

Constitution and By-Laws



*Plumbers, Pipefitters and
Mechanical Equipment Service
Local Union No. 392
Cincinnati, Ohio*

Revised: 10/09/2015

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LOCAL UNION BY-LAWS

ARTICLE I Name and Object

Section 1. *Name.* This organization shall be known as the Plumbers, Pipe Fitters, and Mechanical Equipment Service Local Union No. 392, of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

Section 2. *Object.* The object of this Local shall be to unite fraternally the Journeymen Plumbers, Pipe Fitters, M.E.S., and Apprentices of Cincinnati and vicinity for their mutual economic, moral and social advancement, to improve the conditions of the plumbing and pipe fitting trade, to cooperate with other locals of the United Association in all measures for the good of the craft, to aid and assist in strengthening codes, to regulate and control the installation of plumbing and pipe fitting, to safeguard the health of the general public, to advance sound trade union principles in concert with other unions, and to render assistance to sick and disabled members and their families in case of death.

Be it resolved that Local Union No. 392 adopt in its entirety the organizing resolution supplied by the United Association for the purpose of allowing for the salting of non-union contractors by our members if deemed necessary by the Business Manager and Organizers.

Section 3. *Short Titles.* Certain titles may be referred to throughout these by-laws by shorter terms as indicated herein, and wherever such a term is used, it shall have the same meaning as the full term.

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry may be referred to as the "United Association."

Plumbers, Pipe Fitters, and M.E.S. Local Union No. 392 may be referred herein as "Local" or "Local 392", or "Union."

The use of the singular term where appropriate, shall be deemed to include the plural.

ARTICLE II
Membership

Section 1. To be eligible for a journeyman membership in the local union, an applicant must have had a minimum of at least five (5) years practical working experience in the plumbing and pipe fitting industry, be of good moral character, and satisfactorily pass an examination as to his/her skill and ability, conducted by the appropriate committee of the Union. Application for membership shall be made in accordance with the requirements of the Constitution of the United Association.

Section 2. In order to be eligible as an apprentice, an applicant must be of good moral character, demonstrate a desire to become a journeyman and be accepted by the Apprenticeship Committee. Applications for membership as an apprentice must be made in accordance with the Constitution of the United Association.

Section 3. In order to be eligible as any other classification, an applicant must be of good moral character, and meet all applicable requirements of Local 392."

Section 4. *Falsifying Application.* Anyone who shall certify to any false statement or fact, or falsely answer on any of the official forms of application for membership, or file false and fraudulent affidavits or otherwise by any false pretense, misrepresentation or fraud, attempt to secure, or does secure, acceptance as a member of the United Association or any chartered or affiliated Local Union, shall immediately forfeit all further right to consideration as an applicant, and shall immediately forfeit membership, by immediate cancellation if membership has already been acquired or established in the manner specified herein, upon evidence of such false pretense, misrepresentation or fraud being presented to the General Officers.

Section 5. *Qualified Applicants.* All applicants who have qualified and whose applications have been accepted shall be notified by the Local Union. The applicant shall be given at least ten days' notice before the date of initiation and obligation and at the same time he/she shall be furnished with a copy of the Constitution and By-Laws and Ritual of the United Association, with instructions to read them and familiarize him/herself with all provisions, requirements and obligations contained therein, before the pledge or oath of obligation is administered to him/her as a member.

Section 6. *Initiation Fee.* The initiation fee must be paid before an applicant may be admitted as a member of the Local. If an applicant fails to appear within four (4) weeks to be initiated, his/her fees may be forfeited. An applicant may not be proposed and initiated at the same meeting. The Executive Board shall have the authority to reduce the initiation fee when the Local Union is engaged in organizational drives.

Section 7. *Newly Organized Members.* All newly organized members shall attend a class on Union Heritage and the Constitution and By-Laws of the Local Union before they can be initiated into the local union.

Section 8. *Thirty-Five Year Members.* An honor roll will be prominently displayed in the Local Union office, bearing the names of all members with thirty-five (35) years' continuous good standing. The Financial Secretary, by his/her records, will see that the said honor roll be kept up to date.

Section 9. *UA Watch.* Effective December 15, 1995, all members retiring from Local Union 392 in good standing, with twenty-five (25) years or more continuous service, shall receive a UA watch, paid for out of the General Fund.

ARTICLE III Meetings of Membership

Section 1. *Time of Meetings.* The Local Union shall meet once a month on the second Friday. If the meeting in April falls on Good Friday, the regular meeting for April will be held on the third Friday of that month. All regular Local Union Meetings will be held at 1228 Central Parkway at 7:00 p. m. unless otherwise notified.

