



Constitution

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**OFFICE & PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION LOCAL 39
CONSTITUTION**

ARTICLE I

Preamble

This Union declares for its objectives and aspirations the following: to organize all unorganized professional, technical, office and clerical, and related employees; to secure terms and conditions of employment for its members consonant with ideals of fair wages; to promote and encourage harmonious relations between ourselves and our employers; to render all possible assistance to our fellow members in the American Federation of Labor and Congress of Industrial Organizations; and to have, in general, the same aims and purposes of the International Union provided for in its Constitution in the interests of all professional, technical, office and clerical, and related employees.

ARTICLE II

Name

This organization located at Madison, Wisconsin, shall be known as the Office and Professional Employees International Union, Local No. 39. This Union shall be and remain a chartered Local Union of the Office and Professional Employees International Union of the American Federation of Labor and Congress of Industrial Organizations.

ARTICLE III

Existence

This Local Union cannot be dissolved while there are two-hundred fifty (250) dues-paying members therein who desire to continue its existence. When any Local Union ceases to represent employees of any employer, the International Union Executive Board may suspend the charter of such Local Union and order it dissolved. Upon the dissolution of this Union, all its properties and assets, including its funds, books and records, shall become the property of the International Union, to be held by the International Union in trust for a period of one (1) year, during which time such property shall be returned to this union if it is reconstituted. After such one (1) year period such properties and assets shall become the property of the International Union, and the funds will be placed in the International Union treasury to be used by the International Union for its general purposes.

ARTICLE IV
Jurisdiction

SECTION 1. This Union shall embrace with in its membership employees in any phase of professional, technical, office, clerical and related work in the commonly accepted sense of that term coming within its jurisdiction established under the Constitution of the Office and Professional Employees International Union.

SECTION 2. This Union recognizes the right of the Executive Board of the International Union to determine jurisdiction between Local Unions and to settle all controversies respecting jurisdiction between Local Unions.

ARTICLE V
Membership

SECTION 1. Any person shall be eligible for membership in this International Union upon compliance with the requirements of this Constitution. No person shall simultaneously hold membership in more than one Local Union of the International Union. No person may transfer membership from one Local Union of the International Union to another Local Union without written approval of the President, unless such a transfer is the result of a change in employment from one bargaining unit represented by the International Union or a Local Union to another such unit. Members shall hold membership in the International Union through the Local Union in whose jurisdiction they are working or last worked, except for members employed by the International Union or one of its subordinate bodies, a Local Union or any council or other federation of Local Unions, who shall hold membership in such Local Union as may be determined by the President. Where a member works within the jurisdiction of more than one Local Union, such member shall hold membership through the Local Union in whose jurisdiction such member first worked; provided, however, that such members shall pay a fee equal to the applicable dues to the other Local Union(s) in whose jurisdiction the member is working and such Local Union(s) shall pay a fee equal to the applicable per capita to the International Union.

SECTION 2. MEMBERSHIP CLASSIFICATIONS. Membership classifications shall be active, non-active and associate. No member shall simultaneously hold more than one classification. A person who is suspended or expelled; loses their basis for membership due to an election; is no longer employed by the International Union or one of its subordinated bodies, a Local Union, any Council or other federation of Local Unions; has resigned their membership; or any other person who is not a member in accordance with one of the membership classifications provided for in this Article shall not be considered a member for any purpose; provided, however, in the event that a decision deprives a person of the basis upon which they hold membership, and that decision may be

appealed to any body other than the Convention of the International Union, that person shall maintain membership until the ruling on the appeal by the membership of a Local Union or the Executive Board of the International Union upholds the deprivation of the basis upon which membership is held.

SECTION 3. ACTIVE MEMBERSHIP. (a) An individual is eligible to be an active member in the International Union and a Local Union if that individual is: employed within a collective bargaining unit or other unit of employees represented by or affiliated with the International Union or any Local Union; an employee or officer of the International Union or one of its subordinate bodies; an employee or officer of a Local Union or any Council or other federation of Local Unions; or a person who belongs to or joins a group that was granted full membership rights by the International Union prior to December 31, 2015. Where such person is current with his or her dues, that person is an active member. The term active member and member in good standing may be used interchangeably.

(b) An individual who is employed under a collective bargaining unit represented by an OPEIU local, who is an employee of a Local Union, International Union, or any AFL-CIO federation of unions, will be eligible for active membership. Elected officers who sever the employment relationship which provided their eligibility for active membership will no longer be eligible for active membership July 1, 2021 or two years after they sever such employment, or whichever is later.

(c) Compliance with reasonable membership requirements uniformly imposed by a Local Union, affiliated organization or Guild, and receipt by the Local Union, affiliated organization or Guild of the current dues and any required initiation or reinstatement fee, or any installment established by the Local Union, affiliated organization or Guild for payment of such fee, is required for an eligible individual to become an active member. Continued payment of dues, and if applicable, any remaining installments of the Local Union initiation or reinstatement fee, is required to maintain active membership.

(d) An active member who is not actively working due to layoff, illness, disability or a contractually provided leave of absence, and has applicable recall, reemployment or other employment rights which have not expired under the collective bargaining agreement or who has been discharged and has a grievance pending under the collective bargaining agreement may elect: (1) to continue to pay dues and maintain active membership for the period for which said recall, reemployment or other employment rights are valid or said grievance is pending; (2) to apply for another classification of membership provided for this Article, if eligible; or (3) to apply for a withdrawal card.

(e) Active members shall enjoy all rights and privileges of membership in their respective Local Unions and in the International Union including, without limitation, the right to vote at all meetings and in all elections or referenda, to be nominated for and hold any office and to be elected a delegate to the

International Union Convention, if otherwise qualified under their Local Union Constitution and this Constitution.

