

# *Constitution*

of the

## **Bakery, Confectionery, Tobacco Workers and Grain Millers International Union**



Affiliated with  
American Federation of Labor  
and Congress of Industrial Organizations  
and the  
Canadian Labour Congress

**2018**

### **DECLARATION OF PRINCIPLES**

The Bakery and Confectionery Workers International Union of America was organized in 1886 and was one of the pioneers of the labor movement. It played its full role as a member of the House of Labor for 71 years when that relationship was interrupted. However, from 1957 through 1969 the historic continuity of relationship with the mainstream of the trade union movement was maintained through the affiliation of the American Bakery and Confectionery Workers' International Union. In 1969, the consolidation of the two organizations restored unity to the organized bakery and confectionery workers.

The Tobacco Workers International Union was founded in 1895 and was in the forefront of the labor movement thereafter. Inasmuch as the Tobacco Workers International Union and the Bakery and Confectionery Workers' International Union of America had traditionally shared common goals, both organizations came to realize that those goals could best be achieved through a merger. That merger was effectuated in 1978.

The American Federation of Grain Millers was founded in 1937 and was in the forefront of the labor movement thereafter. Inasmuch as the American Federation of Grain Millers and the Bakery, Confectionery and Tobacco Workers International Union had traditionally shared common goals, both organizations came to realize that those goals could best be achieved through a merger. That merger was effectuated on January 1, 1999.

Steeped in the principles and objectives of its founders, and mindful of the proud history and traditions of the organized bakery, confectionery, tobacco workers and grain millers, we declare it our purpose to continue to provide for these workers an organization completely dedicated and faithful to the ideals and principles of free trade unionism.

The welfare of the membership will always be placed first. The improvement of compensation and working conditions for bakery, confectionery, tobacco workers and grain millers, and the achievement of other goals enshrined in its Constitution will under all circumstances be the only aims of this union.

We are sensitive to the higher responsibilities and difficult challenges inherent in fulfilling the mission of an effective and honorable trade union. The opposition from employers and their strong political representatives seems sharp and constant, and in the face of these, it is our declared purpose to maintain our unity and solidarity.

Our responsibility as a chosen leader of working men and working women impels vigilant challenge of all threats against their rights as citizens through anti-social and anti-labor legislation. We shall, as a labor organization, always follow a progressive and constructive course to the end that our members, our industry, and our country will benefit and prosper.

Honorable and effective service to the membership is the highest objective which any labor organization can seek. The Bakery, Confectionery, Tobacco Workers and Grain Millers International Union will ever be faithful and devoted to this aspiration and this trust.

#### **PREAMBLE**

We the workers engaged in the baking, confectionery, tobacco, grain milling, kindred and other industries, in order to preserve and maintain our integrity as individuals, union members and employees, to make a more perfect Union, to improve our conditions, protect and serve our interests and welfare, and to establish and administer collective bargaining with employers, do enact this Constitution.

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CONSTITUTION OF THE  
BAKERY, CONFECTIONERY, TOBACCO WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION AFL-CIO, CLC

Article I.

NAME, PURPOSE AND GOVERNMENT

Name

Section 1. The name of this organization shall be BAKERY, CONFECTIONERY, TOBACCO WORKERS AND GRAIN MILLERS INTERNATIONAL UNION.

Purpose

Section 2. The purpose of the International Union shall be to promote the material, intellectual and general welfare of all workers in the baking, confectionery, tobacco, grain milling, kindred and other industries by (1) organizational action; (2) education and enlightenment; (3) continuous striving to improve wage standards, retirement and similar benefits, and other conditions of employment; to reduce the hours of labor and to abolish such economic evils as may prevail or persist in these industries; (4) assistance in securing and retaining employment; (5) well-planned and effectively executed activity in the branches and agencies of government, including activity related to proposed state or federal legislation affecting these workers and the labor movement; (6) alliance with other labor organizations within the AFL-CIO or CLC in matters of common concern.

Government

Section 3. The structure and authority of organization of the International Union shall be as follows, and in the order listed:

(1) The Convention

(2) The General Executive Board

(3) Local Unions.

Article II.

JURISDICTION, LABEL AND SEALS

Jurisdiction

Section 1. The Bakery, Confectionery, Tobacco Workers and Grain Millers International Union shall exercise and maintain jurisdiction over all workers employed in any industry including the manufacture, production, shipping, in-plant movement of, or services related to (1) all bakery products such as but not limited to bread, rolls, cakes, pies, biscuits, crackers, pretzels, pastries and matzos; (2) confectionery products such as but not limited to ice cream, chewing gum, candies, candied fruits, preserves and sweets of every description; (3) all macaroni and pasta products; (4) tobacco products; (5) grain, sugar

and cereal products; (6) kindred products; (7) any and all food products; (8) any and all ingredients from which the foregoing products are made; (9) other products and services of any kind.

#### International Union Label

Section 2. There is hereby adopted for the purpose of designating, distinguishing and advertising the products of the labor of the members of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, a label in such sizes, design and dimension as the General Executive Board shall fix and determine.

#### International and Local Union Seals

Section 3. Seals, of which the following are facsimiles and whose size may be varied, are hereby adopted as the seals of the International Union, and of local unions respectively:



#### Control of Labels, Seals and Other Insignia

Section 4. The General Executive Board shall exercise control over all labels, seals and other insignia of this International Union. It shall have the right to assign, from time to time, any International Officer to act on its behalf. The right to retake and repossess such labels, seals and insignia shall be vested in the General Executive Board. The General Executive Board may, from time to time, change the provisions, terms and conditions of all agreements relating to the use, printing and issuance of labels, seals and other insignia. All local unions shall be subject to the rules, regulations and directives of the General Executive Board, or its designated International Officer, respecting the use, printing and issuance of labels, seals or other insignia.

#### Article III.

## CONVENTIONS

### Powers of Convention

Section 1. All of the sovereign power, including the legislative, executive, administrative and judicial, of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union shall be vested in its Convention when in session.

### Time and Place

Section 2. The regular Convention shall be held every four years. It shall convene on such date and in such place as the International President, with the approval of the General Executive Board, shall designate.

The International Secretary-Treasurer shall issue a Convention Call to all local unions in the third month immediately preceding the convening of the regular Convention.

The Convention shall not extend beyond ten days of sessions, except by two-thirds vote of the duly accredited delegates.

### Composition of the Convention

Section 3. The Convention shall be composed of the International Officers and the duly elected and qualified delegates from local unions.

### Basis of Representation and Vote

Section 4. Local unions in good standing including those which have been organized under the jurisdiction of the International Union six (6) months previous to the Convention shall be entitled to representation.

The number of members of a union shall be the average monthly per capita tax that it has paid to the International Union on its dues paying membership for twelve (12) months inclusive of the fourth month previous to the Convention, as certified by the International Secretary-Treasurer to the Credentials Committee.

Local unions with a monthly average International per capita tax on its dues paying membership of less than 251 shall be entitled to one (1) delegate

from 251 to 500 to two (2) delegates;

from 501 to 750 to three (3) delegates;

from 751 to 1,000 to four (4) delegates;

from 1,001 to 1,400 to five (5) delegates;

from 1,401 to 1,800 to six (6) delegates;

from 1,801 to 2,200 to seven (7) delegates;

from 2,201 to 2,600 to eight (8) delegates;

from 2,601 to 3,000 to nine (9) delegates;

over 3,001 to ten (10) delegates;

but in no case shall a local union be entitled to more than ten (10) delegates. Any two or three locals having less than one hundred members each located within an area of 250 miles may combine in the selection of a delegate. No other local unions may combine in the selection of a delegate and no delegate shall represent more than three such local unions.

Each local union may elect an alternate delegate at the same time the regular delegates are elected. Alternates must have the same qualifications as delegates. In the event of the inability of any delegate to attend the Convention because of an emergency, the alternate may replace the delegate, provided that the local union notifies the International Secretary-Treasurer of the change.

Delegates representing up to twenty-five (25) members shall be entitled to one vote, and to one additional vote for each additional twenty-five members or major fraction thereof they represent. The number of votes of local unions which are represented by more than one delegate shall be equally divided to the nearest whole number among all their delegates.

#### Qualifications of Delegates from Local Unions

Section 5. Every delegate to the Convention must (1) have been a continuously good-standing, dues-paying member of the International Union and local union the delegate represents for at least two continuous years next prior to election; (2) be provided with properly attested credentials from the local union the delegate represents; (3) have worked at least two years immediately preceding the Convention as a wage earner in any branch of the trades, except for periods of layoff (including layoffs arising from plant shutdowns) and terminations being grieved, not to exceed twelve (12) continuous months, under the jurisdiction of the International Union or as an officer or employee of the International Union or a local union; (4) be able to show such number of Union labels as the General Executive Board may require.

Exempted from the requirements of (1) and (3) above shall be delegates whose local unions have not been in existence for two years, provided that the continuously good-standing, dues-paying and wage-earning period of such delegates are not less than six months.

#### Credentials of Delegates from Local Unions

Section 6. At least forty (40) days prior to the opening of the Convention, duplicates of credentials on blanks furnished by the International Secretary-Treasurer from the authorized local union officer shall be received by the International Secretary-Treasurer, or shall be postmarked not later than forty-five (45) days prior to the opening of the Convention, in an envelope properly addressed to the International Secretary-Treasurer.

The International Secretary-Treasurer shall cause to be published in the official journal of the International Union, in the last issue before the Convention, but not less than fifteen (15) days prior to the convening of the Convention, a list of all the delegates-elect and the local union each delegate represents.

Delegates to the Convention shall present the original credentials bearing the seal of the local union and signatures of the authorized officers of their respective locals to the Committee on Credentials. Protests against the delegates must be in written affidavit form, stating the specific grounds for protest and signed and sworn to by the party objecting to the seating of the delegate. These affidavits must be transmitted by registered or certified mail to the International Secretary-Treasurer (with a copy to the local union) and the envelope, properly addressed to the International Secretary-Treasurer, must be postmarked at least ten (10) days prior to the convening of the Convention.

Credentials received by the Secretary-Treasurer less than forty (40) days prior to the Convention or postmarked later than forty-five (45) days prior to the Convention shall be marked as late and the affected delegates shall be treated as protested for all purposes. The International Secretary-Treasurer shall forward such credentials to the Committee on Credentials for its review and recommendation to the Convention.

#### Compensation of Delegates from Local Unions

Section 7. The International Union shall pay each delegate in attendance at the regular Convention and registered at a facility designated by the International President as hosting the Convention as compensation \$595 and an amount equal to the cost of regular coach transportation by air from the delegate's home city to the Convention city and return by direct route; provided, however, that such delegates remain in attendance upon the Convention commencing with its first day's session until its adjournment and remain registered in such designated facility for the same time period. Compensation and transportation for special convention shall be set by the General Executive Board.

Transportation and compensation of protested delegates shall not be furnished unless and until such delegates have been seated as accredited.

