

# BYLAWS

OF

UNITED FOOD AND COMMERCIAL WORKERS UNION

LOCAL NO. 770

## **ARTICLE I – Name**

This organization shall be known as the "UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL NO. 770," chartered by United Food and Commercial Workers International Union, AFL-CIO, CLC.

## **ARTICLE II – Jurisdiction**

Section 1. The geographical jurisdiction of this Local Union shall encompass such area as may be determined from time to time by the United Food and Commercial Workers International Union.

Section 2. The trade jurisdiction of this Local Union shall encompass such jurisdiction as may be determined from time to time by the United Food and Commercial Workers International Union.

### **ARTICLE III - Objectives**

Section 1. The objectives of this Local Union shall be the creation of robust, workplace democracies that afford workers a real voice about matters that affect them and their communities, and further: to conduct a Local Union of persons engaged in the performance of work or services within its jurisdiction; to obtain status as exclusive bargaining representative of workers; to organize, unite, and assist persons, without regard to race, creed, color, sex, religion, age, disability, sexual orientation, gender identity, gender expression, national origin, or ethnic background, engaged in the performance of work within its jurisdiction for the purpose of improving wages, hours, benefits, and working conditions through negotiated collective bargaining agreements and legislative action; to secure fair pay for labor and services; to provide through collective bargaining for comprehensive health and welfare and retirement benefits; to process and resolve grievances and enforce all other rights arising out of the collective bargaining relationship; to encourage members and all workers to register and vote; to support research in its industries for the benefit of its members; to advance and safeguard the full employment, economic security, and social welfare of its members, and of workers generally; to protect and extend democratic institutions, civil rights and liberties, and social and economic justice; to print, publish, and circulate its publications; to protect and preserve the Local Union as an institution and to perform its legal and contractual obligations; to protect the Local Union from any and all corrupt influences and from the undermining efforts of all who are opposed to the basic principles of democracy and democratic unionism; to acquire, hold, lease, and convey any real and personal property; to invest and reinvest its funds; to exercise all rights and privileges which may be necessary and convenient for the conduct of its affairs; to encourage, promote, and defend free and democratic trade unions and institutions; to carry out the purposes of the United Food and Commercial Workers International Union as set forth in

the Preamble and provisions of the United Food and Commercial Workers International Union Constitution; to take all steps and actions, which are reasonable and proper, to promote the welfare and interests of its members, of workers within its jurisdiction and of workers generally and to afford mutual protection to members against unwarranted rules, unlawful discharge, or other forms of injustice or oppression; to sponsor, encourage, engage in, and support financially, and otherwise, educational, legislative, political, civic, social, health, welfare, community, or charitable projects or activities; and to support and encourage such other objectives for which working people may lawfully combine for their mutual protection and benefit.

#### **ARTICLE IV - Membership**

Section 1. All persons engaged in work within the trade and geographical jurisdiction of this Local Union shall be eligible for membership subject to the provisions of these Bylaws and the Constitution and laws of the International Union. Membership shall be classified as active, associate, non-active, or paid-up life. No member shall hold more than one classification of membership at any one time.

#### Section 2. Categories of Membership Defined:

(A) An individual is eligible to be an active member if the individual is: employed within a collective bargaining unit represented by the International Union or the Local Union; an employee or salaried officer of the International Union or the Local Union or of any organization approved by the International Executive Board with which the International Union or the Local Union has affiliated; a member of the International Union through the Local Union or a division of the Local Union which was a professional or other association that has been chartered by or merged with the International Union or the Local Union; or working as a barber, cosmetologist, or independent insurance agent.

Receipt by the Local Union of the current dues and the required initiation or reinstatement fees, or any installment established by the Local Union for payment of such fee, is required for an eligible individual to become an active member. Continued payment of dues, and, if applicable, any remaining installments of the required initiation or reinstatement fee, is required to maintain active membership.

Active members shall enjoy all rights and privileges of membership in this Local Union and in the International Union, including the right to vote at regular and special meetings and to hold any office and be elected a delegate if otherwise qualified under these bylaws and the International Constitution.

They shall have the privilege of obtaining withdrawal status provided that they are eligible pursuant to the requirements of Article V of these bylaws. If otherwise eligible, active members may obtain military leave status.

(B) An active member who is not actively working due to layoff, illness, disability, or a contractually provided leave of absence, and has applicable recall or reemployment rights which have not expired under the collective bargaining agreement, or who has been discharged and has a grievance pending under the collective bargaining agreement, may elect (1) to continue to pay dues and maintain active membership for the temporary period for which said recall or reemployment rights are valid or said grievance is pending, but in neither event for longer than two years, (2) to apply for another classification of membership provided for in this Article, if eligible, or (3) to apply for a withdrawal status pursuant to the provisions of Article 6 of the International Constitution. An individual is eligible to be an associate member if the individual is a participant in a specific associate program, established by or approved by the International Executive Board, and the individual is not eligible to be an active member, or if the individual is employed by an employer who is the subject of an active organizing effort by the International Union or any of its chartered bodies. Payment of the applicable dues is also required to become an associate member and to maintain such membership. Associate members may be privileged to attend membership meetings and serve on committees as determined by the Local Union President and may, at the request of the Local Union President, make reports or otherwise address such meetings.

They have the privilege of obtaining withdrawal status provided that they are eligible pursuant to the requirements of Article V of these bylaws. Associate members, however, shall have no voice or vote in Union affairs, nor shall they hold Union office or be elected a delegate.

(C) A non-active member is defined as an owner-operator of an establishment within the jurisdiction of the Local Union. Payment of the applicable dues is required to become a non-active member and to maintain such membership. Non-active members may be privileged to attend membership meetings and serve on committees as determined by the Local Union President and may address Union meetings at the discretion of the Local Union President. Such persons shall have no voice or vote in Union affairs, nor shall they hold Union office or be elected a delegate.

(D) Life Membership.

The Local Union may issue paid-up life membership to any of its members who have accumulated 25 or more years of active membership in the International Union and who are no longer eligible for active membership in the International Union. Proposals to grant paid-up life memberships shall be introduced and voted on at a regular meeting of the Executive Board of the Local Union. A decision by the Executive Board not to grant paid-up life membership may be appealed at the next regular membership meeting of the Local Union. If paid-up life membership is approved for any member, the President shall immediately notify the International Secretary-Treasurer of such action. Paid-up life members may be privileged to attend membership meetings and serve on committees as determined by the Local Union President and may, at the request of the Local Union President, make reports or otherwise address such meetings. Paid-up life members, however, shall have no voice or vote in Union affairs, nor shall they hold Union office or be elected a delegate.

If such member again becomes eligible for active membership in the International Union, the member shall apply for active membership in the same manner as provided for reinstatement from withdrawal status in Article V of these bylaws.

