

CONSTITUTION AND BY-LAWS

The Bakery, Confectionery, Tobacco Workers, and Grain
Millers (BCTGM) International Union
LOCAL Union 374-G
Lancaster, Pennsylvania

Affiliated with
The American Federation of Labor
Congress of Industrial Organizations

Amended as of

2011

PREAMBLE

We the Workers engaged in The Baking, Confectionery, Tobacco, Grain Milling, kindred and other industries, in order to preserve and maintain our integrity as Individuals, Union Members and Employees, to make a more perfect Union, to improve our conditions, protect and serve our interests and welfare, and to establish and administer collective bargaining with employers, do enact this Constitution.

INDEX

ARTICLE	SUBJECT	PAGE
I	Name, Affiliation, Objects and Purposes.....	1
II	Meetings: Quorum	2
III	Officers and Duties	3
IV	Dues and Fees	8
V	Finances	9
VI	Elections	12
VII	Charges, Trials and Appeals, Basis for Charges.....	18
VIII	Rights of Members.....	26
IX	Amendments	27
X	Obligation	28
XI	Oath of Officers	28
XII	Order of Business	29
XIII	Rules of Order	29

This Book Belongs To. _____

CONSTITUTION AND BY-LAWS

Of

The Bakery, Confectionery, Tobacco Workers, and Grain Millers (BCTGM)
International Union
Local Union No. 374-G

ARTICLE I

Name, Affiliation, Objects and Purposes

SECTION 1

- (a) This Local Union shall be known as The Bakery, Confectionery, Tobacco Workers, and Grain Millers (BCTGM) International Union, Local Union No. 374-G (AFL-CIO).
- (b) It shall be affiliated with the Lancaster Labor Council, the AFL-CIO and The Pennsylvania AFL-CIO Central Body.

SECTION 2

- (a) It shall be the object of this Local Union to unite into one Local Union affiliated with the BCTGM, regardless of race, creed, color, nationality, religion or sex, all Workers eligible for Membership, employed in and around Lancaster, Pennsylvania.
- (b) This Local Union shall at all times strive to secure the highest possible living standards, improved and humane working conditions and economic security for its' Members.
- (c) Collectively and individually the membership is pledged to strive for the maintenance and extension of democratic principles and to fight all forms of bigotry, prejudice and intolerance.
- (d) This Local Union shall enforce the policies established by the BCTGM and fulfill the purposes and objectives thereof as set forth in the International Constitution and the laws, rules and regulations adopted thereunder.

SECTION 3 Local Constitution and By-Laws

- (a) The Constitution, By-Laws and amendments thereto must be in accord with the Constitution of the International Union and must be submitted to the International President for approval.
- (b) A copy of the Locals By-Laws and their amendments must be filed in the International Office.
- (c) This Constitution and By-Laws will be updated at least every four (4) years, commencing with the year 2007, by a committee appointed by the Local President and approved by the Local Union Executive Board.
- (d) Copies of this Constitution and By-Laws will be kept available at all offices maintained by the Local Union. These copies will be in a configuration that will provide for easy and economical coping and updating. This configuration to be created by the above mentioned Committee (By-Law Committee) and approved by the Local Union Executive Board.
- (e) In all cases of conflict or absence of specification, the Provisions of the International Constitution and By-Laws shall govern.

ARTICLE II
Meetings: Quorum

SECTION 1

- (a) Regular meetings shall be held on the third (3rd) Wednesday of each Month or may be changed by the approval of the Local Executive Board.
- (b) Summer Months (June, July, and August) will be canceled unless deemed necessary by the Executive Board.

SECTION 2

- (a) Seven (7) Members shall constitute a Quorum. If a Quorum has not assembled within fifteen (15) minutes after the scheduled time of a meeting, said meeting may be canceled and recorded in the Official Minutes.

SECTION 3

- (a) Special Meetings may be called upon the decision of a majority of the Executive Board or upon the request of a duly accredited International Union Officer or Representative, or upon the written request of one-fourth (1/4) of the members in good standing. Notice of the special meeting shall be published and posted at least twenty-four (24) hours in advance of the meeting. The Special Meeting may consider only matters listed in the call for the meeting. Special Meetings will not be scheduled on weekends or holidays. Emergency Meetings at which no matters will be voted upon, such as to hear Noted Speakers, International Union Officials, etc. may be held at the call of the Local Union President.

ARTICLE III Officers and Duties

SECTION 1

- (a) The Officers of the Local Union shall consist of one (1) President; one (1) Vice-President; one (1) Recording Secretary; one (1) Financial Secretary; one (1) Sergeant-at-Arms; one (1) Chief Steward and one (1) Board of Trustees, composed of three (3) members. At no time will anyone (1) person hold more than one (1) of the above mentioned Offices.