#### Attendance of International Officers

Section 8. The International Officers shall attend and represent the International Union at the Convention. They shall render a comprehensive report to the Convention.

International Officers, by virtue of their office, shall be seated at the Convention with delegates' rights and one vote each. They shall not be allowed to represent any local unions.

#### Committees

Section 9. A committee of three shall be appointed by the International President, subject to the approval of the General Executive Board, from the duly elected delegates to the Convention to constitute the Standing Committee on Credentials, Auditing, Rules and Order of Business, and Committee on Committees. This committee shall be convened by the International President at least five days prior to the Convention and shall be designated the Standing Committee.

It shall be the function of this committee to prepare and submit to the Convention for its approval:

- (1) A report on all action taken on credentials.
- (2) An agenda and rules of conduct for the Convention.

(3) A report on the financial condition of the International Union after an examination of the report of the International Officers and the statement of the regular certified public accountant of the International Union.

(4) A list of delegates to serve on the fixed convention committees, including an advisor.

(5) Each committee shall elect from their own number, as the first order of business, a Chair and a Secretary. The committees (with the exception of the Standing Committee) shall convene at the call of the advisor who shall serve as the temporary Chair.

The International President, subject to the approval of the General Executive Board, may convene, not more than five days prior to a Convention, any of the proposed Convention committees the President deems necessary to deal with a large burden of work, complicated matters, or both.

#### Convention Resolutions

Section 10. All resolutions by local unions to be submitted to the Convention either must be received at International Headquarters at least forty (40) days prior to the opening of the Convention, or must be postmarked in a properly addressed envelope at least forty-five (45) days prior to the opening of the Convention. Each resolution must deal with but one subject matter, be submitted in triplicate and each copy signed only by all delegates-elect, or a majority of the Executive Board.

Resolutions by the General Executive Board may be introduced at the Convention, provided such resolutions have the approval of a majority of the General Executive Board. All other resolutions may only be introduced with the approval of a two-thirds vote of the Convention.

#### Parliamentary Rules

Section 11. All questions of parliamentary law not resolved by this Constitution shall be decided according to the parliamentary rules adopted by the Convention in session. Until a Convention has adopted its parliamentary rules, those rules adopted by the preceding Convention shall apply. All questions not resolved by the above shall be decided according to Robert's Rules of Order (Revised).

#### Article IV.

#### INTERNATIONAL OFFICERS

##### Titles and Terms of Office

Section 1(a) The International Officers shall be the International President, the International Secretary-Treasurer, the Regional Vice Presidents, and the Regional and Tobacco Industry General Executive Board Members. All of these International Officers shall together constitute the General Executive Board. They shall take their offices immediately upon election or appointment and shall continue therein until their successors have been elected.

The International President and the International Secretary-Treasurer shall reside in the metropolitan area in which is located the principal office of the International Union. They, and the Vice Presidents, shall not hold any other office within the International Union or any affiliated local union.

(b) The International President, the International Secretary-Treasurer, the Regional Vice Presidents and the General Executive Board Members shall be elected by all the delegates, except that the Regional

Vice President from the Canadian Region shall be elected by all the delegates from Canada, and the Regional Vice Presidents from the other Regions shall be elected by all the delegates from the United States.

(c) There shall be two (2) Tobacco Industry General Executive Board Members. The two (2) Tobacco Industry General Executive Board Members shall be elected by the delegates from the Tobacco Sector locals; only members of the Tobacco Sector locals shall be eligible to run for Tobacco Industry General Executive Board Members; all vacancies in those offices shall be filled by the General Executive Board from among members of the Tobacco Sector locals.

(d) The Convention shall elect six (6) Regional Vice Presidents as follows:

1. One (1) Regional Vice Presidents shall be elected from the East-Central Region.
2. One (1) Regional Vice President shall be elected from the Midwest Region.
3. One (1) Regional Vice President shall be elected from the Southern Region.
4. One (1) Regional Vice President shall be elected from the Western Region.
5. One (1) Regional Vice President shall be elected from the Canadian Region.

The Canadian Vice President shall be elected by all convention delegates from Canada. The Regional Vice Presidents from the other Regions shall be elected by all convention delegates from the United States.

(e) Each of the Regions shall be represented by two (2) General Executive Board Members who shall be nominated and elected by delegates from the Bakery, Confectionery and Grain Miller Sector locals in each of the Regions.

(f) In the event that any Regions are merged, the then incumbent Vice Presidents and General Executive Board Members from the pre-merger Regions shall remain in office. If a vacancy occurs in the office of any such Vice President or General Executive Board Member or if such Vice President or General Executive Board Member declines to run for that position(s), the position(s) shall be immediately and automatically eliminated without further action of the General Executive Board until there remain only one Vice President and two General Executive Board Members from the merged Region.

#### Qualifications for Office

Section 2. Any member of the International Union meeting the following qualifications is eligible to be nominated and elected to, and to hold, any International Office.

(a) The member must have been in continuous good-standing membership for at least two years immediately preceding the date of his/her election;

(b) The member must have worked for at least two years immediately preceding the date of his/her election, except for periods of layoff (including layoffs arising from plant shutdowns) and terminations being grieved, not to exceed twelve (12) continuous months in any branch of the trade under the jurisdiction of the International Union or for the International Union or a local union.

(c) A candidate for the office of Regional Vice President or Regional General Executive Board Member must have held residence and maintained membership in a local union in the Region of the member's



candidacy for at least three months immediately preceding the date of nomination. A candidate for the office of Industry Vice President or Industry General Executive Board Member must have held residence and maintained membership in a Grain Miller Sector local or a Tobacco Sector local respectively for at least three months immediately preceding the date of nomination.

#### Nominations

Section 3. Nominations of officers shall be held on the third day of the Convention. Nominations for all officers except Regional Vice Presidents and Regional and Industry General Executive Board members shall be made at-large from the floor of the Convention. Regional General Executive Board members may be nominated only by delegates from their Region and Industry General Executive Board members may only be nominated by delegates from their respective sectors. The Regional Vice President from the Canadian Region may only be nominated by delegates from Canada and the remaining Regional Vice Presidents may only be nominated by delegates from the United States. No member shall be a candidate for more than one office.

If there is only one nominee for a given office, such nominee shall be declared elected.

#### Elections

Section 4. Election of Officers shall be held immediately following nomination and voting shall proceed in the order in which the International Officers are named in Section 1.

(a) If there shall be two or more candidates for the offices of International President or International Secretary-Treasurer, voting shall be by roll call of the delegates, each casting as many votes for each office as authorized by Article III, Section 4. The candidate receiving the largest number of votes cast on the roll call shall be deemed elected. In the event there is a tie vote affecting the election to any office, there shall be a runoff between the two candidates receiving the largest number of votes.

(b) Should there be a contest for the office of Regional Vice President in the Canadian Region, voting shall be by roll call of the delegates from Canada. Should there be a contest for the office of Regional Vice President of any other Region, voting shall be by roll call of the delegates from the United States. Each delegate shall cast the total number of votes authorized by Article III, Section 4 for the number of candidates to be elected from each Region, but such voting shall not be cumulative. The candidate(s) receiving the largest number of votes for the office of Regional Vice President to be filled in that Region shall be deemed elected. In the event there is a tie vote affecting the election there shall be a runoff between the tied candidates.

(c) If there shall be three or more candidates for General Executive Board Member for any Region, voting shall be by roll call of the delegates representing local unions within that Region, each casting as many votes as authorized by Article III, Section 4. Such voting shall be held in the numerical order of the Regions. Each delegate shall vote for not more than two candidates. The candidates with the largest number of votes shall be deemed elected. The candidate receiving the next largest number of votes shall be deemed elected unless the candidate is from the same local union as the candidate receiving the largest number of votes. In the latter event, the candidate from another local union receiving the next largest number of votes shall be deemed elected.

If there shall be three (3) or more candidates for Tobacco Industry General Executive Board Member, voting shall be by roll call of the delegates representing Tobacco Sector locals, each casting as many votes as authorized by Article III, Section 4. Such voting shall be held in the numerical order of the Tobacco Sector locals. Each such delegate shall vote for not more than two (2) candidates. The two (2) candidates with the largest number of votes shall be deemed elected unless both of them are from the same local in which event only the candidate from that local receiving the highest number of votes shall be elected and the candidate from a different local receiving the next highest number of votes shall be deemed elected.

Should there be a tie vote affecting the election of any office of Regional or Industry General Executive Board Member, a runoff election shall be held among the tied candidates.

### Regions

Section 5. There shall be the following five Regions consisting of Bakery, Confectionery and Grain Millers Sector locals from each of which shall be elected one Vice President and two General Executive Board members, as heretofore provided:

East-Central Region—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, Kentucky, Ohio and Michigan.

Midwest Region—Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri and Kansas.

Southern Region—North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, Texas and Puerto Rico.

Western Region—California, Oregon, Washington, Montana, Idaho, Nevada, New Mexico, Colorado, Wyoming, Utah, Arizona, Hawaiian Islands and Alaska.

Canadian Region—Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island and Northwest Territory.

### Salaries

Section 6. The salary of the International President shall be \$254,912 annually, that of the International Secretary-Treasurer shall be \$237,917 annually, and that of each International Vice President shall be \$166,541 annually, effective August 19, 2018. The salary of the General Executive Board Members shall be \$6,798 annually, effective October 1, 2018.

### Expenses

Section 7(a) When any officer is engaged in the business of the International Union, the officer shall receive the necessary expenses, subject to the authorization and approval of the General Executive Board.

(b) Officers shall receive a per diem payment equal to the meals and incidental expenses amount allowed under the Internal Revenue Service (IRS) High-Low Substantiation Method as applicable to the

city in which the expense was incurred and their hotel accommodations while attending General Executive Board meetings and International Union Conventions and the equivalent of regular round-trip coach airfare from their homes to the meeting locations.

#### Vacancies

Section 8. Where vacancies in International Offices occur between Conventions, a majority of the General Executive Board present and voting shall fill such vacancies.

#### International Officer's Oath

Section 9. I, (giving name) ... do solemnly swear ... that I will to the best of my ability ... perform the duties of my office faithfully and honorably ... on behalf of the membership;

And that I will always conduct myself in this office ... according to the strictest requirements and standards ... of conscience and integrity.

And the provisions and spirit ... of the Constitution of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union ... and that I will carefully preserve and guard ... all union property that may be left in my charge ... and that upon the expiration of my term of office ... I will turn over such property ... to my duly elected and installed successor.

#### Article V.

#### STRUCTURE, POWERS AND DUTIES OF THE GENERAL EXECUTIVE BOARD

##### Structure

Section 1. The General Executive Board shall consist of the International Officers.

