



**CONSTITUTION  
AND  
BY-LAWS**

**OF**

**PLUMBERS AND PIPEFITTERS  
LOCAL UNION NO. 441**

Affiliated With

**United Association of  
Journeyman and Apprentices of the  
Plumbing and Pipefitting Industry of the  
United States and Canada**

**AFL-CIO**

**July 12, 2010**

**Updated:  
December 2013**

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## **PREAMBLE**

The objects and aims of Plumbers & Pipefitters Local Union 441, is to assist in organizing the unorganized, to protect the United Association's jurisdiction completely, to assist and aid it's members in distress, to continually upgrade apprentice and journeymen training so that the trades of "Plumbing and Pipefitting" may be elevated to their proper standing, thereby gaining the respect of all.

PLEASE READ AND GOVERN YOURSELF ACCORDINGLY, IGNORANCE OF THE FOLLOWING BY-LAWS IS NO EXCUSE FOR VIOLATION.

## **ARTICLE I**

### **Name and Location**

1. This Organization shall be known as Plumbers and Pipefitters Local Union 441 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada.
2. The principal Union Hall and office of Plumbers and Pipefitters Local Union 441 shall be located at 1330 East First Street, City of Wichita, County of Sedgwick, and State of Kansas. The Business Manager/Financial Secretary-Treasurer may establish sub-offices as the needs of Local Union 441 require.

### **Territory**

3. The territorial jurisdiction of Local Union 441 shall be the jurisdiction granted by the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada. As of the effective date of this Constitution and By-Laws the territory for trade jurisdiction consists of all counties located in the state of Kansas **excluding:**

Doniphan and Atchison counties which belong to the jurisdiction of Plumbers and Pipefitters Local Union 45, St. Joseph Missouri, and Leavenworth, Wyandotte, Johnson, and Miami counties which belong to the jurisdiction of Plumbers Local Union 8, and Pipefitters Local Union 533, Kansas City, Missouri, also to include the boundaries of La Cygne Power House located in Linn County.

### **Jurisdiction of Work**

4. The work jurisdiction of Local Union 441 shall be as described in the United Association Constitution and Local Union 441 Collective Bargaining Agreements.

## **ARTICLE II**

### **Membership**

5. The membership of Plumbers and Pipefitters Local Union 441 shall consist of Building Trades Plumbers, Pipefitters, HVAC Service Technicians, Welders, Apprentices, Metal Tradesman, Tradesmen, and other craft persons in the plumbing, pipefitting, and related industries that may qualify.
6. All membership applications shall be handled as set forth in the current United Association Constitution.
7. Member files are the property of Local Union 441. Members have the right to review their own individual member file in accordance with the Local Union 441 "Member File Office Policy."

## ARTICLE III

### Initiation Fees

8. Initiation fee for **Building Trades Journeymen** membership for Local Union No. 441 shall be two hundred dollars (\$200.00) plus the first month's dues and, if the Member chooses to participate, the initial death benefit amount, and shall accompany the application for membership.
9. Initiation fee for **Building Trades Apprentices** shall be two hundred dollars (\$200.00) plus the first month's dues and, if the Member chooses to participate, the initial death benefit amount, and shall be payable upon initiation into Local 441.
10. Initiation fee for **Tradesmen** shall be one hundred dollars (\$100.00) plus the first month's dues and, if the Member chooses to participate, the initial death benefit amount, and shall accompany the application for membership.
11. **Metal Trades and Other Classifications:** Initiation fee shall accompany the application for membership. The Business Manager/Financial Secretary-Treasurer upon signing the agreement with their employer shall set the amount of the initiation fee.
12. The Business Manager/Financial Secretary-Treasurer is authorized to reduce the standard initiation fees to the sum of \$40.00 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.
13. A **Former Member** of Local Union 441, or its predecessor local unions, must submit an application for membership. The application shall be made in writing upon the form furnished by Local Union 441. A former Member must pay a reinitiation fee, (same as initiation fee), if the former member previously paid his/her full initiation fee to Local Union 441 or its predecessor local unions. If the former member did not previously pay his/her full initiation fee to Local Union 441 or its predecessor local unions, the reinitiation fee shall be the full initiation fee currently charged to new members. In addition to payment of the reinitiation fees, a reinitiating former member must also pay all monies that he/she legally owes to Local Union 441, or its predecessor local unions. Denial of reinitiation of former Members of Local 441 shall be in accordance with current United Association Constitution. Local Union 441 reserves the right, as specified in Section 160 of Constitution of the United Association, to table the reinstatement of any former member if the Local Union plans to request of the General President of the United Association permission to deny reinitiating.

