

# Constitution & Bylaws

To Govern Local Councils of the  
Building and Construction Trades  
Department, AFL-CIO

ORGANIZED FEBRUARY 10, 1908  
AS AMENDED THROUGH AUGUST 2010



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# CONSTITUTION AND BYLAWS TO GOVERN LOCAL COUNCILS

## ARTICLE I

### Name

This organization shall be known as the Building and Construction Trades Council of . . . . .  
.....

## ARTICLE II

### Jurisdiction

**Section 1.** The Council shall have complete jurisdiction over the building and construction trades industry and all branches, divisions and subdivisions thereof, as enunciated in the Preamble to and as contained in Article I, Section 2, and Article IX, Section 2 of the Constitution of the Building and the Construction Trades Department, within the following geographical area: . . . . .

**Section 2.** The Council shall, in all its activities, cooperate with the officers and representatives of the Building and Construction Trades Department, and shall comply with all directives and instructions of the Department.

# ARTICLE III

## Membership

**Section 1.** Membership in this Council shall be confined to bona fide building and construction trades local unions within the geographical jurisdiction of this Council which are in good standing with National and International Unions affiliated with the Building and Construction Trades Department.

**Section 2.** All local building and construction trades unions of National and International Unions affiliated with the Department within the geographical jurisdiction of this Council shall affiliate with this Council.

**Section 3.** Representation in this Council from local unions shall be as follows:

Less than	400 members	2 delegates
400 to	799 members	4 delegates
800 to	1,199 "	6 "
1,200 to	2,499 "	8 "
2,500 to	4,999 "	10 "
5,000 to	7,499 "	12 "
7,500 to	12,499 "	14 "
12,500 or	more "	18 "

Plus one additional delegate for each 2,500 members over 12,500.

Where two or more Local Unions of a National or International Union form a District Council within the geographical jurisdiction of

this Council, representation for the Local Unions may come through said District Council in lieu of direct representation from the Local Unions. In any event, where two or more Local Unions of the same National or International Union are affiliated with this Council, the said Local Unions shall be entitled to representation in this Council on the basis of their combined membership only.

**Section 4.** Delegates to this Council shall consist of duly elected or appointed members in good standing in their Local Unions for a period of not less than two (2) years. The President of the Department shall have the authority to waive this requirement in any case when, in the President's judgment, the circumstances warrant.

**Section 5.** Credentials of delegates shall be furnished by Local Unions or District Councils on official stationery, and shall be signed by the President and Secretary and bear the seal of the Local or District Council.

**Section 6.** Whenever the territorial jurisdiction of a Local Union embraces or overlaps the geographical jurisdiction of two or more Local Building and Construction Trades Councils, then such Local Union shall pay per capita tax to each Local Building and Construction Trades Council based upon the number of building trades members working in the geographical jurisdiction of each Local Council, according to the number of

membership cards issued. Said Local Union shall have representation in each Local Building and Construction Trades Council based upon the number of members working in the geographical jurisdiction of each Council.

**Section 7.** A quarterly membership card properly issued by any State, Provincial or Local Council affiliated with the Building and Construction Trades Department shall be recognized as valid within the jurisdiction of this Council until its expiration date. Provided, however, that a member of any Local Union who takes advantage of this provision, who desires to continue to maintain membership status within the jurisdiction of this Council beyond the end of any calendar quarter, must obtain the membership card prescribed by this Council from the affiliated Local Union of the applicable trade, or if there is no applicable Local Union affiliated, from this Council.

## ARTICLE IV

### Meetings

**Section 1.** The meetings of this Council shall be held at least once each month at such time and place as may be determined from time to time by majority vote of the delegates.

**Section 2.** Special meetings may be called by the President on written request of the Executive Board or the Board of Business Agents or



that of a quorum of delegates, which request shall set forth the business to be settled; provided, however, that no other business will be considered or acted upon except that specified in the call.

**Section 3.** A quorum shall consist of one-third of the delegates to the Council, provided they represent one-half of the affiliated trades.

## **ARTICLE V**

### **Officers**

**Section 1.** The officers of the Council shall consist of President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Sergeant-at-Arms and Trustees. It shall be optional with the Local Council if it desires to consolidate any of these offices. No two members of the same National or International Union affiliated with the Building Construction Trades Department may hold office in the Council at any time. These officers shall constitute the Executive Board of the Council.

**Section 2.** The officers of the Council shall be elected from among the delegates. In order to qualify to hold office in the Council, a delegate must be a member in continuous good standing in his/her Local Union for a period of at least two (2) years prior to the delegate's election or appointment as a delegate and must be a qualified building trades worker. The President of the De-

partment shall have the authority to waive this requirement in any case when, in the President's judgment, the circumstances warrant.

**Section 3.** The President shall preside at the meetings of the Council and preserve order, and shall enforce the Constitution and Bylaws of the Building and Construction Trades Department and of this Council, and their policies and decisions.

**Section 4.** The Vice-President, in the absence of the President, shall perform all duties pertaining to the office of President.