Section 3. All applications for membership shall be made on forms furnished or approved by the International Secretary-Treasurer. The Local Union shall retain such applications and enter all information required for new members on a monthly membership report in the format provided, approved or mandated by the International Union, which could include an electronic report. Such report shall be forwarded to the International Secretary-Treasurer.

Section 4. Members shall not furnish a complete or partial list of the membership of the International Union or of any Local Union to any person other than those whose governmental position or International or Local Union office or employee benefit fund position entitles them to have a list, without specific authorization in writing from the International President.

Section 5. All members shall be subject to the bylaws of this Local Union and the Constitution and laws of the International Union.

#### **ARTICLE V – Withdrawal and Military Leave Status**

Section 1. The following members whose current dues and fees have been paid shall be entitled to withdrawal status without charge therefor:

1. Members no longer employed within a collective bargaining unit represented by and within the jurisdiction of the Local Union;
2. Members whose positions are excluded from coverage by a collective bargaining agreement;
3. Members who are employed by the International Union or the Local Union who are represented by another labor organization for purposes of collective bargaining with the International Union or the Local Union;

4. Members no longer employed by an employer who is the subject of an active organizing effort by the Local Union and who is not a party to a collective bargaining agreement with the Local Union; and

5. Members who terminate their associate, nonactive, or general membership and are not eligible for active membership.

Section 2. The President, upon receipt of information that a member is eligible for withdrawal status, shall effect such in accordance with provisions of these bylaws and the International Constitution. Withdrawal status granted to eligible members shall be effective as of the first of the month following the member's eligibility to receive such status.

Section 3. Any person in withdrawal status who applies for membership in this Local Union shall be accepted as a reinstated member, without the payment of a fee, except the current dues, provided such reinstatement with this Local Union occurs within 30 days from the date of employment in a collective bargaining unit represented by this Local Union, or within 30 days from the date of employment by the International Union or any of its chartered bodies. Any person who fails to reinstate as prescribed in this paragraph shall have his or her withdrawal status voided and shall not be reinstated to membership without the payment of the applicable fee.

Section 4. In the event any member whose current dues and fees have been paid enters military service of the United States or Canada, whether voluntarily or by draft, such member, provided current dues and fees are paid shall be entitled to, upon request, a military leave status, with the privilege of reinstating with any Local Union within whose jurisdiction the person is employed within a collective bargaining unit represented by the International Union or such Local Union within six (6) months after discharge from military service, provided said member resumes employment under the jurisdiction of the Local Union and makes application for re-affiliation in the required

manner, presents evidence of discharge and pays current month's dues. During said military leave, the benefits as provided in these bylaws and the International Constitution shall be inoperative; however, any such member readmitted under the above provisions shall be immediately restored to membership status in all respects as of the time of the issuance of the military leave status. Members in military leave status who reapply for membership after the aforementioned six (6) months period shall be honored as regular withdrawal status as set forth in the United Food and Commercial Workers International Union Constitution.

Section 5. Upon application for withdrawal status, the Local Union shall, in good faith, accept the reason for the request. If, subsequent to the issuance of said withdrawal status, it should be found that the former member misrepresented the reasons for such withdrawal, authority is vested in the Executive Board to require said member, upon application for reinstatement, to appear before the Executive Board, or a properly designated committee thereof, to show cause why such applicant should not be disqualified from membership or be considered as one who has violated the Bylaws of the Local Union and be subject to cancellation of his/her withdrawal status and a reinstatement fee as determined by the Executive Board based on the individual circumstances.

## **ARTICLE VI – Meetings**

Section 1. Regular meetings of Local Union No. 770 where official business is transacted will be held quarterly. Such regular meetings may consist of a single quarterly meeting for all members or a series of meetings for all of its members on an area basis. In addition to regular meetings, the Local Union may hold informational divisional meetings, initiation meetings, negotiation meetings or other special meetings.



The Executive Board may levy a fine of not more than one (1) quarter's dues for non-attendance at any duly called meeting of the Local Union referred to above.

When a meeting is called in accordance with these Bylaws, the Executive Board shall set the applicable penalty for non-attendance. Members leaving the meeting before adjournment, unless excused, shall be deemed absent from the meeting and fined accordingly. Any member who has not attended a fine meeting shall be billed for non-attendance. The fine is payable by the end of the second month of the following quarter. The Executive Board may authorize appropriate legal action against any member who fails to pay a non-attendance fine. The Executive Board may, by special resolution, waive the fine for any person faced with a genuine hardship or for any special group such as students during school periods. Any member who is fined may appeal by appearing before an Executive Board Committee to state the reasons for failure to attend the meeting.

Should the member fail to satisfy the Committee that a legitimate reason existed for the non-attendance, the Committee's decision may then be appealed to the full Executive Board whose decision shall be final and binding.

Section 2. Informational meetings of a portion of the membership may be held on an occasional or regular basis as may be determined by the Local Union. Such informational meetings of the Local Union membership may pass upon recommendations to be referred to the regular meeting or to a special meeting of the membership for its action thereon. Meetings of a portion of the membership may vote upon collective bargaining agreements which affect it as specified under Article 23 of the International Constitution.

Section 3. When a formal meeting is not feasible or advisable, then the secret ballot to be taken in respect to approval of the contract conditions may be conducted in such manner as designated by the President or the Executive Board in accordance with Article 23(0)9 of the United Food and Commercial Workers International Union Constitution.

Section 4. A special membership meeting shall be called whenever requested in writing by ten percent (10%) of the members or when directed by the Executive Board or the President. Special meetings shall be held as quickly as is practical and reasonably convenient, provided that, where a regular membership meeting is scheduled within a 30-day period of such a membership request, the Local Union President may defer such requested meeting to the date of the regularly scheduled meeting. Special meetings shall be held in the same manner as the Local Union holds its regular meetings.

Section 5. No new business shall be recognized by the Chairperson at a regular meeting after the meeting has been in progress ninety (90) minutes. All meetings of the Local Union or the divisions thereof, shall stand adjourned not later than two (2) hours after called to order, unless motion to extend the time for adjournment shall have been made within thirty (30) minutes of such time for adjournment, and such motion shall have been approved by a two-thirds (2/3) vote of the members present; provided that the matters to come before the membership during the remaining time shall be relevant to the affairs and welfare of the Local Union

Section 6. Members failing to conduct themselves in an orderly manner in all meetings shall be requested to leave the meeting and to appear before the Executive Board.

Section 7. No person shall be admitted to a Local Union meeting or be eligible to vote who is not an active member of the Local Union provided, however, that the President or presiding officer may grant other persons permission to attend a meeting of the Local Union, provided further that the persons attending the meeting by invitation or consent of the President or presiding officer shall be first identified.

Section 8. The President or the Executive Board may cancel or postpone any membership meetings the date of which may reasonably interfere with normal attendance, subject to prior approval of the International President pursuant to Article 33(A) of the International Constitution.

Section 9. Except as otherwise provided in these Bylaws or in accordance with applicable law, all matters calling for a vote shall be determined by a majority of the active members present and voting on the questions and proxy voting shall not be allowed.