##### Powers and Duties

Section 2. All the powers of the General Convention when in session shall, when the same is not in session, pass to and vest in the General Executive Board with the exception of such powers as may herein be specifically delegated to the various officers, local unions or other bodies of the International Union. It shall have the following powers and duties in addition to all other powers and duties necessary to carry out the objectives of this Constitution:

(a) The General Executive Board must hold regular semiannual meetings and may convene at other times in special session upon the call of the International President. The International President shall immediately call a special session when so requested in writing by a majority of the General Executive Board. The place of the regular meetings shall be determined by majority vote of the General Executive Board; the place of special sessions shall be designated by the President in the call for the special session.

(b) The General Executive Board is authorized to make and adopt such provisions and rules as are consistent with this Constitution, the Declaration of Principles and the decisions and rulings of the Conventions, as may become necessary for the best interest of the organization during the intervals between Conventions, and for the proper and correct transaction of all International Union business.

(c) The General Executive Board shall have full power to grant charters for the promotion of the general welfare of the workers involved and to give recognition to their joining together in a subordinate body, to appropriate money and to levy assessments.

(d) The General Executive Board is authorized to submit questions and propositions to the membership for referendum vote at any time in accordance with the provisions of this Constitution.

(e) The General Executive Board shall have the power to loan or donate money to advance the interest and promote the objectives of this union and trade union movement.

(f) It shall be the duty of the General Executive Board to engage independent certified public accountants to examine the International financial accounts at least once a year. It shall be the further duty of the General Executive Board to make reports thereof, which shall be published.

(g) The quorum necessary to constitute the General Executive Board shall be a majority of its members, evidenced by those present when the Board is in session and those voting when the Board is not in session. The General Executive Board when constituted shall take action by a majority of those voting, except as otherwise specified in this Constitution.

When not in session the General Executive Board may take action in accordance with the following procedure. Whenever the International President believes such action necessary or desirable, the International President shall contact each member of the General Executive Board by facsimile, by letter, telegram or telephone or email, and each member may vote in the same manner in which the member was contacted. At the next session of the General Executive Board, each such action shall be subject to review and shall be made part of the minutes.

(h) The General Executive Board is empowered to constitute separate Divisions, Conferences, State, Area, or Regional Councils covering geographical areas or kinds of manufacture and production under the jurisdiction of the International Union. They shall make their own rules not in conflict with this Constitution or the action of the General Executive Board constituting them. Participation in such Divisions or Conferences shall be voluntary on the part of the local unions.

(i) The General Executive Board at the request of the International President shall have the power to call and make provision for Special Conventions.

(j) The General Executive Board, by a two-thirds vote of its membership, shall have the power to call and make provision for Special Conventions.

(k) The General Executive Board shall have power to enter into negotiations with other labor organizations for their absorption by or merger with the International Union.

In the case of an absorption, it shall have the authority to enter into such terms as may be necessary to effectuate such action, including but not limited to the appointment of additional vice presidents, who shall be vice presidents-at-large to serve until the next Convention.

In the case of merger, the General Executive Board, is empowered to negotiate with labor organizations and upon consummating terms, conditions and arrangements which it is prepared to recommend the acceptance of to the membership, shall institute a referendum vote of the membership or the calling of a special convention for action thereon.

(l) The General Executive Board is empowered and has the duty to make rules and regulations which shall execute and be consistent with the codes established by the AFL-CIO governing the acts and conduct of International Unions, local unions and subordinate bodies and officers and members thereof.

(m) The General Executive Board is empowered when it deems appropriate to establish the BCTGM State and Local Fund for political education and participation in state, provincial and local political activities to the extent permitted by all applicable public laws. It shall design the structure of said fund and the rules governing its administration.

(n) The General Executive Board shall have original trial and appellate jurisdiction as set forth in this Constitution.

(o) Whenever the General Executive Board has jurisdiction to try and hear any matter it may deputize any member or officer of the International Union to conduct the trial or hearing on its behalf. However, the person so deputized shall, at the conclusion of the trial or hearing, report to the General Executive Board in writing, and the decision in the matter shall be made by the General Executive Board.

(p) Between Conventions the General Executive Board, upon a vote of two-thirds (2/3) of its members, may amend this Constitution provided, however, that such amendment shall remain in effect only until the next following Convention and thereafter only if it is adopted by the delegates in Convention.

(q) A member elected to the General Executive Board shall automatically become ineligible to continue to serve, and his or her position shall be declared vacant, upon:

- i) the member's retirement from employment in the industry;
- ii) the member's withdrawal from employment in the industry without retirement for a period of six (6) months; or
- iii) termination of the member's term of union office without return to employment in the industry within six (6) months.

Article VI.

POWERS AND DUTIES OF THE

INTERNATIONAL PRESIDENT

General Powers and Duties

Section 1. The International President shall act as the presiding officer of the General Executive Board and the Convention.

The International President shall, subject to the supervision of the General Executive Board, by whose decisions the President shall abide, have general charge of all the International Union's business affairs and of its office. The International President shall have the authority to select, subject to the approval of the General Executive Board, a Director of Organization, and representatives for part or full-time services as local, special, district, or general representatives, who shall function within the geographical territory and in the manner prescribed by the President, subject to the policies laid down by the General Executive Board, and he/she shall, subject to the approval of the General Executive Board, fix the compensation of such representatives. The International President shall also engage, with the approval

of the General Executive Board, such assistants, business staff and expert help as are required to carry on the work of the International Union.

The International President shall interpret the Constitution and laws of the International Union and shall decide all questions of jurisdiction and laws subject to appeal to the General Executive Board and thereafter to the Convention.

#### Financial Duties and Powers

Section 2. The International President shall prescribe, publish and distribute to all subordinate bodies such rules and regulations pertaining to applications for membership and pertaining to payment of all International benefits as will insure reasonable protection to the fund for such benefits, and shall also prescribe, publish and cause to be distributed such forms as will insure a uniform and methodical conduct of the business pertaining thereto. The International President shall render annually to the General Executive Board at a regular session, an accounting of receipts and expenses, and a report of the general financial standing of the International Union, which shall be prepared by the International Secretary-Treasurer under the International President's supervision. As soon after the end of each semi-annual period as is practicable, the International President shall send to each local union a printed summary report of all the financial transactions of the International Union during such period. The International President shall, together with the International Secretary-Treasurer, sign all checks of the International Union or delegate this function where necessary to another member of the General Executive Board so that his/her signature may be affixed to checks either by machine, facsimile signature or otherwise. If the International President should die and solely until his/her successor shall have been elected, such persons are authorized to sign checks, in lieu of the otherwise required signature of the International President in their own name. Persons delegated with the function of signing checks on behalf of the International President shall be bonded in the same amount as the International President. The International President shall furnish a fidelity bond in an amount fixed by the General Executive Board but not less than \$25,000. The International President shall deliver to his/her successor in office all properties of the International Union in his/her custody and control before his/her bond shall be released.

#### Audit Powers

Section 3. The International President shall have full power to demand for audit all books and accounts and to investigate the affairs of any affiliated subordinate body. Financial officers of subordinate bodies are required to surrender all books, statements, records and properties to the authorized representative of the International President for the purpose of examination and report.

#### Local Union Obligation

Section 4. Local union officers are required to appear before the International President or his/her designee and shall be obliged to provide any information with respect to local union books and accounts.

#### Regions

Section 5. Subject to approval by the General Executive Board, the International President shall have the power to merge Regions, to realign Regions by moving states from one Region to another, and to reduce or increase the number of Regions.

Article VII.

#### POWERS AND DUTIES OF THE INTERNATIONAL SECRETARY-TREASURER

The International Secretary-Treasurer shall act as recording secretary of the General Executive Board and the Convention.

The International Secretary-Treasurer shall furnish local unions with the labels, membership cards, constitutions of the International Union, charters, and all blanks necessary for the transaction of business with headquarters and for which they have submitted a written order accompanied by payment. The International Secretary-Treasurer shall receive and acknowledge all financial remittances to the International Union. The International Secretary-Treasurer shall prescribe, publish and distribute to subordinate bodies such rules and regulations as he/she may deem necessary for their accounting procedures.

The International Secretary-Treasurer shall keep a correct account of all financial transactions conducted through him/her between local unions and the International Union. The International Secretary-Treasurer shall prepare all financial reports required by this Constitution or called for by the International President or the General Executive Board.

The International Secretary-Treasurer shall duly record and currently deposit all receipts of the International Union. The International Secretary-Treasurer shall, subject to the approval of the General Executive Board, establish and enforce an accounting and auditing system which shall insure that all expenditures be approved by proper authority under this Constitution, be recorded and adequately supported by vouchers, and that all expenditures be made by check (except from petty cash) and none from undeposited cash receipts. Upon receipt of proper vouchers, he/she shall cause checks to be drawn and, together with the International President, shall sign all checks. The International Secretary-Treasurer may delegate this function where necessary to another member of the General Executive Board so that his/her signature may be affixed to checks either by machine, facsimile signature or otherwise. If the International Secretary-Treasurer should die and solely until a successor shall have been elected, such persons are authorized to sign checks, in lieu of the otherwise required signature of the International Secretary-Treasurer, in their own name. Persons delegated with the function of signing checks on behalf of the International Secretary-Treasurer shall be bonded in the same amount as the International Secretary-Treasurer.

The books and records shall be so maintained as to enable a reasonable audit to be made. At least annually, an audit of the accounts of the International Union shall be made by independent certified public accountants. A summary of such audit approved by such independent certified public accountants shall be made available to the membership and to the public.

The International Secretary-Treasurer shall at no time have more than \$500 cash of the International Union funds in his/her possession, except as otherwise provided in this Constitution. The International Secretary-Treasurer shall deposit all other monies in the name of the International Union in banks approved by the General Executive Board. The International Secretary-Treasurer shall furnish fidelity

bond in an amount fixed by the General Executive Board, but not less than \$25,000. The International Secretary-Treasurer shall deliver to his/her successor in office all property of the International Union before the bond shall be released.

The International Secretary-Treasurer shall, notwithstanding any other provision of this Constitution, conduct the fiscal affairs of this Union in accordance with the codes and standards of the AFL-CIO.

The International Secretary-Treasurer shall perform all other duties prescribed by this Constitution and shall abide by the decisions of the General Executive Board.

When necessary because of the unavailability or absence of the International President, the International Secretary-Treasurer shall act as the presiding officer of the General Executive Board or the Convention. Should a vacancy occur in the office of International President, the International Secretary-Treasurer shall convene a meeting of the General Executive Board within thirty days to fill the vacancy.

Article VIII.

#### POWERS AND DUTIES OF THE VICE PRESIDENTS

The Vice Presidents shall have such powers and duties as may be prescribed or assigned to each by the International President, subject to overall policies laid down by the General Executive Board.

Article IX.

#### INTERNATIONAL REPRESENTATIVES

#### AND DIRECTOR OF ORGANIZATION

International Representatives and the Director of Organization shall be appointed as prescribed in Article VI, Section 1, and be subject to the supervision of the International President under general policies established by the General Executive Board. They shall each have such functions, duties and powers as shall be assigned to them by the International President and shall report to him/her weekly.

