

# CONSTITUTION

OF THE



North America's **Building Trades** Unions

AS AMENDED THROUGH AUGUST 2020

## PREAMBLE

In order that an organization could be formed uniting the craft workers of the Building Industry, the American Federation of Labor at the Norfolk, Virginia, Convention, November 11 to 23, inclusive, 1907, adopted the following Resolution:

“That a Department of Building Trades of the A.F. of L. be created, said Department to be chartered by the A.F. of L., and to be composed of bona fide national and international building trades organizations, duly chartered as such by the A.F. of L.; and to be given autonomy over the building trades, with authority to issue charters to local building trades; said sections and central bodies to be affiliated with the A.F. of L. to be composed of bona fide local unions and recognized as such in the building trades.”

Subsequent to the adoption and pursuant to this Resolution, the American Federation of Labor issued a charter to and established the Building Trades Department on February 10, 1908, at which time the Department's Constitution and Bylaws was adopted.

The Building Trades Department, pursuant to Convention action of November 12-13, 1936, petitioned the Executive Council of the A.F. of L. for a change in its name to “Building and Construction Trades Department.” The Executive Council approved this request on February 18, 1937, and a revised charter was issued to the Building and

Construction Trades Department under date of April 9, 1937.

Mindful of and grateful for the fine traditions of our past, and in recognition of the sincere efforts of our predecessors, and to give continuity and perpetuity to our charters, history, records, agreements of record, decisions and previous Constitutional rights, we do herewith carry forward adopt and give full recognition to all previous A.F. of L. Executive Council and Convention actions and decisions, and all official decisions, rulings and agreements of record, decisions of referees and jurisdictional boards, including all rights derived from the charter grants and from previous Constitutional provisions regarding jurisdiction and other matters as presently recognized by the Building and Construction Trades Department.

Being grateful for the fine traditions of the past, we are confident of meeting the challenge of the future, and with this as our premise, we proclaim this Constitution.

## **ARTICLE I**

### **Name and Jurisdiction**

**Section 1.** This organization shall be known as the Building and Construction Trades Department of the American Federation of Labor — Congress of Industrial Organizations. This organization shall also be known as and is authorized to do business as North America's Building Trades Unions.

**Section 2.** This organization shall be composed of National and International building and construction trades unions, historically organized as such, and which are primarily and customarily, or historically, engaged or operating in the building and construction trades industry and all branches, divisions and subdivisions thereof.

## **ARTICLE II**

### **Objects and Principles**

The objects and principles of this body are:

**Section 1.** To coordinate and harmonize the activities, functions and interests of the affiliated National and International Unions in the building and construction trades industry.

**Section 2.** To organize the unorganized, to promote the growth and development of all building and construction trades unions and to foster and develop the organization of building and construction trades workers on traditional trade or craft lines.

**Section 3.** To foster, develop and advance apprenticeship training pathways to middle class careers and apprenticeship preparation, and to cooperate with U.S.A. Federal, State, Canadian Federal and Provincial agencies promoting the interests of apprenticeship training.

**Section 4.** To promote the development of health and safety practices and procedure to the

end of protecting the health and safety of workers in the building and construction industry.

**Section 5.** To maintain the historical function, continuity and jurisdiction of the Building and Construction Trades Department since its creation at Norfolk, Virginia, on November 11, 1907, and the issuance of its charter by the American Federation of Labor on February 10, 1908.

**Section 6.** To secure the adjustment of trade and jurisdictional disputes in the building and construction trades industry along practical lines as they may arise from time to time; and such decisions to be final and binding on all affiliated National and International Unions and their affiliated Local Unions.

**Section 7.** To encourage the formation or establishment of Local Building and Construction Trades Councils in order to aid and assist in the organization and development and to coordinate the activities of building and construction unions on craft or trade lines.

**Section 8.** To promote the full engagement of the Building Trades with industry partners at all appropriate levels to enhance productivity, promote workforce development and deliver value through labor-management cooperation.

**Section 9.** To aid and assist all affiliated National or International Unions in securing improved wages, hours and working conditions through the process of collective bargaining.