Section 2. *Order of Business.*

1. Reading of Minutes of Previous Meeting
2. Correspondence and Bills and Action Thereon
3. Initiation of New Members
4. Report of Committees
5. Report of Conference Board
6. Report of Finance Committee
7. Report of Executive Board
8. Report of Examining Board
9. Application for Membership
10. Business Managers and Agent's Report
11. Business of Good and Welfare

12. Unfinished Business
13. New Business
14. Report of Trustees
15. Roll Call of Officers
16. Adjournment

Section 3. *Special Meetings*. Special Meetings shall be called by the President on a written request of seven (7) journeymen members in good standing, or on a written request of a majority of the Executive Board, or by a majority vote of the membership. Every member of the Local shall be notified of Special Meetings and shall be informed of the business for which the Special Meeting is called. At the Special Meeting, the business for which the Special Meeting was called shall have precedence over all other business.

Section 4. *Quorum*. Seven (7) journeymen members in good standing shall constitute a quorum.

Section 5. *Limitations on Discussions*. Discussions concerning religious or personal matters shall not be allowed at any meeting.

Section 6. *Rules of Order*.

1. The President or Vice-President, or in their absence, the Recording Secretary shall call the meeting to order and appoint a temporary chairman.

2. Each member shall take his/her seat as soon as the meeting is called to order, and no member shall retire without permission from the Vice-President.

3. Strict decorum shall be preserved; improper language and personal remarks shall not be allowed.

4. When two or more members rise to speak at the same time, the Chair shall name the member to speak.

5. If a member is called to order while speaking, he/she shall cease speaking until the point of order is decided by the Chair.

6. There shall be no debate allowed on a point of order, but a member may appeal from the decision of the Chair.

7. A member making such an appeal shall state his/her reasons for doing so, and the Chair shall state his/her grounds for his/her decision. No other debate shall be allowed on this appeal.

8. No motion shall be debatable until seconded and stated by the Chair.

9. When a question is before the meeting, no motion shall be in order, except to adjourn; to lie on the table; for the previous question; to postpone for a certain time; to commit or amend; which motions shall have precedence in the order in which they are herein mentioned.

10. If the Chair requests it, a motion shall be reduced to writing and be signed by the mover and seconder.

11. The presiding officer shall not speak on any subject unless he retires from the chair, except on points-of-order. In case of a tie vote, he shall have the deciding vote.

12. Only journeymen plumbers, pipefitters, mechanical equipment servicemen, metal tradesmen, 4th and 5th year apprentices and plumber construction helpers in good standing shall be entitled to voice or vote on any order of business including local union elections.

ARTICLE IV Officers and Their Election

Section 1. *Officers.* The Officers of this Local Union shall be President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Inside Sentry, Business Manager, Business Agents, four members of the Executive Board, six members of the Examining Board, and three members of the Finance Committee.

Section 2. *Trustees.* The Trustees of this Local Union to be elected shall be two (2) Health and Welfare Trustees; two (2) Sub Pay Trustees; and two (2) Pension Trustees. The third (3) Trustees to these funds shall be appointed by the Business Manager from the full time officers of the Local Union; In addition to this the body shall elect four (4) Investment Trustees. The Financial Secretary will serve as the fifth Investment Trustee. The three (3) Educational Trustees shall be the same members appointed as the Educational Committee by the Business Manager. In an election of Local Union Trustees, a member may only be nominated for or serve on one (1) elected Trusteeship set forth in this section. A member or full time officer may not be nominated for or serve on one (1) elected trusteeship set forth in this section.

Section 3. *Eligibility for Office.* Any journeyman who is a member of the Local is eligible for an elective office, providing that he/she has been in continuous good standing in the Local for two (2) years immediately prior to the date of election. Any member who owes or has paid a reinstatement within a period of two (2) years immediately prior to the date of election shall not be eligible to be nominated for office.

Section 4. *Election Procedure.*

(a) All officers and trustees shall be elected for a three (3) year period.