SECTION 2

- (a) The President shall preside at all meetings and preserve order, enforce the rules and be a Member of all Local Union Committees. This person shall be one of three (3) officials that have the authority to countersign all checks drawn upon the Local Union Treasury.

This person shall appoint all Committees of the Local Union unless a different method of appointment is specified. This person shall receive, read, and safely keep or refer to the proper Officer or Committee all communications. This person shall conduct the correspondence of the Union. This person shall be a Delegate, Ex-Official, of the Local Union to Conventions of the BCTGM

SECTION 3

- (a) The Vice-President shall assist the President in the discharge of his/her duties, and fill his or her place in case of the President's absence, death, removal or resignation.

SECTION 4

- (a) The Recording Secretary shall keep a true record of all proceedings of the Union. Such records or minutes shall show all official action taken in relation to accounting and financial matters. This person shall keep an up-to-date list of all Committees and shall be Custodian of all Union Bulletin Boards.

SECTION 5

- (a) The Financial Secretary shall collect and receive all money due the Union. This person shall keep a file of Membership Application Cards and a record of members enrolled and their payments. This person shall order necessary Dues Cards and see that names and proper ledger numbers of members are inscribed thereon. This person shall prepare and forward to the International Office of the BCTGM prior to the fifteenth (15th) day of each month the proper reports required with the payment of monies due. A duplicate of all such reports shall be kept in the Local Union Office and reported to the membership at each Regular Monthly Meeting. This person shall prepare and forward to the State and the Federal Government all necessary forms and monies as the law may require to keep this Local and its Members in good standing. This person shall deposit all money in the name of the Local Union in a bank selected by the Local Union.

This person shall make no disbursements without the sanction of the Local Union except for recurring charges such as rent, light, International per capita taxes and similar routine charges and salaries in accordance with the established schedule there for. All disbursements shall be only by check, duly countersigned by two (2) of the three (3) following positions: President, Vice President, or Financial Secretary. When Checks are drawn to pay specific bills the date and number of the check shall be noted on the bills and they shall be retained and preserved as financial records of this Local Union. There shall be no cash disbursements or checks drawn to "Cash" or "Bearer." This person shall keep a proper book of account and shall make a monthly report on money received, paid out or on deposit in the bank. This person shall have charge of the seal of the Union.

SECTION 6

- (a) The Chief Steward shall see that all provisions of the Master and Supplemental Contracts are enforced and assist the Union Representatives in any emergency situation that may arise during working hours. This person shall review the activities of the Union Representatives in order to improve the operation of the Steward System through reports and recommendations to the Steward Council Meetings and the Executive Board. The Union Representatives shall enforce the provisions of the Local's Constitution and By-laws and see that all Union Members' grievances are handled in accordance with the Contracts and Regulations adopted by the Local Union.

SECTION 7

- (a) The Sergeant-at-Arms shall assist in preserving order and shall present all applicants for membership and visitors. This person shall check membership lists at the Election Meetings and shall serve on the Election Committee unless he/she is running for any office.

SECTION 8

- (a) The Trustee shall supervise property of the Local Union.
- (b) The Trustee shall arrange for proper banking facilities.

- (c) The Trustee shall audit the books and accounts of the Financial Officer(s) at least once (1) every three (3) months covering quarterly periods designated by the International General Executive Board, for which purpose they shall obtain proper bank statements. The Trustees or Auditors shall furnish the International Secretary-Treasurer with reports showing the condition for each period at times prescribed by him/her on blanks supplied for the purpose, which reports shall be submitted and read at the Local Union Meeting.
- (d) The Trustees shall cooperate with any independent competent accountants who shall be engaged by the Local Union, and shall be responsible for furnishing copy of said report to the International Secretary-Treasurer, and shall submit either the report or a summary thereof to the Local Membership.
- (e) The Trustee shall verify that Officers and other persons connected with the Local Union who handle funds or other property thereof are bonded as required by applicable law and the Constitution and Regulations of the International Union.
- (f) The longest serving Trustee shall be the Chairperson of the Board of Trustees and shall be responsible to the Local Union and to the International Union for the proper functioning of the Trustees in each case.
- (g) The names and addresses of the Trustees must be furnished to the International Office.

SECTION 9

- (a) The President, Vice-President, Recording Secretary, Financial Secretary, Trustees, Sergeant-at-Arms and Chief Steward shall constitute the Executive Board. The Executive Board is empowered to act for this Local Union between Regular Membership Meetings but shall report all action taken to the following Membership Meeting. It shall also serve as the Trial Board under these By-laws. The Executive Board, if it so desires, may request or ask any Union Member to assist in its regular or any special Executive Board Meeting.