## ARTICLE IV

### Dues

14. **Building Trades Members:**
  - (A) The monthly dues for Journeyman members of Local Union 441 shall be no lower than allowed by the Constitution of the United Association plus the current working assessment percentage of the base wage rate for all hours worked in Local 441 jurisdiction.
  - (B) The monthly dues for Apprentice members of Local Union 441 shall be no lower than allowed by the Constitution of the United Association plus the current working assessment percentage of the base wage rate for all hours worked in Local 441 jurisdiction.
15. **Tradesmen:** The monthly basic dues for Tradesmen of Local Union 441 shall be no lower than allowed by the Constitution of the United Association plus the current working assessment percentage of the base wage rate for all hours worked in Local 441 jurisdiction.
16. **Metal Trades and Other Classifications:** The Business Manager/Financial Secretary-Treasurer, will set the monthly basic dues for Metal Tradesmen and other Classifications, but not lower than allowed by the Constitution of the United Association.
17. A change in the monthly dues amount will be governed by changes in the amount set forth in Section 130(a) of the Constitution of the United Association. Also, Local Union 441 may increase dues or levy assessments in accordance with the procedures set forth in Section 130(b) of the UA Constitution.
18. Any member who is three (3) months in arrears in the payment of dues, fines, initiation fees, assessments, or other charges shall not be entitled to any rights or privileges of membership or to any monetary benefits. Any member who has been automatically suspended for failure to pay dues shall be under a continuing obligation to pay dues during the suspension period. Upon payment of all back dues through the current month together with a \$50.00 reinstatement fee, a suspended member shall be restored to good standing except that his right to monetary benefits must wait ninety (90) days from the date of payment of the reinstatement fee.
19. Any member in arrears for dues for a period of six (6) months shall stand expelled and shall be liable to Local Union 441 for all money owed. Reinitiation procedures shall be as provided for in Article III of this Constitution and By-Laws.
20. Sick or disabled dues shall be paid by Local Union 441 in accordance with "Sick/Disabled Dues Office Policy."



## ARTICLE V

### Retirees Dues

21. Retirees that have reached the 50-year life Member status will pay no dues. All other retirees will pay rates established by the Constitution of the United Association. Any change in the monthly dues amount will be governed by changes in the per-capita amount set forth by the Constitution of the United Association.

## ARTICLE VI

### Working Assessments and Funds

22. **Building Trades Members:**  
Base working assessment rates are as follows: Building Trades Journeyman – 3.5%; Building Trades Apprentice – 2.0%; Tradesman – 1%; Metal Trades Journeyman – 1%; Metal Trades Apprentice – 1%. An increase in the rate of assessment percentage, other than stated below, shall be authorized by majority vote of the Membership by secret ballot.
  - (A) A Working Assessment percentage of the taxable gross wages for all hours worked by members, and referred to in Article IV, is to offset the cost of operating Local Union 441. The assessment rate will be determined as follows:
  - (B) If the General Fund drops to \$1,000,000.00, all signatory Contractors will be notified by the Business Manager/Financial Secretary-Treasurer and instructed to adjust the total assessment rate from 3.5% to 4.0% effective with the first pay period of the following month. The Business Manager/Financial Secretary-Treasurer and the Finance Committee will review the financial statement once a month and will make the determination of the balance in the General Fund. The assessment rate will not be raised without the Finance Committee verifying the balance in the General Fund.
  - (C) The Business Manager/Financial Secretary-Treasurer and the Finance Committee will continue to monitor the General Fund once the new assessment rate is in place. If the General Fund continues to suffer a loss for two consecutive months, as determined by the Business Manager/Financial Secretary-Treasurer and the Finance Committee, then the total assessment rate will adjust up from 4.0% to 4.5%. The total assessment rate will not go higher than 4.5% without a majority vote from the Membership.
  - (D) The Business Manager/Financial Secretary-Treasurer and the Finance Committee will monitor the General Fund on monthly basis. If the General Fund reaches \$2,500,000.00, as determined by the Business Manager/Financial Secretary-Treasurer and the Finance Committee, all signatory Contractors will be notified and instructed to

adjust the total assessment rate from 4.5% to 4.0% effective with the first pay period of the following month. The Business Manager/Financial Secretary-Treasurer and the Finance Committee will continue to monitor the General Fund once the new assessment rate is in place. If the General Fund continues to show a gain for two consecutive months, as determined by the Business Manager/Financial Secretary-Treasurer and the Finance Committee, then the total assessment rate will be adjusted back from 4.0% to 3.5%.