**Section 5.** The Recording Secretary shall keep a record of the proceedings of the Council and attest all orders signed by the President. The Recording Secretary shall be the custodian of the records and seal of the Council. The Recording Secretary shall furnish each affiliated Local Union with a copy of the proceedings of the Council and shall perform such other duties as may be required by this Constitution or assigned by the Council or the Executive Board or Board of Business Agents.

**Section 6.** The Financial Secretary shall receive all dues and money to be paid to the Council and turn same over to the Treasurer, taking a receipt therefor. The Financial Secretary shall keep an accurate account of all moneys received and expended. The Financial Secretary shall issue all orders for the payment of bills ordered by the Council, the same to be attested by the sig-

natures of the President and Recording Secretary. The Financial Secretary shall make quarterly financial reports to the Council. The Financial Secretary shall notify all unions in arrears, and shall receive such salary as the Council, on motion or resolution, may determine, provided that it be not less than \$1.00 per year to insure the legality of a bond.

**Section 7.** The Treasurer shall receive from and receipt for all moneys turned over by the Financial Secretary, and disburse the same upon the order of the Council. The Treasurer shall keep an account of all moneys received and expended and produce the books for inspection whenever called upon by the Board of Trustees. The Treasurer shall deposit all moneys or funds in such banks as the Council may designate. The Treasurer shall furnish such bonds as the Council may require and receive such salary as the Council, by motion or resolution may determine, provided that it be not less than \$1.00 per year to insure the legality of a bond.

**Section 8.** The Sergeant-at-Arms shall maintain order and perform such other duties as the presiding officer may direct.

**Section 9.** The Secretary-Treasurer of the Building and Construction Trades Department may, at any time, either in person, or by deputy, examine and take possession of the books of the Council, and in case of the suspension or revocation of the charter or dissolution of the Council,

all moneys and other properties in possession of the Council shall immediately be forwarded to the Department in such manner as the President of the Department shall direct.

**Section 10.** No delegate shall be eligible to hold any office in this Council unless the delegate's organization shall have paid all its indebtedness to the Local Council up to the first day of the current quarter. Any delegate who holds a full-time salaried office in the Council, and who would be ineligible to continue holding such office by reason of the first sentence of this section, shall have the right to apply for a special exemption from that provision to the President of the Building and Construction Trades Department. The President of the Department shall have the authority to waive this requirement in any such case when, in the President's judgment, the circumstances warrant.

**Section 11.** Local Councils shall elect officers for a minimum term of two (2) years and a maximum term of four (4) years. The election shall take place at the last meeting in the month of January or July.

**Section 12.** The number of members of each Local Union, for the purpose of determining the number of delegates entitled to vote, shall be the average monthly number of members on which per capita tax is paid to the Council during the year prior to and including the second month preceding the election of officers. Where affiliation

has occurred during such current year, the average shall be computed from the month of affiliation.

**Section 13.** The election shall be by secret ballot, and it shall require a majority of all votes cast to elect officers. In any election where no candidate receives a majority of the votes cast, there shall be a runoff election between the two candidates with the greatest number of votes.

**Section 14.** Officers shall hold office for the period of their election and until their successors are installed.

**Section 15.** Before the officers shall enter upon their duties, the President shall deliver the following obligation:

## **OBLIGATION OF OFFICERS**

I, ....., pledge my honor that I will, to the best of my ability, fulfill the duties devolving upon me as an officer of this Council, and that I will act in my assigned capacity for the general benefit of the members, and that I will turn over to my successor all funds, books, records and properties in my possession at the expiration of my official term.

**Section 16.** Vacancies in office shall be filled for the unexpired term by a majority vote of the Council.

## **ARTICLE VI**

### **Executive Board or Board of Business Agents**

**Section 1.** The Executive Board, or where established by the Local Council in its Bylaws the Board of Business Agents, shall govern on all matters and business between meetings of the Council.

**Section 2.** The Board of Business Agents shall consist of one business agent from each Local Union affiliated with the Council. In order to serve, or to continue serving, on the Board of Business Agents, an individual must currently serve as a business agent in the individual's own Local Union. If a member of the Board of Business Agents ceases to hold the position of business agent in the member's own Local Union, the member's position on the Board of Business Agents of this Council shall automatically be considered vacant and shall be filled by the Local Union that has the vacancy.

## **ARTICLE VII**

### **Trustees**

**Section 1.** The Trustees shall have supervision over all funds and property of the Council. They shall require the financial officers to be properly bonded, and the funds of the Council to be

placed in such bank as is selected by the Council as its depository, in the name of the Council. Such funds may not be withdrawn except by checks regularly drawn and signed by the proper officers. The Trustees shall audit the books of the Council at the end of each fiscal quarter and submit a statement of said audit to the Council not more than two weeks after the close of each quarter.