SECTION 10

- (a) At the termination of their term of office, by expiration or otherwise, all Officers shall turn over to their successor all money, property, papers, records and books of the Union which may be in their possession.

SECTION 11

- (a) Vacancies in office caused by death, resignation or removal for cause shall be filled for the unexpired term, in compliance with "Article VI Section 1 (b)" of these By-laws, subject to confirmation by Majority Vote of the Members voting at the next Membership Meeting.

SECTION 12

- (a) The activities and operation of each Officer elected and serving hereunder and the adequacy of books and records maintained hereunder shall be judged by the standards of the International Constitution with special emphasis upon the ethical practices on all Union Members and Officers.

SECTION 13

- (a) It shall be the duty of the Officers of this Local Union to make timely filing of all reports and returns which are required by law to be made by this Labor Organization.

SECTION 14

- (a) It shall be the duty of all Officers, Representatives, Stewards, I.R. Representatives and Serving Committee Members to attend at least every other scheduled Union Meeting. If more than two (2) consecutive union meetings are missed the person or persons shall be removed from office unless such absences were excused.

Excused absences *shall be granted on a uniform basis by the Executive Board for legitimate reason, e.g., illness, death in the immediate family, working at the Company during the time of the Union Meeting, etc.

- * (1) Excused absences shall be recorded in the Meeting Attendance Register by the Presiding Officer at the meeting in which the absence occurs.
- (2) All requests for excused absence must be in writing and signed by the individual desiring the excused absence. Forms shall be provided by the President upon request.
- (3) Vacancies in offices created by such removal shall be filled in compliance with Article VI Section 1 (b) of these By-laws. Representatives shall be appointed by the Local Executive Board In the event of a vacancy.

ARTICLE IV

Dues and Fees

SECTION 1

(a) Membership dues shall include the following financial obligations:

- (1) Initiation Fee of \$150.00
- * (2) Monthly Fees for Full Time Members (hereinafter referred to as dues or monthly dues) shall be in the amount of \$57.00 per calendar month and for Casuals \$22.00 per calendar month and for Seasonals \$32.00 per calendar month.

* (as of 1/1/2011)

(3) Fees.

SECTION 2

(a) All Dues shall become due on the first (1st) day of any calendar month and become past due after the last day in any calendar month.

SECTION 3

(a) Assessments shall be paid when dues are paid

SECTION 4

- (a) Any Steward or Officer of this Local who attends Regular Monthly Union Meetings, shall receive an amount equivalent to their monthly dues on a quarterly basis.
- (b) Any Officer or Steward who receives an excused absence from the Executive Board shall also receive an amount equivalent to their monthly dues for that particular month.

ARTICLE V Finances

SECTION 1

(a) The revenues of this Local Union shall be derived from initiation fees, monthly fees, disciplinary fees, readmission fees, assessments, and miscellaneous income.*

*Miscellaneous income may be derived from such matters as charges for withdrawal cards, interest on bank deposits or bonds and money secured from sales and various Union paraphernalia or supplies.

SECTION 2

(a) All monies from whatever source derived shall be placed in the general fund, except where special segregation of funds is specified or required.

SECTION 3

(a) To levy an assessment in this Local Union the following procedures must be followed:

(1) The Executive Board shall decide by majority vote that an assessment is necessary to meet extraordinary expenses or to provide funds for purposes authorized by the International Constitution.

(2) For at least twenty-four (24) hours prior to the meeting at which the question of levying an assessment will be put to a vote, the proposal for an assessment and the time and place of the meeting at which the vote will be taken shall be duly posted by the Recording Secretary on the Official Bulletin Boards.

(3) At such meeting a secret ballot vote shall be conducted and the proposition for levying the assessment shall be approved by the majority of the members in good standing voting thereon.

SECTION 4

(a) The funds of this Union shall be used in defraying necessary and legitimate expenses and charges of the organization and shall not be used ever for loans, gifts, or gratuities to Officers, Representatives, Members or other individuals.

SECTION 5

(a) All income of the Local shall be duly recorded and deposited in a timely manner. No disbursement of any nature shall be made from undeposited cash receipts.

SECTION 6

(a) The funds of this Union shall be placed in a substantial banking institution to be selected by the Trustees and the Executive Board, and approved by the General Body.

