

# BYLAWS

## LOCAL UNIONS 1151 and 1936 AFFILIATED LOCAL UNIONS OF DISTRICT COUNCIL 39

### Article I. BYLAWS

**Section 1.01** These Bylaws are subordinate to the provisions of the International Constitution of the International Union of Painters and Allied Trades (hereinafter called the “International Union”) and the Bylaws of District Council 39. In the case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern. In the case of conflict between these Bylaws and the District Council Bylaws, the latter shall govern.

### Article II. NAME

**Section 2.01** These organizations, subordinate bodies of the International Union and affiliated Local Union of District Council 39, shall be known as Local Union 1151 and 1936.

### Article III. JURISDICTION

**Section 3.01** The territorial jurisdiction of these Local Unions shall be as set forth in its Charter and as determined by the General Executive Board from time to time under Section 70 of the International Constitution, provided that the Local Unions shall be guided within its jurisdiction by the directives of the District Council.

### Article IV. OBJECTS

**Section 4.01** The objects of these Local Unions shall be as set forth in the Preamble, and Sections 2 and 165 of the International Constitution.

### Article V. ELIGIBILITY FOR MEMBERSHIP

**Section 5.01** Eligibility for membership in these Local Unions shall be as set forth in the International Constitution and in policies adopted by the General Executive Board.

### Article VI. OFFICERS

**Section 6.01** Eligibility to hold office shall be as set forth in Sections 92(b) and 210 of the International Constitution.

**Section 6.02** Local Union 1151 and 1936 shall have a combined Executive Board. Officers of these Local Unions shall be as set forth in Section 185 of the International Constitution, and their duties shall be as set forth in the following sections of the International Constitution:

- (a) President: The duties of the President shall be as set forth in Sections 189-192.
- (b) Vice President: The duties of the Vice President shall be as set forth in Section 194.
- (c) Regional Vice President: The duties of the Regional Vice President shall be as set forth in Section 194, provided these duties shall be exercised only with respect to Local Union 1936.
- (d) Recording Secretary: The duties of the Recording Secretary shall be as set forth in Sections 195-197.
- (e) Warden: The duties of the Warden shall be set forth in Section 208.

**Section 6.03** All administrative functions of the affiliated Local Unions shall be performed by the District Council. The District Council is responsible for dues collection, records, and reporting; all wages and benefits for the Business Representatives, Organizers and support staff of the Local Unions; expenses for rent, affiliation fees, and all related expenses for negotiations, legal, and general office expenses of the Local Unions as approved by the District Council Business Manager/Secretary-Treasurer and/or District Council Executive Board.

**Article VII. DELEGATES**

**Section 7.01** All delegates (other than delegates to the General Convention and those serving as delegates to central bodies, which are appointed by BM/STs) shall be elected at the June elections in accordance with Article XI of these Bylaws.

**Article VIII. EXECUTIVE BOARD**

**Section 8.01** The Executive Board of these Local Unions shall be as set forth in Section 185(c) of the International Constitution, and shall consist of:

- (a) President
- (b) Vice President
- (c) Regional Vice President
- (d) Recording Secretary
- (e) Warden

**Section 8.02** The Business Representative assigned to the area may attend all Executive Board meetings, with a voice but no vote.

**Section 8.03** Duties of the Executive Board:

- (a) To enforce the laws of the Local Union between meetings.
- (b) To handle all matters delegated to the Executive Board by the members voting at regular or special called meetings.
- (c) To review all requests for donations, investigate the same and submit its findings and recommendations to the District Council Executive Board for its consideration.

- (d) The Executive Board shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Local Union membership voting at a regular or special called meeting. However, in the period between meetings the Executive Board shall be authorized to act for the Local Union in cases of emergency, subject to review at the next regular meeting.

**Article IX. COMPENSATION OF OFFICERS DELEGATES AND COMMITTEE MEMBERS**

**Section 9.01** Officers:

- (a) President: basic monthly dues plus fifty dollars (\$50.00).
- (b) Vice President: basic monthly dues, plus fifty dollars (\$50.00) when substituting for the President at special and regular membership meetings.
- (c) Regional Vice President: basic monthly dues, plus fifty dollars (\$50.00).
- (d) Recording Secretary: basic monthly dues, plus thirty-five dollars (\$50.00).
- (e) Warden: basic monthly dues.

