

LOCAL 270



UTILITY WORKERS UNION OF AMERICA

AFL-CIO

CONSTITUTION AND BY-LAWS

AMENDED 10/11/06
AMENDED 7/22/09

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PREAMBLE

We, the members of Local 270, of the Utility Workers Union of America, AFL-CIO, believing it to be natural, right and just that those who toil should enjoy to the fullest extent the wealth created by their labor; and realizing that under the ever changing industrial conditions and the enormous growth of corporations and other aggregations of capital, it is impossible for us to obtain the full reward of our labor other than through united industrial action;

And believing that labor acting along economic and political lines can secure a more equitable distribution of the nation's wealth for all those performing useful service to society;

Therefore; we pledge ourselves to labor unitedly in behalf of the principles herein set forth, to perpetuate our organization on the basis of friendship and justice, to expound its objects and obey the laws laid down for its guidance and government, and always labor for its success, knowing as we do, and when united, no reasonable demands that we make can be denied us.

AUTHORITY

Local Unions, Regional Boards or Joint Councils may adopt such By-Laws and rules as do not conflict with any of the provisions of this Constitution or the policies of the National Union. All Local Unions, Regional Boards, or Joint Councils shall send copies of their Constitution and By-Laws to the National Office for approval before they shall take effect, and if not in conflict with the National Constitution, they shall be approved.

ARTICLE I

NAME

This Organization shall be known as Local 270, of the Utility Workers Union of America, AFL-CIO.

It shall consist of five (5) Divisions, viz: Ashtabula, Cleveland, Avon, Niles, and Perry or as determined by the Executive Board.

ARTICLE II

OBJECT

It shall be the object of this Organization to promote good fellowship, to protect, maintain, and advance the interests of our Members and to help all other workers, to promote the general welfare of the organization, to aid and assist Members in bettering their social and economic position in life; to unite in one organization, regardless of race, creed, color, or nationality, all employees under the jurisdiction of this Local Union.

ARTICLE III

MEMBERSHIP

Section 1. The Membership of Local 270 shall be comprised of all regular employees of the Cleveland Electric Illuminating Company, Centerior Energy, FirstEnergy, Orion Power Operating Services Mid-West Incorporated, Reliant Energy, or any and all subsequent entities, successors and assigns, subsidiaries, affiliates, mergers or acquisitions or any other affiliated workforce and those who are working full time for the National Union or Local 270 either by election or appointment. Persons having supervisory power, which include the ability to hire, fire, and/or discipline shall not be eligible for membership.

Section 2. To become eligible to become a member of Local 270 of the Utility Workers Union of America, AFL-CIO, the applicant must not be affiliated with any organization whose principles and philosophy are contrary to those of the National Union of the UWUA, as outlined in the National Constitution. All applicants for membership in the Local shall fill out an official application form provided by the Union, answering all questions contained in such application form and pledge to abide by the Constitution and Bylaws, rules and regulations of the Local Union and meet the requirements as laid down under Article III of the National Constitution.

Section 3. It shall be the duty of each Member to conscientiously seek to understand and exemplify, by practice, the intent and purpose of their obligation as a Member of Local 270. It shall be the duty of each Member to render aid and assistance to Brother and Sister Members in case of illness, death or distress and in every way acquit themselves as a loyal and devoted Member of Local Union 270.

Section 4. All Members shall consider it an obligation on their part to attend all Regular and Special Membership Meetings.

Section 5. Any Member who is assigned to some special Committee work shall conscientiously and diligently carry out the work assigned to them for the advancement of the Union. Should they be unable to do so, they should immediately notify the President and forthwith be replaced on the Committee.

Section 6. Honorary membership in this Local may be given to retired Members. Honorary members shall not have the right to the floor for discussion or vote on any contractual issues before this Union, nor hold office, or pay dues.

Section 7. Withdrawal Cards may be issued to a Member upon application by him/her and upon approval of the Executive Board. However, the Member must be in good standing at the time of their application.

Section 8. All members shall notify the Union Office of any change of department, promotion, address or phone number when that change occurs.

ARTICLE IV

MEMBERSHIP DUES AND PAYMENTS

Section 1. (a) The monthly dues of this Local Union shall be a minimum of forty one dollars and twenty cents (\$41.20) per month, for all except Honorary Members, or the last amount of dues paid by this Local Union's members as determined by Article VI Section 1(a) of the National Constitution, whichever is greater.

(b) All dues are payable in advance, or not later than the 10th of each month, unless dues check off contract is in force, in which case the terms of the collective bargaining agreement shall prevail for Members covered by it.

Section 2. Dues changes and assessments are governed by Article VI of the Constitution of the Utility Workers Union of America, AFL-CIO, and these By-Laws.

Section 3. The initiation fee shall be the maximum as provided by the National Union.

Section 4. No special assessments shall be placed upon the Members unless accepted by a two-thirds vote of those present at a Special Meeting, and then only after approval of the National Executive Committee as is required.

Section 5. Any Member in arrears for three months in regard to dues unless officially exonerated from payment of same, shall automatically forfeit their Membership, and can be reinstated only by paying another initiation fee plus all their arrearages.

ARTICLE V

OFFICERS AND TERMS

Section 1. The Elective General Officers of the Union shall be President, Vice-President, Recording Secretary and Treasurer. These Offices shall be elected for a THREE-YEAR TERM.

Section 2. The Divisional Officers shall be of Ashtabula, Avon, Niles, Perry and Cleveland. Each Division shall elect the following Officers: Chairman, Vice-Chairman, Recording Secretary, and Sergeant-at-Arms. These Officers shall be elected for a THREE-YEAR TERM.