ELECTED POSITIONS

- 1 - President
- 1 - Vice President
- 1 - Recording Secretary
- 1 - Financial Secretary
- 1 - Treasurer
- 1 - Inside Sentry
- 1 - Business Manager
- 1 - Business Agent for Pipe Fitters
- 1 - Business Agent for Pipe Fitters
- 1 - Business Agent for Plumbers
- 1 - Business Agent for Mechanical Equipment Service 4
- Executive Board Members
- 6 - Examining Board Members
- 2 - Health and Welfare Trustees
- 2 - Pension Trustees
- 2 - Sub Pay Trustees
- 3 - Finance Committee Members
- 4 - Investment Trustees

(b) At least ten (10) days prior to the nominations meeting, notice shall be mailed to the last known address of all members in good standing, setting forth (1) the date, time and place of the nomination meeting, the offices to be filled and the method of nomination;

(2) The date, time and place of the election; and (3) in the event of a tie and a runoff is necessary, the date, time and place of any runoff election, which may be necessary by reason of a tie.

(c) Nominations of Officers and/or delegates to conventions shall be at the November meeting. Elections shall be the December meeting. Previous to the election an election committee shall be appointed consisting of at least five (5) members. Prior to the night of nominations the Financial Secretary shall furnish the President with a list of these members who are ineligible to be nominated for office. He/she shall also furnish the Election Committee with a list of eligible voters. This list shall coincide with the list obtained from the General Secretary Treasurer of the United Association. The Election Committee shall be charged with the responsibility of supervising all balloting and counting. The vote for officers shall be by secret ballot, and each voter shall sign for a ballot when he/she is handed same.

The Polls shall be open from 10:00 a.m. to 7:00 p.m.

(d) Any member may place in nomination in an open meeting,

A candidate. Said candidate must be present at the meeting to be nominated, or submit a signed statement of acceptance of nomination. Submittal of said letter will have no bearing on the position of the candidate on the ballot. The candidates' position on the ballot will be determined by a random drawing publicly held in front of the body at the nomination meeting.

(e) As soon as possible after nominations the Local Union will mail to the last known address of all members in good standing a letter containing: a list of the candidates nominated, the attendance record of officers and trustees, and the date and time of the election.

(f) The election shall be by secret ballot at such place or places as shall be established by the Local Union. It shall be the duty of the Local Union to provide safeguards for the honest and fair conduct of such election, including the granting of the right of each nominee in such election of at least one (1) observer, at the candidate's own expense, at each polling place, who must be a member of the Union, in good standing. Voting by writing in the name of a person not nominated shall not be permitted. The candidate for each office, who receives a plurality of the votes cast, shall be declared elected. Where several positions in one office must be filled, as in the case of the Executive Board, Examining Board, Finance Committee, etc., the candidates shall be elected in the descending order of the votes received, starting with the candidate receiving the highest number of votes. The office of Business Agents, however, shall be separate and individual offices, and must be nominated for and elected as such. An incumbent Business Agent seeking reelection to his/her current office must be the first to place his/her name in nomination for that office. In case of a tie of two or more candidates, a runoff election shall be conducted among those candidates.

(g) Elections of delegates for conventions shall be conducted in accordance with the requirements of this Article IV.

(h) Upon reasonable notice, the Local Union shall allow any bona fide candidate for local union office to inspect the Local Union's current membership list. Such inspection will occur at the Local Union office and will be permitted only once for each candidate within thirty (30) days prior to the election.

(i) Upon reasonable request of a bona fide candidate for local union office, the business office shall arrange for the distribution of any campaign literature by mail, provided that such candidate pays

the costs of such mailing.

Section 5. *Special Officers.* If, at any time, the Local decides that the Business Manager, Recording Secretary or the Financial Secretary needs assistance, the Business Manager shall appoint said person with the approval of the Executive Board.

Section 6. *Installation.* Installation of officers shall be held at the meeting in February, after the Finance Committee's report.

Section 7. *Surrender of Property.* All retiring officers shall, on the night of the installation of the new officers, deliver into the hands of such new officers, all moneys, books, papers and other effects pertaining to their respective office. Any member failing to comply with this section shall be subject to fine or expulsion.

Section 8. *Vacancies.* If a vacancy caused by death, resignation, disqualification or removal from office or other reason should occur in the office of Business Manager, Business Agents, or Financial Secretary more than six (6) months prior to the expiration of the term of office, an election shall be held at the earliest possible date in conformance with these by-laws, to elect a successor. Until a successor is elected the President shall have the power to make a temporary appointment to fill the vacancy. If a vacancy in such office occurs less than six (6) months of expiration of the term of office, the President shall appoint a replacement to fill out the remainder of the term with the approval of the Executive Board. In the event of a vacancy in the office of President, the Vice-President shall assume the above responsibilities. All other vacancies in office of the Local Union, fringe benefit trustees, or investment trustees shall be appointed by the President with the approval of the Executive Board.