SECTION 4. NON-ACTIVE MEMBERSHIP. (a) An individual is eligible to be a non-active member if that individual is a former active member of the International Union, including an individual who is retired or resigned from the position which made them eligible to be an active member, who desires to maintain membership in a Local Union. Receipt by the Local Union of whatever dues or fees it may establish for non-active members that are currently due is required for an eligible individual to become a non-active member. Continued payment of such dues and fees is required to maintain non-active membership. One half of any such dues or fees shall be paid to the International Union at the same time that per capita are due, but not in excess of the applicable per capita.

(b) Non-active members may attend and address Local Union meetings at the discretion of the Local Union President. Such persons shall have no voice or vote in International Union or Local Union affairs, nor shall they be nominated for or hold an International Union or Local Union office or Executive Board position or be elected a delegate to the International Union Convention.

SECTION 5. ASSOCIATE MEMBERSHIP (a) The Executive Board has established an associate membership classification providing for per capita payments in accordance with Article XVI, Section 1(f) herein. This classification may include an employee employed by an employer who is the subject of an active organizing effort by the International Union or any Local Union, and shall include all other conditions and regulations which may be applicable to the category as established by the Executive Board. Any Local Union may also establish an associate membership classification which is consistent with any Executive Board action concerning an associate membership classification.

(b) An associate member may attend and address Local Union meetings at the discretion of the Local Union President. Such persons shall have no voice or vote in International Union or Local Union affairs, nor shall they be nominated for or hold an International Union or Local Union office or Executive Board position or be elected a delegate to the International Union Convention; provided, however, that Guilds or Directly Affiliated Groups admitted into the union as associate members shall have a voice but no vote at International Union conventions.

ARTICLE VI

Membership Meetings

SECTION 1. Regular meetings of the membership of this Union shall be held on the third Wednesday of February, May, August, and November at a time and place designated by the Executive Board, unless such day shall fall on a legal

holiday, in which event the meeting shall be held on a date selected by the Executive Board of such month.

SECTION 2. Fifteen (15) members in good standing shall constitute a quorum for any regular or special meeting. No meeting shall be called to order unless such quorum is present, with the exception of membership meetings which are called for the nomination and election of officers, for which there is no quorum required.

SECTION 3. A special meeting of this Local Union's membership may be called by the Executive Board if it deems such action necessary or upon a written request submitted to the President by not less than ten percent (10%) of the members in good standing, but said meeting of this Local Union's membership shall not take place on the day of adjournment of any regular membership meeting.

SECTION 4. The Recording Secretary shall send out notices of any special membership meeting, stating the purpose for such meeting, to all members at least seventy-two (72) hours (5 days) before it convenes. Such notice may be sent by email, (texting, social media) to those members for whom this Local Union believes it has valid and active email addresses. The Local Union shall post written notice of a special membership meeting at each unit's workplaces for those members for whom this Local Union does not have email addresses. No other business shall be transacted at such special meeting other than as stated in the notice sent by the Recording Secretary.

SECTION 5. No action of the membership shall be deemed valid or binding unless such action is taken by the membership at a regular or special meeting held pursuant to the provisions of this Constitution.

SECTION 6. Only members fulfilling the requirements of Articles V and XVI of this Constitution shall be eligible to attend membership meetings of this Local Union and to participate to the extent set forth in those Articles; except that guests who are not members of this Local Union invited by Executive Board or of this Local Union may attend and participate to the extent of which they are invited.

ARTICLE VII

Officers and Duties

SECTION 1. a. This Local Union shall have the following officers: President, Vice President, Secretary-Treasurer, Recording Secretary and six (6) Trustees, as Executive Board members.

b. All officers and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union. Such bond shall be no less than \$25,000 or 10% of the assets and receipts of this Local Union, whichever is greater. Local Union stewards who handle funds or other property of the Local Union are also subject to this bonding requirement. The Local Union's Secretary-Treasurer will contact the International Union Secretary-Treasurer to acquire the appropriate bond(s).

c. Where necessary, every officer and employee of this Local Union, other than an employee performing exclusively clerical or custodial services, shall file with the Secretary of Labor, U.S. Department of Labor, U.S. Department of Labor, a signed LM-30 report, conforming in all respects to the requirements of Section 202 of the Labor-Management Reporting and Disclosure Act of 1959 and all pertinent rules and regulations there under.

SECTION 2. President. The President shall preside at all membership meetings of this Local Union and Executive Board meetings; shall preserve order during its deliberations at such meetings; sign all checks drawn on the treasury; appoint all committees whose composition is not otherwise ordered; transact such other business as may of right pertain to the office of the President and which may be necessary to the proper functioning of this Local Union; and shall have such other powers and duties as are provided for in this Constitution.

SECTION 3. Vice President (a). The Vice President shall perform the duties of the President in the absence of that officer, and, in case of resignation, removal, forfeiture of office or death of the President, shall perform the duties of President until such vacancy is filled by the next regular election as provided for in this Constitution. The Vice President shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge the duties of the office of President. The Vice President shall also be chairman ex officio of all standing committees and shall have such other powers and duties as are provided for in this Local Union's Constitution.

b. The Vice President shall act as Chairman of the Trustees and is required to call no less than quarterly meetings of the Trustees. The Vice President shall have the right to require the presence of all necessary officers at such meeting including the Secretary-Treasurer.

SECTION 4. Secretary-Treasurer (a) The Secretary-Treasurer shall keep all financial accounts of this Local Union; maintain correct and proper accounts of all its members; collect all financial obligations due from members of this Local Union; make all disbursements for this Local Union as provided for in Article XIII of this Constitution; keep a correct record of all moneys received and expended by this Local Union; and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the International Union monthly, and to the next regular membership meeting of this Local Union.

