
BY-LAWS

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

LOCAL LODGE NO. 128

AFL-CIO



BURLINGTON, ONTARIO, CANADA

2020

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BY-LAWS
LOCAL LODGE 128
BURLINGTON, ONTARIO, CANADA

1 NAME

This organization shall be known as Lodge 128 of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. It is affiliated with, and a Local Lodge of, the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO, CLC.

2 JURISDICTION

The jurisdiction of this Lodge shall be as set forth in its Grant of Charter in accordance with the provisions of Article 5.3 of the International Brotherhood Constitution.

3 OBJECTIVES

The objectives of this Lodge shall be as set forth in the International Brotherhood Constitution.

4 ELIGIBILITY AND APPLICATION FOR MEMBERSHIP

4.1 Eligibility and Application

Eligibility and application for membership shall be in accordance with the International Brotherhood Constitution and International Brotherhood policy as established by the International Executive Council.

4.2 Reinstatement

4.2.1 No application for reinstatement shall be acted upon by this Lodge until after approval is received from the Lodge which suspended the applicant.

4.2.2 The Business Manager/Secretary-Treasurer may approve reinstatement of a former member of this Lodge, or another Lodge, without submitting the request to the membership for action, provided the applicant was suspended less than forty-eight (48) continuous months for nonpayment of dues and has no unpaid financial obligation to this Union. Any request for approval of reinstatement of a former member, who was suspended or expelled for any other reason, shall be submitted for action at the next regular meeting of the Lodge, and approval shall require a two-thirds (2/3rds) vote of the voting members at the meeting, subject to the International Brotherhood Constitution.

5 OFFICERS, NOMINATIONS AND ELECTIONS

5.1 The officers of this Lodge shall be those designated in the International Brotherhood Constitution, except that there shall be a Business Manager whose office shall be combined with that of Secretary-Treasurer, and shall be nominated and elected in accordance therewith. All elections shall be by all-mail ballot in accordance with instructions to be obtained from the International President.

5.2 In addition to all other requirements, to be eligible for nomination and election to office in this Lodge, a member must have attended at least one (1) meeting in each of the five (5) calendar quarters immediately preceding his nomination, unless prevented from so doing by personal illness, Union duties, regular employment under a contract between the Union and his employer, or some other unavoidable situation.

5.3 The Recording Secretary shall maintain a membership attendance book and the book shall be signed by each member at each meeting he attends. No member's name shall be entered in the book by another person except as permitted or required by these By-Laws, the International Brotherhood Constitution or policies of the International Brotherhood, or any applicable law. A member who has not attended at least one (1) meeting in a calendar quarter for any of the reasons given in Article 5.2 of these By-Laws shall present to the President within twenty (20) days after the end of the quarter his written reason for nonattendance at each of the meetings he missed. If his reason(s) is (are) acceptable to the President, his name shall be entered in the book for each such meeting with a notation that his absence has been excused, and the President shall report this action at the next regular meeting and be so recorded in the meeting minutes.

6 LODGE EXECUTIVE BOARD

Only the duly elected officers of this Lodge shall constitute its Executive Board. The President shall preside over and the Recording Secretary shall keep minutes of Executive Board meetings, which may from time to time be held as necessary before each regular monthly meeting of the Lodge. The Executive Board shall be governed strictly by the International Brotherhood Constitution and these By-Laws.

7 OFFICERS' DUTIES

In addition to their specific duties as outlined in the International Brotherhood Constitution, officers of this Lodge shall have the following responsibilities:

7.1 The Business Manager/Secretary-Treasurer shall maintain complete, accurate, up-to-date records of all Lodge financial operations and at each regular meeting he shall present a statement of income and expense for the previous month, including all funds received and the sources from which they came; all expenses for the month, including the name of each payee and the amount and purpose of each expenditure; the financial standing of the Lodge, including investments and savings, real estate value (if any), cash on hand and in the bank, etc. The report shall be read aloud and, once it has been approved by the membership, shall be made a permanent part of the minutes of the meeting. All Lodge financial records shall be in the care of the Business Manager/Secretary-Treasurer and maintained in a safe, secure place; however, they shall be produced upon request for examination by the International Brotherhood, the Lodge Executive Board, or any proper agent or representative of government.

7.1.1 The Business Manager/Secretary-Treasurer shall submit copies of the approved Minutes of all regular and special meetings of the Lodge, as prepared by the Recording Secretary or other authorized person, monthly to the International President and the appropriate Area International Vice-President.

