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BYLAW PROPOSALS

The following
pages are listed in order for
consideration.

BMWED BYLAW PROPOSALS

Communications in the following pages are provided by The BMWED for
consideration and communication purposes.

PROPOSAL NO. 1
STATE LEGISLATIVE APPOINTMENTS
SUBMITTED BY KEVIN EVANSKI ON BEHALF
OF THE BMWED LEGISLATIVE DEPT.

CHANGE ARTICLE XII TO READ:

Section 1. Purpose. To protect the interests and advance the quality of life of its membership and their families with respect to legislation, the National Division shall maintain State Legislative Boards which shall work cooperatively with the BMWED ~~National Legislative Director~~ **Director of State Government Affairs, Director of Government Affairs, and IBT Department of Governmental Affairs.**

Sec. 2. Carrying out the activities of the Legislative Department. To fulfill its purpose, a Legislative Board shall be organized in each state and in any state where only one Local Lodge is located that lodge shall be designated a Legislative Board, ~~and shall elect the appropriate list of Officers.~~ **Officers of State Legislative Boards shall be appointed as provided in Section 4 of this Article.**

Sec. 3. Organization of State Boards. Each Local Lodge shall, at a regular or special meeting held between January 1 and June 30 in the year following a National Division Convention, elect by secret ballot a local Legislative Representative to serve as a member on the State Legislative Boards, and in addition they shall elect a Vice Legislative Representative who shall serve in the event the Legislative Representative is unable to carry out the prescribed duties. The Secretary-Treasurer of each Local Lodge shall report immediately to the National Division President the results of the election, giving the name of the persons elected as Legislative Representative and Vice Legislative Representative together with any other personal data pertaining thereto. After June 30 in the year following a regular National Division Convention, the National Division President or **through** his designee **will appoint the Officers of the State Legislative Board from the pool of Local Lodge Legislative Representatives that were elected in that state as outlined in Section 4 of this Article.** ~~will direct the incumbent Director of the State Legislative Board to convene the members elect at some convenient location within the State for a Legislative Convention for the purpose of reviewing its work and achievements, and to elect Officers. An accurate record of the proceedings of the State Convention shall be forwarded to the National Division President, the BMWED National Legislative Director and the Director of the IBT Department of Government Affairs, within 30 days after the State Convention.~~

Sec. 4. Officers of State Legislative Boards. Each Board shall ~~elect~~ **have** a State Legislative Director and an Assistant State Legislative Director.

~~Effective January 1, 2006, any member in good standing of a Local Lodge, as provided in the Merger Agreement, falling under the jurisdiction of said State Legislative Board shall be~~

~~eligible to be nominated and elected to the position of State Legislative Director and Assistant State Director.~~

~~The election shall be by secret ballot with each Local Legislative Representative entitled to cast a vote. There shall be no voting by proxy in the election.~~

~~Local Lodge Legislative Representatives shall be given at least fifteen (15) days advance notice in writing at their last known home address of the time, date, and place at which elections will be held.~~

~~Incumbent Directors and Assistant Directors shall be representatives ex officio, unless elected as a Local Legislative representative, and shall be entitled to run for re election as an officer of their respective Boards, but shall not be entitled to cast a vote.~~

The State Legislative Director shall be appointed by the National Division President or through his designee from among the duly elected Local Lodge Legislative Representatives within the State.

The Assistant State Legislative Director shall likewise be appointed by the National Division President or through his designee from among the duly elected Local Lodge Legislative Representatives within the State.

To be eligible for appointment, an individual must:

- Be a duly elected Local Lodge Legislative Representative;**
- Meet the eligibility requirements set forth in the Merger Agreement;**
- Be a resident and registered and/or qualified voter of the State.**

The State Legislative Director and Assistant State Legislative Director can be removed by the National Division President for failure to effectively perform their duties as State Legislative Director or Assistant State Legislative Director.

Sec. 5. Term of Office. Members of State Legislative Boards shall serve a four year term of office beginning January 1 in the year following the ~~holding of their regular Legislative Convention~~ **year of appointment.**

Sec. 6. Eligibility Requirements. Any member who at the time of nomination for the position of Local Legislative Representative or Vice Legislative Representative, must be a resident and registered and/or qualified voter of the State from which elected to serve and meet the eligibility requirements set forth in the Merger Agreement. ~~These requirements shall also apply to the position of Legislative Director and Assistant Legislative Director at the time of nomination to the position.~~ **Eligibility requirements for appointment as State Legislative Director or Assistant State Legislative Director shall be governed by Section 4 of this Article.**

Sec. 7. Bylaws. The State Legislative Boards will be governed by these Bylaws as provided for herein.

Sec. 8. Duties. It shall be the duty of the Legislative Directors when authorized by the National Division President, or his designee, to carry out the program promoting legislation that will advance the wages, hours and working conditions and improve the quality of life for the membership and their families and to oppose legislation deemed detrimental.

The Legislative Directors will preside at all meetings of their respective State Legislative Board and cast the tie breaking vote.

The Legislative Directors shall comply with all applicable Lobbying Laws and cooperate with the IBT Government Affairs Department in the filing of reports required thereunder.

The Legislative Directors shall render appropriate bills for salary and expenses and a written report outlining their legislative activities to the National Division President **and or** his designee not later than the 1st and 15th days of each month.

Should any of the Legislative Directors for any reason be unable to attend to their duties, they shall at once notify the National Division President, who will instruct the Assistant Legislative Director of that State Legislative Board to serve as the Legislative Director until the incumbent Legislative Director is able to resume duties or until the end of the term, whichever the case may be. If for any reason the Assistant Legislative Director is unable to serve, the National Division President or his designee may appoint a Local Lodge Legislative Representative recommended by the Legislative Director to perform necessary duties of the Legislative Director until the Legislative Director and/or Assistant Legislative Director is able to resume duty.

~~For all elections held on or before December 31, 2005, eligibility and good standing to nominate, second, run for office and vote shall be governed by the provisions of the BMWED Constitution and Bylaws in effect immediately prior to the merger. For elections held on January 1, 2006 or after, eligibility and good standing to nominate, second, run for office and vote shall be governed by the provisions of the Merger Agreement.~~

The Legislative Directors shall attend legislative meetings in their home state as directed by the National Division President or his designee to keep informed on pertinent Legislation, and in every way possible advance the interests of the Union. The Legislative Director will work with the Local Lodges and other IBT Local Unions and Joint Councils and oversee the formation of a working COPE and Legislative Action Committee in each of the Electoral Districts in their state and to increase participation in IBT's DRIVE (Democratic, Republican, Independent Voter Education) fund in the United States.

The Legislative Directors, upon authorization of the National Division President or his designee, shall seek membership in various state labor and interest groups that share in the Union's goals.

The Legislative Directors, upon authorization of the National Division President, shall represent the Union before regulatory agencies for the purpose of disposing of questions that arise concerning safety, health and sanitary conditions that directly affect the membership.