SECTION 7

- (a) All bills payable shall be authorized by the Union, except recurring charges such as rent, light, International per capita taxes and similar routine charges and salaries in accordance with the duly established schedule therefore:
- (1) Salary of the President (on a per capita basis) \$0.50 per member per month.
 - (2) Salary of the Vice-President (on a per capita basis) \$0.25 per member per month.
 - (3) Salary of the Recording Secretary (on a per capita basis) \$0.15 per member per month.
 - (4) Salary of the Chief Steward (on a per capita basis) \$0.20 per member per month.
 - (5) Salary of the Financial Secretary \$75.00 and to be increased in \$10.00 increments with each per capita increase of 50 members. (Base of 150 – April 20, 1977.)
- (b) The expense incurred or hours lost by Union Representatives Members due to official Union work shall be paid by the Local at the going rate which is the base rate per hour plus the Cost of Living Allowance per hour; (except for Negotiating Committee, where only straight time applies for hours worked).
- (b) Any person being excused from work for more than forty (40) hours per calendar year due to Union business, otherwise known as lost time wages, shall be paid 2% of their wages for each vacation week taken at the end of the calendar year to reduce the amount lost by the above mentioned, such as loss in overtime, etc.

SECTION 8

- (a) All disbursements of the Local Union shall be made by check, recorded on the check stub and issued and countersigned in accordance with these By-laws. There shall be no cash disbursements of any kind or any checks drawn to “Cash” or “Bearer.”

SECTION 9

- (a) Appropriate books and records shall be maintained at all times in strict conformity with the International Constitution.

SECTION 10

- (a) The fiscal year of this Local Union shall commence on January 1 and end on December 31 of each year.

ARTICLE VI Elections

SECTION 1

- (a) Nominations for officers in this Local Union shall be made at the regular membership meeting in the month of December prior to the expiration of the term of Office. Elections for such offices shall be held in the month of January of each year. All nominations and elections shall be conducted in accordance with the rules and regulations promulgated by the General Elective Board of the International Union. Officers duly and properly elected shall serve a term of office of two (2) years or until their successors have been elected and installed in Office, except in case of death, resignation or removal for cause.
- (b) In such cases (death, resignation, removal for cause), if the officer's term where the vacancy occurs is 50% or less expired, there shall be another election of that office for its expired term only (i.e. one (1) year for an Executive Office, eighteen (18) months for a Trustee vacancy, etc.)

If the unexpired term is less than 50% of the full term, the vacancy shall be filled by appointment of the President with approval of the members present at the first (1ST) meeting following the meeting in which the vacancy was announced. If an election is necessary, it shall also be held at the first regular membership meeting following the meeting in which the vacancy was announced.

- (c) A person may be nominated for any and all Offices of the Local Union, but no person shall be a candidate for more than one Office.

SECTION 2

(a) Every Delegate to the Convention must:

- (1) Have been a continuously good-standing, dues-paying member of the International Union and Local Union the Delegate represents for at least two (2) continuous years next prior to election;
- (2) Be provided with properly attested credentials from the Local Union the Delegate represents;
- (3) Have worked at least two (2) years immediately preceding the Convention as a wage earner in any branch of the trades, except for periods of layoff (including layoffs arising from plant shutdowns) and terminations being grieved, not to exceed twelve (12) continuous months, under the jurisdiction of the International Union or as an Officer or employee of the International Union or a Local Union;
- (4) Be able to show such number of Union labels as the General Executive Board may require.
- (5) Exempted from the requirements of (1) and (3) above shall be delegates whose Local Unions have not been in existence for two (2) years, provided that the continuously good-standing, dues-paying and wage-earning period of such delegates are not less than six (6) months.

SECTION 3 Qualifications to Hold Local Office

- (a) Any Member of the International Union may be elected to any Offices in a local union and may serve as such an officer provided the member meets the following requirements:
 - (1) In local unions established more than two (2) years, the member must be a continuously good-standing, dues-paying member of the International Union and the Local Union for at least two (2) continuous years next prior to election and must have worked for at least two (2) continuous years next prior to election in any branch of the trade under the jurisdiction of the International Union except for periods of layoff (including layoffs arising from plant shutdowns) and terminations being grieved, not to exceed twelve (12) continuous months or as an Officer or Employee of the International Union or the Local Union, provided that no member readmitted to membership after holding a retiring card and ceasing to pay dues shall be eligible to run for Local Union office until he/she has been a continuously good-standing, dues-paying member as set forth in this section for a period of two (2) years following deposit of the retiring card. No Local Union may require that a member have attended a specified number of Local Union Meetings in order to be eligible to run for Local Union Office.
 - (2) In Local Unions organized less than two (2) years, he/she must be a member in continuous good-standing and must have worked at the trade (as described in Article VI, Section 3(a)) for at least half the period of time that the Local Union was chartered by the International Union.
 - (3) Successful Candidates for Local Office shall continue to meet the requirements of good-standing membership as a condition to retaining the Office to which elected; failure to do so shall immediately terminate the term of Office and the Local Union shall arrange for the election of a Successor.

