

## **BYLAWS**

These Bylaws shall supersede and entirely replace all previous Bylaws of Local Union No. 841 and its Sub-divisions.

It shall be a duty of a member to become familiar with these Bylaws, the International Constitution, and the Working Rules in the specific contract under which he or she is working.

### **OFFICERS**

of

**OPERATING ENGINEERS  
LOCAL UNION 841**

of the

**INTERNATIONAL UNION OF  
OPERATING ENGINEERS**

**Business Manager  
President  
Vice President  
Recording-Corresponding Secretary.  
Financial Secretary  
Treasurer**

**Revised 2022**

PREFACE

ORDER OF BUSINESS

Under Roberts' Rules of Order

**ARTICLE I**

We, the Members of this Local Union declare and assert that the participation of this Local Union, its Members, Officers, Local Executive Board Members, Local Union Committee Members, Representatives, Agents and Employees, under its direction or at its request individually or in concert with other organizations in the pursuit and attainment of the objects, purposes and principles of this Local Union and the expenditure of any of its funds for such purposes or in these Bylaws authorized are and each of them is for the sole benefit of this Local Union.

The objects, purposes, or principles stated in each clause shall, except where otherwise expressed, be in no way limited nor restricted by reference to or inference from the terms or provisions of any other clause but shall be regarded as separate objects, purposes, and principles.

**ARTICLE II**

**Section 1**

This Union shall be known as Operating Engineers Local Union 841 and shall consist of the parent Local No. 841 and subdivisions and shall operate under the district form of government.

Effective July 1, 1970 and thereafter, the membership of all members of Local 841A who meet the definition of Registered Apprentice Engineer as set out in the International Constitution shall automatically be transferred to the Registered Apprentice Engineer.

The eligibility and continued membership of a Registered Apprentice shall be as provided in the International Constitution.

**841** - All members employed in building, heavy & highway, utilities, pipelines, railroads.

**841A** - All members who meet the definition of Registered Apprentice.

**841B** - All members who are employed in pits, quarries, mines, permanent plants, and similar industries.

**841C** – Municipalities, secretaries, factories, and all other entities outside of the construction industry.

Effective January 1, 1994, a member who has a card which is less than the class of work that he or she is performing shall be required to purchase a card in the class of work being performed. The card may be purchased at the initiation fee rate as provided herein.

### **ARTICLE III**

#### **DUTIES OF MEMBERS**

##### Section 1

In addition to the duties required by the Constitution and Ritual, every Member shall be required:

(a) A member shall conform to and abide by the hours, wages, and conditions of employment provided for in agreements negotiated by this Local Union.

(b) A member shall not enter into an individual or personal contract or agreement with his or her Employer, which serves to lower the wages, hours or conditions of employment negotiated by this Local Union.

(c) A member shall not engage in conduct discreditable to this Local Union.

(d) A member shall observe and follow non-discriminatory procedures and regulations governing employment, transfer and lay-off.

(e) A member shall not be intoxicated or under the influence of illegal drugs on the job, or in or about an employment office of the Local Union, or at a District or Local Union Meeting.

(f) A member shall not willfully damage machinery or equipment.

(g) A member shall not leave a job without giving due notification to his or her Employer and the Local Union.

(h) A member shall not leave equipment while in operation during working hours without being properly relieved.

(i) A member shall not accept employment contrary to non-discriminatory hiring procedures and regulations.

(j) A member shall comply with the lawful orders of the local Union.

(k) A member shall show his or her dues book, card, or receipts when requested to do so by a Representative or Job Steward.

(l) A member shall report to the Local Union known violations of contract.

(m) A member shall become familiar with the Constitution, Bylaws, and Working Rules in the specific contract under which he or she is working.

(n) A member shall not misrepresent his or her qualifications and ability to perform job.

(o) A member shall comply with all safety rules and regulations governing the operation of any job on which they are working.

(p) A member shall keep an accurate record of time worked and wages earned and received.

