

DISTRICT COUNCIL #4

BYLAWS



Approved August 30, 2021

DISTRICT COUNCIL 4

PREAMBLE

We, the members of District Council DISTRICT COUNCIL 4, of the International Union of Painters and Allied Trades, AFL-CIO, —believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of the Locals affiliated with this International Union; to secure legislation in the interests of our members; to bring about higher wages, shorter hours and better working conditions for them; to influence public opinion by peaceful and legal methods, in favor of our affiliated organizations and all organized labor generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers; and to otherwise enrich the lives of our members and their families, and all other working men and women — hereby formulate and adopt these Bylaws for our guidance and government.

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

Approved by the General Executive Board Date: August 30, 2021

Article I. BYLAWS

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

Article II. NAME

Section 2.01 This organization shall be known as IUPAT District Council 4, a subordinate body of the International Union of Painters and Allied Trades.

Article III. OBJECTS

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

Article IV. JURISDICTION

Section 4.01 The territorial jurisdiction of the District Council shall be as follows:

- (a) The counties of Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Delaware, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Schuyler, Seneca, Steuben, St. Lawrence, Tioga, Tompkins, Wayne, Wyoming and Yates. (33 total).

Territorial jurisdiction may be altered at any time by the General Executive Board in accordance with the International Constitution.

Section 4.02 The work jurisdiction of this District Council shall be all work set forth in Section 6 of the International Constitution and such other work as may be performed by those working under collective bargaining agreements negotiated by this District Council.

Section 4.03 All Local Unions of the International Union within the territorial jurisdiction of this District Council are automatically fully affiliated with this District Council.

Section 4.04 Fully affiliated means that:

- (a) Members of the Local Union pay administrative dues to the District Council through a check-off from wages;
- (b) Members of the Local Union enjoy full voting rights as members of the District Council;
- (c) The District Council serves as the exclusive bargaining representative for all its members;
- (d) The District Council is the union party to, and has the right to enforce, all collective bargaining agreements covering its members; and
- (e) The District Council has the power to appoint and remove the labor trustees for any trust funds in which the District Council or any affiliated Local Union participates, provided that if the governing documents of a trust fund in which an affiliated Local Union participates require the Local Union or any of its officers to take action to appoint or remove a trustee, the Local Union officer(s) shall obey any directive given by the District Council Business Manager/Secretary-Treasurer in making such appointment; and
- (f) All craft jurisdiction belongs to, and shall be protected by, the District Council.

Article V. OFFICERS

Section 5.01 The Officers of the District Council shall be the Business Manager/Secretary-Treasurer, President, Vice President, and five (5) Trustees.

BUSINESS MANAGER/SECRETARY-TREASURER

Section 5.02 The Business Manager/ Secretary-Treasurer shall be a full-time position and shall serve as the principal officer of the District Council.

- (a) The Business Manager/Secretary-Treasurer shall be an automatic trustee to any Trust Fund in which the members of the District Council participate, other than funds sponsored by the International, and to any Trust Fund in which the members of any affiliated Local Union participate, and shall appoint (and have the power to remove) all Union Trustees to all Trust Funds affiliated with the District Council or any Local Union affiliated with the District Council.

- (b) The Business Manager/Secretary-Treasurer shall have full charge of the business office of the District Council, and he or she shall have the authority to employ, discharge, direct, and set the salaries and benefits of all non-elected employees of the Council, including but not limited to organizers, field representatives and office staff. The Business Manager/Secretary-Treasurer shall be authorized to purchase such equipment and supplies as he or she deems necessary for the proper operation of such offices.
- (c) The Business Manager/Secretary-Treasurer shall maintain a current list of names and addresses of all members of the affiliated Local Unions.
- (d) The Business Manager/Secretary-Treasurer shall be the spokesperson and Chair of, and shall appoint, the District Council negotiating committee(s).
- (e) The Business Manager/Secretary-Treasurer shall have the power to direct and supervise Business Representatives in the performance of their duties and assign them to any territory or task irrespective of trade.
- (f) The Business Manager/Secretary-Treasurer shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s) established under Council collective bargaining agreements, and he or she shall appoint all other delegates to the Joint Trade Boards.
- (g) The Business Manager/Secretary-Treasurer may retain professional advisers (such as attorneys and accountants) and other service providers; provided, however, that the Business Manager/Secretary-Treasurer shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board.
- (h) The Business Manager/Secretary-Treasurer shall be authorized to make contributions up to \$.10 cents per hour for each man-hour worked per month to the IUPAT Political Action Together Fund-Legislation and Educational Committee.
- (i) The Business Manager/Secretary-Treasurer is authorized to make expenditures to carry out his or her responsibilities as set forth in this Section 5.02. The Business Manager/Secretary-Treasurer also is authorized to make such expenditures as he or she deems appropriate to promote and protect the interests of the membership, provided that such expenditures are not prohibited by resolution adopted by the Council of Delegates, and provided further that the Business Manager/Secretary-Treasurer must present to the Council of Delegates for their approval, a copy of the check registry of all expenditures of all District Council bank accounts since the last District Council Delegates meeting.

