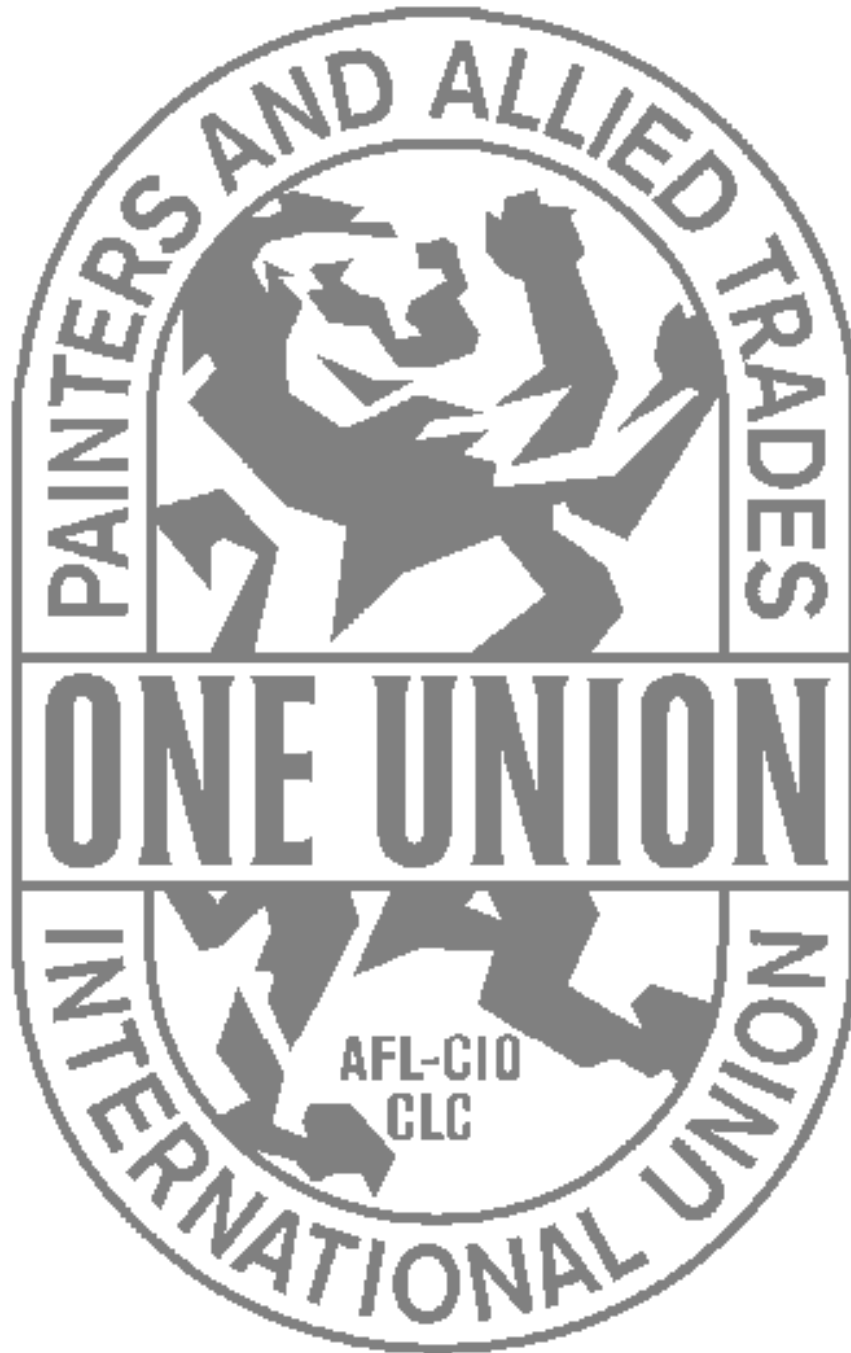


# **B Y L A W S**



**INTERNATIONAL UNION OF PAINTERS AND  
ALLIED TRADES, DC 38  
AFL-CIO-CLC**

THESE BYLAWS ARE APPROVED BY THE GENERAL EXECUTIVE BOARD WITH THE UNDERSTANDING THAT NOTHING CONTAINED IN THIS DOCUMENT SHALL BE INTERPRETED OR APPLIED IN VIOLATION OF ANY APPLICABLE DOMINION OR PROVINCIAL LAW.

Approved by the General Executive Board Date: September 27, 2016

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## PREAMBLE

We, the members of District Council 38, of the International Union of Painters and Allied Trades, AFL-CIO, -believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of the Locals affiliated with this International Union; to secure legislation in the interests of our members; to bring about higher wages, shorter hours and better working conditions for them; to influence public opinion by peaceful and legal methods, in favor of our affiliated organizations and all organized labor generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers; and to otherwise enrich the lives of our members and their families, and all other working men and women - hereby formulate and adopt these Bylaws for our guidance and government.

## ARTICLE 1 BYLAWS

- 1.01** These Bylaws shall be subordinate to the provisions of the Constitution of the International Union of Painters and Allied Trades, AFL-CIO (hereinafter called "the International" or "International Union"). In case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern.

## ARTICLE 2 NAME

- 2.01** This organization shall be known as IUPAT District Council 38, a subordinate body of the International Union of Painters and Allied Trades.

