

CONSTITUTION

Professional Helicopter Pilots Association

PHPA Local No. 109

Office & Professional
Employees
International Union

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS
AND CANADIAN LABOR CONGRESS

**CONSTITUTION AND BY-LAWS
OPEIU/PHPA LOCAL NO. 109**

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1 CONSTITUTION AND BYLAWS

2
3
4
5 **ARTICLE I**

6 **Preamble**

7
8 This Union declares for its objectives and aspirations the
9 following: to organize emergency medical service helicopter and
10 fixed wing pilots; to secure terms and conditions of employment
11 for its members consonant with ideals of fair wages and benefits;
12 to promote and encourage harmonious relations between ourselves
13 and our Employer(s); to render all possible assistance to our
14 fellow members in the American Federation of Labor and Congress of
15 Industrial Organizations and the Canadian Labour Congress; and to
16 have, in general, the same aims and purposes as the International
17 Union provided for in its Constitution in the interest of all
18 emergency medical service helicopter and fixed-wing pilots in the
19 United States and Canada.
20

21
22 **ARTICLE II**

23 **Name**

24
25 This organization, located at _____
26 in Denver, Colorado shall be known as the Office and Professional
27 Employees International Union, Local No. 109. This Union shall be
28 and remain a chartered Local Union of the Office and Professional
29 Employees International Union affiliated with the American
30 Federation of Labor and Congress of Industrial Organizations and
31 the Canadian Labour Congress.
32

33
34 **ARTICLE III**

35 **Existence**

36
37 This Local Union cannot be dissolved while there are seven (7)
38 dues-paying members therein who desire to continue its existence.
39 When any Local Union ceases to represent employees of any
40 employer, the International Union Executive Board may suspend the
41 charter of such Local Union and order it dissolved. Upon the
42 dissolution of this Union, all its properties and assets,
43 including its funds, books and records, shall become the property
44 of the International Union, to be held by the International Union
45 in trust for a period of one (1) year, during which time such
46 property shall be returned to this Union if it is reconstituted.
47 After such one (1) year period such properties and assets shall

1 become the property of the International Union, and the funds will
2 be placed in the International Union Treasury to be used by the
3 International Union for its general purposes.
4

5
6 **ARTICLE IV**
7 **Jurisdiction**
8

9 SECTION 1. This Union shall embrace within its membership all
10 emergency medical service helicopter and fixed wing pilots in the
11 industry coming within its jurisdiction established under the
12 Constitution of the Office and Professional Employees
13 International Union.
14

15 SECTION 2. This Union recognizes the right of the Executive Board
16 of the International Union to determine jurisdiction between Local
17 Unions and to settle all controversies respecting jurisdiction
18 between Local Unions.
19

20
21 **ARTICLE V**
22 **Membership**
23

24 SECTION 1. No person shall be admitted to membership in this
25 Local Union who advocates principles or lends support to
26 organizations or movements whose purposes and objectives are
27 contrary to the fundamental principles of the established
28 governments of the United States, Canada and the Commonwealth of
29 Puerto Rico, or are in conflict with the policies of the
30 International Union. No person shall simultaneously hold
31 membership in this Local Union and another Local Union of the
32 International Union. No person may transfer membership from
33 another Local Union of the International Union to this Local Union
34 without the approval of the President of the International Union
35 unless such a transfer is the result of a change in employment
36 from one bargaining unit represented by the International Union or
37 a Local Union to another such unit represented by this Local
38 Union. Members shall hold membership in the Local Union through
39 the bargaining unit where they are employed or were last employed,
40 except for members employed by the International Union or one of
41 its subordinate bodies, this Local Union or any Council or other
42 federation of Local Unions, who shall hold membership in this
43 Local Union as may be determined by the President of the
44 International Union. Where a member works within the jurisdiction
45 of this Local Union and another Local Union of this International
46 Union at the same time, such member shall hold membership in this
47 Local Union if such member worked under the jurisdiction of this

1 Local Union first; provided, however, that where such member is
2 employed under the jurisdiction of another Local Union first, such
3 member shall hold membership in that Local Union and shall pay a
4 fee equal to the applicable dues to this Local Union and this
5 Local Union shall pay a fee equal to the applicable per capita tax
6 to the International Union.

7
8 SECTION 2. All officers and full-time paid organizers of the
9 International Union shall be ex officio members of this Union with
10 the privilege of participating in this Union's meetings but not
11 voting; provided, however, such officers and organizers shall
12 retain and may exercise full rights of participation in this Union
13 if they hold membership in this Union.

14
15 SECTION 3. MEMBERSHIP CLASSIFICATIONS. Membership
16 classifications shall be active, non-active and associate. No
17 member shall simultaneously hold membership in more than one
18 classification. A person who is suspended or expelled; loses
19 their basis for membership due to an election; is no longer
20 employed by the International Union or one of its subordinate
21 bodies, a Local Union or any Council or other federation of Local
22 Unions; has resigned their membership; or any other person who is
23 not a member in accordance with one of the membership
24 classifications provided for in this Article; shall not be
25 considered a member for any purpose, except as may be directed by
26 the President of the International Union; provided, however, in
27 the event that a decision deprives a person of the basis upon
28 which they hold membership, and that decision may be appealed to
29 any body other than the Convention of the International Union,
30 that person shall maintain membership until the ruling on the
31 appeal by the membership of this Local Union or the Executive
32 Board of the International Union upholds the deprivation of the
33 basis upon which membership is held.

34
35 SECTION 4. ACTIVE MEMBERSHIP. a. An individual is eligible to
36 be an active member in this Local Union if that individual is:
37 employed within a collective bargaining unit represented by this
38 Local Union; employed by an employer who is the subject of an
39 active organizing effort by this Local Union; an employee or
40 officer of the International Union or one of its subordinate
41 bodies; an employee or officer of this Local Union or any Council
42 or other federation of Local Unions. Receipt by this Local Union
43 of the current dues and any required initiation or reinstatement
44 fee, or any installment established by this Local Union for
45 payment of such fee, is required for an eligible individual to
46 become an active member. Continued payment of dues, and if

1 applicable, any remaining installments of the required initiation
2 or reinstatement fee, is required to maintain active membership.