Section 9. *Bonding.* All officers, agents, and other representatives or employees of the Local Union or any trust in which the Local Union is interested, who handles funds or other property, shall be bonded for the faithful discharge of their duties in accordance with the requirements of applicable Federal and State Laws, and the United Association Constitution.

ARTICLE V
Boards and Committees

Section 1. *Executive Board.*

(a) *Executive Board Members.* The local union shall elect an Executive Board of five (5) Journeymen members, which shall include the Vice- President who by virtue of his office, shall be a member thereof, and chairman of the Executive Board. They shall meet at least once in every month and shall be empowered to comply with the direction of the General Executive Board of the United Association.

(b) *Duties and Powers.* The Executive Board shall, between the meetings of Local 392 transact such business as may be referred to it by the Local Union, or the duly elected Local Union officers.

Section 2. *Examining Board.*

(a) *Members.* An Examining Board consisting of six (6) members shall be elected, two (2) of whom shall be in the classification of Pipefitter, and two (2) of whom shall be in the classification of Plumber, and two (2) of whom shall be in the classification of Mechanical Equipment Service. Plumbers shall examine Plumber Applicants, Pipefitters shall examine Pipefitter Applicants, and Mechanical Equipment Service shall examine Mechanical Equipment Applicants.

(b) *Duties and Powers.* The Examining Board shall be elected for the purpose of examining and determining the qualifications of all applicants as Building and Construction Trades journeymen and/or MES journeymen.

(c) *Meetings.* The Examining Board shall meet when necessary or at the call of the chairman.

(d) The Journeyman examination fee shall be twenty-five (\$25.00) dollars. The fee shall be collected by the Chairman of the Examining Board before all applicants are examined. All applicants shall be given receipts for their payment. All moneys collected shall be turned over to the Financial Secretary at the next regular meeting following the examination. The Financial Secretary will deposit all

money received as such, into the General Fund.

Section 3. *Finance Committee.*

(a) *Members.* The Finance Committee shall consist of three (3) Journeymen members of the Local.

(b) *Duties.* All bills of the Local shall be referred to the Finance Committee and shall be itemized and dated. A monthly finance report shall be given at the union meeting of each month. All bills to be on forms supplied by the Financial Secretary or Business Manager. At the meeting of the Local in February of each year, the Finance Committee shall present an itemized Financial report to the Local. This report shall be presented to the Local before the new officers are installed.

Section 4. *Investment Trustees.*

(a) *Duties.* To make investments in property of intangibles in the name of and for Local No. 392, as directed by the membership. To rent, lease, maintain or improve property already held by Local No. 392. To maintain bond on each of the responsible Investment Fund Trustees. To keep records of all investments and their return, including rentals and dividends and to employ a C. P. A. to maintain an audit for report to the fund at least once a year.

ARTICLE VI
Duties and Compensation of Officers

Section 1. *General Duties.* The duties of officers shall be those set forth in the Constitution of the United Association and such other duties, as the Local shall from time to time direct. The duties of the President shall include serving as a delegate to the Ohio State Association Convention. It shall be the duty of each Local Union Official to attend all membership meetings and meetings of his/her office. The Recording Secretary will read to the body the Attendance Record of all elected officers and trustees the meeting in November every year.

Section 2. *Duties of the Business Manager.* The Business Manager shall be in charge of the business affairs of the Local, and shall handle all matters referred to him/her by the Local or by the Executive Board. He/she shall direct the issuance of work referral slips and assist the Financial Secretary in the collection of delinquent

dues and other moneys due the Local. He/she shall have the authority to delegate members of the Local to act as shop Stewards, and may require members working in any shop to furnish him/her with relevant information whenever, in his/her discretion, he/she believes that the working rules of the Local are being violated. He/she shall make complete reports of his/her activities to the Executive Board at Executive Board meetings. The Business Manager shall attend all Conventions as a Delegate to which Local Union No. 392 is affiliated under the dues per capita plan. In the event he/she is unable to attend, he/she shall have the power to delegate a Business Agent to attend the Convention.

Section 3. *Duties of the Business Agents.* The Business Agents shall be under the supervision of the Business Manager and shall perform such duties as they may be directed to perform by the Business Manager.

Section 4. *Business Manager or Agents Leaving Town.* In so far as is possible and consistent with their duties, the Business Manager or Agents shall not be absent from the city at the same time, and they shall make every effort to have one of them in the office of the Union from 7:30 a.m. to 4:30 p.m. Monday through Friday and 9:00 a.m. to Noon on Saturday.