- (j) The Business Manager/Secretary-Treasurer shall be held responsible for results in organizing the jurisdiction of the District Council, for establishing working relations with employers, and for protecting the jurisdiction of the International Union of Painters and Allied Trades.
- (k) The Business Manager/Secretary-Treasurer shall receive a weekly salary equal to sixty (60) hours of pay at the highest hourly wage rate set forth in any District Council Collective Bargaining Agreement. The District Council shall make weekly contributions on behalf of the Business Manager/Secretary-Treasurer to the IUPAT Industry Pension Fund, the IUPAT Annuity Fund and the DC 4 Health and Welfare Fund at sixty (60) times the hourly contribution rate for Journeymen set forth in the same collective bargaining agreement as is used to set the Business Manager/Secretary-Treasurer's salary.
 - (i) The Business Manager/Secretary-Treasurer will be entitled to two (2) weeks of vacation and/or personal leave time, plus all recognized holidays and up to five (5) days of sick leave per year.
 - (ii) The Business Manager/Secretary-Treasurer shall receive an automobile allowance, gas card, cell phone and allowances/reimbursements under the same terms as these are provided to the Business Representatives.
 - (iii) Pursuant to Section 134(b) of the International Constitution, an increase in the Business Manager/Secretary-Treasurer's compensation may only be accomplished by amendment of these Bylaws. The delegates, with the approval of the General Executive Board, may reduce the Business Manager/Secretary-Treasurer's salary temporarily during a period of high unemployment among the membership;
 - (iv) Pursuant to Section 134(b) of the International Constitution, the salary of the Business Manager/Secretary-Treasurer may not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.
- (l) The Business Manager/Secretary-Treasurer, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.
- (m) The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes of District Council meetings and forward same to all affiliated Local Unions and to all delegates to the District Council and to the General Secretary-Treasurer. At a minimum, the minutes shall contain the following:
 - (i) A listing of the District Council Delegates and Officers who were present or absent at each meeting, as well as a list of all members and guests in attendance,
 - (ii) A description of each item of business conducted at the meeting, which shall note all motions made and the disposition of each.

- (iii) A copy of the check registry presented to the Delegates.
- (n) The Business Manager/Secretary-Treasurer or his or her designee shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to insure that the General Constitution, these Bylaws, and the provisions of the collective bargaining agreements are enforced. It shall be the duty of the Stewards to see that all persons have their working cards, and to contact the District Council immediately if there should be any irregularity.
- (o) The Business Manager/Secretary-Treasurer shall appoint from among the members of all affiliated Local Unions the following standing Committees: Bylaws Committee; Building Committee; Retirees Committee and Community Organizing for Real Economics Committee (which shall be charged with organizing, political action and community outreach).
- (p) When any question arises respecting the construction or interpretation of the District Council Bylaws, the Business Manager/Secretary-Treasurer shall decide the question subject to the approval of the Council of Delegates. If the Council of Delegates takes no action in respect to such interpretation at the next meeting after it is made, the same shall be deemed approved by the Council of Delegates.
- (q) The Business Manager/Secretary-Treasurer shall see that the District Council complies with the requirement of Section 60(d) of the International Constitution that, absent an exemption from the General Executive Board, all District Councils participate in the group liability insurance program developed by the General Secretary-Treasurer.

PRESIDENT

Section 5.03 It shall be the duty of the President to preside at all meetings of the Council of Delegates and to conduct the meetings according to parliamentary rules; to enforce a due observance of the International Constitution and these Bylaws at such meetings; to decide all questions of order without debate, subject only to an appeal to the meeting; and to see that all Officers perform their respective duties faithfully during each meeting. The President shall sign all official documents that have been passed by the Council of Delegates. The President shall not take part in any debate, nor make or second any motion while occupying the chair. The President shall not vote on any motion except in case of a tie, when he or she shall have the deciding vote. The President shall appoint all committees, except as otherwise provided in the International Constitution or in these Bylaws.

VICE PRESIDENT

Section 5.04 The Vice President shall assist the President in the performance of his or her duties and preside at meetings in the President's absence.

TRUSTEES

Section 5.05 The District Council shall elect five (5) Trustees. The Trustees shall, immediately upon election, elect one (1) Trustee as Chairperson. No District Council Trustee may be employed by the District Council in any other capacity.

- (a) The Trustees shall have supervision of all funds and property of the District Council.
- (b) The trustees shall meet with the Independent Certified or Chartered Public Accountant to review the audit as required by Section 147(b) of the International Constitution on no less than an annual basis. The trustees will subsequently render a report on the Audit to the District Council delegates, with a copy of the Audit and report being forwarded to the Office of the General Secretary-Treasurer. Further, the trustees shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.
- (c) The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the District Council's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the District Council are properly secured in an appropriate depository in the District Council's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the District Council except on an order or check signed in accordance with the International Constitution. They shall verify that expenditures have been made in strict compliance with the International Constitution and these Bylaws.
- (d) At the end of each fiscal quarter, the Trustees shall jointly fill out the quarterly checklist of the trustees and forward a copy to the General Secretary-Treasurer, the District Council Business Manager/Secretary-Treasurer, and to the District Council Delegates. They shall examine the membership records of the District Council to ascertain the membership at the close of each month and they shall compare their findings with the reports the Business Manager/Secretary Treasurer has submitted to the General Secretary-Treasurer to verify that the District Council is paying tax on the proper number of members and that all suspensions, reinstatements, initiations, admissions of members on clearance cards, and other changes in membership of the District Council have been properly reported.
- (e) The Trustees shall see that the Business Manager/Secretary-Treasurer and other officers, representatives and employees required to be bonded are bonded in the manner and in the amount required by law.