Section 10. Except as otherwise provided by law, adequate notice prior to the date of the meeting shall be given to the members of the Local Union. Notice shall include the purpose of a special meeting. No other business shall be transacted at such special meeting. Seven (7) active members shall constitute a quorum at any membership meeting.

Section 11. Except as otherwise provided herein or by the Constitution or laws of the International Union, proceedings shall be conducted in accordance with common parliamentary procedure designed for the conduct of orderly and democratic meetings.

**ARTICLE VII – Officers, Representatives and  
Other Union Personnel Their Duties and Salaries**

Section 1. There shall be as officers of this Local Union a President, Secretary-Treasurer and Recorder and a total number of Vice-Presidents equal to one (1) Vice-President per 1,000 members determined as of March 31<sup>st</sup> of each Local 770 Officers' election year, all of whom shall constitute the Executive Board. The total number of Vice- Presidents may be adjusted upward each year based on the total membership amount as of March 31<sup>st</sup> of each year. The duties of Local Union officers and employees shall be those provided by the Constitution and laws of the International Union and such other duties as may be provided in these bylaws or by the Local Union from time to time.

Section 2. (A) The President shall be the Chief Executive Officer of the Local Union and shall be responsible for enforcing the Constitution and laws of the International Union and the Bylaws and rules of the Local Union. The President, or the President's designated representative, shall preside at all meetings of the Local Union and the Local Union Executive Board and shall decide all questions of order subject to an appeal to the Local Union or Local Union Executive Board, as appropriate, provided that any such decisions on appeal are consistent with the Constitution and laws of the International Union. The President, by virtue of office, shall be a delegate or representative to any convention or meeting to which the Local Union is entitled to and elects to send delegates or representatives; except as otherwise provided in Articles 8(1)3 and 15(E) of the International Constitution. The President shall have general supervision over the affairs of the Local Union. Subject to the provisions of the respective trust agreements, the President, or the President's designated representative, shall be a trustee of all employee benefit trusts on which the Local Union is entitled to a trustee, and the President shall appoint any other trustees to which the Local Union is entitled on such trusts. The President or the President's designated representative shall have the authority to appoint stewards, or to determine that stewards in designated

locations be elected by the affected membership, and shall have the authority to remove stewards in either instance. The President shall appoint all committees as may be necessary, and shall perform such other duties as are required by the President's office. The President shall vote where that vote would be determinative of the outcome or in all cases where a secret ballot vote is conducted. The President may appoint Sergeants-at-Arms to assist in properly conducting meetings of the Local Union.

(B) The President shall disburse the Local Union's funds and, except for disbursements required to be made from the funds of the Local Union by the Constitution or laws of the International Union or these Bylaws, disbursements shall be authorized or ratified by the Local Union Executive Board. Disbursements shall be made in accordance with Article 36(C) of the International Constitution. The President shall invest and reinvest the surplus funds of the Local Union, upon the approval of the Local Union Executive Board, according to standards applicable to fiduciaries.

(C) The President shall have authority to interpret the Bylaws and rules of the Local Union. Any such interpretation may be appealed to the Executive Board within thirty (30) days after the decision has been rendered. Any such interpretations or decisions on appeal shall be consistent with the Constitution and laws of the International Union. The President shall have the authority to resolve any controversy, dispute or grievance that may arise between members of the Local Union for which a remedy is not otherwise provided in these Bylaws. Nothing contained herein shall be construed or applied in derogation of any rights or remedies provided by the International Constitution.

(D) The President may employ or retain such personnel as may be necessary to conduct the affairs of the Local Union. The President may terminate the employment of any such person at the end of an assignment or in the best interest of the

Local Union. The President may terminate the employment of any Union Representative for reasonable cause, subject to an appeal to the Local Union Executive Board.

(E) The President shall determine the compensation and expenses, or expense policy, of all personnel employed or retained by the Local Union, subject to the approval of the Local Union Executive Board.

(F) The President shall be the custodian of the Union Shop Identification Cards, or other such indicia, union logos, union labels, union domain names, and other identification of the Union as are issued by the International Union.

(G) The Local Union President shall forward to the International Secretary-Treasurer a monthly membership report in the format provided, approved, or mandated by the International Union, giving an accurate record and summary of the membership as of the last day of the month for which the report is submitted. The President shall complete the report consistent with the requirements of Articles 34(B)6 and 34(8)7 of the International Constitution.

(H) The President shall receive and properly receipt all money collected.

(I) The President shall make an itemized statement, which shall contain accounting categories substantially similar to those required in the Local Union Trustees' financial report provided for in Article IX, Section D of these bylaws, including a statement of assets, liabilities, and net assets, at each regular meeting of the Local Union Executive Board of all moneys received and paid out by the President, the accuracy of which shall be certified by the Trustees of the Local Union, and shall make the Local Union financial records available to the Trustees at their request. The President shall make such itemized statement available for inspection by the members at

the Local Union on a reasonable basis. The President shall also make or distribute a financial report at a regular meeting or series of regular meetings of the membership not less than once a year.

(J) Delegates to organizations with which the Local Union may affiliate shall be appointed by the President.

Section 3. The Secretary-Treasurer shall assist the President in the carrying out of the President's duties and responsibilities and shall conduct the Secretary-Treasurer's office under the general supervision of the President. The Secretary-Treasurer, by virtue of office, shall be a delegate or representative to any convention or meeting to which a Local Union is entitled to and elects to send more than one (1) delegate or representative except as otherwise provided in Articles 8(1)3 and 15(E) of the International Constitution.

Section 4. The Recorder shall report the minutes of each Local Union membership and Executive Board meetings, keeping an accurate and permanently bound or unalterable electronically stored record of all proceedings. The Recorder shall conduct the Recorder's office under the general supervision of the President.

Section 5. The Vice Presidents shall assist the President in the discharge of the President's official duties. They shall be numerically designated for election purposes only.

Section 6. Compensation and expenses, or the expense policy, for officers shall be established by the Local Union Executive Board.

## **ARTICLE VIII – Local Union Executive Board**

Section 1. Salaried representatives of the Local Union shall not constitute more than fifty percent (50%) of the membership of the Executive Board of the Local Union.

Section 2. The duties of the Executive Board shall include those duties set forth in the United Food and Commercial Workers International Union Constitution and these bylaws.

Section 3. A Board of Audit of three (3) members who are not members of the Board of Trustees shall annually be selected by the Executive Board from its members to review the Trustees' reports for the preceding calendar year. The Board of Audit shall report their findings to the next regular business meeting of the Local Union.