3
4 b. An active member who is not actively working due to
5 layoff, illness, disability, or a contractually provided leave of
6 absence, and has applicable recall, reemployment or other
7 employment rights which have not expired under the collective
8 bargaining agreement, or who has been discharged and has a
9 grievance pending under the collective bargaining agreement may
10 elect (1) to continue to pay dues and maintain active membership
11 for the period for which said recall, reemployment or other
12 employment rights are valid or said grievance is pending, (2) to
13 apply for another classification of membership provided for in
14 this Article, if eligible, or (3) to apply for a withdrawal card.

15
16 c. Active members shall enjoy all rights and privileges of
17 membership in this/their respective Local Union(s) and in the
18 International Union including, without limitation, the right to
19 vote at all meetings and in all elections or referenda, to be
20 nominated for and hold any office, and to be elected a delegate to
21 the International Union Convention, if otherwise qualified under
22 their Local Union Constitution and By-Laws and this Constitution.

23
24 SECTION 5. NON-ACTIVE MEMBERSHIP. a. An individual is eligible
25 to be a non-active member if that individual is a former active
26 member of this Union, including an individual who has retired from
27 the position which made them eligible to be an active member, who
28 desires to maintain membership in this Local Union. Receipt by
29 this Local Union of whatever dues or fees it may establish for
30 non-active members that are currently due is required for an
31 eligible individual to become a non-active member. Continued
32 payment of such dues and fees is required to maintain non-active
33 membership. One half of any such dues or fees shall be paid to
34 the International Union at the same time that per capita taxes are
35 due, but not in excess of the applicable per capita tax.

36
37 b. Non-active members may attend and address Local Union
38 meetings at the discretion of the Local Union President. Such
39 person shall have no voice or vote in International Union or Local
40 Union affairs, nor shall they be nominated for or hold an
41 International Union or Local Union or Executive Board position, or
42 be elected a delegate to the International Union Convention.)

43
44 SECTION 6. ASSOCIATE MEMBERSHIP. a. This Local Union may
45 establish an associate membership classification which is
46 consistent with any action concerning an associate membership
47 classification by the Executive board of the International Union.

1 Secretary, three (3) Trustees, and five (5) Executive Board
2 members.

3 b. All officers, stewards, and employees of this Local
4 Union shall be bonded under a bond approved by the Secretary-
5 Treasurer of the International Union.

6
7
8 c. Every officer and employee of this organization,
9 other than an employee performing exclusively clerical or
10 custodial service, shall file with the Secretary of Labor, U.S.
11 Department of Labor, a signed report, where necessary conforming
12 in all respects to the requirements of Section 202 of the Labor-
13 Management Reporting and Disclosure Act of 1959 and all pertinent
14 rules and regulations thereunder.

15
16 SECTION 2. President

17 The President shall preside at all membership meetings and
18 Executive Board meetings; shall preserve order during its
19 deliberations; sign all checks drawn on the treasury; appoint all
20 committees not otherwise ordered; transact such other business as
21 may of right pertain to the office of the President and which may
22 be necessary to the proper functioning of this Union; shall serve
23 as a delegate to the Convention of the Office and Professional
24 Employees International Union by virtue of office; and shall have
25 such other powers and duties as are provided for in this
26 Constitution and Bylaws.

27
28 SECTION 3. Vice President

29 a. The Vice President shall perform the duties of the
30 President in the absence of that officer, and, in the case of
31 resignation or death of the President, shall perform the duties of
32 the President until such vacancy is filled by the next regular
33 election as provided for in this Constitution and Bylaws. The
34 Vice-President shall also preside when called upon by the
35 President and at times when the President may be temporarily
36 unable to discharge the duties vested in the office. The Vice-
37 President shall also be chairperson ex officio of all standing
38 committees and shall have such other powers and duties as are
39 provided for in this Union's Constitution and Bylaws.

40
41 b. The Vice-President shall act as Chairperson of the
42 Trustees and is required to call no less than quarterly meetings
43 of the Trustees. The Vice-President shall have the right to
44 require the presence of all necessary officers at such meeting
45 including the Secretary-Treasurer.

1 c. The Vice-President shall serve as a delegate to the
2 Convention of the Office and Professional Employees International
3 Union by virtue of office.
4

5 SECTION 4. Secretary-Treasurer

6 The Secretary-Treasurer shall perform the following duties:

7 a. The Secretary-Treasurer shall keep all financial
8 accounts of this Union; shall maintain correct and proper accounts
9 of all its members; collect all initiation and reinstatement fees,
10 dues, assessments and fines from members of this Union; make all
11 disbursements for this Union as provided for in Article XIII of
12 this Constitution and Bylaws; and keep a correct record of all
13 moneys received and expended and prepare financial statements by
14 calendar months to be submitted to the Secretary-Treasurer of the
15 International Union monthly, and to the next regular membership
16 meeting of the Local Union.
17

18 b. The Secretary-Treasurer shall deposit all funds of
19 this Union in a bank recommended by the Trustees. The Secretary-
20 Treasurer shall submit all books and records to the Trustees for
21 audit and approval whenever called upon to do so, and, upon the
22 expiration of term of office, turn over to the successor all
23 properties and assets, including funds, books, and records of this
24 Union. Before turning over such properties and assets to the
25 successor, the Secretary-Treasurer must see to it that each
26 successor is properly bonded. The Secretary-Treasurer shall turn
27 over all properties and assets, including funds, books, and
28 records, to the Secretary-Treasurer of the International Union or
29 the duly authorized representative when properly called upon to do
30 so.
31

