

**CONSTITUTION
OF THE
OPERATIVE PLASTERERS'
AND CEMENT MASONS'
INTERNATIONAL ASSOCIATION
OF THE UNITED STATES AND CANADA**

Revised and adopted by the 49th Convention held August 16 to 19, 2004, Las Vegas, Nevada. Reviewed for duplications and inconsistencies by the General Executive Board and approved by the General Executive Board in accordance with its authority under the International Constitution.

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International Association of the United States and Canada

PREAMBLE

This Association shall serve the interests of all its members and shall be a fitting monument to its affiliated Local Unions.

The goals of the Association are to protect its members from unjust and injurious competition and to protect and promote our crafts' interests through unity of action. To secure the unity of action necessary to accomplish our mutual objectives, the Association has the additional objective of thoroughly organizing those workers employed at our crafts.

Men and women generally condemn that which they do not understand and through prejudice or ignorance disregard the principle of unity that can elevate their condition, accomplish good work, and generate confidence, esteem, respect, harmony and good fellowship. Therefore, let every member understand these laws, and thus become qualified to participate in the determination of our joint destiny.

As proof that we recognize our mutual obligations, interests and duties, each member should make himself thoroughly acquainted with these laws and avoid imposing upon them. Moreover, each member should use his influence on those who do not yet belong to this Association, but whose only reason for not belonging is that benefits available from joint action have never been fully explained to them. Above all, members should avoid falling into arrears. Large numbers, which should insure strength, very frequently produce weakness because those in arrears receive no benefits and make it impossible to meet the claims made by members who are in good standing.

Labor is capital. It is the only capital that possesses the power to reproduce itself; in other words, it is the only capital that can create capital. Accordingly, labor is the interest underlying all other interests. Recognizing the right of the employer, or capitalist, to control his capital, which is itself the product of labor, we claim and will exercise the right to control our labor, and will be consulted in determining the price paid for it. We therefore call upon all who toil at our crafts throughout the United States and Canada to join us in our efforts to secure, through the power of organization, both for ourselves and our children, a steady demand in fair compensation for our toil; a position in this society to which we, as the wealth producers, are justly entitled; and the right to joint self-determination in the work place.

Recognizing further the right to self-determination in society at large and the need of united political action, we urge each member to assist in electing to public office only those candidates favorable to the cause we espouse, the cause of human freedom, and in so doing to elect our friends and defeat our enemies.

For the successful accomplishment of the ends desired by the Association; for the instruction, information and guidance of its members; and for the due regulation of our endeavors, this Code of Laws is hereby enacted.

CONSTITUTION

ARTICLE 1

Name of Organization

This organization shall be known as the Operative Plasterers' and Cement Masons' International Association of the United States and Canada.

ARTICLE 2

Jurisdiction

Trade and Territorial Jurisdiction

Section 1. The territorial jurisdiction of the Association embraces the United States and Canada. The trade jurisdiction of the Association shall include all branches of the plastering, cement masonry, and shop industries and all others who need to be organized or affiliated. The power to establish Local Unions is exclusively vested in the Association, and the Association's mandates must be obeyed at all times and under all circumstances. The right to decide all matters pertaining to the trade and territorial jurisdiction of Local Unions affiliated with the Operative Plasterers' and Cement Masons' International Association is reserved to and vested in the Association. No Local Union is conceded territorial jurisdiction other than the current working day in the said territory. Local Unions have the right to make necessary by-laws and agreements for governing the Local Union that do not conflict with the laws of the International Association.

Jurisdiction of Work

Section 2. The International Association shall have full and exclusive work jurisdiction over the plastering, cement masonry and shop industries. The work jurisdiction shall include, but not be limited to, the supervision and performance of the production, installation and maintenance of all ceilings, floors, walls and of all plaster or cement construction of every description, kind and character. The International Association shall be composed of journeypersons, apprentices and any other type of worker employed on any kind of work allied to or connected in any manner with the plastering, cement masonry, and shop industries.

Section 3. The Plasterer shall have jurisdiction over all classifications, including foremen, who perform the following without limitation:

(A) All interior or exterior plastering of cement, stucco, stone imitation or any patent material when cast, the setting of same, also corner beads when stuck, mechanically fastened or attached by any means, must be done by practical Plasterers of the OPCMIA. This includes the plastering and finishing with hot composition material in vats, compartments or wherever applies; also the taping and pointing of all joints, skimcoating (level 5) and all other methods, nailholes and bruises on wallboard, and/or drywall, regardless of the type of materials or tools used; also the setting in place of plasterboards, ground blocks, patent dots, cork plates, brownstones, and acoustical tile including temporary nailing, cutting and fitting in connection with the sticking of same. All specialty finishes such as veneer, venetian, marmoreno and grasello. All custom and specialty finishes including imitation finishes, including but not limited to custom rock, brick and block veneer, imitation marble, stone, wood and any other imitation theme.

All acoustic blocks, regardless of thickness, when stuck, mechanically fastened or attached by any other means shall be the work of the Plasterer only. Also the sticking, nailing, and screwing of all composition caps and ornaments shall be the work of the Plasterer. The preparing, scratching and browning of all ceilings and walls when finished with terrazzo, or tile shall be done by Plasterers of this Association, allowing sufficient thickness to allow the applying of the terrazzo or tile and the application of any plastic material to the same must be done by members of the OPCMIA who are practical Plasterers. The preparation, installation, caulking, sealing and repair of all interior and exterior insulation systems, including, but not limited to, foam systems, bead boards, outsulation, ultralation, lead abatement, encapsulation and all fire-stopping and fire proofing to include hard, soft and intumescent fireproofing and refraction work, including, but not limited to, all steel beams, columns, metal decks, and vessels shall be the work of the Plasterers.

(B) Local Unions shall have autonomy governing the mixing of all materials but shall not deviate from manufacturers' standards or the specifications of the American Standards Association.

(C) All casting must be done by members of the OPCMIA. The applying of any plastic material to soffits, ceilings and perpendicular work, and the finishing, rubbing, polishing and cleaning, whether done by hand, machine, or any other method, is recognized as the work of Plasterer, except a base six inches or less. This does not include such patching and brushing, covered in Section 4 of this Article. No member of this Association shall be allowed to work to any corner

beads that are put on beams, arches or groin ceilings unless same are stuck by the Plasterer. This includes window heads and door heads.

(D) All cement plastering shall be supervised and executed by the Plasterer on walls, over and above six (6) inch base.

(E) Plasterers claim all waterproofing of work included in their jurisdiction, such as Thoroseal, Ironite, Plasterweld and any similar products, regardless of the tools used, or method of application, color of materials used and regardless of the type of base these materials may be applied to.

(F) All casting, installing, finishing, rubbing and cleaning, whether by hand or machine, of all imitation stone shall be the work of the members of the OPCMIA.

(G) All moldings run in place and all staff work, the making of templates and horsing of molds in and on buildings must be made and produced by members of the OPCMIA. All mortar boards must be raised at least eighteen inches above the scaffold.

(H) Casting shall be permitted as follows:

- (1) Domes that do not exceed two (2) feet in diameter may be cast.
- (2) Niches may be cast and stuck in place providing they do not exceed two (2) feet in width and four (4) feet in length.
- (3) Moldings clustered with enrichment may be cast.
- (4) Cornices may be cast where and when it is not practical to run in place with a mold. This has reference principally to light troughs, etc., that require electrical wiring or reflectors inside, and this does not include block or similar moldings that exceed six (6) feet in total length from mitre to mitre.
- (5) Beams, columns, and pilasters shall not be cast unless they are totally enriched and have no members paralleling one another.
- (6) On an alteration where the work which would ordinarily be run cannot be done without causing undue interference with the occupancy of the premises and undue delay in performance, it shall be permissible to cast such work with the consent of the Local Union.
- (7) All small spandrels or panels under two feet, small caps and other similar work may be cast.
- (8) All caps not exceeding two feet in diameter may be cast.
- (9) Diminished fluted pilaster and columns or pilaster and columns with entasis may be cast.
- (10) Small pattern ceilings of geometrical design: coffered ceilings when panels do not exceed twenty-four inches at the ceilings or minor line and fifty-four inches at the bottom or major line may be cast.

(I) Plasterers shall also have jurisdiction over all work or processes which represent technological change, replacement, modification or substitution for the work described above.

Section 4. The Cement Mason shall have jurisdiction over all classifications, including foremen, who perform the following work without limitation:

(A) All concrete construction such as buildings, bridges, silos, elevators, smoke stacks, curbs and gutters, sidewalks, streets and roads, paving, alleys and roofs, of mass or reinforced concrete slabs and all flat surfaces of cement, rock asphalt, the laying and spreading and finishing of all types of bituminous concrete including all types of asphalt floors and pavements, the operation and control of all types of Vacuum Mats used in the drying of cement floors in preparing same for finish, the operations of laser screeds, roller screeds and any other mechanical screeds, all power driven floats and troweling machines shall be that of the cement mason. Cement Masons shall perform all mastic flooring work, whether laid free handed or in pre-cast form on the job; otherwise known as asphalt or mastic, tile, and all other types of resilient floor covering.

(B) Cement Masons shall perform the screeding and finishing of all concrete surfaces, the stamping of concrete, including decorative finishes such as stenciling, staining, polishing, sandblasting, grinding and the washing of all concrete construction, using any color pigment when mixed with cement base material including all specialty finishes such as acids staining, alcohol stain, etc., in any other form; mosaic and nail coat whether done by brush, broom, trowel, float, or any other process including operation of machine for scoring floors, or any purpose they may be used for in connection with Cement Masons' trade. All custom and specialty imitation finishes, including but not limited to custom rock, brick and block veneer, imitation marble, stone, wood and any other imitation theme. All concrete repair work whether architectural or structural, including but not limited to coatings of cement and epoxy coatings of cement based, epoxy and urethanes, injections

of epoxies and other repair materials and the use of fiber wrap and other materials used for the structural repair and renovation. Caulking of any type will be the work of the cement mason.

(C) The rodding, spreading and finishing of all top materials, sills, coping, steps, stairs, and risers and running all cement, epoxies, and plastic material 6" base or less shall be the work of Cement Masons, all preparatory work on concrete construction to be finished, rubbed, such as sandblasting, cutting of nails, wires, wall ties, etc., patching, brushing, chipping and bush-hammering, rubbing or grinding if done by machine, diamond or carborundum stone of all concrete construction, setting of all strips, screeds, stakes and grades and curb forms and all glass set in cement. The pointing and patching and caulking around all steel or metal window frames that touch concrete and all concrete segments such as tilt wall and pre-cast. The laying and finishing of Gypsum Material Roof. All dry packing, grouting and finishing in connection with setting all machinery such as engines, pumps, generators, air compressors, tanks, and so forth, which is set on concrete foundations.

(D) All prefabricated and prestressed concrete construction on the job site and in the shop, including the supervision of same, such as sidewalks, steps, floor slabs, beams, joists, walls and columns, also the screeding, finishing, rubbing, grouting, pointing and patching of same. The finishing of all concrete surfaces by sandblasting, the washout method, bushhammering or any other method and the sealing of these same surfaces shall be the work of the Cement Mason.

(E) The curing of finished concrete, wherever necessary, whether by chemical compounds or otherwise, shall be part of the jurisdiction of the Cement Mason.

(F) All scarifying of concrete and underlayments/overlayments, for any purpose including but not limited to bush hammering, needle grinding, water blasting, air blasting and sanding.

(G) The spreading, screeding, darbying, trowel finishing of all types of magnesium oxychloride cement composition floors, shall be the work of the Cement Mason: including all types of oxychloride granolithic or terrazzo composition floors, hand grinding or machine grinding; the preparation of all sub-floor surfaces; bonding; the preparation and all installation of ground or base courses, steps and cove base. The purpose and intent of the six-inch base law must not be defeated. All magnesite composition installation work of the OPCMIA shall be done under the supervision of a competent and qualified Cement Mason.

(H) Cement Masons claim the waterproofing of all work included in their jurisdiction, such as Thoroseal, Ironite, Plasterweld and any similar products, regardless of the tools used or the method of application, or color of materials used, and regardless of the type of base these materials may be applied to.

(I) The regulation of the size of the hand finishing trowel shall be a matter of local autonomy.

(J) Wherever possible, all Cement Mason Locals are urged to negotiate into their agreements the following rules governing the use of machines and new equipment:

(1) Builder's Agreement Troweling and Floating Machines

Wherever in the Local's jurisdiction a floating or troweling machine is operated on any floor, sidewalk, loading dock or any other flat surface where cement, concrete, or other plastic material is being placed and finished, a Cement Mason or Cement Masons must hand float or hand trowel, before and after each and every operation of such machine or machines, including the final operation of said machine.

Sufficient Cement Masons will be required to precede the operation of said machine or machines in order that the proper slab shall be made and the operator of such machine shall be a Cement Mason.

Whenever a paving machine, concrete spreading machine, mechanical straightedge, multiple troweling machine, or similar type machine or new equipment is to be used on any type of work coming under the jurisdiction of the Cement Masons' Local Union, a pre-job conference will be held between the employer or his representative, and the business representative or representatives of the union on each specific job, for the purpose of determining the complement of cement masons needed to complete all of the work under the jurisdiction of the Cement Masons' Local Union.

All such machines shall be operated under the supervision of a cement mason.

The foregoing shall be strictly interpreted, construed and adhered to.

(2) Road Builders Agreement

Whenever a curb machine, formless paving machine or any other new equipment is to be used, "upon any type of work coming under the jurisdiction of the Cement Masons' Local Union," a pre-job conference will be held between the employer or his representative and the business representative or representatives of the union on each specific job, for the

purpose of determining the complement of Cement Masons needed to complete all of the work under the jurisdiction of the Cement Mason. The foregoing shall be strictly interpreted, construed and adhered to.

(K) Cement Masons shall also have jurisdiction over all work or processes which represent technological change, replacement, modification or substitution for the work described above.

Section 5. The Shop Hands shall have jurisdiction over all classifications, including foremen, who perform the following without limitation:

(A) Making of all templates for run-work to be used in shops; plaster model-making, setting of enrichments in models, the pointing and finishing of same shall be the work of the Model-Maker.

(B) Preparing of all models for molding, making molds, preparing and casting from same in any material including plaster, cement, artificial marble and stone, composition, etc., shall be the work of the Mold Makers and Casters whether done in permanent shop or in shop on location.

(C) Modeling and sculpturing in any plastic material shall be the work of the Modeler or Sculptor. The enlargement of scale models may be done by the Modeler, Sculptor or Model Maker.

(D) All ornamental forms to be recarved shall be done by the Modeler or Sculptor.

(E) Scale models including Dioramas and relief maps may be done by the Modeler, Sculptor or Model-Maker.

(F) Cutting or carving of ornamental surfaces or sharpening of outlines of same shall be the Modelers' or Sculptors' work.

(G) "Scafita" shall be done by the Modelers or Sculptors, except when the design is a geometrical one, such as Greek frets, guilloches, plain running dog, etc., which may be done by Modelers or Model-Makers.

(H) Any ornamental design which might be done mechanically may be done by the Modeler or Model-Maker. i.e., the scrolls on sides of brackets, Greek frets, key blocks, guilloches, etc.

(I) The pressing of clay in molds, the running of clay moldings, and clay backgrounds may be done by Modelers, sculptors or Model-Makers.

(J) All models designed for use in any operation shall be considered the private property of the person who originally ordered such models whether owner or contractor, and shall not be used again on any other operation without the consent of said owner or contractor.

(K) All blocking, stacking, adhering and shaping of all foam.

(L) Local Unions may enter into agreements with their contractors which provide that molds or casts shall not be used or handled by journeypersons employed by the contractors and shall not be applied unless the models, casts or sculpturing have been made by contractors who as a consistent policy and practice pay to their employees at least the same wage rates (including fringe benefits) as those provided for in the local contract where such shop is located. Nothing in this section is to be construed as making the employees of such employer subject to the terms of the local agreement or as a requirement that they shall become members of an affiliated Local Union of the Association.

(M) Shop Hands shall also have jurisdiction over all work or processes which represent technological change, replacement, modification or substitution for the work described above.

Other Jurisdiction

Section 6. In addition to the jurisdiction set forth above, this International and its Local Unions may organize the unorganized, even if such workers are not engaged in work traditionally associated with or allied to the work of Plasterers, Cement Masons or Shop Hands.

Trade or Craft Disputes

Section 7. The following procedures shall govern and control any trade craft dispute in a Local Union or between two or more Local Unions affiliated with the International Association:

A Local Union involved in a trade, craft or territorial dispute shall immediately report the dispute to the General President who may assign a Representative of the International to investigate facts, hear each of the Locals involved, and render a decision. The decision of the Representative of the International shall be rendered within thirty days of the hearing. This decision may be appealed to the General President who may affirm, reverse, or modify the Representative of the International's decision, provided that such appeal be sent by certified or registered mail within fifteen (15) days of the receipt of the decision of the International Representative and provided further that the decision of the International Representative be complied with pending the decision of the General President. The decision of the General President shall be rendered within thirty days of receipt of the appeal.

Any Local Union party to such a dispute may appeal the decision of the General President to the General Executive Board, provided that such appeal be sent by certified or registered mail within

fifteen (15) days of the receipt of the decision of the General President and provided further that the decision of the General President be complied with pending the decision of the General Executive Board. The decision of the General Executive Board shall be final and binding on all parties.

ARTICLE 3

Conventions

Regular Conventions

Section 1. Regular Conventions of the OP&CMIA shall be held once every five years. The date, time and place of the Convention shall be established by the General Executive Board. The General Secretary-Treasurer shall notify all Local Unions as to the city designated, where the Convention will be held and the date the Convention will be opened.

Representation

Section 2. Each Local Union in good standing shall be entitled to one Delegate for each 100 members in good standing or fraction thereof. Each State Conference, Provincial Conference, District Council, and each chartered intermediate, subordinate body (other than Local Unions) in good standing shall be entitled to one delegate.

