

BY-LAWS & WORKING RULES

International Union of Operating Engineers, Local 904 (Hoisting and Portable)

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Adopted

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General President

Frank Hanley

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LOCAL 904 BY-LAWS

Where the circumstances of a Local Union so require and appropriate by-laws have been adopted by the Local Union and thereafter approved by the General President, it may proceed under a district administration form of government.

Having conformed with the Constitution of the International Union of Operating Engineers, this Local Union shall operate under a "District Administration" form of Local Union Government.

DECLARATION OF PRINCIPLES

We, the members of the International Union of Operating Engineers, Local 904, of Newfoundland and Labrador, and any subdivision(s) that may be granted by the International Union, in order to bring about a more useful and beneficial Union and promote the welfare of our membership, have adopted the following principles:

- Section 1: Whatever the rights and privileges of one member, shall be to all members alike, as long as they remain in good standing in the Local Union, except as otherwise stated in the Constitution.
- Section 2: To regulate ourselves and the affairs of the Union so that it may reflect honor and dignity, and be an honorable institution through which to earn a livelihood.
- Section 3: To promote a more harmonious relationship of the members of the International Union of Operating Engineers, Local 904, and any subdivision(s) that may be granted by the International Union, and the International Union.
- Section 4: To try and promote harmonious relations with our employers by performing our duties diligently.
- Section 5: Based on the above enumerated principles, we, as a Local Union are determined and prepared to promote the best interests of our members and have adopted the following BY-LAWS:

ARTICLE I

Name, Jurisdiction and Districts

- Section 1: This union shall be known as the International Union of Operating Engineers, Local 904, and any subdivision(s) that may be granted by the International Union.
- Section 2: The territorial jurisdiction shall be that jurisdiction granted by the International Union of Operating Engineers, inscribed on the Charter, issued and/or amended by the International Union of Operating Engineers, in accordance with the provisions of the Constitution; and shall be divided into Districts described as follows:
- District #1 **EAST** - Shall be the portion of Newfoundland and Labrador,
Port Blandford East to St. John's
- District #2 **NORTH EAST** - Shall be the portion of Newfoundland and Labrador,
East of Botwood, N.W. to West of Port Blandford
- District #3 **CENTRAL** - Shall be the portion of Newfoundland and Labrador,

Botwood West to East of Hampden (including Connaigre Peninsula and Bay D'Espoir)

District #4 **WEST** - Shall be the portion of Newfoundland and Labrador, **Hampden West to include Cow Head**

District #5 **NORTHERN** - Shall be the portion of Newfoundland and Labrador, **North of Cow Head including Labrador**

The districts as outlined above may be changed from time to time by the Business Manager at his discretion, and in the best interests of Local 904.

ARTICLE II

General Membership and District Meetings

- Section 1: Regular stated membership meetings of Local 904 may be held monthly, alternating between Holyrood and Corner Brook on the last Monday of each month, together with such other meetings as may be necessary and called, upon due notice to the members. These dates may be changed by approval of the Business Manager and the Executive Board and due notice to the General Membership.
- Section 2: Regular stated membership meetings may be suspended during July, August and September except in an election year.
- Section 3: The District Meetings shall be held quarterly, as determined by the Business Manager and the Executive Board. They shall be held in a conveniently located places to the membership, together with such other meetings as may be necessary and called, upon due notice to the members.
- Section 4: District Meetings may be changed, on request of the district membership, and approved by the Business Manager and the Executive Board.
- Section 5: All District Meetings shall be under the direction of the Business Manager, who may delegate the District Business Representative or any other Business Representative, to act on his behalf at such District Meetings. However, any one of the fore mentioned may designate a member or members to act as a Chairman and/or Recording Secretary of the District Monthly meeting.
- Section 6: The District Meetings authority shall be as outlined under Article XXV, Section 1, Paragraph (c) of the Constitution:
- Quote: "Authority is limited to making recommendations to the Local Union, initiating legislation to the Local Union, holding trials of members, electing such representation to the Local Executive Board, committees and similar bodies, as may be provided under its by-laws, and where the Local's by-laws specifically so provide, voting on by-law amendments."*
- Section 7: One Annual General Membership Meeting shall be held per year, as determined by the Business Manager with the approval of the Executive Board, upon due notice to the members.
- Section 8: Special meetings shall be called in accordance with Article XXIV, Subdivision 10, Section (c) of the International Constitution. Special meetings shall be those at which business of a special nature is to be transacted. At such meetings, the special business for which the meeting was called must be concluded before other business may be discussed.

