

IUPAT
LOCAL 364

BYLAWS

Ratified October 26, 2010

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**BYLAWS
LOCAL UNION 364**

PREAMBLE

We, the members of Local Union 364, fully affiliated with District Council 5, of the International Union of Painters and Allied Trades, AFL-CIO, believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of this Local Union; to secure legislation in the interest of our members; to bring about higher wages, shorter hours and better working conditions for our membership; to influence public opinion by peaceful and legal methods; in favor of our affiliated organizations, organized labor, and working people generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers for the purpose of stabilizing employment conditions to the mutual advantage of both our members and employers; and to otherwise enrich the lives of our members and all working men and women, formulate and adopt the following Bylaws for our guidance and government.

ARTICLE 1: BYLAWS

These Bylaws are subordinate to the provisions of the International Constitution of the International Union of Painters and Allied Trades (hereinafter called the "International Union") and the Bylaws of District Council 5. In the case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern. In the case of conflict between these Bylaws and the District Council Bylaws, the latter shall govern.

ARTICLE 2: NAME

This organization, a subordinate body of the International Union and an affiliated Local Union of District Council 5, shall be known as Western Washington Drywall Finishers Local 364. This Local was chartered by the IUPAT on July 1, 2010.

ARTICLE 3: JURISDICTION

The territorial jurisdiction of this Local Union shall be as set forth in its Charter and as determined by the General Executive Board from time to time under Section 70 of the International Constitution, provided that the Local Union shall be guided within its jurisdiction by the directives of the District Council.

ARTICLE 4: OBJECTS

The objects of this Local Union shall be as set forth in the Preamble and Section 2 of the International Constitution and Section 125 of the International Constitution.

ARTICLE 5: ELIGIBILITY FOR MEMBERSHIP

Eligibility for membership in this Local Union shall be as set forth in Sections 85-86 of the International Constitution and as otherwise set forth in the International Constitution or policies adopted by the General Executive Board.

ARTICLE 6: OFFICERS

6.1 Eligibility to hold office shall be as set forth in Sections 92 (b) and 181 of the International Constitution.

6.2 Officers of this Local Union shall be as set forth in Section 152 of the International Constitution, and their duties shall be as set forth in the following sections of the International Constitution.

(a) President: The duties of the President shall be as set forth in Sections 156-159.

(i) The President, Recording Secretary, Treasurer, and Business Representative (s) shall be able to sign warrants or checks on behalf of the Local.

(b) Vice President: The duties of the Vice President shall be as set forth in Section 161.

- (c) Recording Secretary: The duties of the Recording Secretary shall be as set forth in Sections 162 – 164.
 - (d) Financial Secretary: The duties of the Financial Secretary shall be as set forth in Sections 165 – 170, Section 182 (d) and Section 228 (d).
 - (e) Treasurer: The duties of the Treasurer shall be as set forth in Section 171.
 - (f) Trustees: The duties of the Trustees shall be as set forth in Sections 172 – 175.
 - (g) Warden: The duties of the Warden shall be set forth in Section 176.
- 6.3 As soon as the District Council adopts the centralized Local Union dues, records and reporting plan outlines in Section 235 of the International Constitution, the following modifications will be in effect for dues collection, records, and reporting. Also, the Local Union officers' duties will be modified as outlined below.

Under the Dues Collection and Membership Reporting Plan adopted by Local Union 364 pursuant to Article 15.4 of the District Council 5 Bylaws, the Business Manager/Secretary-Treasurer of District Council 5 performs many of the function of the Financial Secretary and Treasurer of Local Union 364. Therefore, the duties of the Financial Secretary and the Treasurer of Local Union 364 shall be as set forth in this Article.

Where the Financial Secretary receives dues payments from members (such as at Local Union meetings) of Local Union 364, he or she shall (a) transmit such payments to the Business Manager/Secretary-Treasurer of District Council 5 within five (5) days, (b) provide the member with a temporary receipt, a copy of which shall be transmitted to the Business Manager/Secretary-Treasurer with the payment and a copy of which shall be retained by the Financial Secretary. Such temporary receipt shall indicate only the amount of funds received and shall not indicate the member's standing or through with calendar month dues are paid.

