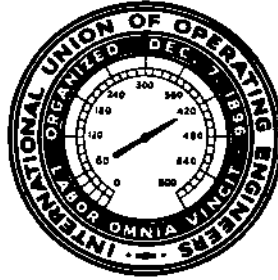


BY-LAWS



LOCAL UNION
18, 18A, 18B, 18C, 18D,
18G, 18S and 18RA
INTERNATIONAL UNION OF
OPERATING ENGINEERS



BY LAWS

Adopted by Vote of the Membership
October 4, 2003

Approved by General President
Frank Hanley

November 6, 2003

**LOCAL UNION
18, 18A, 18B, 18C, 18D,
18G, 18S and 18RA
INTERNATIONAL UNION OF
OPERATING ENGINEERS**

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It shall be the duty of all members of this Local Union to familiarize themselves with the content of these By-Laws and the working rules contained herein; with the Constitution of the International Union of Operating Engineers; and with the specific agreements governing their work.

OBJECT AND PURPOSE

For their object and purpose, Local Union 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA hereby adopt the language of the Constitution of the International Union of Operating Engineers, making only such changes as are necessary to make such language applicable to a Local Union. Wherever reference is made to gender in these By-Laws, the same shall be interpreted and construed as including both male and female.

The objects and purposes of this organization are to elevate the trade of Operating Engineer among all persons regardless of race, sex, creed, color or place of national origin (by which trade the membership thereof earns a livelihood for themselves and their dependents), to its proper position in the construction and stationary industry and the ranks of organized workers; to encourage a higher standard of skill among its members; to cultivate feelings of friendship among the persons of the craft and those who may employ them; to organize all persons working in the jurisdiction of this International Union; to assist its members in securing and stabilizing employment; to assist employers in obtaining skilled craftsmen from among its membership; to encourage and assist affiliated Local Unions to negotiate and consummate contractual relations with employers; to encourage and legislate for, or by economic means secure, such reduction of the number of daily and weekly hours of labor as will guarantee the proper distribution of available work to the greatest number of the craft; to bring about increased opportunity for recreation and rest and the proper freedom to observe the days set aside for religious worship and those recognized as the days to commemorate certain national, state and city events and Labor Day; to elevate the moral, intellectual and social conditions of all members by legal and proper means; and to encourage, aid and assist related Local Unions in the enforcement and improvement of State Engineers' License laws.

Local Union 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA shall be dedicated to law and order and pledged to support and maintain the established system of govern-

ment in the United States and the states within the jurisdiction of Local Union 18 and to comply with all federal and state laws under which this organization has grown and prospered; and to protect and strengthen our democratic institutions and to vigorously oppose the efforts of those who advocate the overthrow of the established order, either government or of this organization, by force or violence or subversive tactics.

ARTICLE I

NAME, JURISDICTION AND DISTRICTS

Section 1

This Union shall be known as Local 18, 18A, 18B, 18C, 18D, 18G, 18S, 18RA of the International Union of Operating Engineers and shall consist of the Parent Local No. 18 and its branches; it shall operate under the District Administration form of government.

Section 2

The territorial jurisdiction shall be that jurisdiction granted by the International Union of Operating Engineers, inscribed on the Charter as issued or as subsequently amended by the International Union of Operating Engineers, and it shall be divided into districts.

ARTICLE II

DISTRICT COMPOSITION

Section 1

The districts in the state of Ohio are, by counties, as follows:

DISTRICT ONE:

Ashtabula, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, and Medina.

DISTRICT TWO:

Allen, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams and Wood.

DISTRICT THREE:

Crawford, Delaware, Fairfield, Franklin, Hocking, Knox, Licking, Marion, Morrow, Muskingum, Perry, Pickaway, Union and Wyandot.

DISTRICT FOUR:

Auglaize, Butler, Champaign, Clark, Clinton, Darke, Fayette, Greene, Logan, Madison, Mercer, Miami, Montgomery, Preble, Shelby and Warren.

DISTRICT FIVE:

Adams, Athens, Brown, Clermont, Gallia, Hamilton, Highland, Jackson, Lawrence, Meigs, Morgan, Pike, Ross, Scioto, and Vinton. In Kentucky, the counties of: Boone, Campbell, Kenton and Pendleton.

DISTRICT SIX:

Ashland, Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Monroe, Noble, Portage, Richland, Stark, Summit, Tuscarawas, Washington and Wayne.

ARTICLE III

ALTERATION OF DISTRICTS

Section 1

The number of districts and the geographical boundaries of the districts may be changed at any time by the Business Manager of Local 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA, subject to the approval of the Executive Board or of the general membership at any regular meeting.

**ARTICLE IV
DISTRICT ADMINISTRATION FORM OF
GOVERNMENT**

Section 1

Local Union 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA adopt and herewith place in full force and effect the following provisions, powers and rights set forth in Article XXVI of the Constitution of the International Union of Operating Engineers, intending thereby to proceed under a District Administration form of government to the extent set forth in these By-Laws. The provisions, powers, and rights hereby adopted shall not be in limitation of the Local Union's general powers.

Local Union 18 shall have the power to:

(a) Designate or amend the district into which its territorial jurisdiction is confined;

(b) Provide for the organization, administration and supervision of its Districts;

(c) Provide for the holding of District meetings, granting to the districts the right to initiate legislation to the Local Union and to provide for trials before the various districts for violations of the working rules contained in the By-Laws of Local 18; (all other trials for violation of the Constitution, Ritual, Obligation and By-Laws of the Local other than the working rules shall be retained by the Local other than the working rules shall be retained by the Local Union and shall be held before the general membership as hereinafter provided); and to provide for electing representatives to the Local Union's Executive Board, committees and similar bodies as may be provided in these By-Laws and according to the Constitution of the International Union of Operating Engineers;

(d) Designate and empower the Local's Executive Board to act for the Local Union in business and administrative matters, election of members, and reinstatement of members and similar duties (in the interim between regular meetings of the general membership of the Local Union). The acts so adopted by the Executive Board shall remain in full force and effect subject only to revocation by action of the general membership of the Local Union if such action is

taken at the next subsequent general membership meeting following the adoption of the act in question;

(e) Authorize and empower the acts of the Business Manager;

(f) Adopt or amend the By-Laws by referendum or by general or called membership meetings to fix dues, establish working conditions or to consider other pertinent subjects;

(g) Provide for at least two regular meetings of the general membership each year and the method of convening other called meetings thereof. All meetings shall be deemed to be regular meetings of the general membership for all purposes outlined in the Constitution of the International Union of Operating Engineers.

ARTICLE V

**DELEGATES TO THE INTERNATIONAL CONVENTION
AND OTHER BODIES**

Section 1

The Business Manager, with the advice and consent of the Local's Executive Board, shall determine the number of delegates to the International Convention pursuant to the applicable Articles of the International Constitution.

Section 2

Delegates to the Convention shall be nominated and elected in accordance with the conditions of eligibility as set forth in Article XXIV, Subdiv. 1, Section (b) of the International Constitution, with the exception of the meeting attendance provisions.

The Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary and Treasurer, elected subsequent to the adoption of the By-Laws authorizing same, shall, by virtue of their offices, be delegates at large from the Local Unions to the International Convention. All other delegates and alternates to the International Convention shall be nominated at the District membership meetings in the month of December preceding the Convention. In order to be elected as a delegate or alternate, a member must be in good

standing, working at the trade with an employer under contract with the union, or actively seeking work at the trade through Local 18's referral system and shall not be retired at the time of nomination, election, or attendance at the convention and, in addition, the district he/she is nominated to represent must be his/her home district (district where their membership records are held), and except as provided in Article XXIV, Subdivision 1, Section (b) of the International Constitution, they must have been continuously registered or referred to work for one (1) year immediately prior to the month of nominations. The election of delegates and alternates shall be conducted by secret ballot mail referendum in the month of February. The delegates and alternates shall be elected at large within the districts. All districts shall elect the same number of delegates and alternates. In addition, each district shall also elect the same number of alternates as there are delegates elected. Where the International Constitution provides for more delegates than can be equally elected, any additional delegates shall be elected from districts having the greater number of members. Therefore, the first additional delegate shall be elected from the district having the greatest membership. In the event a second additional delegate is necessary, that delegate shall be elected from the second district having the greater membership and so forth. The delegate candidates and the alternate candidates who receive the largest number of votes in their district shall be the elected delegates and alternates. Alternates, if needed, shall be the alternate candidates receiving the highest number of votes in their district. Delegate and alternate candidates shall be listed on the ballot in their order of nomination.

Section 3

During the year of the Convention, district meetings, in the month in which the Convention is held, may be suspended at the discretion of the Business Manager with Executive Board approval.

Section 4

All delegates to state, local and interstate conventions or bodies may be appointed by the Business Manager with the advice and consent of the Executive Board.

Section 5

All delegates to said conventions and conferences shall submit a written report to the membership on the business transacted at such conventions or conferences.

Section 6

This Local Union may affiliate with such councils and central bodies as the Business Manager may deem advisable, with the advice and consent of the Local's Executive Board.