- (E) Other assessment rates will adjust up or down by the same percentage amount as stated in the above paragraphs.

#### **Target Fund**

- 23. 0.9 of the assessment percentage rate outlined in the above paragraphs, will be allocated to the Local Union 441 Target Fund. This Fund is to be used for market recovery projects and organizing activities. The Business Manager/Financial Secretary-Treasurer or his designee shall administer the Fund.

#### **Building Fund**

- 24. 0.1 of the assessment percentage rate outlined in the above paragraphs, will be allocated to the Local Union 441 Building Fund. This Fund shall be used for the upkeep and maintenance of all properties of Local Union 441. The Business Manager/Financial Secretary-Treasurer or his designee shall administer the Fund.

#### **Death Benefit Fund Assessment**

- 25. A Death Benefit in the amount of \$3,500.00 shall be paid to the beneficiary of a participating member of the Local Union 441 Death Benefit Plan, if the member is in good standing at the time of death. This Death Benefit Fund shall be maintained by the assessment of members participating for an amount of \$3.00 per death until the Fund reaches a point that the Business Manager/Financial Secretary-Treasurer determines that it is self-sustaining. This Fund shall be operated in accordance with the Death Benefit Fund Policy. See Local Union 441 Death Benefit Plan document to determine eligibility, funding, appeals, participation, etc.

#### **Political Action Fund**

- 26. There shall be a Political Action Committee Fund, known as the Plumbers & Pipefitters Local 441 PAC Fund. The PAC Fund Committee is appointed by the Business Manager. The voluntary contribution to the PAC Fund shall be ten (10) cents per hour, five (5) cents to the UA PAC Fund and five (5) cents to the Local PAC Fund, for members who wish to participate. Previously authorized voluntary contributions to the PAC Fund will remain as established and shall remain at four (4) cents per hour, one (1) cent to the UA PAC Fund and three (3) cents to the Local PAC Fund.

## ARTICLE VII

### Finances

27. All monies received by Local Union 441 shall be kept in respective funds as may from time to time be established by the Business Manager/Financial Secretary-Treasurer.
28. Withdrawals of all funds of Local Union 441 shall be countersigned by the Business Manager/Financial Secretary-Treasurer and Business Representative designated by the Business Manager/Financial Secretary-Treasurer.
29. The Financial Secretary shall report the expenditures of Local Union 441 for the previous month at each regular monthly membership meeting.
30. Each year a certified public accountant shall be employed to file or assist in filing all tax, reporting and/or disclosure forms, as required by state and federal law, and close out the accounts of Local Union 441 for the previous year. The annual audit will be available for review by all Members of Local Union 441 at the principal office of Local Union 441.
31. All books, records and financial documents of Local Union 441 shall be kept at the principal office of Local Union 441.

## ARTICLE VIII

### Membership Meetings

32. Local Union 441 shall hold a regular monthly membership meeting in its jurisdiction on the second (2<sup>nd</sup>) Monday of each month at 7:00 PM, at the principal location of the Local Union Facility. Ten (10) Journeymen Members shall constitute a quorum at a regular monthly membership meeting. A monthly membership meeting may be canceled or rescheduled by the Business Manager/Financial Secretary-Treasurer if a monthly membership meeting conflicts with Holidays or other Local Union 441 Business, in which case the membership shall be given ten (10) days written notice by mail of the change.
33. **Special Meetings:** Special Membership meetings may be called by the Business Manager/Financial Secretary-Treasurer by giving each member ten (10) days written notice by mail of the date, time, and place, of the special meeting and of the business to be presented. Twenty-five (25) Journeymen Members shall constitute a quorum at a Special Meeting.
34. **Disturbances:** Any member who disturbs the harmony of the meeting or uses abusive, disorderly, or profane language, or refuses obedience to the presiding officer, shall be admonished by the Chair. In case he/she shall offend again, the Chair shall request the Vice President and Sergeant of Arms to lead the offending member from the Assembly Room. The offending

member may afterwards be called before the Executive Board for disciplinary action.

35. **Rules of Order:** Rules of Order shall be conducted by parliamentary procedure according to the UA Constitution and Roberts Rules of Order (revised).

