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Robert Kelly, President/Business Agent AMALGAMATED TRANSIT UNION LOCAL 308

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September 26, 2011

Marilyn Perkins-Hooker, Secretary-Treasurer
Kim Mitchell, Assistant Secretary-Treasurer
Bryant Alexander, 1st. Vice President
Eric Dixon, 2nd. Vice President

The following by-law proposal was given a first reading at our last regular union meeting (September 13, 2011). Final action will take place on this proposal at our next meeting (October 11, 2011).

Current By-Law

Section 4 (a) The officers of this Local shall consist of a President/Business Agent, First Vice President, Second Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer and an Executive Board composed of one member from each road, one member from Equipment (shop) Maintenance Department, one member from Facility (janitors) Maintenance Department, one member from Track (track) Maintenance Department and one member from Supervisory-Clerical Department. Each Board Member shall have an Assistant who shall be elected in the same manner as the Board Member. The duties and hours of the Second Vice President and Assistant Secretary-Treasurer which are considered full time/part time officers will be assigned at the discretion of the President and Secretary Treasurer based on need.

Changes will take effect with the 2011 Election.

(b) The basis of representation of the local Executive Board member shall be one local Executive Board members for each functional occupational division listed below, having four hundred and seventy-five (475) or fewer active members. A functional occupational division having four hundred seventy-six (476) up to eight hundred (800) active members shall be entitled to two Executive Board members. A functional occupational division having eight hundred and one (801) up to eleven hundred (1100) active members shall be entitled to three Executive Board members. A functional occupational division having eleven hundred and one (1101) up to twelve hundred and fifty (1250) active members shall be entitled to four Executive Board members. And for each additional four hundred (400) active members or a major fraction thereof, shall be entitled to one additional Executive Board member. In totaling the active membership only those in good standing for the month of June preceding the normal election of Officers use to be counted. The Secretary-Treasurer shall have posted at terminals and other sites, the results of the count of active members by September 1st of the Election year.

| <u>Functional Occupational Division</u> | <u>Active Members June xxxx</u> | <u>Executive Board Members entitled</u> |
|---|---------------------------------|---|
| Operations Division | xxxx | x |
| Revenue Division | xxx | x |
| Maintenance Division | xx | x |
| Supervisory Division | x | x |

c) The functional occupational divisions which are entitled to more than one Executive Board member shall be further subdivided into geographical departmental sections and entitled to one Executive Board member as listed below:

| <u>Operations Division</u> | <u>Revenue Division</u> | <u>Maintenance Division</u> |
|-----------------------------|---------------------------------|-----------------------------|
| Rail - Congress/Lake/Midway | C/A - Agents/West | Equipment (shop) |
| Rail - Douglas/O'Hare | C/A - Agents/North/South/Midway | Facilities (janitor) |
| Rail- North | | Track (track) |
| Rail- South | | |

for basis of determining the Revenue Division, the number of C/A - Agents frozen will be the number used.

Changes will take effect with the 2011 Election.

(d) Other functional support personnel (clerks, etc., i.e.) who may perform their duties in any of the functional occupational division listed, shall be counted and have all rights and privileges in the geographical or departmental sections of the functional occupational division which they are performing their duties.

PROPOSED BY-LAW CHANGE

OFFICERS

Section 4 (a) The Officers of the Local shall consist of a President/Business Agent, First Vice-President, Second Vice-President, Secretary-Treasurer, Assistant Secretary-Treasurer and an Executive Board composed of at least one Member from each of the following ten (10) Sections within each of the four (4) listed Departments:

| Departments | | | |
|---------------------------------------|--|-------------------------------|--|
| Operations Department | Revenue Department | Maintenance Department | Supervisory Department |
| Sections | | | |
| Rail Section – Congress / Lake/Midway | Customer Assistant - West Section | Equipment (Shop) Section | Supervisors/ Instructors/ Clerks Section |
| Rail Section – Douglas/O’Hare | Customer Assistant – North/ South/Midway Section | Facilities (Janitors) Section | |
| Rail Section – North | | Track Section | |
| Rail Section – South | | | |

Each Executive Board Member shall have an Assistant who shall be elected in the same manner as the Board Member. The Second Vice-President shall serve at the discretion of the President/Business Agent either as part-time or full-time officer, based on need, and his/her duties shall be assigned by the President/Business Agent. The Assistant Secretary-Treasurer’s position shall be either full-time or part-time, based on need, as the Secretary-Treasurer shall determine in his/her discretion.

