

INTERNATIONAL UNION
OF
OPERATING ENGINEERS

LOCALS 882, 882B and 882H



BY-LAWS

APRIL 2005

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- (i) To support strengthen and give leadership to the economic, social and traditional objectives of this Union, the International Union of Operating Engineers, and organized labour in general, bearing ever in mind the rich heritage handed down to us by our predecessors, being paid for by them with self-denial, diligent adherence to Union traditions, even loss of life and limb, and our solemn duty to seek new, dynamic objectives to pass on to those who follow us. In the pursuit and attainment of the objectives set forth herein and to promote the best interest of our members we are determined to use every lawful method at our command. Thus, we have adopted the following By-Laws.

ARTICLE I

Section 1 - Name and Jurisdiction

This Local shall be known as Local 882, 882B and 882H of the International Union of Operating Engineers, AFL-CIO-CLC and is Chartered as a Stationary Local defined by the Constitution of the International Union of Operating Engineers in Vancouver and New Westminster, British Columbia, Canada and vicinity.

ARTICLE II Government of the Local

Section 1

The Local shall be governed by the following Officers: President, Vice-President, Recording-Corresponding-Secretary, Financial Secretary Treasurer, 3 Trustees, 3 Auditors, Conductor, Guard and Business Manager. All Officers are elected for four (4) years. The Table Officers of the Local shall be the Business Manager, President, Vice-President, Recording-Corresponding Secretary, Financial Secretary and Treasurer.

Section 2

The government of the Local shall be carried on by the Executive Board under the direction of the membership, within the bounds of the International Union of Operating Engineers' Constitution and these By-Laws at its regular monthly meeting. The term of office for all members of the Executive Board shall be for a period of four (4) years, commencing on the second (2nd) of SEPTEMBER in any election year. The terms of the incumbent officers will cease when the newly elected officers are sworn in. Eligibility of members who wish to hold Executive or Elective Office is as defined in these By-Laws and in the Constitution.

Section 3

The powers of the Executive Board shall be as contained in Article XXIV, Sub-div. 1, Section (d) of the Constitution and as contained in these By-Laws and delegated to it from time to time by the Local at its regular business meetings.

- (f) No member shall be eligible for election, be elected nor hold office who has not during the year, and in the case of one seeking the office of Business Manager two (2) years, immediately prior to the month of nominations, been continuously employed at the trade, or who has not actively sought continuous employment at the trade. This restriction, however, shall not apply to any member employed by or working for a Local Union or the International Union, or who has been assigned by his or her Local Union or the International Union to perform work in furtherance of the interests of organized labour, in either case in a sufficiently time-consuming capacity so as to preclude meeting the requirement of continuous employment at the trade or active seeking of continuous employment at the trade.

Section 2: Nominations

- (a) The nominations of candidates for elective office shall be held at the General Membership Meeting during the month of May preceding the election.
- (b) The terms of all Local Union officers shall be four (4) years and no member shall be eligible for election, be elected, nor hold office unless he or she shall have remained continuously in good standing in the Local Union electing him or her for one (1) year immediately preceding the last day of May in the election year. No member shall be eligible for election, be elected, nor hold office unless he or she shall have been a member of the organization for two (2) years immediately prior to election nor unless he or she shall have also filed with the Recording-Corresponding Secretary of the Local Union within ten (10) days after having been notified in writing by the Recording-Corresponding Secretary of his or her nomination to Local Union Office, a written acceptance of his or her nomination to office and, in addition, shall have been in regular attendance at all regularly scheduled Local Union Membership Meetings, held after nomination and before elections, subject however to a reasonable excuse based upon good cause such as physical incapacity or death in the family. Within five (5) days after the nominations have been concluded, the Recording-Corresponding Secretary shall mail to each member nominated, at his or her last known home address, notice of his or her nomination and of the office to which he or she has been nominated and shall read or cause to be read the name of such nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union Membership Meeting held after receipt of the nominee's written acceptance of nomination.

