

CONSTITUTION
and
BY-LAWS
of
Elevator Constructors Union
Local No. 1
of New York and Vicinity



Adopted December 10, 1959

As Amended

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December, 1975

Dear Sir & Brother:

Attached is the latest revised edition of the Local #1 Constitution & By-Laws. It is up to date as of the present time.

In examining this book you will note that it is in loose leaf form with each Article printed on a separate dated page. In the future, as amendments are made, a copy of the amended Article, dated accordingly will be mailed to you. It is felt that this type of format will enable all members to have a copy of our Constitution and By-Laws that is up to date.

If this book should become lost or destroyed, additional copies of the text are available at the union hall. However, due to the high cost of the binder, it is asked that each member accept responsibility for its replacement himself.

October, 1972

PREAMBLE

The object of this Local shall be to assist each other in securing employment, and by mutual effort defend all rights, and advance our interests as workingmen.

The members of this Local do enact, declare and establish the following as the Constitution and future rules of government.

CONSTITUTION

This Constitution and By-Laws must be observed by all members of this Local. It must be lived up to in letter and spirit. It shall be enforced on all work wherever situated.

NAME

This Local shall be known as ELEVATOR CONSTRUCTORS UNION No. 1, OF NEW YORK CITY AND VICINITY.

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ARTICLE I

OFFICERS

SECTION 1. This local shall have the following officers: President-Business Manager, Three Business Agents, Recording Secretary, Secretary-Treasurer, Board of Trustees of five members, Examining Board of three members, Warden and Day Secretary. The foregoing officers shall constitute the Executive Board of this Local Union, with duties and powers as herein after set forth in this Constitution and By-laws.

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ARTICLE II

MEMBERSHIP

SECTION 1. Membership shall consist of two classes of men, to be known as Mechanics and Helpers. There shall be but one grade of each.

SEC. 2. Applicants to be eligible to any class must be full citizens of the United States, and be of good moral character.

SEC. 3. All applicants for membership shall be required to pass a satisfactory examination as hereinafter provided for.

SEC. 4. Any person procuring membership under an assumed name, or by fraudulent means, shall, on the case being proven, forfeit all claims to membership and moneys paid, and be subject to expulsion or fine. No member of this Union shall hold membership in any other labor organization.

SEC. 5. All applicants for membership must fill out an application blank signed by two members in good standing vouching for said applicant. All applicants shall be referred to the Examining Board which shall thoroughly examine them as to their ability, skill and

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qualifications for membership. Said examination must be fair, thorough and practical, oral or written, as the Executive Board may determine. The Examining Board shall report its findings in writing to the next meeting of this Local Union. A majority vote of those present shall be required in order for an applicant to be admitted to membership. If the applicant is accepted for membership he shall pay the Secretary-Treasurer the full initiation fee. When he has done so and taken his pledge of membership in this organization, he shall receive a copy of the Constitution of the International Union of Elevator Constructors, and of this Local Union, and a membership card with the seal of the Local Union attached thereto.

SEC. 6. Any applicant who shall be rejected cannot be again examined for a space of six months.

SEC. 7. Effective Jan. 1st, 1968 there shall be two classes of membership known as General Membership and Civil Service Employee's membership. Civil Service Employees membership shall constitute a separate and distinct division of the union and consist solely of those members who are employed by municipal, state, or federal governments, or any political

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subdivisions thereof or quasi-municipal or state authorities. Such members shall have all the rights and privileges of nomination and election to general elective offices in the union, but they shall not be permitted to vote upon approval of collective bargaining agreements with employers in private industry.

SEC. 7A. Members in the Civil Service Employees Division shall not be entitled to any preferential right to attain general membership upon the conclusion or termination of their Civil Service employment and any members of such division who thereafter seek to apply for general membership shall be subject to all the requirements set forth in the foregoing sections of this article.

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ARTICLE III

INITIATION FEE

SECTION 1. At the convention of the International held in Bal Harbour, Fla. in July 1971, the delegates voted to raise the initiation fee to \$400.00 on and after Jan. 1st, 1972.

SEC. 2. No candidate shall be accepted until this initiation fee is paid in full. No candidate shall have voice or vote until accepted.

SEC. 3. "Initiation" means the declaring by the Chair, that all requirements have been met by the person or persons whom he calls upon to stand before him; no reasonable objections being made against it, said person or persons shall be pledged, declared members, and given membership cards.

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ARTICLE IV

DUES, FINES & ASSESSMENTS

SECTION 1. At the convention of the International held in Bal Harbour, Fla., in July 1971, the delegates voted to have a minimum monthly dues structure equal to twice the hourly rate of pay.

Dues shall be payable in advance on the first day of each quarter.

SEC. 2. Assessments, either general or special in nature, shall be included within the term dues: general or special assessments shall be uniform both as to imposition and nature.

SEC. 3. Initiation fees and dues shall not be increased and no general or special assessments shall be levied upon the members except by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question has been given to the members.