32 c. The Secretary-Treasurer shall transmit monthly to the
33 Secretary-Treasurer of the International Union all financial
34 obligations owing to the International Union not later than the
35 fifteenth (15th) day of the following month. The Secretary-
36 Treasurer shall follow such accounting and reporting procedures as
37 shall be formulated by the Secretary-Treasurer of the
38 International Union. The Secretary-Treasurer shall be required to
39 make monthly reports to the Secretary-Treasurer of the
40 International Union of all dues-paying members on forms prescribed
41 by the Secretary-Treasurer of the International Union.
42

43 d. The Secretary-Treasurer shall be required to include
44 in each monthly report the name and address of all newly initiated
45 and reactivated members; and members who have withdrawn, died, or
46 have been suspended, including members automatically suspended
47 after three (3) months delinquency in dues, or expelled; and the

1 names of all persons to whom working permits were issued during
2 the month.

3
4 e. The Secretary-Treasurer or any duly authorized
5 representative of the Local shall sign each collective bargaining
6 agreement negotiated by representatives of this Local Union.

7
8 f. A petty cash fund may be established by the Executive
9 Board and shall be maintained by the Secretary-Treasurer to pay
10 immediate necessary petty cash demands upon this Local Union.
11 Replenishment of this fund shall be by check, at least once
12 monthly, the amount being the total paid-out vouchers for prior
13 disbursements.

14
15 g. The Secretary-Treasurer shall be properly bonded by a
16 bonding company and under a bond approved by the Secretary-
17 Treasurer of the International Union.

18
19 h. The Secretary-Treasurer shall, regularly, check the
20 requirements of Section 201 (a) of the Labor-Management Reporting
21 and Disclosure Act of 1959 to ascertain whether any changes have
22 occurred which will cause the information required to be filed to
23 be reported to the Secretary of Labor, U.S. Department of Labor,
24 at the time of filing annual financial reports as required in
25 subsection i of this Section and as required by Section 201(b) of
26 the Labor-Management Reporting and Disclosure Act of 1959.

27
28 i. The Secretary-Treasurer shall file annually with the
29 Secretary of Labor, U.S. Department of Labor, a financial report
30 containing the following information in such detail as may be
31 necessary to disclose this Union's financial conditions and
32 operations for its preceding fiscal year:

- 33
34 1. assets and liabilities at the beginning and end of the
35 fiscal year;
36 2. receipts of any kind and the sources thereof;
37 3. salary and other direct or indirect disbursements
38 (including reimbursed expenses) to each officer and
39 also to each employee who, during the fiscal year,
40 received more than five thousand dollars (\$5,000) in
41 the aggregate from this Local Union;
42 4. direct and indirect loans made to any officer,
43 employee or member, which aggregated more than two
44 hundred and fifty dollars (\$250) during the fiscal
45 year together with a statement of the purpose,
46 security, if any, and arrangements for repayment;

- 1 5. direct and indirect loans to any business enterprise,
2 together with a statement of the purpose, security, if
3 any, and arrangements for repayment; and
4 6. other disbursements made by it including the purposes
5 thereof; all in such categories as the Secretary of
6 Labor, U.S. Department of Labor, may prescribe.

7
8 j. The Secretary-Treasurer shall make available the
9 information contained in the above-mentioned reports to all of the
10 Local Union's members.

11
12 k. The Secretary-Treasurer shall preserve all records in
13 accordance with the provisions of Section 206 of the Labor-
14 Management Reporting and Disclosure Act of 1959 which have been
15 received until these records are at least five (5) years old. The
16 Secretary-Treasurer shall turn over to The successor of the office
17 all such records to be kept until they are at least five (5) years
18 old.

19 l. The Secretary-Treasurer shall provide to the
20 International Secretary-Treasurer a current listing of its members
21 in good standing including names, home addresses, and if known to
22 the Local Union home telephone numbers and e-mail addresses,
23 January 1st and July 1st of every year.

24
25 m. The Secretary-Treasurer shall serve as a delegate to
26 the Convention of the Office and Professional Employees
27 International Union by virtue of office.

28
29
30 SECTION 5. Recording Secretary

31 a. The Recording Secretary shall keep the minutes of all
32 meetings and proceedings of the Union and the Executive Board and
33 shall send out all meeting notices.

34
35 b. The Recording Secretary shall keep copies of all
36 agreements at the Union office (if one exists) so that they will
37 be available for inspection by any member or employee whose rights
38 are directly affected.

39
40 c. The Recording Secretary shall file a copy of all
41 collective bargaining agreements entered into by this Union with
42 the President of the International Union.

43
44 SECTION 6. Trustees

45 The Trustees shall examine each check issued by the Union. Reasons
46 for failure to concur shall be submitted to the Executive Board by
47 the Chairperson of the Trustees. The Executive Board will make a

1 determination subject to approval of the membership. The Trustees
2 shall periodically, at least quarterly and at the end of each
3 fiscal year, make an audit of all books and financial records and
4 report to the Union and to the Secretary-Treasurer of the
5 International Union, or, if the Local Union so chooses, it may, as
6 an alternative, have the audit conducted annually by a certified
7 public accountant, and have such audits reported to the Local
8 Union and to the Secretary-Treasurer of the International Union.
9 They shall meet at the designated time with the Vice President of
10 the Union who will act as Chairperson of the meeting. They shall
11 also have such powers and duties as provided for in this
12 Constitution and Bylaws.

13
14
15 **Article VIII**
16 **Executive Board**
17

18 SECTION 1. The Executive Board shall consist of the President,
19 Vice President, Secretary-Treasurer, Recording Secretary, three
20 (3) Trustees, and five (5) Executive Board members to be elected
21 by a plurality of the voting membership.

22
23 SECTION 2. Each member of the Executive Board shall have one (1)
24 vote except the President of the Union. The President shall act as
25 Chairperson and shall have a voice but no vote, except in the
26 event of a tie vote by the Executive Board, in which event the
27 President shall have a vote.