The Financial Secretary shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of the District Council. At each membership meeting, the Financial Secretary shall deliver a report to the membership, which report shall include the following information:

- a. the gross receipts of the Local Union in the prior month,
- b. the net receipts of the Local Union, along with the amounts of all per capita deductions made by the Business Manager/Secretary-Treasurer of District Council 5 and any other deductions,
- c. the overall membership of the Local Union, with the gain or loss in membership in the prior month noted,
- d. the number and names of members on application and those initiated,
- e. the number and names of members suspended and reinstated, and
- f. The names and number of clearance cards deposited and issued.

The Treasurer shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of District Council 5. At each membership meeting, the Treasurer shall deliver a report to the membership, which report shall include the following information:

- a. list all deposits made to the Local Union account, if any,
- b. a copy of the Local Union cash disbursements journal, if applicable,
- c. list of all payments from the District Council made on behalf of the Local Union, from the funds collected by the District Council for the Local Union.

Notwithstanding anything to the contrary in this Article, the Financial Secretary, the Treasurer and all other Local Union officers shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

The Financial Secretary shall perform the Financial Secretary duties outlined in Section 182 (d) and 228 (d) of the International Constitution from information provided the Financial Secretary by the Business Manager/Secretary-Treasurer of the District Council.

The Local Union Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to their particular local union on a quarterly basis as per Sections 172 through 175. In lieu of the trustees auditing the Business Manager/Secretary-Treasurer, it is permissible for the trustees to review an unqualified audit performed by a Certified Public Accountant (CPA) or Chartered Accountant. Such review will be done with the accountant to explain the report. Copy of such report is to be sent to the General Secretary-Treasurer.

The District Council and the Local Union shall use the IUPAT Integrated Membership Systems (IMS) computer systems or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity, no later than January 1, 2014.

ARTICLE 7: DELEGATES

All delegates (other than delegates to the General Convention) shall be elected at the June elections in accordance with Article 11 of these Bylaws.

ARTICLE 8: EXECUTIVE BOARD

8.1. The Executive Board of this Local Union shall be as set forth in Section 152(j) of the International Constitution. The Executive Board shall be composed of the President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Warden, and Business Representative (s).

8.2. Duties of the Executive Board:

- a. To enforce the laws of the Local Union between meetings.
- b. To handle all matters delegated to the Executive Board by the members voting at regular or special called meetings.
- c. All requests for donation of funds shall be directed to the Executive Board. It shall investigate and submit its findings and recommendations for membership action.
- d. The Executive Board shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Local Union membership voting at a regular or special called meeting; provided, however, that during the interim between meetings it shall be authorized to act for the Local Union in cases of emergency, subject to review at the next regular meeting.
- e. The Executive Board shall meet on the 4th Tuesday of the month at 4:00 P.M. The Executive Board may occasionally hold its meeting at different time prior to the next monthly membership meeting.
- f. A Quorum for an Executive board meeting shall be a majority of the Executive Board members.
- g. The Business Representative (s) shall be responsible for the Local 364 office staff on a day to day basis.

ARTICLE 9: COMPENSATION OF OFFICERS, DELEGATES AND COMMITTEE MEMBERS

9.1. Officers:

- a. The President shall have monthly dues paid by the Local.
- b. The Vice President shall have monthly dues paid by the Local.
- c. The Recording Secretary shall have monthly dues paid by the Local.
- d. The Financial Secretary shall have monthly dues paid by the Local.
- e. The Treasurer shall have monthly dues paid by the Local.
- f. The Trustees shall have monthly dues paid by the Local.
- g. The warden shall have monthly dues paid by the local.

- h. The above officers (a through g) shall have their monthly membership dues paid by the Local's General Fund, upon attending in its entirety, the monthly meeting and performing their duties as officers for that month (This does not include any full time staff of the Local or the Council if they are officers). If a meeting is missed by an officer, dues are not to be paid by the Local for that month.