The International Representatives and the Director of Organization shall attend all Conventions of the International Union, as delegates with voice and one vote, except for the election of officers, unless otherwise assigned, but shall not be eligible to serve as delegates from any local union.

The International President, when he/she deems it for the best interests of the International Union, is empowered, subject to the approval of the General Executive Board, to remove any International Representative or Director of Organization who, in the International President's judgment, is not satisfactorily performing the duties assigned.

Article X.

#### DELEGATES TO THE CONVENTIONS OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO)

Delegates to the Conventions of the AFL-CIO shall include the International President, International Secretary-Treasurer, and such other delegates as shall be appointed by the International President with the approval of the General Executive Board.



The delegates shall represent the International Union at those Conventions and at such other Conventions as may be designated by the General Executive Board. They shall attend all such Conventions, present such resolutions or proposals as are ordered to be presented by the Convention of this International Union or by the General Executive Board, and shall vote as a unit in accordance with the decisions of the General Executive Board. The delegates herein provided for shall be allowed their approved expenses.

Article XI.

#### INTERNATIONAL REFERENDUM

Any local union in good-standing may initiate a special referendum vote on any proposed amendment to this Constitution or upon any subject or question affecting the interests of the International Union, including the calling of a Special Convention.

Such proposal shall first be submitted, by registered mail, return receipt requested, to the International Secretary-Treasurer, before being submitted by the proposing local union to other local unions for endorsement or support. Within seven (7) days of the receipt thereof, the General Executive Board may order such proposal submitted immediately to a special referendum vote. If the General Executive Board does not take such action, and if within fifty-two (52) days from the date of the receipt of the proposal by the International Secretary-Treasurer, the proposal is endorsed by at least one-third of all local unions in good-standing, a special referendum must be ordered immediately by the General Executive Board.

The referendum must be completed within ninety (90) days of its being ordered. There shall be ample opportunity for free discussion of the proposal in the official journal of the International Union. Sample ballots must be published at least once prior to the commencement of the voting in the official journal of the International Union. In extraordinary cases, the General Executive Board may dispense with the discussion period, but in such cases, a detailed explanation must be forwarded with all ballots.

The General Executive Board may on its own initiative order a special referendum vote, subject to the ninety (90) day schedule set forth in this section, but such power shall not be used in derogation or qualification of any action taken or pending on a special referendum vote initiated by a local union.

Article XII.

#### OFFICIAL JOURNAL

There shall be an official journal of the International Union, to be published and distributed on a regular basis. It shall be the property of the International Union. Subject to the overall supervision and control of the General Executive Board, the International President shall be responsible for the editing and the management thereof. A copy thereof shall be furnished to each member under regulations prescribed by the General Executive Board and the General Executive Board shall determine the conditions upon which the official journal or any other publication of the International Union may be supplied or made available to the general public.

Article XIII.

#### INCOME OF INTERNATIONAL UNION

## Per Capita Payment

Section 1. Effective January 1, 2019, Local unions shall forward to the International Secretary-Treasurer \$12.75 from each month's dues collected from each member. The same amount shall be paid each month for each person making monthly payments to the local union in lieu of dues. However, the General Executive Board may, if it determines it necessary for the welfare of the International Union, prior to the next Convention, increase the per capita tax by an amount that will be determined, based on need, but not to exceed \$1.00. Such per capita payments shall be forwarded to the International Secretary-Treasurer immediately with the remittance report. The International Secretary-Treasurer shall not be required to accept or acknowledge such remittance report unless such report is accompanied by a remittance covering the total per capita payment to the International Union for dues and/or fees in lieu of dues collected.

## Distribution of Per Capita Payment

Section 2. The International per capita payment and all other income derived by the International Union shall be applied solely for the general objectives of the International Union and all costs and expenses related thereto, and shall be disbursed as provided for in this Constitution. The International President is empowered to effect the investment of surplus funds of the International Union subject to the approval of the General Executive Board.

The General Executive Board shall determine how per capita payments will be distributed to the Strike Fund, General Fund, Convention Fund, and the BCTGM State and Local Fund, if established.

## Registration Fees and Their Distribution

Section 3. Local unions shall forward to the International Secretary-Treasurer a registration fee of \$5 for every new member in all cases where the initiation fee is less than \$50. Where the initiation fee is \$50 or more the local union shall forward a registration fee of \$10 for each new member. The registration fees shall be credited to the General Fund. Upon receipt of such registration fee (together with the corresponding membership application showing all the required information) a new member's membership card shall be issued by the International Secretary-Treasurer. In organizing campaigns where the local initiation fee has been waived the International President may, on request, waive the International Registration Fee.

## Other Income

Section 4. Income derived from other sources shall be credited to the General Fund.

## Funds

Section 5. The General Executive Board is authorized to determine the appropriate allocation of assets among the Strike Fund, General Fund, Convention Fund and any other Union Fund established pursuant to this Constitution. In order to implement the above authorization, the General Executive Board may transfer assets among the above described Funds except that the Strike Fund shall not fall below \$8 million.

## Borrowing

Section 6. The General Executive Board may borrow on behalf of the International Union such funds as may be required from time to time to carry on the work of the International Union and on such terms as the General Executive Board may find necessary and proper.

Article XIV.

#### STRIKES AND STRIKE FUND

##### Strike Action by Local Unions and Strike Permission by the International Union

Section 1.(a) When any difficulty arises between any local union and the employer, it shall be the duty of the local union to do everything possible directed toward the peaceful settlement of the difficulty prior to resorting to strike action.

(b) If a settlement cannot be reached, approval of three-fourths of the members employed in the shop involved may be required for a primary strike declaration by the local and to obtain primary strike permission from the International Union. The International President may also require a secret ballot, and he/she may also require a like vote of the employed members in good standing of the local union in addition to the vote of those involved before primary strike permission will be granted by the International Union. Additionally, the International President may require that a representative of the International Union participate in the negotiations before a primary strike declaration by the local union and before primary strike permission will be granted by the International Union.

(c) In the event a primary strike is voted, the members involved shall be under the jurisdiction of the local union in whose jurisdiction they are working and shall be subject to all strike rules that may be required by such local union and the General Executive Board.

##### Duration of Primary Strike Permission

Section 2. International Strike Permission for any one situation shall be valid for a period of thirty (30) days. Upon application to the General Executive Board, such permission may be renewed for successive periods of thirty (30) days each not to exceed a total maximum of ninety (90) days.

##### Strike Fund

Section 3. There shall be a Strike Fund which shall be drawn upon in order to sustain members in cases of authorized primary strikes and to pay constitutional obligations in any strikes approved or ordered by the General Executive Board. The International President may, subject to the approval of the General Executive Board, apply the Strike Fund wherever the International President deems it necessary for the defense and protection of the International Union and its members.

##### Payment of Strike Benefits

Section 4. Strike benefits shall be paid to striking members in good standing in connection with primary strikes for which the International Union has granted strike permission as provided for in Section 1 and then only in accordance with this section. Strike benefits will be paid at the maximum rate of \$15 per day (\$105 per week). These benefits will be paid for a maximum of ten (10) weeks to all striking members not otherwise employed. Payment of strike benefits when made shall not commence before the eighth day of the strike. The General Executive Board shall establish and publish rules and conditions on the submission of claims for strike benefits, the strike responsibilities and reports of local unions and

International Representatives. It is understood that strike benefits will be paid in accordance with this section so long as there are funds available in the Strike Fund to meet these obligations.

Article XV.

## LOCAL JOINT BOARDS

### Formation

Section 1. Whenever more than one local union exists in any one city or in any vicinity (vicinity shall be defined by the General Executive Board), a Local Joint Board may be formed; provided that a majority of the local unions in such city or vicinity voluntarily affiliate. Participation in such Local Joint Boards shall be voluntary on the part of the local unions.

### Powers and Duties of Local Joint Boards

Section 2. The Local Joint Board may make laws and rules not in conflict with this Constitution, or the action of the General Executive Board setting up such Joint Board, to govern itself, which laws and rules, however, must be submitted to the International President for approval. The Local Joint Board may subject to the approval of the General Executive Board, assist in all strikes and boycotts; it may assist in organizing non-union firms and workers; it may promote the use and acceptance of the union label and cooperate with other groups in label promotion; it may implement educational, legislative and public relations programs in the area.

The Local Joint Board shall, when requested by the International President or the General Executive Board, submit reports and recommendations in respect to problems or jurisdiction and in disputes between locals and a local and its members, within its city or vicinity.

Article XVI.

## LOCAL UNIONS

### Formation and Jurisdiction

Section 1. Eleven (11) or more persons who are bona fide employees engaged in work under the jurisdiction of the International Union and who are eligible for membership in the International Union may form a local union by securing a charter from the General Executive Board and pledging to abide by the Constitution. Local unions shall bear the title and shall have such jurisdiction as decided and defined by the International Union.

Factory Local Unions may be formed. Where they exist, they shall have such structure, officers, rules and regulations as are approved by the General Executive Board. The executive board of such Factory Local Union shall, to the extent permitted by law, transact all business and exercise all powers otherwise vested in local union meetings, and any action taken by such local Executive Board shall have the same force and effect as though taken by meetings of the local union, except that change in the dues structure and assessments, election of local union officers, and election of convention delegates must be accomplished by secret-ballot vote of the local union's members.

### Local Initiation Fees

Section 2. New local unions shall have the right to initiate members for less than the regular initiation fee for the first thirty (30) days after the charter has been issued, but in no event shall a candidate be admitted for less than the amount of the International Registration Fee. Thereafter, the charter must be closed and the local initiation fee shall not be less than \$10 for every new member. An initiation fee in excess of \$75 shall be subject to approval by the President of the International Union.

Notwithstanding the foregoing, local unions, during organizing campaigns, may reduce or waive the established initiation fee for applicants employed in the plant or unit being organized.

#### Meetings

Section 3. Every local union except Factory Local Unions shall hold a general membership meeting at least semiannually, at which meetings the officers shall render their reports; and shall hold either a membership or an executive board meeting at least once a month, except during the summer months.

#### Local Dues

Section 4. Commencing January 1, 2019, monthly local union dues of not less than \$2.00 more than those being paid on December 1, 2018, shall become effective. Members of all local unions shall pay dues of not less than \$29.00 per month. Commencing January 1, 2021, monthly local dues of not less than \$1.00 more than those being paid on December 1, 2020, shall become effective. Members of all local unions shall pay dues of not less than \$30.00 per month. Exceptions thereto may only be granted upon application to and by the President of the International Union. Local unions shall have the right to levy local assessments. Members residing in a place where no local union exists must pay their dues to the local nearest their place of employment.

#### Local Bylaws

Section 5. Every local union shall adopt Bylaws. Such Bylaws and amendments thereto must be in accord with the Constitution of the International Union and must be submitted to the International President for approval. A copy of the local's Bylaws and their amendments must be filed in the International Office.