Sec. 9. Vacancies. ~~Should the incumbent State Legislative Director be unable to serve for any reason, the Assistant State Legislative Director shall be notified by the National Division President or his designee to fill the temporary vacancy or the unexpired term. Should a vacancy occur in the office of the Assistant State Legislative Director, said vacancy shall be filled by appointment by the National Division President or his designee.~~ **In the event of a vacancy in the position of State Legislative Director or Assistant State Legislative Director, the National Division President shall appoint a successor consistent with Section 4 of this Article.** Should the Local Legislative Representative position in any Local Lodge become vacant, the Vice Local Legislative Representative shall fill the vacancy for the unexpired portion of the term and an election shall be held at the next regular Lodge meeting for the purpose of filling the position of Vice Local Legislative Representative for the unexpired portion of the four-year term of office. Such elections shall be subject to the terms of the Merger Agreement.

Sec. 10. Assignment. The National Division President shall appoint a ~~National~~ Legislative Directors from the BMWED to work cooperatively with the IBT Department of Government Affairs to carry out, direct and coordinate Legislative activities in the United States. Unless otherwise provided for in these Bylaws, no Legislative Director shall become active on legislative matters until authorization has been obtained from either the National Division President or his designee.

Sec. 11. Salary and Expenses. The salary and expenses of Officers of State Legislative Boards will be fixed by the **BMWED National Division.** ~~Director of the IBT Government Affairs Department in accordance with the IBT Constitution. The salary and expenses of Local Lodge Legislative Delegates attending State Legislative Conventions, as provided for in Section 3 of this Article, will be borne by the respective Local Lodges.~~

Sec. 12. Endorsing of Candidates for Public Office. Legislative Directors, after consulting the appropriate COPE committees, if in place, may submit to the National Division President, for approval, recommendations with respect to the endorsement of candidates for any public office. Prior to the COPE Committee or Legislative Director making any recommendation, they shall advise the Local Lodges in that electoral district of the proposed endorsement. Under no circumstances shall any member of the National Division issue or publicize endorsements of any kind utilizing the National Division's name in any form, for any candidate to any public office without the written approval of the National Division President.

Sec. 13. Legislation. State Legislative Directors shall not advocate or oppose legislation without the specific approval or authorization of the National Division President or his designee except where bills directly affecting the BMWED, or railroad labor, require immediate attention.

Sec. 14. Cooperating in Legislative Work. State Legislative Directors of the BMWED shall cooperate with Legislative Representatives of the Legislative Boards of other standard labor organizations in organizing and maintaining joint legislative boards or committees in the respective

States in order that our organization may be in a position to do its part in securing favorable legislation and in opposing unfavorable legislation concerning matters in which the BMWED and such other organizations have mutual interests. However, State Legislative Directors shall not incur or commit the BMWED to any joint expense without first securing the approval and authorization of the National Division President.

The Officers of the System Divisions or Federations and Local Lodges of the BMWED should fully cooperate in actively supporting such legislative programs as may be agreed upon by such Joint Legislative Boards or Committees; and, if possible, such Officers should furnish the Legislative Representative information requested by him or the National Division President for the purpose of carrying out the legislative program.

~~Sec. 15. Neither elections of officers nor any other business of a State Legislative Board shall be valid unless a quorum is present. A Legislative Convention quorum, at minimum, requires that at least one half of all Local Lodges eligible to be represented by a Local Legislative Representative must have such Representative or alternate in attendance.~~

~~If the positions of State Legislative Director or Assistant State Legislative Director are unfilled, due to a failure to conduct valid elections, the National Division President may appoint a member, otherwise eligible to hold such office, to serve the remainder of the then current term.~~

PROPOSAL NO. 2
SEC-TREAS. INVESTMENT RULES
SUBMITTED BY THE NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE V, SECTION 5 TO READ:

Sec. 5. He shall deposit all monies and securities belonging to the BMWED in national banks or with reliable trust companies and securities firms to be selected by himself and the National Division President, jointly, and subject to the approval of the National Division Executive Board. The National Division Secretary-Treasurer will have the authority, with the approval of the National Division President and the Executive Board, to invest surplus funds of the BMWED in securities guaranteed by the full faith and credit of the United States Government, Federal agency issues, or in bonds and other fixed income securities of suitable investment grade quality that will enable the BMWED to secure an optimal return on investment without undue risk. These investments may include equities, but not to exceed ~~forty~~ sixty percent (~~40%~~) (60%) of the total National Division surplus funds.

With respect to bonds and other fixed income securities, any such investments shall ~~meet the rating qualifications of A or Higher~~ **be categorized Investment Grade by two of the three rating agencies (Fitch, Standard & Poor's, and/or Moody's).**

Such investments shall be consistent with the policies endorsed by the BMWED and the free trade union movement.

PROPOSAL NO. 3
MODERNIZE DEATH BENEFIT LANGUAGE
SUBMITTED BY THE NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE VI, SECTION 9 TO READ:

Sec. 9. The duty of the National Division Executive Board Secretary shall be to keep minutes of all transactions of the National Division Executive Board.

The National Division Executive Board Secretary shall furnish each System Officer with these minutes within sixty (60) days of the conclusion of the National Division Executive Board's meeting. The minutes shall include the voting record and results of any and all questions acted on by the National Division Executive Board, ~~excluding death benefit appeals~~. Upon written request, the minutes will be provided to any member of the BMWED in good standing within thirty (30) days.

The National Division Executive Board Secretary may call on the National Division President for assistance in reproduction and distribution of such minutes.

In the event of a vacancy in the office, or the absence or inability to act, of the Chairman of the National Division Executive Board, the Vice Chairman shall, for the time being, perform the functions and duties of the Chairman.

PROPOSAL NO. 4
MODERNIZE DEATH BENEFIT LANGUAGE
SUBMITTED BY NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE XIII TO READ:

~~BMWED Death Benefit Department~~

~~**Section 1.** Subject to the provisions of these Bylaws, the National Division shall maintain a Department known as the Death Benefit Department. The Department heretofore maintained and known as the Provident Department and the Superintendent of said Provident Department shall henceforth be known, respectively, as such Death Benefit Department and the Superintendent of such Death Benefit Department.~~

~~**Sec. 2.** The Secretary Treasurer of the National Division immediately upon his election as such Secretary Treasurer, and qualification, ex officio, shall be and become also the Superintendent of the Death Benefit Department and shall act as such Superintendent during his tenure in office as Secretary Treasurer and shall have custody of all property, funds, securities, papers, records, books and documents of every kind relating to or belonging to said Death Benefit Department.~~

~~**Sec. 3.** Upon due proof of the death of any member of the BMWED, who, at the time of such death shall be in good standing in said BMWED, and who shall be eligible to receive death benefits pursuant to Section 13 of this Article and whose participation in the benefits of the Death Benefit Department is not limited under Section 4 or debarred under Sections 6, 8 and/or 13 of this Article, the Superintendent of the Death Benefit Department shall, out of the funds or property coming into his custody or control as such Superintendent, pay the beneficiary of such member the sum of five hundred dollars (\$500.00) if such member has had a continuous membership since January 1, 1971.~~