The Local Union office will be closed only on the following Saturdays:

1. U.A. Tournament Saturday
2. Local 392 Picnic Saturday
3. Any Saturday celebrated as a "premium time" holiday.
4. Any Saturday immediately following a Friday which was celebrated as a "premium time" holiday.
5. The Hall can be closed on any Saturday by a 2/3 majority vote of the body at any union meeting.
6. By a vote of the Executive Board
7. The Saturday following Christmas and New Year's Day
8. Any Saturday preceding a Monday which is celebrated as a "premium time" holiday.

Section 5. *Duties of Financial Secretary.* The Financial Secretary, in addition to the duties set forth in the United Association constitution, shall attend all Executive Board meetings. He/she shall also maintain the thirty-five (35) year honor roll. He/she shall attend The Ohio State Convention.

Section 6. *Compensation.*

(a) The Business Manager shall receive seven (7) days single time regular journeyman's pay per week plus \$100.00 expense money per week.

(b) The Business Agents shall receive six (6) days single time regular journeyman's pay per week plus \$75.00 expense money per week.

(c) The Financial Secretary shall receive six (6) days single time regular journeyman's pay per week plus \$50.00 expense money per week.

(d) The salary of Special Officers shall be determined by the Business Manager with approval of the executive board.

(e) All salaried Officers, if becoming disabled during term of Office and replacement becomes necessary, will become ineligible for wages.

(f) The Local Union shall furnish each salaried officer with a vehicle. The vehicle will be owned by Local 392, and the local will bear all reasonable expenses of maintaining and operating the vehicles. Upon leaving office, each salaried officer shall return the vehicle to Local # 392. The vehicle shall then be sold at fair market value, and all proceeds returned to the Local # 392 General Fund.

Section 7. *Expenses.*

(a) The Recording Secretary shall receive One Hundred (\$100.00) dollars for any meetings in which he/she is required to take minutes thereof.

(b) The Inside Guard shall receive Twenty (\$20.00) dollars per month, when in attendance at meetings.

(c) The Treasurer shall receive One hundred (\$100.00) dollars per month, providing he/she has attended the Local Membership Meetings for that month.

(d) The President shall receive Fifty (\$50.00) dollars per

month, provided that he/she has attended the Local Membership Meetings that month, and in addition, for attendance at any Committee Meetings, he/she shall receive the same amount for such attendance, as Committee Members receive for such attendance.

(e) The Vice-President shall receive Forty (\$40.00) dollars per month, providing he/she has attended the Local Membership Meetings for that month, and in addition, for attendance at any Committee meetings, he/she shall receive the same amount for such attendance, as Committee Members receive for such attendance.

(f) The Executive Board Members shall receive Twenty (\$20.00) dollars for each Executive Board Meeting. The secretary of the Executive Board shall receive Thirty (\$30.00) for each Executive Board meeting that he/she takes the minutes thereof.

(g) Members of all Boards and Committees, other than those specified, shall receive Twenty (\$20.00) dollars per Committee Meeting attended.

(h) Delegates' expenses to Conventions and out-of-town meetings shall be set one month prior to the event. Any registration fees per Delegate shall be assumed by the Local and be regarded as expenses.

Section 8. *Absence of Officers* Any Local Union No.392 Organizer, Elected Officer, Trustee or Committee Member missing three (3) regular meetings or three (3) committee meetings in succession without giving a reasonable excuse, in writing, to Local 392 shall have his/her office or position declared vacant. It shall be the responsibility of the President of Local 392 to enforce this by-law.

In the event that an office or position is vacated by a Local 392 Organizer, Elected Officer, Trustee or Committee Member as a result of this by-law, the replacement of such person shall be conducted in accordance with the election procedures which are set forth in the Local 392 Constitution and By-Laws.

Moreover, under Article XI, Section 4 of the Local 392 Constitution and By-Laws, revised January 1, 2001, any person removed under the authority of this by-law shall be afforded the due process considerations, including reasonable notice and an opportunity to be

heard, as is more fully set forth in the Constitution of the United Association, Section 127 revised and amended August 6-10, 2001.

ARTICLE VII
Local 392 Appointed Organizer

Section 1. *Appointment.* The Organizer shall be appointed by the Business Manager and approved by the vote of the Executive Board.

Section 2. *Duties of the Local Organizer.* The Local Organizer shall be under the supervision of the Business Manager and shall perform such duties as he/she may be directed to perform by the Business Manager. The Local Organizer shall report to the Executive Board at their regular meetings.