SEC. 4. Fines shall be paid at the time that the regular quarterly dues payment and any general or special assessment is due and payable; provided, however, that no member of this Local Union No. 1 may be fined except for

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non-payment of dues unless such member has been served with written specific charges, given a reasonable time to prepare his defense, and accorded a full and fair hearing all in the manner provided for in the Constitution of the International Union of Elevator Constructors.

SEC. 5. Fines may be automatically imposed in the manner and under the circumstances described in the Constitution of the International Union and in the Constitution of this Local Union No. 1 to the extent permitted by Law and/or in those instances in which any member pleads guilty, and/or by his failure to appear at any hearing set on any filed charges.

SEC. 6. A member of this Local who shall fail to pay dues or assessments for a term of four months shall be suspended from all benefits. Any member who shall fail to pay dues or assessments for a term of six months shall be expelled, and can only be reinstated as a new member on payment of all arrears accruing during time of absence.

SEC. 7. A member being incapable, from any unavoidable cause, to pay his dues, fines or other monies, shall report his case to the Secretary-Treasurer, in person or in writing. The

members may exempt him from paying the same by a two-thirds vote or grant time extension.

SEC. 8. A member when suspended is not in good standing. He shall have no voice or vote in this Local, nor attend its meetings. He shall not be assessed nor entitled to death or other benefits. He shall return the membership card and other properties of this Local. A suspended member can be restored to good standing only by action of the body at a regular meeting. A member who, after suspension, works at this trade shall upon satisfactory proof being furnished, be expelled.

SEC. 9. A "lapsed" member is one who himself severs all connections with this Local by allowing his dues to become six months in arrears. He is dropped from the membership roll. He must return the membership card and other properties of this Local.

SEC. 10. Membership cards and all printed matter carried or used by members are the property of this Local. Upon surrendering a membership card its possessor shall receive an

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itemized receipt for its contents from the Secretary-Treasurer.

SEC. 11. Any member suspended, or lapsed from membership, upon reinstatement, shall be required to pay all arrears accruing during time of absence.

SEC. 12. A member in good standing is one who has paid all assessments and fines to date, and who holds a regularly issued "quarterly" card.

March 12, 1998

ARTICLE V

MEETINGS AND QUORUMS

SECTION 1. The regular meetings of this Local shall be held on the second Thursday of each month with the exception of July and August.

SEC. 2. Special meetings may be called by the President-Business Manager upon the request of ten members in good standing, their signatures to be attached to said call. No business shall be transacted at such meetings other than the specified. Each member shall be notified by mail.

SEC. 3. One hundred members shall constitute a quorum for the transaction of business.

SEC. 4. All members will be required to attend fifty per cent (50%) of regular meetings. Any member not attending the required 50% of meetings will be subject to a \$10.00 fine for each meeting missed, unless the member can show a justifiable reason for missing these meetings.

SEC. 5. All members who fail to attend and vote at all election meetings without showing just cause, will be fined per occurrence a sum to be determined by the Executive Board. This section shall be enforced after all Officer Elections, Interim Election of Officers and Contract Votes.

The warden shall submit to the Executive Board a list of all members who have not participated in voting as stated in this amendment.

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ARTICLE VI

DISSOLUTION

SECTION 1. This Local shall not dissolve so long as there are seven members desirous of continuing it; nor shall the remaining funds or property be divided in any manner so long as there are seven dissenting votes.

THIS ARTICLE SHALL NOT BE SUBJECT TO CHANGE BY ANY MOTION.

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ARTICLE VII

ABSENCE OF OFFICERS

SECTION 1. Any member who is elected to office and who, without good cause, thereafter fails to present himself for installation at any of the three regular meetings following his election, shall forfeit his office.

SEC. 2. Any officer or committeeman who absents himself from three consecutive meetings without reasonable cause therefor shall forfeit his office.

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ARTICLE VIII

OFFICERS, NOMINATIONS, ELECTION AND VACANCIES

SECTION 1. No person who is, or has been, a member of the Communist Party or who has been convicted of, or served any part of a prison term resulting from conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill assault which inflicts grievous bodily injury, or a violation of Title II or III of the Labor-Management Reporting and Disclosure Act of 1959, or conspiracy to commit any such crimes, shall serve —

(a) As an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer or other employee (other than as an employee performing exclusively clerical or custodial duties) of this Local Union No. 1, during or for five years after the termination of his membership in the Communist Party, or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of

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such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) would not be contrary to the purposes of the act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, County, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. Neither this Local Union No. 1 nor any officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this sub-section.

SECTION 2. The officers of this Local Union No. 1 shall be elected for a term of three years.