(b) The number of Local Executive Board Member positions for each Section shall be based upon the number

of Members in Good Standing in each Section. In June of the election year, the Local shall count the number of Members in Good Standing in each Section. On or before September 1st of the election year, the Secretary-Treasurer shall post at each of the terminals the number of Members in Good Standing by Section.

There shall be at least one (1) Executive Board member for each Section listed above in Section 4(a) of these By-Laws having four hundred and seventy-five (475) Members in Good Standing or less. A Section having four hundred seventy-six (476) and up to eight hundred (800) Members in Good Standing shall be entitled to two (2) Executive Board members. A Section having eight hundred one (801) Members in Good Standing and up to eleven hundred (1100) Members in Good Standing shall be entitled to three (3) Executive Board members. A Section having eleven hundred one (1101) Members in Good Standing and up to twelve hundred and fifty (1250) active members shall be entitled to four (4) Executive Board members. For each additional four hundred (400) Members in Good Standing or a major fraction thereof in a Section, there shall be one (1) additional Executive Board member.

(c) [Merged into paragraph b]

(d) [Deleted]

Current By-Law

NOMINATIONS FOR ELECTED OFFICES IN LOCAL

Section 5 (a) Nominations for officers of this Local shall take place at the regular meeting in October every three years. At least five days' notice of nominations for office shall be given to the members previous to the holding of the nominating meeting. At the meeting at which nominations are made, every member in good standing and present shall have the opportunity to nominate the candidates of his or her choice for any and all offices for Which nominations are to be made; provided that no member shall nominate two members for one office, and provided further that no member shall nominate a member to represent a road or department on the Executive Board unless both the nominator and nominee are from the same road or department that the nomination concerns.

(b) After a nomination is made from the floor at the nomination meeting, the nominator must then write out the nomination, sign it and immediately place same on file with the Secretary-Treasurer.

(c) Every member shall be eligible to be a candidate for and to hold office; provided, however, that such member shall have been in continuous good standing in the Local for two (2) years; and provided further that such member complies with all of the applicable qualifying provisions contained in these By-Laws and in the Constitution of the International Union. No member who is disqualified from holding office under the provisions of Section 504 of the Labor Management Reporting and Disclosure Act of 1959 shall be eligible to be a candidate or hold office in this Local.

(d) A member shall not be eligible to be a candidate or hold office unless he or she has attended not less than six (6) regular meetings each year during the twenty-four (24) months prior to the election, except in the case of a member being confined on account of sickness or injury, the duration of which would prevent him or her from attending the required number of meetings. The burden of proving such sickness or injury and its duration shall be on the nominee. For the purposes of this subsection (d) the terms "each year, shall mean the period from October 1st to September 30th.

(e) Members who have voluntarily left the service in which the membership of this Local is engaged, or who have retired on pension or who have been discharged for cause found by this Local to be proper, are not eligible to run for any office in this Local. Members in the service of this Local or the International shall be deemed to be in service and are eligible to run for office. An officer who retires on pension during his term of office may complete his term serving at the pleasure of the Local.

(f) A member nominated for any office shall not be placed on the ballot unless said member shall send the Secretary-Treasurer written acceptance of the nomination within forty-eight (48) hours after the nomination meeting.

PROPOSED BY-LAW CHANGE

NOMINATIONS FOR ELECTED OFFICES

Section 5 (a) Nominations for officers of this Local shall take place at the regular meeting in October every three years. At least five days' notice of nominations for office shall be given to the members prior to the nominations meeting. At the meeting at which nominations are made, every Member in Good Standing and present shall have the opportunity to nominate a candidate of his or her choice for each elected office; provided that no Member in Good Standing shall nominate more than one Member in Good Standing for any one particular office, and provided further that no Member in Good Standing shall nominate another Member in Good Standing to represent an Executive Board Member or Assistant Board Member unless both the nominator and nominee are from the same Section.