## **ARTICLE IX**

### **Election of Officers**

36. Elections shall be held for the positions of President, Vice President, Recording Secretary, Business Manager/Financial Secretary-Treasurer, Sergeant of Arms, Examining Board (four (4) members), Executive Board (four (4) members), and Finance Committee (three (3) members). The Vice President will also serve as Chair of the Executive Board. All Members in good standing are eligible to run for any of these positions. All Members in good standing are eligible to vote on all positions. All elections for the above positions shall be held in accordance with the provisions of the United Association and applicable law.

### **Election Process**

37. Voting shall be by secret mail ballot, subject to the approval by the General President in accordance with the provisions in the United Association Constitution. The Business Manager/Financial Secretary-Treasurer shall file a request for a mail ballot with the General President at least thirty (30) days prior to the holding of nominations. Nominations shall be held at least thirty (30) days prior to the election. If the General President approves the request for a mail ballot, then the General President shall prescribe rules for the election. The election shall be scheduled so the results of the election shall be announced no later than the third Monday in June.
38. If the General President disapproves a mail ballot, the Election Committee shall establish separate polling places in each zone as established by the Collective Bargaining Agreements. Each member will vote at the polling place in the zone in which he/she resides to provide an opportunity for all members to vote.
39. Voting shall be conducted by a secret ballot as prescribed in the UA Constitution. There shall be no proxy voting. Each member shall be entitled to one vote.
40. The Election Committee shall have the authority to establish supplemental rules and regulations for the conduct of the election provided they are not in conflict with the United Association Constitution.
41. Each candidate, at his/her own expense, shall have the right to have an observer other than himself/herself at each polling place and at the counting of the ballots. An observer must be a member of Local Union 441 in good

standing. Observers may challenge the eligibility of voters and each challenged ballot shall be sealed in a blank envelope, which in turn shall be sealed in an envelope with the name of the voter thereon. If votes are challenged, each challenge shall be made in writing at the time of the election with the specific reasons given for such challenge. Challenges shall be investigated by the Election Committee to determine their validity, if the challenged ballots are sufficient in numbers to affect the result of election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon. Upon request of any candidate deemed reasonable by the Election Committee, voting machines, if used, shall be checked for proper operation.

42. The Election Committee shall, upon reasonable notice, make available for inspection (viewing only) at the primary office of Local Union 441, the membership list containing the names and last known addresses of all members, to any bona fide candidate within thirty (30) days prior to the election. If said candidate wishes to mail a notice to the membership, said candidate can deliver to the primary office of Local Union 441 sealed notices or postcards ready for delivery including postage and return address of sufficient number as to include total membership. The office staff of Local Union 441 will affix address labels for membership and will mail sealed notices or post cards. Said candidate can accompany office staff to the post office when sealed notices or post cards are mailed. Said candidate will be required to pay Local Union 441 for time and expenses as set forth by the Election Committee at the time notices are delivered to 441 Offices.

#### **Protest of Eligibility**

43. Protests regarding eligibility to be nominated to run for office shall be submitted in writing to the Election Committee within three (3) working days of the questionable action. The Election Committee shall render a decision within three (3) working days. The decision of the Election Committee can be appealed to the General President, which must be done within three (3) working days of the adverse ruling. The decision of the General President is final, binding, and conclusive.

#### **Election Protests**

44. In the event there shall be a protest by any member concerning the conduct or validity of the Local Election, such protest shall be filed with the General President within five (5) working days after the election. The protest shall be simultaneously served on the Local Union. The protest shall clearly and specifically set forth the grounds upon which the protesting member relies to set aside or invalidate the election. The General President shall refer the protest to one of his representatives, who shall conduct an investigation and render a decision. Any candidate of Local Union 441 not satisfied with the representative's decision must appeal in writing within three (3) working days to the General President. The General President shall have the right to affirm, reverse, modify, or change the decision of his representative, or enter such other decision as the facts in his discretion warrant. The decision of the

General President shall be final, binding, and conclusive, and there shall be no further appeal.

### **Election Committee**

45. The election shall be conducted by a committee known as the Election Committee. It shall consist of Five (5) members appointed by the President. The Election Committee shall elect one member as chairperson. There shall be one representative from each zone, and one at large representative.

### **Installation of Officers**

46. Installation of officers shall take place at the July membership meeting for those officers elected in June. There shall be a two-week period prior to the installation of newly elected paid officers to be utilized for orientation of newly elected paid officers. In other situations, the officers elected shall be installed at the next regular meeting after they are elected. If appointed, they shall be installed at the same meeting in which they are appointed.