Section 3. The Board of Trustees shall consist of one trustee and an alternate from each Division. Trustees shall be elected for a THREE-YEAR TERM.

Section 4. The Executive Board shall consist of Board Members elected by the total number of membership per Division. Each Division shall have a minimum of two (2). In Divisions where

the total membership exceeds two hundred (200) members, for every one hundred (100) additional member's one (1) additional Executive Board member will be elected. The Regular Executive Board Members and their Alternate are elected for a THREE-YEAR TERM. The following Officers shall be Ex-Officio members of the Board; the President, Vice-President, Recording Secretary and the Treasurer of the Union; the Chairman, Vice-Chairman and the Secretaries of the Divisions, and the Board of Trustee from each Division.

Section 5(a). Divisional jurisdictional boundaries are described as follows:

Avon Division...Lorain Counties and West

Cleveland Division...Cuyahoga Counties to Route 306

Ashtabula Division...East of Route 306

Niles Division...Niles Power Plant

Perry Division...NLRB certification

(b) Upon ratification of a first contract or Local 270 UWUA; AFL-CIO absorbing another existing Local or Contract due to Mergers, Acquisitions, Divestitures and the like, the new Division shall immediately come under these By-Laws. The Election of their respective Divisional Officers and Chief Job Stewards shall follow these By-Laws in accordance with Article VI and Article IX.

Section 6. Members fixed reporting point or jurisdictional reporting point as of August 1st will determine which Division a Member may be nominated for, and for which Division a Member's vote will be counted.

ARTICLE VI

ELECTIONS – GENERAL AND SPECIAL

Section 1. Every three years, a General Election for General Officers, Divisional Officers, Executive Board Members and Board of Trustees shall be conducted by secret mail in ballot pursuant to these By-Laws, Election Committee rules and the Labor-Management Reporting Disclosure Act of 1959 as amended (LMRDA). The American Arbitration Association shall be the administrator of the mail in election if reasonably feasible due to availability and cost. If another administrator is required, it will be the duty of the Chairman of the Election Committee to locate another administrator.

Section 2. Only Members in good standing for two (2) months shall be elected for Office.

Section 3(a). Nominations for General Union Officers shall be opened at the regular Membership Meetings in August and closed at the regular Membership Meetings in September every THREE YEARS. Nominations for Division Officers, Executive Board, Trustees and Chief Job Stewards shall be opened in August at the regular Membership Meetings and closed at the regular Membership Meetings in September every THREE YEARS. Written notices shall be posted on all the Union bulletin boards of nominations, acceptances and election results.

(b). Nominations for General Officers will be made by the general membership consisting of all Divisions. Nominations for Divisional Officers, Executive Board Members, and Board of Trustees shall be made by members within the respective Division. Chief Job Stewards shall be nominated by and voted upon only by the members they will be representing.

Section 4. Each nominee shall be notified by registered mail, return receipt requested, of the Office or Offices to which he/she has been nominated. They must choose ONE (1) Office, and return his/her SIGNED acceptance to the Union Office by the close of business on a date which shall be determined beforehand by the Executive Board, and clearly indicated on the notice. No nomination acceptance notices will be accepted by the Election Committee after the close of business on the day as determined by the Executive Board.

Section 5. If there is an uncontested candidate for General Union Officer, Divisional Officer, Executive Board Member or Board of Trustees, then one vote shall be cast by the Chairman of the Election Committee and no formal election shall be held for that position.

Section 6. It shall be announced to the membership at the regular meetings when nominations are taken, in August and September, and printed on the ballots, if a contested election is held, that the President, Vice-President, Recording Secretary, Treasurer and Divisional Chairmen are also being elected to the UWUA's National Convention and the State of Ohio AFL-CIO Convention.

Section 7. Only when no nominations have been made or accepted for an office shall write-in voting be permitted.

Section 8. Mail in elections shall be held no later than in the month of NOVEMBER.

Section 9. (a) A notice of nominations and election information will be mailed to each individual member, at the member's last known address at least (15) days prior to the nominations taking place.

(b) Election of General Union Officers, Divisional Officers, Executive Board Members, and Board of Trustee Members shall be by plurality vote.

(c) In cases of a tied election, the winner will be decided by a coin flip. The coin flip will be decided by the Chairman of the Election Committee in the presence of the candidates or their designee. If the candidate cannot be present, he/she shall submit in writing prior to the coin flip the name of said designee.

Section 10. For a recount, written request shall be made within ten (10) days after election results are posted. Such request shall be made to the President. If the President's Office is in dispute, the Recording Secretary shall function in his/her stead. The Chairman of the Election Committee shall make the necessary arrangements. Candidates involved, or a designated representative of each may be present at the Candidates own expense.

Section 11. Each member of each Division shall vote for not more than two (2) Executive Board Members, within their respective Division. The person receiving the highest number of votes will become the first Executive Board Member; second highest vote received will become the second Executive Board member and so on. Alternate Executive Board Members shall be elected in the same manner as the Regular Executive Board. After all Regular Executive Board positions are filled the person receiving the highest number of votes will become number one (1) Alternate, the second (2) highest number of votes will become number two (2) Alternate and so on until all positions are filled. If the Executive Board member should be dismissed the Alternate will become the Executive Board member and the Alternate member will be then replaced as outlined in this Article. Should the Alternate Executive Board Member be removed then the next highest vote getter will become the Alternate Member.

Section 12. The Board of Trustees shall consist of one (1) Trustee and one (1) alternate from each Division. Each member of each Division shall vote for not more than two (2) Trustees, within their respective Division. The person receiving the highest number of votes will become the Trustee; the second highest vote received will become the alternate.

