses appearing in a matter so long as the questioning does not become consulting, unduly argumentative or repetitious. In the event that the accused fails to appear at the hearing at the time and place provided in the notice and presents no reasonable excuse for absence, the hearing shall proceed with the same force and effect as if the accused was present.

**Section 7.** At any time during the proceeding of charges alleging a serious violation by a local union official of section two of article nine, the international president may, upon written request (sent by certified mail, overnight carrier or other means providing proof of receipt), and where supported by a plenary investigations conducted on behalf of the international president, summarily remove such local union official from office during all or a portion of the time necessary to process the charge.

**Section 8.** The trial committee shall record minutes of its meetings and proceedings, and these minutes, together with the documents submitted, shall constitute the official record of the trial committee.

**Section 9.** The member placed on trial shall be permitted a representation by a representative of the members own choice, who shall be a member of the international union; such representative, however, shall be required to abide by the trial procedure as established by the trial committee and as provided in these bylaws. The same procedure shall be available to the person filing the charges.

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

**Section 11.** In case the accused is found guilty, the trial committee may recommend that the queues be reprimanded; assessed the fine; assess the fire with automatic suspension and removal from office or position or expulsion in the event of the failure of the accused to pay the fine within a specified time; suspended or remove from office or position in the local union; or suspended or expelled from membership in the international union; or otherwise appropriately disciplined.

**Section 12.** The trial committee shall submit its written report to the local union within two weeks following completion of the hearing. At the same time a copy of the report shall be mailed to the international Secretary-Treasurer of the international union and to the accuser and the accused by the trial committee.

**Section 13.** The local union officers may convene a special meeting of the membership to consider report of the trial committee. And such event to notice of membership meetings shall inform the members that the report of the trial committee will be presented at such special meeting. Notice of such special meeting must also be given to the accused member(s) and accuser(s).

**Section 14.** In the event the report of the trial committee is to be presented to the next regular monthly meeting of the local union, the membership must be devised by special notice that the report of the trial committee will be considered at such regular meeting.

**Section 15.** The meeting at which the report of the trial committee shall be considered shall not be held earlier than one week or later than four weeks following this mission of the report of the trial committee to the local union.

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

**Section 17.** The accused member shall be afforded full opportunity to present to the local union meeting the accused member's position on all matters bearing upon the trial and report of the trial committee.

**Section 18.** The report of the local union's decision shall be forwarded immediately to the international Secretary-Treasurer of the international union by the recording secretary.

**Section 19.** A copy of the decision of the local union shall be forwarded by the recording secretary using certified or registered mail to the accused member and to the person who originally filed the charges. The accused or the accuser may appeal from the decision of the local union to the international executive board and thereafter to the next regular international conference, provided that such person files notice of appeal with the international Secretary-Treasurer within 30 days after the mailing of the notice of the decision of the local union or the international executive board for which the appeal is taken. On appeals, the international executive board or such body has its designates-in itself or through a commission or other mechanism-afford all parties the opportunity to present all arguments and facts whether or not presented in the proceedings of the local union level. Decisions on such appeals are based on the evidence presented in the appeal. The international executive board shall not, in making its decision, be limited to the arguments with testimonies presented at the early stages in the proceedings and shall be permitted to cure by its appeal proceedings procedural defects which may have occurred at early stages in the proceedings.

**Section 20.** The decision of the local union and of the international executive board shall be given full force and unless a stay thereof is obtained from the international executive board.

**Section 21.** It shall be the duty of a member to exhaust all internal remedies and appeals provided under the constitution and policies of the international union and these bylaws.

## **Article 11** **Notification to employers regarding** **Status of members**

**Section 1.** Whenever a member has lost good standing by virtue of having become in arrears in the payment of dues or initiation fees, and the local union desires to such person discharge from employment in accordance with the provision of the outstanding collective bargaining agreement with the employer, the local union shall communicate with the international Secretary-Treasurer, setting forth the facts.

**Section 2.** The international Secretary-Treasurer will determine whether the employer should be notified the tank in accordance with the provision of the contract the particular person must be discharged. The local union shall refrain from communicating with the employer until advised by the international Secretary-Treasurer as to the procedure to be followed on requesting the discharge.

## **Article 12** **Finances**

**Section 1.** Except for newly organized units, where initiation fees are waived pursuant to article 14 section 2, of the international constitution, the initiation fees shall be (\$100.00).

**Section 2.** (this shall take affected in 1/1/2011) monthly dues for member shall be an amount equal to 1.3% of said members total earnings during the month provided that monthly dues shall not be less than \$5.00 and provide further that monthly dues shall not be more than 2.5 times the members average hourly earnings. For lump sum payments, who shall be calculated separately by applying the 1.3% to such payments. The international executive board shall issue appropriate interpretative ruling.