WARDEN

Section 5.06 The Warden shall take charge of the door at the meetings, and see that no one other than the delegates to the District Council and authorized representatives and guests is admitted. He or she shall also act as Sergeant at Arms.

Section 5.07 Salaries of Officers:

- (a) President: \$100.00 for each regular monthly meeting attended.
- (b) Vice President: \$25.00 for each regular monthly meeting attended.
- (c) Warden: \$25.00 for each regular monthly meeting attended.
- (d) Trustees: \$25.00 for each regular monthly meeting attended.
 - (i) Trustees are not to receive any compensation until they have fulfilled their duties as outlined in Section 5.05(d).
- (e) A change in salaries must be accomplished by amendment of these Bylaws in accordance with the International Constitution, provided that the delegates, with the approval of the General Executive Board, may reduce salaries temporarily during a period of high unemployment among the membership.
- (f) Salaries of officers shall not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.
- (g) Officers who are also full-time employees of the District Council shall not receive additional compensation.

Article VI. EXECUTIVE BOARD

Section 6.01 The Executive Board shall consist of the Business Manager/Secretary-Treasurer, President, Vice President, Trustee Chairperson and one duly elected delegate from each affiliated Local Union.

Section 6.02 Unless specifically authorized by the Council of Delegates, the Executive Board shall be vested with the authority of recommendation only; provided, however, that between meeting of the Delegates, the Executive Board shall be authorized to act for the District Council in cases of emergency.

Section 6.03 The Executive Board shall meet prior to all District Council meetings and at other times as deemed necessary by the Business Manager/Secretary-Treasurer and/or President.

Section 6.04 Seven (7) members of the Board shall constitute a quorum for the transaction of business.

Article VII. BUSINESS REPRESENTATIVES

Section 7.01 It shall be the duty of the District Council's Business Representatives to render such assistance to the Business Manager/Secretary-Treasurer as he or she may require and, under his or her direction, to carry out their assigned functions. Business Representatives shall also be subject to assignment in accordance with Section 46 of the International Constitution.

Section 7.02 Business Representative Salary: The weekly salary for the elected Business Representatives shall be equal to forty-five (45) times the highest Journeyman rate in any painting/glazing District Council Collective Bargaining Agreement. Contributions shall also be made at forty-five (45) times the hourly rate for Journeymen per week to the IUPAT Industry Pension Fund, the IUPAT Annuity Fund and the DC4 Health & Welfare Fund.

- (a) Business Representatives and Organizers will be entitled to two (2) weeks of vacation and/or personal time, plus all recognized holidays and up to five (5) days of sick leave per year.
- (b) The Business Manager/Secretary-Treasurer, Business Representatives and Organizers shall receive a monthly automobile allowance of \$400. Eighty percent (80%) of general maintenance and insurance costs will be reimbursed upon submission of appropriate receipts.
- (c) Gas cards will be issued for business-related purposes only. Expenses for business-related parking fees will be reimbursed upon submission of appropriate receipts. An EZ Pass will be provided for tolls.
- (d) Cellular phones will be supplied to each Business Representative.
- (e) Business expenses may be reimbursed for in and/or out of town District Council business. Prior to reimbursement, receipt forms must be filed (who, why, where, when), reviewed, and approved by the Business Manager/Secretary-Treasurer.
- (f) The Political Director, the Director of Servicing, and the Director of Organizing shall each receive a weekly stipend of \$75.00.

- (g) Pursuant to Section 134(b) of the International Constitution, an increase in the Business Representatives' compensation may only be accomplished by amendment of these Bylaws. The delegates, with the approval of the General Executive Board, may reduce the Business Representatives' salary temporarily during a period of high unemployment among the membership;
- (h) Pursuant to Section 134(b) of the International Constitution, the salary of Business Representatives may not be increased by payment of overtime or payment for accrued but unused vacation or sick leave.

Article VIII. DUTIES AND AUTHORITY SUBJECT TO INTERNATIONAL UNION AND DISTRICT COUNCIL POLICIES

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

Article IX. NOMINATIONS AND ELECTION OF BUSINESS MANAGER/SECRETARY-TREASURER

Section 9.01 The Business Manager/Secretary-Treasurer shall be elected at-large by the members in good standing of the District Council.

Section 9.02 Each Local Union may nominate any number of candidates for the office of Business Manager/Secretary-Treasurer; and a nominee need not be a member of the Local Union that nominates him or her. Any member in good standing of the Local Union conducting nominations may nominate any eligible member of the District Council.

