

BYLAWS  
of the  
INTERNATIONAL CHEMICAL WORKERS UNION COUNCIL  
of the  
UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION

Adopted Upon Merger of International Chemical  
Workers Union and United Food and Commercial  
Workers International Union  
1996  
and amended at the Conventions of the ICWUC

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[References to Articles and Sections of the International Constitution refer to the UFCWIU Constitution as Amended and Revised at the Eighth Regular Convention 2018]

ARTICLE I  
NAME

Section 1

This organization shall be known as INTERNATIONAL CHEMICAL WORKERS UNION COUNCIL OF THE UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION. It shall consist of an unlimited number of Local Unions organized in the United States and Canada, chartered by the United Food and Commercial Workers International Union, AFL-CIO, CLC.

Section 2

The International Chemical Workers Union Council is an intermediate chartered body of the United Food and Commercial Workers International Union in accordance with Article 30 of the International Constitution and it shall not be dissolved and its charter shall not be revoked, altered, or amended, except in accordance with the UFCW Constitution.

Section 3

Wherever the term "Local Union" shall be employed, it shall be held to refer to, and to mean, UFCW Local Unions affiliated with the International Chemical Workers Union Council.

Section 4

Wherever the term, "ICWUC," "Chemical Workers Council" or "Chemical Workers" shall be employed, it shall be held to refer to, and to mean, the International Chemical Workers Union Council.

Section 5

Wherever the term "UFCW," "International," or "International Union" shall be employed, it shall be held to refer to, and to mean, United Food and Commercial Workers International Union.

ARTICLE II

OBJECTS

To organize all those working in the jurisdiction of this Chemical Workers Council.

To provide aid and assistance, and to bring about cooperation and coordination of effort for its affiliated Local Unions.

To constantly strive for improved wages and working conditions.

To foster and support legislation in the interests of all workers.

To strive to improve the Employer-Employee relationship.

To educate chemical workers in the fundamentals of the organized labor movement.

To encourage all workers without regard to race, creed, color, sex, religion, age, disability, sexual orientation, gender identity, gender expression, national origin, or ethnic background, to share in the full benefits of union organization.

While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state, and national communities.

To prevent the exploitation of workers and to protect chemical workers from corrupt influences, and from the undermining efforts of all who are opposed to the basic principles of our democracy and democratic unionism.

ARTICLE III

JURISDICTION

The jurisdiction of the Chemical Workers Council shall encompass all Local Unions which were affiliated with the International Chemical Workers Union; all newly chartered Local Unions which are assigned to the Chemical Workers Council by the International Executive Committee or International Executive Board; all Local Unions which are formed as the result of a merger between Local Unions of the Chemical Workers Council; all UFCW Local Unions which were not affiliated with the Chemical Workers Council but are the surviving

Local Unions in mergers with Local Unions that were affiliated with the Chemical Workers Council; and all UFCW Local Unions which were affiliated with the Chemical Workers Council and are the surviving Local Unions of mergers with UFCW Local Unions that were not affiliated with the Chemical Workers Council, or such jurisdiction as may be determined by the International Executive Committee or International Executive Board from time to time. The membership represented in the Chemical Workers Council by all said surviving UFCW Local Unions in mergers shall be the membership employed in the bargaining units which were represented by the merging Local Union of the Chemical Workers Council, the membership employed in subsequently organized bargaining units which are in the industries that were traditionally represented by the International Chemical Workers Union, and any salaried officer or employee of the surviving Local Union who, prior to becoming said salaried officer or employee, was employed in one of the aforementioned bargaining units or was a salaried officer or employee in the merging Local Union of the Chemical Workers Council.

ARTICLE I V  
MEMBERSHIP

Membership in an affiliated Local Union of the Chemical Workers Council shall be governed by Article 4 of the International Constitution and Article III of these bylaws. The Chemical Workers Council President may request of the International President, upon a two-thirds vote of the Chemical Workers Council Executive Board, an extension of UFCW membership in an affiliated Local Union to agents or employees of the International Union, Chemical Workers Council, Local Unions, Chemical Workers Joint Councils, or of any other UFCW chartered body affiliated with the Chemical Workers Council.

ARTICLE V  
OFFICERS

Section 1

The officers of the Chemical Workers Council shall be the Chemical Workers Council President, a Chemical Workers Council Secretary-Treasurer, a Chemical Workers Council Recorder, and five (5) Chemical Workers Council Vice Presidents, provided however that, if a vacancy in a Vice President's position occurs, the Chemical Workers Council Executive Board may correspondingly reduce the number of Vice Presidents, but in no event shall the number of Vice Presidents' positions be less than four (4) and provided further that the Chemical Workers Council Executive Board may exercise its authority to redraw regional boundaries to assure the maintenance of service, following the reduction in the number of Vice Presidents. Provided further, if properly executed merger agreements with other UFCW Councils require additional Vice Presidents, the Chemical Workers Council Executive Board may correspondingly increase the number of Vice Presidents' positions. Together, these officers shall constitute the Chemical Workers Council Executive Board.

Section 2

No person shall hold or retain office or agency or appointed position in the Chemical Workers Council or any of its affiliated bodies who falls within Section 504 of the Labor Management Reporting and Disclosure Act of 1959 (Landrum-Griffin Law) or Article 4(J) of the International Constitution.

All officers of the Chemical Workers Council are expected to conform to the standards, provisions, and requirements of applicable law, the International Constitution, and these bylaws. Officers who fail to do so may be confronted with appropriate disciplinary action, up to and including removal or suspension from office.

Section 3

Officers, agents and employees of this Chemical Workers Council or any of its affiliated bodies shall comply with the fiduciary responsibilities of the Labor Management Reporting and Disclosure Act, the International Constitution, and these bylaws.

#### Section 4

Recognizing the geographical diversity of the Chemical Workers Council, it is the intent of the Chemical Workers Council that the Chemical Workers Council President and the Chemical Workers Council Secretary-Treasurer shall not be elected from the same Local Union and not more than one (1) Chemical Workers Council Vice President shall be elected from any one Local Union. No member shall be eligible to hold a Chemical Workers Council office unless they are a member within the jurisdiction of the Chemical Workers Council as set forth in Article III of these bylaws who has been an active member of a Chemical Workers Council affiliate, or of more than one Chemical Workers Council affiliate, or of another UFCW Council merged with the Chemical Workers Council, or of another organization merged with a Chemical Workers Council affiliate for a continuous aggregate of at least twelve (12) months immediately preceding the month in which the Chemical Workers Council Convention is held.

### ARTICLE VI

#### CHEMICAL WORKERS COUNCIL PRESIDENT

#### Section 1

The President shall be the chief executive officer of the Council and shall have general supervision of the affairs of the Council.

#### Section 2

The President shall be responsible for enforcing these bylaws and the International Constitution. The President shall have the authority to interpret these bylaws subject to an appeal to the Chemical Workers Council Executive Board, provided that any such interpretations or decisions on appeal are consistent with the International Constitution. The President shall decide all questions of order and usages at meetings of the Chemical Workers Council Executive Board or Conventions subject to an appeal to the Chemical Workers Council Executive Board or Chemical Workers Council Convention, as appropriate, provided that any such interpretations or decisions on appeal are consistent with the International Constitution.

### Section 3

The President, or the President's designee, with the prior approval of the International Executive Committee shall be empowered to negotiate a merger agreement with another UFCW Council and, with the approval of the International Executive Committee and a majority of the Chemical Workers Council Executive Board, execute such agreement.

### Section 4

The President shall devote full time to the service of the Chemical Workers Council.

### Section 5

The President may recommend to the International Secretary-Treasurer an audit, inspection, or examination of all books, records, and other documents of any affiliated body.

### Section 6

Except as specified in Article XV, Section 8, the President shall recommend to the Chemical Workers Council Executive Board a replacement to fill any vacancy on the Chemical Workers Council Executive Board for the unexpired term within ninety (90) days after the vacancy occurs.

### Section 7

The President shall preside over all Conventions of the Chemical Workers Council. The President, or the President's designee from the Executive Board, shall preside at all meetings of the Chemical Workers Council Executive Board.

