

# **Constitution and By-Laws**

**Of The**

**International Alliance of Theatrical Stage Employees,  
Moving Picture Technicians, Artists and Allied Crafts  
Of the United States, Its Territories and Canada, AFL-CIO**

## **Television Broadcasting Remote and Studio Employees**

**Local**

**745**

**Minneapolis, Mn**

## **PLEDGE**

**I, the undersigned, as a condition of my membership in Local 745 and in the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts Of the United States, Its Territories and Canada, do solemnly pledge myself to accept and abide by the provisions of the Constitution and By-Laws of this Local and of the International, as now in force and as hereafter legally amended, and hereby express my consent to be governed thereby in the conduct of my trade and in my relationship with this Local and the International. I solemnly pledge myself not to resort to legal proceedings against this Local and the International for any grievance, but first to seek my remedies within this Local and the International, before resorting to any other tribunals.**

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**Signature of Member**

**Television Broadcasting  
Remote and Studio Employees  
Local 745  
I.A.T.S.E.**

# CONSTITUTION

## ARTICLE I

### Name, Affiliation and Jurisdiction

**Section 1.** The name of this organization shall be Television Broadcasting Remote and Studio Employees Local 745 International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO (hereinafter called the ALocal@).

**Section 2.** This Local has been established and exists by virtue of a Charter issued by the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO (hereinafter called the AAlliance@ or AInternational@) and pursuant to the Constitution and By-Laws of the International.

**Section 3.** Jurisdiction of this Local shall embrace the jurisdiction set forth in the Charter granted, and as more fully defined in Article Eighteen, Sections 9 and 10 of the International Constitution.

## ARTICLE II

### Objects

**Section 1.** This Local is dedicated to the principles of trade unionism. Its objects are to unite all workers within its jurisdiction for the following purposes:

- (1) To improve their wages and hours of work, to increase their job security and to better their working conditions.
- (2) To advance their economic, social and cultural interests.
- (3) To establish peaceful and harmonious relations between its members and their employers, and to increase the stability of the industry.
- (4) To assure full employment.
- (5) To promote and support democracy and free trade unionism
- (6) To engage in such other activities as may be necessary or proper to strengthen the labor movement and to extend the process of collective bargaining throughout all trades and industries.

**Section 2.** This Local shall endeavor to accomplish the foregoing purposes by organizing the unorganized, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation, and by all other appropriate means within the International.

## **ARTICLE III**

### **Membership**

#### **Section 1. QUALIFICATIONS FOR MEMBERSHIP**

No person shall be eligible either to membership or to retain membership in this Local who shall be a member of any organization having for its aim or purpose the overthrow, by force, of the Constitution and Government of the United States or Canada.

Any person applying for membership in this Local must be of good moral character and reputation, and unless waived by the International for proper cause upon application by the Local, must have been a resident for at least eighteen (18) months preceding his application within its jurisdiction.

Such applicant shall be of legal age to engage in gainful employment within the jurisdiction of this Local.

There shall be no discrimination against any person in respect to membership in this Local by reason of race, color, creed, national origin, gender, sexual orientation or age.

#### **Section 2. APPLICATION FOR MEMBERSHIP**

Every application for membership must be made upon the official printed form supplied by the International to the Local with a sixty (60) day time limit to complete and return.

The endorsement of the application by the General Secretary-Treasurer of the International must be obtained before any action is taken by the Local upon the admission of the applicant, and if endorsement is refused the applicant shall be rejected.

Local 745 requires no initiation fee for any applicants, but each application blank must be accompanied by any processing fee as may be determined by the General Office. This processing fee (currently \$100) is not returnable.

Any applicant who is guilty of making false statements upon the application blank shall, if admitted to membership, be expelled upon conviction and shall be thereafter denied admission to membership in this Local. Any initiation fee paid by such member shall be forfeited upon expulsion.

#### **Section 3. EXAMINATION OF APPLICANTS**

Applicants for membership may, if so decided by the Body, be required to pass satisfactory examination as to competency and qualifications. If required, such examination shall be before a Board of Examiners, consisting of or appointed by the Executive Board, and the examination shall be uniform for all applicants. The approval of the Board of Examiners is essential before further action is taken.

#### **Section 4. BALLOTING ON APPLICANTS**

An applicant who has complied with the preceding sections of this Article and who is, thereunder, eligible for membership shall be proposed for admission at a regular meeting of the Local.

Such applicant shall not be present when his or her name is proposed for membership. Open discussion shall be permitted, and at the next meeting of the Local the application shall be voted upon, and a vote of 50% plus 1 of the members present shall be required for the acceptance of said applicant.