- 7.1.2** In addition to the regular monthly reports, the Business Manager/Secretary-Treasurer shall present to the membership a comprehensive annual financial report for the previous fiscal year when available.
- 7.2** All checks written on Lodge accounts and all savings withdrawals must be signed by the Business Manager/Secretary-Treasurer and countersigned by the President or other individual authorized to do so by the International President. All monies received must be deposited in Lodge accounts promptly in accordance with Article 34.1 of the International Brotherhood Constitution, and the deposit slips retained as part of the Lodge's permanent financial records, or as otherwise required by the International Brotherhood or by law. No funds of this Lodge shall be deposited in any savings institution not covered by the Canadian Depository Insurance Corporation nor invested in anything other than government bonds without prior approval by the International President. All such funds shall be invested in accordance with Article 34.1 of the International Brotherhood Constitution.
- 7.3** No expenses shall be reimbursed from Lodge funds unless claimed on properly completed voucher forms, which shall be retained as part of the Lodge's permanent records. Each claim for reimbursement of an expense for which prior Lodge approval or authorization is required shall be checked for said Lodge approval or authorization before reimbursement is made. Any member making a claim for reimbursement of expenses must sign his voucher and receive reimbursement himself. No reimbursement of expenses incurred by any member shall under any circumstances be made to any other person, except to a member of the claimant's family, and then only with his prior approval in writing. No member shall sign any reimbursement form for any other, except as permitted by law in case of disability or illiteracy.
- 7.4** It is the responsibility of the Board of Trustees to ensure that all expenditures of Lodge funds have been properly made and are supported by a Union business purpose, invoice copies and/or receipts, and that required government and International Brotherhood reports have been filed timely.
- 7.5** It shall be incumbent upon each officer of this Lodge to make himself aware of the responsibilities and duties of his office, as set forth in the International Brotherhood Constitution and these By-Laws, and to fulfill those responsibilities and perform those duties to the best of his ability.
- 7.6** By virtue of office, the Business Manager/Secretary-Treasurer shall be a delegate to all appropriate conventions, conferences, schools, seminars, and other similar functions to which the Lodge is authorized to send delegates and/or representatives. If the Lodge moves to send additional delegates, they shall be elected in accordance with the International Brotherhood Constitution and these By-Laws, and eligibility requirements shall include meeting attendance requirements as outlined in Article 5 of these By-Laws, except that when the function is of a particular nature requiring attendance by members who are specially qualified, they shall be selected by the Business Manager/Secretary-Treasurer. For example: Representatives to the LEAP Conference shall be selected by the Business Manager/Secretary-Treasurer from the LEAP committee members who handle the regular LEAP activities for the Lodge. In the event the Business Manager/Secretary-Treasurer is unable to attend a conference, seminar, or similar event, at which matters solely related to his official duties and responsibilities are to be dealt with, he may select an alternate to attend in his stead.

- 7.6.1** Business Agents in each respective area and those who hold the position of Vice-President on Provincial Councils will also be delegates to appropriate conventions (other than the International Brotherhood Convention).

8 MEETINGS

8.1 Regular Meetings

The regular monthly Lodge meeting will be held on the second Wednesday of each month at 1035 Sutton Drive, Burlington, Ontario, at 7:30 p.m. and adjourning not later than 10:00 p.m., unless continued by a two-thirds (2/3rds) standing vote; but in no event shall such continuation last beyond 10:30 p.m. except by unanimous consent. In the event of an emergency which necessitates changing a scheduled regular meeting, the Executive Board shall have the authority to make whatever change is necessary, and shall give proper notice to the membership as soon as possible. Under no circumstances, however, shall any change be made without at least forty-eight (48) hours notice to the membership.

- 8.1.1** A quorum shall consist of sixteen (16) members in good standing.
- 8.1.2** The Trustees and the Executive Board shall meet on the same day that the regular meeting is held.
- 8.1.3** The Business Manager/Secretary-Treasurer's Office may be closed on the fourth Wednesday of each month so that he can be available to the Trustees for information and attend the Executive Board meetings.
- 8.1.4** There will be no regular monthly Lodge meeting in December.

8.2 Special Meetings

Special meetings may be called in accordance with the International Brotherhood Constitution.

- 8.2.1** Special meetings may also be called on the written request of sixteen (16) members in good standing.

8.3 Conduct

Robert's Rules of Order, applicable provisions of the International Brotherhood Constitution and of the International Brotherhood Ritual, and the following standing rules shall govern at all Lodge meetings.

- 8.3.1** The Chairman shall enforce these rules and regulations and may direct that violators be removed from the meeting.
- 8.3.2** The regular order of business may be suspended at any time by majority vote in order to dispose of an urgent matter.
- 8.3.3** Any activity which, in the opinion of the Chairman, is calculated to disturb a speaking member or disrupt the conduct of the meeting or hinder the transaction of business, or may have the effect of so disturbing, disrupting, or hindering, shall be deemed a violation of order.

- 8.3.4** Loitering, profanity, gambling, use of intoxicants, being under the influence of intoxicants, possession of weapons, violence or threat of violence are bases for removal from the Lodge meeting place in accordance with the International Brotherhood Constitution.
- 8.3.5** When a member wishes to speak, he shall rise and respectfully address the Chairman, and, if recognized, he shall state his name before proceeding.
- 8.3.6** If two (2) or more members rise to speak at the same time, the Chairman shall decide which is entitled to the floor.
- 8.3.7** Speakers shall adhere to the question under debate and avoid personalities and indecorous language as well as disparagement of the Union or any member thereof, but every member shall have the right to express his views, arguments, and opinions concerning any candidate and/or any business properly before the meeting.
- 8.3.8** No speaker may be interrupted except as permitted or required under Robert's Rules of Order.
- 8.3.9** At the request of the Chairman, any speaker being called to order shall cease speaking and be seated until the question of order is determined.
- 8.3.10** No member shall be allowed to speak longer than five (5) minutes on any subject in any meeting of this Lodge without the permission of this Lodge, and any member exceeding his allotted time shall cease speaking and take his seat upon being called to order.
- 8.3.11** All business transacted within this Lodge shall be strictly confidential and for the information of members of this Union only.