Section 3. For the purpose of determining the number of delegates to which a Local Union is entitled, only those members in good standing on the first day of the third month preceding the Convention, exclusive of the month in which the Convention is held, will be counted. The applicable union records for the third month preceding the Convention, excluding the month in which the Convention is held, will be used to make this determination. A member will be considered in good standing if the applicable union records for the third month preceding the Convention show that he owes no more than two months Local monthly dues, Local or International working dues, and/or Local or International assessments including any amounts owed for the third month preceding the Convention. All relevant documentation shall be filed with the Association no later than the fifteenth day of the second month preceding the date of the Convention, exclusive of the month in which the Convention is held.

Section 4. For the purpose of determining the number of members in good standing in each Local Union, members shall be defined as including both journeypersons and apprentices.

Section 5. A Local Union shall be considered in good standing provided that it has not been delinquent in payments to the International Association for a period in excess of 60 days during the six months prior to the date of the Convention; provided further that any Local Union with less than 100 members shall not be considered in good standing unless at least one half of the Local's members are in good standing; and provided further that any Local Union with more than one hundred members, but with less than one hundred members in good standing, must have at least fifty-one members in good standing.

Section 6. Provincial Conferences, State Conferences, and District Councils shall be considered in good standing if a majority of the Local Unions belonging to that body are in good standing, provided that only Local Unions in good standing may participate in the selection of the delegate from each such Provincial Conference, State Conference or District Council.

Section 7. Incumbent officers of the International Association who are not elected as delegates to the International Convention shall be ex-officio delegates at all Conventions convened during their term of office. Additionally, the General President may appoint International Representatives, Field Representatives and Deputy International Representatives as delegates to the Convention. Provided, however, that these appointed delegates may not vote in the election of International Officers.

Delegates and Alternates

Section 8. All delegates and alternates representing Local Unions, State or Provincial Conferences, and District Councils shall be elected by secret ballot election, provided however, that Local Unions may include provisions in their Constitutions and By-Laws making elected Local Union officers delegates to the Convention by virtue of their office. Any such delegates provided for in a Local Union's, State or Provincial Conference's or District Council's Constitution and By-Laws shall be first named as delegates to the Convention but in no way shall exceed the number of delegates to which the affiliated body is entitled under Article 3, Section 2 of this Constitution. Any additional delegates which a Local Union is entitled to send to the Convention shall be selected by a separate secret ballot election. When the number of delegates by virtue of their office exceeds the number of delegates to which the affiliated body is entitled under this Constitution, then the Business Manager shall be the first delegate and all remaining delegates may be selected by drawing lots in lieu of an election.

Section 9. The meeting for the nomination of delegates and alternates shall be held at least 15 days prior to the secret ballot election. At least 15 days prior to the nomination meeting, written notice shall be given to all members of the Local Union setting forth the date and place of the nomination meeting, and stating that delegate and alternates to the Convention will be nominated at the meeting. The notice shall also state the date, time, and place of the secret ballot election of delegates and alternates to the Convention and the notice shall also set forth the date, time and place of a run-off election should one be required to break a tie vote.

The candidate or candidates receiving the highest number of votes in the delegate election shall be declared the elected delegate or delegates, provided that Local Unions entitled to two or more delegates and which represent two or more of the primary classifications of workers (namely Plasterers, Cement Masons, and Shop Hands), shall select delegates so that the Local's delegation to the Convention is composed of the same proportion of Plasterers, Cement Masons, and Shop Hands as the Local Union's membership. The candidate or candidates receiving the next highest number of votes in the election shall be declared the elected alternate or alternates. In the event an elected delegate is unable to attend the Convention, the candidate from the same classification receiving the next highest number of votes in the election shall be first alternate for that classification and shall be entitled to substitute for any delegate from that classification who is unable to attend the Convention.

Section 10. Only journeyman members of a Local Union who are actively employed at the craft within the jurisdiction of their Local Union for a period of twelve (12) months prior to being elected as delegates and who are eligible to run for Local Union office are eligible to be elected as delegates or alternates to the International Convention. For purposes of this section, "active employment at the craft" shall also include periods of time during which the journeyman member is employed by, or serves as an elected or appointed Officer/administrator of, the International Association, State or Provincial Conferences, District Councils, Local Unions and/or related organizations including trust funds, as well as periods of time during which the journeyman member serves in a capacity as a trainer or instructor in the craft. Notwithstanding any provision contained herein, Local Unions may include a provision in their bylaws permitting retired members to run for delegate or alternate to the Convention.

Section 11. The nomination and election of Delegates from State or Provincial Conferences and District Councils must be made at a special order of business meeting held by the subordinate body at least 60 days before the date of the Convention provided that the Delegates from State or Provincial Conferences and District Councils shall not be permitted to vote in any election of International Union officers.

Section 12. After the election of the delegate or delegates, the Recording Secretary of each Local Union and the Secretary of each State or Provincial Conference, District Council and other intermediate, subordinate body shall immediately forward the names, registration numbers, and addresses of the delegate or delegates to the General Secretary-Treasurer upon the official credential forms provided by the International Association. The duplicate credential forms shall be forwarded to the General Secretary-Treasurer; the original credential forms must be turned in to the Credential Committee at the Convention by the delegates themselves.

Section 13. The credentials of elected delegates and alternates must be filed with the General Secretary-Treasurer at least 30 days prior to the date on which the Convention shall be held.

Section 14. Each delegate shall be entitled to one vote.

Delegates' Expenses--How Paid

Section 15. Expense allowances for delegates to the Convention shall be determined and paid for by the Local Union, State or Provincial Conference, or District Council represented by each delegate or delegates. The amount of each delegate's expenses shall be determined before nominations for delegates to the International Convention are accepted by the Local Union, State or Provincial Conference, or District Council.

Resolutions and Amendments

Section 16. All resolutions and amendments submitted for consideration by the Convention delegates must be approved by a Local Union, State or Provincial Conference, District Council and filed with the General Secretary-Treasurer at least 60 days prior to the date of the Convention. No other resolutions or amendments shall be considered by the Convention unless by authority of a two-thirds vote of the delegates. Provided however, that resolutions, petitions, memorials, and appeals submitted by the General Executive Board or any working committee of the Convention may be submitted prior to or during the International Convention without the consent of the delegates and without the approval of any Local Union, State or Provincial Conference, or District Council.

The Appointment Of Standing Committees

Section 17. The General President shall appoint any and all standing committees that he deems appropriate, including but not limited to the appointment of a Committee on Credentials and a

Finance Committee.

Committee on Credentials

Section 18. The General President shall appoint a Committee on Credentials at least one week before the Convention from among the Convention delegates. The members of the committees shall meet at least 24 hours before the time of the Convention at a designated place to receive and act on all credentials. They must be ready to report as soon as the Convention is called to order.

Finance Committee

Section 19. The General President shall appoint a Finance Committee, consisting of three members in good standing, each of whom shall serve at the General President's pleasure. The General President shall appoint a Finance Committee after each International Convention. The Committee shall serve until it has completed its report to the next succeeding International Convention. The Committee shall be empowered to employ a certified public accountant to assist it in the performance of its duties. It shall be permitted to make recommendations to the General Executive Board and the International Convention based upon its review of the International Association's financial structure. The Committee shall meet at the request of the General President.

Special Conventions

Section 20. Special Conventions may be called by majority vote of the General Executive Board.

ARTICLE 4

Officers of the International Association

Section 1. The Officers of this International Association shall consist of a General President, a General Secretary-Treasurer and an Executive Vice President. The other officers of this International Association shall be twelve International Vice Presidents (five from the Cement Masons classification, five from the Plasterers classification, one from the Shop Hands classification and one who is a member of a Canadian Local who may be from any classification). They shall be elected for five years or until their successors are elected and installed. Elected officers shall assume their positions on January 1st of the year immediately following the regular Convention at which they were elected.

Section 2. The General President, with the approval of the General Executive Board, shall appoint International Representatives, Deputy International Representatives and Field Representatives in such numbers as he, in his judgment, deems appropriate. Such International Representatives, Deputy International Representatives and Field Representatives shall serve at the direction of the General President and shall be subject to removal at the discretion of the General President. The General Executive Board is authorized to appoint Honorary Emeritus Officers, provided however, that to continue in effect, the appointment of new Emeritus Officers must be approved by the first International Association convention following their appointment. Only former Officers, former International Representatives, and former Deputy International Representatives are eligible for these honorary positions. Honorary Emeritus Officers shall serve only in advisory and consultative capacity to the General Officers of the Association

Section 3. The General Executive Board shall consist of seven members. The General President, General Secretary-Treasurer, and five Vice Presidents, at least two of whom shall be Cement Masons, and at least two of whom shall be Plasterers. In the event a Vice President from the Dominion of Canada is not elected as one of the five Vice Presidents on the Board or if one of the other Officers entitled to membership on the General Executive Board is not from the Dominion of Canada, the General President will appoint a Vice President, or, in the absence of a Vice President, an International Representative, from the Dominion of Canada to serve on the General Executive Board in an advisory capacity only.

The Remuneration of Officers

Section 4 (Salaries). (A) The annual salaries paid to the General Officers, General Executive Board members, Vice Presidents (only when on assignment from the General President) and International Representatives (only when on assignment from the General President) shall be calculated pursuant to a procedure recommended by the Finance Committee and approved by the Convention with due consideration to the salaries, subject to a determination that such action is economically feasible, which are the median of the other recognized Building Trades Internationals. No full-time officer will be taken off assignment without the approval of the General Executive Board. The General Executive Board, acting upon the recommendations of the Finance Committee, shall be authorized between Conventions to increase or decrease the salaries of General Officers, General Executive Board members, Vice Presidents and International Representatives with due consideration to the salaries and per diem in prior years of officers in other Building Trades International Unions. Adjustments in salary will occur whenever, in the judgment of the General Executive Board, acting upon the recommendation of the Finance Committee, such action is economically feasible and when salary inequities exist or other facts and circumstances warrant such

action.

(B) The General President, with approval of the General Executive Board, shall establish, increase or decrease the salary, per diem, terms and conditions of employment for all Field Representatives. In addition, the Field Representatives shall be reimbursed for their actual travel and other expenses determined to be compensable by the General President. To receive reimbursement for these expenses, the Field Representative must submit a statement of expenses as required by the General President together with vouchers to the General Secretary-Treasurer for approval.

(C) The terms of employment of Deputy International Representatives shall be established by the General Executive Board and salary shall be paid on a daily basis only when on assignment from the General President.

(D) The salary and terms of employment of Emeritus Officers shall be established by the General Executive Board, provided that to continue in effect the salary and terms of employment of new Emeritus Officers must be approved by the first International Association Convention following their appointment.

(E) The General Executive Board may authorize Officers and International Representatives to work part time and in that event they shall be paid a pro rata share of their appropriate annual salary as determined by the General Executive Board.

(F) The General Executive Board shall establish terms and conditions of employment apart from salaries for General Officers, General Executive Board members, Vice Presidents, International Representatives, Deputy International Representatives and Emeritus Officers such as health coverage, sick leave, vacation, holidays, life insurance and other benefits.

Section 5 (Expenses). The Officers and International Representatives of the International Association do not work regularly scheduled hours and receive no overtime compensation or premium pay. Moreover, Officers and International Representatives are required to pay varying amounts for their meals and other incidental expenses depending upon the city to which they travel. They must also participate in cultural, civic, political, educational, charitable, social and other activities in addition to their basic duties as provided by the Constitution and By-Laws of the International Association, activities that benefit the International Association Local Unions and their members. To cover the cost of their participation in the above activities, the Officers and International Representatives may be paid a per diem expense allowance in an amount to be determined by the General Executive Board acting upon the recommendation of the Finance Committee. Any portion of the expense allowance which is not expended shall be retained by the Officer or International Representative as compensation. This per diem shall be payable for weekdays only unless assigned to work weekends. In addition, the Officers and International Representatives shall be reimbursed for their actual travel and other expenses determined to be compensable by the General Executive Board. To receive reimbursement for these expenses, the Officer or International Representative must submit a monthly statement of expense together with vouchers to the General Secretary-Treasurer for approval.

Section 6. The General Executive Board shall determine whether one or more of the General Officers - the General President, the General Secretary-Treasurer, and the Executive Vice President - shall be provided an automobile for personal use. Any automobile which is purchased shall be in the name of the International Association. Expenses incidental to the operation of such vehicles shall be borne by the International Association.

Section 7 (Pensions). The pension of each eligible Officer and International Representative shall be determined in accordance with the rules of the OP&CMIA Employees Trust Fund. The General Executive Board shall fund the OP&CMIA Employees Trust Fund in such amounts as it determines are necessary after consultation with its actuarial consultants.

ARTICLE 5

The Election of International Officers

Eligibility

Section 1. Any journeyman, provided he has been a member of the International Association for at least one year, actively employed at the craft for a period of twelve (12) months prior to the date of the election and has been in continuous good standing for a period of at least 12 months immediately preceding the date of the election, shall be eligible for any office in the International Association. Provided that no International Association Officer, Representative, or Deputy International Representative may change his classification while holding office in the International Association for a period of at least five years prior to the date of the Officer's nomination, election, or appointment to office. Provided, further, for purposes of this section, "active employment at the craft" shall also include periods of time during which the journeyman member is employed by, or serves as an elected or appointed officer/administrator of, the International Association, State or Provincial Conferences, District Councils, Local Unions and/or

related organizations including trust funds, as well as periods of time during which the journeyman member serves as a trainer or instructor in the craft.

Elections

Section 2. The election of Officers of the International Association shall be by secret ballot and shall take place at the regular Convention of the Association. The candidate or candidates receiving the highest number of votes shall be declared the winner or winners. All Officers so elected shall take office on January 1 following the date of the Convention.

The election of the Vice Presidents from the three primary classifications will be conducted separately. That is, the election of the five Plasterers Vice Presidents from among the candidates with a plasterer's classification shall be conducted separately from the election of the five Cement Masons Vice Presidents, the one Shop Hand Vice President and the one who is a member of a Canadian Local who may be from any classification. All delegates will be entitled to vote in each of these three separate elections, regardless of their classification.

The nominees for the General Executive Board shall be from among the Vice Presidents and the Executive Vice President. The election will be conducted in the following manner: One ballot will be distributed to the Convention delegates to elect the five Vice Presidents on the General Executive Board. The single ballot shall instruct the delegates that they must vote for five candidates. Each delegate will be further instructed to vote for at least two candidates who are Cement Masons and two candidates who are Plasterers. Each delegate may then cast a fifth vote for a candidate from any of the three principal classifications. The two Cement Mason candidates with the highest number of votes and the two Plasterer candidates with the highest number of votes shall be declared the Cement Masons and Plasterers General Executive Board members. The remaining candidate with the highest number of votes shall be declared the fifth General Executive Board member, regardless of his classification.

Election Protest Procedures

Section 3. All candidates running for Office of the International may have one or more observers as determined by the Election Committee. All observers must be delegates at the Convention in which the election is being held. Candidates for office cannot serve as observers.

Section 4. The procedure for processing protests pertaining to the conduct of the election of the International Officers of the OPCMIA, that are raised or could have been raised prior to the Convention, shall be as follows:

(A) Any candidate may raise a protest concerning the conduct of the election or the fairness of the election, by filing a written protest to the General President.

(B) Any protest must be communicated immediately, at the time of the occurrence that is subject to the protest, or as soon thereafter as it is discovered, so as to provide the opportunity for immediate resolution.

(C) The protest shall provide the factual basis underlying the protest, including all information relevant to the subject matter of the protest and the remedy requested.

(D) The General President shall promptly respond to the protest or may refer the matter to the General Executive Board for resolution. Any decision of the General President is subject to appeal to the General Executive Board. The decision of the General Executive Board is final and binding.

(E) The General Executive Board:

(1) may request additional information from the complainant, a candidate, a delegate or any other pertinent witness;

(2) may conduct a hearing;

(3) may assign a representative to investigate the protest; and/or

(4) may take any other action it deems necessary to investigate, consider, and respond to the protest.

The General Executive Board may delegate some or all of its responsibilities to a subcommittee or other designee.

Section 5. The procedure for processing protests pertaining to the conduct of the election of International Officers of the OPCMIA, that are raised or could have been raised at the Convention, pertaining to the election and prior to the certification of the vote, shall be as follows:

(A) Any candidate, observer or delegate may raise a protest pertaining to the eligibility to vote, the conduct of the election, the counting and certifying of the ballots or the fairness of the election by, either verbally or in writing, raising the protest with the election judge. The election judge shall be a member of the Election Committee selected by the Committee Chairman. If the election judge is unavailable, the protest may be brought to the attention of the Election Committee Chairman.

(B) Any such protest must be communicated immediately, at the time of the occurrence of the conduct that is the subject of the protest or as soon thereafter as it is discovered, so as to provide the opportunity for immediate resolution. In no event may such protest be raised after the voting results have been certified at the conclusion of the tallying of the votes unless the complainant can show that the matter was not known and could not have been reasonably known or discovered through the use of an observer during the election.

(C) The complainant shall provide the basis of his protest, all information that is relevant to the subject matter of the protest and the remedy requested.

(D) The election judge is authorized to resolve any protest presented. He may refer matters to the Election Committee as a whole or a subcommittee thereof. The election judge's, Election Committee's or its designee's decision shall be subject to appeal to the General Executive Board by any interested party.

(E) If the Election Committee determines that it is not able to resolve a protest prior to the certification of the election, it may refer the protest to the General Executive Board for resolution. The voting results may be certified notwithstanding the pendency of any protest. If the protest is referred or appealed to the General Executive Board, it shall be considered by the Board in accordance with the rules set forth below under the post-election protest procedure.