## ARTICLE VIII

### Finances

**Section 1.** The revenue of the Council shall be derived from an affiliation fee of \$5.00, and from the payments by the affiliated local unions of a monthly per capita tax to be paid on all members who are engaged in building and construction work and those who are engaged in fabrication, assembly, processing or supplying building materials within the geographical jurisdiction of the Council, and by assessments to cover unavoidable deficits which must be first approved by the President of the Department, and have approval by a referendum vote of the affiliated Local Unions. The charge per capita tax shall be at the discretion of the Local Council, and the Council shall supply membership cards to the affiliated Local Unions.

**Section 2.** Disbursements from the funds of the Council shall be for hall rent, stationery,

printing, supplies, salaries and such other necessary expenses as may be approved by the Council.

## **ARTICLE IX**

### **Membership Cards**

**Section 1.** This Council shall obtain all membership cards from either the State or Provincial Council or the Department.

**Section 2.** All membership cards must have the emblem and name of the Building and Construction Trades Department printed on the face thereof, and on the reverse side the emblem and name of this Council. The universal membership card shall be carried by all affiliated members and no other card shall be recognized by the affiliated trades on any job or building where they are employed.

## **ARTICLE X**

### **Autonomous Rights**

Affiliated National and International Unions shall have autonomy over the conduct of their respective Local Unions and members, and this Council shall not suspend or expel any affiliated Local Union without first obtaining approval of the Governing Board of Presidents of the Building and Construction Trades Department.



# ARTICLE XI

## **Disciplinary Charge and Trial Procedure For Local, State and Provincial Building Trades Councils**

**Section 1.** All charges against officers, representatives or delegates of the Council for a violation of or failure to comply with any of the provisions of the Constitution of the Building and Construction Trades Department or of the Bylaws of the Council, or for engaging in any activity or conduct which is contrary or detrimental to the welfare or best interests of the Department or this Council, shall be heard by a Trial Board consisting of members of the Executive Board or Board of Business Agents. (This section shall not be construed to conflict with the prerogative of the President of the Department to take action in certain cases, as provided by the Rules Governing the Discipline of Local, State and Provincial Building and Construction Trades Councils and Their Officers.)

**Section 2.** All such charges must be presented in writing, signed by the charging party and state the act or acts on which the charges are based, including approximate relevant dates and places.

**Section 3.** Charges must be submitted to the Recording Secretary of the Council within sixty (60) days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts. (Charges against the Recording Secretary shall be submitted to the

Council President.) The Recording Secretary shall immediately send a copy of such charges to the accused member at the member's last known address, together with a notice of hearing before the Trial Board which notice shall set forth the time and place of the hearing, The hearing date shall not be less than two (2) weeks from the date of the notice.

**Section 4.** The Trial Board shall proceed with a hearing in the case no later than forty-five (45) days from the date the charges were filed. The Trial Board shall grant a reasonable delay to the accused when it feels the facts or circumstances warrant such a delay. If the accused willfully refuses to stand trial or attempts to evade trial the Trial Board shall proceed to hear and determine the case just as though the accused were present. The Trial Board shall hear all evidence submitted from both the charging party and the accused and shall render a decision on the basis of such evidence. The Recording Secretary shall immediately send a copy of the Trial Board's decision to the accused.

**Section 5.** The decision of the Trial Board may be appealed to the President of the Building and Construction Trades Department within thirty (30) days after the date of the decision of the Trial Board. All appeals of the decision of the President of the Department shall be made pursuant to Article XI of the Building and Construction Trades Department Constitution.

# ARTICLE XII

## Miscellaneous

**Section 1.** No Local Council may be disbanded without the approval of the Governing Board of Presidents of the Building and Construction Trades Department.

**Section 2.** This Council shall not discriminate against traveling or non-resident members who may be temporarily employed within the Council's territorial jurisdiction.

**Section 3.** No Local Union affiliated with this Council shall institute or establish any picket line for jurisdictional purposes and this Council shall not authorize, institute or lend support to any such picketing.

**Section 4.** No Local Union affiliated with this Council shall institute or establish any picket line at a job site in support of an economic strike, unless the work of the striking union is being performed at a particular job site(s), and then only at such job site(s). This Council shall not recognize, authorize, or lend support to picketing not in conformance with this Section. Nor shall this Council recognize, authorize or lend support to picketing by individuals, where such picketing is not authorized by the craft representing such individuals.

**Section 5.** Local Councils and all Local Unions affiliated with the Council shall incorporate in all

collective bargaining agreements without change the following provision:

“All jurisdictional disputes between or among building and construction trades unions and employers shall be settled and adjusted according to the present plan established by the Building and Construction Trades Department or any other plan or method of procedure that may be adopted in the future by the Building and Construction Trades Department. Decisions rendered shall be final, binding and conclusive on the employers and unions.”

**Section 6.** This Council shall notify the Department in writing of any Local Union failing or refusing to pay its dues or per capita tax into the Council for a period of three (3) consecutive months. Any such Local Union which fails or refuses to pay its dues or per capita tax into the Council for three (3) consecutive months shall automatically be denied the right to have their delegates or representatives present or participate in meetings of the Council, the Executive Board or Board of Business Agents, subject to Article V, Section 10, above.



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