**Section 10.** To engage in legislative activity for the promotion and protection of the interests of building and construction trades unions and their members, and to protect and advance the interests of the building and construction trades industry.

**Section 11.** To engage in research, legal and public relations activities appropriate for the advancement of the interests of affiliated unions and their members in the building and construction trades industry.

**Section 12.** To protect National or International Unions affiliated with the Department in their established trade jurisdiction in the building and construction trades industry as historically granted and conferred upon them by the American Federation of Labor and as traditionally exercised by them.

**Section 13.** To encourage and develop Building Trades members as candidates for elected office at all levels of the political process -- federal, state, provincial, and local.

## **ARTICLE III**

### **Conventions**

**Section 1.** The Convention shall be the supreme governing body of the Department, and its decisions, except as otherwise provided, shall be by majority vote.

**Section 2.** The time and place for calling of regular or special Conventions of the Department shall be decided by the Governing Board of Presidents. A regular Convention shall be held every five (5) years.

**Section 3.** Each affiliated National or International Union shall be entitled to the number of delegates indicated in the following scale:

Less than 4,000 members	1 delegate
4,000 to 7,999 members	2 delegates
8,000 to 11,999 members	3 delegates
12,000 to 24,999 members	4 delegates
25,000 to 49,999 members	5 delegates
50,000 to 74,999 members	6 delegates
75,000 to 99,999 members	7 delegates
100,000 to 124,999 members	8 delegates
125,000 or more	9 delegates

Plus one additional delegate for each 75,000 members over 125,000.

**Section 4.** State, Provincial and Local Building and Construction Trades Councils shall be entitled to one (1) delegate.

**Section 5.** A roll call vote shall be held when demanded by a vote of 10 percent of all credentialed delegates in attendance.

A delegate from an affiliated National or International Union shall cast as many votes as shall equal the total number of votes to which the National or International Union which the delegate represents is entitled as determined and certified in accor-

dance with Section 12 of this Article, divided by the number of delegates to which such National or International Union is entitled under Section 3 of this Article. Delegates from the Local Building and Construction Trades Councils and State or Provincial Building and Construction Trades Councils shall be entitled to cast one (1) vote each.

**Section 6.** The following committees shall be appointed by the President:

1. Rules and Order of Business
2. Report of President
3. Report of Secretary-Treasurer
4. Report of Governing Board of Presidents
5. Resolutions
6. Laws
7. State, Provincial and Local Organizations.

The President is empowered to appoint special committees as the President deems necessary.

**Section 7.** The President shall direct the chief executive officers of three (3) National or International Unions, at least ten (10) days previous to the holding of the Convention, to appoint one delegate each from their respective delegations elect, who shall compose the Credential Committee. This Committee shall meet at such place and time as the President of the Department may determine is necessary for the proper performance of its duty, and it shall determine from the accounts of the Department for the preceding 12 months and in accordance with Sections 11 and 12 of this Article the eligibility of delegates and

report upon credentials immediately upon the opening of the Convention. The members of the Committee shall receive remuneration for their services, as determined by the President, which shall be paid out of the funds of the Department. In no case, however, shall a member of the Governing Board of Presidents be considered eligible to serve on the Credential Committee.

**Section 8.** Resolutions must be filed with the Secretary-Treasurer at least thirty (30) days before the opening of the regular Convention.

**Section 9.** The Governing Board of Presidents may submit resolutions or propositions at any time.

**Section 10.** No subject matter shall be considered by any Convention that has been decided by a previous Convention, except upon the recommendation of the Governing Board of Presidents, nor shall any grievance be considered unless the procedure provided in Article XI has been exhausted.

**Section 11.** Delegates from National or International Unions to the Convention shall be elected or appointed by each affiliated National or International Union, and delegates from State Provincial and Local Building and Construction Trades Councils shall be elected at least 45 days previous to the Convention. Each National or International Union or State, Provincial and Local Building and Construction Trades Council shall forward the names of such delegates to the Sec-

retary-Treasurer of the Department, at least 30 days previous to the Convention.