~~**Sec. 4.** New or rejoined members who are eligible to receive death benefits pursuant to Section 13 of this Article but who had reached the age of fifty years at joining date or last rejoining date (whichever was latest) may participate in the benefits of the Death Benefit Department to the extent provided in this Section. Upon due proof of the death of any such member who at the time of such death shall be in good standing in the BMWED, and who is not debarred from participation in the BMWED, and who is not debarred from participation in the benefits of the Death Benefit Department under the provisions of Sections 6, 8 and/or 13 of this Article, the Superintendent of the Death Benefit Department shall, out of the funds or property coming into his custody or control as such Superintendent, pay the beneficiary of such member the sum of one hundred and fifty dollars (\$150.00) if such member has had a continuous membership since January 1, 1971.~~

~~Sec. 5. A copy of the death certificate or Coroner's Report must be furnished to the Superintendent to establish proof of the member's death. Said Superintendent may require further and other proof and data including satisfactory proof of the deceased member's date and year of birth where there shall exist a reasonable doubt as to his age. Such proof of death and other data will be furnished without cost to the BMWED.~~

~~Sec. 6. Any member eligible for death benefit rights pursuant to Section 13 of this Article who shall fail to pay all of his dues and properly levied assessments on or before the first day of the month for which such dues and assessments are due shall be deemed to be delinquent insofar as his status in the Death Benefit Department is concerned and to have forfeited all rights, interests and benefits of, in and to said Death Benefit Department, its funds and property, except that any such member may regain such rights if such member, prior to death and during the month for which such dues and/or assessments became payable, pays such dues and assessments in full; provided, however, that a retired member eligible for death benefit rights pursuant to Section 13 of this Article who shall fail to pay all of his dues on or before the first day of the first month (i.e., January, April, July or October) of the quarter of the calendar year for which such dues are due shall be deemed to be delinquent insofar as his status in the Death Benefit Department is concerned and to have forfeited all rights, interests and benefits of, in and to said Death Benefit Department, its funds and property, except that any such retired member may regain such rights if such retired member, prior to death and during the month on the first day of which such dues became payable, pays such dues in full. While such member is delinquent neither he, nor his beneficiary, widow, estate or Local Lodge, nor any other person who might otherwise be entitled to the death benefit as to such member, shall be entitled to any rights, interests or benefits of, in or to said Death Benefit Department, its funds or property. If such member remains delinquent during the entire month on the first day of which such dues became payable, he, his beneficiary, widow, estate and the aforesaid Local Lodge and persons shall permanently forfeit all rights, interests and benefits of, in and to said Death Benefit Department, its funds and property and become ineligible for death benefit rights unless such member shall have rejoined prior to January 1, 1963, and shall have become entitled to benefits computed from the date of said rejoining under Sections 3 or 4 and 13 of this Article.~~

~~Sec. 7. In the event a member is expelled from membership in the BMWED, or his System Division or Federation or Local Lodge disaffiliates with the BMWED, he, his beneficiary and aforesaid Local Lodge and persons, shall be deemed to have forfeited all rights, interests and benefits of, in and to said Death Benefit Department, its funds and property, and no payments to any person shall be made under this Article by reason of death of said member.~~

~~Sec. 8. Any member eligible for death benefit rights pursuant to Section 13 of this Article holding a Retiree Membership Card or an Unemployment Card may nevertheless continue his rights in said Death Benefit Department, subject to the provisions of this Article, without payment of other than National Division dues, as provided in Article XV, Section 3, provided, however, that if such member shall not resume full active membership in good standing in the BMWED within thirty (30) days after returning to the service of any company in a position under the jurisdiction of the BMWED, all of the rights, interests, benefits and privileges of said member, his beneficiary, and aforesaid Local Lodge and persons, in and to said Death Benefit Department, its~~

~~funds and property, shall immediately upon the expiration of said thirty (30) days cease and no payments to any person shall be made under this Article by reason of the death of said member.~~

~~**Sec. 9.** Each member of the BMWED eligible for death benefit rights pursuant to Section 13 of this Article (including retired members and unemployed members) may from time to time designate one or more persons and/or institutions to whom any benefits to which he may be or become entitled shall be paid, and the last valid designation in force at his death shall be given effect; provided, that a valid designation shall not be revoked except by burning, tearing, canceling or obliterating the same, with intention to revoke the same, by the member or by some person in his presence and by his direction or by a subsequent valid designation; but the death of any designated beneficiary prior to the death of the member shall automatically revoke the designation as to that beneficiary. Unless otherwise provided in the designation, the entire benefits payable thereunder shall be paid in equal shares to the beneficiaries who survive the member, if there is more than one such surviving beneficiary; otherwise entirely to the sole survivor thereof. A designation shall be valid only if made in writing upon a beneficiary form provided by the BMWED for such purpose and: (1) If the beneficiary or beneficiaries was filled in by the member himself and was signed by the member other than by mark, or, if not so filled in and signed, then (2) If said form shows the beneficiary or beneficiaries and bears the signature or signature mark of the member and the signatures of two other persons each of whom thereby attests that the designation of beneficiary or beneficiaries so shown is in accordance with the member's expressed wish and that they witnessed the member's signature or signature mark thereon.~~

~~No claim based upon any beneficiary designation shall be considered or allowed unless such designation is delivered to the Superintendent of the Death Benefit Department, supplemented by proof satisfactory to him that such designation was not revoked. Where a member dies leaving in force no valid beneficiary designation or where no designated beneficiary survives the member, any benefits which are payable shall be paid to the widow or widower of said member if one survives, otherwise to the estate of said member; provided, however, that in either of said cases, the Superintendent, upon due proof of the death of said member and of the amount and status of the expense of his funeral or burial, may, in his discretion, pay said benefit, or any part thereof, not to exceed the amount of said benefit or the amount of said expense, whichever be smaller, to the Local Lodge or person or persons, including representatives of the estate of said member, who have paid said funeral or burial expense, or, in cases where said expense has not yet been paid, jointly to said Local Lodge or person or persons who assumed financial responsibility for such expense and to the undertaker of the funeral home involved. Any balance remaining after any such payment shall be paid to the widow or widower or to the estate as the case may be. Where the amount payable after payment of the funeral or burial expense is One Hundred Dollars (\$100.00) or less, and where no widow or widower survives, the Superintendent may, in his discretion, make such payment to the legal representative of the deceased. No claim as to any death benefit shall be recognized unless made within two years after the death of the member. All questions which may arise as to the Death Benefit Department or death benefit matters shall be decided in accordance with these Bylaws and applicable State and/or Federal law. Where conflicting claims are made as to the benefit, the Superintendent may, in his discretion, enter into an agreement with the claimants whereby the claimants agree as to how the benefit shall be paid or agree to submit the matter to arbitration or judicial determination, in which event any payment made by the Superintendent in accordance with any such agreement shall be in full discharge of~~

~~all obligation of the BMWED, the Superintendent, and the Death Benefit Department; provided, however, that no such agreement, arbitration or judicial proceedings shall entail cost or obligation other than payment of the benefit on the part of the BMWED, the Superintendent or the Death Benefit Department.~~