(b)1. The Secretary-Treasurer shall deposit all funds of this Local Union in a bank, credit union or other financial institution recommended by the Trustees, with insurance provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration, in amounts not to exceed the maximum insurable amounts provided by these agencies.

(b)2. The Secretary-Treasurer shall submit all books and records to the Trustees for review and approval as provided for in Article VII, Section 6(a) of this Constitution and whenever called upon to do so. Such records shall include copies of at least the front of all checks containing the required signatures of the Local Union officers. Upon written request of the majority of Trustees, the Secretary-Treasurer shall provide the Trustees with copies of both the front and back of any check for review.

(b)3. Upon the expiration of term of office, the Secretary-Treasurer shall turn over to the successor all properties and assets, including funds, books, and records of this Local Union. Before turning over such properties and assets to the successor, the Secretary-Treasurer shall turn over all properties and assets, including funds, books, and records, to the Secretary-Treasurer of the International Union or the duly authorized representative when properly called upon to do so.

c. The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15th) day of the following month after which dues are collected by this Local Union. The Secretary-Treasurer shall follow such accounting and reporting procedures as shall be formulated by the Secretary-Treasurer of the International Union. The Secretary-Treasurer shall be required to make monthly reports to the Secretary-Treasurer of the International Union of all dues-paying members on forms prescribed by the Secretary-Treasurer of the International Union. The Secretary-Treasurer shall be required to include in each monthly report the, name and address of all newly initiated and reactivated members, members who have withdrawn, died, or have been suspended, including members automatically suspended after three (3) months delinquency in dues, or expelled, and the names of all persons to whom working permits were issued during the month.

d. The Secretary-Treasurer shall be properly bonded by a bonding company and under a bond approved by the Secretary-Treasurer of the International Union.

e. The Secretary-Treasurer shall, regularly, check the requirements of Section 201(a) of the Labor-Management Reporting and Disclosure Act of 1959 to ascertain whether any changes have occurred which will cause the information required to be filed and to be reported to the Secretary of Labor, U.S. Department of Labor, at the time of filing annual financial reports as required in subsection h. of this f. of this Section and as required by Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959.

f. The Secretary-Treasurer shall file annually with the Secretary of Labor, U.S. Department of Labor, a financial report containing the following information in such detail as may be necessary to accurately disclose this Local Union's financial conditions and operations for its preceding fiscal year:

1. assets and liabilities at the beginning and end of the fiscal year;
 2. receipts of any kind and the sources thereof;
 3. salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who during the fiscal year, received more than ten thousand dollars (\$10,000) in the aggregate from this Local Union and any other labor organization affiliated with this Local Union or with which it is affiliated, or which is affiliated with the International Union;
 4. direct and indirect loans made to any officer, employee or member, which aggregated more than two hundred and fifty dollars (\$250.00) during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;
 5. direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and
 6. other disbursements made by this Local Union including the purposes thereof; all in such categories as the Secretary of Labor, U.S. Department of Labor, may prescribe.
- g. The Secretary-Treasurer shall make available the information required to be contained in the above-mentioned reports to all of the Local Union's members.
- h. The Secretary-Treasurer shall preserve all records in accordance with the provisions of Section 206 of the Labor-Management Reporting and Disclosure Act of 1959 for at least five (5) years after filing with the Secretary of Labor, U.S. Department of Labor, of the documents based on the information which the records contain. The Secretary-Treasurer shall turn over to his/her successor all of the Local Union's books and records in his/her possession.
- i. For a collective bargaining agreement to which this Local Union is a party, to be effective, it must be signed by either the Secretary-Treasurer or the President of this Local Union.
- j. On January 1st and July 1st of each year, the Secretary-Treasurer shall provide the International Union Secretary-Treasurer a current listing of the Local Union's active, non-active and associate members in good standing including names, home addresses, and if known to this Local Union, home telephone numbers and email addresses.
- k. Check the requirements of Section 201(a) of the Labor Management Reporting and Disclosure Act of 1959 to as certain whether any changes have occurred which will cause the information required to be filed to be reported to the Secretary of Labor, U.S. Department of Labor, at the time of filing annual financial reports as required in subsection h. of this Section and as required by Section 201(b) of the Labor Management Reporting and Disclosure Act of 1959.

SECTION 5. Recording Secretary. (a) The Recording Secretary shall keep the minutes of all meetings and proceedings of this local union and the Executive Board and shall send out all meeting and other notices called for by this Constitution.

(b) The Recording Secretary shall keep copies of all collective bargaining for inspection by any member or employee whose rights are directly affected.

(c) The Recording Secretary shall file a copy of all collective bargaining agreements entered by this Union with the President of the International Union.

SECTION 6. Trustees. (a) The Trustees shall review all the books and records of the Local Union's Secretary-Treasurer at least quarterly and at the close of each fiscal year and shall report the results of each such review in writing to the Local Union and to the Secretary-Treasurer of the International Union. As provided for in Article VII, Section 4(b)(2), such records shall include a review of copies of at least the front of all checks containing the required signatures of the Local Union officers. Upon written request of the majority of the Trustees, the Secretary-Treasurer shall provide the Trustees with copies of the front and back of any check for review. In conducting such reviews, the Trustees shall meet at the designated time with the Vice President of the Local Union who will act as Chairperson of the meeting.

(b) The Trustees shall report the results of each such review to the Local Union Executive Board and to the Secretary-Treasurer of the International Union. Following the submission of each Trustee's report to the Local Union Executive Board, each report shall be read at the next regular membership meeting and shall be made available to membership in the office of this Local Union for the ensuing two (2) weeks or in lieu of posting, the report can be published in the Local Union newsletter.

ARTICLE VIII

Executive Board

SECTION 1. The Executive Board shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary, six (6) Trustees. Executive Board members are elected by a plurality of the voting membership in good standing. Executive Board members will be charged via membership with maintaining the finances and viability of the Local Union.