(b) **No change.**

(c) **[formerly section f]** A Member in Good Standing nominated for an office shall not be placed on the ballot unless s/he sends the Secretary-Treasurer written acceptance of the nomination signed by the nominee. Such written nomination must be received by the Secretary-Treasurer within forty-eight (48) hours after the nominations meeting.

(d) In order for a member to be eligible to be a candidate for office and to hold such office, the member must be a Member in Good Standing, that is, the member must have been in continuous good standing in the Local for two (2) consecutive years prior to and including the day of the nominations meeting; and provided further that such member must have complied with all of the applicable qualifying provisions contained in these By-Laws and in the International Constitution. **[No changes to the rest of this paragraph.]**

(e) **[formerly section d]** A member shall not be eligible to be a candidate or hold office unless s/he has attended not less than six (6) regular Local membership meetings each year during the twenty-four (24) months prior to and including the date of the nominations meeting. A member who has complied with all the requirements of being a Member in Good Standing under the International Constitution and these By-Laws except for the meetings requirement on account of having being confined due to sickness or injury, or due to service in the uniformed military services of the United States, the duration of which prevented him/her from attending all the required number of meetings, may be excused for the dates s/he could not attend meetings due

to military service or sickness; however, the member shall have the burden of proving service in the uniformed military services or of such sickness or injury and its duration. Documentation supporting any such request(s) for credit for a missed meeting must be provided by the member to the Local not more than ten (10) days following the meeting for which s/he seeks an attendance credit or, in the case of one or more absence(s) resulting from the member's service in the uniformed military services, not more than ten (10) days after the member returns to work, and as required by Section 14 of the Constitution.

(f) [formerly section e] Members who have voluntarily left the service in which the membership of this Local is engaged, or who have retired on pension or who have been discharged for cause found by this Local to be proper, are not eligible to run for any office in this Local. Members in the service of this Local or the International shall be deemed to be in service and are eligible to run for office. An officer who retires on pension during his/her term of office may complete his/her term.

[former section f is now section c]

Current By-Law

INSTRUCTIONS ON ELECTIONS

Section 7 (a) The President/Business Agent shall read the election laws to the Judges at the time they report for the ballot boxes. The Judges in turn shall read the laws to the Clerks and see that each Clerk is provided with a copy of same at polling place before the polls open. The President/Business Agent shall read the election laws to the Canvassing Board at the time they report to count the ballots.

(b) Each road shall have a polling place at each terminal for that road located on company property. Each polling place shall have a check list of all floating gangs that is to be checked-off every thirty (30) minutes or so.

(c) The Judges and Clerks of election shall be composed of one Judge and two Clerks for each shift, who shall be selected by the Executive Board and approved by the Local.

(d) The Canvassing Board shall be composed of one member from each road appointed by the Executive Board and approved by the Local.

(e) On the day following the election, the Canvassing Board shall meet at the Secretary-Treasurer office.

(f) The Chairman of the Canvassing Board shall deliver to the President/Business Agent a duplicate report of the findings, signed by a majority of the Board.

(g) The result of the election shall be read by the Chairman of the Canvassing Board at the first regular meeting after the election. After acceptance of the Board's report by the Local, the winning candidates shall be declared elected by the presiding officer. The President/Business Agent shall notify the successful candidates to appear for installation.

(h) Each candidate or his or her watcher will be allowed in room when ballots are being counted, providing they hold credentials signed by Preside and Secretary-Treasurer, bearing the name of the candidate they are going to watch for.

(i) Any electioneering or soliciting of votes in voting places or within one hundred (100) feet of same is prohibited, and any member found guilty of same shall be suspended, fined or expelled.

PROPOSED BY-LAW CHANGE

INSTRUCTIONS ON OFFICER ELECTIONS

Section 7 (a) [No change to first sentence.] The Judges in turn shall read the laws to the Clerks and see that each Clerk is provided with a copy of the laws at every polling place before the polls open. **[No change to last sentence]**

(b) There shall be a polling place at each terminal for every Section located on company property. **[No changes to last sentence.]**

(c) The Judges and Clerks of election shall be composed of one Judge and two Clerks at each polling place for each shift, who shall be selected by the Executive Board and approved by the Local.