Section 3. *Compensation.*

(a) The Organizer shall receive (6) days single time journeyman's pay per week and seventy-five (\$75.00) dollars per week expenses.

(b) The Organizer shall be furnished a vehicle by the local union. The vehicle will be owned and insured by Local 392, and the local will bear all reasonable expenses of maintaining and operating the vehicle.

Section 4. The Business Manager shall have the authority to layoff or terminate the organizer of the Local Union for failure to perform duties as required.

ARTICLE VIII
Initiation and Dues

Section 1. (a) Dues for all Members of Local No. 392 shall be in accordance with Section 130 and Section 133 of the U. A. Constitution (amended 2016).

(b) All retired and non-active members of Local No. 392 shall contribute \$20.00 per year in order to maintain the Local 392 Political Action Fund. Contributions to the Fund are voluntary.

Section 2. Dues of Apprentices shall also be in accordance with United Association's Constitution Section 130 and 2-1/4% of the gross pay. Of this amount the per capita tax shall be paid. The

excess amount shall go towards the Apprentice Initiation Fee. When the initiation fee is paid in full, the excess will go to the General Fund.

Section 3. Anyone working under the jurisdiction of Local No. 392 shall pay 2-1/4% of their gross pay to the Local Union. From this amount, two cents (.02) per hour paid shall be paid to the Local Union 392 Investment TrustFund.

Section 4. Any member entering the U.S. Military Service shall be relieved of the obligation of payments of all Dues and Assessments for as long as he/she remains on active duty. Such member shall report his/her release from active duty in person to the Financial Secretary within sixty (60) days of such release and shall be charged dues from the first day of the month following his/her release.

Section 5. All Apprentices and all Applicants for Plumbing and Pipefitting Building Trades, Mechanical Equipment Service Trades, or Plumbing Service Trades must pay a two hundred dollar (\$200.00) initiation fee. If the initiation fee is part of an organizing campaign and if the reduced initiation fee is to be used as an incentive to bring new members into the Local Union, the \$200.00 initiation fee permitted under the above conditions may be waived in whole or in part, in the judgment of the Business Manager, such waiver would advance the organizing purposes of the Local Union. All applicants accepted under Metal Trades Division membership must pay one hundred dollars (\$100.00) initiation fee. All members leaving the union must pay a seven hundred and fifty dollar (\$750.00) reinitiation fee for reinstatement to the union.

Section 6. The Business Manager and/or Business Agents may require the authorization for employees' dues check-off prior to referral for employment and/or may delegate this process to the employees' employer at the job site or the employers' facility.

Section 7. All members working outside of the Collective Bargaining Agreement of Local Union No. 392, but performing work which comes under the jurisdiction of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, shall pay thirty (\$30.00) dollars per month dues in addition to the other dues required in this article.

ARTICLE IX
Membership Finances and Good Standing

Section 1. *Good Standing.* A member who is not more than three (3) months' dues in arrears shall be considered in good standing. However, it shall be the policy of the Local to require all members working at the trade to have paid-up books.

Section 2. *Suspension for Indebtedness.* A member owing over three (3) months' dues shall automatically be suspended from membership without notice of any kind. A suspended member is denied all rights and privileges and is not entitled to any monetary benefits. Such a suspended member may be reinstated upon payment of his/her indebtedness, the United Association reinstatement fee, and \$10.00 bookkeeping service charge.

Section 3. *Reports on Indebtedness.* The Financial Secretary shall notify the Executive Board whenever a member becomes indebted to the Union for any reason. The Executive Board shall investigate the matter and make recommendations to the Local thereon.

Section 4. *Repayment of Indebtedness.* Any member who is working and who is indebted to the Local shall be required to pay the Local twenty (20%) per cent of his/her wages until said indebtedness has been paid. However, nothing shall be required to be paid from the first forty (40) hours of work when an indebted member is resuming employment after a period of unemployment.

Section 5. *Acceptance of Dues.* Any member indebted to the Local shall pay the said indebtedness before dues will be accepted from said member. The Local will accept monthly dues with a minimum payment of three months at a time.

Section 6. *Retired Members.* All members retired from Local 392 will pay the per capita required by the UA Constitution for a building trade's journeyman. All per capita currently paid by Local 392 for retired members will continue to be paid until that member reaches 50 years of continuous membership of the United Association.