(q) A member shall make a claim for any shortages in wages, overtime, subsistence, and travel dues within ten (10) days after payday.

(r) Members acting in a supervisory capacity shall be aware of their obligation to their fellow members.

Members found guilty of violating any of the foregoing duties shall be subject to discipline in accordance with the applicable procedures of the International Constitution and these Bylaws.

## **Section 2**

Any member who shall engage in, advocate, approve, or support the use of subversive tactics, force, violence, radicalism, disruption, revolutionary or similar means designed or used to overthrow, destroy, nullify, or otherwise render ineffectual the established order of the Government, or this Local Union, or its International Union, shall forthwith be expelled from membership or otherwise disciplined as the circumstances may require.

## **Section 3**

All Members, Officers, Local Union Executive Board Members, Representatives, Agents, and Employees of this Local Union shall comply with and conform to the IUOE Code of Ethics.

## **Section 4**

Members shall immediately notify the Local Union of any change in their current address and telephone number. Notices of any kind sent through the mail to the last address given by any member to the Local Union shall be considered legal notices.

## **Section 5**

Every member by virtue of his or her membership authorizes this Union 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 him and have final authority in presenting, processing, and adjusting any grievance, difficulty, or dispute arising under any collective bargaining or other agreement or out of his or her employment with such employer,

in such manner as the Union through its Business Manager deems to be in the best interests of the Union. The Union, through its Business Manager, may decline to process any such grievance, complaint, difficulty, or dispute, if in his or her judgement, such grievance, complaint, or dispute should so decline to show merit. In the event the Business Manager should so decline, the member may appeal such decision to the Local Union Executive Board, whose decision shall be final.

#### ARTICLE IV

#### REQUIREMENTS FOR MEMBERSHIP AND INITIATION FEES

The requirements for membership are:

(a) Each person desiring membership shall apply by completing and signing the form adopted by this Local Union for such purpose and shall pay the initiation fee and applicable current dues and any applicable working dues, as negotiated.

(b) Election to membership by a majority vote of the Local Union Executive Board.

(c) The mailing of a written notice that he or she has been elected a member, addressed to the member at his or her address as shown on the records of the Local Union.

The following Initiation Fees shall apply, effective May 1, 2005:

**841** - \$500.00 plus 6 months dues

**841A** - \$250.00 plus 3 months dues.

**841B** - \$125.00 plus 3 months dues.

**841C** - \$25.00 plus 1 month dues

**Full Time Retirees** - \$10.00 per month.

**Sick Dues** - \$10.00 per month.

Sick Dues shall be voted upon by the Executive Board.

Dues and assessments shall be in addition to the regular initiation fees and shall be paid accordingly, as follows:

The dues of Local 841 shall be an amount established in accordance with Article XXIV, Subdivision. 7, Sec. (a) of the International Constitution.

## **ARTICLE V**

### **REGISTRATION FEES AND OUT OF WORK LISTS**

#### **Section 1**

All registrants on the out of work list shall pay a fee of \$20.00 per month. The out of work lists shall be kept at all offices of Local Union 841.

#### **Section 2**

A registrant shall be dropped from the out of work list at the end of each month unless he or she has re-registered and paid an additional \$20.00 registration fee.

#### **Section 3**

Upon being dispatched to a job, all traveling members shall pay Travel Service Dues as provided for in the International Constitution, unless expressly waived by the Union. In addition, all applicants for membership shall, upon being dispatched to a job, pay Applicants' Service Dues as required by the International Constitution.

#### **Section 4**

Subject to the approval of the General President, in any specific organizing campaign, the Executive Board shall have the authority, subject to the provisions of the International Constitution, to waive the Applicant Service Dues or to set a lower initiation fee, or both, if in their opinion it is necessary, proper, or advisable under the circumstances to secure or attain the objects, purposes, and principles or any of them of this Local Union.