ARTICLE VI

REQUIREMENTS FOR MEMBERSHIP

Section 1

Each person desiring membership shall apply therefor by completing and signing the form of application adopted by this Local Union for such purpose, and shall pay the initiation fee, and applicable current dues, as set forth in Articles VII and VIII respectively.

Section 2

Each person desiring membership in either Local 18A, 18B, or 18C, except "C" branch members working in quarries and sand and gravel pits and those working under the equipment and motor shop agreements shall, by the execution of his/her application and his/her acceptance of membership of any of the aforementioned Local 18 branch locals, agree to pay in three yearly installments (each installment due on the anniversary date of his/her initiation) any differential in the initiation fee charged for members in such Local 18 branch and that charged for membership in Local 18 (Parent Local). Upon the expiration of the three year period and the payment of the differential in the initiation fee, such member shall be transferred into the Parent Local.

Each person presently holding membership in either Local Union 18A, 18B, or 18C, except "C" branch members working in quarries and sand and gravel pits and those working under the equipment and motor shop agreements shall, upon the third anniversary of their membership, or one year after the adoption of this amendment, whichever date occurs later, transfer to the parent body of Local Union 18.

ARTICLE VII
INITIATION FEES AND VOLUNTARY CONTRIBUTIONS

Section 1

The initiation fee of each applicant for membership in the Parent Local and all branches shall be:

Local 18	\$400.00 + quarterly dues
Local 18A	\$200.00 + quarterly dues
Local 18B	\$200.00 + quarterly dues
Local 18C	\$ 20.00 + quarterly dues
Local 18D	\$ 40.00 + quarterly dues
Local 18G	\$ 30.00 (See Article VIII re: dues)
Local 18RA	\$200.00 + quarterly dues
Owner	
Operators	\$400.00 + quarterly dues
Local 18S	\$ 40.00

In the event a member is initiated during a quarter, he/she shall pay the balance of that quarter's dues plus one quarter in advance.

- 1st Quarter: January through March
- 2nd Quarter: April through June
- 3rd Quarter: July through September
- 4th Quarter: October through December

Dues are payable on a quarterly basis on the first day of each quarter (30-day grace period).

Section 2

Effective September 1, 1980, each applicant for membership in Local Union 18, 18A, 18B, 18C, 18G and 18RA may voluntarily contribute \$12.00 to support the International Union of Operating Engineers' political action fund known as EPEC and may voluntarily contribute \$12.00 for the support of Local 18's Political Education Program known as PEP. Such funds shall be segregated and administered as according to law.

Section 3

Each applicant for membership in Local Union 18, 18A, 18B, 18C, 18G and 18RA may voluntarily contribute \$12.00 to the Local 18 Charitable Contribution Committee which, upon approval of the Executive Board, may make financial contributions on behalf of the membership of Local 18 to one or more recognized charities as they are defined by applicable law.

Section 4

When a member transfers from one branch into another branch, or into the Parent Local, he/she shall pay the applicable current dues, the difference in the applicable initiation fee, and the International tax.

ARTICLE VIII
DUES

Section 1

*Local 18	\$ 50.25 per quarter + 2.5%
*Local 18A	\$ 50.25 per quarter + 2.5%
*Local 18B	\$ 50.25 per quarter + 2.5%
*Local 18C (Shops, etc.)	\$ 35.25 per quarter + 1.5%
*Local 18C (Quarry)	\$ 41.25 per quarter
*Local 18D	\$ 57.00 per quarter
*Local 18G	Two times the employee's hourly rate per month to be paid quarterly
*Local 18RA	\$ 50.25 per quarter + 2.5%
*Owner Operator	\$134.25 per quarter
Local 18S	Two times the employee's hourly rate plus \$4.50 per month to be paid monthly

*Dues are payable on a quarterly basis on the first day of each quarter (30-day grace period).

The above quarterly dues increased as follows:

The International Union of Operating Engineers at its Thirty-Sixth Convention amended the Constitution providing for an increase in the monthly per capita tax of \$.75 effective July 1, 2003; and an additional \$.50 effective July 1, 2005.

Effective July 1, 2003 the quarterly dues therefore increased \$2.25 per quarter to cover the increased per capita tax for the period of July 1, 2003 to June 30, 2005.

Effective July 1, 2005 the quarterly dues will be increased an additional \$1.50 per quarter to cover the increased per capita tax.

There shall be charged to and collected from all members of Local Union 18, and its branches, except Local 18C quarry and sand and gravel pit members, Local 18D, Local 18G and 18S members, administrative dues in a sum equal to 2.5% of said members' gross wages, 18C equipment shops administrative dues amount will be 1.5%, which shall be deducted by the employer and paid to the proper authority in Local Union 18 through the Fringe Benefit office. In the event a member shall be working under a contract which does not permit said deduction, then said deduction shall commence as soon as the contract can be renegotiated so as to permit the deduction.

There shall be charged to and collected from all members of Local 18 and its branches who are owner-operator members, dues in the sum of \$134.25 per quarter (effective July 1, 2005, \$135.75 per quarter), provided, that upon the completion of the first quarter of any calendar year if all current dues are paid, the owner-operator member, upon presentation of evidence in writing showing that he/she or the contractor on whose payroll he/she has worked, has paid his/her hourly administrative dues to the proper authority, for all hours for which he/she has been paid in any calendar month for the preceding year, shall have returned to him/her the difference between the quarterly dues charged him/her under this paragraph and those quarterly dues charged to non owner-operator members of the Local Union to which the member belongs. The right to the return of such money shall be computed on a quarterly basis for the preceding year without carry-over from one month to the next.

Section 2

The dues of any member shall be reduced to \$29.25 per quarter, except 18S whose dues shall be reduced to \$9.75 a month (rate will increase \$.50 per month or \$1.50 per quarter,

effective July 1, 2005), during the time when such member is unable to work for any of the following reasons:

1. Sickness
2. Accidental injury
3. Retirement due to disability or age.
4. Service in the armed forces of the U.S.

Such reduction in dues shall be effective beginning the first day of the calendar month after notice in writing shall have been given to and received by the Local Union, together with a doctor's certificate of physical disability or proof of military service.

All regular dues must be paid up before reduced dues can be granted.

Proof of eligibility for such reduction in dues shall be submitted from time to time by members upon demand of the Local Union. Failure to present proof of eligibility within thirty (30) days of demand therefore shall cause such member to become ineligible for reduction of dues. Such failure, however, shall not prevent the member from re-submitting notice or proof at a later date.

Section 3

A traveling member from another local of the International Union of Operating Engineers who, for reasons of his/her own, does not desire to transfer into the Parent Local and who is eligible to transfer, shall pay travel service dues.

Section 4

Applicant's service dues and travel service dues shall be payable at the time and in the amount set by the International Constitution.

Section 5

Subject to the approval of the General President in any specific organizing campaign, the Executive Board shall have the authority, subject to the provisions of the International Constitution, to waive the applicant service dues or to set a lower initiation fee, or both, if in their opinion it is necessary, proper or advisable under the circumstances to secure or attain the objects, purposes and principles (or any of them) of this Local Union.

Section 6

A member of the Parent Local or any of its branches depositing a withdrawal card shall pay the applicable International assessments and the applicable current dues.

A member of the Parent Local or any of its branches depositing a service withdrawal card within ninety (90) days from the date of his/her discharge shall pay the applicable current dues and the International assessments, if any.

Section 7

When a member initially initiated into membership in this Local Union transfers out, and thereafter deposits his/her transfer card, he/she shall pay only the applicable International assessments and his/her applicable current dues.

Section 8

A member who has been suspended under provisions of Article XXIV, Subdivision 7, Section (h) of the International Union of Operating Engineers Constitution may be restored to membership in good standing in this Local Union and to his/her membership number upon compliance with the provisions of Article XXIV, Subdivision 7 plus the payment of \$50.00 reinstatement fee plus back dues and current quarterly dues in advance to this Local Union for the first reinstatement, \$100.00 reinstatement fee plus back dues and current quarterly dues in advance for the second reinstatement, and \$200.00 reinstatement fee plus back dues, current quarterly dues and the next quarterly dues in advance for the third reinstatement.

**ARTICLE IX
MEMBERSHIP DUTIES**

Section 1

Subject to the provisions of Article XXIV, Subdivision 11, Section (e) and Article VI, Section 4 of the International Constitution, every member by virtue of his/her membership in this Local Union authorizes this Local Union to act as his/her exclusive bargaining representative with full and exclusive power to execute agreements with his/her employer

governing terms and conditions of employment and to act for him or her and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his/her employment with such employer in such manner as the Local Union or its officers deem to be in the best interests of the Local Union. The Local Union and its officers may decline to process any such complaint, difficulty or dispute if, in their discretion, judgment and knowledge of the pertinent collective bargaining agreements in effect, such grievance, complaint, or dispute lacks merit. All other complaints and grievances shall be processed in accordance with Article XXIII of these By-Laws.

Section 2

No member shall interfere with the elected officers or the business representatives of this organization as they perform their duties, and each member shall, when requested, render such assistance and support to the performance of such duties as may be required of them, provided that this does not interfere with their individual rights as members.