- Section 9: Order of Business for General Membership Meeting:
- A. Meeting called to order per ritual
 - B. Examination of dues books by Conductor
 - C. Roll Call of Officers
 - D. Minutes of previous General Membership Meeting
 - E. Recommendations of the Local Executive Board
 - F. Reading of communications by the Recording Corresponding Secretary
 - G. Reading of receipts for the Per Capita Tax and other monies sent to the General Secretary Treasurer
 - H. Election and Installation of Officers
 - I. Reports of sickness, accident and death of members.
 - J. Unfinished business
 - K. New business
 - L. Reports of Officers, Delegates, Committees, Business Representatives, Trustees, Auditors and Treasurer
 - M. Subjects for the good and welfare
 - N. Motion or order for adjournment

- Section 10: Order of Business for District Meeting
- A. Meeting called to order per ritual
 - B. Roll call of Officers
 - C. Minutes of previous meeting
 - D. Recommendations of Local Executive Board pertaining to the district
 - E. Presentation of applications for membership
 - F. Reading of communications by the District Secretary
 - G. Reports of sickness, accidents and death of members
 - H. Report of District Representatives, Delegates and Committees
 - I. Unfinished business
 - J. New business
 - K. Subjects for the good and welfare
 - L. Motion or order for adjournment

Section 11: In the absence of the Recording Correspondence Secretary it shall be the duty of the District Representative to see that accurate minutes of all District Meetings are kept. A copy of the minutes shall be forwarded to the union office; and such recommendations and suggestions as may be contained therein, shall be referred to the Executive Board for consideration.

ARTICLE III

Quorum and Rules of Order

- Section 1: Quorum: A quorum for the transaction of business at meetings (Regular Membership, District and General Membership) shall consist of not less than seven members in good standing, in addition to appointed or elected officers.
- Section 2: At the hour set, the President (General Membership Meetings) or District Chairman (regular membership District Meetings), shall call the meeting to order and preside. In the absence of the President, the Vice-President shall preside. In the absence of both, the Recording-Corresponding Secretary shall call the meeting to order, and the membership shall elect a temporary Chairman.
- Section 3: The membership in any District shall only be empowered at District Meetings to make recommendations and suggestions which will be forwarded to the Executive Board for consideration.

- Section 4: No member shall be allowed to leave the meeting while in session, except by permission of the President or the Vice-President or the temporary Chairman.
- Section 5: If any officers absent themselves from four consecutive regular meetings of the general membership or District Meeting, without satisfactory excuse, his office may be declared vacant, in accordance with Article XXIV, Subdivision 1, Section (f) of the International Constitution.
- Section 6: No member, under the influence of intoxication, liquor or drugs, shall be admitted to the meeting hall.
- Section 7: The president shall have the power to exclude from the meeting, any member guilty of indecorum or unruly conduct. Any member so excluded may subject to charges as per the Constitution.
- Section 8: No subject, except which are strictly in the interests of labour and the welfare of the membership, shall be discussed at any meeting.
- Section 9: Appeals from the decisions of the Chair shall not be debatable, except by the President and the member making such appeal.
- Section 10: A motion shall not be subject to debate until it has been recorded and stated by the Chairman.
- Section 11: When a question is before the meeting, no motion shall be in order except the following:
- A. To adjourn
 - B. To lay on the table
 - C. Move the previous question
 - D. To postpone
 - E. To refer or recommit
 - F. To amend
- The above named motions shall be preference in the order named; the first three of which shall be decided without debate.
- Section 12: It shall not be in order for a person who has spoken on a question to move the previous question at the close of his remarks.
- Section 13: A member, having made a motion, may withdraw it with the consent of his second, but a motion once debated cannot be withdrawn except by unanimous consent of the members present.
- Section 14: Before the presiding officer declares the vote on a question, any member may ask for a division of the house, in which case the Chair is duty-bound to comply with such a request, and call for a standing vote.
- Section 15: No member shall speak on any one question longer than ten (10) minutes, nor more than once, until everyone who desires has had an opportunity to speak.
- Section 16: No member shall be interrupted while speaking, except to call him to order, or for the purpose of explanation or information.
- Section 17: Robert's Rules of Order shall be the parliamentary authority on all procedure not covered by the Constitution, Laws, Obligation and Ritual of the International Union or Local Unions subordinate thereto.

ARTICLE IV

Craft Jurisdiction

Section 1: The craft jurisdiction of Local 904 shall be that defined by the Constitution of the International Union of Operating Engineers.

ARTICLE V

Affiliation

Section 1: The union may affiliate with anybody chartered by the American Federation of Labour, Congress of Industrial Organizations, and/or organizations which has for its object, the improvement of the labouring class.