~~**Sec. 10.** The Superintendent of the Death Benefit Department shall receive all claims against said Department and shall issue checks signed by himself as such Superintendent or by someone whom he has duly authorized to sign checks for him, and countersigned by the President of the National Division, or someone authorized by him to do so, covering all claims which he shall determine to be valid and payable. A Reviewing Committee, composed of the National Division President and of at least four (4) members of the Executive Board, shall meet at the call of the National Division President to review and determine the validity of any death benefit claims appealed or referred to it. The Superintendent of the Death Benefit Department shall not be a member of the Reviewing Committee. In all cases in which any claimant to a death benefit shall be dissatisfied with the disposition of the claim made by the Superintendent, such claimant shall appeal from the disposition made by the Superintendent to the Reviewing Committee, and, unless the Committee then fails to determine the validity of the claim during the ensuing four (4) months, the claimant shall secure the determination of the Committee as to the validity of the claim before instituting any action at law or in equity as to it. Appeals to the Committee shall be taken in writing, delivered to the Reviewing Committee at National Division Headquarters. The claimant and the Superintendent shall submit in writing all evidence and arguments they wish considered and shall furnish each other with copies of all material submitted. The Superintendent may also refer doubtful undetermined claims to the Committee for its decision as to their validity.~~

~~**Sec. 11.** The Superintendent of the Death Benefit Department shall have jurisdiction over all matters pertaining to the Death Benefit Department. No other Officer, representative, member, Local Lodge or Officer or representative thereof, nor any other person, shall, without express written authority to do so from said Superintendent first obtained, have any right, power or authority to act as agent or representative of said Department or of said Superintendent.~~

~~**Sec. 12.** The Superintendent of the Death Benefit Department shall, at the close of each fiscal year, prepare and submit to the Executive Board of the BMWED a detailed statement of all monies, funds and property received and all claims paid, as well as all charges against the Death Benefit Department. He shall prepare a statement in detail similar to the foregoing to be presented to the delegates at each National Division Convention and shall also cause the publication in the Official Journal of the names of those individuals for whom a death benefit was paid.~~

~~**Sec. 13.** Participation in the benefits of the Death Benefit Department is closed to members joining or rejoining the BMWED after December 31, 1962. Only those members of the BMWED whose joining date and whose last rejoining date, if any, prior to death pursuant to Article XV, Sections 5, 5(a) and 5(b) are each prior to January 1, 1963, shall be eligible to receive death benefits. Death benefits are payable solely to eligible members and are payable solely for, and solely in consideration of, continuous promptness in the payment of the required regular union dues and assessments which must be paid in any event for the maintenance of BMWED/BMWED membership. No extra fee or charge can be paid for them. Questions as to whether a death benefit is payable or the amount to be paid shall be determined solely by the deceased member's period~~

~~of continuous membership for death benefit purposes. Continuous membership of a member for death benefit purposes shall mean that period preceding the death of the member during which all of his dues and assessments were continuously and without interruption paid in advance or within the month in which due or in the case of retired members, in advance or within the first month of the quarter in which due. In computing said period of continuous membership of a member, no period prior to his joining date or to his last rejoining date pursuant to Article XV, Sections 5, 5(a) and 5(b), whichever of said dates is latest, shall be included; nor shall said period include any period after the date of death of said member, even though his dues may have been paid beyond the date of death.~~

~~Sec. 14. This Article shall govern all claims and payment thereof where the member's death occurs on or subsequent to said date. Where the death occurs prior to said date the claims and payment thereof shall be governed by the provisions of these Bylaws as in effect at the date of death.~~

~~Sec. 15. Any member of the BMWED eligible for death benefit rights pursuant to Section 13 of this Article entering the military service of the United States of America, shall have his death benefit standing maintained as of the date of entering military service; provided, however, that upon his returning to the BMWED represented service he will, within thirty five (35) days, re affiliate himself with the BMWED by paying the current month's dues or, if totally disabled, securing a Retiree Membership Card; and further provided that while in military service neither the member, his beneficiary, nor his estate, will have any claim upon the Death Benefit Department of the BMWED.~~

~~A member in military service has all the rights and privileges in the BMWED, including any death benefit rights for which he is eligible, if he continues to pay his dues, as required by these Bylaws with respect to eligibility for and maintenance of said rights, while in such service, subject to the terms of the Merger Agreement.~~

ARTICLE XIII **Death Benefit**

Section 1. The National Division shall provide a death benefit for eligible members as set forth in this Article. The Secretary-Treasurer shall administer the death benefit program and shall have the authority to determine eligibility, documentation requirements, beneficiary status, and payment of benefits consistent with these Bylaws and applicable law. The decision of the Secretary-Treasurer shall be final and binding, subject only to review by the Executive Board.

Sec. 2. Only those members whose original joining date and last rejoining date, if any, occurred prior to January 1, 1963, and had continuous membership since January 1, 1971, and who have maintained good standing as defined by the Bylaws, shall be eligible for a death benefit. No new participants shall be added.

Sec. 3. The amount of the death benefit shall be \$500.00.

Sec. 4. A member must have been in good standing at the time of death, including timely payment of all required dues, in order for a benefit to be payable. Continuous membership for purposes of this Article shall mean uninterrupted payment of required dues in accordance with the Bylaws.

Sec. 5. The Secretary-Treasurer may require submission of a certified death certificate and any other documentation reasonably necessary to determine eligibility and proper payment. Claims must be submitted within two (2) years of the member's death, unless unusual circumstances exist.

Sec. 6. Payment shall be made to the validly designated beneficiary on file with the National Division. If no valid designation exists, payment shall be made to the surviving spouse, if any, otherwise to the member's estate. The Secretary-Treasurer may, in his or her discretion, authorize direct payment toward funeral or burial expenses.

Sec. 7. All death benefit payments shall be made from the general funds of the National Division. The Secretary-Treasurer shall report annually to the Executive Board on death benefit payments.

Sec. 8. The Death Benefit Department is hereby dissolved. All authority formerly vested in the Superintendent of the Death Benefit Department and any Reviewing Committee is vested in the Secretary-Treasurer as provided herein.

PROPOSAL NO. 5
MODERNIZE DEATH BENEFIT LANGUAGE
SUBMITTED BY NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE XV, SECTION 5 TO READ:

Sec. 5. ~~Effective January 1, 1983, upon written request of a member, the Superintendent of the Death Benefit Department shall promptly notify any member in writing who upon retirement is ineligible for death benefits as a result of a late or missing dues payment. All dues and properly levied assessments must be paid in advance to an authorized representative on or before the first day of the month for which such dues and assessments are due; if they are not so paid a member eligible for death benefit rights shall be deemed to be delinquent insofar as his status in the Death Benefit Department is concerned and to have forfeited any and all rights, interests and benefits of, in and to said Death Benefit Department and its funds and property as provided in Article XIII of these Bylaws and particularly in Sections 3, 4, 6 and 13 thereof. Except as to his status in the Death Benefit Department as governed by Article XIII, a .~~ **A** member who is not otherwise delinquent and who pays his current dues and assessments in full within the current month will be considered in good standing and entitled to all benefits and privileges of the BMWED, subject to the terms of the Merger Agreement. A member refusing or failing to pay his unpaid back dues and assessments in full or refusing or failing to pay his current dues and assessments in full within the current month is not in good standing, is delinquent for all purposes and shall not be entitled to a seat in his lodge or to any of the benefits or privileges of a BMWED member; provided, however, that a retired member who is not otherwise delinquent and who pays his current dues and assessments in full within the first month (i.e., January, April, July or October) of any current quarter will be considered in good standing and entitled to all benefits and privileges of the BMWED, subject to the terms of the Merger Agreement. A retired member refusing or failing to pay his unpaid back dues and assessments in full or refusing or failing to pay his current dues and assessments in full within the first month of any current quarter is not in good standing, is delinquent for all purposes and shall not be entitled to a seat in his lodge or to any of the benefits or privileges of a BMWED member. Any member desiring to pay his dues in advance will be allowed to do so. Upon death of a member any dues paid in advance beyond the month or quarter in which death occurs shall be refunded.