### Section 8

The President shall cause disbursement of all Council funds through signed warrants to the Chemical Workers Council Secretary-Treasurer and, except disbursements required to be made from the funds of the Chemical Workers Council by the Constitution or laws of the International Union or the approved bylaws of the Chemical Workers Council, disbursements shall be authorized or ratified by the Chemical Workers Council Executive Board.

### Section 9

The President, acting as a trustee, shall retain a certified public accountant to audit the books of the Chemical Workers Council Secretary-Treasurer at the close of the fiscal year. The President, acting as a trustee, shall submit a true copy of the certified public accountant's audit to the International and to the Chemical Workers Council Executive Board, and that report shall be included in the annual report of the Chemical Workers Council Executive Board to its Convention. In years in which a Convention is not held, the President shall also provide a true copy of such report to the International, each affiliated Local Union, and Chemical Workers Joint Council, within thirty (30) days after the completion of the annual report.

### Section 10

The President shall appoint all committees and shall report such appointments to the Chemical Workers Council Executive Board.

### Section 11

The President shall be the custodian of the charter.

### Section 12

The President shall be empowered to convene the Chemical Workers Council Executive Board in special session.

### Section 13

The President may employ or retain, set the terms of employment of, and supervise such personnel as may be necessary to conduct the affairs of the Chemical Workers Council. The President may terminate the employment of any such person at the end of an assignment or in the best interest of the Chemical Workers Council. The salary and expense policy of such employees shall be established by the President and subject to approval of the Chemical Workers Council Executive Board.

#### Section 14

The President shall supervise those International Union Employees performing work for the Chemical Workers Council. The President will determine the staffing levels for the Chemical Workers Council subject to the approval of the International President.

Except employees covered by a collective bargaining agreement, any discipline or discharge of employees of the International Union performing work for the Chemical Workers Council shall be governed by the International Constitution and policy, including the appeal procedures contained therein; provided that such employee shall not be disciplined, suspended or discharged without consultation with the Chemical Workers Council President.

#### Section 15

The President shall review and make a recommendation on all affiliated Local Union bylaws and amendments prior to their submission to the International President for approval.

#### Section 16

The President shall vote where that vote would be determinative of the outcome or in all cases where a secret ballot is conducted and he or she is otherwise entitled to vote.

#### Section 17

The President shall render an accounting of actions and decisions to the Chemical Workers Council Executive Board.

#### Section 18

The President shall cause to be carried out all mandates of the Convention that are possible of fulfillment.

#### Section 19

The President shall be a delegate to all Chemical Workers Council Conventions. If not a delegate pursuant to Article XIII, Section 6 of these bylaws, all delegate rights and privileges shall be permitted except making nominations and voting in the election of Chemical Workers Council officers. These privileges shall remain in effect for the period

the President continues as an elected officer of the Chemical Workers Council.

The President, by virtue of office, shall be a delegate or representative to any convention or meeting of any other entity to which the Chemical Workers Council is entitled and chooses to send delegates or representatives.

#### Section 20

The President shall manage, conduct and edit any official membership publications and other publications of the Chemical Workers Council.

### ARTICLE VII CHEMICAL WORKERS COUNCIL SECRETARY-TREASURER

#### Section 1

The Chemical Workers Council Secretary-Treasurer shall by virtue of office be a full-time Regional Director of the Chemical Workers Council, and shall assist the Chemical Workers Council President in the carrying out of the President's duties and responsibilities and shall conduct the Secretary-Treasurer's office under the general supervision of the Chemical Workers Council President.

#### Section 2

The Secretary-Treasurer shall be a delegate to all Chemical Workers Council Conventions. If not a delegate, pursuant to Article XIII, Section 6 of these bylaws, the Secretary-Treasurer shall have all delegate rights and privileges, except making nominations and voting in the election of Chemical Workers Council Officers. These privileges shall remain in effect for the period for which the Secretary-Treasurer continues as an elected officer of the Chemical Workers Council.

ARTICLE VIII  
CHEMICAL WORKERS COUNCIL RECORDER

Section 1

The Chemical Workers Council Recorder shall report the minutes of each Council Executive Board meeting and Convention, keeping an accurate and permanently bound or unalterable electronically stored record of all proceedings. The Recorder shall assist the Chemical Workers Council President in the carrying out of the President's duties and responsibilities under the general supervision of the Chemical Workers Council President.

Section 2

The Recorder shall be a delegate to all Chemical Workers Council Conventions. If not a delegate, pursuant to Article XIII, Section 6 of these bylaws, the Recorder shall have all delegate rights and privileges, except making nominations and voting in the election of Chemical Workers Council Officers. These privileges shall remain in effect for the period for which he or she continues as an elected officer of the Chemical Workers Council.

ARTICLE IX  
CHEMICAL WORKERS COUNCIL VICE PRESIDENTS

Section 1

All Vice Presidents shall by virtue of their office be full-time Regional Directors, or as otherwise provided for in a merger agreement with another UFCW Council, and shall perform such duties as may be delegated to them by the Chemical Workers Council President, these bylaws, and the International Constitution.

Section 2

A Vice President shall be a delegate to all Chemical Workers Council Conventions. If not a delegate pursuant to Article XIII, Section 6 of these bylaws, all delegate rights and privileges shall be permitted except making nominations and voting in the election of Chemical Workers Council officers. These privileges shall remain in effect for

the period the Vice President continues as an elected officer of the Chemical Workers Council.

ARTICLE X  
CHEMICAL WORKERS COUNCIL EXECUTIVE BOARD

Section 1

Between Chemical Workers Council Conventions, the Chemical Workers Council Executive Board shall have full and complete charge of all business of the Chemical Workers Council not otherwise delegated to a specific officer or officers, or reserved to the membership. With these bylaws and the International Constitution as its guide, it may also take action, subject to review by a Convention, that a Convention in session is authorized to take except that it cannot amend these bylaws unless it acts under the power set forth in Article XXV.

Section 2

Except when inconsistent with these bylaws and the International Constitution, the Chemical Workers Council Executive Board shall be authorized and empowered to take such actions and render such decisions as may be necessary to carry out fully and adequately all provisions contained in these bylaws and general laws, as well as declarations and decisions of the Conventions and the International Constitution, and it shall be authorized and empowered to make such further decisions during the interim of Conventions as may become necessary to safeguard and promote the best interest of the Chemical Workers Council and its affiliated Locals.

Section 3

A quorum for the transaction of business shall be a majority of the Chemical Workers Council Executive Board. This Board shall be convened for the transaction of business at least two (2) times annually. Said meetings shall be at least once in every six (6) month period. If an appeal is pending, the Board shall meet in a special session within ninety (90) days to resolve the appeal. Additionally, the Chemical Workers Council President, or a majority of the Chemical Workers Council Executive Board, may call additional meetings if they deem it necessary.

Upon receipt of a written request for an additional meeting from the majority of the Board, the President shall call such a meeting within fourteen (14) days. The Chemical Workers Council Executive Board may meet by teleconference call or other means approved by the International Executive Board, provided it meets in person at least once a year. The President may conduct a vote of the Executive Board by mail, telephone, or other form of communication the President deems appropriate.

#### Section 4

The Chemical Workers Council Executive Board shall be responsible for the establishment and maintenance of a general headquarters.

#### Section 5

The Chemical Workers Council Executive Board shall consider and act upon all appeals properly before it, provided such appeals are made in conformity with these bylaws and the International Constitution.

#### Section 6

The Chemical Workers Council Executive Board shall be empowered by majority vote to determine affiliation with any labor organization, with the International President's approval.

#### Section 7

The Chemical Workers Council Executive Board is empowered to adopt and publish a Manual of Common Procedure consistent with these bylaws and the International Constitution to assist Local Unions and Chemical Workers Council Joint Councils.

The Chemical Workers Council Executive Board shall render a full report of its stewardship to the Chemical Workers Council Convention.

The Chemical Workers Council Executive Board shall act at all times only in the best interest of the International Union and the Chemical Workers Council.

#### Section 8

Should the office of Chemical Workers Council President be vacated because of death, resignation, permanent incapacity or by removal from office by the Chemical Workers

Council Executive Board pursuant to Article 25(A) of the International Constitution for failure to perform the duties of office, the vacancy shall be filled by the Chemical Workers Council Executive Board until the next regular quadrennial Convention. During the vacancy the Chemical Workers Council Secretary-Treasurer shall perform the duties of the President. The Secretary-Treasurer shall call a meeting not earlier than thirty (30) days nor later than ninety (90) days following such vacancy of the Chemical Workers Council Executive Board, to be held in the general offices of the Chemical Workers Council, for the purpose of filling the same.