## **ARTICLE VI**

### **MEMBERS IN ARREARS IN DUES AND/OR ASSESSMENTS**

#### **Section 1**

Member dues are fixed and charged on a monthly basis and are due and payable on the 1<sup>st</sup> day of each month. Members who have not paid their current dues or assessments within sixty (60) days after they have become due and payable may, by action of the Local Executive Board, be barred from meetings or removed from committees, or both, or suspended from membership.

#### **Section 2**

All members shall be notified that they are in arrears in their dues and shall be subject to suspension if not paid within thirty days of the due date. In order to reinstate, the member must

comply with Article XXIV, Subdivision. 7, Section (h) of the Constitution of the International Union of Operating Engineers.

## **ARTICLE VII**

### **OFFICERS**

#### **Section 1**

The Constitutional Officers of this Local Union shall consist of Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, three Trustees, three Auditors, a Conductor, and a Guard. No member may hold the offices of Financial Secretary and Treasurer at the same time.

#### **Section 2**

The term of all Officers shall be for a period of three (3) years.

#### **Section 3**

A vacancy in any Office shall be filled by appointment for the unexpired term thereof by the vote of a majority of the following officers, viz: Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary and Treasurer. In the event these Officers shall fail to fill said vacancy within thirty (30) days after the same shall occur, then said office shall be filled by secret ballot vote of the majority of the membership in good standing present at the next regular semi-annual meeting of the Local Union following the expiration of said thirty (30) days.

In order to fill a vacancy under this section, a member must, at the time of election, be in good standing with respect to payment of dues and meet the requirements contained in the second and fourth paragraphs of Article XXIV, Subdivision 1, Section (b) of the International Constitution.

#### **Section 4**

The salary of the Business Manager shall be set by the Local Executive Board, but in no event shall said salary be more than thirty percent (30%) above the salary paid to any Officer or Business Representative of the Local Union.

#### **Section 5**

The duties of the Constitutional Officers, other than the Business Manager, and in addition the Auditors, Conductor, and Guard shall be provided in the International Constitution, except that the President shall be a delegate to State, Interstate and Provincial Organizations to which the Local Union is entitled to send a delegate, and is a delegate to any International Convention held during the term of his or her office.

## **Section 6**

No member who acts in the capacity of a contractor or supervisor may simultaneously hold any Union office or other position in the Union; call, preside over, or conduct Union meetings; or be eligible as a candidate for any union office or other position in the Union. Any member holding a Union office or other position who becomes a contractor and/or supervisor may be removed from office by the Local Union Executive Board.

All members in good standing, regardless of their employment status, are entitled to attend Union meetings and vote.

## **Section 7**

All Local Union checks shall contain two signatures. The signatures may be from the Business Manager, President, Treasurer, or any other individual authorized by the Local Union Executive Board.

# **ARTICLE VIII**

## **BUSINESS MANAGER**

### **Section 1**

There shall be a Business Manager who is a Constitutional Officer. The Business Manager shall be the Chief Executive Officer of the Local Union.

### **Section 2**

It shall be the duty of the Business Manager to direct and conduct all business and affairs of this Local Union and its subdivisions to secure and achieve the objects, purposes, and principles of this Local Union within the limits of the policy set by the membership meeting, and by the Local Union Executive Board between meetings.

### **Section 3**

Specifically, but not in limitation of these general powers and duties:

(a) The Business Manager shall direct, for this Local Union, the negotiations of all agreements with an employer and shall enforce each such agreements fully through his or her staff.

(b) the Business Manager shall employ all Representatives, agents, and assistants in accordance with the International Constitution, and office and other employees who shall be directly responsible to him. He or she shall set all salaries of District and Business Representatives and employees with the advice and consent of the Local Union Executive Board. The weekly salary of Business Representatives shall not exceed an amount equal to 50 hours worked at the Group 1 rate of the Illinois Construction Agreement.



(c) the Business Manager shall employ such legal counsel, certified public accountants, and other technical personnel as he may deem necessary or advisable, unless otherwise provided by law or prohibited by the International Constitution.