28
29 SECTION 3. A majority of the members of the Executive Board shall
30 constitute a quorum, and such quorum shall have power to transact
31 all business of the Executive Board. Regular meetings of the
32 Executive Board shall be held once every six months or at the call
33 of the President upon the request of a majority of the members of
34 the Board at a designated date, time and place. All members of
35 the Board shall be given reasonable notification by the Recording
36 Secretary of any meeting of the Board.

37
38 SECTION 4. The Executive Board shall conduct the affairs of the
39 Union in the intervals between membership meetings. It is
40 empowered to authorize and perform all acts for the conduct of the
41 Union's business between such membership meetings.

42
43 SECTION 5. The Executive Board may engage legal counsel and
44 determine the compensation for such services subject to approval
45 of the membership.
46

1 SECTION 6. The Executive Board may appoint temporary organizers
2 for a period of time to be determined by the Executive Board
3 subject to approval of the membership but not to exceed the term
4
5 of the Executive Board and determine the compensation for such
6 services.

7
8 SECTION 7. The Executive Board shall have the power to add to the
9 Executive Board representatives from large units of fifty (50)
10 members or more that are organized during their term of office,
11 providing such groups shall elect by secret ballot said Executive
12 Board representative.

13
14 SECTION 8. In the event that a large unit as described in Section
15 7 fails to secure the election of a representative to the
16 Executive Board, the Executive Board shall appoint to the
17 Executive Board a member of said group to serve for the ensuing
18 term. Such representative shall have a voice but no vote.

19
20 SECTION 9. The Executive Board shall act as the Trial Board of the
21 Union.

22
23 SECTION 10. The Executive Board shall authorize employment of such
24 clerical assistance as it deems necessary for the proper conduct
25 of the Union's business and shall determine the compensation for
26 such employees subject to approval of the membership.

27
28 SECTION 11. The Executive Board shall determine compensation for
29 all officials of the Union subject to the approval of the
30 membership.

31
32 SECTION 12. The number of stewards for each base location shall be
33 as determined by the Executive Board.

34
35 SECTION 13. Any officer or member of the Executive Board as
36 enumerated in Section 1 of this Article who fails to attend three
37 (3) successive meetings, without being excused from such
38 attendance by the Executive Board, shall be deemed to have
39 forfeited such office, and the Executive Board, pursuant to
40 Article XXII, may appoint a successor for the balance of the
41 unexpired term; provided, however, that if the office of the
42 President is thus declared vacant the Vice President shall perform
43 the duties of the President until such vacancy is filled by an
44 election as provided in Article IX.

Article IX
Elections

1
2
3
4 SECTION 1. It shall be the aim of the Union to elect to the
5 Executive Board the most capable members comprising the membership
6 of the Union.
7

8 No person who has been convicted of, or served any part of a
9 prison term resulting from the conviction of robbery, bribery,
10 extortion, embezzlement, grand larceny, burglary, arson, violation
11 of narcotics laws, murder, rape, assault with intent to kill,
12 assault which inflicts previous bodily injury; or a violation of
13 Title II or III of the Labor Management Reporting and Disclosure
14 Act of 1959, or conspiracy to commit any such crimes, shall serve
15 as an officer, trustee, member of the Executive Board or similar
16 governing body, business representative, business manager,
17 organizer, or other employee (other than as an employee performing
18 exclusively clerical or custodial duties) of this Local Union, or
19 for five (5) years after such conviction or after the end of such
20 imprisonment, unless prior to the end of such five (5) year
21 period, in the case of a person so convicted or imprisoned, (1)
22 the citizenship rights, having been revoked as a result of such
23 conviction have been fully restored, or (2) the Board of Parole of
24 the United States Department of Justice determines that such
25 person's service in any capacity referred to in the above clause
26 would not be contrary to the purposes of the Labor-Management
27 Reporting and Disclosure Act of 1959.
28

29 SECTION 2. The officers and members of the Executive Board shall
30 be elected by mail ballot of the membership and shall hold office
31 for a term of three (3) year(s) and be elected for the above term
32 at the election of the Union to be held in August, 2006 and every
33 three (3) year(s) thereafter.
34

35 SECTION 3. The nominations shall be conducted by mail ballot in
36 the month of June, 2006, and every three (3) year(s) thereafter.
37 All persons nominated shall indicate their acceptance or
38 declination in writing within ten (10) days after such nomination.
39 Notice of nomination shall be given by the Recording Secretary of
40 this Union to all members in good standing to their last known
41 address of nomination and election of officers.
42

43 SECTION 4. No member of this Union shall be permitted to vote
44 unless in good standing in the Union.
45

46 SECTION 5. After this Union has been functioning for one (1) year,
47 no person shall be elected or appointed to an office in or as an

1 Executive Board member of this Union unless such person has been a
2 member of this Union in continuous good standing for at least the
3 preceding twelve (12) months.

4
5 SECTION 6. No member shall hold more than one (1) of the offices
6 specified in Section 1 a of Article VII at one and the same time.

7
8 SECTION 7. The names of all candidates may be placed on the ballot
9 by slate designation for each office. However, a duly nominated
10 candidate will have the right to run as an independent candidate.

11
12 SECTION 8. The candidate(s) receiving the greatest number of votes
13 for the respective offices shall be declared elected.

14
15 SECTION 9. No votes for any member who is not duly nominated and
16 listed on the ballot may be counted by the Election Board. (No
17 sticker or write-in candidates.)

18
19 SECTION 10. There shall be no voting by proxy.