- (4) Successful candidates for the office of Local Union President and Financial Secretary who are elected to Local Office for the first time as well as newly elected or appointed Business Agents or Union Representatives working full time for the Local are encouraged to attend a one (1) week Education Conference sponsored by the International Union during the initial twelve (12) month period following their installation in office or appointment to Staff. The International Union shall cover the newly elected Local Officer's or newly appointed Staff Member's room and board expenses for such Education Conference. All other necessary expenses of such Local Officer or Staff Member incurred in attending said Education Conference shall be paid for by the Local Union.

SECTION 4

- (a) Members of the Board of Trustees shall hold Office for three (3) years. One (1) Trustee shall be elected each year.

SECTION 5

- (a) A member in good standing shall be eligible for election as a Union Representative. All Union Representatives shall be elected by a majority vote and hold tenure of two (2) years of service. Union Representatives shall be elected for each shift in Processing (Operational and Maintenance), P&D and Packing (Operational and Maintenance). The Union Representatives' Election to take place as soon as possible after the June Union Meeting of their last year of service. Unexpired terms where vacancies are created by transfer, resignation or death, shall be filled by appointment of the Local Executive Board.

SECTION 6

- (a) Elections shall be by secret ballot in accordance with the applicable Rules and Regulations promulgated by the International Union and the candidate receiving a majority of votes cast shall be declared elected. If no Candidate receives a majority on the first ballot, the second ballot shall be taken between the two highest candidates.

SECTION 7

- (a) Delegates of this Local Union to Conventions of the BCTGM shall be elected by secret ballot in accordance with the applicable Rules and Regulations promulgated by the International Union.

SECTION 8

- (a) In all secret ballot elections conducted under these By-laws, votes shall be counted only if cast for candidates duly and validly nominated. Write-in votes or paste-in votes shall be deemed invalid and ineffective.
- (b) Such elections shall be the responsibility of the Election Committee, who will contact each nominee for their acceptance or repudiate of the nomination; make up ballots; distribute, collect ballots while polls are open and count all ballots after election polls are closed.
 - (1) Any member(s) of this Election Committee, who is (are) also a nominee for election, shall relinquish their responsibility to count ballots for all of that election. They also may not be in the area other than to cast their vote at which time they must immediately leave the area and cannot participate in anything to do with the Election Committee or the the Election will be VOID. This supersedes any other By-Law referring to the Election Committee. His/Her replacement shall be made by appointment of the President of this Local.

- (2) This committee shall consist of four (4) members; one (1) from each Department plus the Sergeant-at-Arms of the Local.
- (3) Nominations for this Election Committee shall be made at the regular meeting in November following the Officer Elections. Committee elections shall be held at the Regular Membership Meeting in December. Candidates may be declared elected by plurality.
- (4) The Election Committee elections shall be the responsibility of The Trustees and the Sergeant-at-Arms of this Local or their appointed alternates.

SECTION 9

- (a) The Master Contract Negotiating Committee shall automatically consist of the President, Vice-President and Chief Steward of the Local Union. This committee shall be in effect from the time they are elected until they vacate that office. The Supplemental Contract Negotiating Committee shall automatically include the Local Union President, Vice-President and Chief Steward. In addition, one (1) Member in good standing from each of these three (3) Plant Departments (Procurement & Distribution, Processing, and Packaging). In addition, one (1) member in good standing from the Maintenance group. These four (4) Members shall be elected at the same time as the election of Officers is conducted in January but election shall be a separate ballot. The Union body as a whole may vote for one (1) Committee Member per Department. Supplemental Committee Members' tenure of service shall be for a period of two (2) years. Supplemental Committee Members shall also serve as Members of the Industrial Relations Committee during their term of service.

***ARTICLE VII**
Trials and Appeals
Basis for Charges

SECTION 1

- (a) The basis for charges against any Member, Officer, Local Union or Subordinate Body, for which he/she or it shall stand trial, shall consist of, but not be limited to, the following:
- (1) Violation of any specific provisions of the International Constitution or By-laws of local affiliates.
 - (2) Violation of the Member's and/or Officer's Oath.
 - (3) Gross disloyalty.
 - (4) Conduct unbecoming a Member or Officer.
 - (5) Secession or fostering of same.
 - (6) Any dishonorable act which injures the labor movement in general or the International Union in particular.
 - (7) Defrauding the local or International Union or any affiliate of money or property; or drawing and accepting any benefits of the International Union to which he/she is not entitled.
 - (8) Remaining at work when called upon to strike, or taking the place of a Union Member on strike.
 - (9) Undermining the International Union by joining or giving aid and comfort to any organization hostile to the Local or International Union.
 - (10) Gaining Membership through false statements or by concealing material facts.