#### Membership, Financial Trustees, and Periodical Statistical Reports

Section 6. Local unions, through their financial secretaries, must send to the International Secretary-Treasurer their monthly membership and financial reports promptly after the last meeting of, or the close of, each month. Quarterly trustees' reports shall be due for each quarterly period within thirty (30) days after the end of the quarter. Periodic statistical reports shall be submitted to the International Union at such times as shall be fixed by the General Executive Board.

The local unions shall conduct their fiscal affairs in accordance with, and submit such reports as may be required by, the codes and standards of the AFL-CIO or CLC.

#### Delinquency and Suspension of Local Unions

Section 7. Local unions delinquent for two (2) consecutive months in the submission of monthly membership reports, financial reports or in the payment of assessments or per capita payment due to the International Union shall stand suspended. Local unions which have been suspended for being delinquent for two (2) consecutive months in the submission of per capita payments due to the

International Union will be charged interest on the balance owed equal to that charged by the International Union on loans to Local Unions. Should the delinquency extend for a total period of six (6) months, the International Secretary-Treasurer may, with the approval of the International President, upon two (2) weeks' prior notice to the local union, take appropriate action, including revocation and cancellation of their charter.

Local unions who do not file quarterly trustees' and/or other required reports within one month after they are due shall stand delinquent. If not filed within two (2) months from the due date, such local union shall stand suspended. If not filed within six (6) months, with the approval of the International President, and upon two (2) weeks' previous notice by the International Secretary-Treasurer, such local unions shall be subject to appropriate action including revocation and cancellation of their charters.

Payments of all International benefits to any local union which stands delinquent in accordance with the provisions of this section shall be deferred. Notice of delinquency shall be given to the local union by the International Secretary-Treasurer and shall also be published in the official journal.

No International benefits shall be payable to any local unions or their members for the period of their suspension in accordance with the provisions of this section.

#### Property of Local Unions

Section 8. All funds and property of the local union shall be held by it in the name of the local union to be used only for the purpose of effectuating the objectives of this Constitution and in accordance with its provisions.

Should a local union dissolve, secede, or have its charter revoked all its money and property shall vest in the International Union, and the International Secretary-Treasurer may authorize, in writing, a member of a nearby local or a representative to take charge of and turn same over to the International Union. The General Executive Board may prosecute any officer or member of any such local union who shall refuse to deliver to such authorized member or representative any of the said funds and/or property.

If the defunct local is reorganized within one year then the funds and property taken over by the International Union shall become the funds and property of the reorganized local except that any expenses to the International Union connected with the recovery of the funds and property or with the reorganization of the defunct local shall be charged against such funds and property.

#### Officers of Local Unions

Section 9. Locals are authorized to prescribe such offices in their constitutions and Bylaws as are necessary to carry out the functions of the local union from the following list of officers provided, however, that each local must elect a president, a financial secretary and a minimum of three trustees. The following list of officers is advisory and not mandatory except as herein provided.

A Vice President, Recording Secretary, Treasurer, Business Agent, Sergeant-at-Arms, a Local Executive Board which shall include the President and such other officers as the local may decide, and such other local representatives and delegates as required by the Constitution of the International or which the local union deems necessary.

#### Local Union Officer's Oath

Section 10. I, (giving name) ... do solemnly swear ... that I will do to the best of my ability ... perform duties of my office faithfully and honorably ... on behalf of the membership:

And that I will always conduct myself ... in this office ... according to the strictest requirements ... and standards of conscience and integrity;

And the provisions and spirit ... of the Constitution of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union ... and the Bylaws of my local union ... and that I will carefully preserve and guard ... all union property that may be left in my charge ... and that upon the expiration of my term in office ... I will turn over such property ... to my duly elected and installed successor.

#### Qualifications to Hold Local Office

Section 11. Any member of the International Union may be elected to any offices in a local union and may serve as such an officer provided the member meets the following requirements:

(a). In local unions established more than two years, the member must be a continuously good-standing, dues-paying member of the International Union and the local union for at least two continuous years next prior to election and must have worked for at least two (2) continuous years next prior to election in any branch of the trade under the jurisdiction of the International Union except for periods of layoff (including layoffs arising from plant shutdowns) and terminations being grieved, not to exceed twelve (12) continuous months or as an officer or employee of the International Union or the local union, provided that no member readmitted to membership after holding a retiring card and ceasing to pay dues shall be eligible to run for local union office until he/she has been a continuously good-standing, dues-paying member as set forth in this section for a period of two years following deposit of the retiring card. No local union may require that a member have attended a specified number of local union meetings in order to be eligible to run for local union office.

(b). In local unions organized less than two years, he/she must be a member in continuous good-standing and must have worked at the trade (as described in Article XVI, Section 11(a)) for at least half the period of time that the local union was chartered by the International Union.

(c) Successful candidates for local office shall continue to meet the requirements of good-standing membership as a condition to retaining the office to which elected; failure to do so shall immediately terminate the term of office and the local union shall arrange for the election of a successor.

(d) Successful candidates for the office of local union President and Financial Secretary who are elected to local office for the first time as well as newly elected or appointed business agents or union representatives working full time for the local are encouraged to attend a one-week Education Conference sponsored by the International Union during the initial 12-month period following their installation in office or appointment to staff. The International Union shall cover the newly elected local officer's or newly appointed staff member's room and board expenses for such Education Conference. All other necessary expenses of such local officer or staff member incurred in attending said Education Conference shall be paid for by the local union.

#### Terms of Office

Section 12(a) Elections of local officers shall be consistent with the provisions of this Constitution and applicable law.

Any protest concerning the conduct of an election may be lodged at the meeting at which the election is conducted or by filing such protest in writing with the Secretary-Treasurer of the local union within ten (10) days following the election. All interested parties shall be afforded an opportunity to be heard. Such protests shall be decided by the local union executive board not later than thirty (30) days after the filing of the protest.

If the local union determines that there were violations which may have affected the outcome of the election, it may order such election or any part thereof set aside, and a new election held. Any officers who have been installed prior to such determination shall remain in office pending the outcome of any new election or of a future appeal.

Any protestant or nominee adversely affected by a decision on a challenge or a protest may file a written appeal with the General Executive Board within ten (10) days after the local union's decision, or, if no decision has been rendered, within forty (40) days after filing the original protest with the local union. The General Executive Board shall have full authority to decide the appeal and to order whatever relief is necessary under the circumstances.

(b) Unless expressly provided in the local constitution, write-in votes shall not be valid for any purpose.

(c) Local unions shall have the right to fix the terms of their officers except that the financial officers requiring fidelity bonding shall be elected for not less than an annual term.

(d) All officers shall remain in office until their successors have qualified and been installed. If any financial office becomes vacant for any reason, the accounts of the vacating officers shall at once be examined by the trustees or auditors, who shall render a report of their findings to the local union and to the International Union. Their successors shall not have or assume any responsibility for accounting for the period preceding their installation.

#### Fidelity Bonds

Section 13. Every officer, employee or agent of any local union who in any way handles money of local unions shall at the local's expense furnish a fidelity bond from such company and in such amount as the General Executive Board may determine and approve. Applications for such bond must be made through the International Secretary-Treasurer. Failure to pay premium cost promptly may require additional service charge.

#### Duties and Powers of Local Executive Board

Section 14. The Executive Board shall meet when necessary during the intervals between regular meetings, and shall have full and complete charge of all business of the union demanding immediate action. They shall submit their actions to the next regular meeting of the local for approval.

#### Duties and Powers of Local President

Section 15. The President shall have such duties as may be provided by the local Bylaws including but not limited to the co-signing of checks of the local union, presiding at meetings of the local, preserving order, enforcing the local Bylaws, deciding parliamentary questions and usage, appointing or causing to be elected required committees assuring that the International Constitution is maintained and



observed. Where acting as chairperson of a meeting, the President shall have the deciding vote whenever the vote of the local shall be equally divided on any question.

#### Duties and Powers of Vice President

Section 16. The Vice President shall assist the President in the discharge of the President's office, fill his/her place in the President's absence, and have such other duties as are customarily incident to the Vice President's office.

#### Duties and Powers of Recording Secretary

Section 17. The Recording Secretary shall keep correct minutes of all local meetings which he/she shall read at the beginning of each meeting; keep a correct list of all standing and special committees, with notes of their functions and when they are to report; keep all letters, dispatches and documents in his/her possession and read them when so ordered by the President; keep the roll of officers, and read their names when ordered by the President; mark the absentees; handle the local's correspondence if there is no Corresponding Secretary; and send reports of general interest to the official journal for publication.

#### Duties and Powers of Corresponding Secretary

Section 18. The Corresponding Secretary shall receive all communications and dispose of the same. It shall be his/her duty, immediately after the election of officers, to forward to the International Secretary-Treasurer the names and addresses of all elected officers. The Corresponding Secretary shall perform all other duties prescribed by this Constitution. In case no Corresponding Secretary is elected, these duties shall be performed by the Recording Secretary.

#### Duties and Powers of Financial Secretary

Section 19. The Financial Secretary shall receive all money income of the local union; shall keep a correct account of all receipts and disbursements of the funds of the local union and all other funds in which the local union participates; shall be the custodian of the seal of the union; shall, together with the president of the local union or such other officer of the local union as may be designated by the local union Bylaws, sign all checks of the local union; shall maintain a record of each member's dues, in a manner to permit rendering a clear report thereon at meetings whenever called upon to do so; shall submit orders of disbursements to the local treasurer as directed by the local union (such orders shall be signed by the president); shall turn over all money collected at local union meetings to the local treasurer at the close of each meeting, obtaining a receipt therefor; shall deduct the amount due in per capita payment to the International Union from such collections and shall make a prompt remittance of the amount of such per capita payment to the International Secretary-Treasurer; must, after the last meeting of each month, submit to the International Secretary-Treasurer a complete report of all receipts and expenses of the local union and of all other funds in which the local union participates and a record of membership in the local union on blanks supplied by the International Office, keeping a copy of said report in the files of the local union; shall give notice of delinquency in writing to delinquent members or post suitable notices of delinquency at their places of employment at least twenty-four (24) hours before they may be expelled for delinquency in dues or assessments, pursuant to Article XIX, Section 6(c) of this Constitution; shall make a report of the names of expelled members to the International Secretary-Treasurer; shall keep a correct list of the names and addresses of members in his/her local

union; shall keep a correct account of all receipts and disbursements of strike costs, a report of which shall be made by him/her to the International Office at least every two (2) weeks during the strike period; shall have the responsibility of having an independent competent accountant engaged, at least annually, for an audit of the books and records of the local union; and shall perform all other duties prescribed by this Constitution.