Section 6. The procedure for processing protests pertaining to the election of International Officers of the OPCMIA, that are raised after the vote has been certified shall be as follows:

(A) Any candidate, delegate or member may raise a protest pertaining to the election by submitting the protest to the election judge. A protest must be received by the election judge no later than the end of the session of the third day of the current Convention. The election judge shall forward all such protests to the General Executive Board for investigation and resolution. Protests can be submitted directly to the election judge or may be addressed to the judge and submitted to the OPCMIA Convention Office at the site of the current Convention.

(B) Any protest shall be in writing and state the basis of the protest and shall include all information in support of anything relevant to the subject matter of the protest and the remedy requested.

(C) The General Executive Board has the authority to reject any protest that could have and should have been raised during the election with the Election Committee.

(D) The General Executive Board:

- (1) may request additional information from the complainant, a candidate, a delegate or any other pertinent witness;
- (2) may conduct a hearing;
- (3) may assign a representative to investigate the protest; and/or
- (4) may take any other action it deems necessary to investigate, consider, and respond to the protest.

The General Executive Board may delegate some or all of its responsibilities to a subcommittee or other designee.

(E) The General Executive Board will issue a written decision within 90 days from the date the protest is received by the election judge. The General Executive Board's decision will be final and binding.

Oath of Obligation

Section 7. Each International Officer, after being duly elected at a Convention of the International Association, and each International Representative shall, in the presence of the delegates of the Convention, take the following pledge, or oath of obligation:

"I, _____, do hereby certify that I am familiar with the provisions and requirements of the Constitution and ritual of the International Association, and I do hereby pledge and obligate myself to perform the duties and obligations of the position to which I have been elected or appointed during my official term, and thereafter in the manner and to the extent specified and intended by the Constitution and ritual of the International Association, and that in the performance of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception and will deliver to my successor all books, paper, monies, or other property of the International Association which may be in my possession at the close of my official term, and in accordance with this pledge and obligation which I take freely."

Removal from Office

Section 8. Any officer of the International Association who violates the Constitution or laws of the International Association can be impeached, suspended or otherwise disciplined by the General Executive Board after notice and trial.

The General President shall file written charges with the General Secretary-Treasurer who shall serve a copy of the charges, together with a notice of the time, date and place of the hearing before the General Executive Board, upon the accused by Certified Mail, at least ten days before the hearing. The decision of the General Executive Board shall be final.

Vacancy in International Office

Section 9. (A) The General President shall be authorized to fill any vacancy in any of the International Offices for the unexpired term of said office with the approval of the General Executive Board. The General President shall have the authority, at his discretion, to remove any officer appointed to fill a vacated office during the period of the unexpired term of office. When such removal occurs, the vacancy shall be filled by the General President with the approval of the General Executive Board.

(B) Upon the death, disability, or resignation of the General President, the General Secretary-Treasurer shall assume the duties of the General President. Within five days after the assumption of the duties of General President, the General Secretary-Treasurer shall call and convene the General Executive Board to elect by roll call a successor to the office of General President for the balance of the unexpired term.

ARTICLE 6

Powers and Duties of Officers, International Representatives and Deputy International Representatives

The Powers and Duties of the General President

Section 1. (A) It shall be the duty of the General President of the International Association to preside at all Conventions and meetings of the General Executive Board of the International Association and conduct the same according to the Constitution and Rules of Order and should the vote on any question before any meeting or Convention be equally divided, he shall cast the deciding vote.

(B) The General President shall be a credentialed delegate to all Conventions in which this Association elects to participate. He shall be a member of any and all committees representing the Association, and unless he chooses otherwise, the General President shall serve as the chairman of every such committee.

(C) The General President shall supervise the entire interests of the International Association, interpret the Constitution and laws of the Association and have the power to enforce such interpretations and shall decide all questions of law arising thereunder as well as all points of law and disputes or grievances arising in the International Association, subject to appeal, unless otherwise provided in this Constitution, to the General Executive Board and/or to the next Convention of the International Association, provided, however, that no such appeal shall be allowed unless the decision of the General President has been complied with pending such appeal.

(D) The General President or his authorized representatives shall, after notice and hearing, have the power to suspend any Local Union, District Council, or State or Provincial conference for any violation of the Constitution of the International Association or for any acts detrimental to the interests of the labor movement and the International Association.

(E) The General President shall also have the authority to organize Local Unions wherever practical and in such numbers as he deems appropriate.

(F) In localities where a strike or lock-out by a combination of employers is threatened or has occurred, the General President may investigate, and with the approval of the General Executive Board, arbitrate with the employers for the removal of the cause that prevents an amicable adjustment of the dispute.

(G) The General President shall have full authority to discipline and/or remove from office any Emeritus Officer, Local Union Officer or officer of any other affiliated body, Local Union, District Council, State or Provincial Conference, or other intermediate body or any member for neglecting their duties, failing to comply with an order of the General President or General Executive Board or otherwise violating the Constitution and laws of the International Association.

Any International Officer, International Representative or Deputy International Representative may institute proceedings under this subsection by filing written charges with the General Secretary-Treasurer. The General Secretary-Treasurer shall cause a copy of the charges, together with a notice setting the date, time and place of hearing, to be served on the charged party. The General President may appoint any member or Officer of the Operative Plasterers' and Cement

Masons' International Association as a Hearing Officer or Hearing Officers to hear the charges preferred under this paragraph. The Hearing Officer(s) shall make his (their) report, findings and recommendations to the General President who shall then issue an order based upon the entire record. The General President shall have full authority to fashion an appropriate discipline which may include suspension, expulsion, removal from office, fine, repayment of misappropriated funds, prohibition from holding office, any combination of the preceding or any other action or discipline which the General President deems warranted by the circumstances. Decisions of the General President under this paragraph may, within twenty days after the General President's decision, be appealed to the General Executive Board provided, however, that the decision of the General President must be complied with pending appeal and decision by the General Executive Board. The decision of the General Executive Board shall be final.

(H) Where the General President orders the removal, suspension, or expulsion of one or more officers of a Local Union, District Council, or State or Provincial Conference pursuant to this Constitution, he shall also be authorized and empowered to fill by appointment the vacancies created by his order. The appointment shall remain effective until the next regularly scheduled election of the affiliated body.

(I) The General President shall employ a certified public accountant to conduct annual audits of the International Association's finances.

The results of the audit shall be published in *The Plasterer and Cement Mason* or shall otherwise be distributed to each Local Union and other subordinate bodies of the International Association.

(J) The General President may appoint any Officer, International Representative, Deputy International Representative or certified public accountant to audit or review the books of any Local Union, State or Provincial Conference or District Council. The Officers of each such Local Union, State or Provincial Conference or District Council shall cooperate to the fullest extent with the General President's appointed delegate. The appointed delegate conducting the audit or review shall submit his findings to the General President in writing. When an audit or review conducted pursuant to this provision discloses financial malpractice or improper bookkeeping, the General President shall have the authority to require that the Local Union reimburse the International for all costs associated with the audit or review.

(K) The General President shall act as editor for *The Plasterer and Cement Mason*, the official publication of the International Association, and shall determine the number of issues that shall be published annually. *The Plasterer and Cement Mason* will carry articles that the editor deems interesting, instructive and informative to the membership. (L) The General President may take any action necessary to carry out successfully the specific powers granted to him under the Constitution, including but not limited to the hiring of secretarial and clerical help. And the General President and other General Officers shall be bonded in an amount not less than that required by federal law and in no event will the amount of the bond for each General Officer be less than \$200,000.00.

(M) The General President shall call meetings of the General Executive Board whenever he decides that such a meeting would be desirable.

(N) The General President may enter into, or authorize an International Representative to enter into, International Collective Bargaining Agreements or Jurisdictional Agreements nationally, area wide, or locally as necessary with any other labor organizations, or association or employers, or with any company, corporation or firm doing business with the International Association, including nationwide Agreements covering the entire United States and Canada.

(O) The General President, with the approval of the General Executive Board, is authorized to grant administrative relief to the Canadian Local Unions from certain provisions of this Constitution which, in the General President's sole discretion, are in the best interests of the International Union or are necessary to comply with applicable Canadian Federal or Provincial laws.

(P) While remaining fully responsible for the proper discharge of his duties, the General President shall have the power to direct or delegate to any International Officer, International Representative, Deputy International Representative or Field Representative the authority to act for him whenever the General President Deems it necessary or proper to do so.

(Q) The General President or any person designated by the General President shall have the right to attend and have a voice at all regular or special called meetings of any Local Union and Local Executive Board meetings, as well as any committee meetings or negotiations conducted by any Local Union, District Council, State or Provincial Conference, or subordinate bodies of these organizations.

The Duties of the General Secretary-Treasurer

Section 2. (A) The General Secretary-Treasurer shall keep a true and correct record of all International Association Conventions and all meetings of the General Executive Board. The Convention proceedings shall be numerically indexed by the resolution number, and copies shall be

made available in sufficient numbers to each Local Union.

(B) The General Secretary-Treasurer shall receive and issue receipts for all monies collected by and due the International Association.

(C) The General Secretary-Treasurer may make disbursements from the International Association's funds to the extent authorized by this Constitution, the General Executive Board, or the General President. In addition, the General Secretary-Treasurer is authorized to employ and pay for any such secretarial and clerical help as may be necessary for the proper execution of his duties and to purchase equipment, stationery and other supplies necessary for the operation of the International Association.

(D) The General Secretary-Treasurer shall submit his books and records for audit annually. He shall provide the General Executive Board a comprehensive copy and report of the auditor's findings.

(E) The General Secretary-Treasurer shall keep a correct and accurate list of the membership of each Local Union, including the number of journeypersons and the number of apprentices and their financial standing. He shall keep a history of each member of the International Association. He shall record any disciplinary action taken against a member approved by the General Executive Board, and keep a record thereof.

The Powers and Duties of the Executive Vice President

Section 3. (A) The Executive Vice President shall assist the General President and General Secretary-Treasurer and perform any and all work assigned by them. He shall be under the supervision and direction of the General President.

The Duties of the General Executive Board

Section 4. (A) The General Executive Board shall meet at the request of the General President or upon the written request of two-thirds of the members of the General Executive Board, not less than twice a year, at such locations as shall be determined by the General President. A majority of four members of the General Executive Board shall constitute a quorum, and any action taken by such a majority shall be valid, for all intents and purposes, as actions taken by the full General Executive Board.

(B) The General Executive Board shall decide all points of law, grievances and appeals referred to it by the General President, all appeals in disciplinary cases from Local Union Executive Boards, and any and all appeals by Local Unions from any decision of the General President. In considering these appeals, the General Executive Board shall have the power to affirm, reverse, modify, or amend any decision or to enter any other new decision or penalty based upon the entire record as the General Executive Board in its discretion deems proper. In each case, the General Executive Board may, in its discretion, appoint a member of the International Association to conduct a hearing on any such matter or appeal. The member so appointed shall make findings and recommendations to the General Executive Board for its final vote and decision.

(C) The General Executive Board may negotiate collective bargaining agreements with employers that affect the working conditions of employees engaged in work falling within the work jurisdiction claimed by the International Association.

(D) The General Executive Board shall have the power to create any special subclassification of membership for workers engaged in any and all allied types and kinds of work fundamentally related to and part of the Plasterers', Cement Masons' and Shop Hands' work. Each such subclassification shall be allocated to one of the three primary classifications of Plasterers, Cement Masons and Shop Hands.

(E) The General Executive Board shall have the authority to confer journeyperson status in a specialty subclassification upon individuals skilled in any specialty subclassification recognized by the General Executive Board even though the individual may not have completed an apprenticeship program. The General Executive Board shall also have the power to establish new classifications of employees and give them appropriate membership cards.

(F) The General Executive Board shall have the authority to take whatever action it deems necessary in order to meet any emergency that may arise, including the authority to impose an emergency assessment. Provided however, that such an emergency action shall not continue beyond the holding of the next succeeding Convention.

(G) The General Executive Board shall possess all such powers and authority not otherwise delegated to the General Officers of the OPCMIA as well as those powers necessary to insure successful completion of the duties specifically given to the General Executive Board.

(H) The General Executive Board may act by telephone call, letter, fax or electronic transmission, and any action taken in such manner shall have the same force and validity as though the General Executive Board had acted in formal session.

***The Duties of Vice Presidents, International Representatives,
Deputy International Representatives and Field Representatives***

Section 5. (A) Vice Presidents, International Representatives, Deputy International Representatives and Field Representatives may be assigned by the General President to particular geographical areas. These geographical areas may be changed, enlarged or diminished by the General President as he deems appropriate. In addition, Vice Presidents, International Representatives, Deputy International Representatives and Field Representatives shall perform whatever duties or assignments the General President may give them.

(B) Vice Presidents, International Representatives, Deputy International Representatives and Field Representatives shall file reports with the General President as the General President directs. The report shall contain a summary of the actions taken and progress made by the Vice President, International Representative, Deputy International Representative or Field Representative on each of his assignments.

Section 6. The General President and the General Executive Board may negotiate proposals for merger or affiliation with other International Unions. If the General Executive Board concludes that, in its opinion, an emergency exists, a merger proposal can be ratified and effectuated by a vote of a merger committee consisting of the General Executive Board, all Vice Presidents, International Representatives and Deputy International Representatives, and provided further that the merger agreement provide that the OPCMIA remain an autonomous division or sector of the newly merged International.

In the absence of an emergency, a merger proposal shall be subject to ratification by a special or regular Convention.

ARTICLE 7

Revenues

Section 1. (A) The revenue of this Association shall be determined by International working dues, requests or search for record fees, registration fees, percentage of fines, and any other form of income that the Association may have earned.

(B) The per capita tax shall remain \$21.00 per month for each member through December 2004. Local Unions shall be responsible to ensure the timely collection and remittance of all per capita taxes to the International Association. As of January 1, 2005, Local Unions shall owe to the International Association the amount of any unpaid per capita taxes of their members.

(C) A fee of 20 percent shall be added to each registered fine assessed disciplined members by their Local Union. This additional 20 percent fee shall be collected for and paid to the International Association immediately upon registration of the fine with the International Association.

(D) (1) Effective January 1, 2005, each member shall pay to the International Association for each hour worked an amount equal to one percent (1.0%) of the total package (wages plus fringes, including but not limited to pension, health and welfare, and training) then in force under the collective bargaining agreement covering the work that is performed. These International working dues shall be collected by each Local Union and transmitted on a monthly basis to the International Association.

(2) Locals shall include this International working dues obligation as part of the dues check-off provision in the local collective bargaining agreement. If no dues check-off authorization language is now in effect, the Local shall take diligent steps to negotiate such a provision. The administrative costs associated with the check-off and transmission of working dues to the International shall be the sole responsibility of the Local Union.

(3) In the absence of a dues check-off provision or if the member fails to provide for dues check-off authorization, the Local Union shall be responsible for making the International working dues payment directly to the International.

(4) The General President, with the approval of the General Executive Board, can establish alternate, equitable arrangements with the Local Unions providing for the payment of or remittance of the International working dues or its equivalent. In addition, the General President shall have the authority, with the approval of the General Executive Board, to allow for the equitable transitional or other arrangements when this is deemed to be in the best interest of the International Association.

(5) Local Unions will be responsible for providing the General Secretary-Treasurer with full working dues documentation as requested by the General Secretary-

Treasurer on a monthly basis showing for each member the hours worked, the total package (wages plus fringes, including but not limited to pension, health and welfare, and training) in effect, and which members are subject to dues check-off provisions and which are subject to individual payment.

(6) Any disputes concerning the total package in effect, the definition of "member," and/or any other aspects of the International working dues obligation shall be resolved by the General President.

(7) Each Local Union will be responsible for forwarding to the General Secretary-Treasurer a copy of each collective bargain agreement to which it is a party within fifteen days of the date that agreement is executed along with other documentation required by the General Secretary-Treasurer to monitor compliance with this provision of the Constitution.

(8) Each Local Union is responsible for the timely forwarding of all International working dues collected pursuant to this section. If a Local Union fails to timely forward International working dues, the International Association may charge the Local Union the amount of such unpaid International Working dues to be paid out of the Local Union's general fund.

(9) The General Executive Board has the authority to reduce, suspend or waive the International working dues, in whole or part, when the General Executive Board determines, after consultation with the Finance Committee, that the International working dues or any part thereof is not necessary. Provided, however, that the General Executive Board shall have the power to reinstate or restore the International working dues, after consultation with the Finance Committee and if deemed necessary, in an amount not to exceed one percent (1%) of the total package. Provided, further, that the General Executive Board shall have the power to adjust the International working dues for certain subspecialty classifications for organizing purposes.

(E) Local Unions shall pay International working dues and other indebtedness on a timely basis. All International working dues shall be remitted to the International on or before the fifteenth (15th) day of the month following the date on which it was received.

Any Local Union that fails to pay within 30 days of the month in which International working dues become due to the International Association may be required to pay interest at the applicable IRS interest rate established in Internal Revenue Code Section 6621(a)(2) for each month on the unpaid balance to the International Association, calculated from the date due until the date paid. Provided that the General President, with the approval of the General Executive Board, may waive the interest if he determines that it is appropriate to do so.

(F) Applicants for membership and each initiated or reinstated member shall be charged a \$75.00 fee to cover the cost of requests or search for records and registration. The \$75.00 fee shall be automatically charged to the Local Union at the time the application is received by the International Association or at the time that the Local Union receives working dues or other payments from or on behalf of the member. It is the responsibility of the Local Union to collect the registration fee from the applicant at the time he requests membership in the International Association and the Local Union shall immediately forward the fee with the completed application when the application is submitted to the International Association for processing. The General Executive Board may, at its discretion, waive or reduce this fee in order to assist organizing efforts on its own initiative or upon the request of any Local Union, District Council or State or Provincial Conference.

Section 2. The money belonging to the International Association may be invested in bonds, notes, common stocks, and other investments selected by the General Secretary-Treasurer or by an investment manager approved by the General Executive Board.