- (11) Persecuting or injuring another Member in his/her work.
- (12) Violation of any regulations, rules, mandates and decrees of International or Local Union Officers or Bodies, authorized by this Constitution or the By-laws of Local Affiliates.
- (13) Wrongfully taking, retaining, mutilating, erasing, destroying or in any way injuring any money, books, papers, or any other property belonging to a subordinate affiliate or to the International Union.
- (14) Participation in any unauthorized strike, work stoppage or similar activities in violation of a collective bargaining contract.
- (15) Such other acts and conduct which are inconsistent with the duties, obligations and fealty of a Member of a Trade Union and which violate sound Trade Union principles.

Charges and Notices

SECTION 2

- (a) The charges must be filed in writing and be signed by a Member in good standing. The charges must specify both the particular provisions of this Constitution allegedly involved and the particular conduct constituting such alleged violation, in sufficient detail to afford the charged party fair opportunity to defend against the charges. If the charged party is a Local Union Officer charged with offenses arising from performance of his/her official duties, the charges must be signed either by one-third (1/3) of the members of the Local Union's Executive Board or by three (3) members of the Local Union.

- (b) If the Charged Party is an International Officer other than the International President, or is a Local Officer charged with offenses against the International Union, or is a Local Union, the charges shall be filed with the International President who shall first (1ST) determine if the charges state a probable violation, are supported by sufficient evidence to proceed and, if so, whether they are more properly filed with a Local Union. If the charged party is the International President, the International Secretary Treasurer shall perform those functions. In all other cases, the charges shall be filed with the corresponding Secretary of the Local Union of the Charged Party. The charges shall be filed in duplicate.
- (c) All notices and other papers required to be served under this Article shall be served personally or by telegram or by certified or registered mail.
- (d) The Officer with whom the charges are filed shall promptly serve one copy of the charges on the Charged Party (upon the corresponding Secretary of the Local if the charged party is a Local Union), and shall notify the Charged Party and the Charging Party of the time and place of trial, as well as the body before which the trial will be held.
- (e) The minimum notice before trial required to the Charged Party shall be thirty (30) days in the case of a Local Union, twenty (20) days in the case of an International Officer and ten (10) days in all other cases.

Trials

SECTION 3

- (a) The General Executive Board shall be the Trial Body for all trials of the Local Union, International Officer or Local Union Officer charged with offenses against the International Union. All other cases shall be tried by the Local Union Executive Board. Neither the Charging Party nor the Charged Party shall serve as a Member of the Trial or Appellate Body in any case.

- (b) Both the Charging Party and the Charged Party shall be given full and fair opportunity to present their case. Each shall have the right to be present throughout the trial, to present witnesses and other evidence on behalf of his/her case, to cross-examine witnesses appearing against him/her and to be represented by any member of this International Union not actively engaged in the practice of law; except in such instance where a Local Union is charged, in which case the Local Union shall be entitled to retain legal counsel.
- (c) All Trials and Hearings shall be conducted impartially and informally. The technical rules of evidence and similar legal technicalities need not be followed, but decision shall be based only upon the facts presented to the Trial Body during the trial.
- (d) The failure of any interested party in any case to appear before any trial or Appellate Body, after notice in accordance with this Article, shall not necessarily cause the postponement of the hearing or decision.
- (e) A stenographic record of any proceeding need not be taken, unless any directly interested party or the trial body shall request in advance that such be made, and shall be responsible for the cost of the preparation by a competent reporter of three (3) copies of the transcript, so that each Party, and the Trial Body, may have one (1). The Reporter shall attach an affidavit to each copy, stating that the same is a true and accurate transcript of the proceedings.
- (f) The decision shall be in writing and signed by an appropriate officer, and served on the charging and the charged parties.
- (g) If the charges are not sustained, they shall be dismissed and the accused shall continue to be entitled to full rights as though no charges had ever been filed.

If the charges, or any portion thereof, are sustained, the trial body may impose any penalty deemed necessary and appropriate under the circumstances, including but not limited to reprimands, fines, suspensions, expulsions, revocations of charters and orders to perform or refrain from performing any specified acts. Upon failure to comply with any such judgment (unless stayed in accordance with this Constitution) the Member, Officer or Local Union shall stand suspended.