SECTION 2. Each member of the Executive Board shall have one (1) vote. The President shall act as Chairperson of the Executive Board.

SECTION 3. Six (6) members of the full Executive Board shall constitute a quorum, and such quorum shall have power to transact all business of the Executive Board. Regular meetings of the Executive Board shall be held on the second Wednesday of each month at 5 pm. Special meetings of the Executive Board may be called by the President and must be called by the President upon the request of a majority of the members of the Executive Board. All members of the Board shall be given reasonable notification by the Recording Secretary of any special meeting of the Board. Executive Board meetings and special

meetings of the Executive Board may be conducted by telephone conference call or other electronic means.

SECTION 4. The Executive Board shall conduct the affairs of the Local Union in the intervals between general membership meetings. The Executive Board is empowered to authorize and perform all acts for the conduct of the Local Union's business between such membership meetings.

SECTION 5. The Executive Board may engage legal counsel and determine the compensation for such services.

SECTION 6. The Executive Board may appoint representatives or temporary organizers for a period of time to be determined by the Executive Board. The Executive Board shall determine the compensation for such services.

SECTION 7. The Executive Board shall have the power to add representatives to the Executive Board from large bargaining units represented by this Local Union of fifty (50) or more that are organized during their term of office, provided that such Executive Board representatives shall be elected by secret ballot.

SECTION 8. In the event that a large unit as described in Section 7 fails to secure the election of a representative to the Executive Board, the Executive Board shall appoint to the Executive Board a member of said group to serve for the current term. Such representative shall have a voice but no vote on the Executive Board.

SECTION 9. The Executive Board or a committee consisting of an odd number of at least three members of the Executive Board appointed by the President of this Local Union shall act as a Trial Board of this Local Union.

SECTION 10. The Executive Board shall authorize employment of administrative assistance and other personnel as it deems necessary for the proper conduct of this Local Union's business and shall determine the compensation for such employees.

SECTION 11. The Executive Board shall determine compensation for all officials of this Local Union.

SECTION 12. The number of stewards for each employer with whom the Local Union has a collective bargaining agreement and their apportionment among the various departments of said employer shall be determined by the Executive Board.

SECTION 13. Any officer or member of the Executive Board as enumerated in Section 1 of this Article who fails to attend three (3) meetings, without being

excused from such attendance by the Executive Board shall be deemed to have forfeited such office, and the Executive Board, pursuant to Article XXII. may appoint a successor for the balance of the unexpired term; provided, however, that if the office of the President is thus declared vacant the Vice President shall perform the duties of the president until such vacancy is filled by an election as provided in Article IX.

ARTICLE IX

Elections

SECTION 1. It shall be the aim of the Local Union to elect to the Executive Board the most capable members of the various groups comprising the membership of the Union.

SECTION 2. Elections of this Local Union which are conducted pursuant to Article IX are to be conducted in accordance with Title IV of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA), the Election Regulations promulgated by the United States Department of Labor pursuant to Article IV of the LMRDA and as provided in this Constitution. The Election Regulations are published at Title 29, Part 452 of the Code of Federal Regulations.

SECTION 3. No person who has been convicted of, or served any part of prison term resulting from the conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of Title II or III of the Labor-Management Reporting and Disclosure Act of 1959, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan, or conspiracy to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve as an officer, director, trustee, member of the Executive Board or similar governing body, business agent, representative, or business manager, organizer, or employee.

SECTION 4. The officers of this Local Union and the members of the Local Union Executive Board shall be elected by the membership and shall hold office for a term of three years. In order to maintain continuity, members of the Local Union Executive Board shall have staggered three-year terms.

SECTION 5. Nominations for all Local Union offices shall be declared open at the regular membership meeting to be held in the month of November (even years) and May (odd years). Nominations may only be made by active members in good standing of this Local Union at the time of the nomination. All persons validly nominated shall indicate their acceptance or declination (1) verbally if

present at the meeting, or otherwise (2) in writing within five (5) days after such nomination. If no response to the nomination is received within this time frame, the nomination will be considered declined. No person may accept the nomination for more than one office or Executive Board position in an election. If only one candidate (i.e., an eligible member who has been validly nominated and timely accepts the nomination) is duly nominated for an office, that candidate shall be declared elected by acclamation. Notice of such meetings shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 6(a) If any candidate for any Local Union office resigns or is suspended from membership in the Local Union, dies or becomes permanently incapacitated between the time of the close of nominations and the completion of voting, the nomination process for such office will be deemed null and void and new nominations will be conducted prior to the election for that office.

(b) If between the completion of voting and the installation of officers, a prevailing candidate for any Local Union office resigns or is suspended from membership in the Local Union, dies or becomes permanently incapacitated, the election results for that office will be deemed null and void and new nominations will be conducted for that office and a new election held.

(c) For purposes of this Section 6, permanent incapacity means that the candidate is unable to perform duties of the office for which they have been nominated or elected. Such medical condition must be certified in a written opinion by a licensed physician.

SECTION 7. The elections shall take place at the membership meeting following the nomination meeting for President, Recording Secretary, and Trustees 1 - 5 in November and the membership vote the following February. Elections shall take place at the membership meeting following the nomination for Vice-President, Secretary-Treasurer and Trustee 6 in May and the membership vote the following August. Terms run three (3) years. The next nomination meeting is May 2021 on a day selected by Local Union Executive Board.

SECTION 8. No member of this Local Union shall be permitted to vote unless he or she is an active member in good standing in this Local Union at the time of the election.

SECTION 9. After this Local Union has been functioning for one (1) year, no person shall be nominated, elected or appointed to a Local Union office or as an Executive Board member of this Local Union unless such person has been an active member of this Local Union in continuous good standing for at least the preceding twelve (12) months.

