

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: January 25, 2022

BYLAWS

LOCAL UNION #38

District Council #4

Article I. BYLAWS

Section 1.01 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 #4. 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 II. NAME

Section 2.01 This organization, a subordinate body of the International Union and an affiliated Local Union of District Council #4, shall be known as Painters Local #38.

Article III. JURISDICTION

Section 3.01 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 IV. OBJECTS

Section 4.01 The objects of this Local Union shall be as set forth in the Preamble, and Sections 2 and 165 of the International Constitution.

Article V. ELIGIBILITY FOR MEMBERSHIP

Section 5.01 Eligibility for membership in this Local Union shall be as set forth in the International Constitution and in policies adopted by the General Executive Board.

Article VI. OFFICERS

Section 6.01 Eligibility to hold office shall be as set forth in Sections 92 (b) and 210 of the International Constitution.

Section 6.02 Officers of this Local Union shall be as set forth in Section 185 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 189-192.

- (b) Vice President: The duties of the Vice President shall be as set forth in Section 194.
- (c) Recording Secretary: The duties of the Recording Secretary shall be as set forth in Sections 195-197.
- (d) Financial Secretary: The duties of the Financial Secretary shall be as set forth in Sections 156 (d), 198-202 and 211(d).
- (e) Treasurer: The duties of the Treasurer shall be as set forth in Section 203.
- (f) Trustees: The duties of the Trustees shall be as set forth in Sections 204-207.
- (g) Warden: The duties of the Warden shall be set forth in Section 208.

Section 6.03 When the District Council adopts the centralized Local Union dues, records and reporting plan outlined in Section 55 of the International Constitution, the following modifications will be in effect for dues collection, records, and reporting; and the Local Union officers' duties will be modified as outlined below.

- (a) Under the Dues Collection and Membership Reporting Plan adopted by Local Union #38 pursuant to Article XVI of the District Council #4 Bylaws, the Business Manager/Secretary-Treasurer of District Council #4 performs many of the functions of the Financial Secretary and Treasurer of Local Union #38. Therefore, the duties of the Financial Secretary and the Treasurer of Local Union #38 shall be as set forth in this Article.
- (b) Where the Financial Secretary receives dues payments from members (such as at Local Union meetings), he or she shall:
 - (i) Transmit such payments to the Business Manager/Secretary-Treasurer of District Council #4 within five (5) days,
 - (ii) 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 which calendar month dues are paid.
- (c) 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 shall include the following information:
 - (i) The gross receipts of the Local Union in the prior month,
 - (ii) 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 DC #4 and any other deductions,
 - (iii) The overall membership of the Local Union, with the gain or loss in membership in the prior month noted,
 - (iv) The number and names of members on application and those initiated,
 - (v) The number and names of members suspended and reinstated, and
 - (vi) The names and number of clearance cards deposited and issued.

- (d) The Treasurer shall retain copies of all reports and information received on a monthly basis from the Business Manager/Secretary-Treasurer of District Council #4. At each membership meeting, the Treasurer shall deliver a report to the membership, which report shall include the following information:
 - (i) List all deposits made to the Local Union account, if any,
 - (ii) A copy of the Local Union cash disbursements journal, if applicable,
 - (iii) A 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.
- (e) 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.
- (f) The Financial Secretary shall perform the Financial Secretary duties outline in Section 156(d) and 211(d) of the General Constitution from information provided the Financial Secretary by the Business Manager/Secretary-Treasurer of the District Council.
- (g) The Local Union shall use the IUPAT Integrated Membership Systems (IMSe) computer systems or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity.

Article VII. DELEGATES

Section 7.01 All delegates (other than delegates to the General Convention and those serving as delegates to central bodies, which are appointed by BM/STs) shall be elected at the June elections in accordance with Article XI of these Bylaws.

Article VIII. EXECUTIVE BOARD

Section 8.01 The Executive Board of this Local Union shall be as set forth in Section 185(c) of the International Constitution.

Section 8.02 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) To review all requests for donations, investigate the same 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. However, in the period between meetings the Executive Board shall be authorized to act for the Local Union in cases of emergency, subject to review at the next regular meeting.

Article IX. COMPENSATION OF OFFICERS DELEGATES AND COMMITTEE MEMBERS

Section 9.01 Officers:

- (a) President: \$130/month, Must attend Meeting Or be Excused
- (b) Vice President: \$75/month, Must attend Meeting Or be Excused
- (c) Recording Secretary: \$125/month, Must attend Meeting Or be Excused
- (d) Financial Secretary/Treasurer: \$175/month, Must attend Meeting Or be Excused
- (e) Treasurer: N/A see above
- (f) Trustees: Dues/Month, Must attend Meeting Or be Excused
 - (i) Trustees are not to receive any compensation until they have fulfilled their duties as outlined in Section 6.02(f)
- (g) Warden: Dues/Month, Must attend Meeting Or be Excused
- (h) At Large Executive Board Members N/A

Section 9.02 Delegates:

- (a) To District Council: \$75/Month in person Or Dues/Month virtual meeting
- (b) To Conventions, Conferences, etc.: Delegate attending shall receive per diem \$75-\$150 per day determined by the body prior to.

Section 9.03 Committee Members: N/A

Article X. BONDS

Section 10.01 Officers of Local Unions shall be bonded in accordance with Sections 60 (b) and (c) of the International Constitution and as required by law.

Article XI. ELECTIONS

Section 11.01 Elections shall be held under the procedures and provisions as set forth in Sections 209-212 of the International Constitution.