**Section 3.** The full amount of all dues and initiation fees and assessments collected by the local union shall be deposited by the appropriate officers of the local union and a bank account designated as a trust fund held for the international union. The officers of the local union shall forward to the international Secretary-Treasurer within 15 days after the close of any month the full amount of the dues and initiation fees and assessments collected by the local union.

**Section 4.** Compulsory assessments may not be imposed by the local union unless approval as first been secured from the international union and unless agreed to by a two-thirds majority vote of the membership of the local union, voting by secret ballot after prior notice to membership. At no time shall the local union assessment exceed \$2.00 per member in any one year. In addition, the local union will which has removed the cap of 2.5 times the members average hourly earnings referred to in section 2 of this article may, with the approval of the international Secretary-Treasurer, establish a supplement local strike and defense fund to be financed by an increase in dues adopted by the local union by secret ballot vote, which increase shall not exceed \$3.50 per member per month. Distribution from the local supplements strike and defense fund shall be in accordance with the rules of the international strike and defense fund and such additional rules as may be established by the international Secretary-Treasurer

**Section 5.** In individual member shall be entitled to exoneration from the payment of dues for any month for which the member has not become entitled to five day's pay or its equivalent in wages and benefits in lieu of wages. The international executive board shall adopt rules and regulations governing the implementation, application and administration of the section.

**Section 6.** In all cases, other than the one provided in section 5 of this article, where the local union desires exoneration from the payment of dues or initiation fees for certain of its members, the request for exoneration must be signed by the local union president, if the local Union Financial secretary and the local union recording secretary and approved by the district director and the international Secretary-Treasurer.

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

**Section 8.** The local union president, financial secretary, and treasurer shall be bonded in amount to be determined by the international executive board. Such bonds shall be obtained by the international Secretary-Treasurer. Clerks employed by the local union and handling finances in any way must be bonded by the local union to agreement with the international Secretary-Treasurer.

**Section 9.** Effective January 1 1999, and organizing fund has been created that will be funded an administered as outlined in article 14 section 16 of the international constitution.



## Article 13

### Delegates to the international convention

**Section 1.** No member shall be eligible to be a delegate to the international convention unless the member:

- A. Is employed in an enterprise, public or private, or any other place within the jurisdiction of the international union or is one of the staff representatives of the international union;
- B. Shall have been in continuous good standing for a period of 1 year immediately preceding the international convention.
- C. Has attended at least one 3<sup>rd</sup> of the regular meetings held by the members local union during the 12 month period immediately preceding the month in which the delegate election is to be held. Meetings which a member was prevented from attending because of such members union activities, working hours, service and the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held and determine such members eligibility under this section; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the local union elections Manual.

**Section 2.** Delegates to the international convention ,the local president is deemed as one delegate and all others must be elected at an official meeting of the local union or by referendum ballot election, as to the call for the international convention is received and has been read to the local union. The recording secretary shall issue a notice, signed by both the recording secretary and the local union president, at least one week prior to such meeting or election, stating the delegates are to be elected on a certain day.

**Section 3.** The local union may designate up to two standing delegates to the international convention. The local union presidential is designated as one of the two standing delegates, two of two will be elected separately as a delegate by acclamation. And such event the president shall be a delegate. Otherwise, the delegates' to be selected from among the nominees must receive a plurality vote of the members voting.

**Article 14**  
**Workers' compensation committee**  
**Safety and health committee**  
**Civil rights committee**  
**Women's Committee**  
**Organizing committee**

**Section 1.** A workers compensation committee and a safety and health committee, under the direction of the international union or its designated representative, shall be established in the local union.

**Section 2.** A civil rights committee,(which may also be known as a human rights committee), under the direction of the international union or its designated representative, shall be established in the local union to implement our unions commitment to the protection an extension of civil and human rights and liberties. With respect to amalgamate local unions, the local union president shall for each unit either appoint the unit representative to the committee or cooperate with the unit chair to establish a unit based committee

**Section 3.** To further our commitment to encourage activism, leadership development and greater understanding of gender issues in our local unions with female membership, allotments committee, under the direction of the international union or its designated representative, shall be established by such local unions.

**Section 4.** An organizing committee under the direction of the international union or its designated representative shall be established in the local union to assist in organizing unorganized workers and a geographic area in which the local union is situated.

In order to encourage the organization affiliation of unorganized workers who may be placed within the jurisdiction of this amalgamated local union, this amalgamated local union may engage in organizing activities upon a expense authorization of the director of the district and which the local union is situated and subject to such terms and conditions as district director and the international president may impose.

## Article 15 Transfer Certificates

**Section 1.** The local union may issued to a member in good standing of transfer request, transferring members to another local union. All transfer request must be obtained from the international Secretary-Treasurer by the local Union Financial secretary.

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

**Section 3.** Transfer request issued in violation of this article shall be invalid.

## Article 16 Strikes

No-strike shall be called without the approval of the international president.