(d) Unless otherwise provided by the International Constitution or applicable law, the Business Manager shall have authority to appoint delegates and representatives to organizations to which this Local Union is entitled to send delegates or to which it is entitled to representation. In addition, he or she shall appoint all trustees to any and all trusts whose trust agreements authorize this Local Union to name and appoint trustees.

(e) When, in the judgement of the Business Manager, it shall be necessary, proper, advisable, or desirable to protect, preserve, secure, or advance the interest, objects, purposes and principles or of them of this Local Union.

(1) the Business Manager is authorized on behalf of this Local Union to initiate legal or administrative proceedings, actions, or suits and to defend this Local Union in any legal (civil or criminal) or administrative proceedings, actions, or suits which may in his or her judgment be necessary, proper, or desirable to protect, preserve, secure, or advance the interests, purposes, objects and principles of this Local Union with the advice and consent of the Local Union Executive Board.

(2) the Business Manager is further authorized on behalf of this Local Union, and after an affirmative vote of the Local Union Executive Board, to defend the Officers, Local Union Executive Board Members, each committee and its Members, Job Stewards, Representatives, Agents and Employees in any legal (civil or criminal) or administrative proceeding, action or suit in which any of them are named as a party by reason of any act or thing done or which it is claimed any of them failed to do arising out of or in the course of their Duties of Employment as an Officer, Local Union Executive Board and its Members, Committees or their Members, Job Steward, Representative, Agent or Employee. An exception to this authority is in the event the officer, representative, agent or employee is charged with a breach of his or her trust to the Local Union or any member thereof, as in that case, the authorization to defend or pay for the defense does not exist until such person is exonerated.

(3) the Business Manager is further authorized on behalf of this Local Union with the advice and consent of the Local Union Executive Board to compromise and settle any such legal (civil) or administrative proceeding, action or suit hereinabove referred to and pay out of the funds of this Local Union all or any part of such compromise or settlement and any judgment or decree.

(f) the Business Manager shall attend all Regular Semi-Annual Meetings of the Local Union and such District Meetings as he or she is able to attend.

(g) the Business Manager shall be a Delegate to and attend all conventions, including State, Interstate, and Provincial Organizations to which the Local Union is entitled to send Delegates and is a delegate to any International Convention held during the term of his or her office.

(h) the Business Manager may be a member of all Board of Trustees on which the Local Union is entitled to representation.

(i) the Business Manager shall incur such expense as may be necessary, proper, or advisable in the carrying out of his or her duties and shall cause all salaries and other current expenses to be paid.

(j) the Business Manager shall insofar as in his or her opinion it is necessary or advisable, set the allowances and approve or authorize the incurrence of expense of and by all District and Business Representatives, Agents, and other Employees of the Local Union and shall be authorized to grant to such persons time off for personal leave, holidays, or sick leave.

(k) the Business Manager is authorized to lease or rent automobiles and to trade, exchange, purchase, sell, or lease other equipment and to arrange financing therefor and to maintain and repair the same. All documents involved shall be executed by the Recording-Corresponding Secretary. The Business Manager is further authorized to maintain and repair real property owned by this Local Union.

(l) the Business Manager shall purchase such policies of insurance as in his or her judgement are necessary, proper, or advisable.

(m) the Business Manager shall at all times consult with the Officers of the Local Union and Members of the Local Union Executive Board and seek other advice and assistance between meetings of the Local Union Executive Board.

(n) The Business Manager shall make regular reports to the Local Union Executive Board.

## **ARTICLE IX**

### **EXECUTIVE BOARD**

#### **Section 1**

The Executive Board shall be the policy forming tribunal of the Local Union.

#### **Section 2**

All of the rights and powers that may be exercised by the Members at a regular semi-annual meeting of the Local Union when such regular semi-annual meeting is in session, shall when the same is not in session, pass to and are vested in the Local Union Executive Board. All acts of the Local Union Executive Board shall be reviewable by the Members of this Local Union at the next

subsequent regular membership meeting of this Local Union and may by majority vote of the Members present be revoked.