## ARTICLE 3 OBJECTS

- 3.01** The objects of the District Council are to further the objects of the International Union, to organize the unorganized, to bring about harmony and unity between Local Unions; to negotiate Council-wide agreements for each craft represented by the Council; to see that the wages, hours, and other terms and conditions of employment established in those agreements are observed by members and by employers; and to create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity of signatory employers while insuring job security, safety, training and excellent wages and benefits for our members.

## ARTICLE 4 JURISDICTION

- 4.01** The territorial jurisdiction of the District Council shall be as follows: Province of British Columbia and Yukon Territories. Territorial jurisdiction may be altered at any time by the General Executive Board in accordance with the International Constitution.
- 4.02** The work jurisdiction of this District Council shall be all work set forth in Section 6 of the International Constitution and such other work as may be performed by those working under collective bargaining agreements negotiated by this District Council.
- 4.03** All Local Unions of the International Union within the territorial jurisdiction of this District Council are automatically fully affiliated with this District Council.
- 4.04** Fully affiliated means that: (a) members of the Local Union pay administrative dues to the District Council through a check-off from wages; (b) members of the Local Union enjoy full voting rights as members of the District Council; (c) the District Council serves as the exclusive bargaining representative for all its members; (d) the District Council is the union party to, and has the right to enforce, all collective bargaining agreements covering its members; (e) the District Council has the power to appoint and remove the labor trustees for any trust funds in which the District Council or any affiliated Local Union participates, and should the governing documents of a trust fund in which an affiliated Local Union participates require the Local Union or any of its officers to take action to appoint or remove a trustee, the Local Union officer(s) shall obey any directive given by the District Council Business Manager/Secretary-Treasurer; and (f) all craft jurisdiction belongs to, and shall be protected by, the District Council.

## ARTICLE 5 OFFICERS

- 5.01** The Officers of the District Council shall be the Business Manager/Secretary-Treasurer, President, Vice President, Warden and four (4) Trustees.
- 5.02** **BUSINESS MANAGER/SECRETARY-TREASURER (BM/S-T)**  
The BM/S-T shall be a full-time position and shall serve as the principal officer of the District Council.
- (a)** The BM/S-T shall be an automatic trustee to any Trust Fund in which the members of the District Council participate, and to any Trust Fund in which the members of any affiliated Local Union participate, and shall appoint (and have the power to remove) all Union Trustees to all Trust Funds affiliated with the District Council or any Local Union affiliated with the District Council.

- (b) The BM/S-T shall have full charge of the business office of the District Council, and he or she shall have the authority to employ, discharge, direct, and set the salaries and benefits of all non-elected employees of the Council, including but not limited to organizers, field representatives and office staff. The BM/S-T shall be authorized to purchase such equipment and supplies as he or she deems necessary for the proper operation of such offices.
- (c) The BM/S-T shall maintain a current list of names and addresses of all members of the affiliated Local Unions.
- (d) The BM/S-T shall be the spokesperson and Chair of, and shall appoint, the District Council negotiating committee(s).
- (e) The BM/S-T shall have the power to direct and supervise Business Representatives in the performance of their duties and assign them to any territory or task irrespective of trade.
- (f) The BM/S-T shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s) established under Council collective bargaining agreements, and he or she shall appoint all other delegates to the Joint Trade Boards.
- (g) The BM/S-T may retain professional advisers (such as attorneys and accountants) and other service providers; provided, however, that the BM/S-T shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board.
- (h) The BM/S-T shall be authorized to make contributions to the to the IUPAT Canadian Political Action Together Fund as may be necessary to qualify the District Council for organizing assistance under Section 291 of the International Constitution.
- (i) The BM/S-T is authorized to make expenditures to carry out his or her responsibilities as set forth in this Section 5.02. The BM/S-T also is authorized to make such expenditures as he or she deems appropriate to promote and protect the interests of the membership, provided that such expenditures are not prohibited by resolution adopted by the Council of Delegates, and provided further that the BM/S-T must present to the Council of Delegates for their approval, a copy of the check registry of all expenditures of all District Council bank accounts since the last District Council Delegates meeting.
- (j) The BM/S-T shall be held responsible for results in organizing the jurisdiction of the District Council, for establishing working relations with employers, and for protecting the jurisdiction of the International Union of Painters and Allied Trades.

- (k) The BM/S-T shall receive a weekly salary of sixty (60) hours per week, fifty-two (52) weeks per year at the highest collectively bargained hourly rate set forth in the District Council area agreements. Contributions and deductions to the various Trust Funds shall be remitted as per the Painters Standard ICI Collective Agreement and the Constitution.

There are no allocated sick days for the BM/S-T. Sick time with pay is not to be abused and is permitted within reason and at the discretion of the District Council Executive Board. At no time are sick days to be paid time off as a settlement for discontinued employment.

There shall be no per diem paid to the BM/S-T. Any expenses related to official Council business incurred for travel or meeting expenses shall be reimbursed in full with original receipts.

The Business Manager/Secretary Treasurer shall be entitled to a reasonable car allowance as established by the Executive Board. Alternatively, the Executive Board may elect to provide a vehicle to the BM/S-T and defray all related expenses.