Section 4. The Executive Board of the Local Union shall have full and complete charge of all business of the Local Union not otherwise delegated to a specific office or officers, or reserved to the membership. It shall act upon all appeals properly presented to it. It shall meet not less often than once a quarter or in additional meetings upon the call of the President or a majority of its members. When the Local Union President deems it necessary to act promptly, the Local Union President may conduct a vote of the Executive Board by mail, telephone or other form of communication he or she deems appropriate. A majority of its members shall constitute a quorum. The decision of the Board may carry such penalty as, in the opinion of the Board, is warranted by the circumstances and serves the best interests of the Local Union.

Section 5. Only members of the Executive Board shall have full voice and vote at Board meetings and the Board may, by a majority vote exclude from a Board



meeting any persons who are not members of the Executive Board by calling for an executive session.

Section 6. The Executive Board shall have the power to authorize and effectuate voluntary merger of Local Unions of the United Food and Commercial Workers International Union or of an organization not chartered by the United Food and Commercial Workers International Union into the Local Union in accordance with the procedures set forth in the International Constitution. Any such action shall be subject to the approval of the Local Union membership and the International Union.

### **ARTICLE IX – Local Union Board of Trustees**

Section 1. The President, Secretary-Treasurer and a third Executive Board member to be elected annually by the Local Union Executive Board shall also serve as Trustees.

Section 2. The Trustees shall be responsible for ensuring that all finances of the Local Union are managed in accordance with the Constitution and laws of the International Union and these Bylaws. The Trustees shall be responsible for ensuring that the funds and property of the Local Union are properly received and managed for the sole use and benefit of the Local Union and in accordance with standard accounting practices.

Section 3. The signatures of two (2) of the three (3) Trustees shall be required on all checks, electronic transfers and all other financial documents, and the Trustees shall be responsible for ensuring that all banks and other financial institutions holding funds or property of the Local Union are so instructed.

Section 4. The Trustees shall examine the financial records of the Local Union. The Trustees shall make a quarterly financial report to the International Secretary- Treasurer on forms supplied or approved by the International Secretary- Treasurer and on such schedule as the International Secretary-Treasurer may determine, and they shall also promptly submit a copy of said report to the Local Union Executive Board.

The Trustees shall also file with the International Secretary-Treasurer copies of all audits required by the International Constitution and all annual financial reports required by the federal government within thirty (30) days of their completion.

Section 5. The Trustees shall employ a certified public accountant (chartered accountant) to assist them in the performance of their duties and to perform a complete audit of the Local Union not less often than once a year.

Section 6. The Trustees shall ensure that Local Union officers, representatives, and employees are bonded as directed by the International Secretary-Treasurer and in accordance with Article 11(L) of the International Constitution.

Section 7. The title to a headquarters building or other real property held by the Local Union shall be vested by proper conveyance in its own name, if applicable state law permits; in the names of the individual members of the Board of Trustees and their successors in office, to be held in trust for the sole use and benefit of the Local Union; or in a separate building corporation whose charter and other corporate documents have been approved by the International President.

## **ARTICLE X – Funds**

Section 1. The funds of the Local Union shall consist of the following:

(A) A General Fund

(B) A Preparedness Fund

Section 2. The General Fund of the Local Union shall be used for such purposes as are authorized by the Local Union Executive Board, specified in the United Food and Commercial Workers International Union Constitution and as may be required to transact and properly conduct the Local Union's business.

Section 3. The Local Union may make payment of dues for any member who is incapacitated due to illness, under a physical disability, unemployed due to an authorized strike or lockout and who is financially unable to pay the regular dues, or officers or stewards not in the primary employ of the United Food and Commercial Workers International Union or any of its chartered bodies.

Section 4. The Preparedness Fund shall be used for purposes of protecting the members of this and other Local Unions. The amount of fifty cents (50¢) per active member per month shall be placed in this Fund.

Section 5. All disbursements over one hundred dollars (\$100.00) must be made by checks drawn on a chartered bank, which checks must be signed by two (2) of the three (3) trustees; where payment is made by cash, written evidence thereof shall be retained in the files of the Local Union. Where an emergency exists, or is for the benefit of the Local Union, disbursements in cash may be made for an amount in excess of one hundred dollars (\$100.00) upon approval by the President.

Section 6. Any funds received by the Local Union from the United Food and Commercial Workers International Union, pursuant to the United Food and Commercial Workers International Union Constitution, or any strike benefit funds, established by the Local Union, shall be distributed to the membership on the basis of the need of the individual member for financial assistance during a strike or lockout. Factors such as marital status of the member, the number of dependents, and the income of the member shall be taken into consideration in determining the amount of financial assistance a member may receive. Under no circumstances shall any amount of money expended, pursuant to this Section, be determined by the number of hours of picket duty performed or other services rendered during such strike or lockout.

The Executive Board alone shall administer the funds herein referred to and it shall be under no obligation to expend any of the funds of the Local Union if, in so doing, it would jeopardize the operation and administration of the Local Union.

## **ARTICLE XI – Initiation Fees, Dues, Reinstatement Fees and Assessments**

Section 1. The funds of the Local Union shall be derived from initiation fees, reinstatement fees, dues, fines, assessments, donations and other lawful sources.

Section 2. The Local Union shall fix reasonable initiation and reinstatement fees and dues.

Section 3. Initiation Fees.

(A) The full initiation fee shall be based on the current contract journey man rate of pay for forty (40) hours work for the classification of work which the member is performing rounded to the nearest five dollars (\$5.00), or may be maintained at a lower rate, at the Executive Board's discretion.

(B) All new employees who choose to self-pay shall pay a preliminary initiation fee due and payable in accordance with the Union shop provision of the applicable collective bargaining agreement. All new employees who choose payroll deduction shall pay the preliminary initiation fee through payroll deduction either weekly or monthly.

Except for employees who choose payroll deduction, the difference between the preliminary initiation fee paid and the prevailing initiation fee for the classification of work which the member is performing shall be due and payable by the first day of the eighth month following the calendar month of hire, and except where the initiation fee is less than one hundred dollars (\$100.00), such balance shall be due and payable by the first day of the third month following the calendar month of affiliation.

(C) The Executive Board shall be empowered to reduce or waive initiation fees only during active organizing programs.

The current initiation fee for lower job classifications shall be credited toward the full initiation fee when the status of said Local Union member is changed to a higher classification and the member shall be allowed to pay the preliminary fee in Paragraph B above and shall complete payment of preliminary and full initiation fee within the maximum time limits set forth in Paragraph B. Any member failing to pay initiation fee as provided above shall stand suspended.

Section 4. (A) Dues shall be paid quarterly in advance based on four 13-week quarters, on or before the first of the months of January, April, July and October.

(B) Dues classifications are subject to provisions of the United Food and Commercial Workers International Union Constitution, Article 38.

(C) Except for the calendar month in which a person is first employed, appropriate dues shall be charged for each week or portion thereof a person works within the jurisdiction of the Local Union without having affiliated in accordance with the working agreement of the Local Union.

(D) Any member failing to pay dues for a period of two (2) calendar months shall stand suspended if not paid on or before the first day of the third month, in accordance with the United Food and Commercial Workers International Union Constitution.