ARTICLE VI

Elective Officers and Executive Board

Section 1: The elective officers of this Local Union shall consist of: President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, Business Manager, Three (3) Trustees, Three (3) Auditors, Conductor and Guard. The office of the Financial Secretary and the Treasurer shall not be held by the same person.

Section 2: This Local Union's Executive Board shall be comprised of its President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, Business Manager and five (5) Executive Board Members; all of whom shall be members of the parent body of the Local Union. A quorum to conduct business shall consist of a majority of the Board Members.

Section 3: The terms of all officers and Executive Board Members shall be for a period of four (4) years. This term may be for a period of five (5) years if permitted under the constitution of the International Union and notice is given in the election call.

Section 4: No member shall be eligible for election, be elected, nor hold office unless they have been continuously in good standing in the Local Union for not less than one (1) year preceding the month of nominations and in full compliance of Article XXIV, Subdiv.1, Sec. (B) of the International Constitution. No member shall be eligible for election, be elected, nor hold office unless they have been a member of the Local for two (2) years immediately prior to the election. All nominees for election shall return a written acceptance of their nomination to office, which acceptance must be received by, the Recording-Corresponding Secretary within ten (10) days after having been notified in writing by the Recording-Corresponding Secretary of their nomination to Local Union office. In addition, they shall have been in regular attendance at all regularly scheduled Local Union membership meetings and home district membership meetings held after nominations and before elections, subject, however, to a reasonable excuse based upon good cause, such as, physical incapacity or death in the family.

Section 5: No member shall be eligible for election to, be elected, nor hold the office of Business Manager, unless they have been a member continuously in good standing in the Local Union electing them, for a period of two (2) years preceding the month of nominations, and in full compliance of Article XXIV, Subdiv.1, Sec. (B) of the International Constitution.

- Section 6: Good standing for the purpose of election of officers is defined as having dues paid at the union office of the local union within thirty (30) days after they have become due and payable.
- Section 7: 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 preceding the month of nominations, been continuous employed at the trade, or who has not actively sought continuous employment at the trade.
- Section 8: Any member who becomes an Employer, or who attains a full-time position in a Management capacity shall not be deemed eligible for election and/or hold office in this Local Union 904.
- Section 9: Members seeking the office of District Executive Board Member shall, in addition to the above requirements, reside for at least one (1) year preceding the month of nominations within the district he wishes to represent on the Executive Board and shall submit a declaration of his residency if requested by the election committee.

ARTICLE VII

Duties of the Executive Board

- Section 1: The Local Executive Board shall, in addition to its constitutional power, shall be empowered to act for the Local Union in business and administrative matters in consultation with the Business Manager in the interim between regular meetings of the General Membership of the Local Union. All acts of the Local Executive Board are to remain in full force and effect subject only to revocation by action of the General Membership of the Local Union if taken at the next subsequent Annual General Membership Meeting following the adoption of the act in question. The Executive Board shall also be authorized to establish wages, allowances and all other conditions in the term of employment of the Business Manager.
- Section 2: It shall be the responsibility of the Executive Board of the Local Union to see that the Treasurer and/or other personnel handling Union funds be properly bonded.
- Section 3: The regular constituted Executive Board shall meet as often as necessary, and not less than once every three (3) months, or at the call of the President.
- Section 4: In addition to the regular constituted Executive Board Meetings there shall be a Special Executive Board Meeting prior to the Annual General Membership Meeting. The purpose of this meeting shall be to conduct regular business of the board and to allow any member, who gives notice to the board, the opportunity to appear before the board. Any member who has a special request or question for the board, will reduce their request to writing, if requested by the board, before any action is taken.

ARTICLE VIII

Vacancies in Office

- Section 1: If a vacancy occurs in any office or in the Executive Board, it shall be filled in accordance with Article XXIII, Subdivision 1, Section (f) of the Constitution.

Quote: "A vacancy in any office shall be filled by appointment for the unexpected term thereof, upon vote of a majority of the following officers: President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer and the Business Manager where the Local Union has such a position. In the event the said officers shall fail to fill said vacancy with thirty (30) days after the same shall occur, then said position shall be filled by secret ballot vote of the majority of the membership in good standing present at the

next regular General Membership Meeting of the Local Union following the expiration of the said thirty (30) days. In order to fill a vacancy under this section, a member must, at the time of election, be in good standing with respect to payment of dues and meet the requirements contained in the second and fourth paragraphs of Article XXIV, Subdivision 1, Section (b). The office of any officer who shall fail to discharge the duties of his office for four (4) successive meetings may be declared vacant by a majority vote of the membership in good standing. Any officer or representative of a Local Union may be removed after due trial for causes provided in this Article upon an affirmative vote of three-fourths of the membership in good standing in the same manner and form provided in the trial of members in this Article”.