Section 9.03 In order to be nominated for the position of Business Manager/Secretary-Treasurer, one must be nominated in two Local Unions, provided that if this District Council has four or fewer Local Unions, one must be nominated in one Local Union.

Section 9.04 Candidates nominated for the office of Business Manager/Secretary-Treasurer shall be members in good standing of their Local Union, meeting the requirements of Sections 153(a) and 155 of the International Constitution.

Section 9.05 The notice of nominations and the ballot shall note that the Business Manager/Secretary-Treasurer shall also be an automatic delegate to General Conventions.

Section 9.06 The term of the Business Manager/Secretary-Treasurer and elected Business Representatives shall be four years and it shall commence immediately upon certification of the election results by the Election Committee.

Section 9.07 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

Article X. NOMINATIONS AND ELECTION OF DISTRICT COUNCIL BUSINESS REPRESENTATIVES AND DELEGATES

Section 10.01 There shall be five (5) elected Business Representatives: one representing Local 17, 43, 112, and 1203; one representing Locals 11 and 178; one representing Locals 31 and 38; one representing Locals 150 and 677; one representing Local 660.

Section 10.02 No Local Union with fewer than 150 active members in good standing as of April 1 of an election year may be guaranteed a Business Representative and no Local Union or grouping of Local Unions with fewer than 800 active members in good standing may be guaranteed more than one Business Representative. Should a Local Union that otherwise would be entitled to a Business Representative under the District Council Bylaws fall below 150 active members in good standing, that Local Union shall be grouped with the nearest Local Union as determined by the Business Manager/Secretary-Treasurer. Should a Local Union or grouping of Local Unions that otherwise would be entitled to more than one Business Representative fall below 800 members in good standing, that Local Union or grouping of Local Unions shall only be entitled to one elected Business Representative.

Section 10.03 The Business Manager/Secretary-Treasurer, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.

Section 10.04 The Business Representatives shall be elected at-large by the membership of all Local Unions fully affiliated with the District Council.

Section 10.05 Fully affiliated Local Unions entitled to Business Representative(s) under Section 10.01 shall nominate candidates for Business Representative(s) from among their respective members. The Business Representative nominees must be members in good standing of their Local Union, meeting the requirements of Sections 153(a) and 155 of the International Constitution.

Section 10.06 In order to be nominated for the position of Business Representative, one must be nominated in two Local Unions, provided that if this District Council has four or fewer Local Unions, one must be nominated in one Local Union.

Section 10.07 The term of the elected Business Representatives shall be four (4) years and the term shall commence immediately upon certification of the election results by the Election Committee.

Section 10.08 The notice of nominations and the ballot shall note that the Business Representative(s) shall also be an automatic delegate to the District Council.

Section 10.09 The term of District Council Delegates shall be four (4) years, and they shall be elected in the same year as the Business Manager/Secretary-Treasurer and Business Representatives. The term of District Council Delegates shall commence immediately upon certification of the election results by the Election Committee.

Section 10.10 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

Article XI. ELECTION BOARD: ELECTION PROCEDURES

Section 11.01 The President of the District Council shall appoint in January of each election year an Election Committee from among the regular delegates. This Committee shall adopt rules governing the election, which rules shall be consistent with the Election Guide published by the General Executive Board, and it shall supervise the election of Business Manager/Secretary-Treasurer and Business Representatives in accordance with the District Council Bylaws and the International Constitution. Upon the request of the Election Committee, the President may appoint assistants to act as tellers or perform other election related duties from the membership of the District Council.

Section 11.02 The Election Committee and assistants shall receive compensation in the amounts established by the delegates of the District Council.

Section 11.03 The election of the Business Manager/Secretary-Treasurer and Business Representative(s) employed by the District Council shall take place in June of each election year as per Section 153(b) of the International Constitution. Nominations shall take place in the Local Unions' last meeting in May. Notice of the Local Unions' nomination meetings, and the election, shall be given by the Business Manager/Secretary-Treasurer by mail posted to the last known home address of all members at least five (5) days prior to the nomination dates and at least fifteen (15) days prior to the election date.

Section 11.04 Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

Section 11.05 Voting shall be at such date, times, and locations as shall be established by the Election Committee.

Section 11.06 Each candidate may designate one election observer to remain in each polling place. An observer must be a member in good standing of the District Council. No other persons shall be allowed to remain in the polling place(s) except members of the Election Committee and the Committee's assistants. Observers also may be present at the counting of the ballots.

Section 11.07 At each polling place, a designee of the Election Committee shall verify that each of its members who votes is in good standing.

Section 11.08 The Election Committee shall prepare ballots with numbered tear-off stubs and with the names of candidates printed alphabetically along with their Local Union number. Candidates for Business Manager/Secretary-Treasurer and for Business Representatives for each Local Union entitled to a Business Representative under Section 10.01, respectively, shall be separately grouped and listed on each ballot. Each ballot shall clearly state the number of candidates to be voted for within each grouping. Voting machines may be used in lieu of paper ballots, provided candidates are listed as stated above.

Section 11.09 After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots.