**Section 12.** The number of members of each National or International Union for the purpose of selecting or designating delegates and for roll call votes at the Convention, shall be the average monthly number of members on which per capita tax is paid to the Department during the year prior to and including the second month preceding the month of the opening date of the Convention. Where affiliation has occurred during such current year, the average shall be computed from the month of affiliation, The Secretary-Treasurer shall prepare for the use of the Convention and certify to it a printed list showing the number of votes and the number of delegates to which each affiliated National or International Union is entitled. No affiliate which at the opening date of the Convention is in arrears for two months or more to the Department shall be entitled to recognition or representation in the Convention. No organization shall be entitled to representation unless such organization is a bona fide building and construction trades union, or is a State, Provincial or Local Building and Construction Trades Council which has obtained its charter of affiliation with the Department at least three months prior to the Convention.

**Section 13.** A majority of the credentialed delegates seated at any convention shall constitute a quorum for the transaction of business.

**Section 14.** No person shall be recognized as a delegate who is not a member in good standing of the organization the person is designated or selected to represent, nor shall any delegate be recognized unless the delegate's National or International Union, or State, Provincial or Local Building and Construction Trades Council is affiliated with the Department.

**Section 15.** The Secretary-Treasurer shall give at least 90 days' notice of a regular Convention, and at least 30 days' notice of a special Convention. Special Conventions may be called by the President upon the approval of the Governing Board of Presidents.

**Section 16.** No organization that has seceded or been expelled or suspended by the Department, or by any National or International organization connected therewith, while under such penalty, shall be allowed representation or recognition in this Department or in any State, Provincial or Local Building and Construction Trades Council.

**Section 17.** Any affiliated National or International Union may be brought before the Governing Board of Presidents of the Department after charges have been duly brought against it by any affiliated National or International Union. After notice and hearing on such charges before the Governing Board of Presidents, the Board may recommend that such affiliated National or International Union shall be expelled, provided that

such expulsion can thereafter be accomplished only by a two thirds (2/3) majority roll call vote at a Convention of the Department, except as provided in Article VIII, Section 3 of this Constitution.

## ARTICLE IV

### Officers

**Section 1.** The Executive Officers of the Department shall consist of the President and Secretary-Treasurer, acting as Executive Officers. Any person who occupies the position of President or Secretary-Treasurer shall serve in a full-time capacity and shall hold no other salaried office or position within the trade union movement or in public or private employment. The President of each affiliated National and International Union shall serve as Vice-Presidents of the Department.

**Section 2.** The President and the Secretary-Treasurer shall each be elected for a term of five (5) years. Elections shall be held at the regular Convention of the Department by a majority of the votes cast. Election shall be by a roll call vote unless the Convention determines otherwise.

**Section 3.** The terms of the Executive Officers of the Department shall begin on the first day of January following the Convention.

**Section 4.** Each of the officers of the Department shall be a member in good standing of a National or International Union affiliated with the Department. The Executive Officers cannot be members of the same National or International Union.

**Section 5.** No candidate for the position of President or Secretary-Treasurer may run for the position unless at the time of nomination and election that candidate meets all the requirements for office in the National or International Union of which the candidate is a member, in accordance with the Constitution of that National or International Union.

**Section 6.** The Governing Board of Presidents, by majority vote, shall have the power to remove for cause after charges by an affiliated National or International Union, notice and trial, any officer of the Department.

**Section 7.** In the event of a vacancy among the Executive Officers, the remaining Executive Officer shall convene a meeting of the Governing Board of Presidents within ten (10) days for the purpose of naming a successor by majority vote of the Governing Board of Presidents who shall serve for the remainder of the period of the unexpired term of the vacant office. The remaining Executive Officer shall perform the duties of the office left vacant until a successor is named.

Should vacancies occur in both Executive Offices at the same time, then in such event the senior Vice-President of the Department (in terms of service as a Vice-President) shall perform the duties of both of the vacant offices until successors are named, and shall convene a meeting of the Governing Board of Presidents for the purpose of selecting said successors, as provided in the first paragraph of this Section.

In the event of a vacancy in the office of a Vice President, the Vice President's successor shall automatically become a member of the Governing Board of Presidents of the Building and Construction Trades Department.