Section 3. (A) A minimum of twenty-five cents (\$.25) of International working dues per member per month shall be allocated towards the establishment and operational expenses of an International Training Program for Plasterers, Cement Masons, and Shop Hands. The International Training Program shall be directed by the General President and General Executive Board, and shall provide technical assistance to all OPCMIA Local Unions, their affiliated local area training programs, and instructors. If the General President, with the concurrence of the General Executive Board, determines that the International Training Program has reached an adequate level of funding, the allocation or any portion thereof shall cease to be allocated to this program until such time as the General President, with the concurrence of the General Executive Board, determines the needs of this Program require a resumption of funding.

(B) A minimum of twenty-five cents (\$.25) of International working dues per member per month shall be allocated towards the establishment and operational expenses of a Political Action Committee for Plasterers, Cement Masons and Shop Hands. These funds shall be maintained in a segregated account and disbursed in accordance with applicable law to give a voice for the membership, Local Unions and International Association in the political process and issues of importance to the membership. Expenditures and revenues from this fund shall be directed by the

General President with the approval of the General Executive Board. If the General President, with the concurrence of the General Executive Board, determines that the Political Action Committee has reached an adequate level of funding, the allocation or any portion thereof shall cease to be allocated to this committee until such time as the General President, with the concurrence of the General Executive Board, determines the needs of this Committee require a resumption of funding.

ARTICLE 8

Death Benefits

Section 1. (A) The General Executive Board shall maintain a permanent mortuary fund from which the death benefits provided for below shall be paid. The mortuary fund shall maintain a market value equal to or greater than the average annual death benefits paid in the five prior calendar years. Whenever the mortuary fund's market value falls below the required reserve level, the General Executive Board shall transfer money from the General Fund to the mortuary fund in an amount sufficient to maintain the required level of reserves.

(B) All members who have an initiation date in the International Association prior to January 1, 2005 and are in good standing, as defined herein, shall be eligible for death benefits at the time of their death. A member shall be considered to be in good standing if the records from the Local Union to which he belongs indicate that he owes no more than two months of monthly dues to the Local Union and/or two months of working dues or assessments to the Local Union or International, including any amount owed for the month in which his death occurs. Provided however, that any past dues payments made by or on behalf of the deceased member within one month of his death will not be considered in determining eligibility for death benefits unless the General Executive Board, in its discretion, decides otherwise. If the General President, with the concurrence of the General Executive Board, determines that the death benefits have reached an adequate level of funding, any portion of funding from the International working dues shall cease to be allocated to these benefits until such time as the General President, with the concurrence of the General Executive Board, determines the needs of these benefits require a resumption of funding.

(C) The amount of the death benefit allowance shall be based upon the number of years in which the member has been in continuous good standing in the International Association prior to his death. Members shall be paid death benefit allowances pursuant to the following schedule: members who have been in continuous good standing for at least 1 year, but for less than 5 years - \$175; members who have been in continuous good standing for at least 5 years, but for less than 10 years - \$290; members who have been in continuous good standing for at least 10 years but for less than 15 years - \$470; members who have been in continuous good standing for at least 15 years but for less than 20 years - \$585; members who have been in continuous good standing for at least 20 years but for less than 25 years - \$700; members who have been in continuous good standing for at least 25 years but for less than 40 years - \$875; members who have been in continuous good standing for 40 years or more - \$1,000. Holders of distinctive cards issued prior to May 13, 1959 shall receive a death benefit allowance of \$625 and holders of distinctive cards issued between May 13, 1959 and January 1, 1973 shall receive a death benefit allowance of \$600. Provided, that the General Executive Board, acting upon the recommendations of the Finance Committee and in accordance with sound actuarial principles, may study and adjust the Schedule of Benefits.

(D) The General Secretary-Treasurer shall pay the death benefit allowance upon proper notification by the appropriate Local Union Financial Secretary of the member's death. The death benefit allowance shall be paid to the deceased member's properly designated beneficiary, and if no properly designated beneficiary, to the deceased member's spouse, and if no spouse, to the deceased member's estate.

ARTICLE 9

Local Union Charters and Constitutions

Section 1. (A) Local Unions shall be organized and chartered by the General President subject to the approval of the General Executive Board. The International Association shall charter four types of Local Unions: Plasterers Local Unions, Cement Masons Local Unions, Shop Hands Local Unions, and Combination Local Unions. The General President, subject to the approval of the General Executive Board on appeal, may change the designation of any existing Local Union where he deems it to be in the best interests of the International Association to do so.

(B) The General Executive Board may revoke the charter of any affiliated Local Union after due notice and hearing. When a charter is revoked, the Local Union or its Officers shall immediately return all books, documents, property, and funds to the General President or his representative.

(C) When a charter is issued pursuant to this section, the Local Union so chartered shall,

at its first meeting, adopt an initiation fee to be paid by applicants for membership in the newly chartered Local Union.

Section 2. (A) Local Unions shall adopt a Constitution and By-Laws for the governing of the function and operation of the Local Union. A current copy of each Local Union's Constitution and By-Laws must be submitted to the General Office. The Constitution and By-Laws adopted by Local Unions cannot conflict in any way with the International Association Constitution.

(B) Local Union Constitutions and By-Laws may be amended only in the following manner:

(1) The proposed amendment or amendments shall be submitted in writing at a regular meeting of the Local Union and without debate immediately referred, after initial reading, to the Local Executive Board for consideration and recommendation. The Local Executive Board, as the Rules Committee may also originate proposed amendments and make recommendations on the same to the Local Union.

(2) The Chairperson of the Local Executive Board shall notify the Financial Secretary of the Local Union when the Board is ready to submit its recommendations, or amendments, to the Local Union. The Financial Secretary shall, in turn, send a written notice to all members of the Local Union to be present at each of two successive special meetings at which the recommendations are to be read.

(3) At the first special meeting at which the recommendations of the Board are to be read, no vote shall be taken upon the recommendations, but explanations may be called for and given. At the second special meeting, the amendment or amendments shall again be read and a vote taken. It shall require a two-thirds vote of the members in good standing that are present and voting to adopt any amendment or amendments to the Constitution and By-Laws.

(C) The Local Union Constitution and By-laws shall be reviewed no later than six months after the effective date of the revisions in the International Constitution adopted by any Convention. Any necessary changes in the Local Union Constitution and By-Laws required to conform with changes in the International Constitution by the International Convention shall be adopted.

(D) The Local Union shall submit a copy of the Local Union Constitution and By-Laws, with amendments conforming to the revisions to the International Constitution, to the General Office within thirty days of the amendments.

Section 3. Local Unions shall schedule no less than eight (8) membership meetings per year unless written permission is received from the General President waiving this requirement. Quorums for membership meetings shall be no more than seven unless written permission is received from the General President allowing for an increased quorum. Local Unions may schedule a special called meeting after providing membership with fifteen (15) days written notice, except for special called meetings regarding contract negotiations, which may be scheduled after providing adequate notice.

Section 4. (A) Except as provided for by Article 14 of this Constitution, no chartered and affiliated Local Union shall be dissolved or withdrawn from affiliation with this International Union so long as seven or more members in good standing of said Local Union vote to retain their Local Union Charter, and their affiliation with the International Union.

(B) Before the members of an affiliated Local Union shall be permitted or required to vote on the question of dissolving or withdrawing from affiliation with this International Union, three (3) months' notice in writing shall be given to the General Secretary-Treasurer, and no vote shall be taken on either question by the members of any affiliated Local Union except at a special called meeting, after due notice in writing to the General Secretary-Treasurer, and each and every member, designating the time and place of meeting and the purpose for which the special meeting is called.

(C) Whenever a chartered and affiliated Local Union by vote of its members at a special called meeting in the manner specified in Article 9 Section 3(B) of this Constitution decides to dissolve or withdraw from affiliation with this International Union, the officers of said Local Union shall immediately notify the General Secretary-Treasurer of the action taken and a record of the vote cast by members to dissolve or withdraw from affiliation, and the officers, representatives, and members of said Local Union shall comply with all requirements of Article 9 Section 3(D) of this Constitution before being relieved of responsibility and liability to this International Union.

(D) In any and all cases where chartered and affiliated Local Unions by vote of their members dissolve or withdraw from affiliation with this International Union, in any and all cases where there is a mass resignation of members of a Local Union that brings the total membership of the Union to less than seven members, and in any and all cases where Local Union charters are forfeited, suspended, or revoked in accordance with this Constitution, the charter, seal, books, records, papers, monies and all other property of every description of said Local Unions shall revert to and become property of the Operative Plasterers' and Cement Masons' International

Association and all of same shall be immediately delivered to the office of the General Secretary-Treasurer of this International Union with a proper accounting of all of the financial and other affairs of the Local Unions involved and no officer, representative or member of said Local Union shall be relieved of responsibility and liability to this International Union until all of the requirements specified herein have been complied with.

Any distribution or attempt at distribution to its members, or to any one else, except the Operative Plasterers' and Cement Masons' International Association, of the charter, seal, books, records, papers, monies and all other property of every description by the officers or members of said Local Unions, either prior to, in anticipation of, or subsequent to, after action has been taken to dissolve, withdraw, suspend or revoke the Local Union charter, shall be illegal, and no title to said charter, seal, books, records, papers, monies and all other property of every description shall pass thereby from the Operative Plasterers' and Cement Masons' International Association.

(E) Any good standing member of a Local Union which dissolves or withdraws from affiliation with the International Union of whose charter has been suspended or revoked and who is not directly involved or a party to the controversy or cause leading up to the dissolution, withdrawal, suspension or revoking of Local Union charter, and who signifies his willingness and intention to be governed by and comply with all of the provisions of this Constitution, may make application to the General Secretary-Treasurer to either transfer his membership or to be reinstated or reinitiated as a member-at-large of this International Union.

ARTICLE 10

Local Union Mergers

Section 1. Whenever the General President decides there is superfluous number of Local Unions in any locality or that a merger would be in the best interests of the International Association, locally or at large, he shall have the power to order Local Unions to consolidate under such conditions as the General President shall determine and to take all action and issue such orders as he deems necessary to implement, to enforce and to supervise the consolidation of Local Unions in such territory into one or more Local Unions, provided that the consolidation receives the sanction of the General Executive Board.

Section 2. Whenever a Local Union is merged, its charter, all books, documents, property and funds shall become the property of the International, and shall be sent to the location directed by the General President or his representative after the merger is effected, or the Local Union is otherwise reinstated or reorganized.

ARTICLE 11

District Councils, State Conferences, and Provincial Conferences

Section 1. (A) State Conferences, Provincial Conferences and District Councils shall be organized and chartered whenever the General Executive Board, acting on its own initiative or at the request of a Local Union, deems it desirable to create such a Conference or intermediate body. Each Local Union directed by the General Executive Board to become a member of a District Council or other intermediate body shall fully cooperate and participate in the actions of the affiliated, intermediate organization.

(B) Each State Conference, Provincial Conference and District Council shall be composed of delegates elected by secret ballot from each of the affiliated Local Unions. Where the dues assessed to the Local Unions affiliated with a State Conference, Provincial Conference or District Council is a flat fee, and the same for each Local, then each affiliated Local Union shall be entitled to an equal number of delegates. Where the dues assessed to Local Unions affiliated with a State Conference, Provincial Conference, or District Council is calculated on a per capita basis, then each affiliated Local Union shall be entitled to one delegate per 100 members or fraction thereof.

(C) Each State or Provincial Conference and District Council shall function and operate under a Constitution that is adopted by a majority of the delegates voting at a specially called meeting of the Conference or Council. A copy of the Constitution and By-Laws adopted by the delegates shall be submitted to the General Secretary-Treasurer of the International Association. The Constitutions adopted by the Councils and Conferences cannot conflict in any way with the International Association Constitution.

(D) The officers of the State Conference, Provincial Conference and District Council shall be elected by secret ballot among the delegates to the Conference or Council. Each State or Provincial Conference and District Council shall elect a President, Financial Secretary-Treasurer, and such other officers as may be required under the Conference's or Council's Constitution.

(E) No officer or delegate may be elected or seated from any Local Union that is more

than two months delinquent in forwarding its cash sheets to the International Association, or has not forwarded payments of indebtedness to the International Association.

Section 2. (A) District Councils, State Conferences and Provincial Conferences may levy regular or temporary monthly assessments upon affiliated Local Unions to defray necessary expenses. These assessments must be approved by majority vote of the delegates to the Convention of Conference or Council delegates.

(B) District Councils may levy fines against members of affiliated Local Unions for violating the working rules of the District Council or an affiliated Local Union. Provided however, that District Councils exercising this power must follow the charges and trial procedure applicable to Local Union disciplinary proceedings.

Section 3. Each District Council, State Conference or Provincial Conference shall make its own rules regarding meeting procedures and other matters within the Conference's or Councils jurisdiction, provided however, that District Councils must meet at least quarterly and that State or Provincial Conferences must meet at least once each year, and provided further, that affiliated Local Unions must comply with the rules adopted by the District Council.

Section 4. The terms "State Conferences" and "Provincial Conferences" in this Article shall be deemed to also include Multi-State Conferences and Multi-Provincial Conferences.

ARTICLE 12

Suspension and Affiliated Bodies

Section 1. The General President or his authorized representative may suspend any Local Union, District Council, or State or Provincial Conference for violating the laws and the Constitution of the International Association or for any other acts detrimental to the interests of the labor movement or the International Association.

Section 2. (A) The General President or his authorized representative shall initiate charges against a Local Union, District Council, State or Provincial Conference under this section by filing charges in writing with the General Secretary-Treasurer of the International Association. The General Secretary-Treasurer shall serve a copy of the charges together with a notice setting forth the date, time, and place of the hearing on the Local Union, District Council, State Conference, or Provincial Conference not less than 10 days before the date of the hearing. Service of the charges and notice shall be made by mailing a copy of the charges and notice to the Recording Secretary of the intermediate body.

(B) The General President may appoint a Hearing Officer from the membership of the International Association to hear charges preferred under this section. The Hearing Officer shall make his findings, reports, and recommendations to the General President, who shall then issue his order based upon the entire record.

Section 3. (A) Any intermediate, subordinate body of the International Association that is suspended shall remain suspended until it reports in writing that it has fully complied with the order of the General President or his authorized representative. The report of the intermediate, subordinate affiliated body must be approved by both the General President and the General Executive Board.

(B) Any Local Union suspended pursuant to this Article, shall lose for the period of its suspension, all privileges of the OPCMIA. In addition, the delegates from each such suspended Local Union shall be excluded from all local building and construction trades councils, central, state and regional bodies of the various departments of the AFL-CIO, as well as from the District Councils, State Conferences, and Provincial Conferences of the OPCMIA.

Section 4. Whenever a Local Union or other affiliated body is dissolved or suspended, all of its books, documents, property and funds shall be returned to the General President or his representative, or to the General Office. The property shall become the property of the International Association, provided however, that it may be returned to a Local Union or other affiliated body should the Local Union or other affiliated body be reinstated or reorganized.

ARTICLE 13

International Trusteeship of Affiliated Bodies

Section 1. (A) If the General President has received information which leads him to believe that any of the officers of a Local Union or other affiliated body are dishonest or incompetent, or that any such organization is not being conducted in accordance with the Constitution and laws of International Association or for the benefit of its members, or is being conducted in such a manner as to jeopardize the interests of the International Association or its

affiliated bodies, or if the General President believes that such action is necessary for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objectives of such affiliated body, the General President may appoint a Trustee in accordance with the procedures established by this Article to take charge and control of the affairs of such Local Union or other affiliated body including, but not limited to, removal of any or all officers, appointment of temporary officers and control of all funds and property of the Local Union or other affiliated body.

(B) The General President shall set a time, place and date for the hearing of charges by a Hearing Officer appointed by the General President for the purpose of determining whether or not a Trustee shall be appointed. A copy of the charges stating the grounds for the proposed Trusteeship, together with a notice stating the time, place, and date of the hearing, including the name of the Hearing Officer, shall be served on the Financial Secretary, President, or Business Agent of the Local Union or other subordinate body by certified or registered mail or in person, at least 10 calendar days prior to the hearing.

(C) The Hearing Officer shall make his report and recommendation in writing to the General President within 30 days after the close of the hearing if no transcript has been ordered, or such longer time as the General President may direct if a transcript has been ordered, and the General President shall make his decision within 30 days after receipt of the report and recommendation from the Hearing Officer. The General President's decision shall be immediately communicated to the Local Union or other affiliated bodies involved. Appeals from the General President's decision may be taken to the General Executive Board within 15 days after the General President has issued his decision, provided, however, that the decision of the General President shall be effective for all purposes during the pendency of any such appeal. A further appeal may be taken from the General Executive Board's decision to the Convention of the International Association by filing a written notice of appeal and statement of grounds of the appeal with the General Secretary-Treasurer within ninety days of the General Executive Board's decision, provided that the decision of the General Executive Board shall be effective for all purposes during the pendency of such appeal.

Section 2. (A) Notwithstanding any other provision of this Constitution to the contrary, when the General President determines that an emergency exists in a Local Union or other affiliated body a Trustee may be appointed prior to a hearing, but a hearing shall then be held within 30 days after the imposition of the Trusteeship, and a decision on whether to continue the Trusteeship or not shall be made within 60 days after the appointment of the Trustee.

(B) When the Local Union determines that a voluntary Trusteeship is necessary, the Local Union may petition the General President to impose a voluntary Trusteeship in writing, stating the reasons for a voluntary Trusteeship. Upon receipt of the request, the General President may impose a voluntary Trusteeship in accordance with Article 13, Section 2(A) or Article 13, Section 1. Once a voluntary Trusteeship is imposed, such a trusteeship may be lifted in accordance with Article 13, Section 3.

Section 3. (A) The Trustee shall report from time to time on the affairs of the Local Union or other subordinate body to the General President. The Trustee shall serve at the pleasure of the General President, shall follow the General President's directions, and shall be under the general supervision of the General President.