### **Section 3**

The Local Union Executive Board shall meet as often as necessary, but not less than once each month, and at the call of the Business Manager or President, or on written request of a majority of the Executive Board. The Local Union Executive Board must meet prior to the Regular Semi-Annual Meetings.

### **Section 4**

Funds of the local Union declared surplus by the Local Union Executive Board shall be invested by the Business Manager, President, and Treasurer only in investments that fall within the requirements of the Investment Policy of the International Union of Operating Engineers Local 841 Qualified Savings Plan Trust. Any investment falling outside the guidelines of the Policy must be approved by a membership vote at a Terre Haute District meeting.

The Local Union shall keep an amount in cash or cash equivalents that is equal to or greater than the operating expenses of the Local Union in the previous twelve months.

## **ARTICLE X**

### **COMMITTEES**

#### **Section 1**

The Business Manager shall appoint all committees such as, but not limited to, the negotiating committee and the grievance committee.

#### **Section 2**

It shall be the duties of all committees appointed to do their utmost for the Local Union and its members and to report to the Local Union Executive Board and the membership at District Meetings.

## **ARTICLE XI**

### **GRIEVANCES**

#### **Section 1**

All complaints and grievances shall be settled in accordance with the International Constitution.

## **Section 2**

Any rules not herein set forth or stipulated in the International Constitution shall be established by the Executive Board.

## **ARTICLE XII**

### **JOB STEWARDS**

#### **Section 1**

A Job Steward may be appointed by the Business Manager or Representative under the direction of the Business Manager on any job or project in the jurisdiction of the Local Union.

#### **Section 2 - Authority**

(a) The Job Steward's duties, functions and responsibilities are limited to receiving complaints from the Members; checking on the job for violations of agreement, health and safety; investigating and reporting to the appropriate Business Representative.

(b) The Job Steward has no authority to seek adjustment of violations of the Agreements or of the International Constitution or of these Bylaws, nor shall he or she purport to have the authority, nor shall he or she act to cause or attempt to cause in any fashion whatsoever, any person, whether employee, supervisor of employer, to take any action, or any person to cease from any action in violation of, or in furtherance of, the Agreement or the International Constitution, or by these Bylaws, but the Job Steward shall instead report to the Business Representative of the Union servicing the job or project for appropriate action. He or she shall not collect any money due or payable to the Local Union from any Member or applicant for Membership or any other person.

#### **Section 3**

A Job Steward who fails to carry out his or her duties or exceeds his or her authority and may be summarily suspended from his or her position as Job Steward by the Business Manager or his or her authorized deputy.

## **ARTICLE XIII**

### **ELECTIONS**

#### **Section 1**

No member shall be eligible for any election, be elected, nor hold office unless he or she meets the requirements set forth in Article XXIV, Subdivision 1, Sections (a) and (b) of the International Constitution. In order to be eligible for election to an office, a member must also submit a petition signed by at least two percent (2%) of the members of the parent Local Union and its subdivisions, or two hundred (200) members, whichever is less, who are not suspended for non-

payment of dues as of the time of the nominating meeting; said petition must be submitted by the close of the Nomination Meeting in order for the member to be nominated for an office; members who desire to be nominated have the right within sixty (60) days prior to the nomination meeting to contact the Local Union in writing and to be advised in writing as to how many members in good standing are necessary for a petition to be a proper petition; in the event a nominated member submits a petition signed by members in good standing equal or greater in number than the number he was given, that petition will be a valid nominating petition. No member shall be eligible for election, be elected or hold any office or position and no person shall be employed who has been convicted of any crime involving moral turpitude offensive to trade union morality, or who has been found, after trial by the Union or Civil Court, to have been false in his or her trust or misappropriated Union funds or property.