ARTICLE IX

Elections

Section 1: The election of officers shall be held during the month of August, and the nominations shall be held at the regular membership meeting in the month of June preceding the election. The election shall be conducted by mail referendum, except in the case of acclamation, when a vote recorded by the Recording-Corresponding Secretary of the Parent Local Union at the Executive Board Meeting in September, immediately following the election, shall constitute elections of officer acclaimed.

ARTICLE X

Business Manager

Section 1: The Business Manager shall be the Chief Executive Officer and Administrative Manager of the Local Union and all districts shall be under his supervision. The Business Manager shall be authorized and empowered, on behalf of the Local Union to appoint any and all representatives/agents and to employ such clerks, stenographers, secretaries and other assistants as, in his opinion, the needs of the Local Union may require. It shall be the responsibility of the Business Manager to establish wages, allowances and all other conditions for all employees of the Local Union. They shall work directly under his supervision and he may terminate them at any time in accordance with any provincial law or collective agreement that may apply. Should the Business Manager discharge any such employee, the said employee shall not be re-employed or paid by the Local Union in any capacity during the term of office of such Business Manager, unless his prior approval has been given.

Section 2: The Business Manager, or a Business Representative acting at the direction of the Business Manager, may determine that member(s) working for a particular employer, who is not signatory to a collective agreement with this union, are not promoting the principles and/or objectives of this union and can then require such member(s) to cease or refuse employment with that employer.

ARTICLE XI

Delegates to Conventions

Section 1: Members, or alternates, to be eligible as delegates to local or Provincial Conventions, must be a member in continuously good standing in the Local Union for a period of not less than one year, prior to the Convention, with dues paid for the current month of the Convention.

- Section 2: Members, or alternates, to be eligible as delegates to the General Convention of the International Union of Operating Engineers, must have been a member in good standing with respect to the payment of dues and meet the requirements contained in the second paragraph of Article XXIV, Subdivision 1, Section (b).
- Section 3: In conformity with Article III, Section 3, of The International Constitution, the President and Business Manager elected subsequently to the adoption of these by-laws are by virtue of their office delegates to all International Conventions.
- Section 4: The election of all other delegates to the General Convention of the International Union of Operating Engineers, shall be in accordance with the Constitution, Article XXV, Section 1, Paragraph (i), with nominations at District Meetings during the month of January prior to the Convention and elections during the month of February by mail referendum vote among the General Membership.
- Section 5: Delegates to conventions, other than the General Convention, shall be elected or appointed by the Business Manager in consultation with the Executive Board at least one (1) month prior to the said Conventions. The Executive Board shall determine the number of delegates to be appointed or elected to all Conventions, except the General Convention. The Business Manager, by virtue of his office, shall be a delegate to all conventions to which delegates are appointed or elected.
- Section 6: Good standing for the purpose of election of delegates to conventions is defined as having dues paid at the union office of the local union within thirty (30) days after they have become due and payable.

ARTICLE XII

Duties of Members and Causes for Fines Or Suspensions

- Section 1: In addition to the duties required by the Constitution, By-Laws and Ritual, every member will be required to conform to and abide by the hours, wages and conditions of employment provided for in the Dispatch rules of Local Union No. 904, and any Subdivision(s) or as negotiated under signed agreements with the Local Union. Any member found guilty or entering into an individual or personal contract with his employer which serves to lower or negate the wages, hours or conditions of employment as established by the Local Union will be subject to disciplinary action, in accordance with the provisions of Article XXV, Section 2, of the International Constitution.
- Section 2: No member shall engage in conduct discreditable to the organization or shall violate any of the working rules/dispatch rules of this Local Union. Any violation of this Section by a member of this Local Union may be subject to discipline by the Local Executive Board.
- Section 3: Members who fail to make claim for shortages in wages and/or overtime within seven (7) days after each pay period, shall not be deemed as having a just claim, and may be subject to penalty for failing to report such shortages.
- Section 4: Members shall immediately notify the Recording-Corresponding Secretary or the union office, of any change in their current address.
- Section 5: No member of Local 904 or any Subdivision(s) thereof shall advocate a division or split of Local 904 and upon conviction thereof by the local union, he may be fined, suspended or expelled.