9 REVENUE, TAXES AND FEES

9.1 Sources of Revenue

Subject to all applicable provisions of International Brotherhood Constitution, initiation and reinstatement fees and dues shall be as follows. No change may be made in the below rate schedules, nor may any assessment be levied, except as permitted or required under the International Brotherhood Constitution.

9.1.1 Construction Sector Operations Members

	<u>Mechanic/Welder</u>	<u>*Apprentice</u>	<u>*Helper/Trainee</u>	<u>Effective Date</u>
Initiation Fee*	\$600.00	\$600.00	\$600.00	10/01/1993
Reinstatement Fee	\$750.00	\$750.00	\$750.00	10/01/1993
Monthly Dues	\$44.50	\$44.50	\$44.50	01/01/2020
Sick Dues**	\$0.00	\$0.00	\$0.00	01/01/2020

*Apprentices, Helpers/Trainees: One-half due and payable upon completion of one thousand six hundred fifty (1,650) hours worked and remaining one-half due and payable upon change of classification to Journeyman Boilermaker (Mechanic).

Change of Classification:

Difference between initiation fee paid by the member and that established for Mechanics at the time he was initiated. (Refer to 9.1.5)

**Upon providing satisfactory documentation to Lodge 128, Sick Dues will be \$0.00 for sick members.

9.1.2 Industrial Sector Operations Members

9.1.2.1 Shop Members

	<u>Production Worker (QCCC)</u>	<u>Mechanic</u>	<u>Helper/Trainee</u>	<u>Effective Date</u>
Initiation Fee	\$250.00	\$100.00	\$100.00	09/01/2009
Reinstatement Fee	† \$480.00	†† \$200.00	†† \$200.00	09/01/2009
Monthly Dues	\$40.00	\$44.50	\$44.50	01/01/2020
ISO Division Dues	\$0.00	\$0.00	\$0.00	01/01/2020
Sick Dues*	\$0.00	\$0.00	\$0.00	01/01/2020

* Upon providing satisfactory documentation to Lodge 128, Sick Dues will be \$0.00 for sick members.

† Production Worker QCCC Reinstatement Fee is equal to twelve (12) times the Monthly Dues amount.

†† All other Reinstatement Fees are equal to two hundred dollars (\$200.00).

9.1.3 Field Dues

In accordance with the International Brotherhood Constitution, the combined minimum field dues shall not be less than four and one-quarter percent (4.25%) of gross wages. Lodge 128 combined field dues shall be four and one-quarter percent (4.25%) of gross wages, effective January 1, 2019. The combined field dues set forth above are subject to adjustment necessary to satisfy the minimum cash reserve requirements under the International Brotherhood Constitution.

9.1.3.1 Death Benefit

Effective January 24, 2007, Lodge 128 field members shall have a Death Benefit of four thousand dollars (\$4,000.00), the cost of which will be absorbed by Local Lodge 128's General Fund.

Ten dollars (\$10.00) per year is the shop death benefit assessment, due March 1st every year. The one thousand dollar (\$1,000.00) benefit to be paid to beneficiaries on the death of a shop member of Local Lodge 128.

9.1.4 Installment payments of initiation and reinstatement fees may be arranged, with the full amount to be paid within the first ninety (90) days of work available to the employee unless sickness

or some other unavoidable situation prevents his working full time on work made available to him. Additional time may be granted for a specified time not to exceed ninety (90) days.

9.1.5 In accordance with the International Brotherhood Constitution, members with less than four (4) years continuous membership moving from a classification for which a lower initiation or reinstatement fee is established to one for which a higher fee is established and members transferring into this Lodge, who have paid initiation or reinstatement fees lower than those established by this Lodge, shall have ninety (90) days from the date of reclassification or transfer to pay the difference between the fees. Installment payment may be arranged in accordance with Article 9.1.4 of these By-Laws.

9.1.6 When members of other unions are employed under the jurisdiction of Lodge 128, they shall pay in addition to their prescribed union dues, one month's Local Lodge 128 dues.

9.2 Local Lodge Payments

The amounts of the taxes, fees, and charges, which are payable to the International Brotherhood, shall be as follows:

Initiation Fee - Twenty percent (20%) of fees collected, but not less than one (1) month's per capita.

Reinstatement Fee - Twenty percent (20%) of fees collected, but not less than one (1) month's per capita.

Per Capita Tax - As determined pursuant to Article 12 of the International Brotherhood Constitution.

ISO Division Dues - As determined pursuant to Article 21.3.2 of the International Brotherhood Constitution.

10 ALLOWANCES AND EXPENSE REIMBURSEMENT

10.1 Salaries

Recognizing that the Business Manager/Secretary-Treasurer and any Assistant Business Managers must participate in cultural, civic, political, fraternal, and educational activities, in addition to their specific duties provided for in the International Brotherhood Constitution and these By-Laws; that such activities benefit this Union and its members; that the time spent in such activities is unpredictable and unascertainable; accordingly, such officials shall be compensated for their services as follows:

10.1.1 The Business Manager/Secretary-Treasurer salary shall be equal to the General Foreman's wage rate established under the Provincial Agreement, not to exceed forty-eight (48) hours straight time and six (6) hours of double time per week. In addition, he shall receive twenty dollars (\$20.00) per day for a maximum of five (5) days per week for incidental expenses incurred on official Lodge business, except that this allowance shall not be payable when reimbursement under Article 10.4 of these By-Laws applies.