### **Local Officers and Their Duties**

47. Duties of officers shall be as those set forth in appropriate sections of the current Constitution of the United Association.
48. **President:** The President shall preside over all regular and special meetings and conduct the same in conformity with the accepted rules of order and common sense. He shall have a general supervisory control over all matters pertaining to the welfare of Local Union 441. The President shall be ex-officio member of all committees.
49. **Vice President:** The Vice President shall Chair the Executive Board and have supervision over all members entering the Assembly Room, and upon a member presenting his/her dues book to prove his/her good standing, will give member the password. The Vice President shall also have supervision over all members departing the Assembly Room, assist the President in keeping order at meetings, and in the absence of the President, will assume the Chair. The Vice President shall administer the obligation to all persons becoming a member of Local Union 441.
50. **Recording Secretary:** The Recording Secretary will keep a correct and intelligent account of all transactions, resolutions, motions, and the general business of the Local Meetings, and perform any other duties, special or otherwise, that may devolve upon him/her by action of Local Union 441 or the United Association.
51. It shall be the duty of the Recording Secretary of Local Union 441, immediately after the election of officers, to forward to the General Secretary-Treasurer, the names and addresses of the officers (upon blanks furnished by the United Association).

52. **Business Manager/Financial Secretary-Treasurer:** The Business Manager/Financial Secretary-Treasurer shall spend such time in the field and business office of the Local Union 441 as is necessary to handle day to day matters for the good and welfare of Local Union 441, and shall perform all duties as outlined in sections of the UA Constitution, except as delegated to clerical help.
53. The Business Manager/Financial Secretary-Treasurer will appoint all Business Representatives, Dispatchers and Organizers who shall work under his/her supervision. The Business Manager/Financial Secretary-Treasurer shall determine the need for and number of Business Representatives and Organizers appointed.
54. The Business Manager/Financial Secretary-Treasurer shall make a comprehensive report to Local Union 441 membership at each regular monthly membership meeting, and this report is to be given under the "Report of Officers" order of business.
55. **Business Representative / Dispatcher / Organizer:** Business Representative/ Dispatcher / Organizer shall work under the supervision and direction of the Business Manager, and shall be appointed by the Business Manager. The appointee must be a member in good standing for two (2) years previous to their appointment. The Business Representatives will be appointed to represent the various zones. For a Member to be eligible to be appointed as a representative of a zone, the Member shall permanently reside within close proximity to the zone he/she is assigned to represent.
56. **Executive Board:** The Local Union Executive Board shall, between the meetings of Local Union 441, transact such business as may be referred to it by Local Union 441 or the duly elected Local Union officers. All records shall be kept of the number of ballots cast for each Executive Board Member for the purpose of filling a vacancy in the office of the Vice President during the term following each election.
57. The Executive Board shall meet a minimum of once every month. The Business Manager/Financial Secretary-Treasurer is authorized to call additional meetings of the Executive Board when needed.
58. **Finance Committee:** The Finance Committee shall consist of three (3) members who shall serve for the same term of office as the other Local Union 441 officers. The Finance Committee shall examine all financial accounts of Local Union 441 and make a report quarterly. They shall see that the funds of Local Union 441 are audited at least once a year by a Certified Public Accountant and they shall report the results of such audit at the next regular meeting of Local Union 441.
59. During Local Union 441 election of Officers, the Finance Committee shall assist the Election Board in determining eligibility of any member nominated for office.

60. **Local Union Examining Board:** The duties of the Examining Board shall be as prescribed in the Constitution of the United Association.
61. **Sergeant of Arms:** The Sergeant of Arms shall have charge of the inner door of all Local Union 441 meetings; he/she shall see that no one not entitled shall enter the assembly room during sessions of Local Union 441. He/she shall aid the President in preserving order and shall be under the direction of the Vice President.
62. **Term of Office:** All officers shall be elected for a term of three (3) years. Any elected Officer absent at three consecutive meetings without a reasonable excuse shall be properly charged and then referred to the Trial Board to determine if said office should be declared vacant. This process shall be in accordance with Section 127 of the United Association Constitution titled "Discipline of Officers" which requires proper charges, trail, and a two-thirds (2/3) majority vote by the members present at a regular or special called meeting to sustain the recommendation and remove, or fine, or reprimand said Officer. For absence to be accepted as excused, Officer must contact Business Manager prior to Union Meeting to give reason for not being able to attend Union meeting. Reason must then be approved by membership at Union meeting and entered into the minutes of that meeting.
63. **Requirements for Car Insurance and Valid Drivers License of Paid Officer (Business Manager/Financial Secretary-Treasurer) and Appointed Paid Officers:** Paid appointed/elected officers of Local Union 441 must maintain valid insurance coverage on vehicles not owned by Local 441 that are utilized in the day to day business of the Local. Coverage limits shall be in the amount of \$500,000. Officers must provide the Local Union Office with signed authorization to allow office staff to verify current coverage at all times. Officers must also provide signed authorization to allow office staff to verify officers maintain valid drivers license at all times.