Section 11.10 Immediately upon the completion of the vote count, the Election Committee shall submit to the Business Manager/Secretary-Treasurer, a report listing the total number of votes cast, the number of ballots disqualified, if any, and the reason for such disqualification, and the votes cast for each candidate.

Section 11.11 The candidates receiving the highest number of votes in each grouping shall be elected.

Section 11.12 All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

Section 11.13 In accordance with Section 157 of the International Constitution, any protest concerning election or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

Article XII. VACANCIES

Section 12.01 All vacancies shall be filled in accordance with Section 159 of the International Constitution.

Article XIII. NOMINATION AND ELECTION OF AFFILIATED LOCAL UNIONS OFFICERS AND DELEGATES

Section 13.01 Affiliated Local Unions shall hold nominations and elections of delegates to this District Council, Local Union Officers, and Executive Board members.

Section 13.02 Delegates to the District Council shall be elected by all affiliated Local Unions on the following basis:

One (1) delegate for every twenty-five (25) members, up to a maximum of eight (8) delegates.

The President of each affiliated Local Union may appoint up to two (2) alternate delegates to the District Council who may attend District Council meetings, thereby having a voice and vote, only when an elected delegate is absent.

Elected delegates unable to attend a District Council meeting must provide reasonable advance notice to the President of their Local Union so as to permit the Local Union President to arrange for an alternate delegate to attend the District Council meeting(s) in place of the elected delegate.

Section 13.03 To be entitled to elect delegates, each affiliated Local Union is required to be current in its payment of per capita tax to the International Union and the District Council.

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

Article XIV. NOMINATION AND ELECTION OF PRESIDENT, VICE PRESIDENT, TRUSTEES, WARDEN, AND DELEGATE MEMBERS OF THE EXECUTIVE BOARD

Section 14.01 The President, Vice President, Trustees, Warden, and other members of the Executive Board shall be nominated, and elected by secret ballot, by delegates of the District Council within thirty (30) days after the District Council elections. To be eligible for such positions, nominees must be delegates to the District Council. The term of each office shall be four (4) years.

Section 14.02 The terms of office and salary provisions of these District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in the International Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

Article XV. FINANCES

Section 15.01 The revenue of the District Council shall be derived as follows:

- (a) Administrative Processing Fees. Administrative Processing Fees shall be in the amount(s) set forth in Sections 93 and 94 of the International Constitution. The Administrative Processing Fees may be waived or reduced by the District Council in connection with the organization of unorganized employees, or otherwise in special circumstances, with the approval of the Business Manager/Secretary-Treasurer.
- (b) Monthly administrative dues are hereby established in the amount of 5% of gross wages. With the approval of the District Council Delegates, the Business Manager/Secretary-Treasurer may establish a lower dues structure for specialty bargaining units.
- (d) When a member works outside the jurisdiction of this District Council and within the jurisdiction of another District Council affiliated with the International Union, and the Bylaws of that other District Council make provision for administrative dues, the member shall pay to that other District Council, either directly or by check-off, the amount of administrative dues.

When a member works outside the jurisdiction of this District Council and within the jurisdiction of another District Council affiliated with the International Union, and the Bylaws of that other District Council make no provision for administrative dues, the member shall continue to pay to this District Council, either directly or by check-off, the amount of administrative dues provided in the first sentence of this sub-section.

- (e) Assessments may be levied only in accordance with Section 93 of the International Constitution.
- (f) \$0.05 per hour is hereby added to the administrative dues check-off called for in Section (c) above. This additional revenue shall be placed in the District Council Organizing Fund. The Business Manager/Secretary-Treasurer shall determine how these funds are expended, provided such funds may only be spent for the purpose of organizing.

Section 15.02 The finances of the District Council shall be maintained, and appropriations of District Council funds shall be made, in accordance with Sections 132 through 137 of the International Constitution. All funds of the District Council shall be audited at least once annually by a certified public accountant; and copies of the audit report shall be submitted to the District Council delegates, each affiliated Local Union, and the International Union. Such audit shall be done in accordance with Section 132(c) of the International Constitution.

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

Section 15.04 Each Local Union upon affiliating with this District Council shall retain \$0.00 of its Local Union treasury. All remaining monies, real estate, and assets shall be turned over to the District Council upon affiliation.

Article XVI. DUES COLLECTION AND MEMBERSHIP REPORTING PLAN

Section 16.01 All administrative processing fees, dues and assessments payable to affiliated Local Unions by applicants and members shall be collected by the Business Manager/Secretary-Treasurer or by designated staff. Upon receipt of any payment, the Business Manager/Secretary-Treasurer shall issue a receipt for the same to the applicant or member, and shall record the receipt in an account for the applicable Local Union and in the individual member's ledger for each member.

Section 16.02 At the end of each month, the Business Manager/Secretary-Treasurer shall deduct from the dues received for each affiliated Local Union:

- (a) The per capita tax payable to the International Union,
- (b) Any per capita tax payable to the District Council,

- (c) Any monies due from the Local Union to any other IUPAT affiliated entity. As soon as possible, but no later than ten (10) days after the end of each month, the Business Manager/Secretary-Treasurer shall transmit the monies due from each Local Union to the International Union, the District Council and any other appropriate entity.