Section 3

Members shall not espouse dual unionism or disaffiliation in the course of any meeting; shall not slander or libel the Local Union, where such slander or libel is contrary to the responsibility of every member toward the organization as an institution or specifically interferes with the organization's performance of its legal or contractual obligations; shall not be a party to any activity to secure the disestablishment of the Local Union as the collective bargaining agent for any employee; or interfere with its organizing efforts. No member shall be permitted at any assembly or meeting of other members to engage in any of the conduct hereinafter described.

Section 4

Membership in this Local Union shall not vest any member thereof with the right, title to or interest in the funds, property, or other assets belonging to this Local Union now

Section 6

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Section 4

Membership in this Local Union shall not vest any member thereof with the right, title to or interest in the funds, property, or other assets belonging to this Local Union now

or hereafter, and no member shall have a property right to membership in this organization.

Section 5

No member or applicant shall engage in conduct discreditable to the organization nor be guilty of any of the following acts:

(a) Failing to observe and follow customary and established regulations concerning assignment of work, transfer of work, reporting on or off the out-of-work list, or accepting employment without the proper job referral where signed contracts so stipulate.

(b) Disorderly conduct such as intoxication, using abusive or profane language or gambling in, on, or around any property being used or owned by the Local Union.

The defacing of the buildings with unauthorized signs, posters, etc., or the destruction or damaging of any property being used or owned by the Local Union, or the interference with or disruption of any election or election process concerning Local 18 or the International Union.

(c) Willfully or maliciously damaging any property, equipment or machinery.

(d) Leaving equipment during working hours without being properly relieved.

(e) Refusing to show dues books or receipts when requested to do so by a member, job steward, or business representative of the Union.

(f) Failing to report to the Local Union all violations of the collective bargaining agreement in effect with the employer.

(g) Failing to report a change in his/her current address.

(h) Failing to wear his/her membership dues button in plain sight while performing work as an engineer. No member shall give away or lend such button.

(i) Failing to comply with all safety rules and regulations governing the operation of any particular job on which he/she is working.

(j) Failing to appear before a District Advisory Board or other body after written request from said Board or other

body that his/her appearance is needed by them in the proper discharge of their duties.

(k) Failing to keep an accurate record of time worked and wages earned and received.

(l) Failing to make a claim for shortages in wages, overtime, subsistence and travel time within ten (10) days after payday.

ARTICLE X

WORKING RULES

Section 1

Any member becoming unemployed and who is desirous of obtaining employment within the jurisdiction of Local 18, shall immediately register for employment and upon registration, he/she shall be placed on the referral list in the group that he/she qualifies for in the district office of his/her choice. Such member seeking employment shall be permitted to register in only one district. Registration shall require the name, address and working telephone number through which the registrant can be reached.

Section 2

No member shall take over the position of a member discharged without just cause. Intoxication, negligence and incompetence constitute "just cause." Any member has the right to retain his/her position pending investigation of his/her dismissal.

Section 3

If a member is discharged for adherence to these working rules or to the agreement in effect between the Local Union and the contractor, no member will be allowed to take his/her place.

Section 4

Each member shall be paid in full when he or she completes his/her work on a job.

Section 5

Any member leaving his/her work without notifying the employer and the business representative, so that arrangements can be made for his/her replacement, may be disciplined by the Union.

Any member who accepts a job assignment under the referral policy shall be required to report to work on time and in a physical condition to perform the normal duties of an Operating Engineer. Any member violating this rule may be disciplined by the Union.

Section 6

No member shall have the claim-right to a job until he/she actually starts to work.

Section 7

The Local Union holds each member responsible for his/her own position. No member should accept a position held by a member who has not been properly laid off.

Section 8

No member may enter into a private contract covering hours, wages, or working conditions within the jurisdiction of this Local Union.

Section 9

No member shall teach a person who is not a member of this organization to operate a machine, which comes under the jurisdiction of this Local Union.

Section 10

Crews are responsible for the proper care and upkeep of the machinery on which they are working. Apprentices and oilers are under the supervision of the engineers at all times.

Section 11

Any operator working without an oiler on a piece of equipment, which requires one, shall be held responsible to the authority of the Local Union.

Section 12

Any member of this Local Union who becomes an employer may be granted a withdrawal card by the Union, after which time he/she will not engage in the operation of any equipment.

Section 13

The employment of Master Mechanics, where necessary, is encouraged. Each member should make every effort to qualify himself/herself for this very responsible position and, upon becoming qualified, he/she should notify the District Representative.

Section 14

If a member is in doubt about the application of these working rules he/she should call the District office. Ignorance of these working rules will not be held valid as an excuse. The violation of any part may be punishable by fine, expulsion, or both, as the authority of the Local Union may direct.

Section 15

No member shall interfere with a business representative in the performance of his duties under the collective bargaining agreements of this organization or refuse to follow the instruction of a business representative who is at the time enforcing the terms and conditions of the collective bargaining agreements of this organization.

Section 16

No member shall have the authority to take any strike action, which interrupts any employer's business except as authorized by official action of the Union. Any member taking such improper action shall not be deemed an agent or representative of the Union.

Section 17

Members shall recognize this Local Union's authorized picket lines and any request by its authorized representatives to withhold services.

Section 18

Any member who falsifies any record filed with the Local Union may be disciplined by the Union.

ARTICLE XI

LIFE MEMBERSHIP AND PAID-UP CARDS

Section 1

To be entitled to life membership and a paid-up card, a member shall have been in continuous good standing in Local Union 18 and its branches for not less than 30 years, provided that 25 years of said 30 years shall have been spent as a continuous good standing member of the Parent Body.

Effective January 1, 1994, any member who has been a member of Local 18B prior to 1965 (initiated in 18B), and has paid dues in Local 18 or Local 18B in continuous good standing for 35 years, shall become a paid-up life member.

Section 2

A recognition pin shall be awarded to a member who has maintained union membership in any local union of the International Union of Operating Engineers for a period of not less than twenty-five (25) years. Such member must have maintained continuous membership in Local 18 or its branches for a period of not less than fifteen (15) years to be eligible to receive the aforementioned recognition pin.

A 40-year recognition pin shall be awarded to a member who has maintained union membership in any local union of the International Union of Operating Engineers for a period not less than forty (40) years, provided such member has maintained continuous membership in Local 18 or its branches for a period of not less than twenty (20) years to be eligible to receive the aforementioned recognition pin.

Members who have maintained membership in Local 18 or its branches for fifty (50) years shall be recognized.

Section 3

Time accrued to members of branches shall only be considered when they have actually transferred from their respective branches into Local 18.

Section 4

Members who have been awarded a life and paid-up card and who thereafter become suspended, fined or expelled, shall lose all of the benefits of the said card for such period of time as the Executive Board may, at its option, require. Such members shall pay all or any part of the dues, which were waived since the issuance of said life and paid-up card as the Executive Board shall require.

Owner Operators who are awarded a life membership and continue to work at the craft shall have their dues reduced by the amount equal to the current base dues for parent body members.

Section 5

No member holding a life and paid-up card shall be relieved from the payment of assessments or administrative dues while working at the craft.

Section 6

Revocation of the charter of Local 18 shall make void all of the benefits granted to members by these rules covering life and paid-up cards.

ARTICLE XII

TRIALS

Section 1

These By-Laws shall be strictly enforced. Any member charged with violation of the working rules shall be tried before the District membership meeting in the District wherein the infraction or cause arose. Charges must be filed within thirty (30) days of the event or circumstance giving rise to the charge, or within thirty (30) days of learning of the event or circumstance, whichever is later. All pertinent constitutional procedures governing trials, charges and penalizing of members shall apply to such trial and procedure before the regular District membership meetings, except that the President is authorized to delegate to a deputy appointed by him such duties as are required of the President in conducting a trial, and any member aggrieved by the procedure or

the penalty assessed therein may appeal therefrom directly to the General Executive Board in the manner and form governing appeals under the Constitution.

Section 2

All other trials for violation of the Constitution, Ritual, Obligation and By-Laws, other than the working rules, shall be retained by the Local Union and held before the general membership, provided, however, that such trials may be referred to the various Districts whenever the Executive Board shall so order upon a finding that the interest of justice will be best served thereby. When a trial is referred to a District the President is authorized to delegate to a deputy appointed by him such duties as are required of the President in conducting a trial.

Section 3

All charges must be preferred in writing and signed by the complainant. Where the President is not the complainant, the charges must contain a signed statement of either the complainant or some other member that he/she has personal knowledge of the facts, which form the basis of the charges. Charges are to be filed with the Recording-Corresponding Secretary and read by the Recording-Corresponding Secretary at the next succeeding meeting following the filing of same. Immediately upon filing of such charges the Recording-Corresponding Secretary shall notify the defendant in writing, enclosing a copy of said charges, and of the date set for the filing of the answer or defense or the entering of a plea by the defendant, which date shall not be less than two (2) nor more than four (4) weeks thereafter. Charges shall be specific, stating clearly, concisely, and as accurately as possible the time, place, nature and circumstances of the offense alleged.