- (a) A member coming under the provisions of a Union Shop Agreement who becomes delinquent for all purposes by reason of failure to pay his dues and assessments shall be considered in violation of said agreement; such violation

requires the filing of a citation notice, after which dues and assessment payments cannot be accepted.

An individual residing in the United States covered by a Union Shop Agreement must pay the initiation fee, dues and assessments (not including fines and penalties) required of all members of the union within the time limits provided for in the Union Shop Agreement. Such an individual may elect to meet the requirements of the Union Shop Agreement without joining the BMWED or if presently a member, by resigning such membership and continuing to pay a fee equivalent to periodic full (monthly) dues and assessments required for the acquisition or retention of membership in the BMWED. If a member chooses to resign his/her membership, he/she must notify the National Division Secretary-Treasurer in writing. Such individual shall be referred to as an agency fee payer and thereafter, considered a non member and deemed to have met the membership requirements of the Union Shop Agreement. Agency fee payers shall be equally eligible for all benefit programs available to members, including strike benefits, death benefits and the Journal. Non members shall not be eligible to run for or hold office, participate in the BMWED's governing activities, vote or be counted for purposes of tabulating votes.

A non member coming under the provisions of a Union Shop Agreement who fails to pay the initiation fee, dues and assessments necessary to become a member within the time required by the agreement shall be considered in violation of said agreement; such violation requires the filing of a citation notice, after which such initiation fee, dues and assessments cannot be accepted.

(b) A member not coming under the provisions of a Union Shop Agreement who becomes delinquent for all purposes for a period of less than six (6) months may, subject to the limitations of Article XIII, and particularly Sections 3, 4, 6, 8 and 13 thereof, rejoin as a member upon payment of all back and current dues and assessments; if six (6) or more months delinquent, he may rejoin upon payment of an initiation fee and the current month's dues.

PROPOSAL NO. 6
MODERNIZE DEATH BENEFIT LANGUAGE
SUBMITTED BY NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE XVI, SECTION 2, 1ST PARAGRAPH, TO READ:

Sec. 2., 1st Paragraph. Any member who is fully paid up and in good standing shall be entitled to an Unemployment Card, without cost, when laid off through a reduction in forces, sickness or temporary disability, strikes or lockouts, or when serving in the Military Service of the United States. Any member now or hereafter holding an Unemployment Card shall be entitled to retain such card only while he holds seniority rights to a position under the jurisdiction of the BMWED. When he has lost such seniority rights, such Unemployment Card shall become void, and shall be forthwith surrendered and such member shall thereafter be subject to the provisions governing Withdrawal Cards and Retiree Membership Cards; provided, however, that if such member leaves the service of the employer, transfers to or becomes employed in a position not under the jurisdiction of the BMWED, or becomes employed in an official capacity, he will be required to pay full dues. Members to whom this provision applies must comply with its requirements; failing to do so, they shall forfeit any and all rights, interests, benefits and privileges in the BMWED, ~~and in and to said Death Benefit Department, its funds and property.~~

PROPOSAL NO. 7
MODERNIZE DEATH BENEFIT LANGUAGE
SUBMITTED BY NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE XVII, SECTION 4 TO READ:

Sec. 4. Withdrawal Cards and Loss of Active Membership. Any member who is fully paid up and in good standing:

(a) Who leaves the service of the employer or transfers to or becomes employed in a position not under the jurisdiction of the BMWED, or who is employed in an official capacity, shall be entitled to apply for and receive a Withdrawal Card without cost; or if he so desires, may continue his membership by continuing to comply with all provisions of these Bylaws applicable to membership, including payment of full dues and assessments; provided, however, that such a member will not be eligible to participate in or take any part in transacting the business of the BMWED. Members holding Withdrawal Cards and returning to service in a position under the jurisdiction of the BMWED for a period of thirty (30) calendar days must, within thirty-five (35) calendar days from date of such re employment, present and surrender such Withdrawal Card to the Secretary-Treasurer of the Local Lodge within the jurisdiction of which he is employed, or to a direct representative of the National Division or System Division or Federation and pay dues for the month in which he returns to service.

The original Withdrawal Card, when available, shall be forwarded to the National Division Secretary-Treasurer with the remittance report listing the member's current monthly dues payment; except that on System Divisions or Federations qualified to receive remittances, the card shall be forwarded to the System Division or Federation Secretary-Treasurer for transmittal to the National Division Secretary-Treasurer.

(b) Who is retired or receiving an annuity may:

(i) Apply for and receive a Withdrawal Card without cost or

(ii) If he desires to continue as a member of the BMWED, apply for and receive a Retiree Membership Card. Contingent upon receiving such card and thereafter complying with all provisions of these Bylaws applicable to retired members, including payment of all National Division dues prescribed in Article XV for members holding Retiree Membership Cards, he shall have all of the rights of a retired member ~~including any rights in the Death Benefit Department for which he is eligible~~ pursuant to the provisions of Article XIII, subject to the terms of the Merger Agreement; or

(iii) If he desires to continue full membership in the BMWED, he may do so upon continuing to comply with all provisions of these Bylaws applicable to full membership including payment of full dues and assessments, subject to the terms of the Merger Agreement.

After December 31, 2005, members who upon retirement, or upon the receipt of an annuity, continue without interruption to pay full dues and assessments or who have received life memberships shall be entitled to attend Local Lodge meetings. Such members serving as BMWED Officers or representatives at the time of retirement, or at the time annuity is granted, may serve out the balance of the term for which elected, subject to the terms of the Merger Agreement. They shall not be eligible for election or re election or to participate in the transaction of BMWED business except to the extent herein provided and in the case of Local Lodge Secretary-Treasurers who shall be eligible for re election as Local Lodge Secretary-Treasurers, subject to the terms of the Merger Agreement.

(c) Withdrawal Cards and Retiree Membership Cards shall be obtained from the Secretary-Treasurer of the Local Lodge in which membership is held, or from a bonded System Representative of the BMWED on his System Division or Federation. The original card shall be given to the member and a duplicate thereof shall be forwarded within thirty-one (31) days with the authorized representative's current remittance report. A triplicate copy shall be forwarded to the System Office and a quadruplicate copy retained by the Local Lodge Secretary-Treasurer when issued by him; otherwise, it shall be retained by the bonded System Representative issuing the card for his permanent record. Members applying for either Withdrawal Cards or Retiree Membership Cards must, at time of such application, furnish their date of birth which shall appear on said Withdrawal and Retiree Membership Cards when issued.