#### Duties and Powers of Local Treasurer

Section 20. The local Treasurer shall receive all money collected by the Financial Secretary, give receipt therefor, and keep a correct account of the same. The Treasurer shall, with his/her order therefor, remit to the International Office all monies for the payment of labels and supplies and all assessments due to the International Office. The Treasurer shall pay out no monies other than those above stated unless the same is ordered to be paid by his/her local union. The Treasurer shall be responsible, jointly with the Trustees, for the proper custody of all bonds and other securities and shall arrange for facilities whereby such bonds or securities may be released from custody for sale, exchange or audit purposes only through orders signed by him/herself, the President and Recording Secretary and bearing the seal of the local union. The Treasurer shall at no time keep more than twenty-five dollars (\$25) cash of the local funds in his/her possession unless otherwise directed by the local union and not expressly disapproved by the International Secretary-Treasurer; all money in excess of that sum shall be deposited to the credit and in the name of the local union in a bank designated for that purpose by the union. The Treasurer shall perform all other duties prescribed by this Constitution.

#### Duties of Business Agent

Section 21. The Business Agent, subject to the supervision and direction of the local Executive Board and acting within such overall policies as the local Executive Board or the General Executive Board may establish, shall assume such responsibility as he/she is assigned for the day-to-day operations of the local, including but not limited to the providing of assistance to members in finding and retaining employment and the administration and enforcement of collective bargaining contracts.

#### Duties of Trustees

Section 22. The Trustees of a local shall arrange for proper banking facilities. They shall audit the books and accounts of the local financial officers at least once every three months covering quarterly periods designated by the General Executive Board, for which purpose they shall obtain proper bank statements. The Trustees or Auditors shall furnish the International Secretary-Treasurer with reports showing the condition for each period at times prescribed by him/her on blanks supplied for that purpose, which reports shall be submitted and read at the local union meeting. The Trustees shall cooperate with any independent competent accountants who shall be engaged by the local union, and shall be responsible for furnishing copy of said report to the International Secretary-Treasurer, and shall submit either the report or a summary thereof to the local membership. The chairperson of the Board of Trustees shall be responsible to the local union and to the International Union for the proper functioning of the Trustees in each case. The names and addresses of the Trustees must be furnished to the International Office.

#### Duties of Sergeant-at-Arms

Section 23. The Sergeant-at-Arms shall assist the President in keeping order and shall permit no one to enter local meetings except members and such persons as may be granted permission by the union.

#### Dissolution and Merger of Local Unions

Section 24. No local can dissolve while eleven members working at the trade in the jurisdiction of the local, remain in good-standing and desire to retain the charter.

Two or more locals may merge subject to the approval and direction of the General Executive Board. Effective May 1, 1979, all local unions with 250 members or less who do not have a full-time officer will be required to merge with another local union in their immediate area that has at least one full-time officer; and

Such a merger be approved by the General Executive Board; and

If a local union can demonstrate to the International President that such a merger would not be in the best interests of the membership of the local union an exception can be made thereto.

#### Work Permits Prohibited

Section 25. Work permits are prohibited. Money may be collected on behalf of this International or any local from employees or applicants for employment only pursuant to express authorization under this Constitution. No local union may have any system of work permits, or enforce any payments similar or related to any such system.

#### Article XVII.

##### APPEALS FOR FINANCIAL AID, ETC.

No subordinate affiliate of the International Union shall issue an appeal for financial aid from another subordinate affiliate, or offer tickets of any character for sale, or request contributions for any purpose from another subordinate affiliate, unless it has first secured the approval and consent of the General Executive Board. Such appeal, etc., shall, at the expense of the appellant, be mailed through the general office of the International Union and notice thereof may be published in the official journal of the International Union.

#### Article XVIII.

##### SUBVERSIVE ELEMENTS BARRED

No member or person shall be eligible for service in any capacity for the International Union or any of its local unions who participates in the proceedings of any meetings or in any organization or activity connected or sympathetic with, related to, dominated by or under the control of any foreign organization, group or government generally recognized as being hostile to the American trade union movement as recognized by our International Union or to the government of the United States or Canada, or who supports or holds membership in any such organization or group.

#### Article XIX.

##### MEMBERSHIP

## Eligibility

Section 1. Any person of good character shall be eligible for membership in the International Union provided he/she is employed in an industry under the trade and geographical jurisdiction of the International Union.

No member or applicant for membership in this International Union or any local union or other subordinate body thereof shall be in any manner discriminated against because of race, creed, color, national origin, sex, age or disability.

## Procedure

Section 2. Any person meeting the eligibility requirements set forth above may obtain membership by the signing of the membership application, arranging for the payment of the local union's initiation fee in the manner provided for by the local union, by taking the membership oath as administered by an officer of the local union or by signing the membership oath in writing.

Candidates must join the local union having jurisdiction over them. Where the number of bakery, confectionery, tobacco workers or grain millers in any locality is insufficient to form a local union, they must belong to the nearest local union, in which their dues and assessments then become payable, and with membership rights and privileges the same as the other members of that local union.

## Membership Oath

Section 3. After having successfully met the application requirements candidates shall be required to assume the following obligation either in writing or by repeating it when read to them by the presiding officer of the meeting at which they are initiated:

I, (giving name) ... solemnly promise ... to maintain the Constitution of the International Union ... and the Bylaws of this or any other Local Union ... with which I may become affiliated ... as they are now constituted or may later be changed.

I promise to maintain the dignity of this organization ... and to further its objectives.

I furthermore promise that I will not join ... or render aid or comfort to any organization ... hostile to the Bakery, Confectionery, Tobacco Workers and Grain Millers ... International Union ... and that I will keep secret the proceedings of this Union.

I also promise that I will, whenever possible, purchase only Union Label goods ... and that I will patronize only those establishments ... that display Union cards and Union service buttons.

## Members' Duties

Section 4(a) Membership in the International Union constitutes an acceptance by each member to be bound by the provisions of the Constitution, the oath of membership and the laws, policies and directives of the International Union and the local union. It is the duty and obligation of every member to report to the General Executive Board every infringement of the Constitution by any subordinate body or member or officer thereof.

(b). Membership in the International Union constitutes an exclusive and irrevocable designation of the International Union by each member to engage in collective bargaining on his/her behalf, and an

undertaking to be bound by all decisions of the International Union affecting his/her status and duties as a union member.

#### Dues Obligations of Members

Section 5. Dues shall be paid commencing with the month in which application for membership is made.

Dues and assessments for each calendar month must be paid on or before the first day of the respective calendar month in order to avoid delinquency. When payable only at meetings, members shall be in arrears a full month if payment is not made at the last meeting of the month.

#### Suspension, Expulsion and Other

##### Penalties for Dues Delinquency

Section 6(a) Delinquency. As soon as a member becomes delinquent in his/her dues, the member becomes immediately subject to loss of employment opportunities and to discharge under a valid union-security clause at the discretion of the local and consistent with applicable law. The local also may establish other appropriate penalties, subject to the following:

(b) Suspension. Members in arrears with dues and/or assessments more than two (2) months shall be suspended by the local union to which they belong as well as by the International Union. Suspension shall mean loss of all local and International Union privileges and benefits and of all rights to participate in local proceedings.

(c) Expulsion. Members may be expelled for being in arrears with their regular dues or any assessment more than six (6) months, provided that they have received notice of their delinquency at least twenty-four (24) hours prior to the expulsion.

##### Reinstatement of Expelled Members

Section 7. Any member who has permitted his/her membership in the International Union or any local union to terminate for any reason or who has been expelled shall, on rejoining, comply with all conditions set forth in this International Constitution covering admission of new members and shall pay a new initiation fee and in addition thereto a readmission fee of \$15, half of which shall be remitted by the local union to the International Union together with the application and registration fees. Nothing contained in this paragraph shall be deemed to require the International Union or the local union to readmit any member who is indebted to a local union or the International Union for any dues, fines or assessments arising out of any previous period of membership. In any case, for cause shown and with the approval of the local and the International President, any of the requirements of this section may be waived.

##### Death Benefits

Section 8. Upon receipt of proof of the death of a member of any former local union of the TWIU, duly attested by the signatures of the president and financial secretary and treasurer of said local union on forms furnished for that purpose by the International Secretary-Treasurer to which the seal of the local union is affixed, the BCTGM shall pay the death benefit based upon the period of continuous and good standing membership in a former TWIU local union prior to merger, as follows: The BCTGM shall pay a death benefit of twenty-five dollars (\$25.00) to seasonal members who have had membership for two

(2) or more months for three (3) or more consecutive seasons. The death benefit for each member in continuous good standing for a former TWIU local union for one (1) year shall be fifty dollars (\$50.00); and over ten (10) years, one hundred and twenty-five dollars (\$125.00). The term "continuous good standing" as used in this section designates members of former TWIU local unions who are credited and reported to the International Secretary-Treasurer as having paid all dues, arrearages and assessments due the BCTGM, the TWIU and the local union. The amount of the benefit shall be based solely upon membership in the TWIU prior to merger and shall be limited to those who were members of the TWIU at the time of merger with the BCWIUofA.

Article XX.

## RETIRING CARDS

### Purpose

Section 1. Local unions shall provide in their Bylaws that members shall be entitled to receive retiring cards. A retiring card shall signify that the member has voluntarily withdrawn from the local's roll of active membership and has withdrawn from holding employment within the trade or geographical jurisdiction of this International Union or the member's local union. A retiring card shall be used when a member transfers from one local union of this International Union to another local union of this International Union. The holder of a retiring card shall be exempt from the payment of union dues and shall not be permitted to participate in local union meetings.

Local unions may provide in their Bylaws that any member not employed in the trade jurisdiction of this International Union for one year and gainfully employed in another industry shall be required to apply for a retiring card and to comply with all conditions for issuance thereof. Failure to do so shall be grounds for expulsion in accordance with the procedure set forth in Article XXII. Such a member may not deposit his/her retiring card as provided in Section 4 hereof unless and until he/she has resumed employment in the trade jurisdiction of this International Union.

### Military Service

Section 2. Members entering the military service may continue their affiliation during service only as retiring card members.

In determining the total period of membership in the International Union, for purposes of granting honors and awards, such time as has been spent on active duty in military service shall be counted, notwithstanding the fact that such time was spent as a retiring card member, provided that the member entered military service ninety (90) days after issuance of a retiring card, and that the member was readmitted to membership within ninety (90) days following completion of active military service.

### Issuance and Fee

Section 3. A local union shall issue a retiring card upon application by a member, if the member is paid-up in his/her dues, assessments and fines, including the month of issuance, and pays a fee of two dollars (\$2). Retiring cards shall be furnished, upon order of the local union, by the International Secretary-Treasurer at a cost of one dollar (\$1) each.

Effective January 1, 2015, local unions submitting the International Union monthly membership report via electronic file may issue internally generated substitute Retiring Cards instead of the pre-printed cards furnished by the International Union. A local union's substitute retiring card must be approved for use by the International Secretary-Treasurer prior to its implementation.