(E) Except where mandated by the International Constitution, dues shall be increased by a majority vote by secret ballot of the members at a regular or special meeting. Not less than fifteen (15) days written notice of such proposed increase shall be provided the membership prior to voting.

Section 5. Reinstatement Fees. Members suspended for failure to pay dues, or fees, or for any other valid reason, shall pay a reinstatement fee, in addition to any other amount then owed to the Local Union due and payable immediately following suspension. The reinstatement fee for each classification shall be an amount equal to the dues for one (1) quarter, based on four 13-week quarters, in the respective classification (not to exceed the current initiation fee for the classification in each case). The responsibility for maintaining membership rests with the member; suspension, therefore, is the voluntary act of the member involved.

Section 6. Assessments. Assessments shall be levied by a majority vote by secret ballot of the members at a regular or special meeting. Not less than fifteen (15) days written notice of such proposed levy shall be provided to the membership prior to voting.

Assessments levied by the United Food and Commercial Workers International Union or the District Council may be paid from the general funds of the

Local Union or may be charged against the individual members at the discretion of the Executive Board.

All assessments, fines or penalties imposed upon any member or applicant for membership shall become due when levied.

All financial obligations imposed by or under these Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 7. The Executive Board may, subject to membership approval, voting by secret ballot, by division at any regular quarterly, or special meeting called for that purpose, after fifteen (15) days' notice to the members, establish an amount of dues up to double the regular quarterly dues of the membership for the division to be used as set forth in Article X, Section 4. The Executive Board resolution shall include the period during which double dues shall be paid; the division and classifications of members who shall make such payment; the liabilities of incoming and withdrawing or departing members; and may provide for the return to the members of moneys not utilized in the above set forth manner.

The Executive Board shall further be empowered to levy a weekly contribution upon those members of the striking division who work during any period of a labor dispute for an employer who is not engaged in the labor dispute with this Local Union. The amount and method of payment of benefits to members who are unemployed due to strike or lockout conditions shall be determined by the Executive Board based on need and available funds.

Section 8. The Executive Board shall render, yearly, a report in writing to inform the members of "the state of the union" with respect to finances, negotiations, services and other activities of general interest. If the Executive Board deems it

necessary, the Executive Board shall convene a committee for the purpose of making a study and reporting to the Executive Board and membership whether or not any further increases in revenue are necessary.

## **ARTICLE XII - Nominations, Elections and Vacancies**

Section 1. All officers shall be members of the Executive Board and shall be elected by secret ballot and their term of office shall be for three (3) years. Terms of office shall expire on June 30 and the terms of newly elected officers shall commence on July 1.

Section 2. Nominations and elections shall be conducted during the last six months preceding the expiration of the term of office. Nominations shall be conducted by petition. Nomination of a member to a specific office shall require the signatures of at least two percent (2%) of the average monthly active membership of the Local Union, based on the number of active members on which the Local Union pays per capita tax to the International Union, for the twelve-month period ending with the next to the last month prior to the month in which the notice of nominations is mailed to the membership.

Each petition shall indicate the member who is being nominated and the specific office for which he or she is being nominated. If a member is being nominated for a Vice President position, the petition shall specify the numerically designated Vice President position for which he or she is being nominated. Any petition may nominate more than one (1) member for office, provided that each member is being nominated for a different office and that the office for which each member is being nominated is specifically indicated. Each petition shall contain the signature, printed name, and other identifying information, as determined by the general chairperson of the election, of each member signing the petition.



Petitions shall be filed at the Local Union office by mail or in person. The original signatures are required to be filed, and transmission by facsimile, computer, or other form of electronic transmission shall not be valid.

If a signature on any petition is not accompanied by a printed name or the other identifying information required by the general chairperson, but the identity of the member can be determined from the signature, the signature shall be deemed valid and shall be counted.

Not less than thirty (30) days prior to the deadline for the receipt of nomination petitions, notice shall be mailed by the Local Union to each member at the member's last known home address, setting forth the manner for conducting the nominations, the actual number of signatures required for nomination petitions, the deadline for the receipt of petitions, and all other relevant requirements for the filing of petitions, including what each petition is required to contain. Notice of nominations and elections may be combined into a single notice, which shall be mailed in accordance with the time requirements of this paragraph.

Not less than fifteen (15) days prior to the election, notice shall be mailed to each member at his or her last known home address, setting forth the times, dates, and places for conducting the elections. Only active members shall be entitled to vote.

Section 3. No person shall be eligible for nomination or election to any office unless such person is:

An active member in the Local Union, who has been an active member in the Local Union, or who had been a member of another organization merged with the Local Union, for a continuous aggregate of at least twelve (12) months immediately preceding the month in which the deadline for the receipt of nomination petitions occurs;  
or

An active member in the Local Union who has been an active member in the United Food and Commercial Workers International Union continuously for at least

twenty-four (24) months immediately preceding the month in which the deadline for the receipt of nomination petitions occurs.

Any member satisfying the eligibility requirements of this Section must maintain continuous active membership in the Local Union to remain eligible to run for or hold elected office.

Section 4. A plurality of votes cast shall be required for election, except as to the office of Local Union President or Secretary-Treasurer, where a majority of votes cast shall be required for election. Where the election for an office other than President or Secretary- Treasurer results in a tie or where no nominee for Local Union President or Secretary- Treasurer receives a majority of votes cast, a run-off election between the two (2) nominees with the higher number of votes shall be conducted.

Section 5. (A) The elections shall be conducted at such times and places as will afford all active members a reasonable opportunity to nominate and vote.

(B) The President shall select a general chairperson, who shall be a member of the United Food and Commercial Workers, to supervise the conduct of the nominations and elections and not less than three (3) members to act as election judges to assist the general chairperson. The general chairperson of the election shall establish the date(s), time(s), place(s), manner and procedures for the nominations and election. The general chairperson and election judges, who together shall constitute the election committee, shall not be candidates for Local Union office. They shall maintain custody of all ballots and election registers during the conduct of the elections. Where multiple polling places are used, at least one election judge or the general chairperson shall supervise the election at each polling place.

(C) Each eligible member desiring to vote shall sign an election register authorized by the general chairperson of the election. The voter shall be given a ballot authorized by the general chairperson and shall be provided an opportunity to vote the ballot in secrecy. Ballots shall bear no number or marks that might identify the voter.

After marking the voter's ballot, the voter shall fold and place it in a secured ballot receptacle provided by the election committee. Alternative procedures for voting by machine, adequate to ensure the secrecy of the ballot, may be provided. Candidates may have observers, who shall be active members of the Local Union. Adequate safeguards to ensure a fair election shall be provided by the Local Union officers and election officials.

(D) Where the election is conducted at a single polling place, the results shall be tallied and recorded by the general chairperson of the election and the election judges at the close of the voting.