**Section 8.** The President and Secretary-Treasurer shall maintain suitable offices in the City of Washington, District of Columbia, if possible at the headquarters of the American Federation of Labor-Congress of Industrial Organizations, for the transaction of business.

**Section 9.** The President and Secretary-Treasurer shall be ex officio delegates to the Convention with all the rights and privileges of elected or appointed delegates, and shall be eligible for re-election.

**Section 10.** Each elected officer shall take the following oath of obligation before entering upon the duties of the office:

“I, . . . . . , pledge my honor that I will to the best of my ability, fulfill

the duties devolving upon me as an officer of this Department 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.”

## ARTICLE V

### Duties of the President

**Section 1.** The President shall preside at all Conventions and Governing Board of Presidents meetings.

**Section 2.** The President shall exercise supervision of the Department throughout its complete jurisdiction including supervision of the performance of the duties of the Secretary-Treasurer. The President shall be empowered to issue such orders by and with the consent of the Governing Board of Presidents of the Department that are necessary to enforce and carry out the aims and objects and best interest of the Department.

**Section 3.** The President shall conduct all official correspondence pertaining to the President's office and countersign with the Secretary-Treasurer all checks and orders for the payment of money. The President shall give a bond for the faithful performance of his duties in such amount as may be determined by the Governing Board of Presidents. The expense of the bond shall be borne by the Department.

**Section 4.** The President shall have the authority to interpret the Constitution of the Department between meetings of the Governing Board of Presidents, and the President's interpretation shall be conclusive and in full force and effect unless changed by the Governing Board of Presidents or by Convention.

**Section 5.** The President shall receive an annual salary and allowance, payable in installments, as may be determined from time to time by the Governing Board of Presidents, and shall be reimbursed for expenses incurred.

**Section 6.** The President shall have the right to cast a deciding vote in all cases before the Governing Board of Presidents.

**Section 7.** The President shall make a report of the administration of the affairs of the Department to the meetings of the Governing Board of Presidents and a full report to each regular Convention of the Department.

**Section 8.** The appointment, compensation, direction, supervision, suspension and removal of office employees of the Department shall be under the direction of the President. Directors and Administrators of the Department shall be appointed by the President, subject to approval of the Governing Board of Presidents. They shall work under the direction of and according to the terms set by the President. The President shall have the right to provide fringe benefits for all employees and officers of the Department.

# ARTICLE VI

## Duties of the Secretary-Treasurer

**Section 1.** The Secretary-Treasurer shall be the financial officer of the Department and shall receive and collect all moneys due the Department, which moneys shall be paid out only on the approval and counter-signature of the President. In addition the Secretary-Treasurer shall accept assignments of work from the President of the Department who shall direct and supervise their execution.

**Section 2.** The Secretary-Treasurer shall be in charge of and conserve all moneys, property and files of the Department which at all times shall be subject to the inspection of the President and the Governing Board of Presidents.

**Section 3.** The Secretary-Treasurer shall act as Secretary for the Governing Board of Presidents, but shall not be a member thereof, and shall keep a record of the proceedings of the Governing Board of Presidents.

**Section 4.** The Secretary-Treasurer shall keep a correct and current list of all officers of the affiliated organizations.

**Section 5.** The Secretary-Treasurer shall give a bond for the faithful performance of the duties of the Secretary-Treasurer in such amount as may be determined by the Governing Board of Presidents. The expense of the bond shall be borne by the Department.

**Section 6.** The Secretary-Treasurer shall conduct all official correspondence pertaining to the office of the Secretary-Treasurer.

**Section 7.** The Secretary-Treasurer shall be required to keep an itemized account of all moneys received and expenditures made, and shall be required to submit the books and records to a certified public accountant annually for an audit. Copies of the audit shall be furnished to the Governing Board of Presidents and to the Convention.

**Section 8.** The Secretary-Treasurer shall receive an annual salary and allowance, payable in installments, as may be determined from time to time by the Governing Board of Presidents, and shall be reimbursed for expenses incurred.