The Secretary-Treasurer shall preside at such meeting.

The successor shall be chosen by a majority roll call. If there are more than two (2) candidates, and none shall receive a clear majority of the first ballot, the candidate receiving the smallest number of votes shall be dropped, and the balloting shall continue until a clear majority is recorded. The newly elected President shall take office immediately.

In the event the Chemical Workers Council President is unable to perform the duties due to serious illness or disability, as certified by a qualified physician or otherwise temporarily incapacitated as determined by two-thirds of the members of the Chemical Workers Council Executive Board voting and present, the Secretary-Treasurer shall serve as Acting President, with all the powers, authority and responsibilities of the Chemical Workers Council President, as provided for in these bylaws. When the attending physician certifies the President is able to resume office, in case of illness or disability, or two-thirds of the Chemical Workers Council Executive Board vote to return the President to office, in the case of temporary incapacity, the President shall be reinstated and the Acting President returned to previous official duties. To ensure fairness, due process, and compliance with all applicable procedures, no action with respect to the temporary incapacity of the Chemical Workers Council President shall be considered final without the Chemical Workers Council Executive Board requesting and receiving an affirmative written response from the International President.

The action of the Chemical Workers Council Executive Board in removing the President from office or determining that the President is incapacitated shall be subject to appeal to the International President and a further appeal to the International Executive Board pursuant to Article 26(C) of the International Constitution.

ARTICLE X I  
TRUSTEES

Section 1

Three Chemical Workers Council Executive Board members, by virtue of their offices, shall constitute the Chemical Workers Council Board of Trustees. Two of these shall be the President and the Secretary-Treasurer, and the Chemical Workers Council Executive Board shall annually designate one other member of the Executive Board to be the third Trustee.

Section 2

The Trustees shall be responsible for ensuring that all finances of the Chemical Workers Council are managed in accordance with the International Constitution and these bylaws. The Trustees shall be responsible for ensuring that the funds and property of the Chemical Workers Council are properly received and managed for the sole use and benefit of the Chemical Workers Council and in accordance with standard accounting practices.

Section 3

The signatures of two of the three Trustees shall be required on all checks, electronic transfers and all other financial documents, and the Trustees shall be responsible for ensuring that all banks and other financial institutions holding funds or property of the Chemical Workers Council are so instructed.

Section 4

The Trustees shall examine the financial records of the Chemical Workers Council. They shall make a quarterly financial report to the International Secretary-Treasurer on forms supplied or approved by the International Secretary-Treasurer and on such schedule as the International Secretary-Treasurer may determine, and they shall also promptly submit a copy of said report to the Chemical Workers Council Executive Board. The Trustees shall also file with the International Secretary-Treasurer copies of all audits required by the International Constitution and these bylaws and all annual financial reports required by the federal government within thirty (30) days of their completion.

### Section 5

The Trustees shall employ a certified public accountant to assist them in the performance of their duties and to perform a complete audit of the Chemical Workers Council not less than once a year.

### Section 6

The Trustees shall ensure that Chemical Workers Council officers, representatives, and employees are bonded as directed by the International Secretary-Treasurer and in accordance with Article 11(L) of the International Constitution.

### Section 7

The title to a headquarters building or other real property held by the Chemical Workers Council shall be vested by proper conveyance in its own name, if applicable state law permits; in the names of the individual members of the Board of Trustees and their successors in office, to be held in trust for the sole use and benefit of the Chemical Workers Council; or in a separate building corporation whose corporate documents have been approved by the International President.

## ARTICLE XII

### DELEGATES TO AFFILIATED ORGANIZATIONS

If the Chemical Workers Council is entitled to official representation at the Convention(s) of non-UFCW affiliated organization(s), the Chemical Workers Council President shall be the delegate. If entitled to two (2) delegates, the Chemical Workers Council Secretary-Treasurer shall serve. In the case that either officer is unable to attend, or the Chemical Workers Council is entitled to more than two (2) delegates, the Chemical Workers Council President shall appoint replacements and/or additional delegates subject to the approval of the Chemical Workers Council Executive Board.

ARTICLE X I I I  
CHEMICAL WORKERS COUNCIL CONVENTIONS

Section 1

The Chemical Workers Council Convention shall convene during the interim between September 1 and November 30 in 2013 and every four (4) years thereafter, in a city in a general locality designated by a preceding Convention, and the exact date published at least four (4) months in advance. If the proper Convention arrangements or reasonable hotel accommodations cannot be secured in that city, the Chemical Workers Council Executive Board may choose the place of meeting.

During non-Convention years, Leadership Training Institutes will be held annually in all regions if the Council deems it financially feasible to do so.

Section 2

The Chemical Workers Council President shall issue a Convention Call to Local Unions in good standing, not less than one hundred twenty (120) days prior to the opening date of the regular Convention. Each affiliated Local Union shall be forwarded duplicate credentials which shall serve as certificates of election for delegates and alternates when properly executed by duly authorized officers of the Local Union.

The Bylaws and Resolutions Committees shall be appointed and go into session at least two (2) or more, if necessary, days prior to the assembling of the Convention.

The rank and file Officers' Reports Committee shall be appointed and go into session at least two (2) or more, if necessary, days prior to the assembling of the Convention. No officer or employee of the ICWUC or UFCW shall be permitted to sit on or chair this Committee.

The Credentials Committee shall be appointed and go into session at least one (1) day prior to the assembling of the Convention.

Such Committee members shall receive for such days in session prior to the assembling of the Convention one hundred twenty-five dollars (\$125) a day, hotel room and a per diem equal to the standard International Union rate in effect.

### Section 3

Resolutions, petitions or memorials shall not be acted upon by the Convention unless they have been submitted in writing to the Chemical Workers Council Secretary-Treasurer, postmarked on or before the twelfth (12th) Monday preceding the opening of the Convention and transmitted to each Local Union postmarked no later than the fourth (4th) Monday preceding the opening of the Convention. Each resolution, petition or memorial shall deal with only one (1) subject.

Any Convention Committee may reject or accept for its consideration, by a three fourths (3/4) vote, any resolution, memorial or petition not submitted to the Chemical Workers Council Secretary-Treasurer and the Local Unions as set forth above. There shall be no appeal from the decision of the Committee on such rejection or acceptance.

### Section 4

No Local Union shall be permitted representation in Convention unless it has paid to the Chemical Workers Council treasury its entire financial obligations to and including the second month preceding the month during which the Convention is convened.

### Section 5

No member shall be a Convention delegate unless they are a member within the jurisdiction of the Chemical Workers Council as set forth in Article III of these bylaws who has been an active member in a Local Union, or Local Unions, affiliated with the Chemical Workers Council for a continuous aggregate of at least twelve (12) months immediately preceding the month in which the Convention Call is issued, provided that said member maintains continuous active membership in said Local Union during the interval between their election and the commencement of the Convention; unless the Local Union they represent has been chartered a lesser period, in which event the member shall have been an active member from the date the Local Union was chartered.

## Section 6

Credentials (certificates of election) should be returned to the Chemical Workers Council Secretary-Treasurer not less than two (2) weeks prior to the convening date of the Convention and if such credentials are presented later than twelve o'clock noon of the second day of the Convention, they shall not be honored except by a two-thirds (2/3) vote of the delegates assembled. If the Local Union is entitled to only one delegate and chooses to be represented, the Local Union President by virtue of election to office is the delegate. If the Local is entitled to a second delegate, or is entitled to only one delegate and desires to send an alternate, the Local Union Secretary-Treasurer by virtue of election to office is the delegate or alternate as applicable. No Local Union President or Secretary-Treasurer may be a delegate or alternate pursuant to this Section if they are not an eligible member pursuant to Article III and Article XIII, Section 5 of these bylaws, or if they have not been elected by the Local Union membership in the Local Union's last election of officers. Any additional delegates and alternates to which the Local Union is entitled and/or replacement delegates and alternates for the Local Union President and Secretary-Treasurer as applicable, shall be elected by secret ballot.