Section 4

Within thirty (30) days after the pleadings are filed, or the plea entered, or the time elapsed in which the same must be filed or entered, the Board within the Local Union established for the purpose shall order a pre-trial hearing and direct the complainants and defendants to appear at

said hearing. All parties shall be notified in writing by certified or registered mail providing the date, time and place of the hearing and the specific charges to be pre-tried. The purpose of the hearing shall be to define the issues and to make a preliminary determination as to whether the charges have merit. The Board, upon hearing all the parties, may, at its discretion, decline to process the charges as being without merit. However, decisions of the Board not to process the charges shall be appealable to the General Executive Board in accordance with the provisions of this Article. The failure of the complainant to appear at such pre-trial hearings may result in a dismissal of the charges by the Board. The Board shall also have the power to settle the matter at such a hearing in the event such a settlement is mutually agreeable to all parties.

Section 5

In the event the Board does not invoke the pre-trial procedures within the time set forth herein or invokes the procedures and determines to proceed with the charges on their merits; the following provisions shall then become effective:

After the pleadings are filed or the plea entered or the time elapsed within which the same must be filed or entered and the pre-trial procedure has been invoked and/or time limitations for same expired, the President shall cause the parties to be notified of the trial date, which must be the next regular meeting thereafter. Unless a request for postponement of the trial shall have been made to and granted by the President, the trial shall proceed upon the date set. Complainants and defendants may present their own cases or by counsel selected from among the membership of the International Union of Operating Engineers. After all the evidence is in and a full and impartial hearing has been had upon the issues, the President shall distinctly state the charge or charges and present the matter to the members present at said meeting for a vote.

Section 6

The said members shall vote by ballot, either guilty or not guilty on the merits of each individual charge.

Three (3) tellers shall be appointed, one (1) by the defendant, one (1) by the complainant, and one (1) by the President (if the President is either complainant or defendant then the third teller shall be elected by the meeting), which tellers shall collect the ballots and announce the verdict. A three-fourths vote of the membership recorded as present shall be required for conviction in cases involving expulsion and a majority vote in cases involving other penalties. If a verdict of guilty is returned the President shall then prescribe the penalty permitted by the vote to be imposed.

Section 7

In the event the complainant fails to appear at the time set for trial, the President may dismiss the charges unless otherwise determined by a two-thirds vote of the members present. In the event the defendant willfully fails to appear at the time of trial the said trial may be conducted in his/her absence, a vote taken by the tellers appointed by the President, a verdict announced, and a penalty imposed.

Section 8

Any member other than the President of the Local Union preferring charges against another member as provided herein must, at the time of filing the charges, deposit fifty dollars (\$50.00) in cash or certified check for each individual charge against each member charged. In the event a charge is proved, the deposit for that charge shall be returned to the member filing the same and, if not proved, shall be forfeited to the Local Union. Any member of a Local Union fined, disciplined or expelled shall have the right to appeal to the General Executive Board in the manner and form provided in the Constitution and the laws and rules established thereunder. Any appeal rightfully taken and properly filed wherein the penalty of expulsion is imposed shall cause the order of expulsion to be stayed until decision of the General Executive Board thereon. Unless by action of the General Executive Board thereon, waiving the requirement, no member may appeal from the imposition of a fine unless and until such fine first be paid by him/her.

Section 9

Any member who shall be found guilty of engaging in, advocating, approving or supporting the use of subversive tactics, force or violence, disruption, revolutionary or similar means designed or used to overthrow, destroy, nullify or otherwise render ineffectual the established order of the government of this Local Union or its International Union shall forthwith be expelled from membership or otherwise disciplined as the circumstances may require.

Section 10

Whenever the charged party is a traveling member, the Recording-Corresponding Secretary of Local 18 shall immediately send a copy of the charges to the Recording-Corresponding Secretary of the Local Union that the charged party is a member of. Upon completion of the trial, a copy of the verdict also shall be sent to the Recording-Corresponding Secretary of the Local Union that the charged party is a member of.

ARTICLE XIII

ELECTIVE OFFICERS: NOMINATION AND ELECTION

Section 1

The elective officers of this Local Union shall be the President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, Business Manager and three (3) Trustees and in addition to the Constitutional officers who are enumerated above, the Local Union shall elect three (3) Auditors, a Conductor and a Guard, and may also elect or appoint such committees and delegates, other than delegates to the General Convention, to state, interstate or provincial organizations as it deems advisable, consistent with applicable law. Officers of a Local Union may not seek to be elected or to hold more than two (2) offices in the Local Union and any two (2) offices may be combined and be held by one person, except that the offices of Financial Secretary and Treasurer shall not be combined or held by the same person.

Section 2

The term of office of elective officers shall be for a period of three (3) years.

Section 3

Every officer, employee or other representative of the Local Union who handles funds or other property thereof shall be bonded for the faithful discharge of his or her duties in such amount and as otherwise required by applicable law. The Local Union shall pay the expense of such bond.

Section 4

If any vacancy occurs in any office, it shall be filled in accordance with Article XXIV, Subdivision 1, Section (f) of the International Constitution.

Section 5

Every member in good standing in Local 18, 18A, 18B, 18C, 18D, 18G and 18S who is qualified for office under Section 504 of the Labor Management Reporting and Disclosure Act of 1959 and who has maintained his/her membership in Local 18, 18A, 18B, 18C, 18D, 18G or 18S for a period of (2) two years preceding the month of nominations, without being in default in the payment of his/her dues for more than thirty (30) days (dues are payable on a quarterly basis on the first day of each quarter (30-day grace period)) at any time during said two (2) years shall be held eligible to be a candidate for the office of Business Manager. Every member of Local 18, 18A, 18B, 18C, 18D, 18G and 18S who is qualified for office under Section 504 of the Labor Management Reporting and Disclosure Act of 1959, who is in good standing and has maintained his/her membership for one (1) year preceding the month of nominations, without such member being in default in the payment of his/her dues for more than thirty (30) days at anytime during said year and who also has been a member of Local 18, 18A, 18B, 18C, 18D, 18G or 18S for the two (2) years immediately prior to the election, shall be eligible to be a candidate for any office of Local 18 other than that of Business Manager. No member shall be considered in good standing unless he/she has paid all current dues to the Local Union

within thirty (30) days after they shall have become due and payable as reflected on the Union's records. All members of Local 18, 18A, 18B, 18C, 18D, 18G and 18S who qualify in accordance with the foregoing shall be eligible to be nominated with the exception of registered apprentice engineers, contractors and members retired from the craft or on pension. No member owner/operator of an entity that employs Operating Engineers shall be eligible for election, be elected nor hold office in any Local Union, nor nominate candidates in any Local Union election. No member, whose dues have been withheld by his/her employer for payment to the Local Union pursuant to his/her voluntary authorization provided for in a collective bargaining agreement, shall be declared ineligible to vote or to be a candidate for office in the Local Union solely by reason of alleged delay or default in respect to the payment of his/her dues.

Section 6

An owner-operator is a member who owns either directly or indirectly (marriage and/or family) an economic interest in a business which engages in the work scope, as defined in any of Local 18's collective bargaining agreements, utilizing any construction equipment described therein.

Section 7

In accordance with Article XXIV, Subdivision 1, Section (b) of the International Constitution, no member shall be eligible for election, be elected nor hold office who has not during the year, and in the case of one seeking the office of Business Manager two (2) years, immediately prior to the month of nominations, been continuously employed at the trade, or who has not actively sought continuous employment at the trade.

This restriction, however, shall not apply to any member, employed by or working for a Local Union or the International Union, or who has been assigned by his/her Local Union or the International Union to perform work in furtherance of the interests of organized labor, in either case in a sufficiently time-consuming capacity so as to preclude meeting the requirement of continuous employment at the trade or active seeking of continuous employment at the trade.

Section 8

In accordance with Article XXIV, Subdivision 1, Section (b) of the International Constitution, notwithstanding any other provision of this Constitution, no member retired from work at the trade shall be eligible for election, be elected nor hold office in any Local Union. This restriction, however, shall not be applicable to any member so retired who, at least one (1) year, and in the case of one seeking the office of Business Manager, at least two (2) years, immediately prior to the month of nominations, has ceased to accept retirement benefits and returned, or actively and continuously sought to return, to full time work at the trade. This restriction does not prohibit or preclude the Local Union from naming any officer as "Emeritus" or from using the peculiar talents of a given retired individual for the best interests and advancement of the Local Union.