- Section 6:
- A. Members shall, after trial, in conformity with the provisions of the International Constitution be subject to fines, suspensions and expulsion for breach of the provisions of the International Constitution and these by-laws.
 - B. Members who have not paid their current dues or assessments within thirty (30) days after they shall have become due and payable, may, upon vote of the Local Union, be denied voice and vote herein.
 - C. Members who have not paid their current dues or assessments within thirty (30) days after they shall have become due and payable may, upon vote of the Local Union, be barred from meetings or removed from committees or both or suspended from membership.
 - D. Members who have not paid their current dues or assessments within ninety (90) days after they shall have become due and payable may, upon vote of the Local Union, be removed from office.
 - E. Members who have not paid their current dues or assessments within six (6) months after they shall have become due and payable may, upon report thereof by the Financial Secretary at a regular meeting of a Local Union, be expelled by a majority vote of the members present.
 - F. The Local Executive Board is authorized and empowered to take the same action provided herein above, and to enforce the foregoing penalties for arrearage against members. Whenever, upon findings by it, the said arrearage are found to exist the same authority and power is conferred upon Supervisors in charge of the Local Union if under International Supervision.
 - G. No member shall seek to affiliate with another Local Union save in the manner and form required by the Constitution. Such members shall be required to make full disclosure to such other Local Union of his previous membership, including all facts as to any fines, penalty or other disability imposed within the organization and existing and unsatisfied against him. In addition such members shall strictly conform to and discharge any and all constitutional requirements governing the lifting of the said fine, penalty or disability.
 - H. Any officer or member of a Local Union who becomes a habitual drunkard; who wrongs a fellow member or defrauds him; who commits an offence discreditable to the International Union or its Subdivisions; who seeks to dissolve any Local Union or separate it from the general organization; who wilfully engages in slander or libel 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; who violates the trade rules of the locality in which he is working; who fraudulently receives, misapplies, converts or embezzles the funds of any Subdivision of the International Union, or the monies of any member entrusted to him; who violates his obligations or any Section of the Constitution, Rules, Edicts and Ritual of the International Union; who divulges the password to anyone except the officer authorized to receive same; who is guilty of insubordination or who refuses to acknowledge or perform the lawful command of those authorized within the International Union to issue the same; may be disciplined or upon trial therefore and conviction therefore, be fined, suspended or expelled from his Local Union; or who is found to be in violation of these By-Laws or Working Rules may be disciplined in accordance with the procedures articulated in Article XXIV, Subdivision 7, Sections (i) through (s) of the IUOE Constitution.
 - I. Any member working contrary to a declared strike or the rules established by the Local Union, by reason of a lock-out, shall, upon trial and conviction thereof, be

subject to a fine of not less than twenty five dollars (\$25.00), expulsion or both. His name shall be reported to his Local Union which shall enforce this section charge and collect the fine so imposed under a penalty of expulsion. The Local Union shall have the power to fix such other offenses as from time to time may be determined by it.

Section 7: Any member changing his address shall notify the office of the Local Union immediately. Notice of any kind sent by this Local Union to a member to the last known address given by the member shall be considered legal notice.

Section 8: Any member who ceases to perform the work of an Operating Engineer as outlined in the Craft Jurisdiction, may request, and at the option of this local union be granted a withdrawal card, by applying to the Financial Secretary. Current dues and/or assessments must be paid to date and in addition, he shall pay a fee as set for such withdrawal card. Any member holding a withdrawal card shall turn such card in to the respective Local Union immediately before resuming work at the trade.

ARTICLE XIII

Dissolution

Section 1: This union shall not be dissolved nor shall its territorial jurisdiction be reduced, nor shall there be issued any other charter for any other Local Union with Local 904's present jurisdiction, except upon order of our General President, General Executive Board or General Convention; and in conformity to the Constitution of The International Union of Operating Engineers; nor shall Local 904 petition the General President or General Executive Board for any other Hoisting and Portable Charter to be established within our present jurisdiction without first conducting a mail referendum vote of all the members in good standing of Local 904 and after a two-thirds vote of all such members being in favour thereof.

ARTICLE XIV

Trials of Members

Section 1: The trial of any member, upon a charge that he has been guilty of a breach of these By-Laws, Working Rules, Dispatch Rules or a breach of the Constitution, may, at the Local Union Executive Board's discretion, be held at the membership meeting of the District in which the offense occurs, or at the next regular membership meeting held. The President shall preside at all trials, however, there must be a minimum of three (3) members of the Local Executive Board present at all trials and the procedure set forth in Article XXIII, Subdivision 7, Section (l), (m), (n), (o), (p) and (q), shall apply to the trial of such member; and an appeal may be made directly to the General Executive Board in the manner and form set forth under the terms of the Constitution.