#### **Section 5. REGISTERED APPRENTICES**

This Local may register the number of Apprentices permitted by the International Constitution and By-Laws. They shall make application as Apprentices to this Local on regular application forms. They shall have the same financial obligations as the regular members. They shall at all times be under the supervision of the Business Representative. After serving three (3) years Apprenticeship they shall, if not previously voted in, be voted upon by the membership and shall become full regular members or their connection with the Local shall cease entirely, dependent upon the vote of the membership. In the event the Apprentice is not elected to membership his initiation fee shall be returned.

### **ARTICLE IV** **Headquarters**

The headquarters and main office of this Local shall be within the geographic jurisdiction at such place as may be designated by the Local.

### **ARTICLE V** **Government**

#### **Section 1. SUPREME LAW**

The International Constitution and By-Laws, as well as this Constitution and By-Laws, shall be the supreme law of this Local.

#### **Section 2. MEMBERSHIP MEETINGS**

Regular meetings shall be held monthly at a date, time and place determined by the Executive Board. Members will be informed at least seven (7) days in advance as to the date, time and place of the meeting.

The meetings for any three consecutive summer months may be suspended by majority vote of the members present at a regular meeting.

Special meetings shall be called by the President on petition of no less than five (5) members and no business other than that for which such meeting is called shall be conducted thereat.

A majority of the Executive Board as well as the President shall also have the power to call special meetings.

A quorum of 10% of the membership but no less than five (5) members in good standing plus two (2) officers is required to open a meeting for the transaction of lawful business.

### **Section 3. EXECUTIVE BOARD MEETINGS**

The Executive Board shall meet at least once a month and at such other times as called by the President. A majority of the members of the Board shall have the power to call an Executive Board meeting. All members of the Board shall be notified in advance of such meeting. A majority of the members of the Executive Board shall constitute a quorum.

### **Section 4. NOTIFICATION**

Notification by electronic mail shall be sufficient to satisfy the notification requirements of this provision unless written notice by mail is required by applicable law or by the International Constitution and Bylaws.

## **ARTICLE VI**

### **Nomination and Election of Officers**

### **Section 1. ELECTED OFFICERS AND ELIGIBILITY**

There shall be elected to office the following officers:

- President
- Vice-President/Recording Secretary
- Business Representative
- Secretary-Treasurer
- Executive Board -- to consist of President, Vice-President/Recording Secretary, Business Representative, Secretary-Treasurer and three (3) at-large members
- Board of Trustees -- to consist of three (3) members, the one receiving the highest vote in the election to be declared the Chairman. If the vote is a tie, the President shall have the power to appoint the Chairman.
- Alternate Delegates to the International Convention.

To be eligible for office, other than as a Delegate, a person must have been a member in good standing in this Local for a period of two (2) years and who is not disqualified from holding office under any applicable Governmental law.

Any member in good standing of this Local shall be eligible to serve as a Delegate.

## **Section 2. NOMINATIONS**

All nominations must be made at the regularly scheduled meeting in the month of November.

After nominations have closed, the President shall appoint a Judge to have charge of the proper conduct of the election and two (2) Tellers, none of whom shall be candidates, to assist.

Members shall be notified by e-mail of the date, time and place of the meeting at which nominations are to be taken at least fifteen (15) days in advance of such meeting. Such notice shall also state the offices to be filled by election and the manner in which nominations are to be received. A quorum at the nomination meeting is not required to proceed with nominations.

## **Section 3. ELECTIONS**

The election shall be held once every three (3) years commencing in the month of December, 2009 on the designated election day. At such elections, there shall be elected the Officers provided for in Article VI, Section 1, of this Constitution and By-Laws.

Notice of Election shall be e-mailed to all members at least fifteen (15) days prior to elections, specifying the date, time and place for ballots to be returned and the offices to be filled. Such notices shall be e-mailed to members= last known address.

## **Section 4. ELECTION DAY**

The Judge of Elections, in conjunction with at least one (1) Teller, shall prepare the ballots, tally sheets and the ballot box, or if voting machines are used, shall arrange for same. It shall be the duty of the Recording Secretary of the local to preserve the ballots and all other records pertaining to the election for a period of one (1) year.

The eligibility of members to vote must be verified.

Every member must have a paid up dues card to receive an official ballot. The official ballot will allow space for write-in candidates.

Elections shall be conducted by secret mail ballot. Members shall be given written notice as to the deadline, by the Local, for the receipt of the ballots.

Upon the polls being declared closed, the Judge shall open the ballot box and have the ballots counted. If the total agrees with the tally, the Judge and Tellers shall then proceed to the official count of the votes for different candidates. The total of each candidate=s vote shall be recorded on a recapitulation sheet, which must be signed by the Judge and Tellers, and delivered to the President at the meeting. The President shall then read the results to the meeting and those candidates who receive the highest number of votes shall be declared elected.