- (i) Pursuant to Section 133(b) of the International Constitution, an increase in the BM/S-T's compensation may only be accomplished by amendment of these Bylaws. The delegates, with the approval of the General Executive Board, may reduce the BM/S-T's salary temporarily during a period of high unemployment among the membership;
  - (ii) Pursuant to Section 133(b) of the International Constitution, the salary of the BM/S-T may not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.
- (l) The BM/S-T, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.
- (m) The BM/S-T shall take and maintain accurate minutes of District Council meetings and forward same to all affiliated Local Unions and to all delegates to the District Council and to the General Secretary-Treasurer. At a minimum, the minutes shall contain the following:
    - (i) A listing of the District Council Delegates and Officers who were present or absent at each meeting, as well as a list of all members and guests in attendance,

- (ii) A description of each item of business conducted at the meeting, which shall note all motions made and the disposition of each.
- (n) The BM/S-T or his or her designee shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to insure that the IUPAT Constitution, these Bylaws, and the provisions of the collective bargaining agreements are enforced. It shall be the duty of the Stewards to see that all persons have their working cards, and to contact the District Council immediately if there should be any irregularity.
- (o) The BM/S-T shall appoint from among the members of the District Council the following standing Committees: Bylaws Committee; Building Committee; Retirees Committee and Community Organizing for Real Economics Committee (which shall be charged with organizing, political action and community outreach).
- (p) When any question arises respecting the construction or interpretation of the District Council Bylaws, the BM/S-T shall decide the question subject to the approval of the Council of Delegates. If the Council of Delegates takes no action in respect to such interpretation at the next meeting after it is made, the same shall be deemed approved by the Council of Delegates.
- (q) The BM/S-T shall see that the District Council complies with the requirement of Section 59(d) of the International Constitution that, absent an exemption from the General Executive Board, all District Councils participate in the group liability insurance program developed by the General Secretary-Treasurer.

### 5.03 PRESIDENT

It shall be the duty of the President to preside at all meetings of the Council of Delegates and to conduct the meetings according to parliamentary rules; to enforce a due observance of the International Constitution and these Bylaws at such meetings; to decide all questions of order without debate, subject only to an appeal to the meeting; and to see that all Officers perform their respective duties faithfully during each meeting. The President shall sign all official documents that have been passed by the Council of Delegates. The President shall not take part in any debate, nor make or second any motion while occupying the chair. The President shall not vote on any motion except in case of a tie, when he or she shall have the deciding vote. The President shall appoint all committees, except as otherwise provided in the International Constitution or in these Bylaws.

### 5.04 VICE PRESIDENT

The Vice President shall assist the President in the performance of his or her duties and preside at meetings in the President's absence.

**5.05 TRUSTEES**

The District Council shall elect four (4) Trustees. The Trustees shall, immediately upon election, elect one (1) Trustee as Chairperson.

No District Council Trustee may be employed by the District Council in any other capacity.

The Trustees shall have supervision of all funds and property of the District Council.

On no less than an annual basis the Trustees shall meet with the Independent Chartered Public Accountant to review the audit as required by Section 146(b) of the International Constitution. The Trustees will subsequently render a report on the Audit to the District Council delegates, with a copy of the Audit and report being forwarded to the Office of the General Secretary-Treasurer. Further, the Trustees shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.

The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the District Council's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the District Council are properly secured in an appropriate depository in the District Council's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the District Council except on an order or check signed in accordance with the International Constitution. They shall verify that expenditures have been made in strict compliance with the International Constitution and these Bylaws.

At the end of each fiscal quarter, the Trustees shall jointly fill out the Quarterly Checklist of the Trustees and forward the original copy to the General Secretary-Treasurer and to the District Council BM/S-T. They shall examine the membership records of the District Council to ascertain the membership at the close of each month and they shall compare their findings with the reports the Business Manager/Secretary Treasurer has submitted to the General Secretary-Treasurer to verify that the District Council is paying tax on the proper number of members and that all suspensions, reinstatements, initiations, admissions of members on clearance cards, and other changes in membership of the District Council have been properly reported.

The Trustees shall see that the BM/S-T and other officers, representatives and employees required to be bonded are bonded in the manner and in the amount required by law.

**5.06 WARDEN**

The Warden shall take charge of the door at the meetings, and see that no one other



than the delegates to the District Council and authorized representatives and guests is admitted. He or she shall also act as Sergeant at Arms.

#### **5.07 HONORARIUMS**

Executive Board members, officers and delegates (not on full-time staff) shall be paid two hundred and fifty dollars (\$250.00) per quarter to a maximum of one thousand (\$1,000.00) dollars per year. Failure to attend all regular monthly meetings without a valid excuse will result in forfeiture of this honorarium on a pro-rated basis.

All Executive Board members, officers and delegates shall have their Local Union monthly dues paid by the District Council.

### **ARTICLE 6 EXECUTIVE BOARD**

- 6.01** The Executive Board shall consist of the BM/S-T, President, Vice President, Trustee Chairperson and one duly elected delegate from Painters Local Union 138, Glaziers Local Union 1527 and Lathers Local Union 163.
- 6.02** Unless specifically authorized by the Council of Delegates, or these Bylaws, the Executive Board shall be vested with the authority of recommendation only; provided, however, that between meeting of the Delegates, the Executive Board shall be authorized to act for the District Council in cases of emergency.
- 6.03** The Executive Board shall meet prior to all District Council meetings and at other times as deemed necessary by the BM/S-T and/or President.
- 6.04** Five (5) members of the Board shall constitute a quorum for the transaction of business.