20
21 SECTION 11. All officers and Executive Board members shall be
22 inaugurated at the next Executive Board meeting of the Union to be
23 held following election and shall assume office immediately after
24 such inauguration. Before entering upon the duties of their
25 respective offices, the newly elected officers shall subscribe to
26 the following installation obligation:

27
28 "I, _____, do solemnly pledge
29 my word and honor before these witnesses that I will, to the best
30 of my abilities, perform the duties of my office. At the close of
31 my official term, I will turn over to my successor all books,
32 records, and all other properties, including funds, of this Local
33 Union, that may be in my possession. I will also deliver all such
34 properties to the International Union upon lawful demand. I will
35 at all times devote my efforts to further the objectives and best
36 interests of my Union."

37
38
39 **ARTICLE X**
40 **Election Board**

41
42 SECTION 1. An Election Board consisting of three (3) members in
43 good standing shall be appointed by the Executive Board after
44 nominations for regular officers have been completed. The
45 Election Board shall have the right to appoint any clerical help
46 required.

1 SECTION 2. The Election Board is charged with the duty of
2 conducting the mail ballot election of officers and Executive
3 Board members of this Union. It shall make such regulations as
4 shall assure the members of a fair and honest election. Any
5 candidate shall have the right to have an observer at the counting
6 of ballots.

7
8 SECTION 3. The Election Board shall have the duty of enforcing the
9 right to vote of the members and shall see that such right of
10 franchise is not interfered with or hindered by anyone.

11
12 SECTION 4. The Election Board shall examine the membership status
13 of all members before permitting them to vote, and shall compare
14 the said status with lists to be supplied by the Secretary-
15 Treasurer.

16
17 SECTION 5. After an election has been held and the report of the
18 Election Board has been rendered, all election records and ballots
19 shall be turned over to the Secretary-Treasurer for safekeeping
20 among the records of the Union for not less than one (1) year.
21 The election records cannot be opened unless authorized by the
22 Local Union membership.

23
24 SECTION 6. a. A recount may be ordered upon presentation to
25 the Executive Board of a petition signed by sixty-five (65)
26 members of the Union in good standing. The petition must be
27 presented to the Executive Board within fourteen (14) days after
28 the election, and this petition shall enumerate the reasons why
29 such members believe a recount should be held. If the Executive
30 Board rules that a recount should be held, it shall proceed to
31 appoint a Recount Committee of disinterested members of the Union
32 to conduct the recount. If the Executive Board denies the
33 petition, it shall make a report of its ruling to the next regular
34 membership meeting. It shall require a majority vote of those
35 present to reverse the Executive Board's decision. Upon receipt
36 of a recount petition the President shall call a special meeting
37 of the Executive Board to consider such petition.

38
39 b. The installation of all newly elected Officers,
40 Trustees, and Executive Board members shall not be held until a
41 final disposition has been made on the petition for a recount
42 and/or an actual recount.

43
44 c. If the membership meeting reverses the Executive
45 Board's decision, the matter shall revert to the Executive Board
46 and it will appoint a Recount Committee. No candidate elected or
47 defeated shall be eligible for membership on the Recount

1 Committee, but any candidate shall be permitted to attend all
2 meetings of the Recount Committee as an observer. The Committee
3 shall report its findings to the membership at the next regular or
4 special meeting. If a report of the committee declares that their
5 tabulation shows that a defeated candidate has actually been the
6 recipient of the greatest number of votes cast for that office,
7 and if the committee's report is accepted by a plurality of the
8 members present at the meeting, the candidate actually receiving
9 the greatest number of votes shall be declared elected.

10
11 SECTION 7. Any member may appeal the ruling of the Recount
12 Committee or Election Committee concerning any election related
13 issue. Copies of the Appeal Procedure are available through the
14 Secretary-Treasurer of the International Union.

15
16
17 **ARTICLE XI**
18 **Election Offenses**

19
20 Any member found guilty by the Trial Board of tampering with
21 ballots, illegal voting, committing fraud, violence, coercion, or
22 other conduct not included in the foregoing, which in any manner
23 interferes with a member's right of franchise, shall be subject to
24 expulsion, suspensions or fine by the Trial Board.

25
26
27 **ARTICLE XII**
28 **Finances**

29
30 SECTION 1. a. The regular dues of the membership of this Union
31 shall be one percent (1%) of base pay only and shall not include
32 workover, ACCRA adjustment, or any other supplemental pay.

33
34 b. The initiation fee for applicants for membership
35 shall be one hundred (\$100)dollars.

36
37 SECTION 2. a. Any former member of a union affiliated with
38 the American Federation of Labor and Congress of industrial
39 Organizations or the Canadian Labour Congress not under the
40 jurisdiction of the International Union who accepts employment
41 under the jurisdiction of this Union shall, (providing that such
42 former union has a reciprocal plan of accepting withdrawal cards
43 from Local Unions of the International Union in lieu of an
44 initiation fee), upon application for membership and irrevocable
45 surrender of an honorable withdrawal card or evidence of honorable
46 termination of membership in those instances where unions do not
47 issue withdrawal cards, and upon payment of one (1) month's dues

1 in advance, if accepted in this Union, be inducted into this
2 Union, without payment of any initiation fees (the Secretary-
3 Treasurer of this Union to forward such evidence to the Secretary-
4 Treasurer of the International Union in lieu of initiation fee on
5 such applicant); and provided further, that

6
7 b. When, in the judgment of the President of the
8 International Union, it shall be deemed to be in the best
9 interests of the International Union to waive initiation or
10 reinstatement fees in whole or in part in connection with any
11 particular organizational campaign, the President of the
12 International Union shall be empowered to waive such fees if this
13 Union shall so request.

14
15 SECTION 3. Any member, more than three months arrears in dues,
16 shall be classified as a "suspended" member, and not in good
17 standing. Such suspended member must pay a reinstatement fee of
18 \$, together with all dues up to and including the current month
19 before good standing status can be regained in the Union.

