

CONSTITUTION
and
BY-LAWS
of
Local Union 223
of the
**UTILITY WORKERS UNION
OF AMERICA**



Affiliated with

**AMERICAN FEDERATION OF LABOR
CONGRESS OF
INDUSTRIAL ORGANIZATIONS**

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TABLE OF CONTENTS

Constitution	Page No.
Preamble	3
Article I Name and Affiliation	3
Article II Objects and Jurisdiction	4
Article III Membership.....	5
Article IV Local Union Officers	5
Article V Duties of Local Officers	6
Article VI Election of Local Officers	8
Article VII Division Officers	10
Article VIII Duties of Division Officers.....	11
Article IX Election of Division Officers.....	13
Article X Convention Delegates.....	15
Article XI The General Council.....	16
Article XII Salaries	17
Article XIII The Safeguarding of Funds	18
Article XIV Dues, Initiation Fees, Assessments and Fines	18
Article XV Loss of Membership, Reinstatement	19
Article XVI Charges and Trials	21
Article XVII Contracts and Negotiations.....	22
Article XVIII Strikes	23
Article XIX Authority.....	24
Article XX Union Label	24
Article XXI Amendments.....	25

By-Laws

Publicity	25
Executive Boards	25
Committees	26
Stewards' Elections.....	27
Duties of Stewards	28
Meetings.....	29
Installation of Officers	30
Oath of Membership	30
Order of Business.....	31

CONSTITUTION COMMITTEE

MIKE SMITH.....President
TIM COX..... Vice President
JOHN MASSENGILL..... Recording Secretary
GARY ZALEWSKI..... Treasurer

George Lewis	Steve Diot
Tom Banks	John R. Holmes
Gerald Selley	Al McKinney
Mike Watkins	Diane Hall
Holly Chreston	Jim Wallace
Arnold Petty	Dennis Brennan
Bill Dyer	

Approved by the National Office of
Utility Workers of America, AFL-CIO.
(Amendment Approved September 29, 2016)

PREAMBLE

We, the Utility Workers of America, believing it to be natural, right and just that those who toil should enjoy to the fullest extent the wealth created by their labor; and realizing that under the ever changing industrial conditions and the enormous growth of corporations and other aggregations of capital, it is impossible for us to obtain the full reward of our labor other than through united, industrial action;

And believing that Labor acting along economic and political lines can secure a more equitable distribution of the nation's wealth for all those performing useful service to society;

Therefore, we pledge ourselves to labor in a united effort on behalf of the principles herein set forth, to perpetuate our organization on the basis of friendship and justice, to expound its objects and to obey the laws laid down for its guidance and government, and always labor for its success, knowing as we do, that when we are united no reasonable demands that we may make can be denied us.

ARTICLE I

Name and Affiliation

Section 1. This organization shall be known as Local 223 of the Utility Workers Union of America. It shall be affiliated with the American Federation of Labor-Congress of Industrial Organizations, in accordance with the terms of affiliation granted by the American Federation of Labor-Congress of Industrial Organizations.

ARTICLE II

Objects and Jurisdiction

Section 1. To unite in this industrial union, regardless of race, creed, color, sex or national origin; all employees eligible for membership in LOCAL UNION No. 223, UTILITY WORKERS UNION OF AMERICA, AFL-CIO. The jurisdiction of the UWUA Local 223 includes all employees of DTE Energy and its subsidiaries and all employees in the utility industries for whom Local 223 has or may acquire representational rights.

Listed below are all the Divisions within Local 223 UWUA

Facilities Management and Services Division

Gas Division

Meter Division

Motor Transportation Division

Nuclear Generation (Fermi) Division

Office, Professional and Technical Employees Division

Port Huron Supervisors Division

Power Generation Division

Stores Division

Electrical System Substations Division

Transmission Trades Division

Underground Lines Division

WSC Shops Division

Section 2. To establish through collective bargaining adequate wage standards, shorter hours of work and improvements in working and other conditions of employment for employees in such industry.

Section 3. To secure legislation safeguarding the economic security and social welfare for the workers in the industry, to protect and extend our democratic institutions, civil rights and liberties and thus to perpetuate the cherished traditions of our democracy.

ARTICLE III

Membership

Section 1. The Local Union shall be composed of men and women eligible for membership in the Utility Workers Union of America, AFL-CIO.

Section 2. To be eligible to become a member of the Utility Workers Union of America, AFL-CIO, the applicant must not be affiliated with any organization whose principles and philosophy are contrary to those of the National Union of the UWUA, as outlined in the National Constitution. The applicant must, at the time of application for membership to the Local Union, be employed within the jurisdiction of Local 223 as defined in Article II of this Constitution and be otherwise eligible for membership under the National Constitution. All applicants for membership in the Local shall fill out an official application form provided by the Union, answering all questions contained in such application form and pledge to abide by the Constitution and By-Laws, rules and regulations of the Local Union and the Constitution of the National Union.

Section 3. Application for membership must include a ten-dollar (\$10.00) initiation fee and current month's dues or the properly certified forms authorizing such deductions be made from wages due. All applications thus received shall be referred to the Local Union for consideration. Applications for membership rejected by the Local Union shall not be reconsidered until thirty (30) days have elapsed.