(B) The General President, on his own motion, acting upon a petition filed by a member or members of the Local Union or affiliated body under Trusteeship, or acting upon a recommendation of the Trustee, may in his discretion arrange for a hearing to be held on the question of whether or not self-government should be restored to the Local Union or other affiliated body.

When the General President determines that self-government should be restored, the Trustee shall direct the nomination and election of officers at such time and place as he determines, notwithstanding any contrary provisions in this Constitution or in the rules and By-Laws of Local Unions or other affiliated bodies. If the Trustee determines that the election of officers has been proper, he shall so certify to the General President and return to the appropriate officers all funds, property, books and records in his possession as directed by the General President.

ARTICLE 14

Revocation of Charters of Affiliated Organizations

Section 1. (A) In the event that a Local Union, District Council, or State or Provincial Conference fails to comply with the orders of the General President or his authorized representative or an order of the General Executive Board, the General Executive Board shall have the power to revoke the charter of such Local Union, District Council, State or Provincial Conference or other subordinate body after due notice and hearing.

(B) If the charter of a Local Union or other affiliated body is revoked by the General

Executive Board, then all the funds and other properties, together with books, records and papers of such Local Union or other affiliated body, shall be forwarded to the General Secretary-Treasurer and shall become the property of the International Association, provided that the property may be returned to a Local Union or other affiliated body should the Local Union or other affiliated body be reinstated or reorganized.

Section 2. The revocation of a Local Union's charter shall terminate the membership of all members of the Local in the International Association, provided however, that the General Executive Board may, in its discretion, permit some or all of the members to be transferred to another Local Union without loss of continuous good standing in the International Association.

ARTICLE 15

Local Union Officers and Their Duties

Section 1. (A) Each Local Union shall elect such officers as may be required by the Local Union's Constitution, provided however, that each Local Union must elect a Business Manager (or other principal officer as defined in this Constitution), President, Vice President, Recording Secretary, Financial Secretary, and Local Executive Board. In addition, each Local Union shall elect one or more individuals as Business Agents of the Local Union and, when so elected, they shall be considered officers of the Local, provided however that Local Unions may petition the General Executive Board to waive the requirement of the election of a Business Agent.

(B) Each Local Union Officer shall serve a term of three years. No Local Union shall prevent any Officer from being elected to succeed himself or deny any journeyman member of the Local Union the right to represent the Local at consecutive International Association Conventions.

(C) All officers, employees or representatives of Local Unions, State Conferences, Provincial Conferences, and District Councils who handle, collect or disburse Union funds shall be bonded. The General Executive Board may, in its discretion, secure and defray the cost of a bond covering such employees and agents of affiliated bodies in accordance with the requirements of federal law. A Local Union may secure additional bonding coverage for its employees and agents. Intermediate affiliated bodies must insure that their full bonding coverage complies with federal law.

(D) Local Unions must establish the salary, benefits and paid expense policy for all officers, committees, delegates, or boards either at the time of nomination or before their appointment, whichever is appropriate. Such salaries, benefits and expense policies must be approved by the membership or established by the Local Union Constitutions and By-Laws. No Local Union shall set a salary, benefits or paid expense policy which will prevent the Local from meeting all legitimate and necessary financial obligations. Where a Local Union's financial situation declines between elections of paid officers to the extent that it can no longer meet its financial obligations and also pay the salaries of its officers, it shall be the duty of the Business Manager and Financial Secretary to immediately report this fact to the membership and the General President of the International Association. In such a situation, the Local Union shall either increase local monthly dues, working dues or pass a special assessment in an amount sufficient to address the shortfall.

(E) When a financial shortfall exists and the Local Union fails to increase revenue as outlined above and other prudent cost savings measures cannot be taken, then the Local Union shall reduce salaries, benefits or alter expense reimbursement policies by the necessary amount to bring finances in line. Deferral of officer salaries and/or benefits or the nonpayment of expenses shall not be permitted. In no case shall a Local permit the payment of salary, benefits or expenses on a retroactive basis or recognize or approve back pay or back benefits for officers. Local Unions wishing to increase salaries, benefits and/or expense reimbursement in mid-term must do so only if fiscally prudent and after membership approval. If the amount of the officer's salary, benefits and/or expenses are established in the Local Union Constitution and By-Laws, increases must be made in accordance with the procedures set forth in these documents.

Section 2. Except as specifically modified by a Local Union's own Constitution and By-Laws, the allocation of the duties, powers and responsibilities among the Local Union Officers described in Sections 3 - 9 of this Article constitute the minimum duties, powers and responsibilities that must be entrusted to each Officer by the Local Union. Nothing contained in this Section permitting Local Unions to reallocate responsibility for various functions among Local Union Officers shall relieve the Local Union of responsibility for performing the duties and responsibilities described in this Article. For purposes of economy and convenience, one or more elective offices may be combined as the need arises and as the membership approves, provided that such combination or consolidation receives written approval of the General President of the International Association.

Local President

Section 3. The President shall preside over all meetings and conduct the same in conformity with the Rules of Order and common sense. He shall be an ex-officio member of all

committees that he appoints.

Local Vice President

Section 4. In the absence of the President, the Vice President shall perform all duties pertaining to the office of President. The Vice President shall serve as Chairperson of the Executive Board.

Recording Secretary

Section 5. The Recording Secretary shall keep a correct record of each meeting's proceedings, attest with the President all orders on the Financial-Secretary Treasurer authorized by the Local Union and record the same in the Local Union's book of records together with the minutes of Local Union meetings.

Minutes of Local Union meetings shall be kept by the Recording Secretary in a bound minute book with the pages pre-numbered. The Local's minute books must be kept in the Local's office and may not be removed from the office without prior approval of the Local Executive Board. At the end of his term of office, the Recording Secretary shall deliver to his successor when duly elected and qualified, all books, papers or other property in his possession, belonging to the Local Union.

The Financial Secretary

Section 6. (A) The Financial Secretary shall keep a correct account of the financial standing of all members of the Local Union and receive and account for all monies received or disbursed by the Local Union.

(B) The Financial Secretary shall immediately pay the International working dues and any other miscellaneous assessments as may be provided for to the International Association when the International working dues or assessment becomes due. Such payments shall be made immediately without securing the approval of any other officer or committee or of the membership. When the Financial Secretary of the Local Union forwards the International working dues to the General Office, he shall also forward such documentation as directed by the General Secretary-Treasurer. The documentation shall record the names of all individuals for which revenue is received by the Local Union. In addition the documentation shall record the names of all members 1) who have been initiated, reinitiated, and reinstated; and 2) who have renewed or deposited their travel cards.

(C) The Financial Secretary shall be authorized to pay regularly recurring expenses of the Local Union without securing the prior approval of the membership or other officers.

(D) Within three (3) months after the end of either the calendar year or the fiscal year properly registered at International Headquarters by the Local Union, the Financial Secretary shall submit to the General Secretary-Treasurer a copy of the Local's annual LM-2, LM-3, or LM-4 Report filed with the Department of Labor (or audit in the case of Canadian Locals). Failure to fulfill this obligation shall constitute grounds for the immediate removal of a Local Financial Secretary from office.

(E) The Financial Secretary or authorized person shall collect monies due from members, issue members receipts for all monies collected and record the transaction on the Local Union's ledger book and/or records. The Financial Secretary shall be held accountable for the receipt book of the Local Union. Only the Financial Secretary or his authorized agent may make entries into the financial receipt book.

(F) The Financial Secretary shall obtain an annual audit, and not merely a review or compilation, of the Local Union to be performed by a certified public accountant. Local Unions may petition the General President for a waiver of this obligation if it would present a great financial burden to the Local Union to obtain the audit.

Local Executive Board

Section 7. The Local Executive Board shall meet at least once every month; and the Local Executive Board shall be empowered to take whatever action is necessary to comply with the directives of the International Association. In addition, the Local Executive Board shall transact all business referred to it by the Local Union or by the Union's duly elected officers in between meetings of the Local Union and reported at the next following Local Union meeting.

The Executive Board shall act as a Rules Committee, to whom shall be referred all proposed changes or additions to the Local Union Constitution and By-Laws and such Standing rules as this Union may adopt from time to time. The Local Executive Board shall be responsible for monitoring the financial soundness and expenditures of the Local Union to ensure that the Local Union funds and property are managed by the Local Union Officers in accordance with this Constitution and By-Laws and the International Constitution. The Local Executive Board must keep accurate minutes of the transactions of business at Board meetings in a bound minute's book with pre-numbered pages, which shall be read and approved at the next following Local Union membership meeting.

The Business Manager shall fill all vacancies in elected Offices by appointment of pro tem officers with the written approval of the Local Executive Board. In the event of a vacancy in the offices of Business Manager or Business Manager/Financial Secretary, the President of the Local shall make the pro tem appointment with the written approval of the Local Executive Board. In the event of a vacancy in the office of Business Manager/President, the Financial Secretary of the Local shall make the pro tem appointment with the written approval of the Local Executive Board. If a vacancy in any full-time, salaried office occurs with more than two years remaining until the next regularly scheduled election, a special election must be held to fill the vacancy with nominations and election to be held within 60 days of the vacancy. If the vacancy in any full-time, salaried office is less than two years until the next regularly scheduled election, the person appointed pro tem shall serve until the next regularly scheduled election. If a vacancy occurs in any office that is not full-time and salaried, the person appointed pro tem shall serve until the next regularly scheduled election.

The Business Manager

Section 8. (A) Local Unions must have a Business Manager designated as responsible for the duties enumerated in this Section. The Business Manager shall be responsible for performing the duties of a Business Agent. In addition, the Business Manager shall supervise and direct all of the Local Union's Business Agents in the performance of their duties and the Business Agents must all report directly to the Business Manager. The Business Manager shall also be primarily responsible for filing copies of the Local Union's current collective bargaining agreements and current version of the Local Union Constitution and By-Laws with the General Office of the International Association. Furthermore, the Business Manager (or other principal officer as defined in this Constitution) shall be a member of the Local Executive Board.

A Local Union shall have the option of using a different title for its principal officer other than Business Manager. A Local Union selecting such option must receive approval from the General President in writing.

(B) Local Unions may select the Business Manager by either of the following methods: First, by accepting nominations exclusively for the office of Business Manager and having a separate election for that office. In the alternative, Local Unions may accept nominations for Business Agents only and provide that the candidate for Business Agent receiving the greatest number of votes shall be the Business Manager.

The Business Agent

Section 9. It is the Business Agent's solemn duty and obligation to vigilantly protect the trade jurisdiction of the International Association, to compel employers to observe and respect bargaining agreements, to adjust all grievances between members of his Local Union and their employers with justice and fairness, and to promote and foster employment for members of the Local Union.

ARTICLE 16

The Election of Local Union Officers

Eligibility

Section 1. (A) A member of a Local Union shall be eligible to hold an office in the Local Union if he satisfies all the following criteria:

- (1) The member must be a journeyman member of the International Association.
- (2) The member cannot be affiliated with any political party advocating the overthrow of the United States or Canadian government by force or by any illegal or unconstitutional methods.
- (3) The member must have been in good standing in the Local Union for a period of 12 months immediately preceding the date of the nomination meeting, provided that the members of Local Unions which have been chartered within 12 months before the election date need only be in good standing for as long as the Local Union has been chartered. A member shall be considered to be in good standing if at no time in the twelve months preceding the date of the nomination meeting he owed more than two months local dues, working dues or local assessments to the Local Union and/or working dues or international assessments to the International Association including any financial obligations for the month in which the nomination meeting is held.
- (4) The member must be actively employed at the craft within the jurisdiction of their Local Union for a period of twelve (12) months prior to the date of the nomination meeting. For purposes of this section, "active employment at the craft" shall also include periods of time during which the journeyman member is employed by, or serves as an

elected or appointed officer/administrator of, the International Association, State or Provincial Conferences, District Councils, Local Unions and/or related organizations including trust funds, as well as periods of time during which the journeyman member serves in the capacity as a trainer or instructor in the craft.

(5) To be eligible for election to Local Union office, the member must not have deposited a travel card into another Local Union of the International Association unless he subsequently redeposited his travel card in his home Local Union within 6 months of the date on which the travel card was issued and at least 30 days before the date of the nomination.

(6) The member must not have dual membership in a rival organization or serve as an officer, agent, or employee of a rival labor organization, unless the General President determines, in his discretion, in writing to waive this eligibility requirement for an individual when the General President determines the waiver to be in the best interest of the International Association.

Notwithstanding any provision contained herein, Local Unions may include a provision in their By-Laws permitting retired members to hold Local Union office, other than paid, full-time positions.

(B) All Business Manager, Financial Secretaries, Business Agents and Organizers must have a valid driver's license, as well as adequate automobile insurance, and maintain said license and insurance during his term of office in order to be eligible to hold and maintain his Local Union office. The Local Union shall be obligated to promptly notify the International Association whenever a loss of driving privileges or insurance occurs. When the General President, in his discretion, determines that a reasonable accommodation is appropriate without interference with the duties of the officer, such accommodation may be allowed by the General President in writing.

Election of Local Union Officers

Section 2. (A) All Local Union Officers shall be elected for a term of three years in a secret ballot election. All elections will be by plurality vote. Nominations of Officers for Local Unions shall be held not less than 15 days prior to the date of the election itself. Each member shall be given notice by mail at his last known address sent at least fifteen days prior to the date of the nomination meeting. The notice shall set forth: 1) the date, place and time of the nomination meeting; 2) the officers which are to be filled; 3) the date, time and place of the election itself; and 4) the date, time and place of any run-off election, if necessary. All nominations must be made at the nomination meeting. At the nomination meeting, the salaries of each office to be filled will be announced in accordance with Article 15(1)(D) and noted in the Local Union meeting minutes.

(B) At the nomination meeting, but prior to actual nominations, the President shall appoint or cause to be elected an Election Committee of not less than three members of the Local Union in good standing to conduct the election, and to hear the protests as to eligibility. The Election Committee shall supervise and safeguard the secrecy and honesty of the election. They shall prevent nominees from campaigning in the voting room and they shall preserve order and enforce all the election rules. They shall prepare and sign a statement announcing the results of the election.

(C) As candidates are nominated their standing in the Local Union shall be checked by the Financial Secretary. The Financial Secretary shall have available at the nomination meeting all books and records and other information required to establish the eligibility of each candidate. Should a dispute arise as to whether or not a candidate is in good standing, and if the Financial Secretary's books and records do not clearly establish the candidate's eligibility or ineligibility, then the Election Committee shall determine the eligibility of the nominated candidate.

(D) A Local Union can enact provisions in the Local Constitution permitting nominations and elections to be conducted at a single meeting when a special election is held to fill a vacancy between general elections provided that members are sent at least a fifteen day notice of such nomination/election meeting and provided further that the notice specifically state that both nominations and election will be held at the same meeting.

Absentee Ballots

Section 3. Absentee or mail balloting may be authorized in Local Union elections of officers under the following conditions. The Local Union membership shall, at either a special or regular meeting, by appropriate motion, file a request with the General President for permission to use the absentee or mail ballot. This request shall be filed with the General President thirty (30) days prior to the holding of nominations and shall set forth the reasons why absentee or mail ballots are necessary. The General President may, in his discretion, for the best interest of the Local Union and the International Association, grant or deny any such request.

The General President shall prescribe rules and regulations controlling the use of the absentee or mail ballots so that the integrity and secrecy of the ballot box may be safeguarded. The decision of the General President shall be final and binding and there shall be no appeal from his decision granting or denying the request of the Local Union to use an absentee or mail ballot.

Campaign Literature and Observers

Section 4. (A) The Financial Secretary shall, upon reasonable notice, arrange for the distribution of any campaign literature, by mail or otherwise, to the membership of the Local Union, provided that each candidate desiring to distribute such literature shall pay the reasonable, estimated costs involved in distributing the literature in advance and the full cost within 30 days after the election.

(B) Each candidate shall have the right to designate a member of the Local Union to act as an observer at the polls and at the counting of the ballots.

Report

Section 5. The Election Committee shall make a report to the membership of the Local Union of the results of the election at the first union meeting following the election. If there are two or more candidates for a Local Union office and the top candidates are tied in the initial election, the election committee shall order a rerun election, and in this rerun election, all candidates shall be dropped from the rerun ballot except for the candidates who tied in the initial vote.

Oath of Obligation of Local Union Officers

Section 6. Before assuming the duties of his office, each elected officer of the Local Union shall take the following pledge:

U.S. Locals, State Conferences or District Councils

I, _____, solemnly pledge my word of honor that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and that I will bear true faith and allegiance without any purpose of evasion or mental reservations. I will perform all the duties pertaining to the office to which I have been elected or appointed as provided for in the Constitution, and that I will turn over to my successor, when duly qualified, all documents and property of this International Association in my charge.

Canadian Locals, Canadian Conferences or Provincial Councils

I, _____, swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heir and successors according to law and that I will faithfully observe the laws of Canada. I will perform all the duties pertaining to the office to which I have been elected or appointed as provided for in the Constitution, and that I will turn over to my successor, when duly qualified, all documents and property of this International Association in my charge.

ARTICLE 17

Eligibility to Vote at Local Union Elections

Section 1. (A) No member shall vote at any election of Local Union Officers unless he has been a member of the Local Union for a period of at least six months prior to date of the election. In addition, no member more than two months in arrears in his union dues, including any amount owed for the month in which the election is held, shall be allowed to vote in any Local Union election.

(B) Ten days prior to the election, the Financial Secretary shall prepare a list of all eligible voters for the Election Committee. Each member desiring to vote shall present his dues card prior to the time he votes to determine whether or not the member is in good standing. As each member votes his name should be checked off the voter eligibility list.