ARTICLE XV

Payment of Fines

Section 1: All fines imposed by Local 904 shall be dealt with in accordance with Article XXIII, Subdivision 7, Section (f) of the Constitution of the International Union of Operating Engineers.

Quote: "All fines legally levied or imposed shall be charged by the Financial Secretary against the member from who due and must be paid by the member involved to the Financial Secretary within thirty (30) days."

Whenever a fine is imposed upon a member, his sentence shall automatically be read to incorporate the following provisions:

- A. Members, thirty (30) days in arrears in the payment of fines, shall be denied vote and voice in their Local Union and thereafter until the fine is paid, no dues owed by such members can be received or accepted by the Local Union.
- B. Members, sixty (60) days in arrears in the payment of fines, shall be removed from committees, barred from meetings and suspended from membership.
- C. Members, ninety (90) days in arrears, shall be removed from office.
- D. Members, six (6) months in arrears, shall be expelled from membership.

ARTICLE XVI

Entrance Fee

Section 1: An applicant making application for membership in Local 904 and/or its subdivision(s) will be required to sign an application card and shall pay the amount of monies as established by the Local Union and approved by the membership **in accordance with the relevant provisions of the IUOE constitution**. These monies shall include an initiation fee and one month's dues plus any other assessment in force at the time of making application. These assessments may include, but are not limited to assessments for organizing, convention funds, death benefit funds, defence funds, building funds, charity funds, insurance funds or any other fund established by approval of the membership.

Section 2: A person making application for membership shall have their applications reviewed by the Local Union Executive Board, only after the provisions of Section 1 of this Article have been fulfilled. The Executive Board shall, upon review of the Application's character and qualifications, either accept or reject the applicant for membership and the applicant shall be notified accordingly. In reviewing each application for membership, the Executive Board may take into consideration the individual applicant's actions during the time period that he is working in Local 904's jurisdiction and paying Applicant Service Dues, including but not limited to, the applicant's adherence or non-adherence to these By-Laws and Working Rules.

ARTICLE XVII

Defence Fund

- Section 1:
- A. The Strike and Defense Fund shall be maintained by an initial assessment of twenty-five (\$25.00) dollars, on all regular applications for membership into the Local Union. Each new member must pay this assessment.
 - B. An annual Strike and Defense Fund Assessment of Twenty dollars (\$20.00) shall be levied on each member. Additional assessments may be levied if approved by the Executive Board and passed by a majority vote of members present at a semi-annual general membership meeting or a special meeting called for the purpose. All monies received under these assessments shall be paid into the Defence Fund.

C. The Annual Strike and Defense Fund Assessment may be changed or amended from time to time as approved by the Local Union's Executive Board and passed by a majority vote of members present at a semi-Annual General Membership Meeting.

Section 2: This Fund is kept separate and apart from the regular funds of the Local and can be used for defense purposes and legal and authorized strikes and lockouts.

Section 3: The signing officers for the account known as the Defense and Strike Fund shall be the President, Financial Secretary, Treasurer and Business Manager. Any two of the four to sign.

Section 4: Signers of the cheques shall be responsible for all monies disbursed.

Section 5: The administration of the Strike and Defense Fund shall be handled by the Executive Board

Section 6: Lockout and Strike Benefit may be paid after seven (7) days if authorized by the Business Manager in consultation with the Executive Board.

Section 7: It is intended that the maximum amount of the Lockout and Strike Benefits paid shall be one hundred and fifty dollars (\$150.00) per week.

Section 8: Any member found making false statements to obtain Strike or Lockout Benefits shall be fined not less than two hundred (\$200.00) dollars and be denied further benefits.

ARTICLE XVIII

Charity Fund

Section 1: A Charity Fund shall be established, kept separate and apart from all other Funds and be administered by the Local Union. The Charity Fund shall be supervised and administered by the Executive Board, and is for the purpose of providing monies to charities approved by the Executive Board.

Section 2: Revenue for this Fund shall be derived by assessing each member of Local 904 twenty-five (\$25.00) on each regular application, each application to transfer in and each application for reinstatement.

ARTICLE XIX

Death Benefit Fund

Section 1: The Death Benefit Fund shall be supervised and administered by the Local Executive Board.

Section 2: The Death Benefit Fund shall be partially maintained by an assessment of Two Hundred (\$200.00) on all regular applications for membership into Local 904. This assessment shall apply to anyone who reinstates or transfers into Local 904.