(E) Where the election is conducted at multiple times or polling places, the general chairperson of the election and not less than three (3) election judges designated by the general chairperson shall meet not later than the second day following the last day on which the election was held and at a time and place to be specified by the general chairperson to tally and record the results of the election. As may be determined by the general chairperson prior to the balloting, the ballots may be counted at the close of each polling place, provided that the general chairperson or at least one election judge is present, and provided further, that the general chairperson and not less than three (3) election judges designated by the general chairperson shall tally and record the final results of the election as provided above in this paragraph.

Section 6. In lieu of or in addition to the election procedure provided for above, the Local Union Executive Board may direct that the Local Union election, but not the nominations, be conducted by a mail referendum either in its entirety or in outlying areas, as it may determine.

An election by mail referendum shall be conducted as follows:

1. The election general chairperson and election judges will send by first class mail to each active member of the Local Union eligible to vote by mail ballot the following: (a) instructions as to the procedure to be used by the members in casting their secret ballots by mail; (b) one (1) official ballot and one (1) envelope bearing only the

words "Secret Ballot, "with no identifying number or marks; and (c) a ballot return envelope with a space for a return address which shall clearly call for the member's signature as well as his or her printed name and Social Security number, and which shall be pre-addressed to a post office box secured solely for the purpose of the mail referendum.

2. The Local Union election general chairperson shall establish a deadline for the receipt of return mail ballots which shall be no earlier than fifteen (15) days or later than thirty (30) days after the date upon which the ballots are mailed to the members; provided that if separate notice setting forth the manner and dates that ballots will be sent to the membership and that the return mail ballots must be received has not previously been mailed to each member at his or her last known address, the receipt deadline shall be no earlier than twenty (20) days after the date upon which the ballots are mailed to the members. If only a portion of the election is conducted by mail ballot, the receipt deadline shall be within the limits provided above and, in addition, the same as the date established for the close of voting in the non-mail portion of the election.

3. On the date of the receipt deadline, after 12:00 noon, at least two (2) members of the election committee shall together pick up the mail referendum ballots and return them unopened to the location provided by the general chairperson for tabulating the election results. The general chairperson and the election judges shall remove the "Secret Ballot" envelope containing the ballot from all ballot return envelopes verified to have been sent by eligible voters. After all the "Secret Ballot" envelopes have been separated from the return ballot envelopes, they shall be opened and the votes tabulated by the general chairperson and election judges along with the votes to be counted from the non-mail portion, if any, of the election.

4. Adequate safeguards to ensure the secrecy of each voter's ballot and the fairness of the mail referendum shall be provided by the Local Union officers and election officials.

5. In all other applicable respects, the provisions of the International Constitution and these Bylaws relating to the election of the Local Union officers shall govern.

Section 7. The general election chairperson may determine to conduct a vote by other method approved by the International Executive Committee. Following approval by the Local Union Executive Board, the President may arrange for an independent organization to assist the election committee in the conduct of any or all aspects of the election, pursuant to the procedures above applicable to an election conducted at a meeting, multiple times or polls, or mail referendum, or through a combination of these procedures.

Section 8. Write-in candidates and proxy voting shall not be permitted.

Section 9. Where vacancies occur in any of the elected offices of the Local Union, the Local Union Executive Board, not later than ninety (90) days after the vacancy occurs, shall fill the vacancy for the balance of the term. However, a vacancy in the office of President shall be filled no earlier than thirty (30) days nor later than ninety (90) days after the vacancy occurs.

In the case of a vacancy in the office of President, the Secretary-Treasurer of the Local Union shall perform the President's duties until a new President is elected by the Local Union Executive Board.

Any member filling a vacancy must satisfy the eligibility requirements of Article XII, Section D of these bylaws as applicable to the filling of vacancies.

Section 10. Formal installation of the newly-elected officers and members of the Executive Board shall take place either during the month of June or July following their election, provided, however, that no officer shall be deemed to be in office unless bonded where required by the United Food and Commercial Workers International Union Constitution and these Bylaws.

Section 11. (A) Not more than fifteen (15) days subsequent to the election, all challenges to the election shall be submitted to the general chairperson of the election. The Local Union general chairperson and election judges shall consider any such challenge and take such remedial action as they deem appropriate. Not more than fifteen (15) days subsequent to such decision, an aggrieved challenging party may appeal such decision to the International President. Where the general chairperson of the election and the election judges fail to render a decision within thirty (30) days of the Local Union election, the challenging party may appeal to the International President not later than fifteen (15) days thereafter

(B) The decision of the International President may be appealed to the International Executive Board not later than thirty (30) days after such decision has been rendered.

(C) Any challenge or appeal that could have been presented in compliance with these filing requirements, but was not, shall be deemed to have been waived.

Section 12. If any officer shall fail to attend three (3) successive Local Union Executive Board meetings, without satisfactory excuse, the office shall be declared vacant by the Local Union Executive Board.

### **ARTICLE XIII – Duties and Obligations**

Section 1. The Local Union is empowered as the agent of each of its members to make claim for, to file suit, and to take other appropriate action on behalf of, and in the name of, any individual member to whom back wages or any other benefits may be due under any collective bargaining agreement or any arbitration award, or any judgment arising out of a collective bargaining agreement, or award, or any decision or award rendered on behalf of any member of the Local Union by any legally constituted

body or agency. The Local Union is authorized to appoint and employ legal counsel to prosecute such claims and to take action in the name of the members of the Local Union interested therein.

The Local Union, as such agent, is further authorized, in connection with any such claim, suit or action, to settle same on behalf of said members, in accordance with the policy of the Local Union.

Section 2. 1. It shall be the duty and responsibility of all members to conduct themselves in a manner creditable to the United Food and Commercial Workers International Union and this Local Union. Accordingly, they should familiarize themselves with the provisions of the United Food and Commercial Workers International Union Constitution and the Bylaws of this Local Union.

2. Whenever reasonably possible, members should purchase union made and union labeled goods and require all services to be performed by union labor, recognizing bona fide Union Shop Cards issued by labor unions affiliated with the American Federation of Labor-Congress of Industrial Organizations.

3. Members are obligated to report known violations of the Local Union wage scale, violations of a working agreement or of these Bylaws by a fellow member, or the fact that a non-member is employed in an establishment in violation of an agreement between the Union and such establishment.

4. Every member shall comply with the rules, regulations, Bylaws and collective bargaining agreements of the Local Union.

Section 3. No member shall sign a meeting attendance card for an absent member or make or bring a false or malicious charge against a fellow member, or attempt to obtain benefits from the Local Union to which he or she is not entitled.

Section 4. No member shall lend his/her membership identification to another member or non-member.

Section 5. Members shall report to the Local Union office or the Executive Board of the Local Union when notified to do so by a Local Union Officer or Representative.

Section 6. Every member, while working on the job, shall be encouraged to wear the Union button.

Section 7. It shall be the duty of every member of the Local Union to do picket duty on a primary picket line affecting their employer as scheduled by the Local Union for the good and welfare of the Local Union or to protect its contracts.