### **ARTICLE 7 BUSINESS REPRESENTATIVES**

- 7.01** It shall be the duty of the District Council's Business Representatives to render such assistance to the BM/S-T as he or she may require and, under his or her direction, to carry out their assigned functions. Business Representatives shall also be subject to assignment in accordance with Section 45 of the International Constitution.
- 7.02** The elected Business Representatives shall receive a weekly salary of forty four (44) hours per week, fifty-two (52) weeks per year at highest collectively bargained hourly rate set forth in the District Council area agreements. Contributions and deductions to

the various Trust Funds shall be remitted as per the Painters Standard ICI Collective Agreement and the Constitution.

There are no allocated sick days for the Business Representatives. Sick time with pay is not to be abused and is permitted within reason and at the discretion of the BM/S-T. At no time are sick days to be paid time off as a settlement for discontinued employment.

There shall be no per diem paid to the Business Representatives. Any expenses related to official Council business incurred for travel or meeting expenses shall be reimbursed in full with original receipts.

The Business Representatives shall be entitled to a reasonable car allowance as established by the Executive Board. Alternatively, the Executive Board may elect to provide a vehicle to the Business Representatives and defray all related expenses.

- 7.03 Pursuant to Section 133(b) of the International Constitution, an increase in the Business Representatives' compensation may only be accomplished by amendment of these Bylaws. The Delegates, with the approval of the General Executive Board, may reduce the Business Representatives' salary temporarily during a period of high unemployment among the membership.
- 7.04 Pursuant to Section 133(b) of the International Constitution, the salary of Business Representatives may not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.

#### ARTICLE 8

##### DUTIES AND AUTHORITY SUBJECT TO INTERNATIONAL UNION AND DISTRICT COUNCIL POLICIES

- 8.01 The duties of all officers, Business Representatives and employees of the District Council shall be carried out, and their authority shall be exercised, in accordance with the International Constitution and with these Bylaws; and with the policies and programs established by the General Convention, the General President, the General Executive Board, and the Council of Delegates.

#### ARTICLE 9

##### NOMINATIONS AND ELECTION OF BM/S-T

- 9.01 The BM/S-T shall be elected at-large by the members in good standing of the District Council.

- 9.02 Each Local Union may nominate any number of candidates for the office of BM/S-T, and a nominee need not be a member of the Local Union that nominates him or her. Any member in good standing of the Local Union conducting nominations may nominate any eligible member of the District Council.
- 9.03 Candidates nominated for the office of BM/S-T shall be members in good standing of their Local Union, meeting the requirements of Section 154 of the International Constitution.
- 9.04 The notice of nominations and the ballot shall note that the BM/S-T shall also be an automatic delegate to General Conventions.
- 9.05 The term of the BM/S-T shall be five (5) years and it shall commence immediately upon certification of the election results by the Election Committee.
- 9.06 The terms of office and salary provisions of the BM/S-T are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

**ARTICLE 10  
NOMINATIONS AND ELECTION OF DISTRICT COUNCIL BUSINESS  
REPRESENTATIVES AND DELEGATES**

- 10.01 There shall be three (3) elected Business Representatives. No more than one Business Representative may be elected from the same Local Union.  
 Local 138 . . . . . 1 elected Business Representative  
 Local 163 . . . . . 1 elected Business Representative  
 Local 1527 . . . . . 1 elected Business Representative
- 10.02 No Local Union with fewer than 150 active members in good standing as of April 1 of an election year may be guaranteed a Business Representative, and no Local Union or grouping of Local Unions with fewer than 800 active members in good standing may be guaranteed more than one Business Representative.

Should a Local Union that otherwise would be entitled to a Business Representative under the District Council Bylaws fall below 150 active members in good standing, that Local Union shall be grouped with the nearest Local Union as determined by the BM/S-T.

Should a Local Union or grouping of Local Unions that otherwise would be entitled to more than one Business Representative fall below 800 members in good standing, that

Local Union or grouping of Local Unions shall only be entitled to one elected Business Representative.

- 10.03** The BM/S-T, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.
- 10.04** The Business Representatives shall be elected at-large by the membership of all Local Unions fully affiliated with the District Council.
- 10.05** Fully affiliated Local Unions entitled to Business Representative(s) under Section 10.01 shall nominate candidates for Business Representative(s) from among their respective members. The Business Representative nominees must be members in good standing of their Local Union, meeting the requirements of Section 154 of the International Constitution.
- 10.06** The term of the elected Business Representatives shall be five (5) years and the term shall commence immediately upon certification of the election results by the Election Committee.
- 10.07** The notice of nominations and the ballot shall note that the Business Representative(s) shall also be an automatic delegate to the District Council.
- 10.08** The term of District Council Delegates shall be five (5) years, and they shall be elected in the same year as the BM/S-T and Business Representatives. The term of District Council Delegates shall commence immediately upon certification of the election results by the Election Committee.
- 10.09** The terms of office and salary provisions of Business Representatives are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, reduction in the number of Business Representatives, imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

## ARTICLE 11 ELECTION COMMITTEE & ELECTION PROCEDURES

- 11.01** The President of the District Council shall appoint in January of each election year an Election Committee from among the regular delegates. This Committee shall adopt rules governing the election, which rules shall be consistent with the Election Guide published by the General Executive Board, and it shall supervise the election of BM/S-T and Business Representatives in accordance with the District Council Bylaws

and the International Constitution. Upon the request of the Election Committee, the President may appoint assistants to act as tellers or perform other election related duties from the membership of the District Council.