20
21 SECTION 4. a. All proposals for assessments and increases of
22 dues must be presented to the Executive Board. If the Executive
23 Board approves of an assessment or such increase of dues, the
24 motion shall be incorporated in its minutes to be read to the next
25 membership meeting. There can be no vote or discussion on the
26 subject of the assessment or dues increase at that meeting, but it
27 shall be held over until the succeeding membership meeting for
28 discussion. The meeting notice for the succeeding meeting shall
29 contain a statement informing the members of the nature of the
30 proposal and that a vote will be taken subsequently by mail ballot
31 at that membership meeting. A majority vote, by mail ballot,
32 shall be required to constitute acceptance of the proposed
33 assessment or dues increase. Notice of such meeting shall be
34 given to all members in good standing by the Recording Secretary.

35
36 b. This Union shall not assess its members more than one
37 dollar (\$1.00) per member per month, or more than four dollars
38 (\$4.00) per member in any fiscal year, except that in emergency
39 situations this Union may make additional assessments with the
40 permission of the President of the International Union.

41
42 c. All assessments are subject to the approval of the
43 President of the International Union in advance of being levied.

44
45 SECTION 5. No initiation fee shall be required by this Local
46 Union of any person involuntarily inducted into the armed services
47 of the United States or Canada or entering such services during

1 emergency periods as determined by the International Union
2 Executive Board, if such person applies for membership within a
3 period of one (1) year after being discharged, provided it has
4 been other than a dishonorable discharge and provided same is
5 initial employment following such service.

6
7
8
9 **ARTICLE XIII**
10 **Use of Funds**

11
12 SECTION 1. The funds of this Local Union can not be divided in any
13 way among individual members and can be utilized only for valid
14 Union purposes.

15
16 SECTION 2. The general fund shall be used for the payment of
17 expenses incurred by this Union on behalf of its membership
18 primarily for organizing, defense, service and contract
19 administrations and as a depository for its moneys.

20
21 SECTION 3. All disbursements shall be made by checks drawn on the
22 general fund, and shall be signed by either the President or Vice
23 President of this Union and the Secretary-Treasurer.

24
25 SECTION 4. The fiscal year of this Union shall be the twelve (12)
26 month period ending with the last day of the month of December of
27 each year.

28
29 SECTION 5. The per capita tax, initiation fees, reinstatement
30 fees, Strike Benefit and Defense Fund, Convention Fund,
31 Educational Fund and other obligations owed by this Union to the
32 International Union shall constitute a preferred claim and must be
33 paid promptly by this Union each month prior to the payment of any
34 other obligation of this Union.

35
36 SECTION 6. Per capita tax payments as established by the
37 Professional Helicopter Pilots Association (PHPA) shall be made
38 monthly to the Secretary-Treasurer of PHPA at its headquarters.

1
2 f. Violation of the oath of membership, or office if an
3 officer;

4
5 g. Working in the interests of any organization or a
6 dual union opposed to the interests of this Union;

7
8 h. Being present or entering a meeting of members or of
9 the Executive Board while intoxicated, or disturbing the peace of
10 any such meeting by creating or participating in disturbances, or
11 of similar conduct in and about the headquarters of the Union;

12
13 i. Causing or participating in a stoppage of work
14 because of any alleged grievance or dispute without the
15 authorization of this Union or its proper officers;

16
17 j. Any acts of misconduct which are detrimental to the
18 best interests of the Union, or of conduct unbecoming a member of
19 the Union; or of violation of any of the provisions of the
20 Constitution and Bylaws of this Union or of the Constitution of
21 the International Union.

22
23 SECTION 3. Any member who has been found guilty of any of the
24 above offenses or for violation of the International Union
25 Constitution by the Trial Board may be penalized in accordance
26 with the OPEIU Uniform United States Disciplinary Procedure of the
27 International Union, available through the Secretary-Treasurer of
28 the International Union.

29
30
31 **ARTICLE XVI**
32 **Trial Board Procedures**
33

34 SECTION 1. Local Unions in the United States may discipline their
35 members or officers only as permitted by federal law, for
36 violation of the International Constitution or the Local Union
37 Constitution and/or Bylaws, or for engaging in any activity or
38 course of conduct which is deemed to be contrary or detrimental to
39 the welfare or best interest of the Local Union. Uniform
40 procedures adopted pursuant to the International Union
41 Constitution, including rights of appeal to insure full compliance
42 with applicable law, are available to any member upon request of
43 the Secretary-Treasurer of the International Union.

44
45 SECTION 2. None of the foregoing is applicable to any matter
46 involving delinquency or failure to pay dues. Any Local Union may
47 provide in its Bylaws for automatic suspension of any member who

1 is delinquent a minimum of one (1) month in the payments of dues,
2 but in any event any member of any Local Union who becomes three
3 (3) months delinquent in such dues payment shall be automatically
4 suspended.

5
6
7
8 **ARTICLE XVII**
9 **Applicants**

10
11 SECTION 1. No applicant shall be barred from membership in the
12 Union because of race, color, creed or sexual orientation, gender
13 identity or gender expression..

14
15 SECTION 2. All applicants shall take the following oath :

16
17 "I, _____, pledge my honor
18 before these witnesses to faithfully comply with the Constitution,
19 laws, and all amendments thereto of Office and Professional
20 Employees International Union, Local No. 109 and of the
21 International Union."
22
23

24 **ARTICLE XVIII**
25 **Procedure at Meetings**

26
27 SECTION 1. The President of this Union shall act as Chairperson at
28 all meetings of the Membership and Executive Board. Except as
29 otherwise provided in this Constitution and Bylaws, the latest
30 edition of Robert's Rules of Order currently entitled Robert's
31 Rules of Order Newly Revised shall apply at all meetings of this
32 Union.
33

34 SECTION 2. It is provided further that members requesting to speak
35 at a membership meeting must first be recognized by the
36 Chairperson and shall make that request by stating their name and
37 place of employment.
38
39

40 **ARTICLE XIX**
41 **Removal of Officials**

42
43 SECTION 1. All officers, Trustees, Executive Board members, and
44 all members of all standing committees are deemed "officials"
45 within the purview of this Article.
46

1 SECTION 2. Any official who has been found guilty of any of the
2 following offenses shall be removed from office, and in addition
3 may be expelled from membership, or be forever barred from holding
4 any office in the Union:

5
6 a. Dishonesty in the conduct of such office, fraud,
7 corruption, accepting any bribes or intimidation of any members;

8
9 b. Abuse of office or gross negligence in the conduct of
10 such office;

11
12 c. Conduct unbecoming an official of this Union;

13
14 d. Holding membership or working in the interests of any
15 Communist, Fascist or Nazi organization, or of any organization
16 engaged in subversive activity.