ARTICLE X
Union Finances

Section 1. *Donations.* Whenever there is a request for a donation, the request shall be referred to the Finance Committee. The Finance Committee shall investigate the matter and recommend acceptance, rejection, or modification to the membership of the Local. The matter shall then be presented to the membership for final action. No donation for any purpose whatsoever shall be made unless the aforesaid procedure has been followed.

Section 2. *Bills.* All bills must be submitted at regular Union Meetings. All salaried members (Business Manager, Business Agents, Financial Secretary and Local Organizer) will receive their wages weekly. Bills must be presented on forms furnished by the Financial Secretary or the Business Manager.

ARTICLE XI
Rules and Penalties

Section 1. *Disorderly Members.* Any member creating a disturbance during the meeting shall be ordered to leave the room. If a member so ordered to leave fails to heed such order, he/she shall be subject to a fine or other disciplinary action.

Section 2. *Secrecy of Business.* Members of the Local shall not discuss any of the Local's business with outside persons unless publication of such information has been duly authorized by a vote of this Local. Any member violating this section shall be subject to expulsion, suspension or fine with no discipline imposed except in accordance with the requirements of the UA Constitution.

Section 3. *Sub-Contract Work.* Any member contracting for any amount of work to be performed in any certain time or for any certain amount of money shall be fined such an amount as the Executive Board deems appropriate. The penalty for a second violation of this section shall be expulsion, but no fine or expulsion may be imposed except in accordance with the UA Constitution.

Section 4. *Violations of By-Laws or Constitution.* A member failing to comply with the Constitution of the United Association, or

By-Laws or working rules of this Local, shall be disciplined in accordance with the Constitution of the United Association.

Section 5. *Charges Against Members.* All charges against members shall be submitted to the Local in accordance with the Constitution of the United Association.

ARTICLE XII

Work Rules

Section 1. *Employment.* All members must comply with all Hiring Hall Agreements of the Local Union, and must not violate the terms or conditions set forth in the collective bargaining agreements of the Local Union.

Section 2. *Carrying of Credentials.* Each member shall carry up-to-date cards or dues books.

Section 3. Each member shall report to the job or shop Steward on his/her first day on the job, before he/she performs any type of work on the job.

Section 4. Retired Members will only be referred for employment by the Union Hiring Hall after all active and unretired members seeking work have been referred for employment.

Section 5. *Members Duties.* Every member referred to an employer for employment has the duty to represent the Unions best interests, image and reputation in the industry so as to enhance the opportunity for employment for all Union members. The Union reserves the right to discipline, suspend, or expel from its membership any member whose conduct is determined to be in violation of the members' duty to represent the Union in the industry with no discipline imposed except in accordance of the UA Constitution. Member conduct that shall constitute behavior subject to discipline, suspension or expulsion includes, but is not limited to the following:

(a) Failure to report for work to the employer after the receipt of a referral from the Union on any four occasions within any twelve consecutive month period;

(b) Any act of intentional violence or destruction of property in the work place;

(c) Termination of employment with the designation of (not for rehire) by an employer on four or more occasions within any twelve consecutive month period;

(d) Termination of employment for chemical or substance abuse on four or more occasions within any twelve consecutive month period;

(e) Termination of employment for violation of safety rules on four or more occasions within any twelve consecutive month period;

(f) Causing the Union to incur legal fees and cost in defending frivolous or non-meritorious charges, claims, or lawsuits.

Section 6. In addition to a member's oath and obligation, every active member of the Local Union must participate in picketing and organizational duties such as picketing and hand-billing non-union firms or attempting to organize the unorganized.

Section 7. *Welding Procedures.* Unless job specifications or the Ohio Pressure Piping Code supersedes, all welding using the Shielded Metal Arc method will be performed using the three (3) pass uphill procedure.

ARTICLE XIII

Strikes

Section 1. *Strike Vote.* Before a strike vote may be taken, notice of the same shall be given to the members of the Local.

Section 2. *Strike Committee.* The President of the Local shall appoint a strike committee at least sixty (60) days prior to the expiration of the Agreement. The Business Manager shall be chairman of the strike committee.

Section 3. *Strike Fund.* A Strike fund shall be established upon the adoption of a written resolution enacted in accordance with the provisions of Article XIV, Section 1, below. All moneys deposited in the strike fund shall remain in the name of the Local Union No. 392, but may be maintained in a separate or special account. In the event that the value of the strike fund shall increase to \$500,000.00, a special committee consisting of the Business Manager, the President of the Local Union, the Financial Secretary, the Treasurer, and the Finance Committee shall review the strike fund and report to the membership its recommendations in connection

therewith.