(C) A Local Union may provide in its Constitution and By-Laws that a member whose name does not appear on the voter eligibility list because he owes more than two months Union dues, including any amount owed for the month in which the election is held, may nonetheless vote in the election if the member pays sufficient dues to return to good standing prior to the elections, including the day of the election, and this fact is verified by the Financial Secretary and the Local Union's books and records.

(D) The use of the term "union dues" in this Article shall include all Local monthly dues, Local and International working dues, Local and International assessments and all fines in accordance with Article XXIII, Section 1.

Section 2. Any candidate or observer may challenge the decision of the Election Committee that a voter is eligible or ineligible at the time when the Election Committee makes its decision and before the member has voted. The challenged ballots, if any, shall be set aside. Only if the challenged ballots could affect the outcome of the election shall it be necessary to rule on the challenges made. If there are sufficient number of challenged ballots to affect the results of the election, the challenges shall be investigated further by the Election Committee. The Election

Committee shall reach a decision on each challenged ballot before any of the challenged ballots are opened.

ARTICLE 18

Protest of Local Union, State Conference, District Council and Provincial Conference Elections

Section 1. (A) A protest of the conduct and validity of the Local Union, State Conference, District Council or Provincial Conference election or nomination shall be filed with the Election Committee upon the discovery of the grounds of the protest but in no event later than five working days after the date of the election. The Election Committee shall promptly rule on the protest. Pending the Election Committee's ruling on the protest, the candidate with the largest number of votes shall take office unless the General President otherwise determines or directs.

(B) An appeal may be taken to the General President from the decision of an Election Committee on any protest. Appeals from an Election Committee's decision must be made within five (5) working days after the date of the decision.

An appeal of an Election Committee's decision shall be made in writing to the General President. A copy of any appeal to the General President must be simultaneously served on the Local Union, State Conference, District Council or Provincial Conference, as the case may be, for forwarding to the Election Committee. An appeal must clearly and specifically set forth the grounds upon which the protesting member relies. Pending the General President's decision on an appeal, the Local Election Committee's ruling shall remain in effect for all purposes pending the appeal except if the General President otherwise determines or directs.

(C) Officers shall be inducted within seven days following the election regardless of the existence or pendency of a protest unless the General President otherwise determines or directs. The induction shall in no way affect or impair a protest or an appeal.

Section 2. Upon receipt of the protest, the General President shall refer it to one of his Representatives who shall conduct an investigation and render a decision. Any Local Union, State Conference, District Council or Provincial Conference, or candidate or member who is not satisfied with the Representative's decision may appeal in writing within 15 days to the General President. The General President shall have the right to affirm, reverse, modify or change the decision of his Representative or enter any other decision as the facts warrant. The decision of the General President shall be final, binding and conclusive and there shall be no further appeal.

Section 3. Members found guilty, by the Local Union, State Conference, District Council or Provincial Conference after notice and trial as provided by this Constitution, of maliciously and in bad faith filing a protest to conduct the validity of an election or of a nomination shall be assessed and punished accordingly by the Local Union, State Conference, District Council or Provincial Conference, subject to the appeal provisions of this Constitution.

Section 4. The use of the term "State Conference" and "Provincial Conference" in this Article shall be deemed to also include Multi-State Conferences and Multi-Provincial Conferences.

ARTICLE 19

Local Union Funds and Property

Initiation Fee

Section 1. (A) Local Unions shall have the privilege of setting and increasing their own initiation fee provided that any such action must receive the approval of the General Executive Board.

(B) When an applicant applies for membership in the International Association, the Financial Secretary of the Local Union shall immediately forward to the International Association the applicant's completed application form along with the \$75.00 fee to cover the costs of requests or search for records and registration. The Local Union shall not hold the application on file until the new member has paid his initiation fee in full or for any other reason. Upon receipt of the application form, the International Association shall forward a dues card to the Local Union.

(C) The Local Union shall have the privilege of giving the new member up to six months to pay the Local initiation fees in full. However, this grace period, if extended, will not affect the applicant's status as a full member from the date that the application is signed and the first International working dues are paid. During such grace period, the new member shall have the full obligation of paying all Local dues, and Local and International working dues that are normally required for members of the Local and International.

(D) The classification of provisional member is no longer recognized or permitted. Any Local Union that accepts financial payments of any kind, including but not limited to Local dues or working dues, from or on behalf of an individual working under a local, national or any other collective bargaining agreement is obligated to present an application for membership to that individual and forward International working dues to the International on that individual's behalf.

(E) Any monies received by a Local Union from or on behalf of an individual working under a local, national or other collective bargaining agreement shall be forwarded to the International Association until the financial obligations, including but not limited to per capita and International working dues, are satisfied for that individual for each month.

(F) If a new member fails to pay the Local initiation fee in a timely manner including any grace period not to exceed six months that has been established by the Local, or if financial obligations regularly required of all members including the payment of Local monthly dues, Local working dues and International working dues are not satisfied, the new member will be dropped and shall forfeit any and all monies paid and shall have to reapply for membership in the International Association by filing a new application for membership with the Financial Secretary or authorized agent of the Local Union and pay all financial obligations in accordance with Article 23, Section 3(C) of the Constitution.

(G) When any member within the first year of becoming a member transfers to a Local having a higher initiation fee than his original Local, that member may be required by the new Local to pay the higher initiation fee. This rule shall apply to all members of less than one year, regardless of whether or not such member has paid his original Local's initiation fee in full or only in part. In requiring a member to pay the higher initiation fee, the new Local can only require payment of the difference between the higher initiation fee and the amount which the member has already paid.

Monthly Dues

Section 2. (A) Local Unions shall have the privilege of setting their own monthly dues structure and level; provided however, that the dues of any Local Union, including any working dues assessed by the Local, shall not be less than two times the established rate of the International working dues.

(B) In setting the monthly dues structure and level, Local Unions shall have monthly dues of no less than \$5.00 per month.

(C) All Local Union dues increases shall be approved by a majority vote of the Local Union membership voting in a secret ballot election after written notice setting forth the time, date and place when the vote on the dues increase will be held.

Working Dues and Special Assessments

Section 3. (A) Local Unions may establish working dues to defray the costs of operating the Local. Such working dues may be expressed in terms of either an absolute dollar amount per hour or a percentage of each hour, day or week or month worked. Working dues shall apply to all Local Union members and shall include all members of other Local Unions of the International Association who are working under a collective bargaining agreement within the Local Union's jurisdiction. The establishment of Local Union working dues and changes in Local Union working dues must be approved by a majority vote of the Local Union membership voting in a secret ballot election after written notice setting forth the time, date and place where the vote on the establishment of working dues or change in working dues is to be held. The sole exception to the secret ballot vote required shall be if increases are necessary to comply with the minimum dues requirement set forth in Article 19, Section 2(B) of the Constitution.

(B) Local Unions may also establish special assessments to pay any extraordinary costs of the Local, including building assessments, death assessments or other assessments to respond to extraordinary and unanticipated costs, including but not limited to legal fees or court judgments. Special assessments must be approved by a majority vote of the Local Union membership voting in a secret ballot election after written notice setting forth the time, date, and place where the vote on the special assessment shall be held. Special assessments may take the form of so much per hour, day, week or month or may be expressed in terms of an absolute dollar amount.

(C) Whenever any such assessment or working dues are directly collected by the Local Union, the Local Union must provide each person making payment a numbered cash receipt.

No Division or Transfer of Funds

Section 4. The funds and property of a chartered and affiliated Local Union or other subordinate body may not be divided, in any manner, among the members individually or collectively, but shall remain the property of the Local Union or other subordinate body so long as that body continues to exist. In addition, Local Union funds derived from any source shall be held in the name of the Local Union and shall not be transferred or conveyed to any other person, body, committee, or organization except in accordance with the terms of this Constitution and the Local's Constitution.

Forwarding Money to the General Office

Section 5. (A) International working dues or assessments shall be paid by the Local Union to the International Association on the fifteenth day of the month after the month in which the Local Union has received the monies. Failure by a Local Union and/or its responsible officer(s) to forward International working dues, assessments or other monies owed to the International shall constitute a diversion and misappropriation of funds, which is sufficient grounds to order the removal of the responsible officer(s) from office, the establishment of a Trusteeship over the Local Union and any other relief deemed appropriate by the International Association.

(B) The International Association's percentage of fines shall be payable immediately upon the registration of the fine with the International Association by the Local Union.

Misappropriating or Misusing Union Funds or Resources

Section 6. Any officer or member of a Local Union, State or Provincial Conference or District Council who obtains money, benefits or property of the Local under false pretenses; misappropriates or diverts the funds, assets or property of the Local Union or subordinate body; who transfers or diverts funds, assets or property to a rival labor organization or allows Local Union assets, records or property to be utilized by such rival labor organizations to undermine the representational rights, integrity or continuity of the Local Union or International Association; fails or refuses to turn over assets, records or property of the Local Union, State or Provincial Conference, or District Council to the properly designated official; who fails faithfully to perform his duties or who diverts or uses the assets, funds or property of a Local Union, State Conference, or District Council for purposes other than those for which they were collected or established; or fails to hold the property, assets or monies of a Local Union or other subordinate body in the name of the body shall be subject to expulsion, suspension, fines, restrictions from holding office, any combination of these remedies along with all other relief deemed appropriate by the International Association.

Section 7. Each Local Union shall submit to the International a copy of its annual LM-2, LM-3 or LM-4 Report filed with the U.S. Department of Labor, or an audit in the case of the Canadian Locals. A copy of this Report must be filed with the General Secretary-Treasurer within three (3) months after the end of the calendar year or the Local's fiscal year as properly registered at International Headquarters. Where a Local's failure to furnish a copy of this form results in an audit of the Local Union by the International, the Local Union shall pay all costs associated with the audit. The International Association shall not be responsible for the accuracy or sufficiency of the filings and shall not assume any duty, liability or obligation concerning the filing of LM Reports by Local Unions with the U.S. Department of Labor.

ARTICLE 20

General Provisions Governing Local Unions and Other Affiliated Bodies

Protect Jurisdiction of Work

Section 1. Local Unions must at all times protect the jurisdiction of work of the International Association against infringement by other trades. Upon evidence of failure to do so being presented to the International Association's General Officers, any such Local Unions will be subject to discipline under the Constitution.

Responsibility of International

Section 2. (A) The International Association shall not be responsible for any actions, activities, or admissions of any of its affiliated bodies or their representatives unless the same are authorized or directed by the International Association or its General Officers.

(B) Strike authorization and/or the payment of strike or lockout benefits by the International Association shall not constitute authorization, approval or ratification of any illegal actions or activities of any affiliated body, its officers, or members who are engaged in a strike or lockout.

(C) Only the Officers of the International Association are authorized to be agents for service of process.

Section 3. For a reasonable fee the International Association shall furnish to all Local Unions in good standing the necessary supplies with which to conduct their business, such as membership applications, change of classification forms, charters, suggested draft constitutions, fine sheets, incompetence forms, traveling cards, in lieu of traveling card forms, military service cards, reinstatement forms, resignation forms, change of beneficiary forms, dues cards, etc.

State, Provincial and Municipal Laws or Codes

Section 4. Every Local Union, District Council or State or Provincial Conference of the International Association shall endeavor to improve, strengthen and enforce all existing state, provincial and municipal codes that regulate and control the plastering, cement mason and shop industries in the particular locality.

Section 5. (A) The International Association and each of its affiliated Local Unions, State Conferences, and District Councils in the United States shall have at least one of the multi-employer plans, to which they are a sponsor, affiliate with the National Coordinating Committee on Multi-Employer Plans. A representative of the International Association and each of its affiliated Local Unions, State Conferences, and District Councils shall attend, if possible, a yearly conference conducted by the National Coordinating Committee on Multi-Employer Plans.

(B) The International Association and each of its affiliated Local Unions, State Conferences, and District Councils in Canada shall have at least one of the multi-employer plans, to which they are a sponsor, affiliate with the Multi-Employer Benefit Plan Council of Canada. A representative of the International Association and each of its affiliated Local Unions, Provincial Conferences, and Provincial Councils shall attend, if possible, a yearly conference conducted by the Multi-Employer Benefit Plan Council of Canada.

ARTICLE 21

Application for Membership

Section 1. (A) Each applicant for membership in the International Association and one of its affiliated Locals shall complete the application for membership as journeyman or apprentice on forms to be furnished by the General Secretary-Treasurer of the International Association. The General Secretary-Treasurer has the authority to develop any such forms that he, in his sole discretion, deems appropriate.

(B) The applicant must clearly set forth the primary classification in which he claims to be skilled as Plasterer, Cement Mason or Shop Hand. In addition the applicant may set forth any subclassification covering work coming within the jurisdiction of the International Association in which he is skilled and which has been recognized by the General Executive Board.

(C) Applicants for membership in a particular classification must seek membership in a Local Union that covers that primary classification. Similarly, members seeking to list a subclassification as part of their membership must apply for such membership through a Local Union having jurisdiction over the subclassification for which the member is applying.

(D) Each Local Union must test the qualifications and mechanical ability of each applicant for membership in the Local and the International Association. To this end, the Business Manager shall appoint a committee to investigate the abilities and qualifications of each applicant. Upon a determination that the applicant is qualified, the applicant shall be placed on the rolls of the Local Union and International Association, provided however, that the applicant must first take or sign the oath of obligation.

(E) Recognizing the duty to organize the unorganized, the General Executive Board may approve applications for membership in the International Association and one of its affiliated Locals from workers not traditionally associated with the craft of Plasterer, Cement Mason or Shop Hand. In such instances, the General Executive Board shall have full authority, at its sole discretion, to establish new classifications and to alter or modify initiation fees, dues and obligations for such classifications.

Obligation

Section 2. Each applicant before becoming a member shall take or sign the following pledge or oath of obligation:

I, _____, promise and pledge my word of honor that I am familiar with the laws and Constitution of the International Association and of this Local Union and that I will not perform any acts in any way prejudicial to the best interests of the International Association, but will endeavor at all times to promote the International Association's prosperity and usefulness. I agree to remain loyal and true to the principles and policies and to be governed by the Constitution, by-laws and ritual of the International Association, and the Local Union, in any and all matters that now or may hereafter be included therein. I further promise and swear that I am not a member of any organization advocating the overthrow by force and violence of the Government of the United States (or Canada). I take this obligation voluntarily, without any mental reservation, and I will, to the best of my ability, faithfully meet all obligations and discharge of my duties as a member of this Association which I am about to enter, so help me God.

No False Applications

Section 3. Anyone who shall certify falsely to any statement of fact or give any misleading answer on any of the membership application forms shall immediately be disciplined up to and including expulsion from membership in the International Association and its affiliated Local Union upon evidence of such false pretense, misrepresentation, or fraud being presented to the General Officers.

Dues Card

Section 4. Shortly after the applicant has become a member, the General Secretary-Treasurer shall issue the new member a dues card bearing pertinent information such as the member's name, registration and social security number, classification, date of initiation, etc. Local Unions may at their discretion and at their own expense require a member's picture to be added to the dues card or that a member have a supplemental identification card supplied by the Local bearing the member's picture.

ARTICLE 22

Apprentice Members

Section 1. (A) Applicants for membership as journeypersons shall not be initiated into any Local Union unless and until they have completed their term of apprenticeship to the trade or have worked at the primary classification for a term equivalent to that required of apprentices and have satisfactorily proven their mechanical ability.

(B) Apprentices must complete a minimum of 3 years and 3,600 hours of on-the-job training and related instruction in addition to any further training and instruction required by the Local Joint Apprenticeship and Training Committee. Nothing in this section shall prohibit Local Joint Apprenticeship and Training Committees from setting higher standards than those required in this Section. The General President shall have the authority to waive this minimum for good cause shown.

(C) Apprentices who complete their apprenticeship training and receive a certificate of completion from the Joint Apprenticeship Committee shall be entered on the Local's membership roll as a journeyperson in the trade classification in which he served his apprenticeship. The General Secretary-Treasurer shall be notified of this action, and after review to insure that all applicable provisions of the Constitution have been complied with, he shall register the apprentice member as a journeyperson member of the International Association. Apprentices who have been registered as journeypersons shall be eligible for nomination and election to Local Union offices in accordance with the Local Union's Constitution and By-Laws.

Section 2. (A) Each Local Union of the OPCMIA shall endeavor, either by themselves or in conjunction with other area Local Unions and employers, to establish an apprenticeship training program. The apprenticeship training program shall be administered and controlled by the Local Union or the Joint Apprenticeship Committee, subject to the approval of the General Executive Board. The apprenticeship program must comply with all laws governing apprentices and must fully comply with the International Association Constitution.

(B) Each Local Union or Joint Apprenticeship Committee shall establish rules and regulations that encourage young men and women to become skilled journeyperson members of the International Association and that provide them with the necessary training and skills to perform work within the International Association's jurisdiction. To this end, Local Unions and Joint Apprenticeship Committees may establish rules and regulations necessary for the efficient operation of the apprenticeship program so long as those rules and regulations are consistent with the provisions of this Constitution and with all applicable statutes.

(C) Each Local Union or Joint Apprenticeship Committee must have an Apprenticeship Coordinator designated as being responsible for the duties and responsibilities directed by the Local Union or Joint Apprenticeship Committee and International Union.

(D) Each apprenticeship training program, which is either established by the Local Union or established in conjunction with other area Local Unions or employers, shall adopt and utilize the uniform training curriculum and training standards developed by the International Association. Each such apprenticeship training program shall also adopt and utilize any revisions or updates to such curriculum and standards as the International Association may develop from time to time.

Section 3. (A) Each Local Union Secretary shall register apprentices with the International Association. Apprentices shall pay the regular OPCMIA International working dues.

(B) Contractors or employers who employ one or more journeypersons steadily in the local area shall be permitted to employ an apprentice from the Local Union having territorial jurisdiction over that area. The number of apprentices and the ratio of apprentices to journeypersons shall be governed by the local apprenticeship agreement so long as it is consistent with the policies of the International Association.