SECTION 3. The nomination of officers of this Local Union 1 shall be held at a special called meeting, by written notice mailed to each member at least fifteen (15) days prior to nominations, at his last known home address. Nominations of officers shall be held at least one month preceding the holding of the election. In order to be nominated a mem-

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ber must be in good standing in this Local Union No. 1 for a period preceding the date of the nomination as follows: For President-Business Manager, ten years as a member; for all other officers five years as a member. Further, in order to be nominated, a member must be present to accept or reject the nomination unless he has reasonable cause for being absent which reasonable cause must be brought to the attention of the Executive Board and there acted upon.

SECTION 4. The election shall be at the first regular meeting in June held at least thirty days following the closing of the nominations. The election shall be by secret ballot and each member in good standing shall be entitled to one (1) vote. At least fifteen (15) days prior to the election there shall be written notice of the holding of the election mailed to each member at his last known home address. The votes cast by member shall be counted and the results published separately. The election officials, who are to be appointed by the President, shall preserve for one (1) year the ballots and all other records pertaining to the election. A plurality of the votes cast will determine the winning candidate or candidates; there shall be no write-in or absentee ballots. All elections shall be machine

December, 1988

votes and each candidate shall be entitled to one poll watcher.

SEC. 5. The elected officers shall be installed at a special meeting in the month of July following election. All elected officers must be present at the time of installation unless reasonable cause for absence is presented to and accepted by the Executive Board.

SEC. 6. If a vacancy in any elected office occurs during its term, such vacancy shall be filled by the President. This vacancy shall become effective at the next Regular meeting. The first meeting after this vacancy has been filled, nominations of candidates for this position will be accepted. The second regular meeting after this vacancy has been filled the Local shall have elections for that vacancy. Elections will be by secret ballot, using voting machines. The candidate receiving the highest number of votes will be declared the winner, and fill the unexpired term.

At least fifteen days prior to election, there shall be written notice of the holding of the Election mailed to each member at his or her last known address.

SEC. 7. The election procedures above described shall apply to the next election of officers which shall take place at the regular meeting in June 1968 and all elections thereafter.

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ARTICLE IX

PRESIDENT-BUSINESS MANAGER

SECTION 1. It shall be the duty of the President-Business Manager to preside at all meetings of the Union, to decide all questions of order, subject to an appeal to the Union, and to enforce impartially the Constitution and By-Laws.

SEC. 2. The President-Business Manager shall care for the interests of the Union in its dealings and relations with the International Union, State organizations, Board of Business Agents and Central Bodies.

SEC. 3. The President-Business Manager shall sign all orders for money to be expended by the Secretary-Treasurer. He shall see that all officers are at their proper stations, and fill vacancies when required.

SEC. 4. The President-Business Manager shall appoint all committees, and shall call special meetings when requested in writing by ten members in good standing; such written requests shall plainly state the object of such meeting, at which meeting no business of any description other than that stated shall be transacted.

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SEC. 5. The President-Business Manager shall preserve order while the meeting is in session, call on as many members as he desires to assist him in maintaining order, and if the meeting should get beyond his control the President-Business Manager may declare the meeting adjourned until the next regular meeting. From this decision there shall be no appeal.

SEC. 6. The President-Business Manager shall, with the instructions received by him from the Union or its Executive Board, act to the best of his ability.

SEC. 7. It shall be the duty of the President-Business Manager to keep a general supervision over the affairs of the Union. He shall investigate all complaints referred to him and act accordingly.

SEC. 8. He shall make a report at each regular meeting to the Union, showing the conditions of the trade in general and report the progress of all matters put in his care, and warn the Union of pending trouble.

SEC. 9. He shall use all honorable means to impartially inform and secure employment through the Day Secretary for the members when possible.

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SEC. 10. He shall have no power to receive or accept any money for or on behalf of the Union.

SEC. 11. He shall see that the number of mechanics and helpers employed is in accordance with the trade agreement, and report to the business agents in that district any violation of the agreement.

SEC. 12. The President-Business Manager shall have power to appoint representatives of the Local Union to attend labor meetings and conventions subject to the restrictions imposed by the Labor-Management Reporting and Disclosure Act of 1959. Delegates to Intermediate Bodies and affiliated Labor Organizations shall be appointed by the President-Business Manager insofar as permitted by applicable Law from amongst the elected officers of this Local Union. Delegates to the convention of the International Union of Elevator Constructors shall be chosen by secret ballot and the President-Business Manager shall fix the time, place and date of such election and the rules and regulations pertaining to nomination and election of delegates, at least sixty (60) days prior to the date fixed for such convention. Due notice in conformity with existing law shall be given to all members, of proceedings

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with respect to the election of such convention delegates.

SEC. 13. The President-Business Manager, subject to the approval of the Local Union, shall have the power to rent appropriate office space for the conduct of the business of the Union and to employ such office and clerical assistance as may be required for the conduct of the Union's affairs, field work, and general organizational activities of the Local Union. He shall have further power to employ legal counsel and a certified public accountant for and on behalf of the Union. All clerical or office employees hired by the President-Business Manager are subject to discharge by him in his discretion. The compensation of all such employees shall be fixed by the President-Business Manager and paid out of the funds of the Local Union.