ARTICLE XIV
Amendment of By-Laws

Section 1. *Procedure.* These by-laws shall not be altered, amended or repealed unless a written resolution embodying the same shall have been submitted and read at two regular meetings previous to that at which said debate and action is taken, and said resolution shall only be adopted by a two-thirds (2/3) vote of all members present at a special meeting.

Section 2. *By-Laws.* Any amendment or revision to these by-laws shall take effect the first of the month following the date final approval is voted by the Local.

Section 3. *Conflicts of Law.* These by-laws shall be subject to the Constitution of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry and all laws of the land.

Section 4. A by-laws committee of five (5) members in good standing shall be appointed by the President, to give consideration to any necessary revisions of these by-laws every year.

ARTICLE XV
Good and Welfare

Section 1. *Unemployed Members.* Any member who is unemployed for three (3) months and who appears before the Finance Committee shall have his/her per capita tax paid up to a maximum of one (1) year by requesting such payment. Money is to be reimbursed when member returns to work.

Section 2. *Good Standing While Sick or Disabled.* Any member who is in good standing at the time of becoming sick or temporarily disabled shall be kept in good standing during illness or temporary disability by the Finance Committee. He/she must report in person his/her recovery to the Finance Committee, and shall reimburse the Local in the manner set forth in Article IX Section 4.

Section 3. *Funerals.* The Executive Board or Business Manager shall provide a proper conveyance and honorary pallbearers for

the funeral of any member, whenever deemed necessary.

ARTICLE XVI
Steward Duties

Section 1. Stewards shall be appointed by the Business Manager and Business Agents.

Section 2. Stewards shall be under the supervision of the Business Manager or the Business Agents.

Section 3. Any Journeyman, upon being named Steward, shall make all efforts to read and understand the Agreement, Local By-Laws, Rules and Jurisdiction of Local No. 392.

Section 4. On jobs or shops where more Stewards are needed to fulfill the 'Steward Duties', additional Stewards shall be appointed to assist and be responsible to the Chief Steward designated by the Business Manager and Business Agents.

Section 5. All job and shop Stewards shall be introduced to the contractor, superintendent, or foreman by the Business Manager or Agents.

Section 6. The first journeyman on the job shall be responsible for fulfilling the Steward's duties until a steward is appointed

Section 7. The Steward shall be allowed a reasonable amount of time to attend to his/her duties. In no case shall a Steward suffer discrimination because of such attendance to duties.

Section 8. If there is evidence to indicate that a Steward is suffering discrimination because of his/her activities as Steward, an investigation shall be made by the Business Manager/Business Agent and referred to the Executive Board. If there has been discrimination, the Board shall make recommendations to the Local concerning the action to be taken in defense of such Steward.

Section 9. When a Steward discovers that the rules or the jurisdiction of the Local are being violated, he/she shall attempt, with diplomacy and tact, to eliminate such violation. If he/she is unable to eliminate such violations, he/she shall immediately notify the Business Manager of the Local.

Section 10. When there is a dispute and the Business Manager

is present at the job or shop, a Steward shall remain with the Business Manager during the entire time that the Business Manager is present.

Section 11. The Steward shall promptly take care of injured members and accompany them to their home or hospital in the event it should become necessary, without loss of time; and to report the injury or sickness to the proper Officers of the Union and Employer. If, at such time, the Steward is unavailable, the responsibility may be assumed by another employee or by the employer.

Section 12. When a member reports to the Steward, the Steward shall explain the conditions of the job or shop to such member. The Steward shall explain such things as starting and quitting times, lunch hours, numbers of days and hours the job is working, from whom to take orders, where the first aid room is located, and other pertinent matters.

Section 13. The Steward shall inspect the dues books of members working on the job or in the shop at least once a month.

Section 14. All Stewards should make every effort to attend the monthly union meeting.

Section 15. The Steward shall report accidents on the job or in the shop to the local Union Office.

Section 16. The Steward shall investigate to discover whether the contractor is paying the necessary taxes to give the employees the benefits of unemployment insurance, state compensation, union benefits, and any and all other taxes in effect at the present time or which may be enacted in the future by the local, state, or federal government for the benefit of the employees.

Section 17. The Steward shall include in his/her duties, that adequate First Aid facilities are provided on the job and particular attention is given to medication for Eyes, Burns, Cuts and assorted Bandages.

Section 18. On jobs where designated starting and stopping points are to be established, the Business Manager, Business Agents and the Steward shall establish such points.

NOTES

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