9.2. Delegates:

- a. To District Council – None
- b. To Central Bodies (if any) None
- c. To Conventions and Conferences – shall receive IRS reimbursable mileage rate, when using personal vehicle, or coach airfare; hotel room, convention registration fees, and fifty (\$50.00) dollars per day per diem, or actual reasonable expenses. Any member missing work while on delegate duties for Local Union 364 shall be allowed Journey level wages, or wage on most recent pay stub, whichever is greater, for up to eight (8) hours per day, Monday through Friday, of event and travel.
 - (i) Per diem, if paid, starts at 60 road miles from Local Union 364 unless otherwise authorized by the President to accommodate special circumstances.
- d. Full-time Union or District Council 5 employees shall not receive any wages for fulfilling the duties as a delegate from Local Union 364 except for convention expenses stipulated in 9.2(c) above.

9.3. Committee Members:

- a. The Financial Secretary for the District Council elections shall receive compensation as per Article 11.2 of the District Council Bylaws.
- b. Other Committees' allowances will be granted at time of appointment and voted on by the Local Union 364 Membership.

ARTICLE 10: BONDS

Officers of Local Unions shall be bonded in accordance with Section 147 of the International Constitution and as required by the Labor-Management Reporting and Disclosure Act of 1959, as amended.

ARTICLE 11: ELECTIONS

- 11.1. Elections shall be held under the procedures and provisions as set forth in Sections 180-183 of the International Constitution.
- 11.2. The election of Local Union Officers, Executive Board members, and delegates to District Councils (and Central Bodies, if any) shall be held at the last meeting in June. Nominations for the same shall be held at the last meeting in May, as per Section 180(a) of the International Constitution. Delegates to the District Council shall be elected to a four (4) year term. All other offices shall be elected to a three (3) year term.
- 11.3 Delegates to the General Conventions of the International shall be elected as set forth in Section 28 of the International Constitution. Delegates to District Council, Central Bodies (if any), shall be nominated and elected in accordance with Sections 180-183 of the International Constitution. The qualifications for such positions shall be as set forth in the International Constitution.

ARTICLE 12: VACANCIES

Vacancies occurring among the officers shall be filled in accordance with Sections 186 through 187 of the International Constitution.

ARTICLE 13: DUES, FEES, AND ASSESSMENTS

13.1 Dues:

a. Dues from members of Local Union 364 shall be as follows:

(1) All Members at -		
	Monthly	Quarterly
Journey level	\$34.30	\$102.90
Journey level joining at age 60+	\$29.30	\$ 87.90
High Bracket Apprentice (4-6)	\$30.30	\$ 90.90
Low Bracket Apprentice (1-3)	\$28.30	\$ 84.90

* Effective 1-1-11 the International per capita tax will increase \$.90 (ninety cents) per month, per member.

Life (transferred to Life after 1-1-1995)
(See Sec. 100 of the International Constitution.)

Dues shall be payable to the Local Union on a quarterly basis

(2) Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union and such increase shall be effective the date the increase in the payments due to the International Union becomes effective.

b. The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17 (b) and 18 of the International Constitution and the Rules and Regulations of the International Union's Death Benefit Fund. Accordingly, members not covered by the Death Benefit Fund pursuant of the foregoing provisions (Example: members who are 60 years of age or over when initiated; or life Members working at the trade who elected non-participation) will be required to pay the dues specified in sub-section (a) less the current Death Benefit Payment.

c. Quarterly working cards shall be obtained in accordance with Section 122 of the International Constitution. All dues, fees, assessments and funds payments are due and payable quarterly in advance by the 20th of the first month of each quarter in order to receive the quarterly working card.

d. Administrative Processing Fees:
There shall be no initiation fees for membership in this Local Union. New members/candidates and apprentices shall be charged an Administrative Processing Fee in accordance with the provisions set forth in Sections 93 and 94 of the International Constitution.

e. Administrative Processing Fees shall be in accordance with Section 93 of the IUPAT International Constitution and the District Council Bylaws.

f. Life Membership fees shall be in accordance with Section 100 of the IUPAT International Constitution.

In addition to the regular monthly Local Union Membership Dues set forth in sub-section 13.1(a), administrative dues (a.k.a. working dues or check-off dues) are established in District Council 5 Bylaws.

i. This Local Union may establish its own regular dues rate, subject to provisions set forth in Sections 93 and 94 of the International Constitution, to provide income sufficient to pay its Officers, hold its meetings, and otherwise conduct its affairs. With approval from the Business Manager/Secretary Treasurer, and a vote of the affected membership, such dues may be established as an additional dues check-off.