- 11.02** The Election Committee and assistants shall receive compensation in the amounts established by the delegates of the District Council.
- 11.03** The election of the BM/S-T and Business Representative(s) employed by the District Council shall take place in June of each election year as per Section 152(b) of the International Constitution. Nominations shall take place in the Local Unions' last meeting in May. Notice of the Local Unions' nomination meetings, and the election, shall be given by the BM/S-T by mail posted to the last known home address of all members at least five (5) days prior to the nomination dates and at least fifteen (15) days prior to the election date.
- 11.04** Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.
- 11.05** Voting shall be at such date, times, and locations as shall be established by the Election Committee.
- 11.06** Each candidate may designate one election observer to remain in each polling place. An observer must be a member in good standing of the District Council. No other persons shall be allowed to remain in the polling place(s) except members of the Election Committee and the Committee's assistants. Observers also may be present at the counting of the ballots.
- 11.07** At each polling place, a designee of the Election Committee shall verify that each of its members who votes is in good standing.
- 11.08** The Election Committee shall prepare ballots with numbered tear-off stubs and with the names of candidates printed alphabetically along with their Local Union number. Candidates for BM/S-T and for Business Representatives for each Local Union entitled to a Business Representative under Section 10.01, respectively, shall be separately grouped and listed on each ballot. Each ballot shall clearly state the number of candidates to be voted for within each grouping. Voting machines may be used in lieu of paper ballots, provided candidates are listed as stated above.
- 11.09** After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots.
- 11.10** Immediately upon the completion of the vote count, the Election Committee shall submit to the BM/S-T, a report listing the total number of votes cast, the number of

ballots disqualified, if any, and the reason for such disqualification, and the votes cast for each candidate.

- 11.11** The candidates receiving the highest number of votes in each grouping shall be elected.
- 11.12** All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.
- 11.13** In accordance with Section 156 of the International Constitution, any protest concerning the election must be presented to the General President within 14 days after the vote.

## **ARTICLE 12 VACANCIES**

- 12.01** All vacancies shall be filled in accordance with Section 158 of the International Constitution.

## **ARTICLE 13 NOMINATION AND ELECTION OF AFFILIATED LOCAL UNIONS OFFICERS AND DELEGATES**

- 13.01** Affiliated Local Unions shall hold nominations and elections of delegates to this District Council, Local Union Officers, Executive Board members and delegates to central bodies in accordance with Sections 209 through 212 of the International Constitution.
- 13.02** Delegates to the District Council shall be elected by all affiliated Local Unions on the following basis:
- Local Unions with 1 - 250 members shall be entitled to two (2) delegates;  
Local Unions with 251 - 500 members shall be entitled to three (3) delegates;  
Local Unions with 501 - 1000 members shall be entitled to four (4) delegates;  
Local Unions with 1001 - 2000 members shall be entitled to five (5) delegates;  
Local Unions with more than 2000 members shall be entitled to six (6) delegates.
- 13.03** To be entitled to elect delegates, each affiliated Local Union is required to be current in its payment of per capita tax to the International Union and the District Council.

- 13.04 The eligibility of delegates shall be as set forth in Section 210 of the International Constitution. Each delegate shall be entitled to one vote at District Council meetings.

**ARTICLE 14  
NOMINATION AND ELECTION OF PRESIDENT, VICE PRESIDENT, TRUSTEES,  
WARDEN, AND DELEGATE MEMBERS OF THE EXECUTIVE BOARD**

- 14.01 The President, Vice President, Trustees, Warden, and other members of the Executive Board shall be nominated, and elected by secret ballot, by delegates of the District Council within thirty (30) days after the District Council elections. To be eligible for such positions, nominees must be delegates to the District Council. The term of each office shall be five (5) years.
- 14.02 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

**ARTICLE 15  
FINANCES**

- 15.01 The revenue of the District Council shall be derived as follows:
- (a) **Administrative Processing Fees**  
Administrative Processing Fees shall be in the amount(s) set forth in Sections 92 and 93 of the International Constitution. The Administrative Processing Fees may be waived or reduced by the District Council in connection with the organization of unorganized employees, or otherwise in special circumstances, with the approval of the BM/S-T.
  - (b) Administrative dues shall be collected as established in the respective Local Union Bylaws provided that a Local Union may not change its dues rate without District Council approval and/or applicable Collective Agreements. With the approval of the District Council Delegates the BM/S-T may establish a lower dues structure for specialty bargaining units.
  - (c) When a member works outside the jurisdiction of this District Council and within the jurisdiction of another District Council affiliated with the International Union, and the Bylaws of that other District Council make provision for administrative dues, the member shall pay to that other District Council, either directly or by

check-off, the amount of administrative dues called for in the District Council Bylaws.

- (d) When a member works outside the jurisdiction of this District Council and within the jurisdiction of another District Council affiliated with the International Union, and the Bylaws of that other District Council make no provision for administrative dues, the member shall continue to pay administrative dues to this District Council.
- (e) Assessments may be levied in accordance with Section 92 of the International Constitution.
- (f) In addition to the administrative dues called for in this Section, four cents (\$0.04) per hour is added to the administrative dues check-off. This additional revenue shall be placed in the District Council Organizing Fund. The BM/S-T shall determine how these funds are expended, provided such funds may only be spent for the purpose of organizing.