Any candidate shall have the right to have an observer (who must, however, be a member in good standing in the Local) present at the polls and the counting of the ballots.

All reasonable requests of any candidate to distribute campaign literature by mail or otherwise, at the candidate's own expense, to the members in good standing shall be honored.

Every candidate shall have the right once within thirty (30) days prior to the election to inspect (but not to copy) a list containing the names and last known addresses

of all members of this Local who are subject to a collective bargaining agreement requiring membership in this Local as a condition of employment.

If there is only one candidate for any office, the Recording Secretary shall cast a unanimous vote for that candidate and he/she shall dispense with the requirement of a secret ballot vote for that office.

### **Section 5. INSTALLATION**

The officers elected shall be installed at the first regular meeting following the election and shall subscribe and assent to the required pledge before entering upon the duties of their office.

## **ARTICLE VII** **Duties of Officers**

### **Section 1. PRESIDENT**

The President shall preside at all meetings of the membership and of the Executive Board and shall at all times conduct same in accordance with this Constitution and By-Laws and the standing rules attached hereto. For misconduct during the course of a meeting, a member may be summarily fined in an amount not to exceed \$25 for each separate offense, or at the discretion of the President, may be summarily ejected from the meeting if his or her conduct persists in disrupting the meeting.

In absence of a specific law to govern a given condition the President shall decide the matter in a spirit of fairness and equity, and such ruling shall be enforced unless changed by the Executive Board or the membership.

He/She shall see that all officers perform their duties as prescribed by the Constitution and By-Laws and shall be a member Ex-officio of all committees.

He/She shall, with the consent of the Executive Board, use all moral and financial aid in enforcing the rules, wage scale and conditions of this Local.

He/She shall appoint the members of all committees.

If a vacancy should occur during the term of any officer of this Union, the President shall have the power to appoint a member in good standing to take his place until the conclusion of that term of office.

The President shall also be empowered to appoint Delegates to such conventions or trade assemblies (other than those named in Article VI, Section 1 hereof) as shall be of interest and importance to this Local.

The President shall, by virtue of office, be a delegate to the International and 9<sup>th</sup> District Convention.

In the event a vacancy occurs in the office of President, the Vice-President shall succeed to the office of President until the vacancy shall have been filled by the membership at a By-Election.

By-Elections must be held within sixty (60) days after the vacancy was created.



## **Section 2. VICE-PRESIDENT/RECORDING SECRETARY**

In the absence of the President, the Vice-President/Recording Secretary shall assume all duties of the President. In the absence of the President and Vice-President at a meeting, the body shall select a presiding officer.

It shall be the duty of the Vice-President/Secretary-Treasurer to attend all meetings of the membership and of the Executive Board and to keep minutes, but not necessarily verbatim, of the proceedings of such meetings in a book provided for such purposes. He/She shall keep a duplicate copy of all correspondence.

## **Section 3. SECRETARY-TREASURER**

It shall be the duty of the Secretary-Treasurer to attend all meetings of the membership and of the Executive Board.

It shall be the duty of the Secretary-Treasurer to keep a true and accurate record of all income and disbursements and all assets and liabilities of this Union.

He/she shall maintain a membership database including the names, addresses, e-mail addresses and phone numbers of all members and the status of their financial obligations.

He/She shall deposit all money in a bank approved by the Executive Board, same to be in the name of the Local, subject to withdrawal by checks signed by himself and the President.

He/She shall collect, all dues, fines and assessments from the members and shall report quarterly to the meeting the standing of all members.

He/She shall deliver to the Chairman of the Board of Trustees for auditing purposes all books and papers in his possession and shall attend such auditing meetings.

He/She shall provide written notice to any member, by certified mail, that they are not in good standing.

The Secretary Treasurer by virtue of office shall be a delegate to the International Convention.

## **Section 4. BUSINESS REPRESENTATIVE**

The Business Representative shall supply employers with manpower when called upon to do so. He/She shall keep a correct list of all work given out, as well as a list of the unemployed.

He/She shall report to the Executive Board all alleged violations by members of the laws of the Local.

He/She shall perform such duties as ordered by the membership or by the Executive Board between membership meetings. He/She shall have full charge of the office of this Union, represent the Local in all dealings with employers, but shall at all times be under the supervision of the Executive Board.

He/She shall be a member by virtue of office of all negotiating committees. Contracts negotiated by any such committee shall be subject to ratification of the membership unless the membership has in advance empowered the Committee to conclude the contract without ratification.

The Business Representative shall, by virtue of office, be a delegate to the International and 9<sup>th</sup> District Convention.