Section 9

in accordance with Article X-Rt,--Subdivision -11-Section (e) of the International- Constititidtf; **ncroandidate - (including a²proapectivb⁵banditate)lor Local Union Office, and no porter of a -candidate for LOcal Union office, may solicit or accept any-direct or indirect financial support from any non-member -of the international Union of Operating Engineers or from any-foundation, corporation or other entity whose funds are derived in whole or in part from any person net a member of this International Union.**

Section 10

The election of Officers, Trustees, Auditors, District Executive Board members, Conductor and Guard shall be conducted by an Election-Committee composed of **WO (2) Mem-**bers elected from each of the Districts of the Local-Union, plus a Chairman appointed by the Business Manage The members of this committee shall be nominated and elected by secret ballot at the regular District membership meetings in the month of April in each election year. No member may serve as a member of the Election Committee while he or she is an officer, delegate or alternate candidate to the International Convention or a candidate for any office. In order to be

ected to the Election Committee, a member must be in good standing, working at the trade with an employer under contract with the union, or actively seeking work at the trade through Local 18's referral system and shall not be retired at the time of nomination, election, or during the term of service as a member of the committee, and in addition, the district he/she is nominated to serve must be his/her home district (district where their membership records are held) and must have been continuously registered or referred to work from that district for one (1) year immediately preceding the election. Should a vacancy on the committee occur by reason of retirement, or any other reason, the vacancy shall be filled from the district in which the vacancy occurred through appointment by the President.

The Election Committee shall be responsible for the formulation of rules and regulations for elections, the preparation, printing, distribution, collection **and tabulation** of the ballots. The Election Committee shall be empowered to employ the services of any person; firm, or organization; which it deems necessary to assist in the conduct of the election. The Election Committee shall provide adequate safeguards to insure a fair election and it shall maintain the secrecy of the ballots. The Election Committee shall submit a written report of the results of the election to the Local Union.

Section 11

The Election Committee shall conduct the election in accordance with these By-Laws, the International Constitution, such rules and regulations as may be promulgated by the Executive Board of this Local Union, and in strict conformity with applicable law. Any question or dispute arising regarding the election procedures shall be referred to the Local Union's Executive Board for a ruling.

Section 12

Nominations for the election of Officers and Executive Board members will be made at the regular District membership meetings in the month of June preceding the election and official notice will be published in the ***Buckeye Engineer in the March, April, May and June issues. The***

election shall be held in the month of August by referendum vote. No nominating petitions shall be accepted. Within five (5) days after the nominations have been concluded, the Recording-Corresponding Secretary shall mail to each member nominated, at his/her last known home address, notice of his/her nomination and of the office to which he/she has been nominated and shall read or cause to be read the name of each nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union membership and District membership meeting held after receipt of the nominee's written acceptance of nomination. Nominees shall file with the Recording-Corresponding Secretary of the Local Union, within ten (10) days after having been notified in writing by the Recording-Corresponding Secretary of his/her nomination to Local Union office, a written acceptance of his/her nomination to the office ~~each-in-addition, he/she~~ shall have been in regular attendance at all regularly scheduled Local Union membership meetings and home District membership meetings held after his/her nomination and before election, subject to election rules, however, to reasonable excuse based upon good cause such as physical incapacity or death in his/her immediate family. In the event an incumbent officer is unopposed at the conclusion of nominations, the Local Union may direct the Recording-Corresponding Secretary to cast one (1) ballot for the nominees who shall then be declared duly elected to their office.

Section 13

The ~~names~~ of all eligible candidates who have filed their acceptances of nominations for office shall be published in **the July** issue of the **Buckeye Engineer** and promptly posted in each District office and in addition, ~~all~~ eligible candidates will be listed on the ballot. In all elections, the candidate names will appear on the ballot and they appear on the official union records at time of nominations.

Section 14

The ballot shall be a slate type ballot. The incumbent slate (the incumbent slate shall be defined as the slate headed and submitted by the incumbent Business Manager) shall have

its choice as to location on the ballot. The slate shall consist of the following officers: Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, three (3) Trustees, three (3) Auditors, Conductor and Guard. Notice of slate candidates must be received in writing by the Election Committee at 3515 Prospect Avenue, Cleveland, Ohio 44115 within 72 hours of nominations.

Section 15

The ~~election~~ will ~~be~~ conducted during the month of **August by Mail referendum vote under the supervision of the Election-Committee** and any person, firm, or organization employed by it who shall check the ballots to see that each member entitled to a ballot receives one, mail the ballot; pick up the ballots from the Post Office and, in the regular manner, open the ballots and tabulate the results. The Local Union shall furnish to the Election Committee any information, records or assistance requested by them that directly pertains to the election, such as:

(a) Specific dates and times relative to the cut-off date for members to have their official address on file with the Recording-Corresponding Secretary. The mailing of ballots, postmark deadline, and ballot return deadline will be published in the **Buckeye Engineer** at least sixty (60) days prior to the election.

(b) A plain envelope will be included with the ballot and return envelope. The member will enclose and seal the ballot in the plain envelope to assure secrecy.

(c) The Post Office box will be opened and the ballots will be picked up in the presence of a majority or by a number determined by the Election Committee (not less than three (3) Election Committee members) at a time and date to be published in the **Buckeye Engineer**. No one will have ~~access~~ to the Post Office box until the specified date. The ballots will be brought to the principal office of the Local Union, or other adequate facilities **approved** by the Election Committee, where they will be opened and tabulated with members of the Election Committee standing by ~~as~~ observers. Each candidate shall have the right to select observers who shall have the right to be present and

to observe the opening and counting of ballots. Said observers must be members in good standing and certified to in writing by the candidate to the Local Union's President at least seven (7) days before the tally of the ballots. Immediately upon completion of the tabulation, the Election Committee will certify the results to the Local Union and all interested parties.

Section 16

The newly elected Officers shall be installed at a specially called meeting in District 1 not later than September 15 following their election, unless an earlier installation is directed by the General President.

ARTICLE XIV

OFFICERS AS MEMBERS OF COMMITTEES

Section 1

All Officers of Local 18 shall be members ex-officio of all committees, boards, or District membership meetings occurring within Local 18 and its districts.

ARTICLE XV

EXECUTIVE BOARD

Section 1

The Executive Board of the Local Union shall be composed of the President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, and Business Manager, together with such other members of the Local Union as may be elected thereto by the membership of the Local Union. Such other members of the Union as may be elected to the Executive Board shall consist of three (3) members from each of the several districts into which the Local is divided.

Section 2

The three (3) members from each district referred to herein above shall be nominated and elected by the membership of the district they represent. The provisions governing nomination and election shall be the same as applies to the election of Local Union officers.

In addition, the district he/she is nominated to serve must be his/her home district (district where their membership records are held) and, unless exempt under Article XIII, Section 7, they must have been continuously registered or referred to work from that district for one (1) year immediately prior to the month of nomination.

Section 3

The term of office for members of the Executive Board shall be three (3) years and, in the event a member takes office after the beginning of a term, he/she shall serve for the balance of the unexpired term.

Section 4

The Executive Board shall be empowered to act as the committee on applicants for membership as set forth in Article XXIV, Subdivision 6, of the International Constitution.

Section 5

The Executive Board shall have the power to prescribe the rules and regulations governing hiring practices, consistent with the public policy and requirements of law.

Section 6

All the powers of Local 18 and its branches when the same sits in session or convention shall, during the period when the said Local is not in convention or in session, be vested in the Executive Board, subject, however, to any limitations imposed by these By-Laws.

ARTICLE XVI
BUSINESS MANAGER

Section 1

There shall be a Business Manager who is a Constitutional Officer, empowered in conformance with the provisions of the International Constitution, Article XXIV, Subdivision 1, Section (a).

Section 2

It shall be the duty of the Business Manager to direct and conduct all of the business and affairs of this Local Union and its subdivisions to secure and achieve the objects, purposes and principles of this Local Union within the limits of the policy set by the Local Union's Executive Board.

Section 3

Specifically, but not in limitation of his general powers and duties:

(a) The Business Manager shall direct, for the Local Union and its branches, the negotiation of all agreements with employers and shall enforce such agreements fully through his staff.

(b) He shall employ such legal counsel, certified public accountants, and other technical personnel as he may deem necessary or advisable unless this is otherwise provided for by law or prohibited by the International Constitution.

(c) Except where otherwise provided in the Labor Management Reporting and Disclosure Act of 1959, the International Constitution, and these By-Laws, he shall have the power to appoint delegates to all conventions and conferences, including state, interstate, international and provincial organizations. Also, to appoint or remove delegates to the various councils or representatives to various organizations to which this Local Union is entitled to send delegates or in which it is entitled to representation, and the trustees of all trusts whose Trust agreement authorizes this Local Union to name or appoint trustees.

(d) When in the judgment of the Business Manager it shall be necessary, proper, advisable or desirable to pro-

tect, preserve, secure or advance the interests, objects, purposes and principles of this Local Union:

1. He is authorized on behalf of this Local Union to initiate legal or administrative proceedings, actions or suits, and to defend this Local Union in any legal (civil or criminal) or administrative proceedings, actions or suits which in his judgment may be necessary, proper, or desirable to protect, preserve, secure or advance the interests, purposes, objects, and principles of this Local Union.

2. He is further authorized on behalf of this Local Union to defend its Officers, Executive Board, Advisory Boards and its members, job stewards, representatives, agents and employees in any legal (civil or criminal) or administrative proceedings, action or suit, in which any of them are named as a party by reason of an act or thing done or which, it is claimed, any of them failed to do, arising out of or in the course of their duties or employment as an Officer, Local Union Executive Board, Advisory Board or its members, job steward, representative, agent or employee, in accordance with applicable law and the requirements of the International Constitution.