ARTICLE IV

Local Union Officers and Trustees

Section 1. a. Local 223 shall have the following Local Union officers: President, Vice President, Recording Secretary, and Treasurer.

1.b. Local 223 shall have three (3) Trustees

ARTICLE V

Duties of Local Officers and Trustees

Section 1. a. Duties of President: It shall be the duty of the President to interpret the meaning of this Constitution and By-Laws and their interpretation shall be subject to review by the Local Executive Board. The President shall preside at all Executive Board, General Council and General Membership Meetings of the Local Union. The President shall sign all orders on the treasury as submitted and countersigned by the Treasurer, or, in their absence, by the Vice President. The President shall enforce the National Constitution and Local Constitution and By-Laws, appoint Sergeants-at-Arms and committees not otherwise provided for. The President shall be an ex-officio member of all committees.

b. The President shall make a report at each General Council and General Membership Meeting on the affairs and standing of the Local.

c. The President shall see that all committees are actively carrying out their respective programs and report to the General Council and General Membership the inactivity of any of the committees.

d. The President shall carry out the instructions of the General Council and shall have full administrative authority to direct the affairs of the Local Union within the provisions of the National and Local Union Constitutions and By-Laws. The President shall report all actions to the General Council and General Membership.

e. The President shall consult with the other Executive Officers on all matters of importance.

f. The President shall perform such other duties as are necessary to protect and advance the interest of the Local Union.

g. The President shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959. The cost of the bond shall be paid out of the funds of the Local Union.

Section 2. a. Duties of Vice President: The Vice President shall assist the President in the discharge of the duties of the Presidency, perform such duties as may be assigned from time to time and shall perform the duties of the President in the absence of that Officer, and in the case of death, incapacity or resignation. The Vice President shall attend all general membership meetings.

b. The Vice President shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959. The cost of the bond shall be paid out of the funds of the Local Union.

Section 3. Duties of Recording Secretary: The Recording Secretary shall keep a true record of all minutes and proceedings of all meetings of the General Membership and the General Council. The Recording Secretary shall receive, read and safely keep all records of correspondence and be responsible for the safekeeping of all documents. The Recording Secretary shall conduct all correspondence. The Recording Secretary shall provide credentials to Division and Local officers.

Section 4. a. Duties of Treasurer: The Treasurer shall collect, receive and disburse all funds and transact all financial business of the Local Union. The Treasurer shall pay by check all current bills and expenses authorized by the Officers or the General Council. The Treasurer shall keep an accurate set of financial books and records of income and expenditures as prescribed by the National Union. The Treasurer shall deposit all such funds in the name of Local No. 223, Utility Workers Union of America,

AFL-CIO, in depositories approved by the Executive Board and submit a monthly financial report to the General Council and the Special General Membership Meetings.

b. The Treasurer shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959; subject to the approval of the Secretary-Treasurer of the National Union. The cost of the bond shall be paid out of the funds of the Local Union.

c. The Treasurer shall engage an Accredited Public Accountant to make a yearly audit of the Local Union's financial accounts.

d. The Treasurer shall cooperate and make available his/her services to the Local Union when called upon by the President, Trustees and other Officers.

Section 5. Duties of Trustees: The Trustees shall have general supervision over all funds and property of the Local Union, and shall have other duties as directed by the Local Union President. They shall on January 15 and July 15 of each fiscal year audit the records of the Financial Officers of the Local Union and report the findings to the General Council and the Executive Board. In the event the books are not audited within fifteen (15) days after the specified semiannual date, the Chairperson of the Trustees shall make a report to the next meeting of the, General Council, Executive Board or the General Membership for action.

Section 6. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall have charge of the doors and introduce all new members and visitors. The Sergeant-at-Arms shall assist the President in preserving order when called upon to do so and shall perform such other duties as may be assigned by the presiding officer.

ARTICLE VI

Election of Local Officers and Trustees

Section 1. a. All Officers and Trustees of the Union shall be elected by the membership with each member in good standing eligible to cast one (1) vote. All elections shall be conducted by secret ballot.

b. All Officers and Trustees of the Local Union shall serve for a period of three years starting at the March General Council meeting, or until successors have been elected and installed in office.

Section 2. a. A nomination meeting shall be scheduled during the first fifteen (15) days of January in an election year. The members attending this meeting will constitute a legal quorum to receive nominations for Local Union Officers and Trustees for the ensuing term. A notice of this meeting shall be sent by mail to each member's last known home address at least fifteen (15) days prior to the meeting. Acceptance of nominations for Local Officers and Trustees must be made by certified or registered mail and must be in the hands of the election committee five (5) days after the date of nomination-excluding all days during which there are no scheduled postal deliveries or in writing the night of the nominations and given to the Election Committee Chairperson or their designated representative. The nominee must do this in person.

Within five (5) days thereafter, the Election Committee shall proceed to conduct an election of these candidates. All elections for Local Union Officers shall be conducted by United States Mail. Those candidates (except Trustees) receiving the majority of the votes cast shall be elected. If no one receives a majority of the votes cast, there shall be a run-off election held within twenty-one (21) days of the election, between the two (2) candidates receiving the highest number of votes for the respective office.

b. Only candidates who have accepted nomination, as provided in Section 2. a. of this Article shall have their names appear on the ballot. Write-in candidate's votes will not be accepted.

c. Candidates for the office of Trustee will be elected by a plurality of the votes cast. Only one (1) Trustee may be elected from any one Division. A candidate for Trustee cannot be a member of the Executive Board.