## **Section 5. EXECUTIVE BOARD**

The Executive Board shall investigate all complaints of members and decide, if possible, upon all questions in dispute between employer and employee, accepting any honorable means toward an amicable settlement that may be deemed essential to the best interests of this organization.

The Executive Board shall decide upon all matters referred to them by the membership and their decision shall be binding unless reversed by a majority vote of the members present at a regular or special meeting of the Local. The Executive Board shall act as a trial board of this Local unless the member elects to be tried at an open meeting as provided in Article XI, Section 16 hereof. They shall have the power to summon as a witness any members and those failing to answer may be adjudged in contempt and penalized for same by fine or suspension.

## **Section 6. BOARD OF TRUSTEES**

The Board of Trustees shall consist of three (3) members elected at the regular election. The Chairman of the Board of Trustees is the candidate with a majority of the votes and he/she shall call meetings of the Board as required. They shall take possession of the books of the Secretary Treasurer on the fifteenth of the month following the payment of dues at the end of the second and fourth fiscal quarters and return a signed report as to their condition at the next regular meeting. The Board of Trustees shall cause to have a Certified Public Accountant audit the books of the Local at the end of the fiscal year and present a report of such audit to the membership of the Local.

The Board of Trustees is charged with responsibility of seeing to it that any officers and employees of this Union who handle its funds and property are bonded for the faithful discharge of their duties to the extent and in the amount and form required by law. The expense of such bonds shall be borne by the Local. They shall have custody of the bonds of all bonded officers and employees.

## **Section 7. DELEGATES TO INTERNATIONAL CONVENTION**

The Delegates shall perform their duties as prescribed by the Constitution and By-Laws of the International Alliance and report thereon at the next regular meeting following the Convention.

## **Section 8. OTHER DELEGATES**

Other delegates shall attend meetings of the Bodies or Conventions to which they are accredited and shall report thereon to the membership at the next regular meeting.

**Section 9. COMPENSATION OF OFFICERS**

All expenses incurred in the course of conducting official business shall be reimbursed by the Local Union upon review and approval by the Local Executive Board.

The designation of those officers to be compensated for their services and the amount of compensation to be paid shall be determined by the majority vote of the membership at a regular meeting immediately preceding the meeting at which nominations for office is held. Once fixed, Officer Compensation shall not be reduced during the term of office, but may thereafter be reviewed prior to the end of each fiscal year and, upon recommendation by the Local's Executive Board and approval by the general membership, revised accordingly for the subsequent fiscal year.

**ARTICLE VIII**  
**Transfer and Reinstatement**

**Section 1. TRANSFER**

Any member of another Local of this International wishing to transfer his membership to this Local shall present his application as a new member together with a transfer card from the union of which he/she was a member.

**Section 2. REINSTATEMENT OF MEMBERS**

Any member who has been suspended from membership shall be required to pay a reinstatement fee of an amount equal to one (1) quarter dues (currently \$44.00) together with all financial obligations that may have accrued against him during the period of his suspension. Any member who has been expelled shall be required to make application as a new member, and shall be governed by all conditions pertaining to same.

**ARTICLE IX**  
**Revenues**

**Section 1. DUES AND INITIATION FEES**

The Dues payable by each member shall be an amount charged by the International per Quarter payable in advance (currently \$48.00). Working dues shall be one percent (1%) of the gross earnings of members from work under the Local's jurisdiction. There is currently no local initiation fee required by local 745.

Members at least sixty-five (65) years of age with twenty five (25) years of membership in the Alliance may at their option be declared Retired Members provided they fully cease employment under the Local's jurisdiction or under the jurisdiction of any other affiliated local union or the International. Retired Members have voice, but no vote at meetings of the Local and shall not be eligible to hold office.

## **Section 2. SPECIAL ASSESSMENTS**

If at any time the Executive Board deems it necessary to acquire additional revenue, for the best interest of the Union, it shall recommend to the membership a special assessment.

## **Section 3. INCREASE IN DUES**

The amount of dues provided for herein shall not be increased nor shall any special assessment be levied or increased unless approved upon secret ballot by a majority vote of the members in good standing present at a regular or special meeting, written notice of which has been mailed to the members at least fifteen (15) days in advance.

## **Section 4. INVESTMENTS**

The Executive Board, subject to the approval of the membership, shall be permitted to invest the surplus money of this Local.

## **Section 5. AUTHORITY TO EXPEND FUNDS**

The funds of this Local shall be used to defray the proper operating expenses provided for herein and for other legitimate purposes to accomplish the objects of the Union. Regularly recurring expenses such as quarterly dues payable to the International and other incidental administrative expenses may be paid without prior approval of the Executive Board or the membership. All other expenses must be approved by the Executive board in advance of expenditure.