Local unions issuing a substitute retiring card, upon application by a member that is paid-up in his/her dues, assessments and fines, shall collect a fee of two dollars (\$2) from the member requesting the retiring card. Local unions issuing a substitute retiring card will pay the International Union a fee of one dollar (\$1) for each substitute retiring card issued with the submission of the monthly membership report that includes the retiring card issue transaction(s).

#### Employment Rights

Section 4. No holder of a retiring card may accept employment within the jurisdiction of this International Union, unless the holder shall deposit the retiring card with the local union which has jurisdiction over his/her place of employment. Failure to deposit this retiring card within two (2) weeks after the commencement of employment shall, under the procedures set forth in Article XXII, subject the holder to the revocation and voiding of his/her retiring card and to payment of a new initiation fee and a readmission fee in order to resume active membership.

#### Deposit—Membership Rights

Section 5. Upon depositing a valid retiring card with any local union, a member shall be readmitted to active membership without the payment of a new initiation fee and upon the same terms and conditions as apply to all other active members. Local unions shall forward to the International Secretary-Treasurer all retiring cards deposited with them and such cards shall show the date of their deposit.

Should a member with less than six months' International Union membership transfer from one local union to another, the member shall be required to pay the difference in their initiation fees before being entitled to transfer privileges.

A local union shall not refuse retiring cards submitted to them unless the area of which they form a part is engaged in strike, lockout, or other labor difficulties at the time of presentation and their right to such action has been duly brought before and approved by the General Executive Board.

Retiring card holders shall be subject to the same conditions for expulsion as govern other members of the International Union. Revocation of a retiring card shall be equivalent to expulsion from the International Union.

#### Honoring Retiring Cards

Section 6. Subject only to the provisions of this Article, each local union shall honor the retiring cards of any other local of this International Union and admit the member to active membership upon the deposit of his/her retiring card.

Article XXI.

#### LENGTH OF SERVICE AWARDS

There shall be established three (3) classes of awards to be granted to those members who have completed twenty-five (25), forty (40) and fifty (50) years service. The 25-year and 40-year awards will be a certificate commending the member and also a pin or clasp; and the 50-year award will be an engraved gold card.

Article XXII.

## TRIALS AND APPEALS

### Basis for Charges

Section 1. The basis for charges against any member, officer, local union or subordinate body, for which he, she or it shall stand trial, shall consist of, but not be limited to, the following:

- (1) Violation of any specific provisions of the International Constitution or Bylaws of local affiliates.
- (2) Violation of the member's and/or officer's oath.
- (3) Gross disloyalty.
- (4) Conduct unbecoming a member or officer.
- (5) Secession or fostering of same.
- (6) Any dishonorable act which injures the labor movement in general or the International Union in particular.
- (7) Defrauding the local or International Union or any affiliate of money or property; or drawing and accepting any benefits of the International Union to which he or she is not entitled.
- (8) Remaining at work when called upon to strike, or taking the place of a union member on strike.
- (9) Undermining the International Union by joining or giving aid and comfort to any organization hostile to the local or International Union.
- (10) Gaining membership through false statements or by concealing material facts.
- (11) Persecuting or injuring another member in his or her work.
- (12) Violation of any regulations, rules, mandates and decrees of International or local union officers or bodies, authorized by this Constitution or the Bylaws of local affiliates.
- (13) Wrongfully taking, retaining, mutilating, erasing, destroying or in any way injuring any money, books, papers, or any other property belonging to a subordinate affiliate or to the International Union.
- (14) Participation in any unauthorized strike, work stoppage or similar activities in violation of a collective bargaining contract.
- (15) Such other acts and conduct which are inconsistent with the duties, obligations and fealty of a member of a trade union and which violate sound trade union principles.

### Charges and Notices



Section 2(a) The charges must be filed in writing and be signed by a member in good standing. The charges must specify both the particular provisions of this Constitution allegedly involved and the particular conduct constituting such alleged violation, in sufficient detail to afford the charged party fair opportunity to defend against the charges. If the charged party is a local union officer charged with offenses arising from performance of his/her official duties, the charges must be signed either by one-third of the members of the local union's Executive Board or by three (3) members of the local union.

(b) If the charged party is an International Officer other than the International President, or is a local officer charged with offenses against the International Union, or is a local union, the charges shall be filed with the International President who shall first determine if the charges state a probable violation, are supported by sufficient evidence to proceed and, if so, whether they are more properly filed with a local union. If the charged party is the International President, the International Secretary Treasurer shall perform those functions. In all other cases, the charges shall be filed with the corresponding secretary of the local union of the charged party. The charges shall be filed in duplicate.

(c) All notices and other papers required to be served under this Article shall be served personally or by telegram or by certified or registered mail.

(d) The officer with whom the charges are filed shall promptly serve one copy of the charges on the charged party (upon the corresponding secretary of the local if the charged party is a local union), and shall notify the charged party and the charging party of the time and place of trial, as well as the body before which the trial will be held.

(e) The minimum notice before trial required to the charged party shall be thirty (30) days in the case of a local union, twenty (20) days in the case of an International Officer and ten (10) days in all other cases.

#### Trials

Section 3(a) The General Executive Board shall be the trial body for all trials of the local union, International Officer or local union officer charged with offences against the International Union. All other cases shall be tried by the local union executive board. Neither the charging party nor the charged party shall serve as a member of the trial or appellate body in any case.

(b) Both the charging party and the charged party shall be given full and fair opportunity to present their case. Each shall have the right to be present throughout the trial, to present witnesses and other evidence on behalf of his/her case, to cross-examine witnesses appearing against him/her and to be represented by any member of this International Union not actively engaged in the practice of law; except in such instance where a local union is charged, in which case the local union shall be entitled to retain legal counsel.

(c) All trials and hearings shall be conducted impartially and informally. The technical rules of evidence and similar legal technicalities need not be followed, but decision shall be based only upon the facts presented to the trial body during the trial.

(d) The failure of any interested party in any case to appear before any trial or appellate body, after notice in accordance with this Article, shall not necessarily cause the postponement of the hearing or decision.

(e) A stenographic record of any proceeding need not be taken, unless any directly interested party or the trial body shall request in advance that such be made, and shall be responsible for the costs of the preparation by a competent reporter of three (3) copies of the transcript, so that each party, and the trial body, may have one. The reporter shall attach an affidavit to each copy, stating that the same is a true and accurate transcript of the proceedings.

(f) The decision shall be in writing and signed by an appropriate officer, and served on the charging and the charged parties.

(g) If the charges are not sustained, they shall be dismissed and the accused shall continue to be entitled to full rights as though no charges had ever been filed. If the charges, or any portion thereof, are sustained, the trial body may impose any penalty deemed necessary and appropriate under the circumstances, including but not limited to reprimands, fines, suspensions, expulsions, revocations of charters and orders to perform or refrain from performing any specified acts. Upon failure to comply with any such judgment (unless stayed in accordance with this Constitution) the member, officer or local union shall stand suspended.

(h) If the charges are not sustained, and the trial or appellate body is convinced that the same were not brought in good faith or were actuated by malice, the costs and expenses incurred in defending such charges shall be paid by the person or body responsible for improper commencement of the proceeding. In addition, the trial or appellate bodies finding bad faith or malice shall impose such penalty as in their judgment is deemed proper under the circumstances. However, no one shall be expelled for preferring charges in bad faith without notice and trial as prescribed in this Article.

#### Appeals

Section 4(a) Either the charged or the charging party may take an appeal in accordance with this article. The appeal must be filed with the International President within fifteen (15) days after the receipt of the decision being appealed, shall be in writing and specify the portions of the decision being appealed and the reasons for the appeal.

(b) Appeals from decisions of the local union Executive Board shall be taken to the General Executive Board. Appeals from decisions of the General Executive Board shall be taken to the Convention.

However, in the event that the next Convention is more than one year away from the time of the final decision of the General Executive Board, the charged party shall be considered to have exhausted all internal remedies with the decision of the General Executive Board.

Where the appeal is to the Convention, the appeal shall be referred to the Appeals Committee, which, when necessary, shall be a standing committee of the particular Convention. The Appeals Committee shall hear and consider the appeal and make a recommendation, but the decision shall be made by the Convention.

(c) The judgment being appealed must be complied with before the filing of the appeal, unless the International President, for unusually good cause shown, shall specifically and in writing stay the enforcement of the judgment in part or in whole. Absent such stay, the judgment shall stand and remain in full force and effect unless and until reversed by the appellate body.

(d) The appellate body shall have discretion to consider the case on the basis of the record made before the trial tribunal, or by a retrial of all or some issues, and shall also have discretion as to whether the parties may present their position in person and/or in writing. The parties shall be given adequate notice of the procedure to be followed so that they will be afforded a fair opportunity to present their case.

(e) The provisions of (c), (d), (f) and (g) of Section 3 hereof shall be applicable to appeals.

#### Trusteeship Over Local Unions

Section 5(a) For the purpose of this Section, "local union" shall include any subordinate body of the International Union. Trusteeships may be imposed over local unions in accordance with the following provisions of this Section.

(b) The President, with the approval of the General Executive Board, may appoint a Special Trustee for the purpose of:

1. Correcting corruption or financial malpractice;
2. Assuring the performance of collective bargaining agreements or other duties of bargaining representatives;
3. Restoring democratic procedures;
4. Otherwise carrying out the legitimate objectives of such local union.

(c) Immediately upon the General Executive Board's approval of the appointment of a Special Trustee, the International President shall, with the approval of the General Executive Board, appoint a Trusteeship Hearing Officer for the case.

(d) The hearing shall be held before the Trusteeship Hearing Officer as soon as is consistent with due process, but with not less than ten (10) days' notice, and also not later than thirty (30) days after the appointment of any Special Trustee. All interested parties shall be given a fair and nondiscriminatory opportunity to present their views on the trusteeship.

(e) The Trusteeship Hearing Officer shall as expeditiously as possible decide whether a trusteeship is absolutely required under the standards set forth in this Section, and in addition whether there has been strict compliance with the procedures of this Section. Should the Trusteeship Hearing Officer find such requirements and compliance met, the General Executive Board's appointment of the Special Trustee shall be affirmed and the Special Trustee shall continue to perform his/her duties. Should the Trusteeship Hearing Officer decide otherwise, the appointment of the Special Trustee shall be vacated and the General Executive Board shall not have power to appoint a Special Trustee over the particular local union, unless and until different cause should arise or the procedures of this Section are satisfied in a new proceeding.

(f) Upon the effective appointment of a Special Trustee, the functions of all the officers of the local union shall terminate and pass to the Special Trustee, and the Special Trustee shall take possession of all the funds, books, papers and other property of the subordinate body and tender a receipt for same. The Special Trustee may reappoint former officers or appoint new temporary officers who otherwise meet the qualifications to hold such office as set forth in this Constitution. The Special Trustee shall institute all necessary action to recover money or other property of the local union. The Special Trustee shall take

such other action as he/she deems necessary for the preservation of the rights and interests of the members of the local union and of the International Union. The Special Trustee shall give bond to safeguard the local union's funds and assets.