Section 13. (a) Stewards and Chief Job Stewards shall be elected to represent the employees in each of the departments established or appropriate area/plant/business unit.

(b) Each Steward and Chief Job Steward shall be elected from and by the group which they are to represent.

(c) Whenever there are two or more shifts in an establishment or department, each shift may elect its own Steward.

(d) Election of Stewards shall take place annually or within sixty (60) days after the General Election for a one-year term.

(e) Chief Job Stewards elections shall be held at their respective locations, Union Hall, or by mail in ballot, conducted under the direction of the Election Committee (Chairman, to represent employees in each of the departments established or appropriate area/plant/business unit.

Section 14. Stewards and Chief Job Stewards may be removed at any time by a majority of those whom they represent by signed petition and the concurrence of the Executive Board.

Section 15. In areas/plants/business units where there is not an elected Chief Job Steward, or Steward, the President may, with the concurrence of the appropriate Divisional Chairman, delegate or appoint a member to act as Chief Job Steward, or Steward, for the duration of the term or until such time they are replaced by election.

Section 16. The elected General Officers, Divisional Officers, Board of Trustees, Executive Board Members, and Chief Job Stewards shall be installed into Office at the first regularly

scheduled Executive Board meeting as long as said Executive Board meeting is ten (10) days after the election.

Section 17. Elected Stewards and other elected persons to Office of the Union not installed at the aforementioned meeting can be installed at subsequent Regular Membership Meetings or Executive Board Meeting. The President of Local 270, UWUA shall be required to install these Members into Office.

Special Elections

Section 18. (a) In the event a Special Election is called by the Executive Board under Article IX, Section 6 the following procedure shall be followed, be conducted by secret ballot election pursuant to these By-Laws, Election Committee rules and the Labor-Management Reporting Disclosure Act of 1959 as amended (LMRDA).

(b) The Executive Board shall determine which vacancies shall be filled until the next General Election.

(c) Only Members in good standing for two (2) months shall be nominated and elected for Office.

(d) Nominations for Office shall be opened at the regular Membership Meeting(s) for two (2) consecutive months and closed when the second consecutive monthly meeting is adjourned. Written notices shall be posted on Union bulletin boards of nominations, acceptances and election results.

(e) Each nominee shall be notified by registered mail, return receipt requested, of the Office or Offices to which he/she has been nominated. They must choose ONE (1) Office, and return his/her SIGNED acceptance to the Union Office by the close of business on a date which shall be determined beforehand by the Executive Board, and clearly indicated on the notice which Office they choose to hold. No nomination acceptance notices will be accepted by the Election Committee after the close of business on the day as determined by the Executive Board.

(f) If there is an uncontested candidate for any office then one vote shall be cast by the Chairman of the Election Committee and no formal election shall be held for that position.

(g) It shall be announced to the membership at the regular meetings when nominations are taken and printed on the ballots, if a contested election is held, that the President, Vice-President, Recording Secretary, Treasurer, and Divisional Chairmen are also being elected to the UWUA's National Convention and the State of Ohio AFL-CIO Convention.

(h) Only when no nominations have been made or accepted for an office shall write-in voting be permitted.

(i) A notice of nominations and election information will be mailed to each affected individual member, at the member's last known address at least (15) days prior to the nominations taking place, informing them of the time and place of the nominations taking place, the time and place of the election and of the offices to be filled.

(j) Before a vote is taken, the President with the concurrence of the Executive Board shall appoint one (1) or more Tellers to see that the ballots are properly counted and to safeguard the secrecy and honesty of the vote.

(k) Election of General Union Officers, Divisional Officers, Executive Board Members, and Board of Trustee Members shall be by plurality vote and by secret ballot.

(l) In cases of a tied election, the winner will be decided by a coin flip. The coin flip will be decided by the Chairman of the Election Committee in the presence of the candidates or their designee. If the candidate cannot be present, he/she shall submit in writing prior to the coin flip the name of said designee.

(m) For a recount, written request shall be made within ten (10) days after election results are posted. Such request shall be made to the President. If the President's Office is in dispute, the Recording Secretary shall function in his/her stead. The Chairman of the Election Committee shall make the necessary arrangements. Candidates involved, or a designated representative of each may be present at the Candidates own expense.

(n) Each member of each Division shall vote for not more than two (2) Executive Board Members, within their respective Division. The person receiving the highest number of votes will become the first Executive Board Member; second highest vote received will become the second Executive Board member and so on. Alternate Executive Board Members shall be elected in the same manner as the Regular Executive Board member. After all Regular Executive Board positions are filled the person receiving the highest number of votes will become number one (1) Alternate, the second (2) highest number of votes will become number two (2) Alternate and so on until all positions are filled. The one (1) Board of Trustee member and the one (1) alternate shall be elected in the same manner.

(o) The elected members shall be installed into Office at the first regularly scheduled Executive Board meeting as long as said Executive Board meeting is ten (10) days after the election. Members not installed at the aforementioned meeting can be installed at subsequent Regular Membership Meetings or Executive Board Meetings.

ARTICLE VII

CONVENTION DELEGATES

Section 1. The President with the concurrence of the Executive Board shall determine the total number of Delegates to be sent to the National, State, and Local Conventions, State and

Industrial Councils and any other groups where representation from this Local Union is required.

Section 2. The General Officers of the Union (President, Vice-President, Recording Secretary, Treasurer, and the Chairman of each Division) shall be Delegates to the National Convention by right of their secret ballot election to office and broad Union responsibilities.

Section 3. This section does not require nor does it forbid the Executive Board and the President to set a minimum number of delegates to be sent to National, State and Industrial Councils, and any other groups where representation from the Union is required.