10.1.1.1 The salary of Article 10.1.1 is effective January 24, 2007.

10.1.2 The salary of each Assistant Business Manager (and/or Dispatcher) shall be equal to the Foreman's wage rate established under the Provincial Agreement, not to exceed forty-four (44) hours straight time and six (6) hours of double time per week. In addition, he shall receive twenty dollars (\$20.00) per day for a maximum of five (5) days per week for incidental expenses incurred on official Lodge business, except that this allowance shall not be payable when reimbursement under Article 10.4 of these By-Laws applies.

10.1.2.1 The salary of Article 10.1.2 is effective January 24, 2007.

10.1.3 The Business Manager/Secretary Treasurer, Assistant Business Managers, and/or Dispatcher and office staff will be paid on Thursdays. A five (5) day waiting period will be in effect and under no circumstances will there be advances on wages or expenses.

10.1.4 Salaries of office help should be in conformity with the respective recognized organizations where such help may be separate from the International Brotherhood. Any changes in salary shall be negotiated with the Business Manager/Secretary Treasurer, President, and the approval of the Executive Board. The membership will be notified at the next general membership meeting following the conclusion of negotiations.

10.1.5 Members who are elected to the Executive Board who are not full time officers shall be paid wages and actual expenses incurred while attending the Executive Board meeting, providing they attend the regular monthly meeting unless excused by the Local Lodge President and the Lodge's liquid assets do not drop below one hundred thousand dollars (\$100,000.00).

10.2 Benefits for Salaried Officials

10.2.1 The Business Manager/Secretary Treasurer, Assistant Business Managers, and/or Dispatcher shall have their Health and Welfare and Pension payments described as benefits under the Boilermaker National Plan.

10.2.2 Vacation

The Business Manager/Secretary Treasurer, Assistant Business Managers, and/or Dispatcher shall be required to take four (4) weeks annual vacation each year. Times of vacation shall be at the discretion of the Business Manager/Secretary Treasurer.

10.3 Automobiles

Officers and representatives working full time for the Lodge may be furnished with an automobile the purchase price of which, including accessories, shall not exceed a reasonable and prudent amount. The certificate of ownership, or title, shall be in the name of the Lodge. It is recognized that the officers or representatives are required to be on instant call at all times and must garage such car and be responsible for its safekeeping. Accordingly, for the convenience of the Lodge and as partial compensation for such additional responsibilities, the officers or representatives shall be permitted private use of the automobile when it is not being used for Lodge business. The Business Manager/Secretary Treasurer and/or a Committee appointed by the President for that purpose, may be empowered by a majority vote of the Lodge, after approval by the International President, to buy, sell, exchange or lease automobiles or arrange financing therefore if Local Lodge funds and revenue permit. The

Lodge shall defray all expenses of operating the automobile while it is being used on Lodge business. Upon providing evidence of having proper public liability and property damage coverage, the Business Manager/Secretary Treasurer and Business Representatives shall be allowed to use their personal automobile on Lodge business and shall receive six hundred dollars (\$600.00) per month in addition to being reimbursed for vehicle insurance expenses. They shall be authorized to use the Local Lodge gas credit card in the performance of authorized union duties.

10.4 Travel Expense Allowance and Reimbursement

Lodge officers and other authorized representatives required to be out of town on official business for the Lodge shall be reimbursed for travel, single hotel, and living expense as provided for International Representatives, under the International Brotherhood Constitution. All claims for expense reimbursement must be submitted on properly completed voucher forms and expenses claimed must at all times be reasonable and normal for the area involved. Copies of hotel bills must be furnished in support of all claims for lodging expense.

The Business Manager/Secretary Treasurer, Assistant Business Managers, and/or Dispatcher, when traveling more than seventy-five (75) miles from home station, shall receive seventy-five dollars (\$75.00) per day as expenses and if required to stay overnight, their hotel accommodation shall be reimbursed upon receipt of voucher.

10.4.1 Except for the twenty dollars (\$20.00) per day allowance specifically granted under these By-Laws for the Business Manager/Secretary-Treasurer and each Assistant Business Manager he is authorized to employ, no allowance which is or may be established under the provisions of these By-Laws shall be payable for any month in which payment of such allowance would result in an excess of expenditures over income or would cause the Lodge's total liquid assets to drop below one hundred thousand dollars (\$100,000.00). This provision shall not apply to reimbursement of incurred expenses unless otherwise specified.

10.4.2 No member shall receive in any one (1) month more than one (1) allowance. If he performs the duties of two (2) or more offices or positions, he shall receive the higher of the applicable allowance, but only one (1).

10.5 Monthly Dues Reimbursement

The Job Stewards shall be reimbursed their monthly dues providing:

10.5.1 His official duties have been performed in a proper, timely manner, and all records and reports required of him are up-to-date.

10.5.2 He attends the monthly meeting unless prevented from so doing by personal illness, Union duties, regular employment under a contract between the Union and his employer, or some other unavoidable situation.

10.5.3 He is assigned to stewardship over fifteen (15) or more men and he must work four (4) weeks in a calendar month to qualify.