Section 3: Each member shall be assessed four dollars (\$4.00) per year. Additional assessments may be levied if approved by the Executive Board and passed by a majority vote of members present at a semi-annual general membership meeting or a special meeting called for the purpose. All monies received under these assessments shall be paid into the Death Benefit Fund.

Section 4: The payment of all or any death benefits under this Article are to be governed by the subject to the following conditions:

- A. Death Benefits shall only be payable to the extent that there are monies in the Death Benefit Fund.
- B. Whenever claims outstanding against the Death Benefit Fund exceed the monies in the Death Benefit Fund the payments made in respect to such claims shall be reduced proportionally so that the aggregate of such claims does not exceed the monies in the Death Benefit Fund.
- C. Nothing herein contained or the breach thereof shall give any person the right of action against the Local or any member or officer thereof.
- D. A majority vote of members present at an Annual General Membership Meeting of the Local may cancel or reduce the claim of any person against the Death Benefit Fund whether such claim as previously accrued or not upon recommendation of the Executive Board of the Local.

Section 5: A Death Benefit of seven hundred and fifty (\$750.00) dollars shall be payable to such beneficiary or beneficiaries as a member may designate, and failing such designation, to his estate.

Section 6: Death Benefits shall be payable to a member who is a member in good standing in Local 904.

Section 7: Members with ten (10) years' continuous standing, that take a withdrawal card and desire to continue in the Death Benefit Plan may do so on payment of twenty-four dollars (\$24.00) per year in advance.

Section 8: Any member having no next of kin or beneficiary may assign his death benefit to the Local Union on the prescribed form.

Section 9: It shall be the responsibility of all members to specify upon the forms provided, the name and address of their beneficiary and any change thereof.

Section 10: New members are qualified for the Death Benefit upon the date such new member is accepted for membership by the Local Union.

ARTICLE XX

Organizing Fund

Section 1: The Organizing Fund shall be maintained under the supervision of the Local Union's Executive Board to finance organization work within the territorial jurisdiction of the Local Union. The Local Union's Executive Board shall imitate proposals each year to provide revenue to maintain this Fund.

Section 2: The Organizing Fund shall be partially maintained by an assessment of twenty-five (\$25.00) dollars, on all regular applications for membership into the local Union. Additional assessments may be levied if approved by the Executive Board and passed by a majority vote of members present at a semi-annual general membership meeting or a special meeting called for the purpose. All monies received under these assessments shall be paid into the Organizing Fund.

ARTICLE XXI

Building Fund

- Section 1:
- A. The Building Fund shall be maintained and supervised by the Local Union's Executive Board. The purpose of the Fund shall be to finance the purchase of land and/or buildings or build such buildings as may, from time to time, be deemed necessary and desirable by the Local Union.
 - B. The Building Fund shall be partially maintained by an assessment of twenty-five dollars (\$25.00) on all regular applications for membership into the Local Union. Additional assessments may be levied if approved by the Executive Board and passed by a majority vote of members present at a semi-annual general membership meeting or a special meeting called for the purpose. All monies received under these assessments shall be paid into the Building Fund.

ARTICLE XXII

Financial Statement

- Section 1: The Financial Secretary shall have an annual audited statement of receipts and disbursements prepared at least once per year. The annual audit statement shall be presented at the Annual General Membership Meeting.

ARTICLE XXIII

Reinstatement

- Section 1: Previous members of Local 904 and/or its subdivision(s) who have been suspended from membership may make application for reinstatement in accordance with the established rules of the Local Union and the International Constitution, by payment of a reinstatement fee, plus all back dues, assessments or fines that may be owing by the member at the time of making application for reinstatement.
- Section 2: The rules and regulations governing reinstatements may be amended by the Executive Board and approved by a majority vote at the next Annual General Membership Meeting.

ARTICLE XXIV

District Form Of Government

- Section 1: Local Union 904 does, by these By-Laws, accept and adopt the provisions of Article XXV of the International Constitution, extending to the Local Union the right of operating under a District Form of Government.

ARTICLE XXV

Regulations and Working Rules

- Section 1: These Regulations and Working Rules shall be administered with the same force and effect as the Local Union by-laws.