## Section 7

Each subordinate body shall pay a registration fee of \$75 for each delegate and alternate as a condition of being represented at the Convention. Credential verification may not be completed and no delegate may be seated until the registration fee is paid. A \$75 registration fee for each delegate and alternate should accompany the credentials when they are returned to the Chemical Workers Council Secretary-Treasurer in accordance with Section 6 of this Article.

## Section 8

No vote may be delegated by a delegate or alternate to any person other than a member of the same delegation.

## Section 9

Rules of Order of the preceding Convention shall obtain until new rules are adopted.

## Section 10

The Chemical Workers Council President may designate the time and place of a Special Convention provided that such calls state the purpose of the Special Convention and that such calls are approved by a majority of the Chemical Workers Council Executive Board. In years in which there is not a regular Convention, a Special Convention may also be called by a referendum of the Local Unions. Such referendum must be initiated by the Chemical Workers Council President upon request of ten percent (10%) or more Local Unions. The referendum shall state clearly the issue or issues to be considered at a Special Convention and each Local Union will vote upon the question separately and if an affirmative vote is cast by a majority of the Local Unions, the Special Convention shall be held within ninety (90) days after such majority determination has been made. At least forty-five (45) days' advance notice must be given of the date of a Special Convention, regardless of the means by which it is called. At least forty (40) days in advance of the Convention opening, the Chemical Workers Council President shall mail an official Call, upon which the issue or issues to be considered shall be clearly stated, to each Local Union and constituent body, accompanied by an appropriate number of credential forms. Thereafter, rules governing regular Conventions shall govern. No business other than that stated in the call letter shall be considered by a Special Convention.

## Section 11

The Conventions, whether regular or special, are the supreme governing body of the Chemical Workers Council. No other general meetings or Conventions shall be legal.

## ARTICLE X I V

### REPRESENTATION TO CHEMICAL WORKERS COUNCIL CONVENTIONS

#### Section 1

A Local Union having less than fifty-one (51) members shall be entitled to one (1) vote. Fifty-one (51) to one hundred (100) members, two (2) votes. One hundred one (101) to two hundred (200) members, three (3) votes. Two hundred one (201) to three hundred (300) members, four (4) votes. Three hundred one (301) to four hundred (400) members, five (5) votes. Four hundred one (401) to five hundred (500) members, six (6) votes. Five hundred one (501) to six

hundred (600) members, seven (7) votes, and one (1) additional vote for each additional five hundred (500) members or majority fraction thereof. In computing the number of votes a Local Union is entitled to, the total membership paid on for the previous fiscal year divided by twelve (12) will give the average membership, determining the number of votes to which the Local Union is entitled. Local Unions affiliated with the Chemical Workers Council for less than twelve (12) months will have their average membership determined by totaling their paid membership for the affiliated months and dividing by the number of months of affiliation. All references in this Section to "members" are to active members who are members within the jurisdiction of the Chemical Workers Council as set forth in Article III of these bylaws.

#### Section 2

Each Local Union shall be entitled to as many delegates as it has votes.

#### Section 3

The delegate or delegates from any Local Union may cast the full number of votes to which their Local Union is entitled.

#### Section 4

A quorum shall be a majority of qualified delegates present at Convention.

#### Section 5

It shall require the request of ten percent (10%) of the Local Unions represented to secure a roll call vote, except that election of officers shall be by roll call.

#### Section 6

Chemical Workers Joint Councils shall be entitled to one (1) delegate and one (1) vote in Convention, except that Joint Council delegates shall not vote in the election of Chemical Workers Council Officers.

ARTICLE X V  
CHEMICAL WORKERS COUNCIL ELECTIONS

Section 1

The officers shall be nominated, elected and installed at each Convention of the Chemical Workers Council, beginning in 2013 and every four (4) years thereafter. They shall take the oath of obligation immediately after being declared elected and shall, thereupon, assume office. The officers of this Chemical Workers Council shall subscribe to the following obligation:

"I, \_\_\_\_\_, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the laws of this Chemical Workers Council and the International Constitution; and to bear true allegiance to the Chemical Workers Council and the International Union. I will deliver to my successor in office all books, papers and other property of this Union that may be in my possession at the close of my official term. I will also deliver all property of the Chemical Workers Council to the Executive Board of same upon demand. All of this I solemnly promise with the full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor."

Section 2

Elections shall be by printed ballot with a single ballot bearing the names of the candidates for all offices.

Each delegate's ballot shall indicate the number of votes to be cast.

Section 3

Nominations of officers shall be on the morning of the third day of the Convention. Any delegate may nominate any member for any office provided that if through a merger agreement a Vice President is designated to be from a merged UFCW Council, only members from that former UFCW Council may be nominated for that Vice Presidency. The election shall begin on the morning of the fourth day of the Convention when a roll call of delegates shall be called for each of those delegates to receive, sign, mark and deposit their ballot for the Chemical Workers Council President, the Chemical Workers Council Secretary-Treasurer, the Chemical Workers Council Recorder and all Chemical Workers Council Vice Presidents.

#### Section 4

If in elections there are more than two (2) candidates for any office and none receive a clear majority on the first ballot, the candidate receiving the smallest number of votes shall be dropped, and on the morning of the fifth day a roll call of delegates shall be called for each delegate to receive, sign, mark and deposit their ballot. The balloting shall continue until a candidate for each office shall receive a clear majority.

#### Section 5

When there is only one (1) candidate for any office, the Secretary-Treasurer shall cast the ballot for such candidate as the choice of the delegates to the Convention.

#### Section 6

The voting record of the delegates shall be a part of the Convention proceedings. The ballots and all other records pertaining to an election shall be preserved for one (1) year.

#### Section 7

Defeated officers shall be entitled to proper expenses and any vacation pay for which they are eligible in accordance with the policy then in effect.

#### Section 8

If a vacancy occurs in the office of a Vice President who is also a Regional Director between Conventions, the Chemical Workers Council Executive Board shall determine if the position is to be filled or whether the number of Vice Presidents and therefore regions be reduced. If the Executive Board determines to fill the position of a Vice President who is also a Regional Director, the Chemical Workers Council President shall recommend a replacement from the same region and the Chemical Workers Council Executive Board shall fill the vacancy within ninety (90) days after the vacancy occurs. If the vacancy occurs in the office of the Vice President from a merged UFCW Council, the Chemical Workers Council President shall recommend a replacement from that merged UFCW Council and the Chemical Workers Council Executive Board shall fill the vacancy within ninety (90) days after the vacancy occurs.

If a vacancy occurs in the office of the Secretary-Treasurer, or the Recorder, the Chemical Workers Council President shall recommend a replacement, and the Chemical

Workers Council Executive Board shall fill the vacancy within ninety (90) days after the vacancy occurs.

## ARTICLE X V I REVENUE

### Section 1

The fiscal year shall begin July 1.

### Section 2

Revenue of the Chemical Workers Council shall be derived from:

1. Per capita.
2. Sale of supplies.
3. Interest on money on deposit or invested.
4. Assessment levied in accordance with the provisions of these bylaws.
5. Revenue derived from any other lawful source.

### Section 3

Each Local Union shall remit per capita to the treasury of the Chemical Workers Council in the amounts specified in Section 5 of this Article each month for every member of the Local Union who is within the jurisdiction of the Chemical Workers Council as set forth in Article III of these bylaws and for each person from whom the Local Union receives a fee in lieu of dues under an Agency Shop, Rand Formula, service fee, or other similar arrangement.

In addition to the foregoing obligation to remit per capita, each Local Union shall also submit to the Chemical Workers Council an initiation fee for each new member of the United Food and Commercial Workers Union in the amount established by the International Constitution. Such initiation fee shall be forwarded to the UFCW by the Chemical Workers Council.

### Section 4

Revenue derived from assessment shall be used only for the purpose for which the assessment is levied.

## Section 5

The aggregated per capita of Local Unions to the Chemical Workers Council shall be \$23.15 per month, of which \$20.15 per member per month shall be the per capita due the International Union, to be forwarded by the Chemical Workers Council to the International Union, and of which \$3.00 is the per capita due the Chemical Workers Council, except as provided within this Section. Notwithstanding the above, the amount specified may be amended from time to time pursuant to Article XVI, Section 5, of these bylaws. In Emergency Months, as defined in Article XVII, Section 1 of these bylaws, the per capita of all Local Unions affiliated with the Chemical Workers Council shall be five dollars (\$5.00) higher.