## ARTICLE X

### Delegates to Central Bodies

64. The Business Manager/Financial Secretary-Treasurer shall be a delegate to all state and local AFL-CIO Labor Associations, Pipe Trades, Building Trade Councils, and Labor Federations. The Business Manager/Financial Secretary-Treasurer shall appoint all other delegates representing Local Union 441.



## **ARTICLE XI**

### **Vacancies in Office**

**65. Temporary Unavailability:**

- (A) In the absence of the President at any meeting at which he would preside, the Vice-President shall assume the chair.
- (B) In the absence of the Vice-President at any meetings at which he would preside, that member of the Executive Board who received the most votes at the last general election shall preside. In the absence of the Business Manager/Financial Secretary-Treasurer the Business Representative as designated by the Business Manager/Financial Secretary-Treasurer shall take over the duties of the Business Manager/Financial Secretary-Treasurer until his return.

**66. Replacement:**

- (A) Upon the death, disability, ineligibility, resignation or vacancy of any elected officer, the position shall be filled as soon as possible by the Business Manager/Financial Secretary-Treasurer with approval of the Executive Board for the balance of the unexpired term.
- (B) Upon the death, disability, ineligibility, or resignation of the Business Manager/Financial Secretary-Treasurer, the Business Representative (as designated by the Executive Board), shall immediately assume the duties of the Business Manager/Financial Secretary-Treasurer. Within one hundred and twenty (120) days, a new Business Manager/Financial Secretary-Treasurer shall be elected to serve the balance of the unexpired term in accordance with the election procedures, provided, there is at least one year remaining of the unexpired term. If less than one year is remaining of the unexpired term, the Business Representative designated by the Executive Board shall serve for the balance of the unexpired term.

## **ARTICLE XII**

### **Salaries and Expenses**

- 67. Salaries of the office employees of Local Union 441 shall be set by the Business Manager/Financial Secretary-Treasurer, but not to exceed current established rates as stated in the 441 office personnel policy without approval of the Executive Board. Fringe benefits shall follow the Wichita, Kansas Zone Collective Bargaining Agreement.
- 68. The Business Manager/Financial Secretary-Treasurer shall have the authority to incur expense on behalf of the local union by way of meals, beverages, and entertainment as may be required in pursuit of business relationships beneficial to the prosperity of the local union and its members. He shall also

have the authority to purchase food and beverage for officers, representatives, and members of the local union when engaged in activities on behalf of the local union. Representatives will have authority to make such expenditures as directed by the Business Manager. Receipts will be required on all purchases.

69. Local Union 441 shall furnish an automobile to the Business Manager/Financial Secretary-Treasurer. All operation and maintenance costs are to be borne by Local Union 441. Vehicles are to be replaced as wear and tear would determine. The specific automobile furnished by Local Union 441 will be left to the discretion of the Business Manager/Financial Secretary-Treasurer, with approval of the Finance Committee. The Business Manager/Financial Secretary-Treasurer, with approval of the Finance Committee, will make determination of the need for automobiles to be purchased for the Business Representatives, Dispatcher, and Organizers.
70. The Business Manager/Financial Secretary-Treasurer, Business Representatives, or Organizers, when required to use their personal vehicle in the performance of their duties, shall be reimbursed for mileage as allowed by the IRS at the time of usage.
71. The Business Manager/Financial Secretary-Treasurer shall receive forty-six (46) hours at General Foreman pay. The Business Representative/Dispatcher and Head Organizer shall receive forty-four (44) hours at Foreman pay. The Organizers shall receive forty (40) hours at Journeyman pay. In addition, all fringe benefits offered by the Collective Bargaining Agreement will be paid. The base wage rate for all elected or appointed paid officers shall be in accordance with the highest rate set forth in any of the Local 441 Collective Bargaining Agreement. The base wage rate will be the same for all elected or appointed paid officers. All Local 441 elected or appointed paid officers will participate in the Plumbing and Pipefitting Industry Health and Welfare Fund of Kansas, Plumbing and Pipefitting Industry Retirement Plan of Kansas, and the Plumbers and Pipefitters Local 441 Retirement Plan. Contributions to these Plans will be made per the Wichita, Kansas Zone's Collective Bargaining Agreement. All elected or appointed paid officers will also participate in the Plumbers and Pipefitters National Pension Plan at the highest contribution rate as set forth in any of the Local 441 Collective Bargaining Agreements.
72. The Business Manager/Financial Secretary-Treasurer, Business Representatives, and Organizers of Local Union 441 shall receive one (1) week paid vacation annually for the first term of office. The Business Manager/Financial Secretary-Treasurer, Business Representatives, and Organizers of the Local Union 441 shall receive two (2) weeks paid vacation annually upon election to second consecutive term of office. Paid vacation shall not exceed two (2) weeks annually. The Business Manager/Financial Secretary-Treasurer has the ability to adjust wages depending on financial position of Local Union 441, but not to exceed above rates, without the approval of the Executive Board.