ARTICLE VIII

DUTIES OF OFFICERS, CHIEF JOB STEWARDS AND STEWARDS

President

Section 1. (a) It shall be the duty of the President to chair and preserve order at all Executive Board Meetings.

(b) The President shall appoint all Committees not otherwise provided for and transact such other duties as are usual to the Office of President.

(c) The President shall sign all official documents of Local 270.

(d) The President shall be the Chief Executive Officer of Local 270, and shall carry out to the best of his/her ability the decision of the Executive Board.

(e) The President shall be an Ex-Officio Member of all Boards and Committees.

(f) The President shall perform such duties as are necessary to protect and advance the interest of the Union and shall report his/her activities to the Executive Board.

(g) The President shall keep the Chairman of each Division properly informed as to the immediate affairs of the Union.

Vice-President

Section 2. (a) The Vice-President shall act as President in the absence of that Officer.

(b) In case of resignation, death, or removal of the President, the Vice-President shall be the President until the vacancy is filled by an election as provided for in the Constitution and By-Laws under Article VI, Section 1.

(c) The Vice President shall perform special tasks and assignments under the direction of the President.

Recording Secretary

Section 3. (a) The Recording Secretary shall keep a true record of all proceedings of the Union, including reports of the Financial Secretary and Treasurer.

(b) The Recording Secretary shall also receive, read and safely keep all papers and documents; shall conduct the correspondence of the Union, and have charge of the Seal of the Union.

Treasurer

Section 4. (a) The Treasurer shall collect and receive all monies due the Union.

(b) The Treasurer shall keep a file of Membership Application Cards and a record of Members enrolled and their payments. He/She shall appoint necessary assistance to assist in collecting dues payments. He/She shall order necessary dues cards each month or yearly, and see that the names and ledger numbers are inscribed thereon. He/She shall notify all Members, who are three (3) months in arrears, of the amount of their indebtedness.

(c) When necessary, the Treasurer shall prepare and forward to the National Office of the Utility Workers Union of America at the close of each month a report of the Union's finances together with a check for monies due the Utility Workers Union of America.

(d) Where dues check-off provisions exist in contracts, such of these duties as are necessary may be eliminated.

(e) The Treasurer shall turn over all the books to the Trustees for audit and approval when called upon to do so.

Section 5. (a) The Treasurer shall receive all monies and shall deposit the monies received immediately in such bank or banks as may be designated by the Trustees in the name of the Union.

(b) The Treasurer shall not hold more than \$500.00 on his possession to meet immediate needs.

(c) The Treasurer shall make all payments duly authorized by the Board of Trustees, by the Executive Board, or by the Membership.

(d) When called upon to do so, he/she will render an accounting of all money spent, to the Board of Trustees and/or the Executive Board.

Divisional Chairman & Vice-Chairman

Section 6. (a) The Chairman and the Vice-Chairman of each Division shall have duties in their respective jurisdiction corresponding to the duties defined for the President and Vice-President on a general basis.

(b) They shall be subordinate to the President in administrative authority.

(c) They shall make reports to their Divisional Membership meeting and to the Executive Board on the affairs of their Division.

(d) They shall see that all recommendations of the Executive Board are promptly approved or disapproved by the Membership and a NUMERICAL VOTE COUNT SHALL BE PLACED IN THE DIVISIONAL MINUTES.

(e) It shall be the duty of the Divisional and Vice Chairman to guide and to co-ordinate the work of all Chief stewards within his/her jurisdiction, to handle grievances and other duties as assigned by the President, to gather facts from the members and the Company pertaining to grievances, keeping written records of all grievances and their disposition within the unit they represent and to report these activities to the President or his/her designee.

Divisional Secretary

Section 7. (a) The Divisional Secretary shall keep a true record of all proceedings of the Division, including all financial reports.

(b) The Divisional Secretary shall also receive, read and safely keep all records, papers, and documents until disposal is authorized by the Membership, and shall conduct Divisional correspondence.

Divisional Sergeant-At-Arms

Section 8. (a) The Sergeant-at-Arms shall have charge of the doors, and introduce all new Members and Visitors, and assist the President and/or Chairman in preserving order when called upon to do so.

(b) The Sergeant-at-Arms shall perform such other duties as may, from time to time, be assigned by the presiding Officer.

Chief Job Steward

Section 9. (a) It shall be the duty of the Chief Job Steward to guide and to co-ordinate the work of all Stewards within his/her jurisdiction.

(b) To assist them in handling grievances and other problems by gathering facts from the member and the Company, keeping written records of all grievances and their disposition within the unit they represent.

(c) To coordinate their activities with the Divisional Chairman.

(d) To notify the Union Office of additions or deletions of members within their jurisdiction.

Steward

Section 10. (a) It shall be the duty of a Steward to represent the Members, by whom they have been chosen, in dealing with the foreman and the management as provided in the contract.

(b) To act as contact person between the Union and said Members.

(c) To extend and maintain Union Membership.

(d) To inform their group of important Union affairs.

(e) To report important matters affecting their group to their Chief Job Steward.

(f) To see that all Members of his/her group make prompt payment of their dues, and to collect dues, if so authorized by the Union.

(g) To notify the Union Office of additions or deletions of members within their jurisdiction.

(h) To coordinate their activities with the Chief Job Steward by gathering facts from the member and the Company, keeping written records of all grievances and their disposition within the unit they represent.

Section 11. Any Officer, Chief Job Steward, Steward, or Committee Person shall turn over to his/her successor all monies, property, papers, records and books, of the Union that are in their possession.

Section 12. It shall be the duty of all Officers of the Union to keep their subordinate Officers constantly informed of matters transpiring within the Union, as a whole, and within the Division.