Section 3. No member shall be eligible for election as a Local Union Officer if they have been a Communist or convicted of a felony, as described in the Labor-Management Reporting and Disclosure Act, within the past thirteen (13) years. They must be a dues paying member in good standing for a period of at least one (1) year. No member shall be a candidate for more than one (1) office of the Local Union.

Section 4. a. Election Committee. The Election Committee shall be appointed by the Local Union President and approved by the General Council. This committee shall consist of a minimum of one (1) member from each Division. The Election Committee shall be approved at the preceding November General Council meeting. The Election Committee shall be responsible only to the membership.

b. The Election Committee shall conduct the election according to the provisions of Article VI, Section 2, and only the names of those candidates who have accepted nomination by registered or certified mail or in writing at the nomination meeting shall be counted by the Committee.

c. The ballots and all other records of the election shall be kept intact and preserved in the Local Union files for a period of one (1) year.

d. The counting of ballots will be conducted by the subcommittee with a limit of no more than five (5) members. The Local Union President shall appoint the members of the subcommittee.

Section 5. a. All members in good standing shall have the right to vote. The Recording Secretary and Treasurer shall provide the Election Committee with a certified list of names and addresses of said members.

b. Each candidate shall be entitled to have one challenger present at the counting of the ballots. The candidate shall pay the expense of such challengers.

Section 6. Any candidates shall have five (5) days after the announcement of the election results by the Election Committee to request a recount; this request is to be made in writing to the Chairperson of the Election Committee. Said candidate shall post the expense of the recount and should they lose, they shall forfeit this amount.

Section 7. Installation of Local Union Officers shall take place at the First General Council Meeting after the Election Committee has announced the results of the election, and reported same to the General Council Meeting.

Section 8. a. Upon the death, resignation or removal for cause of any officer except Trustee, it shall be the duty of the General Council to order an election to fill such vacancy. In the event such vacancy should occur within twelve (12) months of the Nominating Meeting for Local Union Officers (Article VI, Section 2), the vacancy shall be filled by appointment of the General Council.

b. Upon death, resignation or removal for cause of any Trustee, the vacancy shall be filled by appointment of the General Council for the unexpired term or until the next General or Special Election for other Local Union Officers, at which time the office will be filled in the regular manner.

ARTICLE VII

Divisional Officers

Section 1. The Officers of each Division of the Union shall be a Chairperson, Vice Chairperson, Chief Steward, Recording Secretary, and Treasurer. The above Officers shall constitute the Division Executive Board.

ARTICLE VIII

Duties of Divisional Officers

Section 1. a. Duties of a Division Chairperson: The Chairperson shall preside and preserve order at all the meetings of the Division, serve as a member of the Executive Board of the Local Union, and enforce the rules and regulations of the National and Local Union Constitutions and By-Laws. The Chairperson shall make a report at each Divisional Membership Meeting on the affairs of the Division. The Chairperson shall appoint an auditing committee and all committees not otherwise provided for by election; appoint a Sergeant-at-Arms at each meeting and transact such other duties as are usual to the office of Chairperson or that may be required by that Division of the Union. The Chairperson shall be an ex-officio member of all standing and special committees, and shall report any deficiency of any committee to the body that elected or appointed the committee.

b. The Chairperson shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959. The cost of the bond shall be paid out of the funds of the Division.

Section 2. a. Duties of Divisional Vice Chairperson: The Vice Chairperson shall perform such duties as may be assigned from time to time by the Chairperson and shall act as Chairperson in the absence of that officer and in case of resignation, death or removal of the Chairperson, until the vacancy is filled as provided for by this Constitution.

b. The Vice Chairperson shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959. The cost of the bond shall be paid out of the funds of the Division.

Section 3. Duties of Chief Steward: The Chief Steward shall report or preside, if requested, at all monthly Steward's meetings. The Chief Steward shall coordinate the duties of the Stewards and keep them informed of the activities of the General Council and shall perform such other duties as may be assigned by the Divisional Chairperson.

Section 4. Duties of Divisional Recording Secretary: The Recording Secretary shall keep a true record of all proceedings of the Division, including

reports of the Treasurer. The Recording Secretary shall also receive, read and safely keep all records, papers and documents until disposal is authorized by the membership, and shall conduct the correspondence of the Division. The Recording Secretary shall perform such other duties as may be assigned by the Chairperson.