**Section 9.** The Secretary-Treasurer shall issue the call for and act as Secretary of the Convention and shall cause the proceedings of all Conventions to be recorded.

**Section 10.** The Secretary-Treasurer shall maintain and preserve among the official records of the Department, all of the official records, papers and documents of the Department since the creation of the Department on November 11, 1907, and shall maintain and preserve all the minutes, records, decisions and proceedings of the Governing Board of Presidents and of the Conventions of the Department, and all official decisions, including agreements of record, awards of referees, umpires and jurisdictional boards appointed or established and approved by the De-

partment since its establishment. All decisions of the Executive Council and of the Conventions of the American Federation of Labor and the Executive Council and the Conventions of the American Federation of Labor-Congress of Industrial Organizations affecting the Department and its affiliated National and International Unions, including all appeals from decisions of the Department shall be preserved and maintained.

## ARTICLE VII

### Governing Board of Presidents

**Section 1.** The Governing Board of Presidents of the Building and Construction Trades Department shall consist of the President of the Department and the President of each National and International Union affiliated with the Department. Each President of an Affiliated Union will be a Vice-President of the Department.

**Section 2.** Between Conventions, the Governing Board of Presidents shall be the governing body of the Department. It is authorized and empowered to take action and render decisions on any and all matters necessary to carry out the functions and purposes of the Department, and to adequately carry out and enforce the decisions and instructions of the Convention and to enforce the provisions contained in this Constitution.

**Section 3.** Regular meetings of the Governing Board of Presidents shall be held quarterly at such

places as the Board may select. Special meetings of the Board may be held in the interim should occasion arise that may demand the instant assembling of the Board by a call of the President, or by a written request, signed by five (5) members of said Governing Board of Presidents.

**Section 4.** When the funds on hand are inadequate to meet the running expenses of the Department, the Governing Board of Presidents between Conventions, shall have authority to levy an assessment on affiliated National or International Unions based upon the membership of each affiliate upon which per capita tax is paid to the Department, or to increase the per capita tax, whichever is deemed most appropriate.

**Section 5.** The funds of the Department shall not be appropriated or used for any purpose other than for the maintenance and operation of the Department as determined by the President, with the approval of the Governing Board of Presidents.

**Section 6.** The members of the Governing Board of Presidents shall assist the President in the performance of the President's duties.

**Section 7.** The members of the Governing Board of Presidents shall be allowed appropriate remuneration, as determined by the President of the Department for their service as members of the Board, or when under assignment by the President of the Department.

**Section 8.** In all matters requiring action by the Governing Board of Presidents, when the Board is not in formal session, the Board may act by letter or electronic means. Whenever the President requires action by the Governing Board of Presidents, the President may obtain same by communicating with members of the Board electronically or by mail and such members may take action on the matters brought to their attention in this manner. Such actions so taken shall constitute action by the Board as though the Board were in formal session.

**Section 9.** The Governing Board of Presidents may authorize the issuance of charters to State, Provincial or Local Building and Construction Trades Councils for affiliation with the Department.

The Governing Board of Presidents is authorized to merge or to amalgamate Local Building and Construction Trades Councils or to modify or to alter their jurisdiction when it deems such action in the best interests of the Department. The powers vested in the Governing Board of President by the preceding sentence may be delegated by the Board to the President of the Department subject to a right of appeal to the Board and to the Convention.

**Section 10.** A majority of the membership of the Governing Board of Presidents including the President, shall constitute a quorum for carrying on the business of the Board.

**Section 11.** The Governing Board of Presidents shall issue rules governing the conduct, activities,

affairs, finances and property of State, Provincial and Local Building and Construction Trades Councils (including procedures to secure the affiliation of all Local Unions with Local Building and Construction Trades Councils, and arranging for retirement benefits for the full time officers of State, Provincial or Local Councils, if feasible) and providing procedures for the discipline, including suspension, and expulsion, of such Councils or their officers. Such rules shall define the powers of the President, or the President's designee, with respect to disciplinary action against State, Provincial or Local Councils or their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such Councils and their property) prior to hearing where in the opinion of the President the interests of the Department so require. The rules shall further provide for appeals to the Governing Board of Presidents and to the Convention, but shall provide that decisions appealed from shall remain in full force and effect pending any appeal.