Section 8. Every member agrees, in consideration of the rights and benefits conferred pursuant to the terms of these Bylaws and the International Constitution, to comply with the duties and obligations stated in this Article and that termination of membership does not terminate liability for violations of such duties and obligations occurring during the period of membership.

Section 9. No member may be disciplined, except for violating his or her duties and obligations by committing any one or more of the following offenses:

(A) Violating any provisions of the Constitution or laws of the International Union or the approved Bylaws or established rules of this Local Union;

(B) Advocating or attempting to bring about the withdrawal from the International Union of any Local Union or any member or group of members, and/or



working in the interest of or accepting membership in any organization dual to the International Union;

(C) Deliberately and improperly interfering with any officer or representative of the International Union or any Local Union in the discharge of his or her duties, or with the performance of the legal or contractual rights or obligations of the International Union or any of its Local Unions;

(D) Deliberately engaging in conduct in violation of the responsibility of members toward the Union as an institution;

(E) Crossing or working behind a legal picket line established by a United Food and Commercial Workers Local Union and sanctioned by the United Food and Commercial Workers International Union, or crossing or working behind a legal picket line established by a union other than the United Food and Commercial Workers International Union, provided such picket line of another union has the sanction of the Executive Board of the United Food and Commercial Workers Local Union in whose jurisdiction it is established and, provided further, the United Food and Commercial Workers Local Union has notified its membership of such sanction of the other union's picket line;

(F) In the case of any officer or representative of the International Union or of any Local Union, failing to faithfully perform the duties of such person's office or position, accepting dual compensation or expenses for the performance of duties related to such person's office or position, or embezzling, misappropriating, fraudulently receiving, wrongfully handling or failing to account for the funds of the International Union, a Local Union, or any employee benefit fund.

Section 10. Any member convicted of any one or more of the above offenses may be disciplined.

Section 11. (A) Members shall resolve any dispute relating to the interpretation or application of the Local Union Bylaws or rules or the Constitution or laws of the International Union exclusively through the remedial provisions provided therein. Resolution of any such dispute pursuant to such procedure shall be final and binding.

(B) No member shall institute an action outside the Union against the International Union, Local Union, or any of their officers or representatives without first exhausting all remedies provided by the Local Union Bylaws and rules and the Constitution and laws of the United Food and Commercial Workers International Union.

#### **ARTICLE XIV - Disciplinary Proceedings**

Section 1. A member shall be charged and tried in the Local Union if the person is a member of the Local Union at the time the charges are filed, except as otherwise provided in the International Constitution. Any person no longer a member may be charged and tried in the Local Union if the actions were committed while such person was a member of the Local Union.

Section 2. Charges may be filed by an active member of the Local Union, or by a representative of the International Union.

Section 3. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

Section 4. Charges and other formal documents referred to in this Article sent by mail or submitted in another generally accepted manner other than in person shall be considered filed as of the date of the postmark. Charges and other formal documents delivered in person shall be considered filed as of the date of delivery.

Section 5. Charges shall be filed with the Local Union Executive Board within six (6) months after the basis for the alleged violation has been discovered or should have been discovered.

Section 6. The charges shall specify the Article or Articles of the International Constitution or laws or the Local Union Bylaws or rules allegedly violated and shall also set forth a short and plain factual statement of the act or acts considered to be in violation, including available information as to dates and places, in such a manner and sufficient detail as to fairly inform the accused of the specific acts which are alleged to constitute violations of the International Constitution or laws or the Local Union Bylaws or rules. Either upon motion by the charged parties or the Local Union Executive Board, charges failing to comply with this requirement shall be dismissed by the Local Union Executive Board, without prejudice to the re-filing of charges within ten days which do comply with this requirement. Dismissal of re-filed charges shall constitute final action, subject to appeal as provided in Article 26(C) of the International Constitution.

Section 7. A true and correct copy of the charges and a copy of the International Constitution and Local Union Bylaws shall, without delay, be served upon the accused party by the Local Union Executive Board by certified mail, return receipt requested, or in person. The accused shall be afforded a reasonable opportunity to reply in writing to the charges, if the accused so desires.

Section 8. On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges which, after assuming the charging party's facts are true, fail to allege action which would constitute

violations of the International Constitution or laws or the Local Union Bylaws or rules. Such dismissal shall be subject to appeal as provided in Article 26(C) of the International Constitution.

Section 9. On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges it finds are of such a trivial nature that the interest of the Local Union does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding or where it finds that the undisputed material facts warrant dismissal of the charges. Such dismissal shall be subject to appeal as provided in Article 26(C) of the International Constitution.

Section 10. Except for charges processed pursuant to Article 26(A)16 of the International Constitution, the trial on the charges shall be held as soon as practicable, but no later than 60 days following the date on which the charges are filed. However, upon request of either party, for good cause shown, an adjournment to a later date, not to exceed 100 days from the date the charges are filed, may be granted by the Local Union Executive Board. The Local Union Executive Board shall have the power, upon its own motion, to postpone any scheduled trial, provided such postponement shall not be beyond 100 days from the date charges are filed. Any such Executive Board decision to postpone the trial beyond the scheduled date or to set a trial for 60 days beyond the date of the charges being filed must be served upon all parties immediately. Every effort shall be made to schedule the trial so that it does not conflict with the working schedule of the parties, and at least 14 days' notice of the trial date shall be given in writing. The written notice to the charging and accused parties shall state that the parties have the right to have other members of the Local Union attend the trial, subject to reasonable accommodations of space. Any request for the postponement of the trial date must be received by the Executive Board at least three days before the scheduled trial date unless a satisfactory showing is made of inability to comply with this

requirement. The request must include good cause for such a postponement. In the event the accused fails to appear for a duly noticed trial, it shall nevertheless proceed.

Section 11. The trial shall take place before the Local Union Executive Board, which for purposes of this Article shall mean those members of the Local Union Executive Board serving for purposes of trial. The President of the Local Union shall be chairperson of the Executive Board for purposes of the trial proceeding. No charging party or accused member or witness may serve on the Executive Board in the conduct of disciplinary proceedings. Where the chairperson is unable to serve for any reason, the remaining members of the Local Union Executive Board shall designate one of their number to act as chairperson. On motion filed with the Local Union Executive Board, prior to trial, either party may ask that a particular Board member be excused from participating in the proceeding if he or she thinks that he or she cannot receive a fair trial before that Board member. The Executive Board shall give precedence to consideration of such motion. For purposes of trial, a quorum of the Executive Board shall consist of three of its members and a quorum is necessary throughout the trial. If any Executive Board member is absent during any portion of the trial, he or she may not participate further in the proceeding. All questions of order, procedure, and admissibility of evidence shall be decided by the chairperson, subject to being overruled by a majority vote of the Board upon motion by a member of the Board.