(g) The Special Trustee shall at all times be subject to the direction and supervision of the General Executive Board and his/her actions shall be subject to its review and approval. The Special Trustee shall submit monthly complete reports of his/her actions and of the affairs of the local union to the General Executive Board and to the membership of the local union under his/her trusteeship.

(h) The trusteeship shall be terminated as soon as it is possible and desirable, in the judgment of the General Executive Board.

(i) The compensation and personal expenses of the Special Trustee shall be paid by the International Union, and shall be as authorized and approved by the General Executive Board.

(j) When a trusteeship is to be terminated, the Special Trustee shall conduct elections of officers of the local union. The Special Trustee shall install such officers on the day the trusteeship is terminated, shall return all funds, books, property and assets of the local union to its appropriate officers who shall receipt for same and shall make a final accounting of the trusteeship and submit it to the General Executive Board and to the local union.

#### Exhaustion of Remedies

Section 6. Every member, officer or local union against whom disciplinary action has been taken shall exhaust all remedies provided for in this Constitution before resorting to any other court or tribunal.

#### Article XXIII.

#### DISSOLUTION OF

#### INTERNATIONAL UNION

This International Union cannot dissolve so long as seven (7) local unions desire to continue affiliation; provided, however, that any action by the General Executive Board pursuant to subsection k, Section 2, Article V of this International Constitution, to merge, amalgamate, affiliate or to effect absorption, shall not be considered a dissolution of this International Union.

#### Article XXIV.

#### CONFORMITY WITH AFL-CIO

#### CODES AND STANDARDS

All the provisions of this Constitution shall be so interpreted and applied as to effectuate and enforce for this International, its local unions and subordinate bodies, and the officers and members thereof, the codes and standards, whether heretofore or hereafter adopted, of the AFL-CIO.

The provisions of this Constitution adopted to comply with the above mentioned codes and standards shall be applicable to Canadian affiliates except where a conflict with applicable codes and standards of the Canadian Labour Congress exists.

## Article XXV.

### ASSOCIATE MEMBERSHIP PROGRAM – RETIRED MEMBERS

Section 1. The International Union officers are authorized to establish, subject to approval of the General Executive Board as described below, a program for retired members called the Associate Member Program of the BCTGM.

Section 2. The purpose of the Associate Member Program shall be to regularly communicate concerning issues of interest to retired and active members, soliciting their ideas, and asking for their help in the struggles faced by retired and active members.

Section 3. The International Union officers, subject to approval of the General Executive Board, shall adopt eligibility requirements for Associate Membership, including but not limited to determining whether and to what extent non-retirees with a BCTGM affiliation, such as spouses of retired or deceased members, may become Associate Members; shall adopt a structure for the payment and collection of periodic membership fees from Associate Members; shall determine whether to affiliate with other groups with similar purposes (e.g., the AFL-CIO-sponsored Alliance for Retired Americans); and shall adopt guidelines for Local Unions that wish to establish their own Chapters for Associate Members. Local Unions that wish to establish their own Associate Member Chapters, to provide retired members with a forum for them to participate, as needed, in the functions of the Local Union in organizing, community service, union promotional activities, union social activities and political action, may do so, subject to submission and approval of a Chapter plan in conformity with the guidelines established under this Section.

Section 4. Local Unions that, as of the adoption of this Article, currently have an existing retiree program will not be affected by this new International Union Program and may continue to run their programs under their current practices. Further, nothing in this resolution prohibits retirees currently participating in such existing Local Union retiree programs from additionally becoming Associate Members under this new International Union Program.

Section 5. Associate Members shall not be members of the BCTGM under Article XIX of the Constitution, shall not be eligible to serve as officers of the BCTGM or any of its affiliated Local Unions, and shall not be eligible to nominate, vote, or stand for any office in the BCTGM or any of its affiliated Local Unions.

*The following pages contain a suggested Order of Business and a Parliamentary Law guide to assist in the orderly conduct of local union meetings.*

### ORDER OF BUSINESS FOR LOCAL MEETINGS

1. Calling of meeting to order.
2. Pledge of allegiance to the flag.
3. Roll call of officers.
4. Reading of minutes.
5. Initiation of new members.

6. Communications and bills.

7. Reports of committees, delegates and officers.

8. Reading of monthly membership, financial, trustees' and other reports to the International Union..9.Unfinished business.

10.New business.

11. Good and welfare of the local and International Union.

12. Adjournment.

Nominations for Office, election of Officers, installation of Officers, are included in agenda when applicable.

#### PARLIAMENTARY RULES

Rule 1. On motion, the regular order of business may be suspended at any time by a two-thirds vote of the meeting, to dispose of any urgent business.

Rule 2. All resolutions and resignations should be submitted in writing.

Rule 3. Any conversation, by whispering or otherwise, which is calculated to disturb a member while speaking or hinder the transaction of business, shall be deemed an act of disorder.

Rule 4.All questions of parliamentary nature, not provided for in these rules, shall be decided by Robert's Rules of Order (Revised).

#### Motions

Rule 5. A motion must be seconded, in order to have recognition by the presiding officer, and the mover as well as the seconder must rise and be recognized by the chair.

Rule 6. A motion may be withdrawn by its mover, with the consent of the member seconding it, but a motion once debated cannot be withdrawn except by a two-thirds vote.

Rule 7. A motion to amend an amendment shall be considered in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 8. Any member may call for the division of a question when its sense will admit thereof.

#### Debate

Rule 9. A motion shall not be subject to debate until it has been stated by the chair.

Rule 10. When a member wishes the floor he/ she shall rise and respectfully address the chair, and if recognized by the chair, he/she shall be entitled to the floor.

Rule 11. If two or more members rise to speak at the same time, the chair shall decide which one is entitled to the floor.

Rule 12. Members shall confine themselves to the question under debate and avoid all personal, indecorous or sarcastic language while speaking.

Rule 13. No member shall interrupt a speaker except to state a point of order, and he/she shall then definitely state the point, and the chair shall decide the same without debate.

Rule 14. If a member, called to order while speaking, shall take his/her seat until the point of order is decided, he/she may then resume speaking only if the decision so permits.

Rule 15. If any member shall feel personally aggrieved by the decision of the chair, he/she may appeal to the local union from the decision.

Rule 16. When an appeal is made from the decision of the chair, the Vice President shall act as chairperson; such appeal shall then be stated by the chairperson to the meeting as follows: "Shall the decision of the chair be sustained as the decision of the meeting?" The member shall then have the right to state the grounds of the appeal, and the chair shall give the reason for the decision, after which the union shall proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain such appeal.

Rule 17. No member shall speak more than once on the same subject until all the members desiring the floor shall have spoken, nor more than twice without unanimous consent.

Rule 18. The presiding officer shall not speak on any subject unless he/she retires from the chair, with the exception of points of order and appeals from the decisions of the chair, and in case of a tie he/she shall have the deciding vote.

#### Privileged Questions

Rule 19. When a question is before the meeting no motion shall be in order except: (1) To adjourn; (2) To lay on the table; (3) For the previous question; (4) To postpone to a given time; (5) To refer or again commit; (6) To amend; and these motions shall have precedence in the order herein arranged. The first three of these motions are not debatable.

Rule 20. When the previous question is moved and seconded; it shall be put in this form: "Shall the main question be now put?" If this is carried all further motions, amendments and debate shall be excluded and the main question put without delay.

Rule 21. If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall then be put as follows: (1) Amendment to the amendment; (2) Amendment; (3) Original proposition.

Rule 22. When a question is postponed indefinitely it shall not again be given recognition except by a two-thirds vote.

Rule 23. A motion to adjourn shall be always in order except: (1) When a member has the floor; (2) When members are voting; (3) When it has been decided to take the previous question.

#### Taking the Vote

Rule 24. Before putting a question for voting the presiding officer shall ask: "Is the union ready for the question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall then

put the question in this form: "All in favor of the motion say 'Aye,'" and after the affirmative vote is expressed; "Those of the contrary opinion say 'No.'" After the vote is taken, the presiding officer shall immediately announce the result.

Rule 25. When the presiding officer has started the voting, no further debate or remarks shall be allowed unless a mistake has been made, in which case the mistake shall be rectified, and the presiding officer shall again take the vote.

Rule 26. Before the presiding officer declares the vote on a question, any member may ask for a division of the house; then the chair is in duty bound to comply with the request, and a standing vote shall then be taken, and the secretary shall count the same.

Rule 27. Every member present shall vote on all questions before the union unless personally interested or excused by the union.

Rule 28. When a question has been decided, it can be reconsidered only at the same meeting or in the next regular meeting.

Rule 29. A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 30. All questions, unless otherwise provided, shall be decided by a majority of all votes cast.

#### Installation of Local Officers

The newly-elected officers shall be installed at the first meeting following their election, unless otherwise decided by the local union.

Under the fifteenth (15th) order of business the President may call and request some competent member to act as the Installing Officer.

The Installing Officer shall then inquire whether all the requirements of the Constitution have been complied with by the retiring officers.

If an affirmative answer is made the President shall request the officers to vacate their seats and the Secretary shall announce the names of the officers-elect, who will step up as their names are called and form a half-circle around the Chair.

The Installing Officer shall then take the chair, and with three raps of the gavel, call upon the meeting to rise, and proceed with administering the oath of office.

#### INTERNATIONAL OFFICER'S OATH

I, (giving name), do solemnly swear that I will to the best of my ability perform the duties of my office faithfully and honorably on behalf of the membership.

And that I will always conduct myself in this office according to the strictest requirements and standards of conscience and integrity.

And the provisions and spirit of the Constitution of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union and that I will carefully preserve and guard all union property that may



be left in my charge and that upon the expiration of my term of office I will turn over such property to my duly elected and installed successor.

#### LOCAL UNION OFFICER'S OATH

I, (giving name), do solemnly swear that I will to the best of my ability perform the duties of my office faithfully and honorably on behalf of the membership.

And that I will always conduct myself in this office according to the strictest requirements and standards of conscience and integrity.

And the provisions and spirit of the Constitution of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union and the Bylaws of my local union and that I will carefully preserve and guard all union property that may be left in my charge and that upon the expiration of my term of office I will turn over such property to my duly elected and installed successor.

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#### MEMBERSHIP OATH

I, (giving name), solemnly promise to maintain the Constitution of the International Union and the bylaws of this or any other local union with which I may become affiliated as they are now constituted or may later be changed.

I promise to maintain the dignity of this organization and to further its objectives.

I furthermore promise that I will not join or .render aid or comfort to any organization hostile to the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union and that I will keep secret the proceedings of this union.

I also promise that I will, whenever possible, purchase only union label goods, and that I will patronize only those establishments that display union cards and union service buttons.