3. He is further authorized on behalf of this Local Union to compromise, and settle, any such legal (civil) or administrative proceedings, action or suit herein above referred to, and to pay out of the funds of the Local Union all or any part of such compromise or settlement and any judgment or decree.

(e) He shall attend regular semi-annual meetings, and District meetings, as he is able.

(f) He shall be a delegate to and attend all conventions and conferences, including state, interstate, international and provincial organizations to which the Local Union is entitled to send delegates, and shall be a delegate to any International Convention held during his term of office. He shall attend all meetings of the General Executive Board when such meetings are open for Business Managers to attend and he is authorized to serve on committees when appointed by the General President.

(g) He shall incur such expense as may be necessary, proper or advisable in the carrying out of his duties. In accordance with Article XXIV, Subdivision 1, Section (a) of the International Union of Operating Engineers Constitution,

he shall set all wages and salaries of all employees of this Local Union and shall cause all wages, salaries and other expenses to be paid. Disbursements for major capital expenditures shall not be incurred or made without prior authorization of the Executive Board, unless otherwise provided in these By-Laws.

(h) He shall, insofar as in his opinion it is necessary or advisable, set the allowance and approve or authorize the incurrence of expenses of and by all District and Business Representatives, Advisory Board members, job stewards, agents, and other employees of this Local Union and he shall be authorized to grant to such persons time off for personal leave, holidays, or sick leave.

(i) He is authorized to trade, exchange, purchase, sell or lease automobiles and other equipment and to arrange financing therefor, and to maintain and repair the same. He is further authorized to manage, maintain and repair real property owned by this Local Union.

(j) He shall purchase such policies of insurance as in his judgment are necessary, proper, or advisable.

(k) He shall do and perform all acts, whether or not expressly authorized herein, which he deems necessary, advisable, or proper for the protection of the property of this Local Union and for the benefit of this Local Union and its members.

(l) He shall consult with the Officers of the Local Union and members of the Local Union's Executive Board, and seek other advice and assistance between meetings of the Local Union's Executive Board, whenever necessary or advisable.

(m) He may, in all instances, act directly or through a

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(n) All of his acts shall be referred to the Executive Board of this Local Union at its next subsequent regular meeting for approval and may, by majority vote, be revoked prospectively.

ARTICLE XVII JOB STEWARDS

Section 1

If the Business Manager determines that a job steward(s) is necessary or advisable on a project, such job steward(s) shall be appointed by the Business Manager or his authorized representative. The Business Manager shall consider request from the membership for the appointment of stewards.

Section 2

On any job or project where a job steward is needed, the Business Manager may seek the recommendation of the business representative.

Section 3, Authority:

(a) The job steward's duties, functions and responsibilities are limited to receiving and resolving at the first step, complaints from the members and checking the dues standing; checking the job for violations of the collective bargaining agreement, health and safety; investigating and reporting to the appropriate business representative.

(b) The job steward has no authority to seek adjustment of violations of any collective bargaining agreement or of the International Constitution or of these By-Laws, nor shall he/she purport to have the authority or be deemed to have the authority, nor shall he/she act to cause or attempt to cause, in any fashion whatsoever, any person to cease from any action in violation of, or in furtherance of, any collective bargaining agreement, the International Constitution, or these By-Laws; but, the job steward shall report all violations to the business representative of the Union servicing the job or project for appropriate action. He/she shall, under no circumstances, collect any money due or payable to the Local Union from any member or applicant for membership or any other person.

(c) Each job steward is authorized and required to perform any and all duties and to assume any and all responsibilities given to him/her under the particular labor

agreement under which he/she is acting as steward, without regard to limitations otherwise set forth in this Article.

Section 4

A job steward who fails to carry out his/her duties or exceeds his/her authority may be summarily suspended from the position as job steward by the Business Manager or his authorized representative.

ARTICLE XVIII

ATTENDANCE AT MEETINGS

Section 1

All members of Local 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA, shall be entitled to be present and take part in all general membership meetings of the Local Union and all membership meetings of the District membership of the various districts provided such member is in good standing in the Local Union.

Section 2

All master mechanics and stewards are encouraged to attend all meetings of the general membership and their home District membership meetings or the District membership meeting in the area where they are working.

ARTICLE XIX

RULES OF ORDER

Section 1

At the hour appointed, the presiding officer shall call the meeting to order.

Section 2

No member shall be allowed to leave the meeting while it is in session except by permission from the presiding officer.

Section 3

Any member refusing to obey the Constitution, By-Laws, rules, regulations and orders of this Union may, after due trial, be fined, suspended, or expelled as the Union may determine.

Section 4

No member under the influence of intoxicating liquor shall be admitted to a meeting.

Section 5

The presiding officer shall have the power to exclude from the meeting any member guilty of indecorous or unruly conduct.

Section 6

The presiding officer shall preserve order and pronounce the decision of the meeting on all subjects. He shall decide all questions of order without debate, subject, however, to an appeal to the meeting by any member.

Section 7

Appeals from the decision of the Chair shall not be debatable except by the presiding officer and the member making the appeal.

Section 8

The Chair in this form shall state appeals: "Shall the decision of the Chair be overruled?" A two-thirds affirmative vote shall be necessary to overrule the Chair.

Section 9

A motion will not be subject to debate until it has been recorded and stated by the Chairman.

Section 10

No member shall be interrupted while speaking except to call him/her to order or for the purpose of giving explanation or information.

Section 11

The presiding officer should not permit a few factious persons using parliamentary forms to obstruct business.

Section 12

The presiding officer shall have authority to suspend the meeting at any time during its progress and for such period as may be necessary to restore order. In the event order is unable to be restored, the presiding officer shall have the power to suspend the meeting indefinitely. Once a meeting has been suspended, no further business shall be conducted until such time as the presiding officer reconvenes the meeting.

Section 13

The reading of the minutes of the previous meeting or meetings of the general membership and/or of the Local Union's Executive Board may be dispensed with at the discretion of the presiding officer when such minutes have previously been read at the District membership meetings and received approval of such District membership meetings, provided: (1) the districts so approving represent a majority of the members of the Local Union, or (2) the districts so approving represent two-thirds of the Districts of the Local Union.

Section 14

The presiding officer may appoint a parliamentarian for any meeting of the Local Union or of the Local Union's Executive Board or of any District of the Local Union. The parliamentarian shall have such duties, responsibilities and obligations and shall have such authority as is customarily granted to one holding such office.

ARTICLE XX

AUTHORITY OF DISTRICT MEETINGS

Section 1

The authority of a District membership meeting shall be confined to such powers as shall be expressly conferred by these By-Laws pursuant to Article XXVI, Section 1(c) of the International Constitution and shall be limited to:

- (a) Making recommendations to the Local Union or the Executive Board;
- (b) Initiating legislation to the Local Union;

(c) Electing members to the Executive Board of the Local Union according to the provisions of the By-Laws and the International Constitution;

(d) Electing members to the District Advisory Board of the District;

(e) Discussing work promotion projects, industry planning, and matters of general interest for the good and welfare of the Local Union;

(f) Holding trials of members within the district as such power is defined in Article XII of these By-Laws;

(g) The District membership meeting shall be without power to consider or act upon any matter not outlined in this Article.

ARTICLE XXI

MINUTES OF DISTRICT MEETINGS

Section 1

It shall be the duty of the District Representative to see that the minutes are kept of all District membership meetings and District Advisory Board meetings and that a copy thereof, attested by the District Representative, is filed with Local 18 for approval.

ARTICLE XXII

SUSPENSION OF MEETINGS OF THE DISTRICT

Section 1

The President of Local 18, with the consent of the Executive Board, shall have the power to do those things necessary to preserve law and order at District membership and Advisory Board meetings, including the power to suspend the meetings of any of the Districts or any of the District Advisory Boards. The period of suspension may be indefinite so long as life, limb, or property may be in danger provided that this power is used only to protect life, limb, or property.

ARTICLE XXIII

COMPLAINTS AND GRIEVANCES

Section 1

All non-collective bargaining agreement complaints and grievances, before being brought on the floor of the Local Union, must be presented: first, to the District Representative; second, to the District Advisory Board; third, to the Business Manager; and fourth, to the Executive Board.

ARTICLE XXIV

FORMATION OF DISTRICT ADVISORY BOARDS

Section 1

The membership in a given district shall nominate and elect a District Advisory Board. The nomination and election shall be conducted according to the provisions of the Constitution governing the International Union of Operating Engineers, as such provisions may be applicable to a Local Union. The District Advisory Board shall consist of the District Representative, the business agents of the district, and one elected member representing each of the following elements or interests within the district: Local 18, Local 18A, Local 18B, Local 18C, Local 18G, Local 18S and Local 18RA, building construction, river and lake construction, heavy construction, paving construction, excavating construction, sewer construction, supply yard dealers, equipment dealers, state employees, county employees, city employees, sand and gravel employees, slag pit employees, scrap yard employees, and plant stationary maintenance engineers.