**15.02** The finances of the District Council shall be maintained, and appropriations of District Council funds shall be made, in accordance with Sections 131 through 136 of the International Constitution. All funds of the District Council shall be audited at least once annually by a certified public accountant; and copies of the audit report shall be submitted to the District Council Delegates, and the International Union. Such audit shall be done in accordance with Section 131(c) of the International Constitution.

**15.03** Each Local Union may establish its own regular dues rate, subject to the provisions the International Constitution.

**15.04 Dues Collection and Membership Reporting Plan**

- (a) This Article 15.04(a) is adopted pursuant to the Dues Collection and Membership Reporting Plan ("the Plan") promulgated by the General Secretary-Treasurer pursuant to Sections 54(c) and 162 of the General Constitution. In accordance with the Plan, this Article shall apply to, and shall govern all affiliated Local Unions. All funds received and disbursed pursuant to this Article (whether on behalf of the District Council or participating Local Unions) shall be subject to all audit procedures applicable to the District Council under the IUPAT Constitution and/or these Bylaws.
- (b) All administrative processing fees, dues and assessments payable to affiliated Local Unions by applicants and members shall be collected by the BM/S-T or by designated staff. Upon receipt of any payment, the BM/S-T shall issue a receipt for the same to the applicant or member, and shall record the receipt in an



account for the applicable Local Union and in the individual member's ledger for each member.

- (c) At the end of each month, the BM/S-T shall deduct from the dues received for each affiliated Local Union (i) the per capita tax payable to the International Union, (ii) any per capita tax payable to the District Council, (iii) any monies due from the Local Union to any other IUPAT affiliated entity. As soon as possible, but no later than ten (10) days after the end of each month, the BM/S-T shall transmit the monies due from each Local Union to the International Union, the District Council and any other appropriate entity.
- (d) The District Council shall retain all remaining funds after the per capita tax is paid and shall pay all reasonable Local Union expenses, provided that the expenditure is (a) authorized by the Local Union Bylaws, or the membership of the Local Union voting at a regular or specially called meeting and (b) approved by the BM/S-T.
- (e) The per capita payment to the International Union shall be directed to the General Secretary-Treasurer and shall be accompanied by all Local Union reports required by the General Secretary-Treasurer, including the Monthly Activity Report required by Section 198(b) of the General Constitution and the Local Union Activity Report required by 198(e) and Section 199(b) of the General Constitution. Cheques for per capita tax shall be made payable to the International Union of Painters and Allied Trades (IUPAT).
- (f) Each Local Union Financial Secretary shall receive copies of all reports required to be made to the General Secretary-Treasurer, and a detailed report stating (i) the total receipts collected on behalf of the Local Union in the prior month, (ii) the overall membership of the Local Union, with gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members suspended and reinstated, and the names and number of clearance cards deposited and issued, (iii) a correct account of each member's financial standing together with the member's full name and address, social security and telephone number, date of birth and date of initiation.
- (g) In order to fully and properly carry out his or her responsibilities under this Section the BM/S-T shall have authority to establish a procedure (i) for collection of dues by mail or other appropriate means and (ii) for reporting changes of member's addresses and contact information by mail or by other appropriate means. The BM/S-T may authorize the Local Union Financial Secretary to receive dues payments and membership information from members, provided that such system requires that all dues received by the Financial Secretary shall be transmitted to the BM/S-T within 5 days, and further provided that when the Financial Secretary receives dues payments from members he or she must

provide the member with a temporary receipt (such receipt will indicate the amount received and the date only, and shall not indicate dues status; the official receipt from the District Council will indicate that information). A copy of this receipt shall be transmitted to the BM/S-T with the payment and a copy of which shall be retained by the Financial Secretary.

- (h) In carrying out his or her responsibilities under this Section, the BM/S-T shall be subject to and shall comply with all the provisions of the General Constitution, including but not limited to Sections 198 through Section 203, governing the duties of Local Union Financial Secretaries and Treasurers.
- (i) The BM/S-T's duties shall include the filing of Life Membership Applications, Death Benefit Claims, Armed Services Cards, Clearance Cards, Beneficiary Cards, etc. The BM/S-T shall also be responsible for the preparation and filing of all required Government reports and forms. The BM/S-T shall secure the signatures of the proper Local Union officers on the Government forms and reports.
- (j) The BM/S-T shall also perform the functions of the Local Union Treasurer, as per Section 203, and shall provide the Treasurer with such reports as are called for in the affiliated Local Union Bylaws for the Treasurer to report out at Local Union meetings. In carrying out these responsibilities, the BM/S-T shall be authorized to establish a bank account in the name of each participating Local Union (or move existing Local Union accounts), provided that no disbursement from such account shall be made without the sanction of the Local Union and the required signatures of the appropriate Local Union officers on the checks.
- (k) The District Council Trustees shall audit the BM/S-T's records as they pertain to the BM/S-T's duties under this Article.
- (l) Notwithstanding anything to the contrary in this Article, the BM/S-T and all other officers of the District Council and all participating Local Unions shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.
- (m) This District Council and all affiliated Local Unions shall use the IUPAT Integrated Membership System (IMS) computer system or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity.
- (n) The BM/S-T may designate any affiliated Local Union to continue to have all records, dues, and reporting done by the Local Union Financial Secretary and Treasurer in accordance with their duties in sections 198 through 203. This process can continue as long as the Local Union is timely and accurate with all reporting and per capita payments to the General Secretary-Treasurer's office.