Section 5. a. Duties of Divisional Treasurers: The Treasurer shall collect and receive all money due the Division and shall deposit the money received immediately in such bank or banks as may be designated by the Divisional membership in the name of the Division of the Local. The Treasurer shall make a monthly per capita report on dues, initiations, and reinstatements to the Local Union Treasurer, not later than the 25th day of the calendar month, and shall not hold more than fifty dollars (\$50.00) in their possession to meet immediate demands. The Treasurer shall make all payments duly authorized by the Officers of the Division or by the membership. The Treasurer shall keep a file of membership and a record of members enrolled and their payments, and notify Stewards of delinquent members. The Treasurer shall keep proper books of account and shall make a monthly report on money received, paid out, and still on deposit to the Divisional membership. The Treasurer shall pay all bills by check. The Treasurer shall turn over the Divisional financial records to the Divisional Officers for audit and approval when called upon to do so. The Treasurer shall perform such other duties as may be assigned by the Chairperson.

b. The Treasurer shall be bonded to the amount prescribed by the Labor-Management Reporting and Disclosure Act of 1959. The cost of the bond shall be paid out of the funds of the Division.

c. The Treasurer shall make an annual Financial Report to the Local Union Treasurer, including a copy of the appropriate Divisional Labor-Management Report and a copy of the 990 Report.

Section 6. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall have charge of the doors and introduce all new members and visitors and assist the Chairperson in preserving order when called upon to do so. The Sergeant-at-Arms shall perform such other duties as may be assigned from time to time by the presiding officer.

ARTICLE IX

Election of Divisional Officers

Section 1. The Officers, Bargaining and Grievance Committee and Area/Plant/Region Committeeperson(s) (in the Office, Technical and Professional Division, Power Generation Division or any other applicable Division) shall be elected at the first Divisional Membership Meeting or by U.S. Mail ballot in November and shall hold office for a term of thirty-six (36) months, unless removed for cause, or until their successors have been elected and installed in office no later than January 1st.

Section 2. a. Nominations for Divisional Officers and Committeepersons shall be made at a meeting of the Division at least seven (7) days before the elections are held. The members attending this meeting will constitute a legal quorum to nominate the Officers of the Division. A notice of the nominating meeting and election will be sent by mail to each member's last known home address at least fifteen (15) days prior to the meeting. Notification can also be made by insertion in the Local Union paper at least fifteen (15) days before the nominating meeting.

b. No member shall be eligible for election as a Divisional Officer if they have been a Communist or convicted of a felony, as described in the Labor-Management Reporting and Disclosure Act, within the past thirteen (13) years. They must be members in good standing for a period of at least one (1) year. No member shall be a candidate for more than one (1) office of the Division.

c. Acceptance of nominations must be made by one of the three (3) following ways and within five (5) days after the date of the nomination meeting, excluding all days on which there are no scheduled postal deliveries.

1. U.S. Certified Mail.
2. U.S. Registered Mail.
3. In writing the night of the nominations and given to the Election Committee Chairperson or their designated representative. The nominee must do this in person. Write-in candidates will not be accepted.

Section 3. Elections shall be secret ballot and it shall require a majority of votes cast to elect each Officer. If no candidate receives a majority, then all except the two (2) highest shall be eliminated and a second election conducted.

The ballots and all other records of the election shall be kept intact and preserved in the Divisional files for a period of one (1) year.

Section 4. a. Before any election is conducted, it shall be the duty of the Chairperson to appoint or have elected two (2) or more tellers to see that the ballots are properly counted and to safeguard the secrecy and honesty of the vote.

b. Only candidates who have accepted nomination, as provided in Section 2 of the Article, shall have their names appear on the ballot. Write-in candidate votes will not be accepted.

Section 5. At the expiration of the term of office, by termination or otherwise, of any officer, they shall turn over to their successor all monies, property, papers, records, books, etc. of the Union that may be in their possession.

Section 6. Installation of Divisional Officers shall take place at the first regular meeting after the election no later than January 1st, whichever comes first.

Section 7. Upon death, resignation or removal for cause of any Divisional Officer, it shall be the duty of the Divisional Executive Board to fill the vacancy temporarily by appointment. At the next scheduled Divisional Membership meeting, the members attending the meeting will constitute a legal quorum and nominate a member (s) to fill the vacancy (vacancies). The following month, the bargaining unit will conduct an election to fill the vacancy. The same will apply to an undeclared office following a Divisional election. In the event there is a vacancy within the last eighteen (18) months of the term of a Divisional Union Officer the vacancy shall be filled by appointment of the Divisional Executive Board. Loss of employment shall constitute removal for cause of a Divisional officer.

ARTICLE X

Convention Delegates

Section 1. a. The President, Vice President, Recording Secretary, Treasurer, and the Divisional Chairperson shall automatically be elected as delegates to the National Convention and all special conventions of the Utility Workers Union of America, AFL-CIO. The size of the Division shall be determined by the membership total as of October 1st of the year in which the elections are held.

The following shall be elected as alternates to the National Convention or Special Convention(s) and shall vote in place of the delegates of the Local in case of sickness or absence or inability to serve, in descending order:

1. The Divisional Vice Chairperson.
2. The Divisional Chief Steward.
3. The Divisional Recording Secretary.
4. The Divisional Treasurer.

The alternates to the National Convention shall vote in caucus with the Chairperson casting the vote in caucus on a per capita basis.

The votes will then be cast according to the wishes of the Division casting the vote.

b. Ballots at the time of election shall clearly read “Delegate” or “Alternate” to the National Convention and Special Conventions of the Utility Workers Union of America, AFL-CIO.

c. Each Division will be entitled to send one (1) Alternate Delegate for each one hundred (100) members, or fraction thereof. The Local will share the expenses of the Alternates.