Section 2

The filling of vacancies in office and the removal of members on said Advisory Board shall be governed by the applicable provisions of the Constitution in Article XXIV, Subdivision 1, Section (f), governing the International Union of Operating Engineers relating to vacancies in office and removal of officers in Local Unions.

ARTICLE XXV

POWERS OF DISTRICT ADVISORY BOARDS

Section 1

All the powers of the District membership meeting, when the same is not in session, shall pass to, and be vested in the District Advisory Board. In addition, the District Advisory Board is designated by the Local Union as the board established for the purpose of conducting pre-trial hearings under Article XXIV, Subdivision 7, Section (n), of the Constitution of the International Union of Operating Engineers and as such shall pre-trial all charges arising within the territorial jurisdiction of the respective District Advisory Board. The District Advisory Boards shall be deemed to have all such powers as are necessary to properly perform this function, including the power to summon such members before it as it requires in order to make a proper disposition of a case.

ARTICLE XXVI

LOCAL UNION MEETINGS

Section 1. Regular Meetings of the General Membership

The regular meetings of the general membership of Local 18, 18A, 18B, 18C, 18D, 18G, 18S and 18RA shall be held in June and January of each year at Columbus, Ohio, or at such other time and place as may be designated by the Executive Board of Local 18, provided that one such meeting shall be held in June of each year.

Adequate notice of all regular meetings of the general membership shall be given to the membership not less than two (2) weeks before the time of such meeting. The notice shall contain the date, time and place for such meeting.

Section 2. Regular Meetings of the Executive Board

The regular meetings of the Executive Board shall be held immediately in advance of the regular meetings of the general membership and also in the months of April and

October. The time and place of such meeting shall be determined by the President and adequate notice thereof shall be not less than two (2) weeks before the time of such meeting.

Section 3. Regular Meetings of the District Membership

The regular meetings of the members resident within the district shall be held at least once every month. Notice of the time and place of such meeting shall be announced at the next preceding District membership meeting.

Section 4. Regular Meetings of the District Advisory Board

The regular meetings of the District Advisory Board shall be held at least once every month. Notice of the time and place of such meetings shall be announced at the next preceding District Advisory Board meeting.

Section 5. Called Meetings of the General Membership

The President of Local 18, or a majority of the following officers: Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer; or a written request of one third of the members of the Local Union in good standing shall have the power to call meetings of the general membership of Local 18 at any time and at any place in the state of Ohio. The call for such meeting shall contain adequate notice of the time and place thereof, and the nature of the business to be undertaken. The business of such meeting shall be confined to that stated in the notice.

Section 6. Called Meetings of the Executive Board

The President of Local 18 shall have the power to call meetings of the Executive Board at any time and at any place in the state of Ohio. Notice of such meeting may be made by any means reasonably calculated to inform the members of the Executive Board of the time and place of such meetings. The Executive Board at a called meeting may transact such business as may come before it at that time. Members of the Executive Board not personally present

at any meeting of the Executive Board may record their vote, on any question coming before the board, by telephone, telegraph, cable, letter, or any other personal means of communications.

Section 7. Called Meetings of the District Membership

The District Representative shall have the power to call meetings of the District membership at any time and at any place within the district. The call for such meeting shall contain adequate notice of the time and place thereof and the nature of the business to be undertaken. The business of such meeting shall be confined to that stated in the notice.

Section 8. Called Meetings of the District Advisory Board

The District Representative shall have the power to call meetings of the District Advisory Board at any time and at any place within the district. Notice of such meeting may be made by any means reasonably calculated to inform the members of the District Advisory Board of the time and place of such meeting. The District Advisory Board at a called meeting may transact such business as may come before it at that time.

ARTICLE XXVII

ORDER OF BUSINESS, MEMBERSHIP MEETINGS

1. Meeting called to order per Ritual.
2. Examination of dues books.
3. Roll call of Officers.
4. Reading of minutes of the previous membership meeting.
5. Reading of minutes of the last Executive or Advisory Board meeting, whichever is applicable.
6. Reading of communications.
7. Reading of the financial report, per capita tax and other monies sent to the General Secretary-Treasurer.

8. Reports pertaining to apprentices and fringe benefit programs.
9. Reports of (a) Delegates, (b) Committees, (c) Representatives, (d) Officers.
10. Unfinished business.
11. New business.
12. Reports pertaining to sickness, accident and death of members.
13. Subjects for the good and welfare.
14. Motion for adjournment.

ARTICLE XXVIII
PRESIDING OFFICERS

Section 1

The President shall preside at all regular meetings of the general membership and at all regular meetings of the Executive Board. In the absence of the President, the following officers shall preside in the following order:

- (a) Vice-President
- (b) Recording-Corresponding Secretary
- (c) Financial Secretary
- (d) Treasurer

Provided, however, that the President may appoint any member of Local 18 to preside in his presence or during his temporary absence from the meeting.

Section 2

The District Representative shall preside at all regular meetings of the District membership and at all regular meetings of the District Advisory Board. In the absence of the District Representative, any member of the District Advisory Board may be appointed by the District Representative to preside at the meeting. Provided, however, that the District Representative may appoint any member of the district to preside at such meeting in his presence or during his temporary absence from the meeting. The presiding Officer at any District meeting may appoint the Secretary, Guard and

Conductor to perform the Ritual at the District meeting, and to record the minutes of the meeting.

ARTICLE XXIX
OFFICIAL COMMUNICATIONS

Section 1

There shall be in each District office an official bulletin board where all official notices will be posted.

Section 2

The *Buckeye Engineer* shall be published quarterly or monthly at the discretion of the Business Manager and shall be recognized as the official publication of this Local Union. It shall be mailed to all members of the Local Union. The Business Manager shall be the Editor of the *Buckeye Engineer* and shall have sole discretion to publish all information that in his judgment is important for the administration of the Local Union and the welfare of the membership. The Executive Board may direct the Business Manager in the conduct of this authority. The *Buckeye Engineer* shall not be required to publish any communication from any member unless the Business Manager authorizes publication.

ARTICLE XXX
JOURNEYMAN RETRAINING, APPRENTICESHIP AND SAFETY

Section 1

There shall be an apprentice training and journeyman retraining and a safety department under the direction of the Business Manager or his authorized deputy or deputies.

ARTICLE XXXI

LIFE INSURANCE

Members of Local 18, 18A, 18B, 18C, 18D, 18G and 18RA will continue to be covered by a group life insurance policy.

ARTICLE XXXII

HONORARY MEMBERSHIPS

With the advice of the Business Manager and the consent and approval of the Executive Board, honorary membership in Local 18 may be granted to distinguished individuals from the fields of labor, government or the construction industry.

ARTICLE XXXIII

HONORARY POSITIONS

The honorary position of Business Manager Emeritus is hereby established. Upon nomination by the Officers of Local 18 and the approval of the Executive Board and the membership, the title of Business Manager Emeritus may be bestowed on a past Business Manager of Local 18, provided he has been elected to the office of Business Manager for at least three (3) terms. The position of Business Manager Emeritus is a honorary position and shall be without salary from Local 18.

ARTICLE XXXIV

OPERATING ENGINEERS CREDIT UNION

Section 1

Recognizing the services that a Credit Union can render to the membership of this Local Union by encouraging savings and providing a source of low cost credit for the members, the elected Officers and the Executive Board of

this Local Union are hereby authorized to continue an Operating Engineers Credit Union to serve the membership of this Local, said Credit Union to be under a federal charter.

Section 2

It is expressly understood that this article does not obligate any individual member to become a part of the Credit Union. Participation in the Credit Union is on a voluntary basis.

Section 3

The principal office of the Credit Union shall be the principal office of the Local Union.

Section 4

The operations of the Operating Engineers Credit Union shall be as provided for in the federal charter establishing said Credit Union and the By-Laws in existence at the time of the issuance of the charter to the participating members of said Credit Union, as amended from time to time.

ARTICLE XXXV

MATTERS NOT COVERED BY THE BY-LAWS

Section 1

All matters not covered by the By-Laws shall be governed by the Constitution of the International Union of Operating Engineers.

Section 2

In the event any of the By-Laws shall conflict directly or by implication with any of the provisions of the Constitution of the International Union of Operating Engineers, and to that extent, the By-Laws shall be invalid.

Section 3

To the extent not limited by law, no suit or other action at law or equity shall be brought in any court and no proceeding shall be initiated before any administrative agency by any member, officer or subdivision of the Local Union

until and unless all rights, remedies and reasonable provisions for hearing, trial and appeal within the organization shall have been properly followed and exhausted by the member, officer or subdivision complaining. This provision shall only require resort to internal remedies for a period not exceeding four (4) months. Any member violating this provision shall, in addition to the penalties prescribed in the Constitution and Ritual, be subject to a fine equal to the full amount of the expenses incurred in the defense of any such action by this Local Union, together with such costs additional as the court may fix or assess against said member.

Section 4

Except as otherwise provided in these By-Laws or in the Constitution of the International Union, pending the termination of any appeal, the action or decision appealed from shall remain in full force and effect.