(d) The Canvassing Board shall be composed of one member from each Section appointed by the Executive Board and approved by the Local.

(e) On the day following the election, the Canvassing Board shall meet at the Secretary-Treasurer's office.

(f) The Chairman of the Canvassing Board shall deliver to the President/Business Agent a duplicate report of the findings, signed by a majority of the Canvassing Board.

(g) The results of the election shall be read by the Chairman of the Canvassing Board at the first regular meeting after the election. **[No changes to the rest of this paragraph.]**

(h) Each candidate or his or her observer, who must be a Member in Good Standing, will be allowed in the room when ballots are being counted, provided they hold credentials signed by the President/Business Agent and Secretary-Treasurer, bearing the name of the candidate for whom they are serving as an observer.

(i) Any electioneering or soliciting of votes in or within one hundred (100) feet of a polling place is prohibited, and any member found guilty of same shall be suspended, fined or expelled.

Current By-Law

DUTIES OF JUDGES AND CLERKS

Section 8 (a) The A.M. Judge from each road shall appear at the headquarters of the Local the day before election and receive from the Secretary-Treasurer the ballot box, poll books and tally sheets, also ballots. Each polling place shall be provided with sufficient ballots.

(b) The A.M. Judge shall be obligated to set up his or her polling place in advance of the scheduled voting time so that voting may begin on time.

(c) The Judge shall have charge of the ballots, and shall hand to each qualified voter who enters the polling place one (1) ballot with the Judge's initials placed on the back of ballot in ink or indelible pencil. After the voter marks his ballot in ink or indelible pencil he or she shall hand it to the Judge. The Judge shall deposit it in the ballot box, and at no time shall a voter be allowed to deposit the ballot in the box himself, nor shall ballot boxes be opened while voting is in progress.

(d) There shall be two Clerks, one shall have charge of a poll book and shall record the name of each voter in ink or indelible pencil. The other shall have a membership list and a stamp reading 'Voted', and shall stamp the working card or official receipt of each member who votes.

(e) The Judge and Clerks shall prohibit all electioneering or soliciting of votes within the polling place, and any Judge or Clerk found guilty of such charge shall be fined, suspended or expelled.

(f) Judges and Clerks shall proceed to count and tally the votes immediately after the polls close. Ballots must be counted in the same room they are cast, then sealed and placed in the box with unused ballots and mutilated ballots, poll books and tally sheets, and delivered to the Secretary-Treasurer, or his deputy.

(g) Keys to be sealed up in an envelope and delivered to Secretary-Treasurer, or his deputy. All seals bearing the signatures of Judge and Clerks.

PROPOSED BY-LAW CHANGE

DUTIES OF JUDGES AND CLERKS AT ELECTIONS

Section 8 (a) The A.M. Judge from each polling place shall appear at the headquarters of the Local the day before election and receive from the Secretary-Treasurer the ballot box, poll books, tally sheets and ballots. **[No changes to the rest of this paragraph.]**

(b) The voting hours shall be from 6:00 a.m. to 7:00 p.m. The A.M. Judge shall be obligated to set up his/her polling place in advance of the scheduled voting time so that polls may open on time.

(c) **[former section d]** There shall be two Clerks. One Clerk shall have charge of the membership list. When a potential voter approaches to vote, the first Clerk shall ask the voter for his/her name, request identification and place an "X" in ink next to his/her name in the membership list. The second Clerk shall have a poll book where s/he will record the name and badge number of the voter in ink. After the voter has voted, the second clerk shall provide the voter with a card stamped with the word "Voted".

(d) **[former section c]** The Judge shall have charge of the ballots, and shall hand to each qualified voter who enters the polling place one (1) ballot with the Judge's initials placed on the back of the ballot in ink. After the voter marks his ballot in ink s/he shall hand it back to the Judge. **[No changes to the rest of this paragraph.]**

(e) **No change.**

(f) The Judge and Clerks shall proceed to count and tally the votes immediately after the polls close at the polling place. Ballots must be counted in the same room they are cast, then sealed and placed in the box with unused ballots and mutilated ballots, poll books and tally sheets, and delivered to the Secretary-Treasurer, or his/her deputy. All seals must bear the signatures in ink of Judge and Clerks.