**Section 12.** Upon the suspension or revocation of the charter of any State, Provincial or Local Council, all funds and property of any character shall revert to the Department to be held in trust until such time that the suspended Council may be recognized and be able to conform with the Constitution and laws of this Department. It shall

be the duty of the officers of a State, Provincial or Local Council whose charter has been suspended or revoked, or which has been placed under trusteeship under Section 11 of this Article, and the Rules Governing the Discipline of Local, State and Provincial Building and Construction Trades Councils and their Officers, to deliver all funds and property to the Secretary-Treasurer of the Department or the Secretary-Treasurer's designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Department in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Department shall reimburse itself from the funds and property recovered.

**Section 13.** The Governing Board of Presidents may amend the provisions of this Constitution and the Constitution and Bylaws to govern Local Councils when in its judgment such action is in the best interests of the Department subject to ratification at the next Convention.

**Section 14.**

- (a) A National Canadian office shall be maintained in the City of Ottawa to administer Building Trades' matters in Canada. The National Canadian office is authorized to do business as Canada's Building Trades Unions. The President of the Department shall appoint a Director of Canadian Affairs, subject to the approval of the Governing

Board of Presidents. The Director shall be the Canadian Operating Officer responsible for the Department's operations in Canada.

- (b) There shall be a Canadian Executive Board consisting of one (1) representative from each International Union affiliated with the Department, appointed by the respective International Union President. The Director of Canadian Affairs shall be an ex-officio member of the Canadian Executive Board with a voice but no vote.
- (c) The Canadian Executive Board shall elect a Chairman from among its members for a term of 3 years. The Chairman shall preside at all Board meetings and shall have the right to cast a deciding vote in all cases before the Board. The Chairman may appoint committees and shall work in an advisory capacity with the Director of Canadian Affairs. In the event of a vacancy, the Canadian Executive Board shall elect a successor Chairman, who shall serve for the remainder of the unexpired term.
- (d) Regular meetings of the Canadian Executive Board shall be held quarterly at such places as the Board may select. Special meetings of the Board may be held in the interim should occasion arise that may demand the instant assembling of the Board by a call of the Chairman, or by a written request, signed by five (5) members of the Board.

- (e) A majority of the membership of the Canadian Executive Board shall constitute a quorum for carrying on the business of the Board.
- (f) The Canadian Executive Board is authorized and empowered to take action and render decisions and directives on matters necessary to carry out the functions and purposes of the Department in relation to Canadian affairs, subject to the approval of the President of the Department and the Governing Board of Presidents. The Board may act by conference call or by facsimile at the call of the Chairman or the Director of Canadian Affairs.

## **ARTICLE VIII**

### **Finances**

**Section 1.** The revenue for the support of the Department shall be derived from the following sources:

- (a) Initiation fees from National and International Unions and charter fees from State, Provincial and Local Building and Construction Trades Councils, as established by the Governing Board of Presidents.
- (b) A per capita tax of seventy (70) cents, per member per month, paid by each affiliated National and International Union upon its membership engaged in building and construction work.

- (c) An annual levy paid by January 1 of each year by each State, Provincial and Local Building and Construction Trades Council based on annual receipts during the previous year as follows:

<u>Annual Receipts</u>	<u>Annual Levy</u>
\$0-\$10,000	\$100
\$10,001-\$25,000	\$250
\$25,001-\$50,000	\$500
\$50,001-\$75,000	\$750
over \$75,000	\$1,000

- (d) Fees collected for the administration of agreements negotiated and administered by the Department.
- (e) Sale of supplies to State, Provincial and Local Councils.
- (f) Assessments.

## **Section 2.**

- (a) In May of each year the Secretary-Treasurer shall submit to the Governing Board of Presidents a proposed budget for the Department for the next fiscal year together with a proposed per capita tax rate adjustment, if deemed necessary.
- (b) Following submission of the proposed budget, the President of the Department shall convene a meeting of the Governing Board of Presidents for the purpose of reviewing and approving the budget for the next fiscal year and any proposed adjustment to the per capita tax.