## **Section 2**

In the event of the death between nomination and the time of the last meeting preceding the election, of any constitutional officer who has been nominated to office in the forthcoming election, any member of the local Union who is otherwise eligible, shall be eligible to be nominated and upon his or her acceptance of such nomination shall be eligible to be elected to, and if elected, to hold the office to which the deceased officer had been nominated. If the death occurs after the last meeting preceding the election, nomination shall be effected by filing a statement of candidacy with the Recording-Corresponding Secretary prior to the election, but in no event more than five (5) days after the deceased officer's death.

## **Section 3**

(a) The election of Officers of the Local Union Executive Board shall be held during the month of August by mail referendum vote of the membership of this Local Union under the supervision of the Election Committee and a firm of Certified Public Accountants or Law Firm, selected by the Business Manager, with such technical and legal assistance as may be provided.

(b) The election shall be conducted by a committee known as the Election Committee, composed by one (1) Member from each District in which nominations will be made. The Member shall be nominated and elected by secret ballot at all District Membership meetings during the month of April preceding the election, or by specially called District Meetings by vote of those Members present whose last known addresses, as shown on the Local Union records, ten (10) days prior to the first such District Meeting in April preceding the election, was within the area covered by the District. Each Member shall be a registered voter in the District in which he or she is nominated, shall have been a Member of Operating Engineers Local Union 841 for One (1) year next preceding his or her nomination and election, and shall not be a candidate, or nominator of a candidate for any office or position.

(c) The Election Committee shall determine whether or not each Candidate nominated is eligible. Any Candidate found not to be eligible shall be declared ineligible by the Election Committee. The Committee's decision shall be promptly communicated to each such ineligible Candidate in writing. Unless the Election Committee's decision is reversed or appealed for just cause, it shall govern, and the ballots shall be prepared accordingly.

(d) The Election Committee shall be responsible for the conduct of the Election, and specifically, for the preparation of the list of eligible voters, showing the Member's name and last known address as it appears on the records of this Local Union; the preparation and printing of the ballots, listing the Business Manager nominees first and the Constitutional Officers next, and other positions thereafter in the order in which they appear previously in these Bylaws.

The Election Committee shall deliver the list of names and last known addresses of eligible voters, and cause the printers to deliver the ballots and envelopes to the firm of Certified Public Accountants or Law Firm, which firm shall rent a post office box in which the ballots shall be returned.

(e) The Certified Public Accountants or Law Firm shall mail the ballots and return envelopes to the eligible voters on the dates set forth by the Election Committee and the post office box shall be opened in accordance with their request. In the event such date should be a Sunday or a Holiday, the post office box shall be opened by the Certified Public Accountant or Law Firm on the following day, at the same time.

The Certified Public Accountants or Law Firm shall remove the returned ballots for the first and last time, count the same and notify the results in writing to the Election Committee. No returned ballots, irrespective of postmark, shall be counted after the returned ballots are removed from the post office box.

The Election Committee, or a sub-committee thereof, shall be present at the mailing of the ballots, the opening of the post office box for the first and last time, and the counting of the ballots.

(f) The Election Committee shall declare the Candidate for each office and position receiving a plurality of the votes elected, except that the three (3) Candidates receiving the highest number of votes for the offices of Trustees and the Position of Auditors shall be declared elected.

(g) The newly elected officers shall be installed at a specially called meeting not later than September 15th.

#### **Section 4**

Each Candidate shall have the right to have an observer at the polls and at the counting of the ballots; each Candidate shall have the right to have an observer to check the eligibility list of voters, check the ballots, see that the ballots are mailed, be present at the opening of the post office box and the counting of the ballots. The observer may challenge the eligibility of any voter, and the ballots of all voters who may have been challenged shall be set aside, pending determination as to their validity. If the challenged ballots are sufficient in number to affect the results of the election, all challenges shall be investigated by the Election Committee to determine their validity, as promptly as possible.

**Section 5**

The Recording-Corresponding Secretary shall preserve for one (1) year the ballots and all other records pertaining to the election.