SECTION 10. No member shall simultaneously be a candidate for or more than one (1) of the offices specified in Section 1.a. of Article VII.

SECTION 11. The names of all candidates may be placed on the ballot by slate designation for each office. However, a candidate will have the right to run as an independent candidate.

SECTION 12. The candidate(s) receiving the greatest number of votes for the respective offices shall be declared elected.

SECTION 13. No votes for any member who is not a candidate listed on the ballot may be counted by the Election Board (e.g., no sticker or write-in candidates allowed.)

SECTION 14. There shall be no voting by mail or electronic mail ballot except than in circumstances where geographic location may cause difficulties in following the usual election procedures, mail and electronic balloting may be allowed.

SECTION 15. All officers and Executive Board members shall be sworn in immediately and assume office immediately following the election. Before entering upon the duties of their respective offices, the newly elected officers shall subscribe to the following installation obligation:

"I _____ do solemnly pledge my word and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. At the close of my official term, I will turn over to my successor all books, records and all other properties, including funds, of this Local Union, that may be in my possession. I will also deliver all such properties to the International Union upon lawful demand. I will at all times devote my efforts to further the objectives and best interests of my Union."

SECTION 16. The Recording Secretary of this Union shall provide a notice or notices of the nomination and election of officers to all members in good standing not less than fifteen (15) days prior to such nomination or election by electronic mail or U.S. Post said notice(s) to their last known address. A reasonable effort must be made to keep membership mailing list of this Local Union current. The notice of nomination and the notice of election provide for in this Article may be combined into a single notice provided that all requirements for providing such notices are met.

ARTICLE X
Election Board

SECTION 1. An Election Board of three members in good standing shall be nominated and elected at the regular membership meeting after nominations for officers have been closed. One member shall be elected as Chairperson. The Election Board shall have the right to appoint any clerical help required. No nominee or candidate for office shall be eligible to be a member of the Election Board.

SECTION 2. The Election Board is charged with the duty of conducting the election of officers and Executive Board members of this Local Union. It shall make such regulations as shall assure the members of a fair and honest election conducted in compliance with applicable law. Any candidate shall have the right to be or have an observer at the polls and at the counting of the ballots, provided that the identity of the observer and the candidate for whom the observer shall serve has been designated in writing to the Election Board. Only members in good standing of this Local Union shall be eligible to serve as observers.

SECTION 3. The Election Board shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.

SECTION 4. The Election Board shall examine the membership status of all members before permitting them to vote and shall compare the said status with lists to be supplied by the Secretary-Treasurer.

SECTION 5. After an election has been held and a written report of the results has been rendered to the Election Board, all election records and ballots shall be turned over to the Secretary-Treasurer for safekeeping among the records of this Local-Union for not less than one (1) year.

SECTION 6.

a. A recount of the ballots cast in some or all of the positions contested at an election may be requested by presentation to the Executive Board of a petition signed by 25 members of the Local Union in good standing specifying the officer positions for which the votes should be recounted. The petition must be presented to the Executive Board within fourteen (14) days after the Election Board renders its election report, and this petition shall enumerate the reasons why such members believe a recount should be held. The President shall call a special meeting of the Executive Board to consider such petition and the meeting shall be held no later than fourteen (14) days after receipt of the recount petition. If, at this meeting, the Executive Board rules that a recount(s) should be held, it

shall instruct the Election Board to conduct such recount(s). If the Executive Board denies any part of a recount petition, it shall make a report of its ruling to the next regular or special membership meeting. It shall require a majority vote of those in good standing present at the membership meeting to reverse all or any part the Executive Board's decision regarding the recount petition. If the membership meeting reverses the Executive Board's decision the Election Board shall conduct the specified recount(s).

(b) Any candidate for an office for which a recount has been requested shall be permitted to attend all meetings of the Election Board as an observer, including any recounting of ballots. The Election Board shall report its findings to the membership at the next regular or special membership meeting. If a report of the Election Board declares that their tabulation shows that a declared defeated candidate(s) has actually been the recipient of the greatest number of votes cast for that office such candidate(s) actually shall be declared elected.

SECTION 7. Any member may appeal the ruling of the Recount Committee or Election Committee concerning any election related issue. Copies of the Appeal Procedure are available through the Secretary-Treasurer of the international Union.

SECTION 8. Any or all of the members who filed the original protest or any candidate adversely affected by the membership's decision may appeal the membership's decision to the International Union Executive Board using the OPEIU Appeal Procedure found in the OPEIU Administrative Policies and Procedures. Copies of those procedures may be obtained by contacting the office of the Secretary-Treasurer of the OPEIU. Said appeal must be received no later than thirty (30) days after the membership's decision and must otherwise conform with the OPEIU Appeal Procedure.

SECTION 9. The candidates that the Election Board declares elected shall be installed into office as provided for in Article IX, Section 15 and shall retain their offices so long as proceedings involving a recount petition, election protest and/or related appeals remain pending, unless the International Union Executive Board determines otherwise.

ARTICLE XI

Election Offenses

Any member found guilty by the Trial Board of tampering with ballots, illegal voting, committing fraud, violence, coercion, or other conduct not included in the foregoing, which in any manner interferes with a member's right to participate in the election process shall be subject to expulsion, suspension, or fine by the Trial Board. All rulings of the Trial Board are subject to appeal as provided for in the International Union's Uniform Disciplinary Procedure and Appeal Procedure found in the OPEIU Administrative Policies and Procedures. Copies of those

procedures may be obtained by contacting the office of the Secretary-Treasurer of the International Union.