Section 13. If an Office Secretary is employed by the Union, the above named Officers, Executive Board, and Board of Trustees may delegate to the Office Secretary such of their duties as they deem advisable, as approved by the President; with one exception that no Office Secretary shall be given authority to sign the checks of the Union. The Office Secretary must be bonded. The Office Secretary shall be in charge of Office Personnel.

ARTICLE IX

EXECUTIVE BOARD DUTIES

Section 1. The Executive Board shall have the general supervision of the affairs of the Union, and shall execute the instructions of the Union Membership. It shall have the power to recommend such rules, consistent with the Constitution, as it may deem necessary to operate the Union.

Section 2. Where not defined in the By-Laws, the Executive Board shall have the power to take all necessary steps to insure an effective administration of all Union affairs.

Section 3. (a) The Executive Board, subject to the approval of the Union, may fix the compensation to be paid any Members, Officer, or other person employed by the Union.

(b) Any change in compensation paid any Member, Officer, or other person employed by the Union, shall not take place until approval of minutes of the Executive Board meeting is obtained from the Divisions at the next regular meetings.

(c) Any objection to such compensation change shall be by motion at such membership meeting where the minutes are read, and a numerical vote count shall be recorded at each of the Division meetings.

Section 4. The Executive Board shall meet at least once a month.

Section 5. (a) Should any Executive Board Member be absent for three (3) consecutive meetings of the Executive Board without an excuse acceptable to the Executive Board, that office shall be declared vacant. The vacancy shall be filled in accordance with Article VI, Section 11.

Section 6. (a) Upon the death, resignation, or removal of any Officers, the Executive Board may order a Special Election to fill such vacancy, except where the Office of President is involved.

(b) Where the Office of the President is involved, the Vice-President shall be the President until the vacancy is filled by a general election as provided in the Constitution and By-Laws, Article VI, Section 1.

(c) Due to the constantly changing nature of our industry, the numbers of mergers, acquisitions, divestitures and organizing, the membership recognizes that a restructuring of the Divisional Officers and Executive Board members may have to be addressed. Therefore, the Local has adopted the following structure.

The Executive Board shall have the authority to change or add jurisdictional boundaries as needed as described in Article V, Section 5.

(d) The Executive Board shall also have the authority to determine if the change or addition of jurisdictional boundaries requires a Special election prior to the General Election.

Section 7. The Executive Board and the President, shall determine the number of Delegates to be sent to State Conventions, State Councils, Local Conventions, Industrial Councils, and any other groups where representation from this Local is required.

Section 8. A copy of the minutes of each Executive Board meeting, including all financial reports shall be sent to each of the Divisions of Local Union 270.

Section 9. (a) All unusual expenditures requiring interpretations shall be referred to the Executive Board for approval or rejection.

(b) Where possible, the Executive Board shall ask the Board of Trustees for recommendations before making a final decision on financial policy.

Section 10. (a) When the Executive Board Members and their alternate Members are present at the Executive Board meeting, only the regular Executive Board Member may cast ONE (1) vote. However, presence of the regular Board Member does not deprive his/her Alternate Member of the right of speech on all business.

(b) The Alternate Executive Board Member has the right of ONE (1) vote, only in the absence of the Regular Executive Board Member.

(c) Under no circumstances shall any Member of the Union have more than ONE (1) vote on the Executive Board.

Section 11. Each Division shall be represented on the Executive Board by Members other than Ex-Officio Members.

ARTICLE X

BOARD OF TRUSTEES DUTIES AND SAFEGUARDING OF FUNDS

Section 1. (a) The Trustees shall hold Union property in trust; they shall attend to the bonding of all money-handling Officers and Agents.

(b) The Trustees shall see to it that only duly bonded Officers and Agents handle funds.

(c) The President, Treasurer, Vice President and the Office Secretary must be bonded; and such other individual as shall be required by Federal or State Law or by the Board of Trustees.

Section 2. (a) The Board of Trustees shall audit the books of the Union semi-annually prior to the filing dead lines of the government regulations.

(b) They shall have a Certified Public Accountant audit the books of the Union annually, during the months of November and December prior to December 31, before the new Officers are installed.

(c) A copy of all audits, and of all minutes of Trustees meetings shall be sent to the Executive Board and all Divisions.

Section 3. The Board of Trustees shall "set-up" the Investment Policy of the Union, so that the policies determined by the Executive Board and the Membership may be carried out.

Section 4. The Board of Trustees shall make any recommendations to the Executive Board they deem advisable concerning the compensation paid to any Member, Officer, or other persons employed by the Union.

Section 5. The Board of Trustees shall, after each regular election, or at any other time necessary, elect three Officers from its Membership to serve the Board of Trustees as Chairman, Vice-Chairman and Secretary.

Section 6. The funds of the Local shall be deposited in banks or other financial institutions, which shall be drawn on by checks, signed by the President and countersigned by the Treasurer. In the event of the absence, or unavailability of the President or Treasurer, the Vice President shall function as Alternate Co-Signer of Union checks.

ARTICLE XI

COMMITTEES AND DUTIES

Section 1. The Standing Committees shall consist of the General Negotiations Committee(s), the Grievance Committee(s), the Constitution and By-Laws Committee, the Activities Committee, the Organizing Committee, and the Election Committee.

Section 2. Special Committees may be appointed as need arises, by the President.

Section 3. (a) The Members of the Standing Committees, with the exception of the General Negotiation Committee(s), shall be appointed by the President subject to approval of the Executive Board.

(b) The Members of the Standing Committees, with the exception of the General Negotiations Committee(s) and the Election Committee, shall elect a Chairman from their membership.