**ARTICLE XIV**

**INTERNATIONAL CONVENTION  
DELEGATES**

**Section 1**

By virtue of their office, delegates shall be the Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary and Treasurer. In the event that a member(s) holds more than one of the foregoing offices or one or more of the officers shall elect not to serve as a delegate to the General Convention, the Local Union's Conductor shall serve as a delegate, and if a second delegate position is open, the Guard shall be a delegate.

**ARTICLE XV**

**MEETINGS**

**Section 1**

A special meeting of the general membership may be called by order of the President, or by a majority of the following Officers: Vice-President, Recording-Corresponding Secretary, Financial Secretary, and Treasurer.

**Section 2**

(a) The Business Manager may, in person or through his or her deputy, call a special meeting of these Members of the Local Union covered by any particular Collective Bargaining or other Agreement with an employer as that term is defined in the Labor-Management Relations Act, 1947, as amended, for the purpose of considering and acting upon wages, rates of pay, hours of labor and other conditions of employment affecting them and all other Members may be excluded from such meetings.

(b) Such Meeting may be called for the purpose of taking (1) a strike vote, (2) a vote to accept or reject any employer proposal or collective bargaining settlement, or other agreement affecting their employment.

(c) A strike vote, or a vote to accept or reject any employer proposal or collective bargaining agreement or other agreement not taken under (a) or (b), shall be taken at specially called District Meetings in these Districts, all or part of which come within the territorial coverage of the Agreement, in which case the majority of the total votes cast by the Members present at all such District Meetings shall govern.

## ARTICLE XVI

### QUORUM AND RULES OF ORDER

#### Section 1

At the hour set for the Semi-Annual or Special Membership Meeting, the President shall call the meeting to order and preside. In the absence of the President the Vice-President shall preside. In the absence of both, the Recording-Corresponding Secretary shall call the meeting to order, and the membership shall elect a temporary Chairman.

#### Section 2

If any Officer absents himself from four (4) consecutive Regular Semi-Annual Meetings of the general membership without a satisfactory excuse, his or her office may be declared vacant in accordance with the International Constitution.

#### Section 3

No member under the influence of intoxicating liquor or under the influence of illegal drugs shall be admitted to or be permitted to remain in the meeting hall.

#### Section 4

No subjects, except those which are within the purposes, objects, and principles of this Local Union shall be discussed at any meeting.

#### Section 5

Appeals from decisions of the chair shall not be debatable except by the President and the Member making such appeal.

#### Section 6

A motion shall not be subject to debate until it has been recorded and stated by the Chairman.

#### Section 7

A motion to adjourn shall not be in order until the conclusion of New Business.

#### Section 8

It shall not be in order for a person who has spoken on a question to move the previous question at the close of his or her remarks.



### **Section 9**

A member having made a motion may withdraw it with the consent of his or her second, but a motion once debated cannot be withdrawn except by unanimous consent of the Members present.

### **Section 10**

Before the presiding officer declares the vote on a question, any Member may ask for a division of the house, in which case the Chair shall comply with such request and call for a standing vote.

### **Section 11**

No member shall speak on any one question longer than five (5) minutes, nor more than once, until everyone who desires has had an opportunity to speak. The presiding officer may, any time when in his or her opinion the business of the meeting is unduly prolonged without motion, or second and as a matter of right put the following question: "Shall the discussion be ended? All those in favor say aye. All those opposed, no".

### **Section 12**

No member shall be interrupted while speaking except to call him to order, or for the purpose of explanation or information.

### **Section 13**

If at any time in the opinion of the presiding officer, the conduct of a Member is disturbing the meeting, without motion or second the officer shall as a matter of right put the following question: "Shall Brother or Sister (stating his or her name) be removed from the meeting? All those in favor say aye. All those opposed say no".  
If the vote is "aye", the member shall be removed by force if necessary.

### **Section 14**

Except as herein provided, Roberts' Rules of Order shall be the guide at all meetings.