Section 16.03 The District Council shall retain all remaining funds after the per capita tax is paid and shall pay all reasonable Local Union expenses, provided that the expenditure is authorized by the Local Union Bylaws, or the membership of the Local Union voting at a regular or specially called meeting and approved by the Business Manager/Secretary-Treasurer.

Section 16.04 The per capita payment to the International Union shall be directed to the General Secretary-Treasurer and shall be accompanied by all Local Union reports required by the General Secretary-Treasurer, including the Monthly Activity Report required by Section 198(b) of the General Constitution and the Local Union Activity Report required by 198(e) and Section 199(b) of the General Constitution. Checks for per capita tax shall be made payable to the International Union of Painters and Allied Trades (IUPAT).

Section 16.05 Each Local Union Financial Secretary shall receive copies of all reports required to be made to the General Secretary-Treasurer, and a detailed report stating

- (a) The total receipts collected on behalf of the Local Union in the prior month,
- (b) the overall membership of the Local Union, with gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members suspended and reinstated, and the names and number of clearance cards deposited and issued,
- (c) A correct account of each member's financial standing together with the member's full name and address, social security and telephone number, date of birth and date of initiation.

Section 16.06 In order to fully and properly carry out his or her responsibilities under this Section the Business Manager/Secretary-Treasurer shall have authority to establish a procedure

- (a) For collection of dues by mail or other appropriate means and
- (b) For reporting changes of member's addresses and contact information by mail or by other appropriate means.

Section 16.07 The Business Manager/Secretary-Treasurer may authorize the Local Union Financial Secretary to receive dues payments and membership information from members, provided that such system requires that all dues received by the Financial Secretary shall be transmitted to the Business Manager/Secretary-Treasurer within five (5) days, and further provided that when the Financial Secretary receives dues payments from members he or she must provide the member with a temporary receipt (such receipt will indicate the amount received and the date only, and shall not indicate dues status. The official receipt from the District Council will indicate that information), a copy of 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.

Section 16.08 In carrying out his or her responsibilities under this Section, the Business Manager/Secretary-Treasurer shall be subject to and shall comply with all the provisions of the General Constitution, including but not limited to Sections 198 through Section 203, governing the duties of Local Union Financial Secretaries and Treasurers.

Section 16.09 The Business Manager/Secretary-Treasurer's duties shall include the filing of Life Membership Applications, Death Benefit Claims, Armed Services Cards, Clearance Cards, Beneficiary Cards, etc. The Business Manager/Secretary-Treasurer shall also be responsible for the preparation and filing of all required Government reports and forms. The Business Manager/Secretary-Treasurer shall secure the signatures of the proper Local Union officers on the Government forms and reports.

Section 16.10 The Business Manager/Secretary-Treasurer shall also perform the functions of the Local Union Treasurer, as per Section 203, and shall provide the Treasurer with such reports as are called for in the affiliated Local Union Bylaws for the Treasurer to report out at Local Union meetings. In carrying out these responsibilities, the Business Manager/Secretary-Treasurer shall be authorized to establish a bank account in the name of each participating Local Union (or move existing Local Union accounts), provided that no disbursement from such account shall be made without the sanction of the Local Union and the required signatures of the appropriate Local Union officers on the checks.

Section 16.11 The District Council Trustees shall audit the Business Manager/Secretary-Treasurer's records as they pertain to the Business Manager/Secretary-Treasurer's duties under this Article.

Section 16.12 Notwithstanding anything to the contrary in this Article, the Business Manager/Secretary-Treasurer and all other officers of the District Council and all participating Local Unions shall comply with all provisions of the Plan, as amended from time to time by the General Secretary-Treasurer.

Section 16.13 This District Council and all affiliated Local Unions shall use the IUPAT Integrated Membership System (IMSe) computer system or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity.

Section 16.14 The Business Manager/Secretary-Treasurer may designate any affiliated Local Union to continue to have all records, dues, and reporting done by the Local Union Financial Secretary and Treasurer in accordance with their duties as set forth in the International Constitution.

Section 16.15 The Business Manager/Secretary-Treasurer shall verify that all membership and financial records of the Local Union are accurate and correct, that all reports to the International and per capita payments are made on time, and that all required government forms and reports are timely filed by the Local Union. If the Local Union is not timely and accurate with all required reports and per capita payments to the General Secretary-Treasurer's office, or if the Local Union otherwise fails to maintain these standards, the General Executive Board may require the Local Union to participate in any centralized dues collection and membership reporting plan promulgated by the General Secretary-Treasurer.

Article XVII. MEMBERSHIP

Section 17.01 An applicant shall be considered a member upon meeting all requirements set forth in the International Constitution.

Section 17.02 A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification from membership after appropriate proceedings consistent with provisions of these Bylaws and the International Constitution, or by nonpayment of regular or administrative dues as provided by the International Constitution. A member who loses his or her good standing because of a failure to pay dues or other obligations as required by the International Constitution and these Bylaws may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections by payment of all delinquent dues and other financial obligations prior to such meetings and elections as provided by the International Constitution. Expelled members may be reinstated only in accordance with the International Constitution.