My name is Kurtis Martin. I work for CSX Transportation and member of Allied Federation lodge 0460. I am writing to try and bring local lodge payment up to date with our current union dues. It currently sits and \$2 per member, per month. I would like to see the local lodge payment changed from a flat \$2 rate to a percentage of our union dues. If I calculated correctly, the amounts discussed above would have been roughly 4% of dues at the inception of the 1999 agreement between CSX and the BMWED. I would like to propose a bylaw change from \$2 to 4% of our dues. This would allow local lodges to send delegates to the national convention and local lodges to pay for more training for officers.

Thank you for your consideration in this matter.

Sincerely,

Kurtis Martin

PROPOSAL NO. 9
NO CONVENTION MONDAY FOLLOWING FATHER'S DAY
SUBMITTED BY GENE ANIRINA, SR., UPRF VICE CHPSN/ST

CHANGE ARTICLE I, SECTION 5 TO READ:

Sec. 5. The National Division shall convene in regular Convention in the month of June, quadrennially, at a time and date and in such city as may be determined by the National Division President and National Division Secretary-Treasurer jointly, with the approval of the National Division Executive Board. **The Convention may not convene on the Monday following Father's Day.**

The rules contained in the current edition of Robert's Rules of Order shall govern the BMWED in all cases to which they are applicable and provided they are not inconsistent with these Bylaws and any special rules of order the BMWED may adopt.

PROPOSAL NO. 10
MODERNIZE OUR UNION
SUBMITTED BY THE NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE V, SECTION 3, 3RD PARAGRAPH TO READ:

Sec. 3. Should a Local Lodge Secretary-Treasurer fail to submit the Local Lodge quarterly audit report within ninety (90) days after the end of the quarter, no money due the lodge will be released until receipt of the quarterly audit report. Should a Local Lodge not receive monies due them in any quarter as a result of failure to file a quarterly audit report, the National Division Secretary-Treasurer shall notify by ~~letter and email~~ **e-mail or mail if requested**, the National Division President, the General Chairman, and the Local Lodge Officers.

PROPOSAL NO. 11
MODERNIZE OUR UNION
SUBMITTED BY THE NATIONAL DIVISION SEC-TREAS.

CHANGE ARTICLE VI, SECTION 10 TO READ:

Sec. 10. It shall be the duty of the National Division Officers between National Division Conventions, by majority vote of its members, to authorize such special assessments upon all members as may be necessary to provide sufficient funds with which to administer the affairs of the BMWED properly. Such assessments shall be effective until the next regular National Division Convention. After such assessment has been ordered, the National Division Executive Board Secretary shall notify the National Division Secretary-Treasurer thereof, who, in turn, shall levy such assessments and notify all members of the BMWED by **email or mail if requested.** ~~mail and email.~~ Any member failing to pay lawful assessments after due notice will forfeit all rights in the BMWED. Such assessments may be paid by the members to the System Division or System Federation Secretary-Treasurers, Local Lodge Secretary-Treasurers, or to any authorized representative.

PROPOSAL NO. 12
REVENUE, DUES AND ASSESSMENTS FOR MILITARY
SUBMITTED BY DARREN BROWN, AT&SFF LODGE 0204 SEC-TREAS.

CHANGE ARTICLE XV, SECTION 3 TO READ:

Sec. 3. Each member shall be required to pay all BMWED dues and assessments. National Division dues shall be adjusted each January to reflect one and three tenths (1.3) of the average straight time hourly rate of pay for each of the three rate classifications listed in Paragraph 3.8 of the Merger Agreement. The average straight time hourly rate of pay for standard contracts will be based on the information reflected in the annual statement published by the National Railway Labor Conference which shall be used as an equivalent formula. In the event that the National Railway Labor Conference ceases to publish the annual statement or alters it materially, and for non standard and non rail contracts listed in Paragraph 3.8 of the Merger Agreement, an alternative equivalent formula shall be adopted so as to accurately reflect increases in rates of pay provided for under Agreements during the appropriate measurement period. Said amounts shall be rounded to the nearest 25 cents, which additional sum shall be taken into consideration when calculating any dues increase for the following year. Provided, however, that notwithstanding a rail carrier's classification as Class II or III, where the average weighted straight-time hourly rate on such property falls within the range of hourly rates of standard contracts. National Division dues shall be that applicable to members working under standard contracts.

National Division dues for retired members shall be \$16.00 per member per year payable in the amount of \$4.00 per quarter.

Any member who wishes to maintain full good standing during periods of ~~unemployment~~ or sickness, **unemployment, sickness or military leave (subject to the terms of this section)**, may pay dues at the applicable Non-Working rate. The Non-Working rate shall equal the sum of the then current applicable IBT and Rail Conference per capita remittances, plus one dollar each to National Division, his System Division or Federation, and his Local Lodge. Dues timely paid at the Non-Working rate shall supersede any System Division or Federation or Local Lodge rate of dues and assessments set by action of their governing bodies. Members paying Non-Working dues will be counted in National Division's per capita remittances to the International Union.

Any member of the Brotherhood of Maintenance of Way Employes Division (BMWED) who is a member of the United States Armed Forces and is called to active duty, whether voluntarily or involuntarily lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, and consistent with the IBT Constitution, shall be considered to be on Union approved leave of absence. During such leave, the member shall not be obligated to pay dues beginning with the month in which the member commences active duty, and the Secretary-Treasurer shall mark the member as exempt.

The member shall submit a copy of their military orders to their Local Lodge Secretary Treasurer or General Chairperson, who will transmit the information to the National Division Secretary-Treasurer for proper recording and waiver processing.

Upon the completion of such orders commencing leave, the member shall notify their Local Lodge Secretary Treasurer or General Chairperson, who will notify the National Division Secretary Treasurer of the member's release from active service within thirty (30) days. The member will be responsible for paying dues beginning with the month following the month of release.

During the up to twenty-four month period of active duty and waived dues, the member shall remain in full good standing, retain all rights and privileges of union membership, and be exempt from any penalties associated with non-payment of dues due to military service.

In the event the member remains in active service after twenty-four (24) months, the member must pay dues at the applicable non-working rate for the month following the expiration of the twenty-four (24) month period in order to remain in good standing so long as they are not drawing compensation from a Railroad Employer whereby the full working rate would be due.

This provision shall be applied in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other applicable federal law.

The National Division President may temporarily waive these dues obligations on new-organized properties with the approval of the National Division Officers. Such waiver will not continue beyond the effective date of the first collective bargaining agreement.

Each January 1 any monies in the strike fund in excess of 15 million (absent any additional assessments) shall be transferred by the National Division Secretary Treasurer to the National Division General Fund. An itemized account of this transfer shall be provided to the National Division Executive Board with a copy to all System Officers

Subject to the provisions of Section 4 of this Article, Joint Protective Boards or System Division or Federation Conventions may establish System Division or Federation dues.

Local Lodge dues shall be uniform by System Divisions or Federations subject to the provisions of Section 4 of this Article. All Local Lodge Secretary Treasurers shall remain exempt from the payment of all dues until December 31, 2005 while holding that office. Except that any Local Lodge Secretary Treasurer who is delinquent for more than ninety (90) calendar days in the execution and filing of Local Lodge reports as required in accordance with Article XVIII, Section 13, will be responsible for the payment of full dues, fees and assessments retroactively for each month, beginning the month such report was due and continuing each month until such written report is finally compiled and received.