ARTICLE XII

Finances

SECTION 1.

a. The regular dues of this Union are 1.25 % of compensation with a \$90.00 cap as outlined in the OPEIU Local 39 dues policy. The cap shall increase by \$1.00 each year.

b. The initiation fee for applicants for membership shall be \$80.00 for applicants. Initiation fees shall be waived for any employee who provides proof of previous membership in any AFL-CIO affiliated union, provided that previous membership was in good standing.

SECTION 2.

a. Any former member of a union affiliated with the AFL-CIO and the Canadian Labour Congress not under the jurisdiction of the International Union who accepts employment under the jurisdiction of this Local Union shall, upon application for membership and irrevocable surrender of an honorable withdrawal card or evidence of honorable termination of membership in those instances where unions do not issue withdrawal cards, and upon payment of current month's dues, if accepted in this Local Union, be inducted into this Local Union, without payment of any initiation fees. Any such evidence of such an applicant shall be surrendered to the Secretary-Treasurer of this Local Union. This section shall only apply to unions affiliated with the AFL-CIO, which have a reciprocal plan of accepting withdrawal cards from Local of the OPEIU in lieu of an initiation fee.

SECTION 3. Any member who becomes three months delinquent in dues payments shall be automatically suspended and no longer be an active member in good standing. Such suspended member must pay a reinstatement of \$50.00, together with all dues up to and including the current month before good standing status can be regained in the Union.

SECTION 4.

a. All proposals for assessments and increase of dues other than those just stated must be presented to the Executive Board. If the Executive Board approves of an assessment or such increase of dues, the motion shall be incorporated in its minutes to be read to the next membership meeting. There can be no vote on the subject of the assessment or dues increase at that meeting, but it shall be held over until the succeeding membership meeting. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposal and that a vote will be taken at that membership meeting. A majority vote, by secret ballot, shall be required to

constitute acceptance of the proposed assessment or dues increase. Notice of such meetings shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 5. No initiation fee shall be required by this Local Union of any person called to the armed services of the United States or entering such services during emergency periods as determined by the International Union Executive Board, if such person applies for membership within a period of one (1) year after being discharged, provided it has been other than a dishonorable discharge and provided same is initial employment following such service.

ARTICLE XIII

Use of Funds

SECTION 1. The funds of this Local Union cannot be divided in any way among individual members.

SECTION 2. Expenditures of this Local Union shall only be for valid purposes of the Local Union. The Local Union's general fund shall be used for the payment of expenses incurred by this Local Union on behalf of its membership primarily for organizing, defense, service and contract administration, and as a depository for its moneys.

SECTION 3. All expenditures shall be made by check or other disbursement of funds signed or authorized in writing by the Secretary-Treasurer and countersigned or authorized in writing by the President on the general fund, and shall be signed by any two of the following: President, Secretary-Treasurer or Trustee.

SECTION 4. The fiscal year of this Local Union shall be the twelve (12) month period ending with the last day of the month of December of each year.

SECTION 5. The per capita tax, initiation fees, reinstatement fees, strike Benefit Fund, Convention Fund, Education Fund, Scholarship Funds, AFL-CIO State Federation per capita and other obligations owed by this Local Union to the International Union shall constitute a preferred claim and must be paid promptly by this Union each month prior to the payment of any other obligation of this Union.

SECTION 6. Local 39 may maintain a separate Convention Fund to be used solely for payment of expenses for Local 39 delegates to attend the OPEIU International Convention.

SECTION 7. Local 39 may make reasonable effort to maintain a Strike and Defense Fund as provided under the terms and conditions of that fund.

SECTION 8. Any fund established by this Local Union will be maintained, monitored, disbursed and accounted for in accordance with this Constitution.

ARTICLE XIV
Prohibited Activities

SECTION 1. This Local Union may discipline its members or officers only as permitted by law, for violation of the International Union Constitution or this Local Union's Constitution, or for engaging in any activity or course of conduct which is deemed to be contrary or detrimental to the welfare or best interests of this Local Union. The OPEIU Uniform Disciplinary Procedure, which includes rights of appeal to ensure full compliance with applicable law, shall be the sole procedure for processing charges against officers or members of this Local Union. The OPEIU Uniform Disciplinary Procedure is available to any member upon request to the Secretary-Treasurer of the International Union.

SECTION 2. Any member may be penalized for committing any one or more of the following offenses:

- (a) Publicizing or giving information about this Local Union's affairs to persons not entitled to such information.
- (b) Working for an employer against whom this Local Union has declared a strike or whom this Local Union has declared to be unfair unless permission has been granted by proper officers of this Local Union.
- (c) Working for less than the rate of pay provided for by the applicable collective bargaining agreement to which this Local Union is a party.
- (d) Failure to appear before this Local union's Executive Board or Trial Board when ordered to do so.
- (e) Obtaining membership through fraudulent means, or by misrepresentation.
- (f) Violation of the oath of membership, or oath of office if an officer.
- (g) Working in the interests of any organization or dual union opposed to the interests of this Local Union.
- (h) Being present or entering a meeting of members or of the Executive Board while intoxicated, or disturbing the peace of any such meeting by creating or participating in disturbances, or of similar conduct in and about the offices or meeting place of this Local Union;

(i) Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of this Local union or its proper officers.

(j) Any acts of misconduct which are detrimental to the best interests of this Local Union; or of conduct unbecoming a member of this Local Union; or of violation of any of the provisions of the Constitution of this Local Union or of the Constitution of the International Union.

SECTION 3. Any members who has been found guilty by the Trial Board of any of the above offenses or for violation of this Constitution or the International Union Constitution may be penalized in accordance with the OPEIU Uniform Disciplinary Procedure, which is available through the Secretary-Treasurer of the International Union.