## **ARTICLE X** **Good Standing**

Members in good standing of this Local shall enjoy all rights, privileges and benefits of this Constitution and By-Laws.

Failure on the part of any member to pay any financial obligation to this Local within 90 days after the financial obligation became payable shall result in such member being automatically declared not in good standing. A member not in good standing shall be deprived of the right to hold office, to attend meetings and to vote. If such default continues for a period of more than six months from the date that the financial obligation first became payable and should the member fail to pay up in full his indebtedness within 10 days after written notice of his default, by certified mail, being sent to him (such written notice to specify the amount due and how such amount was arrived at) the member shall be deemed automatically expelled unless prior thereto, he/she has been granted an extension of time to pay by vote of the membership.

The term "In Good Standing" as used in this Constitution and By-Laws shall be construed to mean that the member has fully complied with all his obligations to the Local not only financially but in all other regards.

Payment of any financial obligation due by a member to the Local shall be enforceable by fine, suspension or expulsion and, in addition thereto, by resort to court

action. If court action is required, the delinquent member shall also be liable to the Local for reasonable legal fees and other expenses incurred by it in connection with the suit.

## **ARTICLE XI**

### **Discipline of Members**

#### **Section 1. GROUNDS**

In addition to the penalties expressly provided under the various sections of this Constitution and By-Laws, any member who shall breach his duty as member by violation of the express provisions of this or the International's Constitution and By-Laws or by such conduct as is detrimental to the advancement of the purposes which this International pursues, or as would reflect discreditably upon the International, shall be subject to discipline in the manner set forth in the sections following.

#### **Section 2. FAIR TRIAL**

Nothing in the provisions of this or the International's Constitution and By-Laws shall be construed to deprive a member charged with a violation thereof of the right to a fair trial whereby his guilt or innocence may be determined, with the exception that a member who has defaulted in the payment of any dues, fees, fines, or assessments lawfully imposed under this Constitution and By-Laws, shall not be entitled to stand trial, but shall be punished summarily as this Constitution and By-Laws provide.

#### **Section 3. CHARGES**

All charges against a member for a violation of the provisions of this Constitution or By-Laws must be in writing, in the form of a sworn affidavit, reciting clearly the offenses charged, the name of the accused, the time, place, and nature of the violation, the section or sections of this Constitution or By-Laws alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offense charged who shall be known to the accuser.

#### **Section 4. PENALTY FOR PREFERRING FALSE CHARGES**

If false charges shall be maliciously preferred against any member, the person or persons preferring such charges shall be fined \$500.00, the fine to be imposed upon the acquittal of the member accused, plus the expenses of the proceeding.

#### **Section 5. CHARGES FILED IN DUPLICATE**

Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.

**Section 6. TO WHOM PREFERRED AND WHEN**

Charges shall be filed with the Local of which the accused is a member within sixty (60) calendar days after the offense becomes or should have become known to the person making the charge.

If the Recording Secretary of the Local Union is the charged party, the charges may be filed with any other officer of the Local Union who is not the charged party.

**Section 7. CHARGES AGAINST A LOCAL OFFICER**

Charges shall be filed with the Recording Secretary of the Local Union of which the accused officer is a member. If cognizance is taken of the charges the Executive Board of the Local may, if it deems necessary or advisable, temporarily suspend the accused from office and further payment of salary to such officer shall be withheld pending the outcome of the trial.

If the accused was temporarily suspended from office pending the outcome of the trial, and he/she is not found guilty after the trial, he/she shall be immediately reinstated to office with pay for the period he/she was under suspension.

Whenever an officer of a Local Union as against whom charges are preferred is temporarily suspended from office, such officer shall be entitled to a trial no later than thirty (30) days after the date of his/her suspension. In the absence of extenuating circumstances, failure of the Local Union to comply with the foregoing requirement shall result in dismissal of the charges by the International President.

**Section 8. WITHDRAWAL OF CHARGES**

After charges have been filed with the Recording Secretary they shall not be withdrawn unless the member accused shall consent to the withdrawal.

**Section 9. PUBLICATION OF CHARGES**

After the Executive Board has taken cognizance of the charges, they shall be read at the next regular meeting by the presiding officer. No debate or discussion shall be permitted, but the presiding officer shall request those having personal knowledge of any of the facts alleged in the charges to submit their names as witnesses to the Recording Secretary of the meeting. The presiding officer shall refer the charges to the Executive Board for trial.

If no regular meeting is scheduled within a period of thirty (30) days after the date of cognizance of the charges is taken, or if a meeting is scheduled but no quorum is present, the charges shall then be read by the presiding officer at the meeting of the Executive Board of the Local, to be scheduled no later than ten (10) days after the end of such thirty (30) day period.