73. The Business Manager/Financial Secretary-Treasurer shall have the authority to layoff or terminate any employee of Local Union 441 with or without cause.

### **ARTICLE XIII**

#### **Negotiations**

74. The Negotiation Committee shall consist of the Business Manager/Financial Secretary-Treasurer, and at least two (2) other members to be selected by the Business Manager/Financial Secretary-Treasurer. The Business Manager/Financial Secretary-Treasurer may change the composition of the Negotiating Committee from time to time. The Committee shall not be less than three (3) members.
75. The Negotiating Committee shall meet, as often as is necessary for the purpose of negotiations, and they shall be reimbursed the regular rate of wages for time lost, unless they are a full time officer or appointed full time by Local Union 441.
76. Strike votes shall be by secret ballot at a special or regular meeting with prior notice to the membership. Members in good standing working under the Collective Bargaining Agreement shall be entitled to vote. It shall require a two-thirds (2/3) vote of such Members present at the meeting for a strike vote to be adopted.
77. Ratification of the Collective Bargaining Agreement shall be by vote of the membership. Ratification shall be by secret ballot at a special meeting at the discretion of the Negotiation Committee. The special meeting for the purpose of voting on the provisions of a Collective Bargaining Agreement will be located within the zone in which the Collective Bargaining Agreement governs.

### **ARTICLE XIV**

#### **Bonding**

78. The Business Manager/Financial Secretary-Treasurer, Business Representative/Dispatcher/Organizer, or any member or other person handling funds of Local Union 441, shall be bonded to comply with the law. The Local Union 441 shall pay the premium charges for such bonds.

### **ARTICLE XV**

#### **Remuneration**

79. Any member authorized by the Local Union 441 to perform work for Local Union 441 shall be reimbursed hourly wages for time lost from regular employment and any expenses incurred.

80. No reimbursement for services rendered shall be given consideration for payment unless the request for reimbursement is submitted in writing and signed by the member requesting payment.
81. **Delegates to Conventions and Meetings: \*Excluding UA Convention.** Officers and Delegates attending conventions and meetings shall be paid the prevailing wage rate for each working day they are attending a convention or meeting on behalf of Local Union 441. In addition, Delegates shall be reimbursed for normal expenses incurred while performing duties for Local Union 441. Delegates shall receive one-day expenses to and one-day expenses from the convention for travel purposes if convention or meeting is 200 miles or more from Local Union 441 Offices, or they shall be reimbursed per mile in accordance with IRS regulations when using personal automobile.
- \*Expenses for UA Convention shall be as stated in the UA Constitution.**

## **ARTICLE XVI**

### **Memorials, Loans, Donations, Collections**

82. Flowers or Memorials shall be provided by Local Union 441 when appropriate for Members, UA Officials, and/or Local or National Dignitaries and their families. The Business Manager/Financial Secretary-Treasurer shall make determination.
83. Loans: No loans shall be made to any officer, member, or employee from Local Union 441 funds under any conditions.
84. Donations and Charities: Whenever there is a request for a donation(s) over \$200.00, it can be voted on by the membership at a regular union meeting or referred to the Executive Board Committee for further study and a recommendation to be made at the next regular meeting.

## **ARTICLE XVII**

### **Job Stewards**

85. On all projects where Local Union 441 members are employed, the Business Manager/Financial Secretary-Treasurer will appoint a Local Union 441 member to act as a permanent job steward. If the Business Manager fails to make an appointment, the first Local Union 441 Member on the job site shall act as temporary job steward. Job stewards will perform the following duties:
- (A) Attend monthly meetings to keep the membership updated concerning jobsite activities.
  - (B) Be familiar with the provisions of the collective bargaining agreement to ensure both the contractor and union member are not in violation of the terms of the agreement.