Effective October 2013, a UFCW Local Union which was not affiliated with the Chemical Workers Council but is the surviving Local Union in a merger with a Local Union that was affiliated with the Chemical Workers Council shall remit to the International Union all per capita which the International Union bills it on its membership, and shall remit to the Chemical Workers Council the \$3.00 per capita (plus the additional amount which is payable in Emergency Months) that is due the Chemical Workers Council on that portion of its membership which is represented in the Chemical Workers Council as set forth in Article III of these bylaws.

Future increases in the aggregated per capita shall be the same amounts as the per capita increase which is due the International Union pursuant to the International Constitution, with ten percent (10%) of such per capita increase to be added to the per capita due the Chemical Workers Council by all Local Unions affiliated with Chemical Workers Council.

All per capita payments remitted by Local Unions to the Chemical Workers Council shall be credited in the order in which they are owed. Per capita bills from the Chemical Workers Council shall be sent to Local Unions on or about the first (1<sup>st</sup>) day of the month for which the per capita is due, and payment of said per capita shall be received by the Chemical Workers Council by the twenty-fifth (25<sup>th</sup>) day of that month (For example, July per capita is to be billed on or about July 1 and payment is to be received by July 25.). If the per capita or any part thereof is not received by said date the Local Union shall be charged a late payment fee equal to two percent (2%) of that portion of that month's per capita which has not been paid by said date.

Notwithstanding the above, the ICWUC Executive Board shall to the extent that it deems necessary, have the authority to increase the per capita due to the

Council by a one-time amount, not in excess of fifty cents (\$.50), no earlier than July 1, 2009.

Section 6

Effective November 1, 2007, in the event that the Health and Safety Fund balance falls below \$500,000 for three consecutive months, twenty cents (\$.20) from the monthly per capita shall be placed in the Health and Safety Fund until such time as the Health and Safety Fund balance exceeds \$500,000 for three consecutive months.

Section 7

Effective with the November 2002 billings, ten cents (\$.10) from each member's Chemical Workers Council monthly per capita shall be placed in the Walter L. Mitchell Memorial Award Trust to provide financing for our children's college education, in accordance with the specific rules for competition adopted by the Trustees of the Walter L. Mitchell Memorial Award Trust.

Section 8

Effective December 2002, \$1.00 from each member's Chemical Workers Council monthly per capita shall be placed in the Organizing Fund. The Organizing Fund shall only be expended for expenses related to organizing including, but not limited to, personnel.

Section 9

In times of financial crisis, such as the inability to meet its financial obligations without borrowing funds from lending institutions, the interest earned by restricted funds may be credited for use by the General Fund.

In financially non-crisis times, the interest earned by the Strike and Defense Fund, as long as its balance is above \$1,000,000, may be credited for use by the Organizing Fund.

In times of financial crisis, the portion of the Health and Safety Fund above \$500,000 may be credited for use by the General Fund.

ARTICLE XVII  
STRIKE AND DEFENSE FUND

Section 1

A Chemical Workers Council Strike and Defense Fund shall be established.

The Strike and Defense Fund shall be used for:

1. Payment of supplemental Strike Benefits for Chemical Workers Council Local Unions as shown in the below schedule;

2. The defense of the Chemical Workers Council;

3. Contributions to strike funds of non-Chemical Workers Council unions in connection with common collective bargaining goals;

4. Support of authorized actions by Chemical Workers Council affiliates other than strikes, designed to improve wages, hours and working conditions;

5. Payment of the per capita for striking Chemical Workers Council members of Local Unions who have been on an authorized work stoppage or lockout for thirty (30) days and for the subsequent months if such strike or lockout continues; and

6. Payment of the Strike Insurance Plan coverage for striking or locked out members of Chemical Workers Council Local Unions beginning with the third week of an authorized work stoppage or lockout and for subsequent weeks if such strike or lockout continues.

In the event that the Strike and Defense Fund balance falls below \$750,000 for three consecutive months, fifty cents (\$.50) from the monthly per capita shall be placed in the Strike and Defense Fund until such time as the Strike and Defense Fund balance exceeds \$750,000 for three consecutive months.

In the event that the Strike and Defense Fund totals less than \$400,000, the Chemical Workers Council Secretary-Treasurer shall immediately notify each Local Union that the per capita for the following month shall be the amount specified in Article XVI, Section 5, for Emergency Months. Succeeding months shall continue to be Emergency Months until the balance in the Strike and Defense Fund reaches \$1,000,000. In such event, the Chemical Workers Council Secretary-Treasurer will immediately notify the Local Unions that the per capita for the succeeding months will be the per capita for a Non-Emergency Month. In Emergency Months, five dollars and fifty cents (\$5.50) per member from the monthly per capita shall be placed in the Strike and Defense Fund.

Section 2

A Local Union shall be eligible for benefits under this Article provided that the strike or action is authorized by the International Executive Committee and conducted in compliance with the Chemical Workers Council bylaws and the International Constitution.

No Local Union that represents employees employed by any U.S. Government employer covered by Executive Order 11491 or whose members are forbidden by state statute to engage in a work stoppage or strike shall be eligible to receive strike benefits under this Article for its members covered by said Executive Order or state statute. The Strike and Defense Fund portion of per capita paid to the Chemical Workers Council for such members shall be refunded to the Local Unions for deposit into the Local Union's Defense Fund.

A Local Union that has not been in existence or affiliated with the Chemical Workers Council for a sufficient period of time to accumulate continuous good standing for six (6) months may receive benefits based on need from the Chemical Workers Council Strike and Defense Fund if the Chemical Workers Council President shall determine that the payment of such benefits is necessary for the successful prosecution of the strike and is in the best interests of the Chemical Workers Council and International Union.

Section 3

In addition to those benefits received from the International Union Strike Fund, a Local Union shall receive benefits from the Chemical Workers Council Strike and Defense Fund in accordance with the following schedule:

Duration of Strike	Chemical Workers Council Supplemental Strike Benefit
First 2 weeks	No benefits. (The Local Union may choose to purchase the Chemical Workers Council's Strike Insurance for this period.)

3 through 12 weeks	<p>Beginning on the 15th day of the strike or lockout and thereafter, each Local Union shall be entitled to benefits calculated on the basis of \$12.00 per day per member on strike or lockout, not to exceed \$60.00 for any seven-day period and continuing on this basis for a maximum period of ten (10) weeks. All such benefits shall be payable to the Local Union.</p> <p>Beginning with the third week of the strike, the Chemical Workers Council will assume the cost of the strike insurance plan provided under Article XVII, Section 8, for the duration of the strike.</p>
13 weeks or more	<p>Based on need. Before any determination is made or action taken to reduce or end strike benefits after the 12th week, the Chemical Workers Council President will seek the advice of the Regional Director of the region involved.</p>

Section 4

These benefits are payable when the Strike Fund balance is \$400,000 or above. In the event the Strike and Defense Fund should decrease below the amount of \$400,000, the weekly benefits shall be discontinued and benefits shall be paid according to need until the Strike and Defense Fund has again reached the level of \$400,000.

Section 5

Disbursing of monies from the Strike and Defense Fund must be made in accordance with the strictest rules and procedures. A Local Union receiving payments shall be required to make a full accounting of all monies spent. Local Unions shall disburse the monies received in support of their strike or lockout in accordance with rules adopted and published by the Chemical Workers Council Executive Board and referred to in Section 7 of this Article.

Amendments to these rules may be made by the Local Union to suit Local Union conditions, but such amendments must have the approval of the Chemical Workers Council President before they are effective.

This fund shall be used only for the purposes stated under this Article and for no other purpose except as may be directed by a two-thirds vote of a Convention.

#### Section 6

Monies in the Strike and Defense Fund may be invested according to standards applicable to fiduciaries and interest shall accrue to the benefit of the fund.

#### Section 7

The Chemical Workers Council Executive Board shall include in the Manual of Common Procedure information which will give the Local Unions the benefit of past experience and shall provide rules for guidance of the Local Unions in conducting their strikes and in the disbursement of the fund.