10.5.4 The Lodge's total liquid assets do not drop below one hundred thousand dollars (\$100,000.00).

10.5.5 These conditions are to be strictly enforced by the Business Manager/Secretary Treasurer.

10.6 Lost Time Wage Expense

Any member who loses wages from his regular employment under a contract between the Union and his employer, as a result of performing authorized Union business during scheduled working hours which could not have been performed outside working hours, shall be reimbursed for the actual wages lost. Lost time wage reimbursement claims must be submitted on properly completed voucher forms. Approval by the Lodge, or approval by the Business Manager/Secretary-Treasurer, must have been received before incurring lost time wage expense on behalf of the Lodge, and no one may take it upon himself to incur such expense without said approval. Reimbursement under this provision shall be limited to actual scheduled working hours missed, not to exceed eight (8) hours in any one (1) day.

10.7 Credit Cards

10.7.1 Issuance of Credit Cards

Any and all credit card(s) payable by the Lodge shall be obtained only when reasonable and necessary. The Lodge Business Manager must give prior approval before application is made for any and all credit card(s) in which the Lodge is responsible to pay.

10.7.2 Usage for Legitimate Lodge Business

The Lodge credit card(s) shall only be used in connection with Lodge business to make authorized expenditures.

10.7.3 Authorized Users

Lodge credit card(s) may be obtained for use by full-time officers and representatives of the Lodge. The Business Manager of the Lodge must give prior approval of any authorized user(s) of any and all Lodge credit card(s).

10.7.4 Reimbursement to Lodge for Erroneous Expenditures

The Lodge credit card(s) shall not be used to make purchases or cash withdrawals or advances for the direct or indirect personal benefit of the user or any other person or entity. Any and all erroneous charges or cash withdrawals or advances to the Lodge credit card(s) for any personal purpose and any personal expenditures appearing on a legitimate hotel bill charged to the Lodge credit card, shall be immediately reported to and reimbursed to the Lodge, together with any interest charges attributable to such expenditure.

10.7.5 Credit Limit

The Business Manager of the Lodge may apply for and authorize the use of Lodge credit card(s) with a credit limit not to exceed twenty-five thousand dollars (\$25,000.00). In the event the Business Manager has a legitimate reason for seeking a credit limit in excess of twenty-five thousand dollars (\$25,000.00), he/she shall seek approval by the Lodge membership and International President.

10.7.6 Cash Advances

The Lodge credit card(s) shall not be used to obtain cash advances. In the event the Lodge credit card(s) is/are issued with a password or PIN number that is to be used to obtain cash withdrawals or advances, the Business Manager shall destroy said password or PIN number and said password or PIN number shall not be recorded anywhere.

10.7.7 Monthly Review of Credit Card Statements

The Lodge Trustees shall audit each and every Lodge credit card statement on a monthly basis and take any and all action necessary to ensure that each and every monthly statement has proper backup and is used for a proper Union business purpose, in accordance with the International Brotherhood Constitution and Policy, and Lodge By-Laws.

10.7.8 Record of Meal Expenditures

For meal expenditures, all authorized users must record on the back of any and all credit card receipts, the legitimate Union business purpose and each participant in attendance at said meal.

10.7.9 Paid in Full

Any and all Lodge credit card(s) shall be paid in full each month and in a timely fashion so the Lodge does not incur any finance charges or penalties.

10.8 “Double Dipping” Prohibition

Notwithstanding any provision for expense reimbursement or allowance established herein, to the extent that any member’s expenses are paid for by any other body, including the International Brotherhood, this Lodge shall not be liable for those same expenses. Any duplicate or other reimbursement of expenses to which the member is not entitled shall be promptly presented to the Business Manager/Secretary-Treasurer for return to Lodge funds or to the other party, as appropriate. “Double dipping” on expenses in any form is expressly prohibited.

10.9 Other Compensation

All forms of compensation for Lodge officials must be set forth in these By-Laws in detail. No additional compensation or benefits may be granted without approval by majority vote of the members in accordance with the International Brotherhood Constitution, and approval by the International President shall be required. Any remuneration not provided for under the International Brotherhood Constitution or these By-Laws shall be deemed improper disposal of Lodge funds.

10.10 Convention/Conference Call

10.10.1 When on Convention call or Conference which necessitates delegates leaving the Province or Country, they shall be allowed one hundred dollars (\$100.00) per day per diem, and accommodation expenses at the appropriate currency of said convention or conferences, plus fares which shall be equivalent to direct air fares.

- 10.10.2** Effective January 24, 2007, when a Convention or Conference takes place in the province, delegates shall receive one hundred dollars (\$100.00) per day per diem, plus fares which shall be equivalent to direct Air Routes fares.

11 COMMITTEES

All committees with the exception of the Boilermaker Building Association shall be composed of five (5) members and, whenever possible, one member from each region. Each committee shall report to the membership at regular monthly meetings. All committee members' names shall be posted for the information of the membership.

11.1 Education Committee

Shall be a non-partisan committee which shall conduct a continuing program to ensure that all members are informed on all issues pertaining to union activities, etc.

11.2 Committee for the Sick and Distressed

Shall visit sick and distressed members and report at the regular monthly meetings.