- (C) Keep the Union Hall informed and request support when necessary to help settle disputes that cannot be resolved on the jobsite.
  - (D) Represent co-worker during investigatory meetings.
  - (E) Attend Steward Update classes when offered.
86. The permanent job steward's position will be made by notification by letter to the Local Union 441 member accepting the position and also to the contractor.
87. If a permanent job steward accepts a position in a supervisory capacity, he/she is to notify Local Union 441 immediately so a replacement can be made.

## **ARTICLE XVIII**

### **Amendments to the Constitution and By-Laws**

88. **Procedure:** These By-Laws may be amended, altered, or repealed by resolution. All amendments must have a minimum of twenty (20) signatures of Members in good standing for a period of one (1) year before being presented to the President for reading at a regular union meeting. The same to be read at two (2) consecutive regular union meetings previous to being acted upon. It shall then require two-thirds (2/3) vote of Members present for adoption at a special or regular meeting with notice of special business.
89. **By-Laws Committee:** The By-Laws Committee shall be appointed by the Business Manager/Financial Secretary-Treasurer consisting of not less than three (3) Members in good standing and authorized by the Executive Board. The rules and By-Laws are to be amended after receipt of a revised Constitution of the United Association. However, amendments or additions may be made at any time through the proper channels as long as they do not conflict with the Constitution of the United Association. If no By-Laws Committee is appointed, the Executive Board shall act as such. The Business Manager/Financial Secretary-Treasurer has the right to appoint a By-Laws Committee, as he/she deems necessary. The By-Laws Committee shall give consideration to any necessary revisions of the By-Laws every three (3) years. This shall take effect immediately after the 2006 United Association Convention and shall continue every three (3) years thereafter.

## **ARTICLE XIX**

### **Offenses**

90. Any Member who violates the rules and regulations of Local Union 441 shall be subject to disciplinary action by the Executive Board to include, but not limited to, reporting to work for any Local 441 signatory contractor and/or

contractors signatory to any M.I.N.K. Local without referral issued by Local 441. Members are not allowed to report to work for a signatory contractor unless dispatched by Local 441. Members reporting for work in Local Unions not mentioned above must immediately notify Local 441 Dispatcher of location and start date.

91. **Malpractices:** Members shall not contract labor, nor shall any member work for any person, firm, or corporation not signatory to a collective bargaining agreement with this local union (or, if traveling, the local union in whose jurisdiction they are working) or an appropriate national agreement with the United Association.
92. **Tools:** No one working in the jurisdiction of Local Union 441 shall be permitted to furnish tools, except as allowed in the Collective Bargaining Agreement.
93. **Use of Vehicles:** The use of vehicles by Members (unless furnished by employers) shall be governed by the Collective Bargaining Agreement of Local Union 441 or by United Association National Agreements.
94. **Rate of Pay:** Any Member working for a lesser amount than specified in the Collective Bargaining Agreement shall be subject to disciplinary action. This also refers to overtime and shift rates, all travel time, and subsistence.
95. **Failure of a member to appear before the Executive Board:** Any Member given notice to appear before the Executive Board, and failing to do so, will be subject to disciplinary action.
96. **Disclosing Information:** Any Member speaking to persons other than Local Union 441 Members of the actions taken at a Local Union 441 meeting, which could be detrimental to Local Union 441 interests, shall be brought before the Executive Board for disciplinary action.
97. **Work Stoppage:** Any Member found guilty of trying to cause an unauthorized strike, wobble, walkout, or work stoppage on any job shall be subject to disciplinary action.

## ARTICLE XX

### Exhaustion of Remedies

98. Any Member, Officer, or Business Representative whom charges have been preferred against and disciplinary action taken as a result thereof, or against whom adverse ruling or decisions have been rendered or who claims to be aggrieved, shall be obligated to exhaust all remedies provided for by this Constitution and By-Laws and the Constitution of the United Association before resorting to Court, tribunal, or agency action.

## **ARTICLE XXI**

### **United Association Constitution**

99. Should these By-Laws conflict with the Constitution of the United Association or applicable law, the Constitution of the United Association and/or applicable law shall prevail. The Constitution of the United Association shall govern in the event of any contingency not herein specifically provided for.
100. Should any of the provisions of these By-Laws, for any reason whatsoever, fail or be declared invalid by final judgment or decree in a court of competent jurisdiction, such failure shall not defeat or impair any of the remaining provisions herein contained.