Section 11.02 The election of Local Union Officers and delegates to District Councils shall be held at the last meeting in June, and nominations for the same shall be held at the last meeting in May, as per Section 209(a) of the International Constitution. Delegates to the District Council shall be elected to a four (4) year term. Local Union officers shall be elected to a three (3) year term.

Section 11.03 Delegates to the General Conventions of the International shall be elected as set forth in Section 29 of the International Constitution.

Article XII. VACANCIES

Section 12.01 Vacancies occurring among the officers shall be filled in accordance with Sections 215 and 216 of the International Constitution.

Article XIII. DUES, FEES, AND ASSESSMENTS

Section 13.01 Dues:

(a) Dues shall be as follows:

(i) All members (regular/apprentice/industrial) shall pay \$42.00 a month. Dues shall be payable on a monthly basis

(ii) Life Membership fees shall be in accordance with Section 99 of the International Constitution.

(iii) Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union; such amount shall be rounded up to the nearest dollar, and such increase shall be effective the date the increase in the payments due to the International Union becomes effective, provided that, the Executive Board may waive this automatic increase, in whole or part, in any year it determines the increase is not needed.

(b) The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17(b) and 19 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 to 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 120 of the International Constitution.

(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.

Section 13.02 Clearance Cards: Clearance Card fees and rules shall be as set forth in Sections 234-246 of the International Constitution.

Section 13.03 Assessments: Assessments can only be levied in accordance with Section 93 of the International Constitution.

Section 13.04 Funds:

- (a) International Union Death Benefit Fund. The International Union's Death Benefit Fund is governed by Sections 283-285 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."
- (b) 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.
- (c) 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.
- (d) 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 177 of the International Constitution. Such required payments shall be made prior to allowing other expenditures.
- (e) The funds and property of a Local Union may only be used for such purposes as are specified in the International Constitution, the District Council Bylaws, these Bylaws, and as approved by a majority of the Local Union members present at a meeting at which the question is presented. Recurring and fixed expenses may be authorized by a single vote of the membership. Local Union's shall not make any non-per capita tax expenditures in excess of \$5,000.00 without prior written approval of the District Council Business Manager/Secretary-Treasurer.
- (f) On no consideration shall money from the Local Union Treasury be loaned or donated to members (strike, lockout and regularly established sick benefits excepted), provided that the Local Union may levy an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade. Before any such assessment is levied
 - (i) All members shall be notified by mail that the proposed assessment will be considered at the next meeting and,
 - (ii) The majority of members present and voting must approve the assessment in a secret ballot vote.

Article XIV. MEETINGS

Section 14.01 Regular Meetings: The regular meetings of this Local Union shall be held on a [Monthly] basis on the Fourth Tuesday of the Month at Fulton VFW. Meetings will be called to order promptly at 7:00pm. The Executive Board may change the date, time, or place of a regular meeting with 15 days' notice to all members.

Section 14.02 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 191 of the International Constitution.

Section 14.03 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 25 members.

Section 14.04 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.

Section 14.05 Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

Article XV. COMMITTEES

Section 15.01 There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section 169(b) of the International Constitution.

Article XVI. CONTRACTORS

Section 16.01 An employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the National Labor Relations Act or Provincial law) or in a permanent, policy-making position.

Section 16.02 Eligibility

- (a) Employers shall be eligible for membership, but they must comply with the trade rules and working conditions of the locality in which the work is performed, must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay themselves and all their employees the wages and benefits established by the applicable area collective bargaining agreement.
- (b) No employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates, 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 XVII. MEMBERSHIP

Section 17.01 An applicant is considered a member when the applicant meets all the requirements as 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 for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections 117-118 of the International Constitution.

Section 17.03 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 119 of the International Constitution. Expelled members may be reinstated only in accordance with Section 272 of the International Constitution.

Section 17.04 Resignation from membership is governed by Section 121 of the International Constitution.

Section 17.05 Members' Responsibility:

- (a) Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of these Bylaws, the District Council 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 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 or that such action would not be in the best interests of the District Council.

- (c) No member shall interfere with the elected officers or representatives of the International Union, the 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, the District Council and this 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, as directed by the International Union, the District Council or the 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.

Article XVIII. GENERAL RULES

Section 18.01 Work Rules and General Rules of District Council #4 Bylaws shall govern.

Article XIX. CHARGES AND TRIALS

Section 19.01 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 XX. EXHAUSTION OF REMEDIES

Section 20.01 No member or officer shall resort to any court or agency 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 XXI. PROPERTY

Section 21.01 The funds and property of the Local Union shall be governed by Sections 179-181 of the International Constitution.

Section 21.02 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.

Article XXII. AGENCY

Section 22.01 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 designee. Neither this Local Union, nor any of its officers or employees has been authorized or empowered to act as an agent of the International Union and shall not be deemed to be an agent of the International Union unless expressly authorized in writing by the General President or his designee to act in that capacity.

Article XXIII. AMENDMENTS

Section 23.01 Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section 169 of the International Constitution.

Article XXIV. STANDING RULES FOR UNION MEETINGS

Section 24.01 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 XXV. INTERNATIONAL UNION CONSTITUTION

Section 25.01 The Local Union acknowledges that the International Constitution supersedes any provisions of these Bylaws which are inconsistent with the 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 XXVI. SAVINGS CLAUSE

Section 26.01 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.

Section 26.02 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.