- (h) If the charges are not sustained, and the Trial or Appellate Body is convinced that the same were not brought in good faith or were actuated by malice, the costs and expenses incurred in defending such charges shall be paid by the person or body responsible for improper commencement of the proceeding. In addition, the trial or Appellate Bodies finding bad faith or malice shall impose such penalty as in their judgment is deemed proper under the circumstances. However, no one shall be expelled for preferring charges in bad faith without notice and trial as prescribed in this Article.

Appeals

SECTION 4

- (a) Either the Charged or the Charging Party may take an appeal in accordance with this Article. The appeal must be filed with the International President within fifteen (15) days after the receipt of the decision being appealed, shall be in writing and specify the portions of the decision being appealed and the reasons for the appeal.
- (b) Appeals from decisions of the Local Union Executive Board shall be taken to the General Executive Board. Appeals from decisions of the General Executive Board shall be taken to the Convention.

However, in the event that the next Convention is more than one (1) year away from the time of the final decision of the General Executive Board, the charged party shall be considered to have exhausted all internal remedies with the decision of the General Executive Board. Where the appeal is to the Convention, the appeal shall be referred to the Appeals Committee, which, when necessary, shall be a standing committee of the particular Convention. The Appeals Committee shall hear and consider the appeal and make a recommendation, but the decision shall be made by the Convention.

- (c) The judgment being appealed must be complied with before the filing of the appeal, unless the International President, for unusually good cause shown, shall specifically and in writing stay the enforcement of the judgment in part or in whole. Absent such stay, the judgment shall stand and remain in full force and effect unless and until reversed by the Appellate Body.
- (d) The Appellate Body shall have discretion to consider the case on the basis of the record made before the Trial Tribunal, or by a retrial of all or some issues, and shall also have discretion as to whether the Parties may present their position in person and/or in writing. The Parties shall be given adequate notice of the procedures to be followed so that they will be afforded a fair opportunity to present their case.
- (e) The provisions of (c), (d), (f) and (g) of Section 3 hereof shall be applicable to appeals.

Trusteeship Over Local Unions

SECTION 5

- (a) For the purpose of this Section, "Local Union" shall include any Subordinate Body of the International Union. Trusteeships may be imposed over Local Unions in accordance with the following provisions of this Section.

- (b) The President, with the approval of the General Executive Board, may appoint a Special Trustee for the purpose of:
- (1) Correcting corruption or financial malpractice;
 - (2) Assuring the performance of collective bargaining agreements or other duties of bargaining representatives;
 - (3) Restoring democratic procedures;
 - (4) Otherwise carrying out the legitimate objectives of such Local Union.
- (c) Immediately upon the General Executive Board's approval of the appointment of a Special Trustee, the International President shall, with the approval of the General Executive Board, appoint a Trusteeship Hearing Officer for the case.
- (d) The hearing shall be held before the Trusteeship Hearing Officer as soon as is consistent with due process, but with not less than ten (10) days' notice, and also not later than thirty (30) days after the appointment of any Special Trustee. All interested parties shall be given a fair and nondiscriminatory opportunity to present their views on the Trusteeship.
- (e) The Trusteeship Hearing Officer shall as expeditiously as possible decide whether a Trusteeship is absolutely required under the standards set forth (4th) in this Section, and in addition whether there has been strict compliance with the procedures of this Section. Should the Trusteeship Hearing Officer find such requirements and compliance met, the General Executive Board's appointment of the Special Trustee shall be affirmed and the Special Trustee shall continue to perform his/her duties. Should the Trusteeship Hearing Officer decide otherwise, the appointment of the Special Trustee shall be vacated and the General Executive Board shall not have power to appoint a Special Trustee over the particular local union, unless and until different cause should arise or the procedures of this Section are satisfied in a new proceeding.

- (f) Upon the effective appointment of a Special Trustee, the functions of all the Officers of the Local Union shall terminate and pass to the Special Trustee, and the Special Trustee shall take possession of all the funds, books, papers and other property of the Subordinate Body and tender a receipt for same. The Special Trustee may reappoint former Officers or appoint new Temporary Officers who otherwise meet the qualifications to hold such Office as set forth in this Constitution. The Special Trustee shall institute all necessary action to recover money or other property of the Local Union. The Special Trustee shall take such other action as he/she deems necessary for the preservation of the rights and interests of the Members of the Local Union and of the International Union. The Special Trustee shall give bond to safeguard the Local Union's funds and assets.
- (g) The Special Trustee shall at all times be subject to the direction and supervision of the General Executive Board and his/her actions shall be subject to its review and approval. The Special Trustee shall submit monthly complete reports of his/her actions and of the affairs of the Local Union to the General Executive Board and to the membership of the Local Union under his/her Trusteeship.
- (h) The Trusteeship shall be terminated as soon as it is possible and desirable, in the judgment of the General Executive Board.
- (i) The compensation and personal expenses of the Special Trustee shall be paid by the International Union, and shall be as authorized and approved by the General Executive Board.
- (j) When a trusteeship is to be terminated, the Special Trustee shall conduct elections of Officers of the Local Union. The Special Trustee shall install such Officers on the day the Trusteeship is terminated, shall return all funds, books, property and assets of the Local Union to its appropriate Officers who shall receipt for same and shall make a final accounting of the Trusteeship and submit it to the General Executive Board and to the Local Union.