ARTICLE XXXVI

EFFECTIVE DATE OF BY-LAWS

Section 1

Notice of the passage of these By-Laws by Local 18 shall be announced within thirty (30) days thereafter by posting a copy of such By-Laws in each District office and, within sixty (60) days of the passage thereof, by mailing a copy to every member whose name appears upon the last report of the Financial Secretary to the General Secretary-Treasurer.

Section 2

These By-Laws shall become effective immediately upon approval of the General President and the membership of Local 18. Upon the adoption of these By-Laws, all By-Laws previously adopted are hereby revoked.

ARTICLE XXXVII

BY-LAWS COMMITTEE

Section 1

A By-Laws Committee shall be elected in December of each year immediately preceding the year in which the General Convention of the International Union is held.

The term of office of the By-Laws Committee shall be for the year during which the General Convention is held.

Section 2

The By-Laws Committee shall consist of two (2) members elected at-large from each district, plus a chairman appointed by the Business Manager. The election shall take place at the regular December District meeting. In order to be elected to the By-Laws Committee, a member must be in good standing, working at the trade with an employer under contract with the union, or actively seeking work at the trade through Local 18's referral system and shall not be retired at the time of nomination, election or during the term of service as a member of the committee, and in addition, the district he/she is nominated to serve must be his/her home district (district where their membership records are held), and must have been continuously registered or referred to work from that district for one (1) year immediately preceding the election.

Should a vacancy on the committee occur by reason of retirement, or any other reason, the vacancy shall be filled from the district in which the vacancy occurred through appointment by the President.

Section 3

The By-Laws Committee shall be empowered to receive or initiate suggested changes in the By-Laws of the Local Union; to hold hearings thereon; and to approve, disapprove, amend or consolidate the suggested changes.

Section 4

The By-Laws Committee shall report their conclusions to the Executive Board, who shall order a vote. The vote may be by any method authorized by these By-Laws.

**ARTICLE XXXVIII
AMENDMENTS**

Section 1

In all years in which a General Convention of the International Union is held, all proposed amendments to the By-Laws of Local 18 shall be submitted in writing to the Recording-Corresponding Secretary for approval of the By-Laws Committee and, when approved by it, notice, publication, and voting thereon shall proceed as hereafter set forth.

Section 2

In all years other than the years in which a General Convention of the International Union is held, all proposed amendments to the By-Laws of Local 18 shall be submitted in writing to the Recording-Corresponding Secretary for approval of the Local Union's Executive Board and, when approved by it, the Executive Board shall give notice and publication of the proposed amendments and the time and manner of voting thereon. Such notice and publication shall be in the *Buckeye Engineer* and shall be given at least thirty (30) days before the day for voting. In addition, a copy of the proposed amendments shall be posted on the official bulletin board in every District office.

Section 3

The Local Union may adopt, repeal or amend By-Laws and working rules by a majority vote of all members present at a regular or special meeting, by mail referendum directed to the general membership, or by secret ballot at regular or specially called District meetings. If the voting is done at District meetings, then a majority of the total vote cast within the Local Union shall be required for adoption, repeal or amendment.

Section 4

The recommendation of the Executive Board or the By-Laws Committee may be furnished with all ballots but a copy of all proposed amendments to the By-Laws shall be furnished to the membership before the vote is held.

**ARTICLE XXXIX
SAVINGS CLAUSES**

Section 1

The provisions of these By-Laws 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 and these Local Union By-Laws (and in conformity therewith) shall be legal obligations of the membership upon whom they are imposed and shall be enforceable in a court of law.

Section 2

If any provisions of these By-Laws shall be declared invalid or inoperative by any competent authority of the executive, judicial or administrative branch of federal or state government, the Local Union's Executive Board shall have the authority to suspend the operation of such provision 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 purposes of the invalid provision. If any Article or Section of these By-Laws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such Article or Section to persons or circumstances other than those to which it has been held invalid shall not be affected thereby.

ARTICLE XL
PARLIAMENTARY LAW

Robert's Rules of Order shall be the parliamentary authority on all procedures not covered by the Constitution, laws, rules, Obligation and Ritual of the International Union or Local Unions subordinate thereto.

PRE-TRIAL PROCEDURES AND TRIAL RULES

The following PRE-TRIAL PROCEDURES and TRIAL RULES were adopted by the Executive Board of Local 18 on November 22, 1969. The Constitution of the International Union of Operating Engineers states the following in Article XXIV, Subdivision 7, Section (q):

"Any member other than the President of the Local Union preferring charges against another member as provided herein, must at the time of filing the charges deposit fifty dollars (\$50.00) in cash or certified check for each individual charge against each member charged. In the event a charge is proved, the deposit for that charge shall be returned to the member filing the same, and if not proved, shall be forfeited to the Local Union."

The above provision is also stated in Local 18's By-Laws, Article XII, Section 8.

PRE-TRIAL PROCEDURES

- (1) All interested parties shall be present.
- (2) The charge shall be read from forms supplied by the Local Union.
- (3) The answer shall be read from forms supplied by the Local Union.

(4) The Article, Section, or rule involved shall be read.
(5) The presiding Officer shall conduct informal talks with the parties to determine if the matter can be settled by agreement.

(6) If the matter is settled by agreement, such agreement shall be reduced to writing and signed by the complainant and the defendant and the presiding Officer. The parties may also agree to have the Pre-Trial Board render a decision in the case. If they do so, they shall sign an agreement stating that the Pre-Trial Board may decide the case. Then each party shall present his/her case. After they have presented their cases, they shall be excused and the Board shall deliberate and arrive at a decision. When the Board has made its decision, the parties shall be called back in and the decision announced. The decision shall then be reduced to writing and signed by the parties in the same manner as though the decision of the Board were the original agreement of the parties. Thereafter, the parties shall be bound by the agreement.

(7) If no agreement is reached, then such evidence as may be essential to the charge or the defense and which is not in dispute shall be reduced to writing and signed by the parties and the presiding Officer. Such agreement shall be read at the trial and shall be binding on both parties.

(8) The parties shall each state as much of their case as they shall determine shall be necessary to convince the Board that their position has merit.

(9) The Board in determining whether the charge has merit consider the delay, if any, by the complainant in bringing the charge, and if the charge has not been brought within fifteen (15) days it shall be dismissed. The Board may also consider the reasonableness or unreasonableness of the charge, the sufficiency of the proof intended to be offered by the complainant, the stipulations of fact agreed to by the parties, the motive of the complainant in bringing the charge as to whether it is brought in good faith or only for the purpose of harassment, whether the defendant has an unquestioned defense, and any such other matter as the Board may deem reasonable in effecting justice between the parties.

(10) The Board shall vote by secret ballot upon the sufficiency of the charge. The question to be voted shall be limited to the following: "Is the charge sufficient to require the defendant to stand trial?"

(11) Tellers shall be appointed in the same manner as upon a trial and shall count the ballots.

(12) The presiding Officer shall announce the vote only by indicating the majority result without reference to the number voting yes or no.

TRIAL RULES

(1) At any time before the start of the trial, the parties may name counsel to represent them. Such counsel must be a member of the I.U.O.E. Before trial, counsel so named must produce a dues book to the presiding Officer showing that at the time of the trial he/she is a member in good standing of the I.U.O.E.

(2) At the time set for the start of trial, the presiding Officer shall announce the beginning of the proceedings by reading the charge, the answer thereto, the Article, Section or rule involved, and any stipulation of fact agreed upon by the parties at the pre-trial hearing.

(3) After the reading of the pleadings, the complainant shall first present his/her evidence.

(4) After the complainant has presented his/her evidence, the defendant shall next present his/her evidence.

(5) After the defendant has presented his/her evidence, the complainant shall be given the opportunity to offer rebuttal testimony. Rebuttal testimony shall be limited to answering the testimony of the defendant.

(6) When in the opinion of the presiding Officer the justice of the case requires, he may permit the defendant to offer testimony rebutting the complainant's rebuttal testimony. However, the presiding Officer shall not be required to do this.

(7) After all the evidence is presented, the presiding Officer shall again read the charge, the answer thereto, and the Article, Section, or rule involved.

(8) The presiding Officer shall give each of the parties a reasonable time to argue his/her case with the order of the

argument being as follows: complainant, defendant, then the complainant may close.

(9) After the argument, the presiding Officer shall see to the appointment of tellers as prescribed by the By-Laws and the members shall then vote by secret ballot.

(10) The vote shall be immediately counted by the tellers and the presiding Officer shall announce the verdict. Upon a finding of guilty, the presiding Officer shall immediately impose the penalty permitted.

(11) All witnesses called by any party may be questioned by the other party or his/her counsel or by the Officer presiding at the trial. No other person shall question a witness. The presiding Officer shall determine the extent to which cross-questioning shall be permitted.

(12) Although the strict rules of evidence shall not apply in the presentation of the testimony, hearsay evidence shall not be permitted.

(13) Minutes shall be kept of the entire proceeding, and shall constitute the official record of the case.

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