In addition, Divisions sending additional Alternates (non-voting) shall be left to the Division at Division expense.

Section 2. Delegates to a State Council or Federation Convention to which this Local is affiliated and/or delegates to any County or City Council or Federation Convention to which this Local may be affiliated shall be nominated and elected from the members of the General Council.

ARTICLE XI

The General Council

Section 1. The General Council shall be composed of the Local President, Vice President, Recording Secretary, Treasurer and three (3) Trustees; and the Chairperson, Vice Chairperson, Chief Steward, Recording Secretary and Treasurer of each respective Division.

Section 2. The General Council shall meet every other month, specifically; January, March, May, July, September, November. The July meeting may be cancelled by the majority vote of the General Council at the May meeting. Notice of such action would be included in the regular General Council minutes sent to each officer of the General Council.

Special meetings may be called within twenty-four (24) hours by the President or by a petition signed by five (5) members of the General Council, each from a separate Division.

Section 3. The General Council shall be the policy forming and legislative body and shall conduct the business of the Local Union when membership is not in session; shall approve, reject or amend the reports of the Local Officer and standing committees. All decisions of the General Council shall be effective and binding, subject to Section 6 of this Article.

Section 4. On all issues to be transacted by the General Council, the Local Union Officers shall be entitled to cast one (1) vote each. Each Divisional Officer shall be entitled to cast one (1) vote each. Any Local Officer holding any office in a Division shall vote only once as a Local Union Officer.

Section 5. The Divisional votes shall be cast by the five (5) Divisional Officers present at the meeting: Chairperson, Vice Chairperson, Chief Steward, Recording Secretary, and Treasurer. If any of the five (5) Divisional Officers

are not present, an alternate shall be entitled to cast one (1) vote and may vote provided they have proper credentials.

Section 6 a. If a majority of votes cast on any issue coming before the General Council represents a minority of the entire membership, then the members present casting the minority vote but representing the majority of the entire membership shall have the right to call for a referendum.

b. The referendum vote shall be by secret ballot, to be voted on at the next Divisional meeting or by a Special General Membership meeting.

Section 7. A quorum of the General Council shall consist of ten (10) percent of its membership or authorized alternates.

Section 8. The Local President shall be ex-officio member of all committees appointed or elected by the General Council.

ARTICLE XII

Salaries

Section 1. a. The salaries and expenses of all Local Union Officers shall be set by the General Council, subject to the approval of the General Membership, at their respective Divisional meetings.

b. The salary for the Local President shall be equal to the highest negotiated wage rate of the current agreements plus an additional twenty-percent (20%). The supplemental wage rates for the Local Vice President, Recording Secretary and Treasurer shall be the difference of the highest negotiated rate of the current agreements less their respective classification pay rate, for all time served in that position while performing Union business.

Section 2. The compensation of any member performing services for the Local shall include an amount for time lost equal to his normal wages plus reasonable personal expenses incurred.

Section 3. When any member is required to perform services away from their home, they shall be allowed expenses recommended by the Local

Executive Board and approved by the General Council. When required to incur additional expenses for the good of the Local, said member shall present an itemized bill of same to the General Council for approval and reimbursement.

Section 4. The General Council shall set the expenses of all Local Union Committees.

Section 5. Compensation of Divisional Officers shall be set by the membership of their respective Division.

ARTICLE XIII

The Safeguarding of Funds

Section 1. The funds of the Union deposited in the bank will be drawn only by check signed by two (2) of the three (3) following Local Union Officers: President, Vice President, Treasurer. Divisional checks shall be signed by two (2) of the three (3) following Officers: Chairperson, Vice Chairperson, and Treasurer.

Section 2. The Local President or his delegate will have the ability or authority to audit all Divisions.

ARTICLE XIV

Dues, Initiation Fees, Assessments & Fines

Section 1. a. Initiation fees and monthly or weekly dues of the Local Union shall conform to the National Constitution of the Utility Workers Union of America, AFL-CIO.

Section 1. b. The weekly dues will be one point two five percent (1.25 %) of the member's forty (40) hour base wage at their applicable wage grade/rate. The Local Union will rebate back to each Division twenty-five percent (25%) of the total dues collected for that Division. Any increase in the per capita dues paid to the National Union will be paid as follows: the Local, seventy-five percent (75%), and the Divisions, twenty-five percent (25%).

Section 2. a. Assessments may be levied by the Local Union, subject to the approval of a majority of the General Membership voting by secret ballot provided that official notice to the Membership shall be posted on all bulletin boards fifteen (15) days prior to the date of the voting on the assessment and provided further that approval has been granted by the National Union.

b. To change the use of a special assessment from which it was originally intended, approval must be obtained from a majority of the General Membership voting by secret ballot.

Section 3. A fine in the amount of forty dollars (\$40.00) will be assessed on a member for missing each strike duty assignment without just cause in accordance with Article XVI - Charges and Trials.

Section 4. Person(s) not paying dues or who are in arrears, but represented, may be required to reimburse the Division or Local Union on costs incurred in representation.

ARTICLE XV

Loss of Membership, Reinstatement

Section 1. Members who are employed all or part of the time must pay dues and assessments in advance. Working members are not in good standing who owe one (1) month's dues, assessments or fines.