All Officers shall be required to fulfill their duties in order to receive their monthly and/or quarterly compensation.

**Section 9.02** Delegates:

To District Council: President, Regional Vice President and one (1) Delegate.

**Article X. BONDS**

**Section 10.01** Officers of Local Unions shall be bonded in accordance with Sections 60(b) and (c) of the International Constitution and as required by law.

**Article XI. ELECTIONS AND NOMINATIONS**

**Section 11.01** Elections shall be held under the procedures and provisions as set forth in Sections 209-212 of the International Constitution.

**Section 11.02** The election of Local Union Officers and delegates to District Councils shall be held at the last meeting in June, and nominations for the same shall be held at the last meeting in May, as per Section 209(a) of the International Constitution. Delegates to the District Council shall be elected to a five (5) year term. Local Union officers shall be elected to a five (5) year term.

**Section 11.03** The President shall be nominated and elected at-large by the membership of Local Unions 1151 and 1936 to represent all members in the Province of New Brunswick. The nomination and election of the President shall be in accordance with the International Constitution, the District Council Bylaws and these Local Union Bylaws. All candidates for the office of President must be nominated in both Local Unions 1151 and 1936. The President shall be an automatic delegate to the District Council.

**Section 11.04** The Regional Vice President shall be nominated and elected by the membership of Local Union 1936 to represent all members in Northern New Brunswick: Moncton, Bathurst, Miramichi and vicinity. The nomination and election of the Regional Vice President shall be in accordance with the International Constitution, the District Council Bylaws and these Local Union Bylaws. The Regional Vice President shall be an automatic delegate to the District Council.

**Section 11.05** The Delegate to the District Council shall be elected at-large by the membership of Local Unions 1151 and 1936 to represent all members in the Province of New Brunswick. The nomination and election shall be in accordance with the International Constitution, the District Council Bylaws and these Local Union Bylaws. All candidates for the office of Delegate to the District Council must be nominated in both Local Unions 1151 and 1936.

**Section 11.06** Where no members are nominated who meet the requirements set forth above, the District Council may accept the nomination for office from others among the membership who are not specifically disqualified under other provisions of the International Constitution.

**Section 11.07** Delegates to the General Conventions of the International shall be elected as set forth in Section 29 of the International Constitution.

## **Article XII. VACANCIES**

**Section 12.01** Vacancies occurring among the officers shall be filled in accordance with Sections 215 and 216 of the International Constitution.

## **Article XIII. DUES, FEES, AND ASSESSMENTS**

**Section 13.01** Dues:

- (a) Dues shall be as follows:
  - (i) All Members (Regular/Apprentice/Industrial) shall pay monthly dues equal to the amount payable to the International Union as per capita tax, rounded up to the next even dollar amount. Dues shall be payable to the District Council.
  - (ii) Life Membership fees shall be in accordance with Section 99 of the International Constitution.
  - (iii) Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union; such amount shall be rounded up to the nearest dollar, and such increase shall be effective the date the increase in the payments due to the International Union becomes effective, provided that, the Executive Board may waive this automatic increase, in whole or part, in any year it determines the increase is not needed.
  - (iv) Quarterly dues payments are due on or before the 20th day of the first month of the quarter.

- (b) The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17(b) and 19 of the International Constitution and the Rules and Regulations of the International Union's Death Benefit Fund. Accordingly, members not covered by the Death Benefit Fund pursuant to the foregoing provisions (example: members who are 60 years of age or over when initiated; or Life Members working at the trade who elected non-participation) will be required to pay the dues specified in sub-section (a) less the current Death Benefit payment.
- (c) Quarterly working cards shall be obtained in accordance with Section 120 of the International Constitution.
- (d) Administrative Processing Fees: There shall be no initiation fees for membership in these Local Unions. New members/candidates and apprentices shall be charged an Administrative Processing Fee in accordance with the provisions set forth in Sections 93 and 94 of the International Constitution.

**Section 13.02** Clearance Cards: Clearance Card fees and rules shall be as set forth in Sections 234-246 of the International Constitution.

**Section 13.03** Assessments: Assessments can only be levied in accordance with Section 93 of the International Constitution.