If no member fulfills the foregoing conditions of eligibility for a particular office, any member currently in good standing in the Local Union, and otherwise eligible, shall, upon being nominated, be eligible to be elected to, and to hold, that office.

In the event of the death, between nomination and the time of the last meeting preceding the election, of any constitutional officer, who has been nominated to office in the forthcoming election, any member of the Local Union, who is otherwise eligible, shall be eligible to be nominated and upon his or her filing with the Recording-Corresponding Secretary his or her acceptance of such nomination shall be eligible to be elected to, and if elected, to hold the office to which the deceased officer has been nominated. If the death occurs after the last meeting preceding the election, nomination shall be effected by filing a statement of candidacy with the Recording-Corresponding Secretary prior to the election, but in no event more than five (5) days, after the deceased officer's death.

- (iv) To provide and designate a member to supervise the signing of an attendance record at meetings, of members who have been nominated or accepted nomination. Such person so designated shall be responsible to see that the attendance records are forwarded to the Election Committee.
- (v) To be responsible for the conduct of the election.
- (vi) The preparation of an alphabetical member's voting list of all eligible members on the official records of the Local Union as of June 15th of each election year together with the address as listed with the Local Union office.
- (vii) Cause the Chartered Accountant to prepare and print sufficient appropriate envelopes, ballots and return addressed stamped envelopes. The ballot listing the nominees, Local Union Business Manager first and all other officers next in the order in which they appear in Article II, Section (1), of these By-Laws listing the nominees for each office in alphabetical order by their last name. To have printed also sufficient appropriate ballots listing the nominees for Executive Board members. To ensure that all envelopes and return-addressed envelopes are returnable in the name of the Chartered Accountant and none of this material is to have the Local Union insignia printed on it.
- (viii) Cause the Chartered Accountant to rent a post office box in his or her name at a Post Office to which ballots shall be returned.
- (ix) Cause the Chartered Accountant to rent a post office box in his or her own name at a Post Office to which non-delivered ballots shall be returned. Any such undelivered ballots shall be received by the Chartered Accountant who shall further attempt to deliver the ballot to the proper address of the member. The non-delivered ballot post office box shall be checked twice in the election month, fourteen (14) days after the mailing of the ballots with the last check to be no earlier than seven (7) days before the opening of the post office ballot box.
- (x) Under the supervision of the Chartered Accountant shall coalesce and mail the ballots and return envelopes to the eligible voters not later than July 28th preceding the election, and to open the post office box for the first and last time on August 28th, following at 10:00 a.m. on that day. Should August 28th fall on a Sunday or a Holiday the post office box shall be opened by the Chartered Accountant on the following day at the same time.

The Chartered Accountant shall remove the returned ballots, count the same and certify the results in writing to the Election Committee.

The Election Committee shall be present at the counting of the ballots.

The Election Committee shall make certain that adequate safeguards are maintained as to protect the secrecy of the ballots.

(l) Election Protest

Any protest relating to the nominations and elections of officers must be made to the Local Union by registered mail within thirty (30) days after the election, setting forth in writing the specific reasons for such protest. Any member making a timely protest may appeal the decision of the Local Union thereon to the General Executive Board and the General Convention in accordance with Article XVII of the Constitution.