#### Section 8

The Strike Insurance Plan adopted by the Chemical Workers Council Executive Board shall be automatically applied to each striking Local Union beginning the third week of a strike and will remain in effect for the duration of the strike unless and until a Local Union votes to cancel such coverage and notifies the Chemical Workers Council President. (The Chemical Workers Council Strike Insurance Plan may be purchased by the Local Union for the first two (2) weeks of the strike.)

#### Section 9

No individual member shall have any right to benefits paid hereunder to Local Unions. Local Unions shall distribute strike benefits to individual members, on the basis of need or otherwise, under the rules provided for pursuant to Section 7 (For the purpose of this Article the word "members" shall include every person from whom the Local Union receives a fee equivalent to a member's dues and for whom per capita has been paid to the Chemical Workers Council.).

ARTICLE XVIII  
LOCAL UNIONS

Section 1

Each Local Union affiliated with the Chemical Workers Council shall adopt bylaws which do not conflict with the International Constitution and these bylaws. The Chemical Workers Council Executive Board shall prepare and recommend Model Local Union Bylaws to assist affiliated Local Unions. Each Local Union may adopt other bylaws and amendments to the Model, not in conflict with the International Constitution or these bylaws. The adopted bylaws and any amendments will not be effective until recommended by the Chemical Workers Council President and approved by the International President. Regardless of such approval, if any conflict arises between such Local Union bylaws, the Chemical Workers Council bylaws and the International Constitution, the International Constitution shall control, subject to appeal to the International Executive Board.

Section 2

Each Local Union should affiliate with local Central and State Federation Labor bodies.

Section 3

No Local Union shall be disbanded or withdrawn by its own motion if seven (7) or more of its members evidence their desire to continue the said Local Union as provided in the International Constitution Article 31(C).

Section 4

If the International Executive Committee shall determine, after considering any Chemical Workers Council President's recommendation, that any Local Union is defunct, dissolved or withdrawn, or if it expels a Local Union, it shall direct that all assets, property, books, and records held in the name of or on behalf of such Local Union, along with the Local Union's charter, be delivered immediately to the International Secretary-Treasurer, or the International Secretary-Treasurer's designated representative. Such charter shall be canceled and such

assets, property, books, and records shall be held in safekeeping by the International Union for a period of one year. If such Local Union shall be reorganized during that period, such assets, property, books, and records, shall be returned to the Local Union with a reissued charter by the International Union. If no such reorganization occurs, such assets, property, books, and records shall, without further proceedings, become the property of the International Union.

ARTICLE X I X  
DUTIES AND OBLIGATIONS

Section 1

Every member agrees, in consideration of the rights and benefits conferred pursuant to the terms of these bylaws, the International Constitution and the Local Union bylaws, to comply with the duties and obligations stated in this Article and that termination of membership does not terminate liability for violations of such duties and obligations occurring during the period of membership.

Section 2

No member may be disciplined except for violating the member's duties and obligations by committing any one or more of the following offenses:

A. Violating any provisions of the Constitution or laws of the International Union, the bylaws of the Chemical Workers Council, or the approved bylaws or established rules of the Local Union;

B. Advocating or attempting to bring about the withdrawal from the International Union or the Chemical Workers Council of any Local Union or any member or group of members, and/or working in the interest of or accepting membership in any organization dual to the International Union;

C. Deliberately and improperly interfering with any officer or representative of the International Union, the Chemical Workers Council, or any Local Union in the discharge of the officer's or representative's duties, or with the performance of the legal or contractual rights or obligations of the International Union, the Chemical Workers Council, or any of its Local Unions;

D. Deliberately engaging in conduct in violation of the responsibility of members toward the Union as an institution;

E. Crossing or working behind a legal picket line established by a United Food and Commercial Workers Local Union and sanctioned by the United Food and Commercial Workers International Union, or crossing or working behind a legal picket line established by a union other than the United Food and Commercial Workers International Union, provided such picket line of another union has the sanction of the Executive Board of the United Food and Commercial Workers Local Union in whose jurisdiction it is established and, provided further, the United Food and Commercial Workers Local Union has notified its membership of such sanction of the other union's picket line.

F. In the case of any officer or representative of the International Union, Chemical Workers Council, or of any Local Union, failing to faithfully perform the duties of the office or position, accepting dual compensation or expenses for the performance of duties related to the office or position, or embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the International Union, the Chemical Workers Council, a Local Union, or any employee benefit fund.

### Section 3

Any member convicted of any one or more of the above offenses or for offenses set forth in the Chemical Workers Council bylaws may be disciplined in accordance with the procedures provided for in these bylaws and Article 26 of the International Constitution.

### Section 4

A. Members shall resolve any dispute relating to the interpretation or application of the Local Union bylaws or rules or the bylaws of the Chemical Workers Council, or the Constitution or laws of the International Union exclusively through the remedial provisions provided therein. Resolution of any such dispute pursuant to such procedure shall be final and binding.

B. No member shall institute an action outside the Union against the International Union, the Chemical Workers Council, the Local Union, or any of their officers or representatives without first exhausting all remedies provided by the Local Union bylaws and rules, the Chemical Workers Council bylaws, and the Constitution and laws of the International Union.

## Section 5

Nothing herein stated shall in any way infringe the right of the member to criticize any action or policy of the International Union, the Chemical Workers Council, or the Local Union.

## ARTICLE X X DISCIPLINARY PROCEEDINGS

Disciplinary proceedings shall be governed by the following provisions:

### Section 1

A. A member shall be charged and tried in the Local Union if the person is a member of the Local Union at the time the charges are filed, except as otherwise provided in the International Constitution. Any person no longer a member may be charged and tried in the Local Union if the actions were committed while such person was a member of the Local Union.

B. Charges may be filed by an active member of the Local Union or a representative of the International Union.

C. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

D. Charges and other formal documents referred to in this Section sent by mail or submitted in another generally accepted manner other than in person shall be considered filed as of the date of postmark or other indicia of transmission. Charges and other formal documents delivered in person shall be considered filed as of the date of delivery.

E. Charges shall be filed with the Local Union Executive Board within six months after the basis for the alleged violation has been discovered or should have been discovered.

F. The charges shall specify the Article or Articles of the International Constitution or laws, the Section or Sections of the Chemical Workers Council bylaws, or the Local Union bylaws or rules allegedly violated and shall also set forth a short and plain factual

statement of the act or acts considered to be in violation, including available information as to dates and places, in such a manner and sufficient detail as to fairly inform the accused of the specific acts which are alleged to constitute violations of the International Constitution or laws, or the Chemical Workers Council bylaws, or the Local Union bylaws or rules. Either upon motion by the charged parties or the Local Union Executive Board, charges failing to comply with this requirement shall be dismissed by the Local Union Executive Board without prejudice to the refile of charges within ten days which do comply with this requirement. Dismissal of refiled charges shall constitute final action subject to appeal as provided in this Section and in Article 26(C) of the International Constitution.

G. A true and correct copy of the charges and a copy of the International Constitution and Local Union bylaws shall, without delay, be served upon the accused party by the Local Union Executive Board by certified mail, return receipt requested, in person, or in accordance with procedures established by the International President. If a violation of the Chemical Workers Council bylaws is alleged, a copy of these bylaws shall also be served upon the accused party. The accused shall be afforded a reasonable opportunity to reply in writing to the charges, if the accused so desires.

H. On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges which, after assuming the charging party's facts are true, fail to allege actions which would constitute violations of the International Constitution or laws, the Chemical Workers Council bylaws, or the Local Union bylaws or rules. Such dismissal shall be subject to appeal as provided in Article 26(C) of the International Constitution.

I. On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges it finds are of such a nature that the interest of the Local Union does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding or where it finds that the undisputed material facts warrant dismissal of the charges. Such dismissal shall be subject to appeal as provided in Article 26 (C) of the International Constitution.