The BM/S-T will verify annually that all the membership records and financial records of the Local Union are accurate and correct, and that all reporting and per capita payments have been made on time in accordance with the IUPAT Constitution. The BM/S-T shall also verify that all required government forms and reports have been processed and filed by the Local Union.

- 15.05** Each Local Union upon affiliating with this District Council shall retain no portion of its Local Union treasury. All monies, real estate, and assets shall be turned over to the District Council upon affiliation.

## **ARTICLE 16 MEMBERSHIP**

- 16.01** An applicant shall be considered a member upon meeting all requirements set forth in the International Constitution.
- 16.02** A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification from membership after appropriate proceedings consistent with provisions of these Bylaws and the International Constitution, or by nonpayment of regular or administrative dues as provided by the International Constitution. A member who loses his or her good standing because of a failure to pay dues or other obligations as required by the International Constitution and these Bylaws may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections by payment of all delinquent dues and other financial obligations prior to such meetings and elections as provided by the International Constitution. Expelled members may be reinstated only in accordance with the International Constitution.
- 16.03** Every member authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member and have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement, or out of his or her employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council may decline to process any grievance, complaint or dispute if, in the sole discretion and judgment of the BM/S-T or his designated representatives, such grievance, complaint or dispute lacks merit.
- 16.04** Every member is obligated to adhere to these Bylaws, the Bylaws of his or her Local Union and the provisions of the International Constitution with respect to their rights, duties, privileges and immunities. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

- 16.05** No member shall interfere with the elected officers or authorized representatives of this District Council or the International Union in the performance of their duties, and each member shall, when requested, render such assistance and support as may be required of them, provided the request does not interfere with the individual's right as a member.
- 16.06** Every member shall assist the International Union, its subordinate bodies, the District Council and the Local Union, as well as their officers and representatives, by engaging in picketing, hand-billing, salting and other organizing activities, and attending education and training and seminars, as directed and assigned. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing, provided that such employment is approved and directed by the BM/S-T or his designee.
- 16.07** Failure to comply with a directive to participate in Union sanctioned activities as outlined in 16.06 above may result in charges being laid against the offending member.

#### **ARTICLE 17 WORKING CARDS AND WORK REFERRALS**

- 17.01** In order to properly identify members of the District Council and to record the good status of each member, identification cards shall be issued to members by the District Council by the BM/S-T. These cards shall serve as working cards. Accordingly, they shall include the members' dues status, and they may include the members' picture and District Council identification number, and other information as designated by the Council.
- 17.02** It shall be the duty of all members to carry their working cards at all times. Failure to comply may subject the member to charges, trial and such penalties as the District Council may decide.
- 17.03** All members must show their working cards and/or work referrals when requested to do so by a member of the District Council, provided the requesting member displays his or her card. The member shall be required to show his or her working card and/or work referral when requested to do so by an authorized representative of the District Council or the International, provided the representative displays his or her card.

**ARTICLE 18**  
**MEETINGS**

- 18.01** Regular meetings of the District Council shall be held monthly. The regular meetings of the District Council shall be the second Wednesday of each month. Meetings shall be opened at 5:00 p.m. promptly and shall be held at the District Council office. The BM/S-T or President of a District Council shall have the authority to use, at his/her discretion, video conferencing as a means to conduct the monthly meeting of the District Council.
- 18.02** A quorum shall consist of seven (7) delegates of the affiliated Local Unions having representation at the meeting.
- 18.03** Special meetings may be called by the BM/S-T and President acting jointly, or upon written request of delegates representing at least sixty percent (60%) of the affiliated Local Unions provided that notice of date, time and place of such meetings is given to all delegates of all affiliated Local Unions at least 48 hours in advance of the meeting.
- 18.04** Only duly elected and credentialed delegates and representatives of the District Council, International Representatives and invited guests may attend Council meetings. The BM/S-T shall keep a roll call record book to record the presence or absence of all credentialed delegates and Officers of the District Council at meetings. The seat of any delegate or officer that is absent from three (3) consecutive meetings without reasonable excuse shall be declared vacant and the vacancy shall be filled in accordance with these Bylaws.
- 18.05** The BM/S-T shall take and maintain accurate minutes in accordance with Section 140(f) of the International Constitution and, prior to the next meeting, shall forward the same to all affiliated Local Unions, District Council Delegates, and the International Union.
- 18.06** Meetings of the District Council shall be conducted and governed by the "Order of Business" and the "Parliamentary Rules and Rituals" set out in the International Constitution.
- 18.07** The Executive Board of the District Council is authorized, subject to District Council approval, to establish reasonable allowances and travel expenses for delegate attendance at District Council Regular and Executive Board meetings.