(g) The Local may contract with an election service to assist with the counting of the ballots. If an election service is used, the Secretary-Treasurer shall work with the election service to make sure that the ballots will be processed and counted correctly, including adapting the ballot to conform to the needs of the election service. Once the polls are closed, the Judge and Clerks of each location shall immediately seal the election can without

opening it and sign the seals in ink. The Judge and Clerks shall then place the poll book, poll lists, opening instruction envelope, judge observation log, spoiled ballot envelopes, unused ballots and any other election materials in the election kit envelope, seal the election kit envelope, and then seal the election kit envelope to the election can. All seals must bear the signatures in ink of the Judge and Clerks. The election kit envelope and the election can must be brought immediately to the Secretary-Treasurer or his/her designee at the Union office.

(h) [formerly section g] Keys shall be sealed in an envelope and delivered to Secretary-Treasurer, or his/her designee at the Union office. All seals must bear the signatures in ink of the Judge and Clerks.

(i) Pensioners may work as clerks during elections at the discretion of the President and the Executive Board.

Current By-Law

ELECTION SECTION

Section 9 (a) The regular primary election of officers of this Local shall take place the third Tuesday in November each three years and shall be by secret ballot.

(b) Officers shall be elected under the Primary System, to be held on the third Tuesday in November each three years. If a run off election is necessary this election will be held on the third Tuesday in December and shall be by secret ballot.

(c) Not less than fifteen (15) days prior to the date of the election, a notice of this coming election shall be prominently displayed in the 'In Transit'.

(d) Each member in good standing may vote for or support any candidate of his or her choice without penalty, discipline, reprisal or improper interference by the Local provided, however, that no person shall be permitted to engage in any kind of defamation, libel or slander. Any candidate who engages in, or knowingly permits such conduct, shall be subject to discipline including disbarment from office if found guilty after hearings conducted in accordance with procedures provided in these By-Laws and the International Constitution.

(e) As soon as possible after the nomination meeting, the Secretary-Treasurer shall prepare a ballot. Candidates' names for the respective offices shall be placed on the ballot in alphabetical order.

(f) Officers shall be elected by secret ballot under the "Primary System. The first candidate to receive a majority of all valid votes cast shall be the candidate elected. The ballots shall be prepared and the tally of ballots shall be conducted in accordance with the provisions of Section 14 of the International Constitution. Each candidate shall have the right to have an observer at the polls and at the counting of the ballots.

(g) There shall be no absentee, proxy, or write-in voting and no member shall be entitled to vote unless he is in good standing and presents himself at the polls during the voting hours.

(h) The Secretary-Treasurer shall preserve for one year the ballots and all other records pertaining to the election of Local officers.

(i) The Local's funds or moneys raised by way of dues, assessments, or similar levy shall not be used to promote the candidacy of any candidate in any election conducted under these By-Laws. The Local's funds may be expended for notice, factual statements of issues not involving candidates, and for all other expenses necessary for the holding of an election.

(j) No candidate shall be installed in office, or, if installed, be eligible to continue in office, if, after charges filed and a hearing held- in accordance with the provisions of these By-Laws and the International Constitution, it is established that any employee not eligible for membership in this organization, Employer, or any person acting on behalf of any such Employer, has directly or indirectly financed or otherwise assisted the candidate's efforts to obtain nomination or election.

(k) All complaints concerning candidates or the conduct of the election or the results shall be submitted in writing not later than ten (10) days after the election to the Secretary Treasurer, who shall promptly send a copy thereof to the Local's attorney requesting that he or a person designated by him act as a Hearing Officer in connection with the charges. The Hearing Officer is empowered to investigate the facts, interview witnesses, and evaluate the evidence and contentions of all interested persons, after which he shall submit a report of his findings and a recommended decision to the membership of the Local at a meeting to be held within sixty (60) days after the date of the election. At such meeting, said report and recommended decision shall be submitted to the membership for adoption or rejection.

(l) No member shall resort to proceedings before any court, administrative agency, or governmental official until he has exhausted the remedies provided for above. It shall be the duty and obligation of every member to pursue his internal remedies with promptness and dispatch so that a final decision may be rendered within three (3) months.