General Negotiations Committee(s)

Section 4. (a) The President of the Union shall be the Chairman of the General Negotiations Committee(s). The General Officers shall also be Members of the General Negotiation Committee(s) as appointed by the President with the concurrence of the General Officers. The respective Chairman whose jurisdiction includes the area/plant/business unit affected by the

Collective Bargaining Agreement shall also be a Member of the General Negotiation Committee(s).

(b) Any other Member appointed, if any, to the affected Negotiation Committee(s) who work within the area/plant/business unit affected by the Collective Bargaining Agreement shall be appointed by the concurrent action of the President, General Officers, and affected Divisional Chairman.

(c) Departmental negotiations on a system-wide basis, supplemental to the General Union Contract shall be conducted by the President, a Negotiator selected by the President from the General Negotiation Committee(s), the Department Chief Job Steward, a Steward from the group or groups affected, and such other assistance as they need.

(d) It shall be the duty of the affected General Negotiation Committee(s) to negotiate agreements and confer with management, to supervise and co-ordinate the work of the Stewards, and to compile necessary information on wages and other conditions of work for use in negotiations or that may be requested by the UWUA, AFL-CIO.

Grievance Committee(s)

Section 5. Grievance Committee(s) shall be composed of the General Officers and the elected Division Chairman and Vice Chairmen of the members they represent within the Collective Bargaining Unit.

Constitution and By-Laws Committee

Section 6. (a) The Constitution and By-Laws Committee shall consist of TWO (2) Members from each Division.

(b) It shall be the duties of the Committee to write all amendments to this Constitution and By-Laws of Local 270 and to interpret any portion in dispute.

(c) All official interpretations shall be given by the Committee in business session.

Activities Committee

Section 7. (a) The Activities Committee shall have the duties of studying the question of activities that will increase the value of the Union to its Members and that will serve to make Union Membership more attractive, such as entertainment, education, athletics, social activities, relief and welfare and promotion of Union made goods.

(b) Conducting activities and projects along the above line decided upon by the Membership and enlisting the services of the Membership to that end.

(c) Conducting money-raising activities recommended by the Executive Board and subject to the approval of the Membership.

Organizing Committee

Section 8. The Organizing Committee shall have the duty of extending Unionism through the jurisdiction of the Union through such methods as house to house canvassing, meetings and distribution of literature.

Election Committee

Section 9. (a) The Chairman of the Election Committee shall be appointed by the President with the approval of the Executive Board.

(b) The Chairman of the Election Committee shall conduct all elections according to the provisions of Article VI and The Labor-Management Reporting Disclosure Act of 1959, as amended (LMRDA).

(c) All questions and requests pertaining to an election shall go directly through the Election Committee Chairman.

(d) The Election Committee shall be responsible only to the membership.

ARTICLE XII

MEETINGS REGULAR AND SPECIAL

Section 1. Each of the Divisions of the Local Union, viz., Ashtabula, Avon, Niles, Perry and Cleveland shall meet at least once a month. The meeting time and place shall be decided upon by each of the Divisions for their own convenience.

Section 2. The Executive Board shall meet at least once a month. The Executive Board may change the date and time of the meeting as the need arises.

Section 3. A copy of the minutes of the Executive Board meeting, each Divisional Meeting, including financial reports shall be sent to the Divisions of Local 270.

Section 4. In order to avoid confusion, and not prolong the Regular Membership and Executive Board meetings, it shall be the duty of the Chairman of these meetings to disallow discussion of individual grievances unless those grievances have been taken through the grievance machinery, and all steps therein have been exhausted.

Section 5. The President shall have the authority to call Special Meetings. At the written request of 10% of the Members, he shall also call a Special Meeting. The Executive Board may also call a Special Meeting by written request signed by five (5) Executive Board Members and presented to the Recording Secretary. Notices of Special Meetings shall be by mail, or posting on bulletin boards.

Section 6. At a Special Meeting, no other business shall be transacted other than the specific business for which the meeting was called. A notice of forty-eight (48) hours or more shall be given for any Special Meeting showing thereon the purpose for which the meeting is being called.

Section 7. The Board of Trustees shall meet as the need arises.

Section 8. (a) Due to the geographical difference between the Divisions of the Union, the following policy shall be pursued relative to Special Meetings for the total Membership:

- I. Whenever a Special Meeting is called for the entire Union, the Divisions, viz., Ashtabula, Avon, Niles, Perry and Cleveland shall meet as soon as possible at a location determined by the President or the Executive Board.
- II. If there is voting at the Special Meeting on the particular subject, for which the meeting was called, it shall be recorded numerically.

(b) It shall be the duty of the Chairman of each Division to see that the result of the numerical vote is communicated to the Cleveland Union Office by telephone that same night.

(c) The Secretary of each Division shall confirm the result of the vote by letter, post marked within twenty-four (24) hours after the close of the meeting.

(d) The result of the vote of the Divisions and the totals shall be reported to the next Executive Board meeting by the President or the Recording Secretary.

Section 9. Parliamentary procedure shall be observed at all meetings.

Section 10. (a) The necessary quorum for the transaction of business at each of the meetings shall be as follows. At a Regular Membership Meetings at the Avon Division, Perry Division and the Niles Division four (4) members shall be considered a quorum. Seven (7) Members shall be considered a quorum at the Cleveland and Ashtabula Division. At a Special Membership Meeting, seven (7) Members shall be considered a quorum. At an Executive Board Meeting, seven (7) Members shall be considered a quorum. At a Board of Trustees Meeting, three (3) Members shall be considered a quorum.

(b) Where not defined by the By-Laws, a Committee quorum shall consist of majority of the Committee Membership.