ARTICLE X

VICE-PRESIDENT

SECTION 1. The Vice-Presidents shall execute all the duties of the President in the President's absence. They shall take their seats near the President while the Union is in session.

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ARTICLE XI
BUSINESS AGENT

SECTION 1. It shall be the duty of the Business Agent or agents to keep a general supervision over the affairs in their districts and care for the interests of the Union in their dealings with the employer.

SECTION 2. He shall investigate all complaints referred to him and act in accordance with the instructions received by him from the President-Business Manager.

SEC. 3. He shall visit all work in his district and be ready to report at regular meetings when called on to do so.

SEC. 4. He shall use all honorable means to impartially inform and secure employment through the Day Secretary for the members when possible.

SEC. 5. He shall have no power to receive or accept any money for or on behalf of the Union for any purpose except when authorized by the President-Business Manager.

SEC. 6. He shall endeavor, as far as possible, when invited by a member of the Union, to visit all work in course of erection or repair, and as frequently as possible, and to know the men employed are members of the Union, and to give instructions where needed.

SEC. 7. By virtue of his office he shall be a Vice-President.

ARTICLE XII

RECORDING-SECRETARY

SECTION 1. The Recording Secretary shall keep a careful record of the proceedings of each regular meeting in a book provided for that purpose; give a statement of all monies received and to whom paid; and shall file all papers, resolutions and amendments and issue all calls for meetings.

SEC. 2. The Recording Secretary shall make a quarterly report to the Union of its financial condition at the regular meetings in March, June, September and December of each year; he shall report to the Secretary-Treasurer all fines inflicted by the presiding officer; he shall record the amount of monies as reported by the Secretary-Treasurer at the end of each month.

SEC. 3. He shall enter in a book provided for that purpose the names of all officers and regular standing committees, to be revised quarterly, or as occasion may require; in the absence of the President-Business Manager and the Vice-President, the Recording Secretary shall call the meeting to order, and appoint officers pro-tem where needed, provided, however, a quorum of one hundred (100) be present.

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ARTICLE XIII
SECRETARY-TREASURER

SECTION 1. It shall be the duty of the Secretary-Treasurer to keep a record of all money received for initiation, reinstatements, assessments, dues and fines in a book and other modern methods prepared for the same; to stamp with seal all cards presented at time of payment.

SEC. 2. The Secretary-Treasurer shall notify the Union when a member is six months in arrears. He shall make a written quarterly report at the regular meetings in March, June, September and December as to the numerical and financial standing of the Union, the number of mechanics and helpers, names and numbers of sick members, with the time when first reported sick, and keep a report of the same on file.

SEC. 3. He shall collect all fines imposed by the Union and receive no dues until all indebtedness is paid.

SEC. 4. It shall be the duty of the Secretary-Treasurer to keep accurate account of all money received and expended by him. He shall pay no money, except on order of the Union, and signed by the President-Business Manager; he shall deposit all money except as hereinafter provided, in a bank, banks or deposit companies designated by the Union, in

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the name of the Union. The bank books must show that deposits have been made. The Secretary-Treasurer shall carry the bank books and show same to Trustees and the President-Business Manager when requested, and at the close of each month send to the President-Business Manager the receipts and expenses, itemized of the total amount. He shall have deposited in a special account (checking account) under the Union's name the sum of \$40,000.00 for the current running expenses. He shall transfer from the special account all monies over \$40,000.00 to the credit of the Union to interest-bearing accounts in labor banks or banks favorable to labor, or invest same in Government bonds, within seven working days.

SEC. 5. He shall submit his books at any time for examination when called upon by the Trustees or by the Union.

SEC. 6. He shall keep a record of all applicants for membership; he shall take charge of the official seal and affix same to all official documents; seal not to leave his possession.

SEC. 7. The Secretary-Treasurer shall notify the members when they are six months in arrears. Said members shall be immediately dropped from the Union. Notification shall be sent out in January and July of each year.

SEC. 8. By virtue of his office he shall be a member of the Board of Electors.

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ARTICLE XIV

WARDEN

SECTION 1. It shall be the duty of the Warden to keep the doors closed and guarded during the meeting hours, admitting none but members within the six months limit, unless otherwise authorized by the Presiding Officer. He shall announce the name and object of all visitors to the Union, and assist the Presiding Officer in preserving order.

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ARTICLE XV

TRUSTEES

SECTION 1. The Board of Trustees shall consist of at least five members.

SEC. 2. The Board shall notify the officers of the bank to pay no money in its dealings with the Union, except on order signed by two of the Trustees and the Secretary-Treasurer, and stamped with the seal of the Union, except the bank where the special checking account is on deposit.

SEC. 3. The Board shall examine or audit the bank books and accounts of the Recording Secretary, and the Secretary-Treasurer previous to, and have its report ready to submit to the Union at the regular meetings in March, June, September and December of each year.