Section 12. The accused and charging parties shall have a fair and impartial trial and shall have the right to present witnesses and other evidence in their behalf and to examine any witnesses. The accused shall have the right to refuse to testify. A charging or accused member may be assisted, advised, or represented by another member of the Local Union. At the commencement of the trial, the chairperson of the Board shall advise the parties of their rights as set forth above in this Article and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout

the trial, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charges. At the close of the charging party's case, either the accused or a member of the Executive Board shall have the right to move to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the International Constitution or laws or Local Union Bylaws or rules.

Section 13. A detailed written record of the trial proceedings shall be made and preserved and shall constitute the trial record, provided that no fine, nor loss of membership rights or union office, shall be imposed unless a stenographic record and transcript are kept of the trial proceedings.

Section 14. Upon the completion of the trial proceedings, the Executive Board shall, within 45 days, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision in person or by certified mail, or in accordance with procedures established by the International President. A verdict of guilty shall require a two-thirds majority vote of the Executive Board. If the decision is that of guilty, the Executive Board shall affix appropriate penalties, provided that such discipline shall be reasonable and fair and, provided further, that no discipline shall be imposed without stating with detailed specificity what the discipline is being imposed for. If a trial is conducted on charges filed against a Union officer or representative, the procedures of this Article and, in addition, Article 26(A)14 of the International Constitution shall apply.

Section 15. The decision of the Executive Board shall become immediately operative unless stayed by the Local Union Executive Board or unless a stay is directed by the International President following an appeal as set forth in Article 26(C) of the International Constitution.

Section 16. 1. Appeals may be taken to the International President, and then to the International Executive Board, as set forth in Article 26(C) of the International Constitution. The appeal to the International President shall be filed no later than 15 days from the date the adverse ruling is delivered to the appealing party; however, the International President, for good cause shown, may extend the time within which the appeal may be filed. Such notice of appeal must briefly state why the party believes the Local Union's decision should be reversed.

2. Either party may appeal from the decision of the International President to the International Executive Board by filing a notice of appeal with the International Secretary-Treasurer within 30 days of the date the International President's decision has been mailed, stating briefly why the party believes the International President's decision should be reversed.

## **ARTICLE XV - Appeals of Members from Local Union's Disposition of Grievances**

Section 1. The Local Union shall have the exclusive authority to interpret and enforce the collective bargaining agreements. In accordance therewith, the Local Union shall have the exclusive authority to submit grievances to arbitration, withdraw grievances, settle and compromise grievances and decline to invoke the grievance procedures of a collective bargaining agreement. The President, or the President's designated representative, shall make the decision as to whether a grievance is to be submitted to arbitration.

Section 2. Any member who disagrees with the disposition of their grievance by the Local Union President, or the President's designated representative, shall have the right to appeal the decision to the Local Union Executive Board. The appeal shall be submitted, in writing, to the office of the Local Union and shall contain a simple statement of the nature of the grievance and any other matter the member wishes to bring to the attention of the Executive Board.

Section 3. The member shall submit the appeal within fifteen (15) days from the date the member is first advised of the Local Union's disposition of the member's grievance.

Section 4. The Local Union Executive Board shall consider the appeal at the next regular meeting of the Executive Board. The Executive Board shall treat the appeal as either a request for a review or a request for reconsideration.

Section 5. The Executive Board shall advise the member of its decision within thirty (30) days from the date of its meeting. There shall be no further appeal from the decision of the Executive Board.

Section 6. Any member who does not appeal the Local Union's disposition of the member's grievance as provided above shall be deemed to have acquiesced in said disposition.



## **ARTICLE XVI - Agreements, Bylaws and Constitution**

Every member, upon request, shall be given a copy of the collective bargaining contract executed between the Local Union and the member's employer, a copy of these bylaws, and/or a copy of the International Constitution.

## **ARTICLE XVII - Amendments to Bylaws**

Section 1. Proposals to amend these Bylaws shall either 1) be signed and submitted to the Executive Board by twenty percent (20%) of the membership, provided that, if the Local Union's membership is greater than 2,000, the signatures of ten percent (10%) of the membership or 400 members, whichever is greater, shall be required, or 2) be proposed by the Executive Board. The Executive Board shall make a recommendation on amendments submitted to it not later than ninety (90) days after they are submitted. Notice of such amendment, containing the Executive Board's recommendation thereon, and the date, time and location of the membership meeting(s) at which the amendment will be voted upon must be mailed to each member at least fifteen (15) days prior to such meeting(s). The text of the amendment and the Executive Board's recommendation shall be read or distributed to the membership at such meeting prior to voting.

Section 2. Amendments shall be adopted by a two-thirds (2/3) majority vote of active members voting. At the discretion of the Local Union Executive Board, the vote may be conducted by mail referendum in accordance with the applicable provisions of these Bylaws, provided that the Local Union shall mail members their ballots and the proposed amendment at least fifteen (15) days prior to the receipt deadline for return of

the ballots and that the Local Union shall hold an informational meeting for discussion of the proposed amendment.

**ARTICLE XVIII – Approval, Application and  
Separability of Bylaws**

Section 1. These Bylaws and any subsequent amendments thereto which are properly adopted by the membership or required by the International Constitution must be submitted to and approved by the United Food and Commercial Workers International Union President before they may become effective.

Section 2. The Constitution of the United Food and Commercial Workers International Union, and the laws of the United Food and Commercial Workers International Union which shall be made in pursuance thereof, shall be the supreme law of the United Food and Commercial Workers International Union. The United Food and Commercial Workers International Union, subordinate bodies, and all members shall be bound thereby; nothing in the Bylaws or rules of any subordinate body to the contrary shall be an exception. Nothing in these Bylaws shall be interpreted or applied in any manner which is inconsistent with the Constitution or laws of the United Food and Commercial Workers International Union.

Section 3. If any provision of these Bylaws shall be held invalid, the remainder of these Bylaws shall not be affected.

**ARTICLE XIX – Divisions**

Section 1. The Local Union shall consist of, but is in no way limited to, the following divisions: The Food Division, the Drug Division, the General Sales Division, the Professional Division, the Barbers Division, the Beauty Culturists Division, the Packing house and Food Processing Division and the Cannabis Division.

Section 2. The Executive Board shall, in addition to the present divisions, determine the divisions that shall compose Local Union No. 770 and may create additional divisions or dissolve, change, or alter existing divisions at its discretion, subject to membership approval. In order to create or eliminate a division, such action must be approved by a two- thirds (2/3) majority vote of the Executive Board.

Section 3. All funds, property and assets, of whatever kind or description or wherever located, presently owned or hereafter acquired by the Local Union, are and shall remain the sole and separate property of the Local Union and shall be held in trust for the general membership thereof, so long as seven (7) active members remain. In the event of a withdrawal of any group or division, there shall not be any apportionment of any of the funds, properties or assets, of whatever description, of the Local Union to the withdrawing group.

A PPROVED BY:

\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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