Section 17.03 Every member authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member and have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement, or out of his or her employment with such employer in such manner as it deems within its discretion to be in the best interests of the District Council. The District Council may decline to process any grievance, complaint or dispute if, in the sole discretion and judgment of the Business Manager/Secretary-Treasurer or his designated representatives, such grievance, complaint or dispute lacks merit.

Section 17.04 Every member is obligated to adhere to these Bylaws, the Bylaws of his or her Local Union and the provisions of the International Constitution with respect to their rights, duties, privileges and immunities. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

Section 17.05 No member shall interfere with the elected officers or authorized representatives of this District Council or the International Union in the performance of their duties, and each member shall, when requested, render such assistance and support as may be required of them, provided the request does not interfere with the individual's right as a member.

Section 17.06 Every member shall assist the International Union, its subordinate bodies, the District Council and the Local Union, as well as their officers and representatives, by engaging in picketing, hand-billing, salting and other organizing activities, and attending education and training and seminars, as directed and assigned. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing, provided that such employment is approved and directed by the Business Manager/Secretary-Treasurer or his designee.

Section 17.07 All members, when notified by the District Council, shall serve as needed for Mandatory Concerted Activity (MCA) Duty. Members shall be called to serve in alphabetical order from the roster of the District Council until the entire roster has been exhausted. Once the roster has been exhausted, the process will repeat itself as needed. Any member who fails to serve his/her turn may be, upon finding of guilt, discharged or suspended from membership and/or fined in an amount to be determined by the Trail Board. Members will have the option of paying an out of work member the sum of \$40.00 for assuming their scheduled organizing duty.

Article XVIII. WORKING CARDS AND WORK REFERRALS

Section 18.01 In order to properly identify members of the District Council, and to record the good status of each member, the IUPAT Official Member ID Card shall be issued to members by the Business Manager/Secretary-Treasurer or by designated staff, or the IUPAT Member Mobile Portal may be used in lieu of presenting a physical card. These cards shall serve as working cards. Accordingly, they shall include the member's dues status, picture and other information as designated by the General Secretary-Treasurer.

Section 18.02 It shall be the duty of all members to carry their working cards at all times. Failure to comply may subject the member to charges, trial and such penalties as the District Council may decide.

Section 18.03 All members must show their working cards and/or work referrals when requested to do so by a member of the District Council, provided the requesting member displays his or her card. The member shall be required to show his or her working card and/or work referral when requested to do so by an authorized representative of the District Council or the International, provided the representative displays his or her card.

Article XIX. MEETINGS

Section 19.01 Regular meetings of the District Council shall be held bi-monthly beginning in January and shall be on the third Monday of each meeting month.

(a) Meetings shall be opened at 6:00 p.m. promptly and shall be held at the following locations:

- (i) The District Council 4 headquarters located at 585 Aero Drive, Cheektowaga, New York, during the months of January and July;
- (ii) 244 Paul Road, Rochester, New York during the months of March and September.
- (iii) 615 West Genesee Street, Syracuse, New York during the months of May and November

(b) The Business Manager/Secretary-Treasurer or President of a District Council shall have the authority to use, at his/her discretion, video conferencing as a means to conduct the monthly meeting of the District Council. Meetings may be moved to a new location only after providing members with at least 15 days' notice.

Section 19.02 A quorum shall consist of four (4) of the affiliated Local Unions having representation at the meeting.

Section 19.03 Special meetings may be called by the Business Manager/Secretary-Treasurer and President acting jointly, or upon written request of delegates representing at least six (6) of the affiliated Local Unions provided that notice of date, time and place of such meetings is given to all delegates at least 48 hours in advance of the meeting.

Section 19.04 Only duly elected and credentialed delegates and representatives of the District Council, International Representatives and invited guests may attend Council meetings. The Business Manager/Secretary-Treasurer shall keep a roll call record book to record the presence or absence of all credentialed delegates and Officers of the District Council at meetings. The seat of any delegate or officer that is absent from three (3) consecutive meetings without reasonable excuse shall be declared vacant and the vacancy shall be filled in accordance with these Bylaws.

Section 19.05 The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes in accordance with Section 141(f) of the International Constitution and, prior to the next meeting, shall forward the same to all affiliated Local Unions, District Council Delegates, and the International Union.

Section 19.06 Meetings of the District Council shall be conducted and governed by the "Order of Business" and the "Parliamentary Rules and Rituals" set out in the International Constitution.

Article XX. WORK RULES AND GENERAL RULES

Section 20.01 In accordance with Section 85(e) of the International Constitution, all new members of this District Council must attend a new member orientation class offered by the District Council within 90 days of being initiated.

Section 20.02 All apprentice members of this District Council shall serve two (2) days annually as District Council activists. These days will not conflict with days worked under an IUPAT collective bargaining agreement. The activities must be sanctioned and supervised by the District Council. Activities may include, but not be limited to, Organizing, PATCH Fundraising, Political Member Mobilization and Community Outreach. Activist days will not count towards required apprenticeship classroom training. These activist days are in addition to any duty associated with obligatory organizing activity called for by these Bylaws for all members.