- (c) The budget shall be approved by majority vote of the Governing Board of Presidents. If deemed necessary, the Governing Board of Presidents may adjust the budget during the fiscal year by a two-thirds vote.
- (d) Adjustments in the amount of per capita tax, and initiatives requiring substantial new expenditures by the Department, must be approved by a two-thirds vote of the Governing Board of Presidents.

**Section 3.** Any affiliated National or International Union failing to pay per capita tax or assessments for a period of three (3) months, shall stand automatically suspended.

**Section 4.** Per capita taxes are due by the fifth (5th) day of each month, for that month. The annual levy from State, Provincial and Local Building and Construction Trades Councils are due by January 5th of each year. Payments not received on time shall be subject to simple interest at the rate of one-percent (1%) per month on all amounts in arrears until paid. Any legal fees incurred by the Department in collecting payments shall be paid by the entity ordered by the Court to pay the Department.

**Section 5.** The Governing Board of Presidents may exempt any affiliated National or International Union from the payment of per capita tax due to the Department for any month upon proper showing that good cause exists. Exempted members shall be regarded for all pur-

poses under the Constitution as paid-up members for the period of exemption.

**Section 6.** The fiscal year of the Department shall close on the 30th day of June of each year. All books and financial accounts shall at all times be open to inspection by the President and the Governing Board of Presidents.

## ARTICLE IX

### Applications

**Section 1.** Each applicant National or International organization desiring to affiliate with the Department shall be required to submit a written statement covering the extent and character of its trade jurisdiction. Upon receipt of such written statement, the Secretary-Treasurer shall send a copy to each affiliated National or International Union. Should any of the affiliated National or International Unions object to the affiliation of such applicant, the matter shall be referred to the Governing Board of Presidents.

**Section 2.** The Governing Board of Presidents and the Convention in considering applications for affiliation by National and International Unions shall first ascertain whether or not the applicant is one whose membership is composed of trades and craft workers primarily and customarily, or historically, engaged in the building and construction industry.

Unless the applicant is found to be primarily and customarily, or historically, engaged in the building and construction industry, the Governing Board of Presidents and the Convention must deny the application on the basis that the applicant is not considered "appropriate" for affiliation with the Building and Construction Trades Department.

## **ARTICLE X**

### **Jurisdictional Disputes**

All jurisdictional disputes between or among affiliated National and International Unions and their affiliated Local 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 adopted in the future by the Department for the settlement of jurisdictional disputes. Said present plan or any other plan adopted in the future shall be recognized as final and binding upon the Department and upon all affiliated National or International Unions and their affiliated Local Unions.

## **ARTICLE XI**

### **Exhaustion of Remedies and Appeals**

**Section 1.** No affiliated National or Interna-

tional Union or local affiliate thereof, State, Provincial or Local Building and Construction Trades Council shall, as to any matter within the jurisdiction of the Department, resort to court proceedings against the Department or any affiliated National or International Union or any local affiliate thereof, without first exhausting internal remedies within the structure of this Department. Affiliated National and International Unions, and State, Provincial and Local Building and Construction Trades Councils shall adhere to the following procedure:

- A. Appeals from any action of any State, Provincial or Local Building and Construction Trades Council may be made to the President of the Department.
- B. Appeals from any decision of the President of the Department may be made within thirty (30) days thereof to the Governing Board of Presidents.
- C. Appeals from any decision of the Governing Board of Presidents may be made to the next Convention and must be filed with the Department not later than sixty (60) days after the decision.

**Section 2.** All appeals shall be in writing and shall be served on all interested parties.

**Section 3.** Decisions rendered shall be effective until reversed or sustained upon appeal.

## **ARTICLE XII**

### **State, Provincial and Local Council Constitution and Bylaws**

The Department shall adopt a uniform Constitution and Bylaws for chartered Local Building and Construction Trades Councils. Local Councils may enter additional provisions in the uniform Constitution and Bylaws, provided they are not inconsistent with the Department's Constitution, and are first submitted to the Department for approval before becoming effective. A Local Council must have Bylaws that have been approved by the Department not more than five (5) years, but not less than ninety (90) days, prior to the Convention in order to be entitled to have representation at the Convention.