Exhaustion of Remedies

SECTION 6

- (a) Every Member, Officer or Local Union against whom disciplinary action has been taken shall exhaust all remedies provided for in this Constitution before resorting to any other Court or Tribunal.

* This Section is subject to change so as to conform with the International By-laws

ARTICLE VIII Rights of Members

SECTION 1

- (a) Every good standing Member of this Local Union shall have equal rights and privileges within this organization to nominate Candidates, to vote in Elections and upon other issues of the organization, to attend membership meetings and to participate in the deliberation and voting upon the business before such meetings, but such rights shall be exercised with due regard for the order of the meetings and the necessity for reasonably prompt completion of each item on the meeting agenda, as determined by the presiding Officer, the Regular or Special Order of Business and the applicable Rules of Order.

SECTION 2.

- (a) There shall be no infringement upon or interference with any right which the International Constitution or applicable law assures to Members of this Organization but every Member shall be held to responsibility toward the International Union and this Local Union as institutions and shall be required to refrain from conduct that would interfere with the performance of the contractual or legal obligations thereof.

SECTION 3

- (a) At no time shall there be any verbal agreements, Gentlemen's Agreements, expressed or implied, that will change Contractual Language, between the Officers of Local #374-G, BCTGM and the Kellogg Company, Lancaster, Pennsylvania, unless such agreements are presented in writing to the Members of Local #374-G, BCTGM who shall vote to adopt or decline such agreements at the Monthly Meeting of said Local.

SECTION 4

- (a) Any motion made at a Monthly Union Meeting in order to add, delete, or modify the Supplemental Contract during the term of this agreement must be reviewed by the Executive Board of this Local Union prior to such a motion being voted on by the Membership.
- (b) The Executive Board must review all said motion(s) and post recommendations of said motion(s) prior to being voted on by the membership at the next Regular Monthly Union Meeting.

ARTICLE IX Amendments

These By-Laws or any Article or Section thereof may be amended by two-thirds (2/3) majority vote of the members present at a regular meeting, with the exception, however, that any amendment for an increase in Monthly dues may be effected by a majority vote of the members present at a Regular Meeting in accordance with applicable statutory requirements provided that the Amendment has been proposed in writing, signed by two (2) or more Members and read aloud at two (2) successive prior Regular Meetings and duly posted by the Recording Secretary on the Official Bulletin Boards for at least seven (7) days prior to the meeting at which the question of adoption is put to a vote. If the proposed Amendment would result in an increase in the rate of dues or initiation fees, adoption thereof must be accomplished by a secret ballot vote at such meeting.

ARTICLE X
Obligation

The newly elected Members, before being admitted to full Membership, shall subscribe to the following obligation:

“I, _____, pledge my honor to observe faithfully the Constitution and Laws of this Union; to comply with all rules and regulations for the government thereof; not to divulge or make public any of the private proceedings of this Union; to perform faithfully all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as not to bring reproach upon my Union, and at all times to bear true and faithful allegiance to The Bakery, Confectionery, Tobacco Workers and Grain Millers.”

ARTICLE XI
Oath of Officers

Before entering upon their duties, newly Elected Officers shall take the following obligation:

“I, _____, do hereby pledge my honor to perform the duties of my office as required by the By-laws of this Local Union and the International Constitution to the best of my ability; to bear true and faithful allegiance to The Bakery, Confectionery, Tobacco Workers and Grain Millers and to deliver all books, papers and other property of the Union that may be in my possession at the end of my term to my Successor in Office and at all times to so conduct myself as becomes an Officer of this Union.”

ARTICLE XII
Order of Business

The order of business shall be as follows:

Meeting Called to Order.
Roll Call of Officers.
Reading of Minutes.
Report of Membership Committee.
Initiation of New Members.
Correspondence and Bills.
Report of Officers and Committees.
Unfinished Business.
New Business.
Good and Welfare.
Adjourn.

ARTICLE XIII
Rules of Order

In the absence of any duly adopted standing rule, all parliamentary questions shall be settled by Robert's Rules of Order.