SECTION 4. Any member who has been found guilty of any of the above offenses or for violation of this Constitution or the International union Constitution, may appeal the decision of the Trial Board using the appeal procedure set forth in the OPEIU Uniform Disciplinary Procedure which can be found in the OPEIU Administrative Policies and Procedures. Copies of such Uniform Disciplinary Procedure are available upon request to the office of the Secretary-Treasurer of the International Union.

SECTION 5. In any case involving disciplinary action, there shall be no resort to a court of law until such relief within this Local Union under its Constitution, and within the International Union under its Constitution or other governing documents, has been exhausted.

SECTION 6. None of the foregoing provisions of this Article, including but not limited to the provisions of the OPEIU Uniform Disciplinary Procedure, is applicable to any matter involving delinquency or failure to pay dues.

ARTICLE XV

Applicants

SECTION 1. No applicant shall be barred from membership in this Local Union because of race, color, creed, religion, disability, age, marital status, military or veteran status, national origin, gender, sexual orientation, gender identity or gender expression.

SECTION 2. All applicants shall complete a dues authorization form for membership in Local 39. A signed dues authorization form provides membership in Local 39.

ARTICLE XVI
Procedure at Meetings

SECTION 1. The President of this Local Union shall act as Chairperson at all regular or special meetings of the Membership and Executive Board. Except as otherwise provided in this Constitution, the latest edition of "Robert's Rules of Order" can be applied at meetings of this Local Union.

SECTION 2. Members requesting the floor from the Chairperson shall, when recognized, state their name and place of employment.

ARTICLE XVII
Removal of Officials

SECTION 1. In order to commence impeachment proceedings against any official of this Local Union, a petition must be filed with the Executive Board, signed by twenty-five (25%) of the active members in this Local Union. The petition shall state the specific offenses(s) with which the official is charged, as well as a brief statement sufficient to apprise the members asked to sign the petition and the Executive Board of the charge(s) being proffered.

SECTION 2. The Executive Board or a subcommittee consisting of an odd number of at least three members of the Executive Board appointed by the President of this Local Union shall act as the Trial Board in all proceedings under this Article. Any official under charges by virtue of any impeachment petition shall be automatically barred from acting as a member of the Trial Board.

SECTION 3. The Trial Board shall follow the same procedure as provided for in the OPEIU's Uniform Disciplinary Procedure. Copies of the Uniform Disciplinary Procedure are available upon request from the office of the Secretary-Treasurer of the International Union.

SECTION 4. If the Trial Board finds the charged party guilty, it shall then, by majority vote, determine the proper penalty, which may include removal from office, reprimand, fine, suspension, prohibition from running for office, and/or expulsion.

SECTION 5. All officers, Trustees, Executive Board members, and all members of all standing committees of this Local Union are deemed "officials" within the purview of this Article.

SECTION 6. Any official found guilty by the Trial Board pursuant to proceedings held under this Article, shall have the rights to appeal set forth in the OPEIU Uniform Disciplinary Procedure. Pending any decision on such appeal, the

decision of the Trial Board shall become effective upon issuance, unless stayed pending appeal by a majority vote of the Trial Board.

ARTICLE XVIII

Withdrawal and Military Service Cards

SECTION 1. This Local Union may issue withdrawal cards only to active members who, at the time of request for same, are in good standing with all obligations paid to the International Union and this Local Union, including the current month. Such cards shall be issued as follows:

a. A withdrawal card shall be issued by this Local Union to any active members requesting same who is leaving the jurisdiction of the international Union.

b. Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Local Union. A person bearing a withdrawal card and who has complied with the conditions of the same shall upon resuming work within the jurisdiction of this Local Union deposit such card and thereafter shall be admitted to membership in this Local Union without the payment of any initiation or transfer fees.

SECTION 2. Members entering the armed services of the United States or Canada during emergency periods as determined by the Executive Board of the International Union and who are in good standing with all obligations to the International Union and this Local Union, including the month in which they entered the armed services, shall be issued military service cards which shall continue their membership without the payment of dues or other fees for the period of the service required by such emergency periods and for an additional ninety (90) day period or until they again resume work within the jurisdiction of the Local Union, whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by this Local Union.

SECTION 3. Withdrawal and military service cards shall be issued by the Secretary-Treasurer of this Local union and monthly reports of all such cards issued, deposited or canceled shall be made to the Secretary-Treasurer of the International Union.

SECTION 4. If permissible under state law, this Local Union may issue work permits to persons employed for a period not exceeding ninety (90) days for work within the jurisdiction of the Local Union in establishments where this Local Union has union agreements, which work permit shall allow such person to work without the payment of initiation fees and dues; provided, however, that any such person may apply at any time during such period for membership in this Local Union. In the event a person works beyond ninety (90) days, then any extension beyond this period will be subject to approval by the International President.

Such permits if used by a Local Union shall be issued monthly and the charge shall be the same as this Local Union's regular monthly dues. Work permits shall be issued by this Local Union's Secretary-Treasurer and monthly reports of all work permits issued shall be made to the Secretary-Treasurer of the International Union.

SECTION 5. All withdrawal, military service and work permit cards shall be secured by this Local Union from the Secretary-Treasurer of the International Union.

ARTICLE XIX

Strikes

SECTION 1. This Local Union shall not call a strike against an employer, or employers, unless the active members of a bargaining unit of this Local Union employed by such employer or employers, conduct a secret-ballot vote to call a strike, which must be approved by a majority vote of those active members held within thirty (30) days prior to the scheduled day of the strike. Prior to taking a strike vote, the members shall be fully informed of and consider the most recent bargaining positions of the employer and this Local Union. Before or after the members vote to call a strike, the Executive Board of this Local Union must vote to grant sanction of each strike, and the approval of the President of the International Union shall be obtained before a strike may be commenced. Approval of the President of the International Union shall not be construed as approval, ratification, or participation by the International Union in any particular activity of the Local Union involving such strike and shall imply no more than that such strike is not contrary to the best interests of the International Union, its Local Unions, and its members.