Section 11. Provisions may be made for meetings of Members, employed in each area/plant/business unit. Such Meetings shall consider matters particularly concerning that area/plant/business unit, but no action may be taken by such area/plant/business unit on matters affecting all Members of the Union without the approval of the Union.

ARTICLE XIII

CHARGES AND TRIALS

Section 1. Any member(s) may prefer charges against a member(s) of Local 270 by filing such charge(s) with the Union President. Whenever charges are filed against the President, the Recording Secretary shall act in his/her place to conduct the procedure set forth in this act.

Section 2. Charges include conduct unbecoming of a Union member, failure to comply with the laws of the Union, or the AFL-CIO, negligence of duty, misappropriation of funds, or malfeasance in Office.

Section 3. Such charges shall be made in writing, signed by the person(s) making the charge(s) and must set forth the specific violation(s) or wrong(s) charged and the date on which it allegedly occurred. Charge(s) must contain a statement of the facts upon which the charges are based and must be sufficiently specific to permit the charged party to prepare a proper defense.

Section 4. Charges must be filed within 60 days of the time the complainant becomes aware, or reasonably should have become aware, of the alleged offense. The term day(s) as used in this Article shall be calendar days unless otherwise noted.

Section 5. A written copy of the charges must be forwarded to the charged party, to his/her last known address by certified mail within seven days after the charges have been received by the Union office.

Section 6. The presence of the complainant and the charged party will be requested at the next regularly scheduled Executive Board meeting as long as said Executive Board meeting is at least 10 calendar days after the mailing of the notice to the parties.

Section 7. The alleged charges of the complainant(s) and the rebuttal of the charged party(s) will be read at the Executive Board meeting. A trial committee consisting of 5 members in good standing of the Union at the Executive Board meeting shall be appointed by the President with the concurrence of the Executive Board.

- I. If the accused member is an Officer or Executive Board member he/she shall not participate in the designation of the Trial Committee.
- II. Neither the person that filed the charges nor the person accused or associated with the charges may be a member of the Trial Committee.

Section 8. The complainant and the charged party shall promptly be notified of the members appointed to the Trial Committee. The complainant(s) shall also forward to the Trial Committee any and all evidence, including written statements and exhibits, that they have supporting the charges when the Committee is formed. Absent any evidence, the charges shall be dismissed.

If any member appointed to the Trial Committee is unable to serve, the President shall appoint another member to serve on the Trial Committee.

Section 9. The Trial Committee shall convene and shall choose its own chair, who shall have full voting rights. It first shall review the charges. If the Trial Committee determines that the charges, in whole or in part, have not been properly or timely filed, do not state an offense for which a member may be charged, or have not been supported by the evidence provided by the complainant, it shall render a report dismissing those portions of the charges. If all charges are dismissed, the report of the Trial Committee shall be submitted to the special membership meeting of all divisions at one location. If only a portion of the charges are dismissed, then the report dismissing the charges shall be presented, along with the report of the charges heard and decided, at the special membership meeting, following the trial.

Section 10. If the Trial Committee, upon examining the evidence provided by the complainant(s) finds there is sufficient evidence to warrant a trial on some or all of the charges, the complainant and the charged party shall be notified by certified mail when a formal hearing will take place before the Trial Committee. Formal hearings shall take place as soon as reasonably possible, but no earlier than at least thirty (30) days from the date of the certified notice of hearing so that both parties can adequately prepare for the trial. The Trial Committee may in its sole discretion grant a reasonable delay to the charged party or complainant when it feels the facts or circumstances warrant such action.

Section 11. Only members of the Utility Workers Union of America, Local 270 may attend the proceedings of the Trial Committee.

Section 12. The charged party may act at his/her own representative or may choose to be represented by one (1) member in good standing of the Utility Workers Union of America, Local 270.

Section 13. If the charged party deliberately absents himself/herself from a scheduled hearing without being excused by the Trial Committee, the Trial Committee may proceed as if they were present. If the complainant deliberately absents himself/herself from a scheduled hearing without being excused by the Trial Committee, the Trial Committee shall forthwith dismiss the charges.

Section 14. The complainant and the charged party shall have a fair and impartial hearing and shall have the right to make an opening statement, to be present throughout the hearing, to offer witnesses and evidence, to confront and cross examine witnesses, and to make a closing statement. The complainant shall proceed first and shall have the burden of proving the charges by a preponderance of the evidence. There shall be a presumption of innocence in favor of the charged party.

Section 15. All questions of order, procedure, and admissibility of evidence shall be decided by the Trial Committee and shall be final.

Section 16. All Trial Committee members are expected to be present at all hearings. Notwithstanding the above, the Trial Committee may meet and conduct hearings and other business, deliberate, and issue its final report, if a majority of its members are present.

Section 17. Any properly selected member of the Trial Committee may continue to serve as a member of that Committee until the conclusion of its proceedings, so long as they remain a member in good standing of the Utility Workers Union of America, Local 270. If a member of the Trial Committee retires after the hearing but before the decision is completed, he/she shall continue to serve until after the report and decision are issued. Otherwise, the Trial Committee shall continue any proceedings on the pending charges as long as there are at least three (3) members on the Trial Committee.

Section 18. A copy of the Trial Committee written report must be in the hands of the charged and the complainant sent by certified mail, at least 10 days before the written report and evidence is presented at a special meeting of all three divisions at one location. Within thirty (30) days of the conclusion of the hearings, the Trial Committee shall present its written report and submit it at the special meetings of all divisions, with its recommendations on the guilt or innocence of the accused on each charge and its recommendations for penalties, if any. At the meeting any member in good standing will be permitted to speak in accordance with the parliamentary procedure outlined in Robert's Rules of Order (newly revised). The charged party and complainant shall be granted full opportunity to present their position on all matters bearing upon the trial and the report and recommendation of the Trial Committee.