ARTICLE IV
Meetings

- (a) The regular monthly Business Meetings shall be held the last Tuesday of each month at 7:00 pm at the Union Hall. Seven members shall constitute a quorum.
- (b) The regular Executive Board Meeting shall be held during the week of the regular Business Meeting and five (5) members shall constitute a quorum, except in an election year the regular Executive Board Meeting shall be held on the second (2nd) of SEPTEMBER. Should SEPTEMBER second (2nd) fall on a Sunday or a holiday then the meeting shall be held on the day following at the same time.
- (c) A roll call of Officers shall be held at each regular monthly Executive Board and Business Meeting and recorded in the minutes.
- (d) No member shall be allowed to leave meetings while in session except by permission of the Chairperson.
- (e) 'Special Meetings' may be called on the order of the President, or by a majority of the following Officers: Vice-President, Recording-Corresponding Secretary, Financial Secretary and Treasurer or upon written request of one-third (1/3) of the members in good standing.
- (f) Roberts' Rules of order shall apply in procedures not covered by the Constitution or this Local's By-Laws.
- (g) The Executive Board may dispense with monthly meetings during a vacation period, not to exceed three (3) successive months in any calendar year. The General Meetings of July, August and December will be cancelled by exercising that option, provided however, that Section (e) shall apply at all times.
- (h) The Executive Board may act in cases of emergency, or extreme necessity as determined by a majority vote of the Executive Board. All such acts must be fully reported and explained to the next Regular Meeting, to whom the Executive Board in whole or in part shall be responsible.

ARTICLE VI
Revisions of By-Laws

Amendments to these By-Laws must be presented to a General Business Meeting by written Notice of Motion and such notice shall be posted in the Local's Offices and entered in the Minutes sent to all Shop Stewards for discussion and vote at the next Regular Business Meeting.

ARTICLE VII
Referendum Vote

All items considered by the Executive Board to be a major concern will be referred to the General Membership by a Referendum Ballot.

ARTICLE VIII
By-Laws

Nothing in these By-Laws shall be construed or applied in a manner that will conflict with the provisions of the International Union of Operating Engineers' Constitution.

ARTICLE IX
Duties of Members

Section 1

In addition to the duties required by the International Union Constitution and Ritual of the International Union, every member will be required to conform and abide by the hours, wages and conditions of employment provided for in all Collective Bargaining Agreements entered into by any employer with this Local Union or with the International Union. Any member found guilty of entering into an individual or personal contract or agreement with his or her Employer, will be subject to disciplinary action.

Section 2

No member shall engage in conduct discreditable to the Organization, nor be guilty of any of the following acts:

- (a) Failing to support fully and abide by the referral procedure in use by Local 882, 882B and 882H.
- (b) Use of narcotics or intoxicants on the job.
- (c) Wilfully damaging machinery or equipment.
- (d) Leaving the job without giving due notification to the Union.

Section 2: Good Standing Required

- (a) No member shall be in good standing unless he or she has paid all current dues to the Local Union within thirty (30) days after they shall have become payable on the first (1st) day of each month. Dues for any one month shall be known as current dues for that month. No member whose dues have been withheld by his or her employer for payment to the Local Union, pursuant to his or her voluntary authorization provided for in a collective bargaining agreement, shall be declared ineligible to vote or be a candidate for office in the Local Union solely by reason of alleged delay or default in the payment of dues. It is the responsibility of the member to ensure their dues and/or assessments are fully paid and the member is in good standing as per the Constitution and By-Laws.

Section 3: Membership Withdrawal

- (a) Members who cease to work within the jurisdiction of the Local and at their discretion wish to be non-active in the Local, shall apply for a Withdrawal Card. Failure to make application for a Withdrawal Card may result in the applicable penalties being applied in concordance within the International Union of Operating Engineers Constitution and/or these By-Laws.

Section 4: Applicants for Membership

- (a) In cases of casual, temporary or student employment within the jurisdiction of the Local and upon application for membership and payment of the applicable fee and such applicant has not complied with the same requirements for admission generally applicable to members, such applicant may remain an applicant for membership for a period up to twelve (12) months.
- (b) All applicants for membership in Section 4 (a) above shall while working within the jurisdiction of the Local, tender dues equivalent of the amount of regular dues paid by members of the Local.
- (c) Where any applicant for membership in Section 4 (a) above becomes employed on a regular basis within the jurisdiction of the Local, such applicant must comply with the requirements of initiation into the Local.