**Section 10. WAIVER OF TRIAL**

If charges as required by Section 3 hereof have been filed, the accused may plead guilty and waive the holding of the trial provided he/she does so in written notarized and witnessed statement and has been advised in writing as to the range of penalties that may

be imposed upon him by reason of such plea. If the accused wishes to plead guilty with an explanation, such explanation shall also be in written form. An accused who pleads guilty to charges shall be deemed to have waived his right on any appeal to raise any question concerning his guilt or innocence and his appeal in that event shall be limited to the question of the appropriateness of the penalty or penalties imposed upon him. No stenographic transcript or tape recording shall be required if a plea of guilty is entered in accordance herewith.

### **Section 11. NOTICE**

Within one week after reference of the charges, the Executive Board shall cause to be served upon the accused personally, or where this is impossible, by certified mail to his last known address, a duplicate copy of the charges, and shall notify him of the time and place appointed for the hearing thereon. Provided, that such notice shall be served upon or sent to the accused at least fifteen (15) calendar days prior to the date appointed for the hearing.

### **Section 12. POSTPONEMENTS**

Should the accused be unable for proper cause to attend the hearing at the time and place designated, he/she shall, at the discretion of the Executive Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.

### **Section 13. APPEARANCE FOR TRIAL**

If the accused so desires, he/she may waive the right of appearing before the Executive Board for hearing upon the charges preferred against him, or may designate a fellow member as counsel to appear for him and conduct his defense. Provided, that waiver of appearance shall not be prejudicial to the accused, and the trial shall, if he/she fails to appear, proceed in his absence, the Board hearing all evidence and basing its decision as to the guilt of the accused solely thereon.

### **Section 14. TRIAL BODY**

The Executive Board shall sit as a trial body to hear all the evidence upon the charges, and to determine the guilt or innocence of the accused, and if found guilty, to make recommendations as to the penalty to be imposed.

### **Section 15. CHALLENGES**

The accused shall have the privilege of challenging the right of any member of the Board to sit upon his case, and in the event of such challenge, the other members of the Board shall pass upon its validity, sustaining it or overruling it.

**Section 16. TRIAL IN OPEN MEETING**

Where the accused shall be aggrieved by the ruling of the Board upon his challenge of an individual member or members, or shall challenge the entire Board for cause, he/she shall have the election to proceed before the Board, waiving his challenge, or to demand a trial before the members of the Local in open meeting. Provided, that if he/she elects to be tried in the last-named manner the hearing shall be conducted in the manner set forth for trials before the Board.

**Section 17. HEARING**

The accused shall, at the hearing upon the charges, have the right to present his defense in full, and to confront and question all witnesses and to examine all of the evidence of the case.

**Section 18. MEMBER COUNSEL**

The accused shall have the right to be represented by counsel, who shall be a member of this International in good standing.

**Section 19. WITNESSES SWORN**

Whenever the accused or the Executive Board so request, the testimony of any witness must be taken under oath, to be administered by the Chairman of the Board.

**Section 20. INTERROGATORIES AND DEPOSITIONS**

If a witness be unable to attend the trial, written interrogatories and cross interrogatories, on notice to the adverse party, may be allowed upon due application to the trial body; or a written deposition of his testimony shall be taken in the form of an affidavit, and such portions of it as are not denied by the accused shall be admitted as evidence.

**Section 21. TRANSCRIPT**

A written verbatim transcript of all testimony adduced at the hearing shall be made. The Executive Board may elect to tape record the proceedings and in that event the tape must be fully and accurately transcribed in typewritten form in case of an appeal to the International President.

**Section 22. REPORT OF FINDINGS**

The Executive Board shall, after hearing all the evidence, render a written report of its findings as to the guilt or innocence of the accused and, if the accused be found guilty, the penalty to be imposed. A copy thereof shall be filed with the Recording Secretary of the Local and a copy shall be served either personally or by certified mail on the accused within five working days. A copy of the transcript of the evidence and proceedings at the hearing shall be available for examination by the accused or his



member counsel at the offices of the Local or, if so requested by the accused in writing, a copy thereof shall be furnished to the accused at his or her own expense. Immediately upon receipt of the transcript, the Local shall notify the accused in writing of its availability.

### **Section 23. ACTION BY MEMBERSHIP OF LOCAL UNION**

At the next membership meeting of the Local but in no event sooner than 20 days from the date on which the accused has been notified of the availability of the transcript the report of the Executive Board shall be submitted to the membership for appropriate action as hereinafter provided. The transcript of the hearing shall not be read except upon motion duly seconded and carried by majority vote of the members present or if so requested by the accused or in any case under the circumstances referred to in Section 24 hereof.