ARTICLE XXVI

Working Rules

- Section 1: Each member shall obtain a work permit from the Union/District Office before starting work in all areas.
- Section 2: Any member leaving his own area to work in another part of the province, shall report to the Union/District Office in the area in which he is going to work. This shall not apply to members whose duration for work shall be less than one (1) week.
- Section 3: No member shall take over the position of a member discharged without just cause.
- Section 4: If a member is discharged for adherence to these Working Rules or to the agreement in effect between the Local Union and his employer, no member will be allowed to take his place until full clearance has been given by his Local Union.
- Section 5: No member of the union may quit until he shall have first notified his Union/District Office or representative and has been relieved by another member of the union which may be made by arrangement with the employer and the business representative of this Local Union.
- Section 6: 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 unless proper authority in the form of a permit has been issued by this Local Union.
- Section 7: 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 8: Any operator working without an apprentice on equipment which requires same or any apprentice working on equipment which requires an operator or perform the work of an operator without authority of the operator or union may be charged and if found guilty be subject to a fine not to exceed \$100.00.
- Section 9: Any member of this Local Union who becomes an employer may request, and at the option of this local union be granted a Withdrawal Card by the union after which time he will not engage in the operation of any equipment.
- Section 10: Grievances caused by different interpretations of the By-Laws, Working Rules, Dispatch Rules of the Local Union, or the Constitution of the International Union, shall first be submitted to the Business Manager. If a satisfactory adjustment is not reached, an appeal may be presented to the Local Executive Board and from there, to a General Membership Meeting. If a member fails to follow this procedure and brings a grievance to a judicial forum outside the Union and the Union is acquitted of the charge brought against them, the member(s) who brought the charge shall be responsible for all costs incurred by the Union related to the matter. In accordance with Article XVII, Section 4 of the IUOE Constitution, this provision shall only require resort to internal remedies for a period not exceeding four (4) months.
- Section 11: The employment of Master Mechanics, where necessary, is encouraged. Each member should make every effort to qualify himself of this very responsible position and upon becoming qualified, notify the Union/District Office.
- Section 12: It shall be the responsibility of all members to insure their membership card is stamped up to date and to carry their card at all times when working. In the case of new applicants who have not received their membership card, they shall carry proof of application until their card is received.

- Section 13: If a member is in doubt about the application of these Working Rules, or the conditions in the agreement, he shall contact the Job Steward, Union Representative or the office of the Local Union. Ignorance of these Working Rules will not be held valid as an excuse.
- Section 14: If, in the opinion of the union, the terms and conditions established through an agreement between an employer and the union are not being adhered to, members shall be required to produce either pay envelopes or pay stubs, if requested by an authorized officer or representative of the Union.
- Section 15: Job Stewards may be appointed where practical. Stewards so appointed shall be required to have a full knowledge of agreement pertaining to the job and shall be charged with the responsibility of enforcing same. He shall be required to have a general knowledge of the Working Rules of the Local.
- Section 16: It shall be the duty of the Business Manager or Union Representative to appoint stewards and to fully inform them of the above. They shall also be held responsible for the performance of the steward.
- Section 17: Engineers shall not be required to sign an application of an apprentice for a Hoisting Engineers Certificate unless he is of the opinion the said apprentice is qualified and ready for such examination.
- Section 18: Engineers shall not refuse to sign said applications for any other reason than non-qualification of apprentice or having no knowledge of said applicant's proof of experience. However, in no event shall he sign said application that does not have the requirements specified by the Department of Education.
- Section 19: If an apprentice feels that he is being discriminated against in this regard, he shall have the right to appeal to the Business Manager or Union Representative. If a satisfactory adjustment is not made, an appeal may be taken to the Local Executive Board and from there, to the Annual General Membership Meeting.

ARTICLE XXVII

Apprentices

- Section 1: All members performing the duties of an Oiler, Mobile Crane Driver, Mechanic's Helper, Small Pump Operator, shall be considered as apprentices. They shall be members of the union unless authority is given under Rule No. 6 and they shall at all times be under the authority of the operator and no other. In the case of the Mechanics' Helpers or small Pump Operators, they shall be under the authority of the Head Mechanic.
- Section 2: It shall be the duty of the Operator or Mechanic to assist apprentices in their endeavour to become Journeyman Engineers. The term "Engineer" shall mean operators and mechanics of equipment coming within the Jurisdiction of the International Union of Operating Engineers.

ARTICLE XXVIII

Acceptance and Amendments of By-Laws and Rules

- Section 1: The union, at all times, reserves the right to make laws and rules to govern its own members, provided the same conform to the Constitution of the International Union of Operating Engineers.

- Section 2: Any Article or Section of these By-Laws found to be in variance with or in contravention to the Constitution, Laws and Ritual of the International Union of Operating Engineers, Laws of the Province of Newfoundland and Labrador or the Dominion of Canada, shall be null and void.
- Section 3: These By-Laws may be amended or revised if approved by the Local Union Executive Board and a majority vote of the membership taken at the Annual General Membership Meeting.