SEC. 4. The Board shall audit all bills before being passed by the Union. They shall have the power to call for all books and other property of the Union at any time.

ARTICLE XVI

DUTIES OF DAY SECRETARY

The Day Secretary shall keep a correct list of members out of work in a book to be furnished by the organization so as to provide employment for them. He shall impartially select members and hiring hall registrants to report for work when requested. He shall be responsible for the conduct of the day room and shall report the conduct of any members who misuse any part of the office furniture or enter the office in any condition other than that of a gentleman, or who use any profane language; said members shall be fined according to the Constitution as governing membership in meeting or session.

He shall report the business which transpires through the office when requested. He shall also act as a Conductor of all meetings, and be responsible for all properties used throughout meetings, and be custodian of the keys to all lockers, etc. which contain the properties of the Organization.

It shall be the duty of the Day Secretary to supply each Executive Board member with a complete list of all current unemployed members. This list will be presented at every Executive Board meeting.

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ARTICLE XVII
EXECUTIVE BOARD

The Executive Board shall consist of the officers of this Union, and it shall be their duty to investigate all complaints of members and decide, if possible, all questions in dispute between employer and employee. They shall decide upon all matters referred to them by the Union. Their decision shall in all cases be binding unless reversed by a two-thirds vote of the members present at a regular or special meeting of the Union. Members of the Executive Board shall receive one day's journeyman's wage for each meeting attended.

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ARTICLE XVIII

EXAMINING BOARD

The Examining Board shall consist of three members, all of whom have been mechanics in this Local Union for five years prior to election to the Examining Board. In addition to the duties heretofore set forth in Article II, of this Constitution the Examining Board shall examine helpers in this Union who desire to become mechanics. The Examining Board shall charge a fee of \$10. to each applicant who seeks by examination to advance in grade from helper to mechanic. If a majority of the Examining Board find such helper to be a proficient mechanic, they shall report that fact to the Executive Board with a recommendation that such applicant be admitted to membership as a mechanic. An applicant for advancement to mechanic who has failed to pass an examination cannot apply for re-examination until after six months have elapsed.

The members of the Examining Board shall receive a journeyman's wage for each day that they are actually engaged in the performance of their duties.

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ARTICLE XIX

OFFICERS' SALARIES

SECTION 1. The salaries of the officers shall be the salary now in force, subject to change at any regular meeting by majority vote of the members.

SEC. 2. The President-Business Manager, Business Agents, Secretary-Treasurer and Day Secretary shall continue to receive the expense allowance now in force which shall likewise be subject to change by majority vote of the membership at any regular meeting.

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ARTICLE XX

TRANSPORTATION EXPENSE

The President-Business Manager and the Business Agents shall each be furnished with an automobile in the medium price field, the title to which shall be in the name of this Local Union, which shall provide appropriate insurance thereon.

Whenever the services of an officer to whom an automobile has been furnished are terminated by reason of resignation, death or failure of re-election, such automobile shall promptly be returned to the Local Union.

All necessary expenses in connection with the maintenance and operation of automobiles furnished to officers of the Union as aforesaid shall be borne by the Local Union.

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ARTICLE XXI

STRIKES

No strikes may be called by this Local Union unless such strike has been authorized at a special called meeting by a vote of a majority of the members then present . Reasonable notice must be given to the members in writing setting forth the time, place and purpose of the meeting.

September 17, 1987

ARTICLE XXII

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS

Collective Bargaining Agreements shall be ratified or rejected at a special called Sunday meeting. A majority of the members present at such meeting voting affirmatively shall be required for ratification.

A separate meeting date will precede this Sunday ratification vote to explain, clarify and discuss the changes being made to the Collective Bargaining Agreement. No contract discussion or explanation will be conducted at the Sunday ratification vote.

Reasonable notice must be given to the members in writing, setting forth the time, place and purpose of the meetings.

A copy of any proposed changes to the existing agreement will be mailed to each member, said changes to be received no less than seven (7) days prior to any contract ratification vote. Copies of the proposed changes to the existing contract will be made available on the date of the mailing at the Union Hall for any members who do not receive the mailing.

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ARTICLE XXIII

REMOVAL OF OFFICERS

If any officer of this Local Union fails or refuses to perform his duties, he may be removed from office; provided, however, that he must be charged, notified of the charges and of the date of the hearing on such charges before the Executive Board of this Local Union, given the right to be heard and if found guilty of the charges given the right to appeal; pending appeal, the guilty officer shall be removed from office unless his removal is stayed by the General President of the International Union pending the final outcome of the appeal.