### **Section 24. ACQUITTAL OR CONVICTION**

After submission of the report, the accused, if aggrieved by the decision of the Executive Board, and any other member in attendance at the meeting, including members of the Executive Board shall be afforded an opportunity to speak either in favor of or against such decision. Upon completion of debate, the membership shall proceed to vote upon the findings of the Executive Board as to the guilt or innocence of the accused. If a majority of the members present so vote, the findings of the Executive Board shall be adopted. If the findings are not accepted the transcript shall be read unless this has been done heretofore, and the question shall be put whether the accused shall be granted a trial by the membership or whether the membership shall proceed to vote upon the guilt of the accused. If a majority of the members present vote for the latter procedure, a vote shall be taken on the guilt of the accused, and if two-thirds of the members present shall vote contrary to the findings of the Executive Board. The findings shall stand reversed, otherwise the finding shall stand upheld.

### **Section 25. IMPOSITION OF PENALTIES**

If the accused is found guilty of an offense for which no specific penalty is fixed by the Constitution or By-Laws, the membership shall then proceed to vote upon the decision of the Executive Board as to the penalty to be imposed. If a majority of the members present so vote, the penalty fixed by the Executive Board shall be adopted. If a majority of the members present reject the penalty decided upon by the Executive Board, the membership shall then proceed to vote upon the penalty to be imposed, the members voting to expel, suspend, fine and/or reprimand. An accused found guilty may be also assessed the costs of the trial.

When membership voting on the report of the Executive Board is completed, available remedies within the Local shall be deemed exhausted.

**Section 26. WHERE TRIAL WAS BEFORE LOCAL**

Where the accused is tried before the Local as provided in Section 16, the guilt or innocence of the accused shall be determined by majority vote of the members present and the penalty shall be imposed as prescribed in Section 25.

**Section 27. SENTENCE REPORTED TO INTERNATIONAL PRESIDENT**

A report of the sentence imposed upon an accused member shall be forwarded by the President of the Local to the International President for filing.

**ARTICLE XII**

**Appeals**

**Section 1. RIGHT OF APPEAL**

Any member aggrieved by the decision, rule, regulation, order or any other act or omission or mandate of an officer or the Executive Board of this Local may, after exhausting his remedies within the Local by appeal to the membership, appeal his case in the following order: (1) from the decision of the membership of the Local to the International President; (2) from the decision of the International President to the General Executive Board; (3) from the ruling of the General Executive Board to the International in convention assembled and the latter body shall be the tribunal of ultimate judgment. However, in the interim rulings of any proper tribunal of this Local or the International shall be enforced pending disposal of appeal, unless a stay of the decision has, upon application, been granted. All appeals by a member to the membership of the Local must be heard within sixty (60) days of the date the appeal was filed or the member may appeal directly to the International President.

**Section 2. TIME ALLOWED FOR FILING**

Appeals shall be cognizable only if filed within thirty (30) days after the decision appealed from. Appeals concerning nominations or elections must be made within fifteen (15) days.

**Section 3. MUST BE IN WRITING**

All appeals to the International must be in writing, setting forth those facts which the appellant shall consider entitle him to a reversal of the ruling, and signed by the appellant.

**Section 4. COPY OF APPEAL**

When an appeal is taken to the International President from the decision of the Local, a copy of the appeal shall be filed with the Recording Secretary of the Local. Within two weeks the Local shall forward to the International President all the records in the case. If the appeal involves a determination made after trial of charges against a member or officer, the records in the case shall include the sworn charges and the

transcript of testimony or if a tape recording was made, the original unedited tape recording and a typewritten transcript thereof, the findings and sentence, and any additional matters of evidence on record. The correctness of the transcript or of the tape recording and stenographic transcript thereof and the record shall be certified by the Local under the appropriate seal. The Local shall also answer to the appeal, setting forth reasons in support of its decision, and serve a copy of the answer on the appellant.

**Section 5. DECISIONS CONCLUSIVE**

The members of the Local shall submit all their rights within the Local and the International first to the determinations of their proper tribunals.

**Section 6. EXHAUSTING INTERNAL REMEDIES**

The members further consent to be disciplined in the manner provided by this Constitution and By-Laws, and under no circumstances to resort to outside tribunals until all the remedies therein provided shall have been exhausted.

**ARTICLE XIII**

**Permanency**

This Local shall not dissolve itself while there are fifteen (15) dissenting Members, nor shall this article of the Constitution be subjected to any alteration or amendment whatsoever.

**ARTICLE XIV**

**Altering or Amending the Constitution**

Alterations or amendments to this Constitution shall be made in writing and have three readings at three consecutive regular meetings, following which same must receive the favorable vote of at least two-thirds of the members present. No such alteration or amendment shall, however, be effective until it is endorsed by the International President.