## Article 17 Order of business for local union meetings

- A. Call a meeting to order by use of pledge allegiance-by president
- B. When roll call of officers-by recording secretary
- C. Reading of minutes of the previous meeting-by recording secretary
- D. Reading of communications-by recording secretary
- E. Report of officers (treasure's report)-by a treasure
- F. Report of organizer or international representative
- G. Initiation of new members
- H. Report of special committees
  - Workers' compensation committee- by chair
  - Safety and health committee- by chair
  - Civil rights committee- by chair
  - Women's Committee- by chair
  - Organizing committee- by chair
- I. Report of standing committees-each unit president
- J. Older union business
- K. New union business
- L. Good and welfare
- M. Adjournment

## **Article 18** **Effective date**

**Section 1.** The provisions of these bylaws which conform, as required, with the provisions of the standard by-laws approved by the international union are automatically in full force and effect. Any additions or amendments to additions to such standard by-laws shall be in full force and effect after their adoption by a vote at a regular meeting of the local union in accordance with the form and procedure provided foreign article 19 and approved by the international union.

**Section 2.** Notwithstanding anything to the contrary herein, these bylaws and any additions or amendments to additions thereto shall be subject to, and shall not in any way be construed to supersede any of the provisions of the international constitution or the manuals and policies of the international union

## **Article 19.** **Additions and amendments** **to additions**

Additions and amendments to additions may be made in the following manner.

- A. Any additions were any amendment to the addition to the standard by-laws approved by the international union subsection under the proper section, a new section under the proper article, or a new article
- B. All additions and amendments to additions to the standard by-laws must not conflict with such standard by-laws and must be submitted to the international union for approval. Such addition shall become effective only after approval by the international union.
- C. Proposed additions or amendments to additions must be submitted in writing and read at two consecutive local union meetings, and pass by a two-thirds majority vote of the members present at the next regular meeting. The subject matter of such additions or amendments to additions must be advertised to the membership through bulletin board or other medium prior to the meeting at which the vote thereon is to be taken. Such additions or amendments to addition shall become effective only after approved by the international union.

**E-Board of USW Local 397**

---

**John Luminoso**  
**President USW Local 397**

---

**Date**

---

**Dennis Cosgrove**  
**Vic-President**

---

**Date**

---

**Dennis Yaczina**  
**Treasure**

---

**Date**

---

**Thaddeus Borkowski**  
**Recording Secretary**

---

**Date**

---

**William J. Pienta**  
**District 4 Director**

---

**Date**


---

**Leo W. Gerard**  
**International President**

---

**Date**

E-Board of USW Local 397

  
\_\_\_\_\_  
**John Luminoso**  
**President USW Local 397**


2/1/2011  
**Date**

  
\_\_\_\_\_  
**Dennis Cosgrove**  
**Vic-President**

2/1/2011  
**Date**

  
\_\_\_\_\_  
**Dennis Yaczina**  
**Treasure**

2/1/2011  
**Date**

  
\_\_\_\_\_  
**Thaddeus Borkowski**  
**Recording Secretary**

FEB 1 2011  
**Date**

\_\_\_\_\_  
**William J. Pienta**  
**District 4 Director**

\_\_\_\_\_  
**Date**

  
\_\_\_\_\_

3-1-2011  
**Date**

**Stanley W. Johnson**  
**International Secretary-Treasurer**



August 24, 2011

John Luminoso, President  
USW Local Union 397, District 4  
1120 Sunset Ave.  
Asbury Park, NJ 07712

Greetings:

This will acknowledge receipt of Local Union 397 proposed By-Law changes and/or amendments submitted by you. The proposed By-Laws for Local Union 397 are approved in all respects except as follows:

Article 12

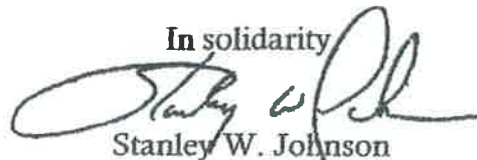
Section 2 – Please change this Section to read as follows:

“Monthly dues for a member shall be set in accordance with Article XIV of the International Constitution.”

May I call to your attention that the Department of Labor requires all local unions to submit a copy of approved by-law changes and/or amendments to the standard By-Laws for local unions which have been approved by the International Union.

This requirement is in accordance with Section 201(a) of the Labor-Management Reporting and Disclosure Act of 1959. **You must submit to the Department of Labor** one copy of Form LM-2, LM-3 or LM-4 (Annual Report), together with two copies of your most recent approved by-law changes and/or amendments.

In solidarity



Stanley W. Johnson  
International Secretary-Treasurer

SWJ: RAR/jg

cc: William Pienta, Director

Thaddeus Borkowski, Recording Secretary

John Barcellona, Staff Representative

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union