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ARTICLE XXIV

CHARGES, TRIALS AND APPEALS

The applicable sections and subsections of Article XV of the Constitution of the International Union of Elevator Constructors are to be enforced. When a member of this Local desires to charge a fellow member with having violated any of the provisions of this Constitution and By-Laws, a written charge stating the nature of the violation, including time, place and date, the name of the person making the complaint, and the names of all witnesses, shall be filed with the Executive Board and read off at the next meeting. Charges must be filed within two weeks of the commission of an offense, or if the offense is of a secret nature, within two weeks from the time the charging party first obtained knowledge of the offense. The member against whom a charge has been filed shall be served with a copy of the charge by registered mail, "Return Receipt Requested" and given at least fifteen (15) days written notice by the Recording Secretary of the Local Union to appear before the Executive Board. The trial shall proceed on the date set unless adjourned for good cause.

The Executive Board shall sit as a trial jury. Nine of them, at least, must be present, and

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acting, in order that a trial may proceed, except that when the charges are against an officer, then the trial jury shall have an equal number of members and officers. Only those that sit at trial can vote to find a verdict. Verdicts are final and binding, and are not debatable.

The Presiding Officer of the Local shall sit as trial judge and decide all points that call for decision.

Each party to the dispute may be represented by any member in good standing as counsel.

It shall take a three-fifths vote of a jury to return a verdict.

Appeals for rehearings or new trials may be made within four weeks after verdict to the Executive Board, who shall consider the reason advanced and grant or deny the appeal.

Any statement made to the Executive Board, or at the trial, must be reduced to writing and sworn to before a notary public upon request. Should a member refuse this request he may be suspended.

A member presenting charges against another for the purpose of malicious injury shall be fined or expelled.

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ARTICLE XXV

EQUAL RIGHTS AND PRIVILEGES

Every member of this Local Union who has been fully and properly initiated into membership shall have an equal right to nominate candidates, to vote in elections, and to participate in membership meetings and shall be guaranteed freedom of speech and assembly. The rights of each member are subject to reasonable rules and regulations as to the responsibility of every member toward this Local Union as an institution and each member is obligated to refrain from conduct that would interfere with the performance by this Local Union and the International Union of Elevator Constructors of their legal and contractual obligations.

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ARTICLE XXVI
DISCIPLINE AND PENALTIES

SECTION 1. All members shall conduct themselves with becoming propriety while a meeting is in session; they shall pay due respect to the Rules of Order and give strict obedience to the Chairman. Any member who uses profane or improper language or who persists in talking or occupying the valuable time of this Local may, in the judgment of the Chair, be ejected from the meeting and fined \$5.00.

SEC. 2. Any member of this Local soliciting or giving subscriptions for the purpose of making presents to foremen or superintendents, or any member donating same, shall be fined the sum of \$5.00.

SEC. 3. No member shall be entitled to hold office, attend meetings, vote, or work on any job under the jurisdiction of this Local unless he has assessments and fines paid and a membership card of this Union which is not four months in arrears.

SEC. 4. A member of this Local can demand to see the card of any man working with him. Members of this Local must show cards when demanded to do so by any man working with him.

SEC. 5. A member cannot be pledged until he has paid his initiation fee and all other arrearages in full.

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ARTICLE XXVII

GENERAL RULES

SECTION 1. Any member who advances his position in the trade to District Superintendent, Assistant Superintendent, or any other supervisory capacity above Mechanic in Charge, employer of men or who acquires interest in any concern in our trade, will be given a withdrawal card within six months by the Executive Board, providing he has all his arrearages paid up. Upon request for readmission such applicant must appear before the Executive Board and present his case. The Executive Board will make their recommendations to the body at the next meeting and the individual must obtain a majority vote of approval from all the members present at that meeting in order to be re-instated in this Local. Readmission will not be granted to any applicant who has done anything to conflict with the interests, Constitution, By-Laws, trade agreements etc. of this Local.

SEC. 2. Any member quitting the trade with a view of engaging in some other occupation, shall, within one month, pay all dues, fines, assessments or other indebtedness charged against him, and may secure a withdrawal card. Said withdrawal card shall entitle the holder

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(upon his return to the trade) to readmission to the Local, provided the applicant has not in any way, directly or indirectly, conspired against the interests of the trade unions.

SEC. 2a. Any member of this union who has withdrawn for a period not exceeding one year must pay on re-entering all arrears accruing during time of absence.

Any member of this union who has withdrawn for one year and not in excess of five years shall pay on re-entering a new initiation fee.

Any member of this union who has withdrawn for five years or more shall be ineligible for re-admission.

SEC. 3. Any member who through any affliction or from old age is incapacitated from doing as much as his fellow-members will report the fact to the Executive Committee in writing, who shall investigate the case, and if such is found worthy, he will be granted the privilege of working for lesser rate, the fact to be apparent on the face of the card.

SEC. 4. A member changing his address shall notify the Secretary-Treasurer of such change. In all cases notice sent by mail to address in membership book will be deemed sufficient notice.

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SEC. 5. A member of this Local shall not solicit or accept piece, lump or contract work on any condition whatever. Any member found guilty of so doing will be fined or suspended.