System Division or Federation dues and Local Lodge dues shall be paid to the System Division or Federation and to the Local Lodge having jurisdiction over the position to which a member is regularly assigned.

New and rejoining members shall be required to pay the full month's dues for the month in which they become members.

Newly merged or consolidated System Divisions or Federations may temporarily preserve their pre-merger or pre-consolidation dues structures, and those of their respective affiliated lodges, provided that they be gradually equalized in accordance with a plan approved by the National Division President and Executive Board.

System Divisions or Federations shall consider the odd cents collected in conjunction with the foregoing provisions as Local Lodge dues and such monies shall revert to the Local Lodge.

Newly merged or consolidated System Divisions or Federations may temporarily preserve their pre-merger or pre-consolidation dues structures, and those of their respective affiliated lodges, provided that they be gradually equalized in accordance with a plan approved by the National Division President and Executive Board.

PROPOSAL NO. 13
FLEXIBILITY OF WHEN TO HOLD NATIONAL DIVISION CONVENTIONS
SUBMITTED BY BMWED NATIONAL DIVISION PRESIDENT'S DEPARTMENT

CHANGE ARTICLE I, SECTION 5 TO READ:

Sec. 5. The National Division shall convene in regular Convention ~~in the month of June~~, quadrennially, **during the period of May 1 through July 31**, at a time and date and in such city as may be determined by the National Division President and National Division Secretary Treasurer jointly, with the approval of the National Division Executive Board. **The Convention shall not be scheduled on, or in a manner that requires travel by delegates or committee members on Father's Day, Mother's Day nor during any week in which a recognized federal holiday occurs, or in a manner that requires travel by delegates or committee members on any recognized federal holiday. The scheduling of the Convention, including any required pre-Convention meetings, shall be arranged so as to avoid requiring travel on the above-referenced days. In selecting Convention dates, due consideration shall be given to minimizing conflicts with family obligations and reducing unnecessary travel burdens on delegates and committee members.**

The rules contained in the current edition of Robert's Rules of Order shall govern the BMWED in all cases to which they are applicable and provided they are not inconsistent with these Bylaws and any special rules of order the BMWED may adopt.

PROPOSAL NO. 14
MODERNIZE UNEMPLOYMENT CARD REQUIREMENT
SUBMITTED BY NATIONAL DIVISION SEC-TREAS. DEPARTMENT

CHANGE ARTICLE XVI, SECTION 2 TO READ:

Sec. 2. Any member who is fully paid up and in good standing shall be entitled to ~~an Unemployment Card~~ **be placed in an unemployment status**, without cost, when laid off through a reduction in forces, sickness or temporary disability, strikes or lockouts, or when serving in the Military Service of the United States. Any member now or hereafter ~~holding an Unemployment Card~~ **in an unemployment status** shall be entitled to retain such ~~card~~ **status** only while he holds seniority rights to a position under the jurisdiction of the BMWED. When he has lost such seniority rights, such ~~Unemployment Card~~ **unemployment status** shall become void, and shall be forthwith ~~surrendered~~ **terminated** and such member shall thereafter be subject to the provisions governing Withdrawal Cards and Retiree Membership Cards; provided, however, that if such member leaves the service of the employer, transfers to or becomes employed in a position not under the jurisdiction of the BMWED, or becomes employed in an official capacity, he will be required to pay full dues. Members to whom this provision applies must comply with its requirements; failing to do so, they shall forfeit any and all rights, interests, benefits and privileges in the BMWED and in and to said Death Benefit Department, its funds and property.

~~Members who apply for an Unemployment Card must, do so within sixty (60) days from the last day of the month in which they were employed. At the time of such application, the member will furnish their date of birth, which shall appear on said Unemployment Card when issued. Such Unemployment Cards shall be obtained from the Secretary-Treasurer of the Local Lodge in which membership is held, or from a bonded System Representative of the BMWED on his System Division or Federation. The original Unemployment Card shall be given to the member and a duplicate thereof shall be forwarded within thirty one (31) days, with the authorized representative's current remittance report. A triplicate copy shall be forwarded to the System Office and a quadruplicate copy of such Unemployment Card shall be retained by the Local Lodge Secretary-Treasurer when issued by him; otherwise, it shall be retained by the bonded System Representative issuing the card for his permanent record. When such member is re employed in a position under the jurisdiction of this BMWED for a period of thirty (30) calendar days, he must, within thirty five (35) calendar days from date of such re employment, present and surrender such Unemployment Card to the Secretary-Treasurer of the Local Lodge within the jurisdiction of which he is employed or to a direct representative of the National Division or System Division or Federation, and pay dues for the month in which he returns to service. The original Unemployment Card, when available, shall be forwarded to the National Division Secretary-Treasurer with the remittance report listing the member's current monthly dues payment. On System Divisions or Federations qualified to receive remittances, the card shall be forwarded to~~

~~the System Division or Federation Secretary Treasurer for transmittal to the National Division Secretary Treasurer.~~

A member ~~holding an Unemployment Card~~ **in an unemployment status** shall for one year from the date of its ~~issuance~~ **effective date** be considered a member in good standing and shall be entitled to all the rights, privileges, benefits and protection guaranteed by these Bylaws of the National Division except as provided in the Merger Agreement. After one year, such member shall be entitled to a seat in the Local Lodge while in session, but shall not be entitled to a voice or a vote. The provisions of this Section shall also apply to a member paying National Division dues only and holding a Retiree Membership Card, except those who have been granted a 50 year life membership in accordance with Section 4 of this Article, subject to the terms of the Merger Agreement.

PROPOSAL NO. 15
TERMS OF OFFICE AND ELECTION PROCEDURES
SUBMITTED BY DEVEN MANTZ ON BEHALF OF LOCAL LODGE 1326

CHANGE ARTICLE I, SECTIONS 4 & 6 TO READ:

~~Sec. 4. The National Division Officers shall be members of a BMWED lodge and shall be nominated and elected at the regular quadrennial Conventions of the National Division by a representative majority vote of the duly accredited delegates elected by secret ballot. In the event balloting results in no candidate winning a majority vote (a number greater than half of the total possible votes), the candidate garnering the fewest votes shall be dropped from the ballot, and a run-off ballot will be conducted. If there is only one nominee for an office, there shall be no ballot for that position, and the nominee will be declared elected.~~

The National Division Officers shall be members of a BMWED lodge and shall be elected by direct rank-and-file voting by members in good standing. The election shall be conducted by secret ballot administered by an independent, professional third-party election administrator, and shall be in accordance with Department of Labor regulations. Four (4) Vice Presidents and four (4) members of the Executive Board shall be from a System Division or Federation in his respective region and shall be nominated by delegates from his respective region. One (1) Vice-President and two (2) members of the Executive Board shall be from any System Division or Federation and may be nominated by any delegate, regardless of region. Those officers so nominated at election may be referred to as “at-large.” National Division Officers shall serve for a term of four (4) years unless removed by death, resignation or for cause, and shall be eligible for re election. They shall be installed during the session of the National Division Convention in which they are elected, their installation and term of office to be effective commencing September 1. **Terms of office shall commence January 1** following election except in the case of filling an unexpired term, when such Officer shall take charge of his office immediately upon being elected and he shall serve for the remainder of the term; provided, however, that the term of office of any temporary National Division Officer will expire immediately upon the election and installation of his successor. Any vacancy in such office, temporary or permanent in nature, shall be filled in accordance with the terms of these Bylaws.