State and Provincial Councils may be formed and chartered by the Building and Construction Trades Department in any State, or Province, or combination of States or Territories of the United States or Provinces of Canada; provided that a majority of the Local Councils within such State or States, or Provinces, shall have made application therefore. State and Provincial Councils shall have the power to make their own laws, provided they are not inconsistent with the Department's Constitution, and are first submitted to the Department for approval before becoming effective. A State or Provincial Council must have Bylaws that have been approved by the Department not more than five (5) years, but not less than ninety

(90) days, prior to the Convention in order to be entitled to have representation at the Convention.

Where appropriate, the President of the Department may approve the restructuring of Building and Construction Trades Councils to permit the financing of Local Building and Construction Trades Councils through State and Provincial Councils. The President of the Department is authorized to approve changes to the Constitution and Bylaws of Local, State and Provincial Building and Construction Trades Councils in order to implement such a restructuring to achieve economies of scale and to provide better service to the membership.

## **ARTICLE XIII**

### **Local Unions-Affiliation Local Councils**

All Building and Construction Trades Local Unions of National and International Unions affiliated with the Department in the geographical jurisdiction of Local Building and Construction Trades Councils shall affiliate with said Local Council.

## **ARTICLE XIV**

### **Amendments to Constitution**

This Constitution can be amended or altered by the Convention by a two-thirds vote of those present and voting either by a show of hands or if a roll call is properly demanded, as provided in this Constitution, by such roll call.

## **Rules Governing the Discipline of Local, State and Provincial Building and Construction Trades Councils and their Officers.**

A. The President is authorized to take disciplinary action against local, state or provincial building and construction trades councils, including the authority to suspend or expel any officer thereof, and to suspend or revoke the charters of such councils, or impose trusteeships on such Councils. Such disciplinary action may be taken against any such council or officer, when such council or officer violates or fails to comply with any of the provisions of the Constitution of the Building and Construction Trades Department or of these rules, or engages in any activity or course of conduct which is contrary or detrimental to the welfare or best interests of the Department, or when any such council fails to conform its policies to the policies of the Department.

B. In any case where disciplinary action is taken under this rule, the council or any officer charged shall be given reasonable notice of the nature of the charges and shall be afforded a full hearing either by the President or by a person or persons designated by the President to act as a hearing officer or officers. In the latter event, such hearing officer or officers shall as soon as practicable after the close of the hearing, make a report, either oral or in writing to the President, who shall make the ultimate decision, The deci-

sion of the President shall remain in full force and effect until reversed or changed upon appeal. All appeals of the decision of the President shall be made pursuant to Article XI of the Building and Construction Trades Department Constitution.

C. In cases of emergency, where the interests of the Building and Construction Trades Department reasonably require such action, the President is empowered to suspend any officer and establish a trusteeship over the property of a local, state or provincial building and construction trades council prior to the hearing provided for in Paragraph B of this rule. In such case, the hearing shall be conducted as soon as practicable after such emergency action, but in no event later than forty-five (45) days following such action, unless a postponement of such hearing is granted by the President upon proper request.

D. In any case where the charter of a local, state or provincial building and construction trades council has been suspended under the provisions of this rule, the President shall have the power to assume charge of the affairs and business of such suspended council, suspend any or all of the officers thereof, appoint temporary officers under the supervision of a trustee, and to appoint a trustee for the purpose of taking charge of and conducting the business of such local, state or provincial building and construction trades council during the period of suspension, Such trustee shall have the right, in the name of

the Building and Construction Trades Department, upon demand, to all of the funds, properties, books and assets of the suspended council for the period the trustee is in charge of such council; such funds and properties to be held in trust for the benefit of the suspended council and to be expended only to the extent necessary for the proper conduct of the affairs of the suspended council. A trustee appointed under this rule may be removed with or without cause by the President at any time and a successor trustee appointed.

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