SEC. 6. Any member working for less than the standard scale of wages shall be fined \$100 for each day he shall work. No member of this Local shall be allowed to work with him until such fine is paid.

SEC. 7. Members of this Local must receive their wages weekly subject to the rules agreed upon in our mutual agreement with the employers. Any member failing to do this must report at once to the President-Business Manager, and not work for his employer until such wages have been paid; should he work for an employer who is indebted to him this Local will not collect said indebtedness, and he shall be fined not less than \$1.00 nor more than \$20.00.

All members of this Local shall receive double time for overtime, Sundays and all legal holidays, and otherwise conform to the letter and spirit of our trade agreements.

SEC. 8. No strike benefit will be paid during the first month of a strike.

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SEC. 9. The members of this Local shall submit to the order of the President-Business Manager and the Business Agents when such orders relate to trade laws. A threat against the person of, or interference with, the President-Business Manager or the Business Agents in the discharge of his duties is punishable by a fine from \$1.00 to \$50.00 or expulsion.

SEC. 10. A member failing to answer a special call, or failing to send an excuse in writing before the next meeting thereafter, said excuse to be approved by this Local, shall be fined not less than 50 cents.

SEC. 11. Any member failing to obey the summons of the Executive Board shall be subject to a fine of at least \$5.00. Sickness or absence from city being the only excuse accepted, said excuse to be in writing.

SEC. 12. A member who slanders the Local's officers, or its committees, shall upon sufficient proof being presented, be fined the sum of \$50.00, and stand suspended until said fine is paid in full.

SEC. 13. A member holding withdrawal card who directly or indirectly does or helps to work against the interests, Constitution, By-Laws, trade agreements, etc. of this Local, shall

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forfeit all rights to readmission and said card shall be nullified. Members holding withdrawal cards shall not attend meetings nor have voice or vote. They shall be entitled to hearings and trials the same as other members.

SEC. 14. Withdrawal cards must not be issued to any member intending to "piece," "lump" or subcontract for labor in the trade, or join any other labor organization, he shall forfeit all claims and rights to rejoin Elevator Constructors Union No. 1.

SEC. 15. Any member of this organization bringing this union into discord or grievance with any owner, contractor, superintendents or lessees of any building in the running of temporary cars, escalators or work claimed by this organization, shall be fined not less than \$100.

SEC. 16. Any Helper passing the Examining Board as a mechanic cannot be replaced on the books of the organization as a helper.

SEC. 17. A. 1. Shop stewards shall be elected by ballot vote of Local No. 1 members working on each Construction and Modernization job. The members working on each job site shall propose members' names for the posi-

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tion and the member with the most votes shall be elected as shop steward on that job.

The shop steward shall report to the President or Vice-President of Local No. 1, all contract violations and safety hazards on his job site.

2. Shop stewards shall also be elected by ballot vote of Local No. 1 members working for each company on maintenance and repair work. Members shall propose names and the member with the most votes shall be elected as shop steward for his area (Example: Manhattan, Brooklyn, Queens, Westchester and New Jersey).

The shop steward shall report to the President or Vice-President of Local No. 1, all contract violations and safety hazards in his area. B. 1. Members elected to the shop steward position on each Construction and Modernization job shall remain as shop stewards for the next job until an election is held by ballot vote to determine the shop steward for that job site.

2. Members elected to the shop steward position for Maintenance and Repair work of each company shall remain a shop steward as long as he is employed by that company or until request in writing is submitted to the

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President or Vice-President of our Local, to have an election for a new steward.

C. No foreman shall be elected as a shop steward.

D. No shop steward shall collect any union dues or assessments.

SEC. 18. A standing safety committee, consisting of five members, all of whom are card mechanics of this Local, shall be appointed by the President. Their duties shall consist of the following:

1. To submit a written quarterly report at the regular meetings in March, June, September and December.

2. To inspect job sites for safety violations as directed by the President and/or the Executive Board.

3. To establish and maintain a book of standard safety procedures for the Elevator Industry.

SEC. 19. A. Any member to receive over the mechanic's wage shall be referred to as "Mechanic in Charge."

B. The member must report this to the union. He also must submit an outline of the job he is requested to do by the employer.

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- C. This shall consist of the following:
1. Type of work to be performed.
 2. Number of men allotted for job.
 3. Safety conditions and anything pertaining to the welfare of the Brothers working on said job.

He shall appear before the Executive Board who will explain to him all working conditions and upon his agreement to accept these conditions his card shall be stamped "Mechanic in Charge."

D. He shall be instructed by the Executive Board to report immediately to the union the following:

1. Any Brother shifted from said job or shifted to said job.
2. Any Brother injured on said job.
3. Any Brother who performs his work hazardous to other Brothers on said job.
4. Any work assigned or performed by another trade that belongs to the jurisdiction of Local No. 1.