J. Except for charges processed pursuant to Article 26(A)16 of the International Constitution, the trial on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. However, upon request of either party, for good cause shown, an adjournment to a later date, not to exceed 100 days from the date the

charges are filed, may be granted by the Local Union Executive Board. The Local Union Executive Board shall have the power, upon its own motion, to postpone any scheduled trial, provided such postponement shall not be beyond 100 days from the date the charges are filed. Any such Executive Board decision to postpone the trial beyond the scheduled date or to set a trial for sixty (60) days beyond the date the charges being filed must be served upon all parties immediately. Every effort shall be made to schedule the trial so that it does not conflict with the working schedule of the parties, and at least fourteen (14) days' notice of the trial date shall be given in writing. The written notice to the charging and accused parties shall state that the parties have the right to have other members of the Local Union attend the trial, subject to reasonable accommodations of space. Any request for the postponement of the trial date must be received by the Executive Board at least three days before the scheduled trial date, unless a satisfactory showing is made of inability to comply with this requirement. The request must include good cause for such a postponement. In the event the accused fails to appear for a duly noticed trial, it shall nevertheless proceed.

K. The trial shall take place before the Local Union Executive Board, which for purposes of this Section shall mean those members of the Local Union Executive Board serving for purposes of trial. The President of the Local Union shall be the chairperson of the Executive Board for purposes of the trial proceeding. No charging party or accused member or a witness may serve on the Executive Board in the conduct of disciplinary proceedings. Where the chairperson is unable to serve for any reason, the remaining members of the Local Union Executive Board shall designate one of their number to act as chairperson. On motion filed with the Local Union Executive Board, prior to trial, either party may ask that a particular Board member be excused from participation in the proceeding if the party thinks that they cannot receive a fair trial before that Board member. The Executive Board shall give precedence to consideration of such motion. For purposes of trial, a quorum of the Executive Board shall consist of three of its members and a quorum is necessary throughout the trial. If an Executive Board member is absent during any portion of the trial, the Executive Board member may not participate further in the proceedings. All questions of order, procedure, and admissibility of evidence shall be decided by the chairperson, subject to being overruled by a majority vote of the Board upon motion by a member of the Board.

L. The accused and charging parties shall have a fair and impartial trial and shall have the right to present witnesses and other evidence in their behalf and to examine any witnesses. The accused shall have the right to refuse to testify. A charging or accused member may be assisted, advised, or represented by another member of the Local Union. At the commencement of the trial, the chairperson of the Board shall advise the parties of their rights as set forth above in this Section and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, the accused shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout the trial, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charges. At the close of the charging party's case, either the accused or a member of the Executive Board shall have the right to move to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the International Constitution or laws, the Chemical Workers Council bylaws, or the Local Union bylaws or rules.

M. A detailed written record of the trial proceedings shall be made and preserved and shall constitute the trial record, provided that no fine, nor loss of membership rights or Union office, shall be imposed unless a stenographic record and transcript are kept of the trial proceedings.

N. Upon the completion of the trial proceedings, the Executive Board shall, within forty-five (45) days, determine the innocence of or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision in person, by certified mail, or in accordance with procedures established by the International President. A verdict of guilty shall require a two-thirds majority vote of the Executive Board. If the decision is that of guilty, the Executive Board shall affix appropriate penalties, provided that such discipline shall be reasonable and fair, and provided further, that no discipline shall be imposed without stating with specificity what the discipline is being imposed for. If any officer or representative of the International Union, the Chemical Workers Council, or an affiliated Local Union is found guilty, the officer or representative may be disciplined as provided in this paragraph and, in addition, may be suspended or removed from office or position, subject to the conditions above; provided that, if the Local Union Executive Board's decision is to remove an officer of the Local Union, the officer may appeal the decision to the membership within fifteen (15) days from the date

the adverse ruling is delivered to the officer, in which case, the membership shall be sent not less than fifteen (15) days' written notice of a membership meeting, which shall be held within forty (40) days of the Executive Board's decision and at which the members shall vote by secret ballot whether to remove the officer, subject to appeal pursuant to the applicable provisions of Article 26(C) of the International Constitution. If charges alleging serious misconduct have been filed against an officer of the Local Union and, following trial by the Local Union Executive Board, the officer is found innocent, or the officer is found guilty but removal from office is not imposed as discipline, the Executive Board shall announce the decision at the next membership meeting following the exhaustion of appeal rights or, within thirty (30) days following said exhaustion, provide other reasonable notice to the membership indicating that charges were filed against the officer and giving the date of the trial and the Executive Board's verdict.

O. The decision of the Local Union Executive Board shall become immediately operative unless stayed by the Local Union Executive Board or unless a stay is directed by the International President following an appeal as set forth in Article 26(C) of the International Constitution.

P. Where it appears to the International President that a fair and impartial trial cannot be held before the Local Union Executive Board, the International President is authorized to appoint not more than six members from outside the Local Union to conduct the trial. The trial board so selected shall hear the matter within 150 days from the filing of the charge in accordance with the provisions of the International Constitution as far as they are applicable and render judgment thereon as soon as practicable. The parties shall be advised of the decision by certified mail, or in accordance with procedures established by the International President.

Q. Decisions rendered pursuant to the above paragraph P shall become immediately operative unless a stay is directed by the International President following an appeal as set forth in Article 26(C) of the International Constitution and this Section 2.

## Section 2

A. A member who has been found guilty of any offense as herein set forth, or the charging party when the accused has been acquitted, may appeal for redress, in writing, to the International President, subject to a further appeal to the International Executive Board.

B. A notice of appeal to the International President shall be filed no later than fifteen (15) days from the date the adverse ruling is delivered to the appealing party; however, the International President, for good cause shown, may extend the time within which a notice of appeal may be filed. A notice of appeal must briefly state why the party believes the decision should be reversed.

C. When an appeal is taken, the International President shall send a copy of the notice of appeal to the Local Union Executive Board involved, the Chemical Workers Council President, and to the other party. Thereafter, the Local Union Executive Board shall immediately transmit a full and complete copy of the trial record and charges, together with all other pertinent documents, to the International President and the Chemical Workers Council President, and it shall immediately transmit a full and complete copy of the trial record to the appealing party and the other party in the case.

D. The appealing party may file a written statement in support of the appeal with the International President, stating wherein the decision being appealed is erroneous, within forty (40) days from the date the trial record is sent to the appealing party by the Local Union. The International President shall mail a copy of any such written statement to the other party, the Chemical Workers Council President, and the Local Union Executive Board. The other party may, within thirty (30) days after such written statement has been sent to the individual, file a responsive statement. A request for an extension of the time limit set out herein must be filed with the International President before the expiration of the time limit in question, and the International President can, for good cause shown, extend the time limits.

E. The International President shall have authority to obtain any additional information in such form as the International President may prescribe from all parties concerned, in the event the International President believes such additional information is necessary in order to give full consideration to the appeal.

F. Upon failure of any party to comply with the foregoing requirements, the International President shall have the power to decide the appeal on the papers before the International President, and the party failing to discharge its obligations as set forth above shall forfeit all further right of appeal from the action of the International President. After all statements have been or could have been filed, the International President shall consider the appeal and render a decision within three

months of the date that all statements have been or could have been filed, unless the International President determines that the issues are of such complexity or the appeals pending are so numerous as to warrant an extension to four months, or unless both the charging and accused parties agree to an extension of time. The International President shall give his or her reasons for the decision in writing, a copy of which shall be sent to each party, the Chemical Workers Council President, and the Local Union Executive Board.

G. Either Party may appeal from the decision of the International President to the International Executive Board by filing a written notice of appeal with the International Secretary-Treasurer within thirty (30) days of the date the decision has been sent. The notice of appeal must briefly state why the party believes the International President's decision should be reversed, and it may also contain a more complete statement setting out wherein said decision is erroneous.

H. The International Secretary-Treasurer shall immediately acknowledge receipt of the appeal and shall make available the charges, together with the trial record and all other records pertinent to the appeal, to the International Executive Board for review. The International Secretary-Treasurer shall immediately send a copy of the appeal to the involved Local Union Executive Board, the Chemical Workers Council President, and the other parties.

I. The other party may, within thirty (30) days after the appealing party's notice of appeal has been sent by the International Secretary-Treasurer to the other party, file a responsive statement. It shall be the duty of the International Secretary-Treasurer to send a copy of any statements so filed to the appealing party, the Chemical Workers Council President and the Local Union Executive Board immediately after it has been filed in the Secretary-Treasurer's office.