11.3 The Boilermaker Building Association

The Boilermaker Building Association shall consist of all members of the Executive Board. The Boilermaker Building Association financial structure shall be a separate account.

11.4 Committee for Drug and Alcohol Abuse

A maximum of five (5) members, appointed by the President, shall comprise the Committee for Drug and Alcohol Abuse.

11.5 Health, Welfare and Pension Committee

Three (3) members shall be appointed by the Executive Board to serve with the Business Manager/Secretary Treasurer on the Board of Trustees governing the operation of the Boilermakers Trade Advancement and Apprenticeship Trust Fund.

11.6 By-Laws Committee

In addition to the above Lodge Committees, there shall be a By-Laws Committee consisting of a maximum of five (5) members who shall perform those duties as specified in the International Brotherhood Constitution.

12 MISCELLANEOUS

- 12.1** The official business of this Lodge shall be conducted only by its members assembled in regular or duly called special meetings, or by its duly authorized officers and representatives, in accordance with the International Brotherhood Constitution and these By-Laws.

- 12.2** No Lodge funds may be used for the personal relief or support of anyone, member or nonmember of the Lodge, except for payment of Sick Dues for a sick or disabled member of

the Lodge, by vote of the Lodge. The Committee for the Sick and Distressed shall help needy members secure aid from appropriate community and government agencies.

- 12.3** No Lodge funds may be used for special functions, community projects or programs, or other expenditures not provided for in the International Brotherhood Constitution or these By-Laws, unless the expenditure is for the purposes and objectives set forth in the International Brotherhood Constitution and has been approved in advance by the International President, whose decision shall be based upon the financial standing of the Lodge.
- 12.4** Any voluntary contribution collection made in the name of this Lodge (e.g., for a sick member, one in financial distress resulting from fire or storm damage, a local union for which an assistance plea has been issued, etc.) must first have been approved by majority vote of the members at the regular or special meeting at which the collection was presented for approval, and no person, whether member or nonmember of this Lodge, may solicit, demand, or accept funds on behalf of this Lodge without the permission of the Lodge or the Business Manager/Secretary-Treasurer, as appropriate, or the International President.
- 12.5** Stewards shall accept no monies in payment of Union dues, fees, assessments, contributions, or donations of any kind, unless specifically authorized to do so by the Business Manager/Secretary-Treasurer. Any dues payment which a steward may agree to transmit to the Business Manager/Secretary-Treasurer on behalf of any member must be accepted with the understanding that the steward may not accept funds to be applied as dues payment for a specifically named month or period, and that the receipt which he gives does not constitute acknowledgement of payment of dues for a specifically named month or period. Such funds must be transmitted promptly; however, it is the responsibility of each individual to see that his dues are current and timely. Lodge funds may not be used to pay per capita for members whose dues have not been received, except as otherwise provided for in these By-Laws.
- 12.6** The day-to-day business operations of the Lodge, including management of its building(s) and properties, shall be the responsibility of the Business Manager/Secretary-Treasurer. Matters requiring major expenditures of funds (such as hiring of attorneys, new buildings, building additions or major alterations, purchase of vehicles, and similar proposals) and any sale of property or equipment belonging to the Lodge shall require approval by majority vote of the Lodge at a regular or special meeting; major expenditures and disposal of major properties of the Lodge shall also require the International President's approval in advance.
- 12.7** The International Brotherhood Constitution shall govern in filling vacancies in office. Reasonable notice, of not less than fifteen (15) calendar days, shall be given, in a manner calculated to reach all members, before filling any vacancy through election.
- 12.8** It shall be the responsibility of each individual member to inform the Lodge office whenever there is a change in the member's name, address, or telephone number.
- 12.9** No loitering, profanity, gambling, use of intoxicants, being under the influence of intoxicants, possession of weapons, violence, or threat of violence, will be tolerated at the Lodge office, Union meeting or picket line, or any property adjacent thereto, and will serve as a basis for ejection from these premises.

- 12.10** Meeting attendance requirements for eligibility for nomination and election as a Delegate to the International Brotherhood Convention shall be the same as for nomination and election to Lodge office.
- 12.11** The Lodge's clerical employees shall work under the Business Manager/Secretary-Treasurer and shall be under his supervision and responsible to him. Employment contracts shall not be entered into without prior approval of the International President.
- 12.12** No person who has been a member of the Communist Party or who has been convicted, or served any part of a prison term resulting from 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, forgery, counterfeiting, or conspiracy to commit any such crime(s), shall be eligible for election or appointment to, nor shall any such person be allowed to serve in, any office, job, or official position in this Lodge for a period of twenty (20) years after the termination of his membership in the Communist Party, or for a period of three (3) years to thirteen (13) years after the date of his conviction or of his release from incarceration resulting from his conviction (whichever is later), in accordance with applicable law. However, under no circumstances will any person be eligible to hold office who is not bondable under normal bonding requirements.
- 12.13** Whenever used in these By-Laws, the masculine pronoun shall include the masculine and feminine gender.
- 12.14** This Lodge shall actively recruit and accept Construction Boilermaker Journeymen, Trainees, Subjourneymen, and Apprentices in accordance with the applicable labor agreement and the International Brotherhood Constitution.
- 12.15** The Lodge office will be open for transaction of Union business from 8:00 a.m. until 4:00 p.m., Monday through Friday, except for a one (1) hour lunch period and recognized holidays or other approved closing for any reason.
- 12.16** Any member of this International Brotherhood who accepts employment with a contractor who has a vertical agreement with another union without permission from his local union Business Manager or from an International Officer of the Boilermakers' International Union shall be in violation of Article 17.1.1, 17.1.5, 17.1.6, 17.1.11, 17.1.12 and 17.1.20 of the International Brotherhood Constitution and subject to penalty.
- 12.17** Upon becoming eligible for reclassification from any Subjourneyman classification to a Journeyman Boilermaker (mechanic) classification, each individual must apply for reclassification promptly. If needed, time payment may be arranged in accordance with Article 9.1.4 of these By-Laws.
- 12.18** The term Union used herein shall refer to a Local Lodge of the International Brotherhood, the International Brotherhood, or both depending on the context.
- 12.19** No member may hold any Lodge office, or serve as a steward, (unless excused for vacation or illness) who is not actively working under a labor agreement between his employer and the Union, except that a shop member on temporary layoff not to exceed two weeks and a construction member who is between jobs and registered and available for referral shall not be