13.2. Clearance Cards:

Clearance Card fees and rules shall be as set forth in Section 256 of the International Constitution.

13.3. Assessments and Funds:

a. Assessments can only be levied in accordance with the International Constitution.

b. International Union Death Benefit Fund. The International Union's Death Benefit Fund is governed by Section 314 through 316 of the International Constitution, and the rules and regulations of the fund.

Members should refer to the pamphlet "Rules and Regulations covering the Death Benefit Fund and the former Death and Disability Fund."

- c. All monies due the International Union for per capita tax, Administrative Processing Fees or application fees, Death Benefit Fund payments, reinstatements, clearance card fees, life membership fees, and supplies shall be forwarded to the General Secretary-Treasurer immediately after the close of the month, along with required reports. Remittances must be made by express or post office money order, check or bank draft payable to the IUPAT.
- d. Should a majority of the Trustees doubt the accuracy of any bill from the General Secretary-Treasurer, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board at their next meeting.
- e. Each month the Local Union shall hold in its treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments and all other payments that must be made to the International Union as required by Section 140 of the International Constitution. Such required payments shall be made prior to allowing other expenditures.
- f. Group Local Death Benefit Insurance: Each and every member shall pay \$2.00 dollars per month as premium for the Local Death Benefit Insurance, except those members who joined this Local Union after 60 years of age, subject to change by the Insurance Company. Such insurance shall be as provided for by the company, selected to carry the Death Benefit Insurance for Local Union 364, and furnish such benefits as set forth in the policy from time to time. Present schedule of insurance is as follows:

<u>Member</u>	
Loss of life	\$2000.00
Accidental Death & Dismemberment	\$3500.00

- g. Members' Accident, Sickness, and Hardship Fund (MASH): Each and every member shall pay one (\$1.00) dollar per month into the Local Union 364 MASH Fund. The fund shall be used primarily as a dues replacement fund to relieve distress among members in good standing disabled from earning a living due to injuries or sickness while working in the trade. The fund shall be administered by the Executive Board who shall review cases brought before it and report its recommendations to the membership for action.
- h. Late Fees: Members who have not complied with the provisions set forth in Sections 93 and 120 of the International Constitution and Article 13.1 of these Bylaws will be required to pay a five (\$5.00) dollar Late Fee for each month of the quarter not paid by the 20th. Life Members shall be exempt from this fee.
- i. Reinstatement Fee: The Reinstatement Fee for members suspended due to being indebted for three (3) months dues or an amount equal to three (3) months dues shall be as set forth in Section 121 of the International Constitution.
- j. NSF Fee: IF a check used for a payment is non-negotiable, all future dues payments shall be by cash, money order or certified check. There will be a thirty (\$30.00) dollar handling charge for all NSF checks. Life Members shall be exempt from this NSF Fee paying only the fee, if any, charged to this Local Union by the financial institution.
- k. Credit/Debit Card Fee: A \$5.00 fee will be assessed for Dues payments per transaction.

ARTICLE 14: MEETINGS

- 14.1 Regular Meetings: The regular meetings of this Local Union shall be held on the 4th Tuesday of each month. Meetings will be called to order promptly at 5:00 P.M.
- 14.2 Special Meetings: Special meetings of this Local Union may be called by the President as he or she deems necessary. Special meetings shall also be called as required by Section 158 of the International Constitution.

14.3 Quorum: A quorum for a membership meeting shall consist of seven (7) members, provided that five (5) members shall constitute a quorum if the Local Union's membership is fewer than twenty-five (25) members.

14.4 Members' Rights: Members in attendance at meetings shall have the right to express their views, arguments or opinions upon any business properly presented before the meeting, subject to these Bylaws and the rules and regulations adopted by the Local Union pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his or her responsibility to the organization as an institution or engage in or advocate any conduct that would interfere in the Local Union's performance of its legal or contractual obligations, or conduct him or herself in an unruly, or boisterous manner.