Section 20.03 In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair days work in workmanlike manner. Any member who is terminated for cause three times within a twenty-four month period shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.

In cases where the terminations resulted strictly from lack of skills, the Trial Board may require the member to attend journeyman upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 101 of the IUPAT Constitution, the Trial Board may recommend that Section 101 be implemented in lieu of expulsion.

Section 20.04 All members of the International Union entering the jurisdiction of this District Council to work herein shall deposit a clearance card (if seeking work on their own) or notify the Business Manager/Secretary-Treasurer (if working for a home employer at the request of the employer) as required by the International Constitution.

Article XXI. STEWARDS

Section 21.01 Shop and Job Stewards shall be appointed by the Business Manager/Secretary-Treasurer.

Section 21.02 Stewards are charged with the responsibility of notifying the Business Manager/Secretary-Treasurer or his/her designee of any potential violations of the International Constitution, these Bylaws, and/or the collective bargaining agreement, and of completing weekly steward reports in the form required by the Business Manager/Secretary-Treasurer.

Section 21.03 It shall be the duty of the Shop and Job Stewards to see that all persons have their working cards and to contact the District Council immediately if there should be any irregularity.

Article XXII. TRIALS AND APPEALS

Section 22.01 The Trial Board of a District Council shall consist of seven (7) members of the Executive Board appointed by the President. (See International Constitution, Section 262(b)).

Section 22.02 The Trial Board shall be governed by the procedure set forth in the International Constitution.

Section 22.03 In the application of all rules and procedures relating to trials of members, the essential requirements of due process of law - notice, hearing, and judgment based upon the evidence - shall be observed without requiring technical formality followed in courts of law.

Section 22.04 Charges must be filed within a reasonable time as specified in Section 263(a) of the International Constitution.

- (a) Copies of all charges, together with the notice of hearing, shall be served by Registered or Certified Mail, addressed to the last known address of the member charged at least fourteen (14) days prior to the date of the trial.
- (b) The conduct or activity constituting the basis of the charges must be described in the charges with sufficient particularity that the charged member can prepare a defense. The charges shall provide dates, places and persons involved where possible.
- (c) The Trial Board shall not include among its members any person who is an accuser or witness to the events forming the basis of the charge.
- (d) The Trial Board shall arrange to have accurate summaries of the evidence, as well as all exhibits kept as the trial record.

- (e) The accused shall have the right to confront and cross examine witnesses giving testimony against him or her.
- (f) The Trial Board shall give to the accused full opportunity to make his or her defense and to produce testimony or documentary evidence for that purpose.
- (g) The decision of a Trial Board shall recite the facts which it finds to be true and shall also set forth the basis for the decision reached.
- (h) All documents in the proceedings, as well as summaries of evidence or stenographic minutes, shall be preserved and kept available for use on appeal.
- (i) Every accusation must be supported by proof, even though the accused may not appear.

Section 22.05 An appeal from the Trial Board decision may be made directly to the General Executive Board of the International Union in accordance with Sections 277 and 278 of the International Constitution.

Article XXIII. BONDS

Section 23.01 Officers of the District Council and its affiliated Local Unions shall be bonded in accordance with the International Constitution.

Article XXIV. STRIKES AND LOCKOUTS

Section 24.01 In the event of a strike in support of collective bargaining demands, members who are required by the language of the applicable collective bargaining agreement to continue to work during the strike and who will be eligible to vote on ratification of the agreement being negotiated, shall each be assessed an amount equal to two (2) hours wages per day worked.

Section 24.02 Additional procedures regarding strikes and lockouts shall be handled in accordance with Sections 249 through 252 of the International Constitution.

Article XXV. PROPERTY

Section 25.01 The funds and property of the District Council shall be governed by Sections 129-131 of the International Constitution.

Article XXVI. AGENCY

Section 26.01 Neither the District Council, nor any of its officers or employees, is authorized to make any representation, contract, or agreement, or to incur any liability, on behalf of the International Union without the express, written consent of the General President. Neither the District Council, nor any of its Officers or employees, is an agent of the International Union and such officers and employees shall not hold themselves out as agents of the International Union.

Article XXVII. AMENDMENTS

Section 27.01 These Bylaws may only be amended in accordance with Section 125 of the International Constitution.

Article XXVIII. STANDING COMMITTEES

Section 28.01 The Business Manager/Secretary-Treasurer shall appoint from among the members of the District Council the following standing committees:

- (a) Bylaws Committee.
- (b) Building Committee
- (c) Retirees Committee.
- (d) Community Organizing for Real Economics Committee, which shall be charged with organizing, political action and community outreach.

Article XXIX. SAVINGS CLAUSE

Section 29.01 These shall not be construed in a manner that would violate law.

Section 29.02 If any provision of these Bylaws shall be declared invalid or inoperative by a competent authority of the federal, state, or provincial government, the Executive Board, subject to approval of the Delegates, shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any provision of these Bylaws should be declared invalid by any tribunal of competent jurisdiction, the remainder of these Bylaws, or the application of such article or section to person or circumstances other than those as to which it has been held invalid, shall not be affected thereby.