Section 2. Any working or dues paying member who shall fail to pay dues, assessments or fines for a period of thirty (30) days without exoneration shall be notified by the Treasurer. Failure to place themselves in good standing within thirty (30) days from such notice, they shall, upon further notice and a hearing at any Membership meeting, lose their membership upon a majority vote of the meeting.

Section 3. Any working member who has thus been dropped from membership can be reinstated only by paying the regular initiation fee together with all the monies due the Union at the time their name was dropped and all dues, assessments or fines that have accrued to the time of reinstatement, unless otherwise decided by the Union.

Section 4. Members currently may have the ability to opt out of membership in the Union consistent with the requirements of applicable agreements and/or authorizations and relevant state and federal laws.

The loss of membership in UWUA Local 223 results in the loss of substantial rights and access to members-only benefits. The loss of such rights and benefits has an adverse effect on our members.

Therefore, any member that desires to opt out of membership must do so in person before the President or their delegate, at the Union Hall of UWUA Local 223 and show picture identification with a corresponding written request specifically indicating the intent of the member.

Any member that believes that appearing at the Union Hall of UWUA Local 223 creates an undue hardship may make other arrangements that verify the identification of the member by contacting the Union Hall.

All other requirements in any other agreement, authorization and/or notice of UWUA Local 223 remain in place.

Section 5. Members who are not in good standing shall not:

- vote in Union elections
- vote on collective bargaining agreements or amendments to such agreements
- vote on constitutional and by-law changes
- rent the Union hall
- participate on committees representing the Union
- receive a Union Journeyman’s card
- participate in any Union sponsored social activities
- receive members-only benefits, such as discounts

Section 6. The process for reinstatement as a “member in good standing”:

a. For members that lost their “member in good standing” status due to a transfer into a non-represented position:

1. Written application must be submitted to the Local 223 Executive Board.
2. No initiation fee will be assessed.
3. Union dues will be paid on a timely basis going forward.

- b. For members that lost their “member in good standing” status due to their decision to opt out:
 - 1. Written application must be made to the Local 223 Executive Board.
 - 2. An initiation fee will be charged.
 - 3. Union dues will be paid on a timely basis going forward.
- c. If a member opts out and then reapplies for a second time, the above procedure in Section 6.b. will be followed and the initiation fee will be doubled.

ARTICLE XVI

Charges and Trials

Section 1. The General or Divisional membership shall have the power to reprimand, fine, suspend, expel or remove from office, officers or members for violations of this Constitution and By-Laws or the National Constitution and By-Laws, conduct unbecoming, publicizing or giving information about Union affairs to persons not entitled to such information, working in the interest of any organization or dual union opposed to the interests of this Union, failure to appear before the Local or Divisional Executive Board when ordered to do so, or for failure to perform or fulfill any assigned strike duty.

Section 2. Charges must be submitted within sixty (60) days of the time the complainant becomes aware of the alleged offense.

Section 3. Whenever charges are preferred against any Local or Divisional Officers or members of this Local Union, the charges shall be filed in writing in duplicate with the Local Recording Secretary or the Divisional Recording Secretary. A written copy of such charges specifying the nature of the offense of which they are accused shall be served on the accused either personally or by registered or certified mail directly to their last known address at least ten (10) days before the hearing on the charges.

Section 4. No Officer or member shall be reprimanded, fined, suspended, expelled or removed from office, except for non-payment of dues and assessments, until they have been given an impartial trial and found guilty of charges that may have been preferred against them.

Section 5. The Local or Divisional Executive Board shall act as the

Trial Board of this Union. The Trial Board shall hear all evidence and render judgment in accordance therewith. When the Trial Board has by a majority vote of those present rendered a verdict of guilty, a recommendation to reprimand, fine, suspend, expel or remove from office shall be submitted to the members at a regular membership meeting. No member of the Local or Divisional Executive Board shall sit on his or her own Trial Board.

Section 6. It shall require a majority vote of all members present at a regular membership meeting to confirm the verdict of guilty and approve the Trial Board's recommendation to reprimand, fine, suspend, expel or remove from office.

Section 7. Any member penalized by this Union shall stand suspended from all rights and privileges until the requirement of the penalty is met.

Section 8. In no case shall a member or subordinate body appeal to a Civil Court for redress until they have exhausted all rights of appeal under the laws of the Local and/or National Union.

ARTICLE XVII

Contracts and Negotiations

Section 1. All collective bargaining agreements negotiated or renewed between Local Union No. 223, UWUA, AFL-CIO and the Employer shall be presented to the Local Union Membership at Special General Membership meetings prior to voting. Voting for approval or rejection on this issue shall be conducted by secret ballot.

Section 2. a. Amendments to the existing collective bargaining agreement, affecting wages, hours, working or other conditions of employment, involving the entire membership, shall be submitted and voted upon as described in Section 1 of this Article.

b. All proposed amendments to the existing Collective Bargaining Agreement affecting wages, hours, working and other conditions of employment involving the entire membership shall be submitted and voted upon by the Local

Union Bargaining Committee. However, should any member call for a roll call vote, it shall be based on the Per Capita basis. That is, each member shall vote the number of members whom they represent.