(m) Pensioners shall vote at a location most convenient to them.

(n) Each member shall vote only in the polling place(s) designated for the section on which he or she is regularly employed. Each terminal shall have a polling place for that road located on company property; except members who are represented by a board member whose jurisdiction encompasses more than one section.

PROPOSED BY-LAW CHANGE

ELECTIONS

Section 9 (a) The regular primary election of officers of this Local shall take place the third Tuesday in November every three years and shall be by secret ballot.

(b) Officers shall be elected by secret ballot under the Primary System. If a run-off election is necessary this election will be held on the third Tuesday in December and shall be by secret ballot.

(c) Not less than fifteen (15) days prior to the date of the election, a notice of the upcoming election shall be prominently displayed at each of the terminals, and a notice shall also be mailed to each member at the member's last known home address. This notice shall specify the date, time and place of the election and the offices to be filled.

(d) **No change.**

(e) **[No change to the first two sentences.]** The ballots shall be prepared and the tally of ballots shall be conducted in accordance with the provisions of Section 14.7 of the International Constitution.

(f) The candidate in each office to receive a majority of all valid votes cast shall be the winner. Each candidate may have an observer at the polls and at the counting of the ballots who must be a Member in Good Standing.

(g) There shall be no absentee, proxy, or write-in voting and no member shall be entitled to vote unless he is a Member in Good Standing and presents himself/herself personally at the polls during the voting hours to vote.

(h) **No change.**

(i) The Local's funds or money raised by the Local by way of dues, assessments, or similar levy shall not be used to campaign or promote the candidacy of any candidate in any election conducted under these By-Laws. The Local's funds may be expended to provide notice of nominations and elections, to conduct the election itself, to inform members of factual statements of issues not involving candidates, and for all other expenses necessary for the holding of an election.

(j) No candidate shall be installed in office, or, if installed, be eligible to continue in office, if, after charges are filed and a hearing is held, in accordance with the provisions of these By-Laws and the International Constitution, it is established that any employee not eligible for membership in this organization, employer, or any person acting on behalf of any such employer, has directly or indirectly, financed in whole or in part, or otherwise assisted the candidate's efforts to obtain nomination or election.

(k) Any Member in Good Standing who is entitled to vote may challenge the conduct or results of an election by filing, within ten (10) calendar days of the counting of the ballots, a challenge with the incumbent Secretary-Treasurer of the Local. The Secretary-Treasurer shall promptly send a copy of the challenge to the Local's attorney requesting that s/he or a person designated by the attorney investigate the facts, interview witnesses, and evaluate the evidence and contentions of all interested persons, after which the attorney or his/her designee shall submit a report of the findings and a recommended decision to the Secretary-Treasurer, who shall in turn, submit the challenge(s) for decision to the Executive Board, subject to final ruling by the membership at a meeting to be held within sixty (60) days after the date of the election. At such meeting, the Members in Good Standing shall by majority vote, adopt or reject the Executive Board's decision. Any Member in Good Standing who is entitled to vote may challenge the Local Union's decision with the International in accordance with the International Constitution.

(l) **No change.**

(m) **No change.**

(n) A Member in Good Standing shall vote only in the polling place(s) designated for the section in which he or she is regularly employed. Each terminal shall have a polling place for that Section located on company property, with the exception of members who are represented by a Board Member whose jurisdiction encompasses more than one Section.

Current By-Law

INSTALLATION

Section 10 Installation of officers shall take place at the regular meeting in January following the election. Installation of officers to fill vacancies shall take place at the first regular meeting after the election.

PROPOSED BY-LAW CHANGE

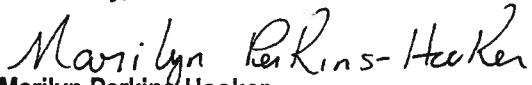
INSTALLATION

Section 10 [No change to the first sentence.]

Upon the installation of the new officers, the retiring officers shall assist with the transition and shall immediately turn over to the newly elected officers all funds, books, records, papers and files of the Union.

**I.B.E.W. Hall
Place: 600 W. Washington Blvd., - Time: 6:30 P.M.**

Fraternally,


Marilyn Perkins-Hooker
Secretary-Treasurer
/dj