Section 5: Penalties for Members in Arrears

- (a) Members who have not tendered their current dues on or before the day such dues shall become due and payable may be removed from employment where valid collective agreements permit and any other penalties provided for under the Constitution and By-Laws.

Section 6: Membership Constitution and By-Laws Knowledge

- (a) Ignorance of the Constitution and By-Laws of the Local cannot be considered as an excuse in any case where the Constitution and/or By-Laws have been violated by a member or members of the Local. All new members shall be supplied with a current copy of the International Union of Operating Engineers Constitution and By-Laws of this Local.

2. **Committees:**

The Local Executive Board shall establish such Committees as it may require except those provided for in the Constitution, and shall delegate specific duties and powers to them. All Committees shall function under the direction of the Executive Board except those provided for in the Constitution and shall tender reports promptly to the Local Executive Board and Local Union and deliver all funds collected or held by them to the Financial Secretary, and perform such other acts and in such manner as the Local Executive Board may from time to time direct.

Expenses incurred by any Committees shall be paid in accordance with the provision of these By-Laws.

Sick Committee: A sum not exceeding that set by the Executive Board may be spent for comforts for any hospitalized member and upon the presentation of an itemized statement, be ordered paid by the Executive Board.

3. **Contract Agreements:**

Final drafts of any agreement shall have the formal approval of the members directly concerned, subject to Article II, Section 4 of these By-Laws.

4. **Job Placement:**

- (a) Members wishing to be placed on the Job Placement List MUST notify the Local in WRITING of their wish to be placed on this List in the desired category.
- (b) Such notices MUST be received by the Local no later than the last day of the month. Notices received after this date shall be considered as applying to the next month, with the late members being placed at the end of the list. MAILED NOTICES MUST BE RECEIVED NO LATER THAN THE LAST DAY OF THE MONTH. POST-DATED NOTICES WILL NOT BE ACCEPTED.
- (c) A list of Units under agreement to the Local shall be available to all unemployed members at the Local's Office to assist in their endeavours to secure employment in a Union Shop.
- (d) Members registered will be notified of job vacancies in rotation according to their seniority on the list and their availability to the dispatcher;

EXCEPT:

- (1) Where the employer requests certain qualification,
- (2) When an employer requests the Local to furnish more than one applicant, then the Local will notify the required number of applicants according to their seniority on the list, (subject to (1) above).

- (5) The Strike Committee will have the authority to direct striking members to appear at certain times and places to do picket or other 'strike duties.'
- (6) In the event no committee is set-up, the Executive Board as a whole shall act as a Strike Committee.
- (f) In the event of a partial or semi-strike, the Strike Committee shall assess members who remain on the job a sum, on a percentage basis, to assist in financial aid to their fellow members on the picket lines. Such assessment must be approved by majority vote by secret ballot of the membership in the striking unit.
- (g) Before any strike is called or a strike date set, the members involved MUST have approval of the Executive Board of the Local.
- (h) If any member makes a false statement to obtain Weekly Lockout or Strike Benefits or to increase their Benefits, that member will be fined not less than two hundred dollars (\$200.00) and be denied further benefits for the rest of the strike or lockout.

6. Duties of Officers and Executive Board:

- (a) All expense statements submitted by Business Manager, Business Representative, Officers, Delegates or Committee Members shall be submitted to the Financial Committee consisting of Treasurer, Financial Secretary and three (3) Auditors, whose monthly report shall be approved by the Executive Officers present at the Executive Meeting.
- (b) The Treasurer shall read the condensed financial statement at all General Membership Meetings. In the event of his or her absence, another Officer shall assume these duties.
- (c) All newly elected Officers will be shown and explained the Local's bookkeeping system at a special meeting called for this purpose immediately after their installation; and the Trustees thereafter to examine the books and assets once per year.
- (d) The Executive Board and the Business Manager shall review the terms of the Local's Employment Contract covering any and all representatives, agents and assistants each year in the month of December.