**ARTICLE 19**  
**WORK RULES & GENERAL RULES**

- 19.01** In accordance with Section 84(e) of the International Constitution, all new members of this District Council must attend a new member orientation class offered by the District Council within 90 days of being initiated.
- 19.02** All apprentice members of this District Council shall serve 2 days annually as District Council activists. These days will not conflict with days worked under an IUPAT collective bargaining agreement. The activities must be sanctioned and supervised by the District Council. Activities may include, but not be limited to, Organizing, PATCH Fundraising, Political Member Mobilization and Community Outreach. Activist days will not count towards required apprenticeship classroom training. These activist days are in addition to any duty associated with obligatory organizing activity called for by these Bylaws for all members.
- 19.03** In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair day's work in workmanlike manner. Any member who is terminated for cause three times within a twenty-four month period shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.
- In cases where the terminations resulted strictly from lack of skills, the Trial Board may require the member to attend journeyman upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 100 of the IUPAT Constitution, the Trial Board may recommend that Section 100 be implemented in lieu of expulsion.
- 19.04** All members affiliated with District Council 38 must demand the minimum rate of pay and conditions as set forth in the Collective Agreements. Members must produce payroll records intact and allow them to be examined by either the Business Manager, Business Representative, Shop Steward or other authorized personnel.
- 19.05** No member shall work under any District Council 38 Agreement with anyone who is not a member in good standing with the local union affiliate that has the recognized jurisdiction for such work unless that person has first received authorization from the BM/S-T or Business Representative of the Local Union affiliate. Failure to comply with this section may result in charges being laid against the offending member.

## ARTICLE 20 STEWARDS

- 20.01** Shop and Job Stewards shall be appointed by the BM/S-T or his or her designee. Stewards are not officers of the District Council or Local Union(s).
- 20.02** Stewards are charged with the responsibility of notifying the BM/S-T or his/her designee of any potential violations of the International Constitution, these Bylaws, and/or the collective bargaining agreement.
- 20.03** It shall be the duty of the Shop and Job Stewards to see that all persons have their working cards and to contact the District Council immediately if there should be any irregularity.
- 20.04** All members serving as Stewards shall be responsible for attending union meetings and assisting the District Council in activities including, but not limited to, Organizing, Political Member Mobilization, PATCH Fundraising, and Community Outreach.

## ARTICLE 21 TRIALS AND APPEALS

- 21.01** The Trial Board of a District Council shall consist of 5 members, appointed from the members of the Executive Board and/or Delegates by the President.
- 21.02** The Trial Board shall be governed by the procedure set forth in the International Constitution.
- 21.03** In the application of all rules and procedures relating to trials of members, the essential requirements of due process of law - notice, hearing, and judgment based upon the evidence - shall be observed without requiring technical formality followed in courts of law.
- 21.04 Charges**
- (a)** Charges must be filed within a reasonable time as specified in Section 267(a) of the International Constitution.
  - (b)** Copies of all charges, together with the notice of hearing, shall be served by Registered or Certified Mail, addressed to the last known address of the member charged at least fourteen (14) days prior to the date of the trial.
  - (c)** The conduct or activity constituting the basis of the charges must be described in the charges with sufficient particularity that the charged member can prepare

a defense. The charges shall provide dates, places and persons involved where possible.

- (d) The Trial Board shall not include among its members any person who is an accuser or witness to the events forming the basis of the charge.
- (e) The Trial Board shall arrange to have accurate summaries of the evidence, as well as all exhibits kept as the trial record.
- (f) The accused shall have the right to confront and cross examine witnesses giving testimony against him or her.
- (g) The Trial Board shall give to the accused full opportunity to make his or her defense and to produce testimony or documentary evidence for that purpose.
- (h) The decision of a Trial Board shall recite the facts which it finds to be true and shall also set forth the basis for the decision reached.
- (i) All documents in the proceedings, as well as summaries of evidence or stenographic minutes, shall be preserved and kept available for use on appeal.
- (j) Every accusation must be supported by proof, even though the accused may not appear.

**21.05** An appeal from the Trial Board decision may be made directly to the General Executive Board of the International Union in accordance with Sections 281 and 282 of the International Constitution.

## ARTICLE 22 BONDS

**22.01** Officers of the District Council and its affiliated Local Unions shall be bonded in accordance the International Constitution.

## ARTICLE 23 STRIKES & LOCKOUTS

**23.01** Procedures regarding strikes and lockouts shall be handled in accordance with Sections 253-256 of the International Constitution.



**ARTICLE 24  
PROPERTY**

- 24.01** The funds and property of the District Council shall be governed by Sections 128-130 of the International Constitution.

**ARTICLE 25  
AGENCY**

- 25.01** Neither the District Council, nor any of its Officers or employees, is authorized to make any representation, contract, or agreement, or to incur any liability, on behalf of the International Union without the express, written consent of the General President. Neither the District Council, nor any of its Officers or employees, is an agent of the International Union and such Officers and employees shall not hold themselves out as agents of the International Union.

**ARTICLE 26  
AMENDMENTS**

- 26.01** These Bylaws may only be amended in accordance with Section 124 of the International Constitution.

**ARTICLE 27  
STANDING COMMITTEES**

- 27.01** The BM/S-T shall appoint from among the members of the District Council the following standing committees:
- (a) Bylaws Committee.
  - (b) Organizing Committee.
  - (c) Political Action Committee.
  - (d) Building Committee.
  - (e) Retirees Committee.
  - (f) Community Organizing for Real Economics Committee (CORE), which shall be charged with organizing, political action and community outreach.

**ARTICLE 28  
SAVINGS CLAUSE**

- 28.01** These Bylaws shall not be construed in a manner that would violate law.

**28.02** If any provision of these Bylaws shall be declared invalid or inoperative by a competent authority of the federal, state, or provincial government, the Executive Board, subject to approval of the Delegates, shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place 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 provision of these Bylaws should be declared invalid by any tribunal of competent jurisdiction, the remainder of these Bylaws, or the application of such article or section to person or circumstances other than those as to which it has been held invalid, shall not be affected thereby.