considered unemployed for purposes of this provision, so long as the member can and does perform the duties of his office in a proper and timely manner.

- 12.20** The Lodge has established a custom of holding an annual social gathering to promote unity, harmony, and a closer relationship among our members and their families. The custom will be continued, subject to approval annually by the membership at a regular meeting, and with prior approval by the International President based upon the Lodge's financial standing. However, no such gathering shall be held when the Lodge's total liquid assets are or would thereby be lessened to under one hundred thousand dollars (\$100,000.00).
- 12.21** Any Lodge official who is appointed by his employer to a position outside the bargaining unit must resign his office or position. However, filling such an assignment on a strictly temporary, short-term basis, such as substituting during illness or vacations or on a weekend, etc., shall not be considered appointment to that position for purposes of this provision.
- 12.22** It shall be the sacred and solemn obligation of any member who has knowledge of graft, bribery or corruption or any violation of the International Brotherhood Constitution to bring the matter to the attention of the Business Manager/Secretary-Treasurer or Executive Board.
- 12.23** An International Brotherhood of Boilermakers member of a Canadian Lodge/Local Union who applies to take the lump sum commuted value of his/her pension from the Boilermakers' National Pension Plan/Fund (Canada), shall have his/her membership in the Lodge/Local Union of which he/she is a member automatically terminated as of the date he/she applies for the lump sum commuted value of his/her pension; provided the application for the lump sum commuted value is granted. A person whose membership is terminated pursuant to this provision shall not, thereafter, be allowed to rejoin the Lodge/Local Union or to join any other Lodge/Local Union of the International Brotherhood of Boilermakers.

13 SAVING CLAUSES

- 13.1** All financial obligations imposed by or under these By-Laws or the International Brotherhood Constitution and in conformity therewith, are legal obligations of the members upon whom imposed and shall be enforceable in a court of law.
- 13.2** Should any provision of these By-Laws be declared invalid or inoperative by any competent authority of federal, state or provincial government, the Lodge shall have the authority to suspend operation of that provision during the period of its invalidity; however, neither the remainder of these By-Laws nor the application of that provision to persons or circumstances other than those as to which it has been so declared shall be affected by such declaration.

14 INTERNATIONAL BROTHERHOOD CONSTITUTION

The International Brotherhood Constitution is the governing document for the International Brotherhood and all its affiliated subordinate bodies, including District and Local Lodges, and supersedes any provisions of these By-Laws which are inconsistent with said International Brotherhood Constitution. All provisions of the International Brotherhood Constitution are hereby incorporated hereunto by reference as though fully set forth herein.

RATIFIED BY LODGE 128 THIS 9 DAY OF August 2017.

(Affix Lodge Seal)

ATTESTED:

By:

President

By:

Secretary-Treasurer

BY-LAWS COMMITTEE:

APPROVED:

Newton B. Jones
International President

International Brotherhood of Boilermakers,
Iron Ship Builders, Blacksmiths, Forgers
and Helpers, AFL-CIO, CLC

DATE: January 16, 2020

**REFERRAL
And
OUT OF WORK LIST RULES
FOR
LOCAL LODGE 128
International Brotherhood
Of
Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers
AFL-CIO CF of L
2020**

**ARTICLE 1
OUT OF WORK LIST**

- 1.0 Members shall be dispatched from the out of work list in a fair and impartial manner. Dispatch shall be open from 8:00 am to 4:00 pm Monday thru Friday inclusive.

**ARTICLE 2
TWO LIST SYSTEM**

- 2.0 Local 128 has established a two list system. A member can place their name on both lists, one being a long term and the other being a short term in the same area. The short term list will be fourteen (14) working days or less.

Referral calls of a short term nature will be dispatched from the short term list and upon completion, the member's name will go to the bottom of the short term list and still maintain their position on the long term list.

The deadline of fourteen (14) working days shall be strictly adhered to.

Referral calls from the long term list will result in the member's name being automatically removed from the short term list.

If a member is dispatched from the short term list, they will not receive a call from the long term list while they are employed.