If this Local Union is or becomes a member of a Council as organized under Article XVII of the International Union Constitution, the International President shall consider the opinion of the Council as to whether or not a strike called by this Local Union shall be sanctioned by the International Union.

SECTION 2. Strikes against any employer, or employers, may be terminated if a majority of the members of this Local Union employed by such employer, or employers, so request by secret ballot.

ARTICLE XX
Vacancies in Office

In the event any vacancy is created by the death, disability, resignation or forfeiture of office or removal of an official of this Local Union, except the office of President as provided for in Article VII, Section 3 (a), the Executive Board shall appoint a successor to fill the balance of the unexpired term no later than at its next regular meeting or if the regular meeting is not scheduled within ten (10) days, then a special meeting called and held within (30) days of the death, disability, resignation, forfeiture of office or removal. Such appointee shall hold office until the next regular election for that office.

ARTICLE XXI
Limitations on Committees

SECTION 1. In addition to other committees and boards established by this Constitution, this Local Union shall provide for such other standing committees, and, from time to time such special committees, as may be proper and necessary to conduct the business of this Local Union.

SECTION 2. In establishing such other committees, the duties of the committee, the extent of its authority, and the permissible amount of expenditures that may be made by such a committee must be made a part of the minutes of the membership meeting establishing said committee. In any event, such committees shall not be permitted to exercise functions belonging to other committees or boards; shall not make or authorize expenditures without the prior approval of the membership; and shall not exceed the authority granted to them by the membership. The President shall be an ex officio member of all committees.

ARTICLE XXII
Affiliations and Delegates

SECTION 1. This Local Union shall be affiliated with the Educational Conference embracing its geographical jurisdiction as designated by the International Union Executive Board.

SECTION 2. This Union may be affiliated with central labor organizations, councils, departments or federations chartered by or affiliated with the AFL-CIO and/or the International Union.

SECTION 3. Delegates to the aforesaid central labor organizations, councils, departments or federations shall be selected in such manner as determined by vote of the membership at a regular meeting of the Local Union. This Local

Union will be affiliated with the AFL-CIO State Federation in all the States where the members it represents are employed.

SECTION 4. Each delegate to Convention of the International Union must have been in continuous good standing in the Local Union for at least twelve (12) months prior to the convening of the Convention. Each of this Local Union's delegates to an OPEIU Convention shall be selected by membership of this Local Union. Executive Board members of this Local Union are automatically a delegate to the Convention of the International Union and may have the option to attend if they so choose. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 5. This Local Union's delegates shall attend the meetings or sessions of the body or assembly to which they have been selected, faithfully represent this Local Union and protect its interests, and properly present and support its declared policies and instructions. Said delegates shall report to this Local Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their status as delegates.

SECTION 6. All delegates to the OPEIU Convention eligible to do so shall elect officers of the International Union.

ARTICLE XXIII International Constitution

The Constitution of the International Union shall be the paramount law applying to the government of this Local Union, and all provisions of said International Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Local Union are hereby, by reference thereto, incorporated into and made a part of this Constitution, and any provision contained herein which is contrary to or in conflict with the provisions of the International Union Constitution shall be inoperative and of no effect except as the International Union President may otherwise specifically approve.

ARTICLE XXIV General Provisions

SECTION 1. Copies of all collective bargaining agreements entered into by this Local Union shall be filed at International headquarters, and all such agreements, together with such information as may be necessary for a proper understanding of the agreement, shall be submitted of the President of the International Union. Whenever possible, this information shall be provided in electronic format. The International Union assumes no responsibility for any agreement to which it is not an actual party.

SECTION 2. The International Union assumes no responsibility for acts or action of this Local Union, its officers or members not expressly directed or authorized by the International Union or its duly authorized representatives.

SECTION 3. In any provision of this Constitution is held to be illegal or invalid in a final judgment of a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 4. The Local Union shall ascertain whether any employer(s) with which it has a collective bargaining agreement allows its stockholders, executives, or administrative personnel to contribute to an employer Political Action Committee fund through payroll deduction. Any employer which allows any such payroll deduction must be required to permit employees in the bargaining unit to utilize the same procedures for check-off of contributions of the J.B. Moss Voice of the Electorate Fund (VOTE).

This Local Union will vigorously pursue in all collective bargaining negotiations with Employers a provision in the collective bargaining agreement permitting check-off of contributions to the J.B. Moss Voice of the Electorate Fund (VOTE).

This Local Union shall use the standard check-off form provided by the International Union for dues, fees and/or J.B. Moss Voice of the Electorate Fund (VOTE) contributions.

SECTION 5. All references to "days" in this Constitution are calendar days.

ARTICLE XXV

Amendments

SECTION 1. A proposed amendment to this Constitution may be introduced by the Executive Board, or by a petition containing the proposed amendment which has been signed by at least 25 members in good standing. Such petition must be presented to the Executive Board before it can be considered by the membership.

SECTION 2. The Executive Board shall include the proposed amendment in its minutes to be read at the next membership meeting. There can be no vote on the subject of the amendment at that meeting, but it shall be held over until the succeeding membership meeting.

SECTION 3. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. A vote of two-thirds (2/3) of the eligible members voting on such matters under the Local Union's Constitution shall be required to constitute acceptance of the proposed amendment to this Constitution except as provided in Article XII, Section 4 herein.

SECTION 4. No amendment to this Constitution shall take effect until the approval of the President of the International Union has been secured.

SECTION 5. Pursuant to Article XIX, Section 15 of the International Union Constitution, it is the obligation of this Local Union to update this Constitution in accordance with actions taken at each OPEIU Convention, to the extent applicable, no more than six (6) months after receipt of a listing of Constitutional changes from the International Union Secretary-Treasurer.