Section 3. Amendments to the existing collective bargaining agreement, affecting wages, hours, working or other conditions of employment involving a particular Division or Divisions, shall be voted upon by the respective Membership of the Division or Divisions concerned.

Section 4. The Local Union Negotiating Committee has the right to extend the Contract during negotiations.

ARTICLE XVIII

Strikes

Section 1. a. When a controversy develops between the Union and the employer that may result in a strike or lockout, the Bargaining Committee shall confer with the representatives of the employer to endeavor to secure an amicable settlement. Should no adjustment prove possible, then a strike may be called after a special meeting of the members and upon a vote in favor of a strike by a majority of the members present. This vote shall be by secret ballot. No strike shall be called until the National Union is notified and has given its sanction.

b. Prior to Contract expiration, a strike vote may be taken if it is deemed advisable by the Negotiating Committee.

Section 2. Before a strike shall be declared ended, a special meeting of the Union shall be called for that purpose and it shall require a majority vote by a secret ballot of all members present.

Section 3. Strike benefits will be withheld until a member fulfills the required strike responsibilities.

ARTICLE XIX

Authority

Section 1. The highest authority of the Local Union shall be vested in the General Membership.

Section 2. Between the General Membership meetings, the highest authority shall be the General Council, which shall meet as required by Article XI, Section 2.

Section 3. Between the meetings of the General Council, the administrative authority of the Local shall be vested in the President of the Local Union, subject to the approval of the Local Union Executive Board.

Section 4. The highest authority on Divisional problems and issues shall be the respective Division membership.

Section 5. When the Divisional membership is not in session, the administrative authority of the Division shall be vested in the Chairperson of the Division, subject to the approval of the Divisional Executive Board.

Section 6. The decisions of the membership or Executive Board of the respective Divisions shall not conflict with general Local Union policy.

ARTICLE XX

Union Label

Section 1. Any Officer or member of the Union who illegally issues or supplies, or aids in illegally issuing or supplying a union label, shall be legally prosecuted and shall be barred from membership in the Union.

ARTICLE XXI

Amendments

Section 1. Any amendment, revision or elimination of this Constitution or By-Laws shall be submitted in writing to the Constitutional Committee and shall lie on the table until the next regular Divisional meeting or Special General Membership meeting called for that purpose, before it shall be brought up for final disposition. Members voting at either a Divisional meeting or Special General Membership meeting, called for that purpose, shall do so by secret ballot. It shall require a majority vote of membership present to amend, revise or eliminate any of the Articles or Sections of this Constitution or By-Laws.

BY-LAWS

PUBLICITY

Section 1. The President shall be in charge of issuing statements to the press.

EXECUTIVE BOARD

Section 1. The Executive Board of Local 223 shall be composed of the Executive Officers: President, Vice President, Recording Secretary, Treasurer and the Chairpersons of each Division. The Executive Board shall also serve as the Bargaining Committee and the By-Law Committee of the Local.

Section 2. The respective Divisional Executive Board shall consist of the Chairperson, Vice Chairperson, Chief Steward, Recording Secretary, and Treasurer.

Section 3. Meetings of the Executive Board shall be held on the call of the Local President or the Divisional Chairperson, whenever necessary or when requested by a majority of members of the respective Executive Boards for transaction of such business as may be properly placed before the Executive Board for consideration.

Section 4. All decisions of the Executive Board shall be decided by a

majority vote of the members present. A majority of the Executive Board shall constitute a quorum.

Section 5. The Local Executive Board shall act on all matters of arbitration. The Chairperson of the Division, or, if absent, their alternate, shall be a member of this Board.

Section 6. Should any Local Union or Divisional Officer or member of an elected committee be absent for three (3) meetings in one (1) year, except for illness, 4 hours or more of vacation, working or being employed on Union business, the office shall be declared vacant and it shall be the duty of the Local Union or Divisional Executive Board to order an election to fill the vacancy and it shall be their duty to appoint an officer or committeeperson during the interim.

Section 7. A Local or Divisional Officer shall be required to automatically resign if and when they apply for a job in supervision. After they resign, they will not hold any elected or appointed Union office for a minimum period of two (2) years. This section will also apply to all Union representatives either elected or appointed and all Union members who have temporarily taken a step-up position to Supervision. Supervision being as defined under the Taft-Hartley Act, Section 2, (11).

Section 8. The term “Supervisor” means any individual having authority in the interest of the employer to hire, transfer, suspend or lay-off, recall, promote, discharge, assign, reward, or discipline other employees; or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

COMMITTEES

Section 1. a. There shall be the following standing committees: Constitutional Committee, Organizing Committee, Health and Welfare Committee, Credentials Committee, Apprentice Committee, Safety Committee, Local Union Bargaining Committee and Salary and Expense Committee.

b. The Local Union Bargaining Committee and the Constitutional

Committee shall consist of the Local Union Officers (President, Vice President, Recording Secretary, and Treasurer) and the Divisional Chairpersons or their alternates.

c. All other Committees shall be appointed by the Local Union President, subject to approval of the General Council.

Section 2. The above Committees shall report their actions to the Local Union Executive Board before presenting their reports to the General Council.