(C) Cancellation of an apprentice's agreement for just cause, after notice and hearing by the Apprenticeship Committee shall automatically cancel the apprentice's membership in the

International Association and the Local Union. The Apprenticeship Committee shall notify the Financial Secretary who shall in turn notify the General Secretary-Treasurer of the International Association that the apprentice has been removed from the rolls.

ARTICLE 23

Nonpayment of Dues and Fines and Expelled Members

Section 1. For purposes of determining a member's eligibility to enjoy privileges of membership established by this Constitution, disciplinary fines and any national or local assessments shall be paid (or arrangements made to pay them) before dues are paid. However, no union security clause shall be enforced because of the failure to accept dues pursuant to this provision because of outstanding disciplinary fines.

Loss of Good Standing and Suspension

Section 2. (A) Any member who becomes more than two months delinquent in the payment of s dues is no longer in good standing, in accordance with Article 34, Section 1 of the Constitution. Any elected or appointed officer of the International Association or Local Union who, at any time, is not in good standing is subject to removal from office by the General President.

(B) Any member who becomes more than three months delinquent in the payment of dues shall be suspended from the Local Union and the International Association. A suspended member shall be denied all rights and privileges of good standing and is not entitled to any monetary benefits.

(C) A suspended member returns to good standing by paying 1) all his back indebtedness through the current month and 2) any reinstatement fee required by the Local Union so long as that fee does not exceed \$75.00.

Dropped Members

Section 3. (A) Members who have not paid their dues for a period of more than 6 months will automatically be dropped from the Local and the International Association.

(B) Members who have not paid a disciplinary fine or made arrangements to pay the fine within thirty (30) days from the date the decision and penalty is registered at International Headquarters shall be automatically dropped from the Local Union and the International Association.

(C) Members dropped for non-payment of dues may rejoin their Local Union and the International Association. Dropped members wishing to rejoin a Local Union may be required to pay all indebtedness owed at the time of being dropped; shall pay a request for records fee of \$75.00 to the International Association; and may be required to pay a new initiation fee of no more than one and one half (1 ½) times the current regular initiation fee of the Local Union from which he was dropped.

Dropped members wishing to join a Local Union other than the Local Union from which they were dropped may do so by paying a request for records fee to the International Association of \$75.00 and a new initiation fee of no more than one and one half (1 1/2) times the regular initiation fee of the Local Union the dropped member wishes to join, plus all indebtedness due to the Local Union from which he was dropped.

(D) Local Unions may also uniformly require dropped members who are seeking to rejoin the International Association pursuant to Paragraphs (B) and (C) to establish their current qualifications as required of new members.

(E) Members dropped from membership for nonpayment of dues who rejoin the Union pursuant to this Section cannot be restored to their former standing.

Expelled Members

Section 4. Members who are expelled for disciplinary reasons or for failing to pay their fines or for otherwise failing to observe the discipline imposed against them cannot be restored to their former initiation date. Such members may, however, rejoin the International Association provided that 1) two (2) years or more have passed since the member was expelled; or 2) the member fully complies with the original discipline imposed against him and/or secures waiver of the discipline from the Local Union and/or International Association; or 3) the member fully complies with the requirements of paragraph (C) and (D) of Section 3 of this Article pertaining to initiation fees, reinitiation fees, request for records fees and qualifications. Provided, however, that the Local Union originally imposing the discipline may petition the General Executive Board to prevent expelled members from rejoining the International Association for just cause.

Section 5. The General President has the authority to waive, in whole or in part, the two-year waiting period, disciplinary fines, back indebtedness, reinstatement or reinitiation fees for just cause for former members seeking readmission to the International Association or any Local Union.

Section 6. The use of the term “dues” in this Article shall include all monthly dues, assessments, and/or Local or International working dues owed to an OPCMIA Local Union or the International Association.

ARTICLE 24

Strike Votes

Section 1. (A) No strikes may be called or terminated except by vote of the Local Union membership.

Section 2. No member shall be allowed to vote on a motion to call or terminate a strike unless he has been on the roll of the Local Union for at least six months prior to the date of the vote. In addition, members working under an interim agreement with any contractor during a strike cannot vote on any motion to continue or terminate a strike unless those members are required to pay special assessments to support the strike. In addition, retired members and members who are not working or actively seeking work in the trade under the Local Union's collective bargaining agreement shall not be allowed to vote on a motion to call or terminate a strike unless those members are required to pay special assessments to support the strike.

ARTICLE 25

Rules Governing Members' Activities

Restrictions on Members Entering the Plastering or Cement Masons or Shop Businesses

Section 1. Any member of the International Association who enters business legitimately for himself, or holds a financial interest in any business directly connected with the Plastering, Cement Mason, and Shop Hand Industries, and who desires to maintain his membership in the International Association, must notify the Local Union in whose jurisdiction his business operates. The notice must fully disclose the nature of the member's business including its corporate structure, the geographical area in which the business shall operate and the nature of the work performed by the business. In addition, said member shall not have a voice or vote, hold office or take any other part, in the official affairs of the Local Union until one year after the member has terminated his business or financial interests in any business directly connected with the plastering, cement mason and shop industries.

Working Contrary to the Terms of a Collective Bargaining Agreement

Section 2. (A) A member shall not perform any work that comes within the work jurisdiction of the International Association for an employer who is not party to a collective bargaining agreement with the Local Union in whose jurisdiction the work is being performed or with the International Association itself (which includes but is not limited to the General Presidents' Project Maintenance Agreement, the National Construction Agreement, and the Heavy and Highway Construction Project Agreement).

(B) No member shall be allowed to perform piece work or subcontract work from any contractor, material dealer, agency or owner, unless he is a bona fide contractor member under the Local Union By-Laws.

(C) Where permitted, members who enter into business for themselves or hold a financial interest in any business that performs work coming within the jurisdiction of the International Association must sign a collective bargaining agreement with the Local Union or Local Unions in whose territorial jurisdiction the work is performed.

Obtaining a Fraudulent Membership

Section 3. (A) Any member of the International Association who alone or in concert with others participates in the sale or issuance of counterfeit membership cards, travel cards, or other documents shall, after notice and hearing, and finding of guilt in accordance with procedures of this Constitution, be disciplined up to and including expulsion.

(B) Any member of the International Association who participates in the sale of membership by payment of monies over and above what is constitutionally required of new members or participates in the procurement of membership for an applicant by fraud, false statements, or misrepresentations, and who is found guilty after notice and hearing shall be disciplined up to and including expulsion.

Threats against Union Officers

Section 4. Any member found guilty, after notice and hearing, of making threats of physical violence or harm or who actually physically assaults a Local Union Officer or Officer or employee of the International Association shall be fined, suspended or expelled.

Unauthorized Picketline or Work Stoppage

Section 5. Any member of the International Association who puts up an unauthorized picket line or causes or engages in an unauthorized strike or work stoppage shall be disciplined by fine of \$1,000, suspension or expulsion.

Offenses Against the International Association, its Local Unions and Members

Section 6. (A) Any member of the International Association who engages in any of the following conduct may be disciplined up to and including expulsion pursuant to the procedures set forth in this Constitution:

- (1) Undermining the working conditions and/or wages of any members of any Local Union;
- (2) Joining or assisting another labor organization which is engaged in efforts to undermine, subvert or replace bargaining relationships of the International Association or its Locals;
- (3) Engaging in activities designed to bring about a withdrawal, mass resignation, or secession from the International Association of a Local Union, member or group of members;
- (4) Working for, or on behalf of, any non-signatory employer, non-signatory employer-association or employer supported organization, or any representatives of the foregoing, whose position is adverse or detrimental to the International Association; and/or
- (5) Accepting employment, appointment or elected office with a rival labor organization, or any entity related to or affiliated with a rival labor organization, unless the General President, in his sole discretion, determines in writing that such employment, appointment or election is not contrary to the best interests of the International Association.

(B) Any member who violates his oath of obligation or who engages in conduct that violates sound trade union principles may be disciplined up to and including expulsion pursuant to the procedures set forth in this Constitution.

(C) Any member who violates any provision of the International Constitution, the Constitution and Bylaws of a Local Union, State or Provincial Conference or District Council may be disciplined up to and including expulsion pursuant to the procedures set forth in this Constitution.

Discrimination Against Members

Section 7. Any officer or member of the International Association found guilty of unjust discrimination against members of the International Association because of their race, creed, color or affiliations or non-affiliations with fraternal societies or otherwise, where that discrimination causes members to lose employment or prevents them from securing subject to discipline by either fine, suspension or expulsion from the International Association.

ARTICLE 26

Charges and Trials

Section 1. (A) When a member of the International Association 1) breaks his obligation to the International Association or any of its Local Unions or other subordinate bodies; 2) violates any by-laws of the International Association; 3) violates any provision of this Constitution; 4) violates any laws or working rules of any Local Union; or 5) violates sound trade union principles, charges may be preferred against him by any member of the International Association in good standing or any duly authorized representative of the Local Union who has personal knowledge of the offense committed.

(B) The charges shall be made in writing to the Local Union in whose jurisdiction the offense was committed stating with reasonable certainty the facts of the offense charged, the time and place of the occurrence, the names of the witnesses, and the specific sections of the Local Union's and International Association's Constitution, by-laws, or working rules that were violated.

(C) Charges preferred against a member shall be immediately referred to the Local Executive Board or Trial Board. The accused member shall be served with a copy of the charges by the Secretary or the Business Agent of the Local Union personally or by registered or certified mail. Along with the charges, the Business Agent or Secretary of the Local Union shall serve upon the

charged member a notice specifying the date, time and place where the accused shall be required to stand trial. The charges and notice sent by registered or certified mail shall be addressed to the member's last known address as shown on the books of the Local Union. If the Local Union does not have a current address for charged members, it shall obtain the last known current address from the International Union.

(D) When the charges have been accepted and served on the charged member, the Local Executive Board shall without unnecessary delay summon the parties, hear all witnesses, and try the case, provided that the accused must have at least 10 days from the date of notice before being called upon to plead guilty or not guilty to the charges against him.

Section 2. (A) The Local Executive Board or other Trial Board will report their findings at the next regular meeting of the Local Union. If the accused is found guilty he may be assessed, suspended, expelled, reprimanded, removed and/or barred from holding Local Union office. The Local Executive Board or Trial Board may impose any or all of these disciplinary measures. The findings of the Local Executive Board or Trial Board shall be final and binding subject to the appeal provisions of the Constitution. No vote shall be taken among the Local Union membership on the report of the Local Executive Board or Trial Board.

(B) (1) Except as provided in Article 25, Section 5, no Local Union shall impose a fine of more than \$200 for each offense and the total fines levied shall not exceed \$1,000.00 upon an accused OPCMIA member unless approved by the General Executive Board.

(2) If the Local Union seeks to issue a fine of more than \$200 per offense or \$1,000 total, the Local Union shall, within 10 days file an application upon forms supplied by the General Secretary-Treasurer with the General Executive Board requesting the approval of the penalty of more than \$200 per offense or \$1,000 total.

(3) The petition for approval shall set forth the name and membership number of the disciplined member; the exact nature of the discipline imposed; details of the charges including the name of the charging party; the identity of the particular provisions of the OPCMIA Constitution that were violated; a copy of the full text of any provision of the Local Union's Constitution, bylaws or working rules that the disciplined member violated; the date a copy of the charges and notice of hearing were mailed by certified mail to the member's last known address; a digest or summary of all of the testimony of the various witnesses appearing at the hearing, including the accused; the findings of the Local Executive Board or Trial Board; and the date the Local Executive Board or Trial Board reported its findings at a regular meeting of the Local Union.

(4) The General Secretary-Treasurer shall mail a copy of the petition to the member by certified mail to his last known address as shown on the records of the Local Union. The accused member shall have a period of 15 days after receipt of the copy of the petition for approval in which to file a statement of position.

(5) The General Executive Board shall render a decision and the decision of the General Executive Board shall be final and binding if no appeal is taken as provided in Article 26, Section 5.

Provided however, that members who fail to appear before the Local Executive Board or Trial Board for the hearing may be assessed a fine equal to the costs incurred by the Local Executive Board or Trial Board or ten dollars, whichever is greater, and that this assessment shall be in addition to whatever fine is imposed for the actual offenses, if any, that the accused may have been found to have committed. And provided further that this additional assessment for not appearing shall not be counted toward the limits on fines established by this paragraph.

(C) All disciplinary penalties of any kind that are imposed in accordance with the foregoing procedure must be submitted to the General Secretary-Treasurer for registration within 30 days. Requests for registration shall be made on forms prescribed by the OPCMIA. These forms will request the name and membership number of the disciplined member; the exact nature of the discipline imposed; details of the charges including the name of the charging party; the identity of the particular provisions of the OPCMIA Constitution that were violated and copies of the full text of any provision of a Local Union's Constitution, By-Laws or working rules that the disciplined member violated; and other information relating to the charges.

(D) If any proceedings in a court of law are commenced to enforce a disciplinary penalty imposed under this Article or Article 4 of the Constitution, the charged member shall be assessed the attorneys' fees and costs incurred in the enforcement.

Section 3. Nothing in Sections 1, 2, 4 and 5 of this Article shall apply to charges brought by the General President under Article 6 of this Constitution.

Appeals

Section 4. (A) Except as otherwise expressly provided for in this Constitution, members disciplined by Local Executive Board or Trial Board pursuant to the Constitution may, within 30 days after the decision and penalty are registered at International Headquarters, appeal the decision

of the Local Union to the General Executive Board. Provided, however, that the disciplined member must comply with the decision of the Local Executive Board or Trial Board or make arrangements to fully comply with that decision prior to the expiration of the 30-day period, and provided further, that the disciplined member's appeal must be sent by registered or certified mail to the General Executive Board within the 30-day period. Except that if the penalty is removal from office or barred from holding office, or suspension, expulsion or reprimand, the penalty shall not be effective until after the General Executive Board decides the appeal or the 30-day period has run.

(B) If a part of the discipline imposed by the Local Union the accused member was fined, then the fine must be paid or arrangements made with the Local Union for payment before the appeal to the General Executive Board can be made. Fines paid under protest shall be deposited with the General Secretary-Treasurer and will be held by him until the case is finally resolved by the General Executive Board. The disciplined member may pay the Local Union the amount of the fine under protest, and the Local shall immediately forward the amount of the fine to the General Secretary-Treasurer's office pending final settlement of the case. Alternatively, the accused member may pay the protested fine directly to the General Secretary-Treasurer by certified check, bank draft, or money order only.

(C) The written appeal to the General Executive Board must be filed with the General Secretary-Treasurer and must set forth the grounds and reasons why the fine or other action of the Local Union should be reversed or modified.

(D) The General Secretary-Treasurer shall forward a copy of the member's appeal to the Local Union, and direct the Local Union to provide the General Executive Board with a copy of the original charges; the date on which the charges and notice were sent to the accused; the copy of the notice; a copy of the certified or registered mail receipts; the findings of the Local Executive Board or Trial Board; the date on which the Local Executive Board reported its findings at the regular meeting of the Local Union; the action taken by the Local Union membership upon the Local Executive Board's or Trial Board's findings and recommendations; and a brief explanation if the Local Union believes such an explanation is necessary.

(E) The General Secretary-Treasurer shall forward a copy of this information to the disciplined member. The accused member may file with the General Secretary-Treasurer a reply to the Local Union's statement provided that any such reply is received by the General Secretary-Treasurer within 15 days after the materials were forwarded to the disciplined member. The accused must also send a copy of his reply to the Local Union Secretary. The Local Executive Board shall then have 10 days after receipt of the accused's reply to submit a response.

(F) The General Executive Board shall render its decision based upon the record and its decision shall be final and binding. The General Executive Board shall have the power to affirm, reverse, modify or amend any decision or to enter any new decision or penalty as the General Executive Board, in its discretion, deems just and proper.

Section 5. Unless otherwise expressly provided for, any decision made by the General Executive Board shall be subject to appeal to the next regular Convention, if either party so desires, within 60 days after notification of the General Executive Board's decision is mailed to the parties. Provided however, that the decision of the General Executive Board must be carried out and complied with in all respects by all parties until the Convention determines or directs otherwise.

Section 6. No Officer, Representative or member of the International Association and its Local Unions, District Councils, or State or Provincial Conferences shall resort to court proceedings of any description in any matter relating to this Organization, any affiliated body, or to his membership or office until all the remedies and appeals provided for by this International Association Constitution have been fully exhausted.

Hearings

Section 7. In any trial or hearing provided for in this Article or in other Articles of this Constitution, involving either a Local Union Executive Board or Trial Board or a Hearing Officer appointed by the General President, the accused may select only a member of the International Association to represent him in the presentation of his defense at the hearing; and the charging party may select only a member of the International Association to assist him in the presentation of the evidence at the hearing in support of the charges. Persons who are not members of the International Association may appear as witnesses if they have personal knowledge concerning the issues in the trial or hearing. However, such non-member may not represent or assist in the presentation of evidence or argument for either the accused or the charging party at any hearing or trial called for under the Constitution.

ARTICLE 27

Travel Cards

Travel Cards

Section 1. (A) Travel cards shall be issued by the Financial Secretary of a Local Union to journeyman members who desires to travel from one Local Union to another in search of employment. Travel cards shall also be issued to apprentice members desiring to travel with the contractor to whom they are indentured.

(B) Travel cards shall be furnished to the Financial Secretaries of Local Unions by the General Secretary-Treasurer at a nominal cost, and shall be in such form as the General President prescribes. The travel card must specify the primary classification and subclassification, if any, of the holder of the card as Plasterer, Cement Mason or Shop Hand, and the member's status as journeyman or apprentice. Members shall be entitled to deposit their travel cards only at a Local Union having trade jurisdiction over the craft in which they are qualified.

(C) Any member wishing to travel must obtain a travel card from the Local Union in which he holds membership when traveling to the territorial jurisdiction of another Local Union. Upon issuance, each travel card shall be signed by the member who receives it.