E. In the event any "Mechanic in Charge" does violate his acceptance of said conditions he shall be subject to a fine determined by the Executive Board.

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ARTICLE XXVIII

EXEMPTION FROM DUES

Any member of this Local Union in good standing who attains the age of seventy (70) years, shall thereafter be exempt from the payment of dues and assessments and shall continue to be carried on the books of this Local Union as a member in good standing without the payment of any further dues or assessments. This provision shall not apply to members over seventy years so long as they are regularly salaried officers.

ARTICLE XXIX

The working rules shall be subject to the rules agreed upon in our mutual agreement with the employers.

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ARTICLE XXX

BONDS

Every officer, agent, shop steward or other representative or employee of this Local Union No. 1, or of a trust in which this Local Union No. 1 is interested, who handles funds or other property thereof, shall be bonded for the faithful discharge of his duties; the bond, which shall be fixed at the beginning of each fiscal year of this Local Union No. 1, shall be in an amount not less than ten percentum of the funds handled by him and his predecessor or predecessors, if any, during the preceding fiscal year, but in no case should the bond be more than Five Hundred Thousand Dollars (\$500,000.00). Such bonds shall be individual or schedule in form, and shall have a corporate surety company as surety thereon. Any person who is not covered by such bonds shall not be permitted to receive, handle, disburse, or otherwise exercise custody or control of the funds or other property of this Local Union No. 1 or of a trust in which this Local Union No. 1 is interested; no such bonds shall a surety company in which this Local Union be placed through an agent or broker or with No. 1 or any officer is interested.

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ARTICLE XXXI

ORDER OF BUSINESS

1. Opening of Meeting
2. Roll call of Officers
3. Reading of minutes of previous meeting
4. Communications and Bills
5. Sickness and Death
6. Unfinished Business
7. New Business
8. Report of Executive Committee
9. Report of Committees and action thereon:
 - 1) Examining Committee
 - a) Initiations
 - 2) Safety Committee
10. Report of Officers—Business Agents
11. Report of President and Business Manager
12. Good and Welfare
13. Adjournment

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ARTICLE XXXII

RULES OF ORDER

1. When the President has called the meeting to order there shall be perfect silence.

2. The President shall preserve order and announce the decision of the Local on all subjects, he shall decide all questions of order without debate, subject to an appeal.

3. When an appeal is taken the Vice-President shall put the question as follows: "Shall the decision of the Chair stand?"

4. No member shall be interrupted while speaking except by acall to order or for the purpose of an explanation.

5. If a member be called to order, he shall at the request of the Chair, take his seat until the question of order is settled, when, if permitted, he may continue.

6. Each member when speaking shall stand, and addressing the Chair, confine himself to the question under consideration and avoid all personalities or indecorous language.

7. If two or more members rise to speak at once the Chair shall decide which is entitled to the floor.

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8. A question shall not be debatable until it has been seconded and stated by the Chair, when it shall be reduced to writing at the request of the Chair.

9. Before putting the question the Chair shall ask "Are you ready for the question?" and if no member rises to speak he shall put the question, and after he rises no member shall be permitted to speak upon it.

10. When the Chair is putting the question or addressing the Local silence shall be observed.

11. A member shall not speak more than once nor longer than five minutes on the same question until all who wish have spoken, and no member shall be allowed to speak more than once, except the mover of the motion, without the consent of the Chair.

12. Any member may call for a division of the question when the sense will permit it. When a question is before the Union no motion shall be in order except the previous question, to lay on the table, to postpone indefinitely, for a time, to commit or amend, which motions shall have preference in the order here arranged.

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13. On a call of five members, the previous question shall be put without debate in the following form: "Shall the previous question prevail?" which, if ordered, shall cut off all previously offered shall be voted in their amendments and debate, but the amendments der, before the main question.

14. The first person named on a committee shall act as Chairman until another is elected by the Committee.

15. Personalities in debate are prohibited.

16. Roberts' Rules of Order shall govern all questions not provided for in the above Rules of Order.

All laws in conflict with the foregoing Constitution and By-Laws are hereby repealed.

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ARTICLE XXXIII

AMENDMENTS

SECTION 1. This Constitution and By-Laws may be altered or amended at any meeting by a two-thirds vote of the members present. The intended amendment shall be presented in writing, stating the particular article and section to be amended, and read at three consecutive meetings.

SEC. 2. The foregoing section does not in any way apply to Article VI, Sec. 1 of the Constitution, which is not subject to any alteration or amendment.

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ARTICLE XXXIV

CONSTRUCTION

The foregoing provisions of this Constitution and By-Laws shall be interpreted in conformity with existing State and Federal Labor Laws, it being the intention of the members of this Union to insure to their members the full exercise of all rights guaranteed to them by the Labor-Management Reporting and Disclosure Act of 1959 and the New York State Labor & Management Improper Practices Act of 1959, and the performance by the officers, agents and employees of this Local Union of all their duties and obligations under existing State and Federal Law.