14.5 Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

ARTICLE 15: COMMITTEES

- 15.1. Election Committee shall be appointed by the presiding officer as set forth in Section 183 (a) of the Constitution.
- 15.2. Bylaws Committee: The Bylaws Committee shall be comprised of the Business Representative (s) and of members appointed by the President.
- a. The Bylaws Committee shall conform to Section 135 of the International Constitution.
- 15.3. Other Committees: Other committees shall be appointed by the President of Local Union 364, in accordance with Sections 158, 178 and 179 of the International Constitution as circumstances warrant.

ARTICLE 16: CONTRACTORS

- 16.1. The admission of contractors into membership in Local Union 364 shall be as set forth in Sections 91-92 of the General Constitution.
- 16.2. Any Journey level member becoming a contractor may retain his or her membership in this Local Union.
- 16.3. Any contractor desiring to become a member of Local Union 364 may do so upon payment of the Administrative Processing Fee and the regular Local Union dues and assessments. Such Contractor-Member shall comply with the trade rules and working conditions of District Council 5 Area Agreements and hire only members of this International Union and pay its scale of wages and benefits to perform work covered by a District Council 5 Collective Bargaining Agreement.
- 16.4. No contractor or employer shall be eligible or permitted to hold office, nor serve on any board or committee, act as Business Representative, Shop Steward, or Delegate, vote on any question pertaining to hours, wages, benefits, or working conditions for Journey level and Apprentice members, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any elected position.

ARTICLE 17: MEMBERSHIP

- 17.1. An applicant is considered a member when the applicant meets all the requirements as set forth in Sections 85-90 of the International Constitution.
- 17.2. A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections 119-120 of the International Constitution.

A member who loses his or her good standing status because of his or her failure to pay dues or other obligations as required by the International Constitution and these Bylaws, but who has not been expelled from membership, may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections, by paying all delinquent dues and other financial obligations prior to such meeting and election as provided in Section 121 of the International Constitution. Expelled members may be reinstated only in accordance with Section 301 of the International Constitution.

When Local Unions provide for quarterly dues payments, such quarterly payments must be made on or before the 20th day of the first month of the quarter to maintain good standing membership for the entire quarter period.

Resignation from membership is governed by Section 123 of the International Constitution.

17.3. Members' Responsibility:

- a. Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of the Local Union's Bylaws and the International Constitution with respect to the members' rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.
- b. Every member by virtue of membership in this Local Union authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council and its officers, and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their sole discretion and judgment, such grievance, complaint or dispute lacks merit.
- c. No member shall interfere with the elected officers or representatives of the International Union, its subordinate bodies, District Council or this Local Union in the performance of their duties. Each member shall when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the International Union, District Council or Local Union's performance of its legal or contractual obligations.
- d. Every member shall be required to assist the International Union, its subordinate bodies, the District Council and the Local Union, as well as their officers and representatives, by engaging in picketing, hand billing, salting and other organizing activities, and attending education and training and seminars, as directed and assigned by the International Union, the District Council's Executive Board, Business Manager or Business Representatives or Local Union officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.
- e. All new members of this Local Union shall attend a new member orientation class offered by the District Council within ninety (90) days of being initiated.
- h. Upon an applicant completing the APF, he or she shall attend the next Local Union meeting for the Initiation Ceremony and Obligation as outlined under Parliamentary Rules and Rituals on Page 209-211 of the International Constitution.

ARTICLE 18: GENERAL RULES

- 18.1. Upon request, Local Union 364 shall furnish to each member a copy of the applicable Collective Bargaining Agreement, Local Union Bylaws, District Council Bylaws, or International Constitution in force and approved by the General Executive Board. The Local is not required to mail literature.
- 18.2. It shall be the duty of all members on the job to cooperate with the Job or Shop Stewards (Article 20 of the District Council Bylaws) in the performance of their duties and to assure that they perform them faithfully and to report any neglect on their part to a District Council Business Representative immediately.
 - (a) All members shall apply to Local Union 364 for employment and shall obtain a referral (dispatch) slip before going to work.
- 18.3. The carrying of equipment and materials to and from jobs or shops in their cars by members of District Council 5, including all types of ladders, planks, staging, etc. is strictly prohibited, with the exception however, that these regulations conform with the Collecting Bargaining Agreements.