Section 3. a. Divisional Committees. The Bargaining and Grievance Committee shall consist of not less than two (2) or more than four (4) elected committee persons, plus the Chairperson, Vice Chairperson, Chief Steward, Recording Secretary, and Treasurer (except that: The Office, Professional and Technical Division, Power Generation Division or any other applicable Division shall elect Area/Plant/Regional Committeeperson(s) with each Area/Plant/Region responsible for voting only for the Committeeperson(s) of their respective Area/Plant/Region). Other Committees that become necessary shall be appointed or elected as the need arises in the Division; these committees shall conform to Local Union By-Laws.

Section 3. b. Committeeperson(s) shall be removed for missing two (2) Divisional meetings in one (1) year without being excused by their Divisional Chairperson or their delegate.

Section 4. Duties of Bargaining and Grievance Committees: The duties of the Bargaining and Grievance Committee shall be determined by the Divisional Chairperson.

STEWARDS' ELECTIONS

Section 1. a. As the Divisional Executive Board deems necessary, Stewards shall be elected from each department group, establishment or other appropriate unit to represent the Union members employed therein.

b. At work locations where there is not an elected Steward, it shall be the duty of the Divisional Chairperson or their delegate to appoint a member to act as Steward for the duration of the job or until such time as an elected Steward replaces them.

Section 2. Stewards will hold office for three (3) years but shall be

removed for missing two (2) Divisional meetings in one (1) year without being excused by their Divisional Chairperson or delegate. They may also be removed for just cause at anytime by a majority vote of those whom they represent.

DUTIES OF STEWARDS

Section 1. It shall be the duty of a Steward:

a. To represent the members by whom they have been elected in dealings with supervision/management representatives as soon as such dealings become possible.

b. To act as contact person between the Union and said members.

c. To extend and maintain Union membership.

d. To inform their group of important Union affairs.

e. To report important matters affecting their group to the Bargaining and Grievance Committee or the Divisional Officers.

f. They shall attend all Steward and membership meetings unless excused for sufficient cause, and represent their unit in all matters pertaining to the members therein.

Section 2. Meetings of Stewards and Chief Stewards shall be held as needed to discuss their duties and problems. A general meeting of such representatives may adopt motions embodying recommendations to the Divisional Executive Board and to the membership. The Divisional Executive Board shall report such recommendations, together with its own action in regard to them, to the Regular Membership Meeting.

MEETINGS

Section 1. Regular Divisional Meetings may be held on alternate months in conjunction with the General Council Meetings schedule, if a majority of the members so elect.

Section 2. Special Meetings of the General Membership may be called after forty-eight (48) hours notice to all members of the General Council by the President or when instructed by a motion passed by the General Council, or when five percent (5%) of the total membership, by petition, in writing, to the Local Union President or Recording Secretary. The reason(s) for this meeting must be stated in the aforementioned petition.

Special Meetings of the Divisional Membership may be called after twenty-four (24) hours notice by the Divisional Chairperson or when requested by ten percent (10%) of the Division Membership.

Section 3. Notices of special meetings shall specify the purpose of the meeting. No other business except that specified in the notice to the membership shall be transacted at these meetings. To transact official Union business legally at regular or special Membership meetings, there shall be a quorum of five percent (5%) of the total membership.

Section 4. All General Council and all regular General Membership Meetings shall have a convening time between 12:00 - 5:30 p.m. and an automatic adjourning time 2 hours after the start of the meeting. The meeting may be extended by vote of the attending body.

Section 5. A time limit of ten (10) minutes shall be placed on reports of committee chairpersons and of five (5) minutes on discussion by any member, provided that a longer time may be allowed by a majority vote of the members present.

Section 6. Membership Meetings shall be conducted in accordance with *“Robert’s Rules of Order”*, except as may be otherwise provided herein.

INSTALLATION OF OFFICERS

Section 1. Before entering upon the duties of their respective offices, the newly elected officers shall make the following oath or affirmation:

“I, _____, do hereby sincerely pledge my honor to perform the duties of my office as required by the laws of the Union and the American Federation of Labor and Congress of Industrial Organizations, and to bear true allegiance to this Union and to the AFL-CIO. I will deliver to my successor in office all books and other property of the Union that may be in my possession. All of this I solemnly promise, with full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor.”

OATH OF MEMBERSHIP

Section 1. New members, before being admitted to full membership, shall make the following affirmation:

“I (speak your name) pledge my honor to faithfully observe the By-Laws of this Union; to comply with all the rules and regulations thereof; not to divulge or make public any of the private proceedings of this Union; to faithfully perform all duties assigned to me to the best of my ability and skill; never to discriminate against a fellow worker because of race, creed, color, sex, age or national origin; to conduct myself at all times in such a manner so as not to bring reproach upon my Union, and at all times to bear true and faithful allegiance to the Utility Workers Union of America, AFL-CIO.”

ORDER OF BUSINESS

The order of business shall be as follows:

1. Roll Call of Officers, or Sign-in Log.
2. Initiation of New Members.
3. Reading of Minutes of Previous Meeting.
4. Communications.
5. Treasurer's Report.
6. Reports of Officers and Committees.
7. Unfinished Business.
8. New Business.
9. Discussion of Labor and its Interest.
10. Adjournment.