(D) Travel cards shall be issued only to members of the Local Union in good standing. To be in good standing, a member must have paid all legal and valid financial obligations owing to both the Local Union and the International Association. In addition, he must not have any charges pending against him for violations of the by-laws or Constitution of the International Association, or the By-Laws, Constitution, or working rules of an affiliated Local Union. A member desiring to secure a travel card must pay Local monthly dues for one month in advance of the month in which the travel card is issued.

(E) A travel card shall be null and void unless deposited in a Local Union within 30 days from the date of issuance.

(F) A member desiring to deposit his travel card shall present it, together with his dues card, to the Local Union Business Manager or Business Agent or other officer or agent designated to receive such cards on behalf of the Local before starting work.

Acceptance of Travel Cards

Section 2. The designated officer or agent must accept any travel card properly presented by a journeyman or apprentice member of the International Association. Provided however that Local Unions may uniformly require journeyman travelers who have been members of the International Association for less than three years to pass a competency test in the classification in which the traveler is registered prior to accepting the travel card. And, provided further, that when a Local Union is on strike or lockout, no member of the OPCMIA may deposit a travel card in that Local Union, except that members who resided in the Local Union's territorial jurisdiction for one year or more prior to the lockout or strike may return to the Local.

Notice and Dues after Acceptance

Section 3. (A) The Local Union in which the card has been deposited shall give notice to the traveling member's home Local Union and the General Secretary-Treasurer of the deposit of the travel card. This notice must be made on forms provided by the General Secretary-Treasurer.

(B) When a member deposits his travel card in a sister Local Union, he shall pay all his regular dues and assessments to that Local Union instead of to his home Local, except that the member shall receive credit for the Local monthly dues paid in advance. The General Secretary-Treasurer, upon receiving notification of the acceptance of the travel card, shall place the name of the member on the roll of the Local Union accepting the travel card as of the first day of the month following the month for which the member paid the Local monthly dues in advance. Thereafter, the Local Union accepting the travel card shall be charged International working dues for that member.

(C) Notwithstanding any provision in this Article to the contrary, District Councils, State Conferences and Provincial Conferences may establish rules for members traveling between Local Unions affiliated with the same District Council, State Conference, and Provincial Conference which require up to a one year residency in the jurisdiction of the Local in which a card has been deposited before formally accepting the transfer of the traveling member. In such circumstances, the District Council, State Conference or Provincial Conference may require that the affected member continue to pay dues and International working dues to his home Local until the actual transfer is accepted or to pay dues to the traveled Local, but not both.

In addition, notwithstanding any other provision of this Article to the contrary, District Councils, State Conferences, and Provincial Conferences may establish a system of travel within their jurisdiction which provides for members to continue to pay dues and International working dues to their home Locals while working in the jurisdiction of another Local Union affiliated with the same District Council, State Conference, or Provincial Conference.

Special Rules for Apprentices Seeking a Permanent Transfer

Section 4. Apprentices who are not traveling with a contractor, but wish to permanently transfer their membership may do so by complying with all the travel card rules established by this Article.

In addition, however, the apprentice member must also be released from the employer or Apprenticeship Committee to which he is indentured and must be accepted by an employer or the Joint Apprenticeship Committee in the jurisdiction to which he wishes to transfer.

Additional Travel/Transfer Regulations

Section 5. The General President, with the consent and approval of the General Executive Board, may adopt reasonable rules and regulations necessary to carry out the purpose and intent of the travel card provisions contained in the proceeding sections.

ARTICLE 28

Rules of Order for International Association Convention

Organization of Convention

Section 1. The General President of the International Association (hereinafter the "President") shall be Chairperson of the Convention and preserve order and decorum in the proceedings. The President may relinquish his chair at any time to any member, but such a substitution shall not extend beyond conclusion of that day's session.

Section 2. For each session, the President shall call the Convention to order at the appointed hour.

Section 3. After the Convention is called to order on the first day, the names of the delegates shall be recorded. One third of the members elected to the Convention shall constitute a quorum to do business. Members and officers of the Convention are required to attend each session of the Convention except upon a leave of absence granted by the President.

Section 4. All committees and committee members shall be appointed by the President and shall serve at his pleasure. The President may direct any committee or subcommittee of a committee to meet prior to the Convention to consider matters referred to that committee.

Section 5. Each committee shall take up any and all matters referred to the committee by the President or by the Convention.

Section 6. When a motion is made to refer a particular matter to committee, the President shall determine to which committee the matter will be referred.

Section 7. Each committee will submit a report to the President on each matter referred to the committee, and thereafter each report will be read to the Convention by a member of the committee or a person designated by the President without a motion.

Order of Procedure

Section 8. Except as otherwise provided for by these rules, the order in which questions will be entertained by the Convention will be determined by the President. The President will announce each question in turn.

Section 9. Once a question is announced, a member who wishes to address the Convention will rise and respectfully address the Chairperson, stating his name and Local Union, Conference or Council he represents. The Chairperson shall announce the member by name and then the member may speak. The Chairperson shall recognize speakers in the order in which they rose to speak, but when two or more members rise at once, the Chairperson will name the member who is to speak first.

Section 10. No two members from the same Local shall speak on the same question in succession unless the members from other locals do not wish to address the Convention.

Section 11. No member will be allowed to speak more than twice on the same question and unless the Convention grants an exception, no member will be allowed to speak for more than five minutes on each question.

Section 12. Each recognized speaker will limit his remarks to the merits of the question before the Convention and avoid personalities.

Section 13. When a question is being debated, the Convention will only entertain motions to adjourn, to recess, to lay the question on the table, to vote on the question (move the previous question), to amend the question, and to postpone the question indefinitely. If more than one of the above listed motions is made, the motions will be considered in the order set out above.

Section 14. Motions to amend which involve a subject unrelated to the question before the Convention will not be allowed.

Section 15. No debate will be allowed on motions to adjourn, recess, lay on the table, to vote on the question, postpone or take from the table.

Section 16. If a member violates the rules of the Convention, the Chairperson may call the

member to order or any member of the Convention may raise a point of order.

Section 17. When a point of order is raised, all speakers will be seated and the Chairperson will decide the point of order without debate. The Chairperson's decision may be appealed to the Convention upon a motion duly seconded. Debate may be had on any motion for an appeal of the President's decision. In such a debate, the Chairperson may speak in preference to other members.

Section 18. If a point of order is decided in favor of the member called to order, he may proceed. If a point of order is decided against a member, he will not be allowed to proceed.

Section 19. All motions and points of order will be restated by the Chairperson if he deems it necessary.

Voting

Section 20. At the conclusion of debate or upon a successful motion to vote on the main question, the Chairperson or his designee shall summarize the question. The Chairperson shall then ask all in favor of the question to say Aye and all opposed say No.

Section 21. When a question is put or the Chairperson is addressing the Convention, all members will be seated.

Section 22. After an expression of Aye's and No's, the Chairperson will announce the result of the vote. If the Chairperson has doubts about the result he may call for a division of the house. If a member moves immediately for division of the house and such motion is duly seconded, the Chairperson shall put such motion to a vote without debate, and if carried by a majority of members present and voting by voice, the Chairperson shall order a division of the house.

Section 23. If a division of the house is called, all those in favor of the question will rise and be counted. After the count is made by the General Secretary-Treasurer, all those opposed will rise and be counted and all those in favor will be seated. The result of the division of the house will then be announced to the Convention.

Section 24. A motion to reconsider a vote must be made by a member voting with the prevailing side and a motion to reconsider must be made within 24 hours after the vote was taken or before the adjournment of the Convention, whichever occurs first.

General Rules

Section 25. Except as provided in the following provision, these rules shall not be altered without 24 hours notice of a proposed change and approval by a majority vote of all members of the Convention. A Convention may adopt special rules to supplement these rules at the start of the Convention. No rule or order of business shall be suspended except by a vote of a least 3/4 of those present.

Section 26. Unless otherwise specified, all matters will be decided by a majority of those voting. Voting in committees will be on the same basis.

Section 27. Roberts Rules of Order, current edition, shall control all cases not provided for in these rules.

ARTICLE 29

Order of Business

Section 1. The following shall be the order of business at each Convention of the International Association.

1. Opening
2. Report of Committees on Credentials
3. Distribution of Proceedings of Previous Meetings
4. Appointment of Committees
5. Report of Rules Committees
6. Reading of Communications
7. Report of All Other Committees
8. The Nomination and Election of Officers (The Second Day of Each Convention at which an Election is to be Held)
9. Unfinished Business
10. New Business

11. Announcements
12. A Moment of Silence to Respect and Honor the Memory of our Deceased Members to be Held on the Second Day of Each Convention.

ARTICLE 30

Local Union Officers and Employees Pension Plan

Section 1. The General Executive Board shall continue the Operative Plasterers' and Cement Masons' Local Union Officers and Employees Pension Plan for full time salaried officers and employees of the Local Union. Except as provided in the following Section 2, all Local Unions must contribute a uniform percentage of the salaries of such officers and employees as required by law to support and finance the Pension Plan. This uniform percentage contribution shall be in addition to the salaries presently paid to the officers and employees of the Local Union. The General Executive Board is empowered and authorized to determine the uniform percentage of salaries to be contributed. The General Executive Board is further empowered to continue a trust fund for the operation of the Pension Plan for the salaried officers and eligible employees of Local Unions. The Trustees of the Pension Plan are empowered and authorized to make actuarial studies and to determine the level of pension benefits, rules of eligibility, and all other terms and conditions of the Pension Plan.

Section 2. Due to the differences between the laws of Canada and the laws of the United States, effective January 1, 1991, the General Executive Board has established a Group Registered Retirement Savings Plan ("Group RRSP") for the covered full time officers and employees of Canadian Local Unions. All Canadian Local Unions must contribute a uniform percentage, as determined by the General Executive Board, of the salaries of such officers and employees to the Group RRSP in addition to the salaries presently paid to the officers and employees of the Local Unions in accordance with applicable Canadian Federal or Provincial laws. The General Executive Board is empowered and authorized to require the Canadian Local Unions to contribute to the O.P. & C.M.I.A. Local Union Officers and Employees Pension Plan or such other pension or retirement plan that the General Executive Board may establish, if the General Executive Board determines that the continuance of the Group RRSP is no longer in the best interests of the covered full time officers and employees of the Canadian Local Unions.

ARTICLE 31

AGREEMENTS

Section 1. All agreements entered into by Local Unions or other affiliated bodies with employers must be submitted to the General President so that the agreements may be forwarded to the Department of Labor and other government agencies that require certificates of wage rates in various geographical areas. In addition, a separate document signed by Local Union must be sent to the OPCMIA every time a wage increase, fringe benefit contribution or other cost factor is increased pursuant to the terms of an existing agreement. The International Association, its officers and representatives shall not in any manner become a party to any local, district council, or state wide collective bargaining agreement unless otherwise authorized by the General President. The International Association shall not assume any duty, liability, or obligation concerning the terms and conditions of any local, district council or state wide collective bargaining agreement. The officers and representatives of the International Association are not responsible for any conduct engaged in by a Local Union, District Council, or State Association respecting their collective bargaining agreements.

Section 2. No Local Union of this Association will be allowed to enter into a hiring agreement with a traveling contractor that would:

- (1) Require more than fifty percent of the journeyman Plasterers and Cement Masons employed at all times on any work being done in the jurisdiction of the Local Union to be from the Local Union where the work is performed; or
- (2) Require more than fifty percent priority of referral or hire for journeyman Plasterers and Cement Masons be from the Local Union where the work is performed.
- (3) Where a Local Union is the product of a merger, the former geographic jurisdiction of a Local Union or Unions that merged into the surviving Local may be recognized as a zone or area in the local agreements for purposes of determining and enforcing fifty percent residency and/or previous employment priority referral on agreements with the Local Union.

This rule shall be applied as follows: the first employee on a job, including supervision, may be selected by the employer, thereafter, the next two employees must be hired from the Local Union,

thereafter, the employer then may select the next employee, with the Local Union and employer alternating selections thereafter.

All members of the International Association from Local Unions other than the Local Union in whose jurisdiction they have obtained work pursuant to this section of the Constitution shall notify the Secretary or Business Agent or other designated official or agent of the Local Union before starting to work. As part of his notice, the member shall give the appropriate Local Union official or agent his international registration number and other pertinent information. Notice shall be given at the Local Union's established office or at any alternative place designated by the Local Union and published in the journal.

Foreman

Section 3. (A) No member of the Operative Plasterers' and Cement Masons' International Association shall be prevented by any Local Union from acting in a capacity of a foreman. A Local Union shall not discriminate against members who are acting as supervisors.

(B) Each Local Union when negotiating its collective bargaining agreement shall attempt to have the employers agree to the Local Union's representation of foremen with regard to their wage rates, hours and terms and conditions of employment.

Machines

Section 4. (A) No Local Union of the OPCMIA may include in its collective bargaining agreements with employers, or in its Constitution and By-Laws, any provision prohibiting Local Union members from using, handling, operating, or working with or upon any machine that is or may be used on work coming within the jurisdiction of the International Association where such machine has been approved for use by the General President or the General Executive Board.

(B) When Local Unions with Cement Mason members are negotiating agreements, the regulations governing the use of troweling machines should be included in their collective bargaining agreement.

ARTICLE 32

Building and Construction Trades Councils

Section 1. All Local Unions affiliated with the International Association must become and remain affiliates of local building and construction trades councils where such bodies exist unless the Local Union receives an exemption from the General President. Where no building and construction trades council exists, Local Unions should endeavor to form such a body by cooperating with other building and construction trade unions covering the same territorial jurisdiction.

Section 2. All Local Unions should become members of and take an active part in State or Provincial Conferences, State Federations of Labor, Central Labor Unions and State Building Trades Councils where such bodies exist.

ARTICLE 33

Compliance with Constitution

The Constitution, By-Laws, and actions of subordinate bodies of the International Association must not conflict with any provisions of this Constitution.

ARTICLE 34

Miscellaneous Provisions

Good Standing

Section 1. (A) As used throughout this Constitution, a member shall be considered to be in good standing on any particular date if he owes no more than two months dues including any amount owed as dues for the month in which the particular date falls.

(B) Members must be in good standing to vote in an election or on contract ratification, or to enjoy all other privileges of membership.

(C) Members must be in continuous good standing for a period of twelve months in order to be nominated to hold Local Union office, or to be nominated to serve as a delegate to the Convention.

(D) The use of the term "dues" in this Section shall include all Local monthly dues, Local

or International working dues, and/or Local or International assessments, and all fines consistent with Article 23, Section 1.

Union Label

Section 2. (A) The OPCMIA may adopt a union label and a rubber stamp suitable for the purpose of identification, as authorized and approved by the General Executive Board.

(B) The General Officers shall enact rules and regulations for the use of said union label and rubber stamp by certain qualified employers.

Change of Classification

Section 3. Members of the International Association may not carry more than one primary classification at any one time. However, upon paying a \$10 fee for reclassification and completing the application for reclassification, a member may change his classification. Members seeking to change their classifications must satisfactorily complete a competency test in their new classifications. The examination must be supervised by members of that primary classification, and the results of the examination must be certified on the member's application for change of classification.

Military Service

Section 4. All journeypersons or apprentice members of this Association who have been members for at least one year, who enter into active military service of the United States or Canada, while in good standing, shall be carried in good standing by the International Association until thirty days after their discharge from active military service, or until the end of four years service, whichever occurs first. Such members shall not be required to pay any Local or International assessments unless the General Executive Board specifically requires payment by such members. The member must notify the International when he enters active military status and when he is discharged or he shall not receive the benefit of this section.

This section does not apply to members who are in a reserve or similar military status even though they may serve temporary periods of active duty.

Lapel Buttons and Distinctive Cards

Section 5. The General Secretary-Treasurer shall make available 25-year, 30-year, 40-year, 50-year and 60-year membership distinctive cards and lapel pins to the members through their Local Unions. To qualify for such distinctive cards and lapel pins, a member's Local Union must certify to the General Secretary-Treasurer that the member has held continuous membership in the OPCMIA for 25 years, 30 years, 40 years, 50 years and 60 years respectively.

The General Secretary-Treasurer is authorized to implement procedures to facilitate the provisions of this Section.

Gender

Section 6. Wherever any words are used in this Constitution in the masculine gender, they shall be construed as though they were also used in the feminine gender in all situations where they would so apply.

Computation of Time

Section 7. Unless otherwise noted, all time periods in the Constitution shall be calendar days. In computing time periods in this Constitution, the last day of the period to be computed will be included unless it is a Saturday, Sunday or federally recognized holiday. If the last day is a Saturday, Sunday or federally recognized holiday, the next business day will be the last day of the period to be computed.

Time Limits

Section 8. For good cause shown, the General President, as his sole discretion, shall have the power to adjust the time limits stated herein, as long as, in the case of elections or appeals, the process will be completed within a reasonable time.

ARTICLE 35

Savings Clause

Section 1. If any provision of this Constitution is declared invalid or inoperative by any competent authority, the remainder of the Constitution or the application of such section to persons or circumstances other than those to which it has been held invalid shall not be affected. Moreover, if any provision of this Constitution shall be declared invalid, illegal, or inoperative by any court, legislative body, executive or administrative agency of any state, provincial or federal government, the General Executive Board shall have the authority to suspend the effectiveness of any such provision and to substitute in its place a provision or section that meets the objectives to the original

clause's validity.

Section 2. The General Executive Board shall have the power, following Convention amendments to this Constitution, but prior to the printing thereof, to make such corrections (typographical, grammatical, punctuational or otherwise), including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments adopted. In addition, the General Executive Board shall have the power to rearrange, renumber and recaption any sections of the Constitution and the power to incorporate in the Constitution any resolutions and reports adopted by the Convention that have the force and effect of laws that it deems important enough to be printed in the Constitution.