17
18 SECTION 3. No impeachment proceeding may be entertained unless
19 there has been a petition filed with the Executive Board, signed
20 by twenty-five percent (25%) of the members in good standing. The
21 petition shall state the specific offense with which the official
22 is charged, as well as a brief statement sufficient to apprise the
23 signatories of the charge being preferred.

24
25 SECTION 4. The Executive Board shall act as the Trial Board in all
26 proceedings under this Article. Any official under charges by
27 virtue of any impeachment petition shall be automatically barred
28 from acting as a member of the Trial Board.

29
30 SECTION 5. The Trial Board shall follow the same procedure as
31 provided for in Article XVI in any impeachment proceeding.

32
33 SECTION 6. Any official found guilty of violating any provision of
34 this Article shall have the right to appeal to the International
35 Union Executive Board at its next meeting. Pending any decision
36 of such appeal, the determination of the Trial Board shall be
37 final unless its decision is reversed in the manner provided for
38 in Article XVI of this Constitution and Bylaws.

39
40
41 **ARTICLE XX**

42 **Withdrawal and Military Service Cards**

43
44 SECTION 1. This Local Union may issue withdrawal cards only to
45 active members who, at the time of request for same, are in good
46 standing with all obligations to the International Union and the

1 Local Union paid, including the current month. Such cards shall
2 be issued as follows:

3
4 a. A withdrawal card shall be issued by this Local Union to
5 any active member requesting same who is leaving the jurisdiction
6 of the International Union.

7
8 b. Any person bearing a withdrawal card shall not be
9 entitled to participate in the operation of this Local Union. A
10 person bearing a withdrawal card and who has complied with the
11 conditions of the same shall upon resuming work within the
12 jurisdiction of this Local Union deposit such card and thereafter
13 shall be admitted to membership in this Local Union without the
14 payment of any initiation or transfer fees.

15
16 SECTION 2. Members entering the armed services of the United
17 States or Canada during emergency periods as determined by the
18 Executive Board of the International Union and who are in good
19 standing with all obligations to the International Union and the
20 Local Union paid, including the month in which they entered the
21 armed services, shall be issued military service cards which shall
22 continue their membership without the payment of dues or other
23 fees for the period of the service required by such emergency
24 periods and for an additional ninety (90) day period or until they
25 again resume work within the jurisdiction of the Local Union,
26 whichever occurs first, except that such persons shall only accrue
27 rights to benefits to the extent determined by their respective
28 Local Unions.

29
30 SECTION 3. Withdrawal and military service cards shall be issued
31 by the Secretary-Treasurer of the Local Union and monthly reports
32 of all such cards issued, deposited or canceled shall be made to
33 the Secretary-Treasurer of the International Union.

34
35 SECTION 4. Local Unions may issue work permits to persons
36 employed for a period not exceeding ninety (90) days for work
37 within the jurisdiction of the Local Union in establishments where
38 the Local Union has union agreements, which work permit shall
39 allow such person to work without the payment of initiation fees
40 and dues; provided, however, that any such person may apply at any
41 time during such period for membership in such Local Union. In
42 the event a person works beyond ninety (90) days, then any
43 extension beyond this period will be subject to approval by the
44 International President. Such permits if used by a Local Union
45 shall be issued monthly and the charge shall be the same as the
46 Local Union's regular monthly dues. Work permits shall be issued

1 by the Local Union Secretary-Treasurer and monthly reports of all
2 work permits issued shall be made to the Secretary-Treasurer of
3 the International Union.

4
5 SECTION 5. All withdrawal, military service and work permit cards
6 shall be secured by the Local Union from the Secretary-Treasurer
7 of the International Union.

8
9
10 **ARTICLE XXI**
11 **Strikes**

12
13 SECTION 1. This Local Union shall not call a strike against an
14 employer, or employers, unless the members of this Local Union
15 employed by such employer, or employers, by a majority vote of
16 those present at a meeting called for this purpose so request by
17 secret ballot; provided, further, that the Executive Board of the
18 Local Union must vote to grant sanction of each strike; provided,
19 further, that this Local Union may by mail ballot of the members
20 in good standing may confer blanket or other authority upon its
21 Executive Board to call and/or sanction any or all strikes and
22 provided finally that approval of the President of the
23 International Union, shall be obtained. Approval of the President
24 of the International Union shall not be construed as approval,
25 ratification, or participation by the International Union in any
26 particular activity of the Local Union involving such strike and
27 shall imply no more than that such strike is not contrary to the
28 best interests of the International Union, its Local Unions, and
29 its members.

30
31 SECTION 2. Strikes against any employer, or employers, may be
32 terminated if a majority of the members of this Local Union
33 employed by such employer, or employers, so request by secret
34 ballot.

35
36
37 **ARTICLE XXII**
38 **Vacancies in Office**

39
40 In the event any vacancy is created by the resignation or removal
41 of an official of the Union, the Executive Board shall be
42 empowered to appoint a successor to fill the balance of the
43 unexpired term, and such appointee shall hold office until the
44 next regular election for that office.