J. After the statements have been or could have been filed, the International Executive Board shall proceed to consider such appeal at its next regular meeting, unless both the charging and accused parties agree to an extension of time, and either affirm or reverse the decision of the International President. The International Executive Board shall give its reasons for the decision in writing, a copy of which shall be sent to the Chemical Workers Council President, each party and the Local Union Executive Board involved. Issues which were not raised before the International

President may be considered by the International Executive Board in its sole discretion.

ARTICLE X X I  
CHEMICAL WORKERS JOINT COUNCILS

Section 1

Two or more Local Unions may establish Chemical Workers Joint Councils if approved by the International Executive Committee. The recommendation of the Chemical Workers Council President shall be considered prior to the establishment or denial of a request for establishment of a Chemical Workers Joint Council.

Section 2

Such Chemical Workers Joint Councils shall be formed for the purpose of bargaining collectively with employers, pooling their resources, employing competent representatives, strengthening the bargaining position of individual Local Unions with employers, organizing the unorganized, and for such purposes as may be consistent with the principles of good trade unionism.

Section 3

Chemical Workers Joint Councils shall adopt bylaws not inconsistent with the International Constitution. The Chemical Workers Council Executive Board shall develop and recommend a Model Chemical Workers Joint Council Bylaws, which shall be approved by the International President and the terms of which shall not be inconsistent with the provisions of the International Constitution or the Chemical Workers Council bylaws. Such Model Bylaws will be supplied the appropriate party upon application for charter. Such bylaws and subsequent amendments may be adopted as required except they shall not be effective unless and until recommended by the Chemical Workers Council President and then approved by the International President. Chemical Workers Joint Councils shall operate under the supervision of the Chemical Workers Council at all times.

ARTICLE X X I I  
COLLECTIVE BARGAINING

Section 1

It shall be the responsibility of the Chemical Workers Council to adopt programs and policies with respect to collective bargaining and all collective bargaining shall be conducted in accordance with such policies as established by the Chemical Workers Council Convention, the International Constitution, these bylaws, and the Chemical Workers Council Executive Board acting pursuant to the provision of these bylaws.

Section 2

It shall be the policy of this Chemical Workers Council to promote coordination of bargaining activities of Local Unions which represent individual bargaining units of the same employer, or of individual employers of a single industry. The objective of such coordination shall be the achievement of the best possible terms of employment for all employees represented in the coordinated effort, and the achievement, to the greatest extent practicable and with due regard to local practices and needs, of equally high terms and conditions of employment for all employees represented in such effort. It shall be the duty of all subordinate bodies to cooperate with each other and with the Chemical Workers Council in the implementation of this policy.

Section 3

The Chemical Workers Council shall, in implementation of its responsibility for collective bargaining, form Company-wide Committees, Industry-wide Committees, or subdivisions thereof, wherever such bodies appear necessary for the proper coordination of collective bargaining. The purpose of such Committees shall be to work with the Chemical Workers Council in the formation of collective bargaining programs, to coordinate collective bargaining between different bargaining units and, where possible and desirable, to negotiate Company-wide or Industry-wide agreements.

These Committees shall function in accordance with these bylaws and the International Constitution. They shall adopt procedures, regulations and collective bargaining policies or programs subject to the approval of the Chemical Workers Council President or designee. The Chemical Workers Council President or designee shall supervise the activities of such Committees and shall keep them advised of the collective bargaining policies of the Chemical Workers Council. Minutes of all meetings of such Committees shall be submitted to the Chemical Workers Council President or designee. In exercising powers under this Section the Chemical Workers Council President shall be guided by the policies expressed by the International Union, in these bylaws, by the Chemical Workers Council Conventions, and by the decisions of the Chemical Workers Council Executive Board.

#### Section 4

Subject to the other provisions of these bylaws, collective bargaining shall be conducted, and collective bargaining agreements executed, by Local Unions, by the Chemical Workers Council, or by the Chemical Workers Council jointly with Local Unions, Chemical Workers Joint Councils, Company-wide Committees, Industry-wide Committees, or subdivisions thereof. The terms of proposed collective bargaining contracts or proposals for renewal or any modifications of existing contracts, whether proposed by the employer or the Local Union, shall be submitted to the International President upon the International President's request, for review prior to any membership action thereon. In those instances, where the Chemical Workers Council is a party to the collective bargaining agreement, the aforesaid power shall also apply to the Chemical Workers Council President. The purpose of such review shall be for the purposes of determining whether the aforementioned terms conform to the applicable established policies, practices, and objectives of the International Union or Chemical Workers Council relating to wages, hours, and other working conditions, and enabling the International Union or Chemical Workers Council to discharge its obligations in the event such proposed terms are found to be injurious to the best interests of the membership of the Local Union, other Local Unions, the International Union or the Chemical Workers Council.

## Section 5

Three (3) copies of any negotiated agreement or supplement thereto, including pension, insurance and welfare plans, shall be forwarded to the Chemical Workers Council headquarters office within thirty (30) days after signing.

## ARTICLE X X I I I

### STRIKES

## Section 1

No Local Union shall engage in or continue any strike unless it is permitted by law and duly authorized in accordance with all of the following provisions of this Section:

A. No strike action or other economic action in connection with a contract proposal may be taken unless it shall first be voted upon by secret ballot by the affected membership and shall have carried by a two-thirds (2/3) majority vote of those voting; except that Local Unions belonging to a Company-wide or Industry-wide Committee or subdivision thereof may authorize strike action as provided in the approved Committee Procedures, provided they are in compliance with the International Constitution.

B. Following approval of a strike or other economic action by the Local Union, the Local Union President shall request authorization from the International Executive Committee to strike or take other economic measures, and shall advise it and the Chemical Workers Council President of the action taken by the affected membership and the Local Union and submit all information required for strike authorization as determined by the International President and, upon request, any other information deemed necessary for facilitating disposition of such request. No Local Union shall engage in a strike or other economic measures without first receiving the authorization of the International Executive Committee and otherwise complying with the applicable provisions of Article 23 of the International Constitution. International Executive Committee authorization is a mandatory condition precedent to receipt of Strike Benefits.

C. In no event will a strike or any matter of concerted work stoppage be authorized by the International Executive Committee in any Local Union that represents employees employed by any U. S. Government employer covered by Executive

Order 11491 or employees who are forbidden by state statute from engaging in a work stoppage or strike for its members so covered. In the event of an unauthorized strike or concerted work stoppage, the members shall return to work.

D. An authorized strike may be terminated by majority vote of the affected members present and voting, except that Local Unions that belong to a Company-wide or Industry-wide Committee or subdivision thereof may authorize termination of a strike by a majority of the total vote of their members voting or as provided in the approved Committee Procedures, as long as they are in compliance with the International Constitution.

## ARTICLE X X I V

### GENERAL

#### Section 1

No individual Executive Board member, representative, Local Union member or delegates thereof, shall in any manner be empowered to incur any indebtedness in the name of, or for the Chemical Workers Council without the written approval of the Chemical Workers Council President or the Chemical Workers Council Executive Board.

#### Section 2

These bylaws shall be published and distributed quadrennially to the Local Unions affiliated with the Chemical Workers Council.

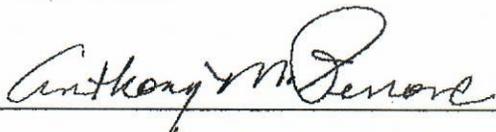
## ARTICLE X X V

### AMENDMENTS

These bylaws can be amended or revised by a session of the regular Convention, or by a session of a Special Convention called for that purpose, and to do so shall require two-thirds (2/3) majority vote. The Chemical Workers Council Executive

Board is authorized and empowered to recommend to the International President, alterations, modifications, amendments or other changes in these bylaws to conform to the rulings of appropriate governmental agencies and decisions handed down by courts of competent jurisdiction and to conform to the Labor-Management Reporting and Disclosure Act of 1959, and without making changes in intent, purpose, or substantive terms of these bylaws, to establish consistency where the intent is obvious, to relocate, regroup and renumber Articles and Sections, and to correct typographical and grammatical errors; provided, however, that the changes made to conform to the Labor-Management Reporting and Disclosure Act of 1959 will not apply beyond the jurisdiction of said law. All amendments to these bylaws shall be submitted to the International President for final approval.

A P P R O V E D

By   
International President, U.F.C.W.I.U.

This 29<sup>th</sup> day of May, 2019.