#### **Article XIV. MEETINGS**

**Section 14.01** Regular Meetings: The regular meetings of Local Union 1151 shall be held at least quarterly. Meetings will be held on the third Tuesday of the affected month in Saint John, New Brunswick. Meetings will be called to order promptly at 7:00 p.m. The Executive Board with approval from the District Council Business Manager/Secretary-Treasurer may change the date, time, or place of a regular meeting with 15 days' notice to all members.

**Section 14.02** Regional Meetings: The regional meetings of Local Union 1936 shall be held as needed at a date and time established by the Local Union Executive Board and approved by the District Council Business Manager/Secretary-Treasurer. Meetings will be held in Moncton, New Brunswick. A representative of the District Council shall give a full report of the proceedings of the District Council and the Local Union. Regional meetings are for information purposes only, however, the members in attendance may by notice of motion, refer matters to the Local Union Executive Board for their consideration, and if accepted, shall be forwarded to the meeting of Local Union 1151 for membership consideration. Any issues that arise requiring the approval of the membership through a secret ballot referendum shall be conducted through Special Meetings held in Halifax Regional Municipality and all specified regions of the Local Unions.

**Section 14.03** Special Meetings: Special meetings of these Local Unions may be called by the Business Manager/Secretary-Treasurer as he or she deems necessary. Special meetings shall also be called as required by Section 191 of the International Constitution.

**Section 14.04** Quorum: A quorum for a membership meeting shall consist of seven (7) members, provided that five (5) members shall constitute a quorum if the Local Union's membership is fewer than 25 members.

**Section 14.05** Members' Rights: Members in attendance at meetings shall have the right to express their views, arguments or opinions upon any business properly presented before the meeting, subject to these Bylaws and the rules and regulations adopted by the Local Union pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his or her responsibility to the organization as an institution or engage in or advocate any conduct that would interfere in the Local Union's performance of its legal or contractual obligations, or conduct him or herself in an unruly, or boisterous manner.

**Section 14.06** Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

#### **Article XV. COMMITTEES**

**Section 15.01** There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section 169(b) of the International Constitution.

**Section 15.02** The District Council Business Manager and/or District Council President shall appoint all Local Union committees as required. The duties of each Committee shall be clearly set forth.

#### **Article XVI. CONTRACTORS**

**Section 16.01** An employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the National Labor Relations Act or Provincial law) or in a permanent, policy-making position.

**Section 16.02** Eligibility

- (a) Employers shall be eligible for membership, but they must comply with the trade rules and working conditions of the locality in which the work is performed, must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay themselves and all their employees the wages and benefits established by the applicable area collective bargaining agreement.
- (b) No employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any elected position.

#### **Article XVII. MEMBERSHIP**

**Section 17.01** An applicant is considered a member when the applicant meets all the requirements as set forth in the International Constitution.

**Section 17.02** A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections 117-118 of the International Constitution.

**Section 17.03** A member who loses his or her good standing status because of his or her failure to pay dues or other obligations as required by the International Constitution and these Bylaws, but who has not been expelled from membership, may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections, by paying all delinquent dues and other financial obligations prior to such meeting and election as provided in Section 119 of the International Constitution. Expelled members may be reinstated only in accordance with Section 272 of the International Constitution.

**Section 17.04** Resignation from membership is governed by Section 121 of the International Constitution.

**Section 17.05** Members' Responsibility:

- (a) Every member by virtue of membership in Local Unions 1151 and 1936 is obligated to adhere to and follow the terms of these Bylaws, the District Council Bylaws and the International Constitution with respect to the members' rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.
- (b) Every member authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council and its officers, and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their sole discretion and judgment, such grievance, complaint or dispute lacks merit or that such action would not be in the best interests of the District Council.
- (c) No member shall interfere with the elected officers or representatives of the International Union, the District Council or their Local Union in the performance of their duties. Each member shall when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the International Union, District Council or Local Union's performance of its legal or contractual obligations.

- (d) Every member shall be required to assist the International Union, the District Council and their Local Union, as well as their officers and representatives, by engaging in picketing, hand billing, salting and other organizing activities and attending education and training, as directed by the International Union, the District Council or the Local Union officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.
- (e) All new members of these Local Unions shall attend a new member orientation class offered by the District Council within 90 days of being initiated.

## **Article XVIII. GENERAL RULES**

**Section 18.01** All members must demand and receive the minimum wages and benefits as set forth in our local area Collective Agreements.