Section 19. The report and recommendations of the Trial Committee on each charge shall become effective only upon approval by a majority vote of the members voting at the special meeting. If the report and recommendation of the Trial Committee on a charge is rejected, no further action will be taken on that charge during the meeting.

Section 20. A report of the members' decision, including the report and recommendations of the Trial Committee, shall be forwarded immediately by certified mail to the charged party, the complainant and the National Office.

Section 21. The Local Union shall fully inform the charged party and the complainant their rights to appeal to the National Executive Board.

ARTICLE XIV

CONTRACT RATIFICATION AND STRIKES

Section 1. No contract or agreement, or the renewal of one, between the Union and the Management shall be valid unless accepted by a majority vote of those present at a Regular or Special Meeting.

Section 2. (a) When the Local must take a vote for ratification of a Collective Bargaining Agreement, only those members within the bargaining unit covered by said Collective

Bargaining Agreement shall be eligible to vote. If the Local must take a vote on any change in dues, special assessments, which requires approval of the Local, the entire body shall vote.

(b) Before a vote is taken, the Chairman of each Division shall appoint, with the concurrence of the President, two (2) or more tellers from each Division to safeguard the secrecy and honesty of the vote, and to see that all ballots are properly counted, recorded and reported.

(c) Election shall be by secret ballot.

(d) All the ballots from the affected Division(s) will be gathered together and counted at one central location.

Section 3. All Ratification Meetings will be held at various locations within each Division, only at the discretion of the President of the Union and the Divisional Chairman concerned.

Section 4. When a controversy develops between the Union and an employer or association of employers, which may result in a lockout or strike, the Negotiation Committee(s) shall confer with the respective employer or employers to endeavor to secure an amicable settlement. Should no adjustment prove possible, then a strike may be called after a Special Meeting for those Members within the area/plant/business unit covered by said Collective Bargaining Agreement, and upon a vote in favor of a strike by a majority of the Members present. This vote shall be by secret ballot. Any strike action shall conform to and abide by Article IX of the National Constitution.

Section 5. Before a strike shall be declared ended, a Special Meeting of the aforementioned affected Members shall be called for that purpose and it shall require a majority vote, by secret ballot, of all the Members present to decide either way.

ARTICLE XV

ACCEPTANCE OF & AMENDMENTS TO THE CONSTITUTION & BY-LAWS

Section 1. These By-Laws, originally, shall have to be accepted at two meetings. They shall be read at one meeting, then read again at the following months meeting, or a following meeting called for this purpose. It shall require concurrence of a two-thirds (2/3) vote.

Section 2. All proposed Amendments and changes to these By-Laws must be submitted in writing, a copy of which shall be filed with the Recording Secretary; and this petition for change which must bear the signatures of at least ten percent (10%) of the Membership of EACH Division. It will be taken up at two consecutive Membership meetings, and must meet with the approval of two-thirds (2/3) vote.

Section 3. (a) Alternate steps in Amendments to the Constitution and By-Laws shall be as follows: Any Division, Board or Member may present a proposed Amendment of the Constitution and By-Laws Committee who will study it. They shall write a recommended Article

or Section, and present it to the Executive Board for study. After the Executive Board has approved it, ten percent (10%) of the Membership of each Division shall have signed a petition accompanying the copy of the proposed changes before it can be presented to the Membership for its acceptance or rejection.

(b) If the Proposed Amendment has the required ten percent (10%) signers of the petition when it is presented to the Constitution and By-Laws Committee, neither the Committee or the Executive Board may alter its wording, but they shall recommend its acceptance or rejection to the Membership.

ARTICLE XVI

CONFLICTS WITH LAWS AND REGULATIONS

Section 1. If any portion of this Constitution and By-Laws is in conflict with any Presidential or other Governmental proclamation, directive or regulation or with any Federal or State law, order or regulation, now or hereafter enacted or issued, such portion hereof shall be null and void and shall be rewritten within such law, regulation or directive. The other provisions of this Constitution and By-Laws shall remain in force.

INTERPRETATIONS

Ex-Officio

In this Constitution and By-Laws, whenever an Officer of the Union is an Ex-Officio Member of any Board or Committee they shall have the right of voice and vote on that Board or Committee when present, and shall be counted to determine a quorum.

Plurality

A plurality shall be the highest number of votes cast, EXCLUDING blank or voided ballots. For example: 100 votes, with no blank or void ballot, of three persons or issues; the winner would be the one receiving the highest number of votes. If one received 40, a second 35, and a third received 25, the winner would be the one receiving 40. If two received 40, a third received 20, the winner would be referred to ARTICLE VI, SECTION 9 (e).

Majority

A majority shall be one or more than exactly half of the total number of votes cast, EXCLUDING blank or void ballots. For example, in votes cast, of 100 total votes, with no blank or void ballots, a majority vote required would require a vote of 51 for.

Where a majority vote is required on an issue, and no issue receives a majority, the issue is DEFEATED.

When a majority vote is required for election of an Officer, and no person receives a majority, all except the two highest are eliminated, and a run-off election shall be conducted. The one receiving a majority vote in the run-off election shall be declared elected.

Void and Blank Ballots

An entire ballot shall not be considered void when an error is found in only a portion of it. That portion in which the intent is clear shall be counted.

Voting by Chairman

A Chairman, who is, at the same time, a Member in FULL standing, may vote on any motion. However, if their vote creates a tie vote, the motion is LOST. They may not vote to break the tie vote created by his/her own vote. The Election Committee Chairman is excepted from this rule.