**ARTICLE 3
"WILL CALL – INACTIVE LIST"**

- 3.0 There will be established a "Will Call – Inactive List", to cover members who are not actively available for employment under the jurisdiction of Local 128. This will include but, not be limited to:

- a) Members working outside the trade
- b) Workers compensation claimants
- c) Sickness (Long Term Disability and Short Term Disability) etc.

When a member desires to be placed back on the active members list, their name will be placed at the bottom of the short term list.

- 3.1 It is incumbent upon the individual member to report to the Business Manager/Secretary Treasurer or his designee that he/she is unavailable for work. At this point, they will be placed on the "Will Call – Inactive List". (When the member informs the Business Manager/Secretary Treasurer that they are available for work, they will be inserted at the bottom of the short term list.) Failure to comply with the above shall result in the member's name being totally removed from the out of work list and not placed back until the member requests the same from the Business Manager/Secretary Treasurer or his designee.

ARTICLE 4 REFERRAL RULES

- 4.0 All members out of work and soliciting assistance from the Local to find work, must register for work on the prescribed out of work list.
- 4.1 The Business Manager shall be empowered to select, at his discretion, for job dispatch if:
- 4.1.1 The work to be performed requires a special skill;
 - 4.1.2 For compassionate reasons, acceptable to the Business Manager/Secretary Treasurer;
 - 4.1.3 The best interest of the Local Lodge is being served.
 - 4.1.4 Members will be provided thirty [30] minutes, if time permits, to return the dispatcher's call. If the member fails to respond within the allotted time frame, the dispatcher may call the next person on the list.
- 4.2 On completion of job, member(s) must inform the Business Manager/Secretary Treasurer or his designee by phone or in person during business hours upon completion of employment. Attempts to register outside these parameters will not be acknowledged. Under no circumstances shall a member remain on a company payroll without written approval of the Business Manager/Secretary Treasurer or his designee.
- 4.3 Any member found with his/her name on two (2) or more out of work lists shall be subject to a fine of up to Five Hundred Dollars (\$500.00) and his/her name shall be placed on the bottom of the out of work list of his/her choice.

- 4.4 Where practicable, the job steward shall work on all overtime.
- 4.5 No job shall work without a job steward or Foreman where applicable, unless given permission by the Business Manager/Secretary Treasurer.
- 4.6 Companies requesting a Foreman or worker from the out of work list must do so in writing on company stationery.

A member hired as a Foreman shall be laid off as a Foreman. Any Foreman or worker who leaves a job before completion must have his/her name on the out of work list thirty (30) days before he can be requested. This is to be strictly enforced.

- 4.7 Any member employed in the capacity above the rank of Assistant Foreman, shall refrain from working with the tools, except to the extent necessary to instruct or inspect the employee's work. Failure to comply will result in a fine of up to Five Hundred Dollars (\$500.00).
- 4.8 Any member working in the jurisdiction of Local 128 who leaves the job without paying outstanding bills for accommodations, phone bills, other debts, or has caused damage to the accommodation, shall make full restitution to the satisfaction of the Business Manager or Area Representative before being dispatched to their next job.
- 4.9 Members accepting a work hiring slip or job from the business office and returning same without a reasonable excuse, must do so within twenty four (24) hours. Failure to do this will result in member's name being placed on the bottom of both out of work lists.
 - 4.9.1 Any member who accepts a job and fails to report for work at the time and place designated, without just cause, shall have their name put on the bottom of the out of work lists and shall be liable to a fine of five hundred dollars[\$500].
 - 4.9.2 No member shall be dispatched if they owe any lodge levied fines or outstanding dues.
- 4.10 Members working under the jurisdiction of Local 128 who voluntarily quit or get fired from a job without reasonable excuse acceptable to the Business Manager/Secretary Treasurer or his designee, shall be liable to appear before the Business Manager/Secretary Treasurer or his designee which may result in a suspension from the out of work list for a period not to exceed thirty (30) calendar days.
 - 4.1.1 Mechanics registered on the out of work list wishing to transfer their name to the welders list, shall have in their possession three [3] of the following tickets:
CWB, F3/F4, F6/F4, F6 TIG, F4 THRU.
 - 4.1.2 Members of Local 128 working outside the jurisdiction of Local 128 shall pay full dues.

- 4.1.3 Probationary non-members, Travel Card members, and Retired members who are working under the jurisdiction of Local 128 shall not be allowed to voluntarily quit a job unless given the consent from the Business Manager/Secretary Treasurer or his designee. Violation of this provision will result in the individual(s) having their employment privileges in Local 128 terminated.

ARTICLE 5 PERMIT FEE STRUCTURE

- 5.0 Permit members who are employed under the jurisdiction of Local 128 shall pay two months basic dues prior to the commencement of employment.

ARTICLE 6 RETIRED MEMBERS

- 6.0 When a member is in receipt of a pension from the Boilermakers National Pension Plan, the member may, if they so desire, be placed on the retired members list. Retired members will be dispatched if available after travel cards and before permit workers. When working all applicable dues will apply.

ARTICLE 7 APPRENTICES

- 7.0 Apprentices shall register their names with the area Business Representative. Apprentices shall not be allowed to refuse or quit employment without the approval of the Business Manager. Apprentices must adhere to all rules and regulations governing them from the Local Apprenticeship Committee. Any violations of this procedure will result in an Apprentice appearing before the Local Apprenticeship Committee. Apprentices may not be requested to a job.