**Section 18.02** Members must produce upon request their pay envelope or pay cheque stubs intact showing hours worked and earned, amount of deductions for income tax, Canada Pension, Unemployment Insurance, Vacation Pay, Administrative Dues, etc., to be examined by a District Council Representative, Steward or any other person authorized by Business Manager/Secretary-Treasurer.

**Section 18.03** Every member is obligated to support and attend membership meetings, training sessions, educational programs, picket duty or any other activity sanctioned by the District Council or Local Union for the betterment of the organization.

**Section 18.04** Any member accepting employment from a non-signatory employer, either locally or abroad, shall report such employment prior to starting the work to the Local Union office and receive the Local Unions permission. The intent of the member working for such an employer is to assist the District Council in any and all organizing attempts. Refusal of any member to cooperate in this manner may result in charges filed by the District Council or Local Union.

**Section 18.05** Stewards are not Officers of the Local Union. They shall be appointed by the Business Manager/Secretary Treasurer of District Council 39 and shall have such duties as the Business Manager/Secretary Treasure may direct. Stewards shall not be permitted to receive, handle or disburse any funds of the District Council.

**Section 18.06** Regulations concerning Apprentices shall be as set forth in the International Constitution in conjunction with the rules and regulations of the Province and the applicable Collective Agreements and Apprenticeship Committee rules & regulations established by the IUPAT Atlantic Provinces Joint Apprentice Training Fund.



**Section 18.07** Strike action within District Council Local Unions shall be determined once all elements possible to conclude a Collective Agreement have been exhausted and a legal strike vote has been taken by the membership of the affected bargaining unit. Once it has been determined a strike is to take place, a strike committee of the affected Local Union shall be established along with a strike headquarters to co-ordinate all picket assignments that will include locations and member assignments to those locations. A picket captain will be appointed by the strike committee for each location and all members on such picket shall be directed by the picket captain designated. All members of the affected Local Union bargaining unit(s) are to report daily and sign-in to the strike headquarters for a designated location for picket duty. Any member that does not report is in violation of these Bylaws and liable for charges against him or her by the District Council.

**Section 18.08** Neither the International Union, the District Council nor the Local Union shall be responsible for any wrongful or illegal acts including legal or court costs by an officer or a member of the International Union of Painters and Allied Trades.

#### **Article XIX. CHARGES AND TRIALS**

**Section 19.01** All charges preferred by members of these Local Unions shall be referred to the District Council Trial Board for disposition and shall be processed in accordance with the International Constitution.

#### **Article XX. EXHAUSTION OF REMEDIES**

**Section 20.01** No member or officer shall resort to any court or agency until all forms of relief and avenues of appeal, as provided by the International Constitution, have been exhausted, unless otherwise provided by statutory law.

#### **Article XXI. PROPERTY**

**Section 21.01** All funds and property shall be governed by the District Council in accordance with Sections 128-130 of the International Constitution.

#### **Article XXII. AGENCY**

Neither Local Union, nor any of its officers or employees, has any power to make any representation, contract, or agreement, nor to incur any liability, which shall be binding upon the International Union without the written consent of the General President or his designee. Neither Local Union, nor any of its officers or employees has been authorized or empowered to act as an agent of the International Union and shall not be deemed to be an agent of the International Union unless expressly authorized in writing by the General President or his designee to act in that capacity.

**Article XXIII. AMENDMENTS**

**Section 23.01** Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section 169 of the International Constitution.

**Article XXIV. STANDING RULES FOR UNION MEETINGS**

**Section 24.01** Rules for the conduct of Local Union meetings are contained in the “Order of Business for Local Unions” and in “Parliamentary Rules and Ritual” set forth in the International Constitution.

**Article XXV. INTERNATIONAL UNION CONSTITUTION**

**Section 25.01** These Local Unions acknowledges that the International Constitution supersedes any provisions of these Bylaws which are inconsistent with the Constitution. These Local Unions further acknowledge that the Bylaws of the District Council shall govern and supersede these Bylaws to the extent that any provisions set forth herein are inconsistent with such Bylaws.

**Article XXVI. SAVINGS CLAUSE**

**Section 26.01** The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution, the District Council Bylaws and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.

If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal or state government, the Local Union Executive Board, subject to approval of the Local Union, shall have the authority to suspend the operation of such provisions during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any article or section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.