## **ARTICLE XVII**

### **BONDING**

It shall be the responsibility of the Business Manager to see that all persons required by law to be bonded shall be bonded and such other persons as may be designated by the Local Union Executive Board, in such amounts as shall be either required by law or determined by the Local Union Executive Board as the case may be.

## **ARTICLE XVIII**

### **TRIALS MEMBERS**

#### **Section 1**

All charges against a Member shall be filed, and the member shall be tried in accordance with the provisions of the International Constitution.

#### **Section 2**

Pre-Trial Procedure - Within thirty (30) days after the pleadings are filed, or the plea entered or the time elapsed within which the same must be filed or entered, the Executive Board may at its discretion, order a pre-trial hearing and direct the complainants and defendants to appear at said hearing. All parties shall be notified in writing, by certified or registered mail, providing the date, time and place of the hearing and the specific charges to be pre-tried. The purpose of the hearing shall be to define the issues and to make a preliminary determination as to whether the charges have merit. The Board upon hearing all the parties, may at its discretion, decline to process these charges after such hearing as being without merit. However, such decisions of the Board not to process the charges, shall be appealable to the General Executive Board in accordance with provisions of the International Constitution. The failure of the complainant to appear at such pre-trial hearings may result in a dismissal of the charges by the Board. The Board shall also have the power to settle the matter at such hearing in the event such settlement is mutually agreeable to all parties.

## **ARTICLE XIX**

### **OFFICIAL COMMUNICATIONS**

There shall be in each District Office an official bulletin board located in the Employment Office where all official notices will be posted.

## **ARTICLE XX**

Quarterly financial reports shall be submitted to the International Union and shall be available to the members in the principal office of the Local Union.

## **ARTICLE XXI**

### **INTERNATIONAL CONSTITUTION**

This Local Union acknowledges that the Constitution of the International Union of Operating Engineers supersedes any provisions by these Bylaws which are inconsistent with such Constitution. The Local Union hereby re-adopts as the Constitution, such International Constitution, and incorporates the same herein by reference, as if fully set forth herein, all such provisions of such Constitution, as it may be interpreted, modified, or amended from time to time, which are applicable to Local Union matters or affairs.

## **ARTICLE XXII**

### **AMENDMENTS TO THE BYLAWS AND SAVINGS CLAUSE**

#### **Section 1**

Proposed amendments to these Bylaws shall be submitted to the Local Executive Board for its recommendation. This recommendation shall be brought to the attention of all members of the Local Union. Thereafter, the Bylaws may be amended by a majority vote of the members voting at a regular membership meeting, at a special meeting called for that purpose, or in a mail referendum of the membership.

#### **Section 2**

The provisions of these Bylaws relating to the payment of dues, assessments, fines, or penalties, etc., 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. However, all financial obligations imposed by or under the International Constitution, and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the Members upon whom imposed and shall be enforceable in a court of law.

#### **Section 3**

If any provision of these Bylaws shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of Federal or State government, the Local Union Executive Board shall have the authority to suspend the operation of such provision 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 or competent jurisdiction, the remainder of this Constitution 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.

## **ARTICLE XXIII**

Wherever reference is made to gender in these Bylaws the same shall be interpreted and construed as including both male and female.

## ARTICLE XXIV

These Bylaws have been drawn up and approved by the Bylaws Committee consisting of:

Thomas Ridge	Business Manager/President
Brian Gilham	Vice President
Kevin Buenker	Recording-Corresponding Secretary
Bill Sharp	Financial Secretary
Mike Wombles	Treasurer
Marc Davis	Conductor
Bill Mullis	Guard
Damon Lynch	Trustee
Andrew Smith	Trustee
John Lopossa	Trustee
Jason Fisher	Auditor
David Johnson	Auditor
Shane East	Auditor
Cody Pirtle	Bylaws Committee
Randy Shuman	Bylaws Committee
Frankie Molt	Bylaws Committee
Scott Ridge	Bylaws Committee
Sam Barrow	Bylaws Committee