- 18.4. The use of all tools shall conform to the terms of the existing agreements.
- 18.5. Members shall not work with an expelled or non-represented person, except at the direction of the Business Manager or Business Representative as part of a concerted effort to organize the unorganized.
- 18.6. Members shall not return any part of their own or any other members' wages to their own employer or any other employer.
- 18.7. The practice of members wearing white pants/coveralls; "whites" off the job or for street clothes shall be discouraged. The practice of working in street clothes is forbidden. "Whites" will be worn by all members while working or said member may be removed from the jobsite by the Business Representative.
- 18.8. It shall be the duty of all members to recognize an AFL-CIO, picket line when such line has been established according to Section 248 of the International Constitution.
- 18.9. No member shall assist in mixing materials, stocking materials, or cleaning of equipment before the regular starting time or after regular working hours without receiving the proper wage rate.
- 18.10. The employment of apprentices shall be in conformity with the appropriate Apprenticeship Standards, the Negotiated Working Agreements of District Council 5 and its Bylaws, the International Constitution, and Joint Apprenticeship Training Committee rulings.

ARTICLE 19: CHARGES AND TRIALS

- 19.1. Each member of this Local Union shall have the right to fair treatment in the application of Local Union rules and law in accordance with the International Constitution and these Bylaws. In the application of all rules and procedures relating to Local Union discipline, the essential requirements of due process of law – notice, hearing, and judgment based upon the evidence shall be observed without, however, requiring technical formality followed in courts of law.
- 19.2. All charges preferred by members of this Local Union shall be referred to the District Council Trial Board for disposition and shall be processed in accordance with the International Constitution.

ARTICLE 20: EXHAUSTION OF REMEDIES

No Local Union or other subordinate body, or any member or officer thereof shall resort to any court or agency outside this International until all forms of relief and avenues of appeal, as provided by the International Constitution, have been exhausted, unless otherwise provided by statutory law.

ARTICLE 21: PROPERTY

- 21.1. The funds and property of the Local Union shall be governed by Sections 142-145 of the International Constitution.
- 21.2. No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers or employees, and no property held in trust, express or implied, which was created or established by this Local Union and whose primary purpose is to provide benefit for the members of the Local Union or their beneficiaries, shall be given, contributed or donated, either directly or indirectly, to aid or assist, or be expended in behalf of, any seceding, dual or antagonistic labor organization, nor to any Local Union which is in violation of the International Constitution.
- 21.3. No member, officer, delegate, employee of, or applicant to, Local Union 364 may possess via copy, fax, computer generated e-mail, diskette, or compact disc, or by any other electronic means any Local Union 364 membership list, financial statement, or database of any kind, without the express written consent of the District Council 5 Business Manager/Secretary Treasurer except as provided for in Section 164 of the International Constitution.

ARTICLE 22: AGENCY

Neither this Local Union, nor any of its officers or employees, has any power to make any representation, contract, or agreement, nor to incur any liability, which shall be binding upon the International Union without the written consent of the General President or his or her designee. Neither this Local Union, nor any of its officers or employees has been authorized or empowered to act as agent of the International Union and shall not be deemed an agent of the International Union unless expressly authorized in writing by the General President or his or her designee to act in that capacity.

ARTICLE 23: AMENDMENTS

There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section 135(b) of the International Constitution. Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section 135 of the International Constitution.

ARTICLE 24: STANDING RULES FOR UNION MEETINGS

Rules for the conduct of Local Union meetings are contained in the "Order of Business for Local Unions," and in "Parliamentary Rules and Ritual" set forth in the International Constitution.

ARTICLE 25: INTERNATIONAL UNION CONSTITUTION

The Local Union acknowledges that the International Constitution of the International Union supersedes any provisions of these Bylaws which are inconsistent with such Constitution. The Local Union further acknowledges that the Bylaws of the District Council shall govern and supersede these Bylaws to the extent that any provisions set forth herein are inconsistent with such Bylaws.

ARTICLE 26: SAVING CLAUSE

1. The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution, the District Council Bylaws and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.
2. If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal or state government, the Local Union Executive Board, subject to approval of the Local Union, shall have the authority to suspend the operation of such provisions during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any article or section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

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