1 **ARTICLE XXIII**
2 **Limitations on Committees**
3

4 SECTION 1. In addition to other committees and boards established
5 by this Constitution and Bylaws, this Union shall provide for such
6 other standing committees, and, from time to time such special
7 committees, as may be proper and necessary to conduct the business
8 of this Union.
9

10 SECTION 2. In establishing such other committees, the duties of
11 the committee, the extent of its authority, and the permissible
12 amount of expenditures that may be made by such a committee must
13 be made a part of the minutes. In any event, such committees
14 shall not be permitted to exercise functions belonging to other
15 committees or boards; shall not make or authorize expenditures
16 without the prior approval of the membership; and shall not exceed
17 the authority granted to them by the membership. The President
18 shall be an ex officio member of all committees.
19
20

21 **ARTICLE XXIV**
22 **Affiliations and Delegates**
23

24 SECTION 1. This Union shall be affiliated with the Professional
25 Helicopter Pilots Association (PHPA) and shall make per capita tax
26 payments as established by PHPA.
27

28 SECTION 2. This Union may be affiliated with central labor
29 organizations, councils, departments or federations chartered by
30 or affiliated with the American Federation of Labor and Congress
31 of Industrial Organizations and the Office and Professional
32 Employees International Union.
33

34 SECTION 3. Delegates to the aforesaid central labor organizations,
35 councils, departments or federations shall be appointed by the
36 Executive Board.
37

38 SECTION 4. Each delegate to a Convention of the Office and
39 Professional Employees International Union must have been in
40 continuous good standing in the Local Union for at least twelve
41 (12) months prior to the convening of the Convention, unless the
42 Local Union has been functioning (the period when a Local Union
43 shall be deemed to be "functioning" shall be that commencing with
44 the first month for which per capita tax payments are regularly
45 made) for less than one (1) year, in which case such delegate must
46 have been in good standing during the period that the Local Union
47 has been so functioning. Each delegate shall be selected by a

1 secret ballot vote of the Local Union unless the Local Union
2 constitution provides that they are delegates to a Convention of
3 the Office and Professional Employees International Union by
4 virtue of their office. Notice of such meeting shall be given to
5 all members in good standing not less than fifteen (15) days prior
6 to the date of such meeting.

7
8 SECTION 5. Delegates shall attend the meetings or sessions of the
9 body or assembly to which they have been delegated, faithfully
10 represent this Union and protect its interests, and properly
11 present and support its declared policies and instructions. They
12 shall report to this Union the proceedings of the organization to
13 which they were delegates and perform such other duties as pertain
14 to their office.

15
16
17 **ARTICLE XXV**
18 **International Constitution**
19

20 The Constitution of the International Union shall be the paramount
21 law applying to the government of this Union, and all provisions
22 of said International Union Constitution insofar as the same are
23 or may be applicable to the affairs and activities of this Union
24 are hereby, by reference thereto, incorporated into and made a
25 part of this Constitution and Bylaws, and any provision contained
26 herein which is contrary to or in conflict with the provisions of
27 the International Union Constitution shall be inoperative and of
28 no effect except as the International Union President may
29 otherwise specifically approve.

30
31
32
33 **ARTICLE XXVI**
34 **General Provisions**
35

36 SECTION 1. Copies of all collective bargaining agreements entered
37 into by this Local Union shall be filed at International
38 headquarters, and all such agreements, together with such
39 information as may be necessary for a proper understanding of the
40 agreement, shall be submitted to the President of the
41 International Union. Whenever possible this information shall be
42 provided in electronic format. The International Union assumes no
43 responsibility for any agreement to which it is not an actual
44 party.

45
46 Section 2. The International Union assumes no responsibility for
47 acts or actions of this Local Union, its officers or members not

1 expressly directed or authorized by the International Union or its
2 duly authorized representatives.
3

4 SECTION 3. If any provision of this Constitution is held to be
5 illegal or invalid in a final judgment of a court of competent
6 jurisdiction, the remaining provisions shall remain in full force
7 and effect.
8

9 **ARTICLE XXVII**
10 **Amendments**

11
12 SECTION 1. A proposed amendment to this Constitution may be
13 introduced by the Executive Board, or by a petition containing the
14 proposed amendment which has been signed by at least sixty-five
15 (65) members in good standing. Such petition must be presented to
16 the Executive Board before it can be considered by the body.
17

18 SECTION 2. The Executive Board shall include the proposed
19 amendment in its minutes to be read at the next membership
20 meeting. There can be no vote or discussion on the subject of the
21 amendment at that meeting, but it shall be held over until the
22 succeeding membership meeting for discussion.
23

24 SECTION 3. The proposed amendments shall be submitted to the
25 membership by a mail ballot vote which shall contain a statement
26 informing the members of the nature of the proposed amendment. A
27 vote of two-thirds (2/3) of the eligible members voting on such
28 matters under the Local Union's Constitution shall be required to
29 constitute acceptance of the proposed amendment to this
30 Constitution and Bylaws except as provided in Article XII, Section
31 4a herein.
32

33 SECTION 4. No amendment to this Constitution and Bylaws shall take
34 effect until the approval of the President of the International
35 Union has been secured.
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1
2
3 **INITIATION OBLIGATIONS**
4 **OF MEMBERS AND OATH OF OFFICE**
5
6
7

8 Initiatory Obligation of members

9 "I, _____, pledge my honor
10 before these witnesses to faithfully comply with the constitution,
11 laws, and all amendments thereto of Office and Professional
12 Employees International Union, Local No. 109 and of the
13 International Union."
14
15
16
17

18 Oath of Office

19 "I, _____, do solemnly
20 pledge my word and honor before these witnesses that I will, to
21 the best of my abilities, perform the duties of my office. At the
22 close of my official term, I will turn over to my successor all
23 books, records and all other properties, including funds, of this
24 Local Union, that may be in my possession. I will also deliver
25 all such properties to the International Union upon lawful demand.
26 I will at all times devote my efforts to further the objectives
27 and best interests of my Union."
28