**RULES OF ORDER**  
**Order of Business**

1. Call to Order
2. Roll Call of Officers
3. Reading of the Minutes of the Previous Meeting
4. Report of the Executive Board
5. Reading of Communications
6. Reading of Applications for Membership
7. Balloting on Applications
8. Initiation of New Members
9. Nominations of Candidates for Local Office
10. Report of Election Committee
11. Obligation of Officers
12. Reports of Committees
13. Business Representative's Report
14. Unfinished Business
15. New Business
16. Secretary Treasurer's Report
17. Good and Welfare
18. Adjournment

## **BY-LAWS**

### **Section 1. DISHONESTY OR DRUNKENNESS**

Any member dismissed from his position for dishonesty or drunkenness, upon being found guilty thereof, shall be fined no less than \$25.00.

### **Section 2. MEMBERS OF COMMITTEES**

Any member of a committee who shall refuse or neglect to perform his duty shall be removed by the Chairman.

### **Section 3. SUMMONS**

Any member who is summoned to appear at a meeting of the membership, the Executive Board or a legally appointed committee of the Local and fails to appear, after receiving due notice of same, shall be penalized to such an extent as the Local may see fit, after fair trial.

### **Section 4. ADDRESS OF MEMBERS**

Any member, on changing his residence, shall notify the Secretary immediately. Any notice sent to the last address as shown on the books of this Local shall be deemed legal and sufficient notice.

### **Section 5. DONATION OF SERVICES**

No member shall be permitted to donate his services gratis except by permission of the Business Representative under penalty of a fine.

### **Section 6. CONDUCT UNBECOMING A MEMBER**

Conduct unbecoming a member or that which is contrary to trade unionism, or that which would bring discredit to this Local or the International, shall be an offense against this Local, and upon being found guilty thereof after trial, the offending member shall be liable to such penalty as the Local may see fit.

### **Section 7. ALTERATION OF BY-LAWS**

No portion of these laws may be suspended, but may be amended or altered by a resolution approved by a majority of the members present at a regular or special meeting after the members have been properly notified. All changes must be approved by the International President.

**THIS CONSTITUTION AND BY-LAWS REVISED AND PRINTED**

\_\_\_\_\_, 20\_\_\_\_\_

**ENDORSED BY INTERNATIONAL ALLIANCE OF THEATRICAL STAGE  
EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED  
CRAFTS OF THE UNITED STATES, ITS TERRITORIES AND CANADA.**

**ON THE DATE OF** \_\_\_\_\_

**BY** \_\_\_\_\_

## STANDING RULES

1. No business shall be taken up except in the order prescribed, unless on motion, such irregularities shall be sanctioned by a majority of the members present.

2. No motion shall be received or laid before this Union, unless moved by two members, nor open for discussion until stated by the presiding officer. When a question is before the Union no other motions shall be in order, except, first to adjourn; second, to lay on the table; third, the previous question; fourth, to postpone: fifth, to refer; sixth, to amend; which motions shall take precedence in the order in which they are arranged. The first three shall be decided without debate, unless it is proposed to postpone to a definite period, in which case it shall be debatable.

3. Resolutions, amendments to the Constitution and By-Laws and charges against officers and members, must in all cases be presented in writing, otherwise they shall not be considered.

4. The mover of any verbal proposition shall, upon the request of the chair, or two or more members, reduce it to writing.

5. Any member entitled to a vote may move for a division of the question when the sense of the same will admit it.

6. A motion to reconsider any former motion or vote shall only be made and seconded by members who voted in the majority.

7. When the reading of any paper is called for and objected to, the question shall be decided by vote.

8. A division of this Union shall be taken on any question, and recorded at the request of five members.

9. When members Speak they shall rise and address the presiding officer, confining themselves strictly to the merits of the question under consideration. A member shall not be interrupted while speaking, unless by the presiding officer, who may call to order, or admonish to a closer adherence to the subject, and to avoid all personalities. Nor shall a member be allowed to speak more than twice on the same subject without the permission of the presiding officer. When two or more members rise at once the presiding officer shall decide who shall speak first.

10. On the call of five members for the previous question the President shall put it in this form: "Shall the question be now put?" and until this is decided it shall preclude all amendments to the main question and further debate shall cease.

11. The officer or member presiding in the absence of the President shall, for the time, possess all the powers and privileges vested in the President by the Constitution and By-Laws of this Union.

12. No subject of a ~~partisan~~ or religious nature shall at any time be admitted.

No person who is not a member shall be allowed at any of the meetings without the consent of this Union or its officers.

14. In the absence of a standing rule to apply to questions before the Union, recourse shall be had to Roberts Rules of Order.

15. Questions of order shall be decided by the presiding officer; but in case of an appeal from his decision, the meeting shall determine without debate.