Eligibility and good standing to nominate, second, run for office and vote shall be governed by the terms of the Merger Agreement.

Nominations of officers shall be made in open Convention by a delegate and seconded by another delegate. No candidate shall make or second his own nomination. Candidates must accept floor nomination no later than at the time made, either in person or in writing. To qualify for the ballot a candidate who has been nominated from the floor of the Convention must, thereafter, receive at least five (5%) percent of the votes cast by the delegates to the Convention. Such voting shall be conducted by secret ballot. In calculating the number of votes necessary for nomination for the ballot, any fraction shall be rounded to the next whole number. If more than two candidates for any officer position receive at least 5% of the votes cast by delegates then only the top two vote getters shall qualify for the ballot.

No member may accept floor nominations for more than one office. Should only one candidate be nominated for an officer position there shall be no necessity for any further election process with respect to such floor nominee(s), and such nominee(s) shall be declared duly elected. Each candidate nominated from the floor shall be entitled to an observer at each nomination balloting site. The secret balloting shall be conducted pursuant to duly adopted Election Rules. Candidates and their observers shall have the right to witness the ballot tabulation. The results of the secret ballot nominating elections shall be reported to the Chairman of the Convention, who shall announce the results to the delegates. Officers who have been declared elected shall be certified on the last day of the Convention but shall not assume their official duties until January 1.

No less than thirty days and no more than 90 days after the Convention, ballots shall be sent to members in good standing. Ballots must be returned and received by the election administrator no later than one hundred twenty (120) days following adjournment of the Convention. In no event shall the deadline for receipt of ballots be less than twenty-eight (28) days from the date ballots are mailed or distributed. In the event of a tie vote that determines election to any office, there shall be a rerun election between the tied candidates.

Every bona fide candidate for National Division office shall have certain rights with respect to the distribution of campaign literature and freedom from discrimination. The National Division will comply with all reasonable requests of all such candidates to distribute, by mail or otherwise, at the candidate's expense, campaign literature in aid of his candidacy to all members in good standing of the BMWED. Whenever the National Division or its incumbent Officers authorize distribution to members, by mail or otherwise, of campaign literature on behalf of any bona fide candidate for office or on behalf of the National Division itself with reference to elections, similar distribution shall be made by the National Division and its Officers for any other bona fide candidate if so requested by such candidate, and equal treatment will be accorded as to the expense of such distribution to be borne by such candidate. Every bona fide candidate shall have the right, upon request, once within thirty (30) days prior to National Division elections in which he is a candidate, to inspect the list containing the names and last known addresses of all members of the BMWED who are subject to Union Shop Agreements requiring membership in the BMWED as a condition of their employment; lists shall be maintained by the Secretary Treasurer at the Headquarters of the BMWED. Every bona fide candidate for National Division office may supply the National Division with a picture and a brief campaign announcement of 250 words or less to be published in the BMWED Journal. All information shall be published in the same Journal edition as the last proposed Bylaws changes prior to the National Division Convention. The National Division shall also provide adequate safeguards to ensure that its elections are fair and impartial, and any candidate has the right to request and designate an observer at the polls and the counting of ballots.

No funds received by the National Division through initiation fees, dues, assessments or similar levy shall be contributed or applied to promote the candidacy of any person in elections

of National Division Officers, nor shall any money of an employer of members of the BMWED be so contributed or applied. The BMWED may, however, expend its funds for notices, factual statements and other expenses necessary for the conduct of its elections so long as such activities do not involve promotion of candidates for office.

The National Division Secretary Treasurer shall preserve for one (1) year the credentials of all delegates and alternates and all ballots, minutes and other records of the Convention pertaining to the election of National Division Officers.

Sec. 6. At each regular Convention of the National Division, delegates shall be entitled to cast one vote for every member in good standing of the membership which he represents. Each National Division Officer shall be a delegate ex officio but he may not participate in the ~~election~~ **nomination** of National Division Officers unless he has been elected as a delegate by secret ballot vote of members of a Local Lodge.

PROPOSAL NO. 16
NATIONAL DIVISION EXECUTIVE BOARD
SUBMITTED BY DEVEN MANTZ ON BEHALF OF LOCAL LODGE 1326

CHANGE ARTICLE VI, SECTION 1 TO READ:

Sec. 1. ~~Immediately after the final adjournment of the National Division Convention,~~ Following the election of National Division Officers and no later than January 1st the National Division President shall call the newly elected National Division Executive Board together for the purpose of electing a Chairman, Vice Chairman and Secretary, to transact such other business as is provided by these Bylaws and special enactments of the National Division Convention, and other business that may properly come before the National Division Executive Board. They may meet in person, online, or a combination of both.

PROPOSAL NO. 17
DUTIES OF THE MEMBER
SUBMITTED BY DEVEN MANTZ ON BEHALF OF LOCAL LODGE 1326

CHANGE ARTICLE XVII, SECTION 6 TO READ:

Sec. 6. Duties of Members. Each member shall pay all required dues, as well as all assessments or fines properly levied, to a proper representative of the BMWED, and shall, after paying such dues, assessments or fines in full, receive an official dues receipt card.

It shall be the duty of every member to pay all dues and assessments promptly; to attend the meetings of his Local Lodge regularly unless prevented by sickness or other just cause; to comply with and assist in enforcing provisions of these Bylaws and other laws, rules and regulations of the BMWED; to see that these Bylaws are not violated; to recognize any member in good standing as a Brother and to never knowingly harm a fellow member; to never discriminate against a fellow worker on account of race, color, religion, sex, age, physical disability, sexual orientation, or national origin; to refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations; and at all times to bear true and faithful allegiance to the BMWED and his Local Union.

It shall be the duty of every member to act in good faith in support of the enforcement and integrity of all collective bargaining agreements and the rights of fellow members thereunder.

No member shall engage in conduct which intentionally undermines or interferes with the enforcement of any collective bargaining agreement or the representation of another member.

Prohibited conduct shall include:

(a) Knowingly providing false or misleading information in any investigation, hearing, or grievance proceeding where such conduct results in material harm to another member or the Organization;

(b) Acting in collusion or coordination with management for the purpose of circumventing or undermining collectively bargained rights or procedures;

(c) Interfering with or attempting to impair a member's right to representation or fair process under any collective bargaining agreement.

Nothing in this Section shall be construed to prohibit a member from complying with lawful workplace requirements or from providing truthful information; however, conduct undertaken in bad faith for the purpose of undermining the rights of members or the enforcement of agreements shall be subject to charges and discipline in accordance with these Bylaws.

Violations of this Section shall be subject to charges, trials, and appeals in accordance with the applicable provisions of these Bylaws and governing law.

PROPOSAL NO. 18
NOMINATIONS AND ELECTION OF OFFICERS
SUBMITTED BY JOE LETIZIA, LOCAL 2928 OF THE WCSD

CHANGE ARTICLE XVIII, SECTION 9, 5TH PARAGRAPH, TO READ:

Sec. 9., 5th Paragraph. All Officers of Local Lodges shall be nominated and elected as hereafter provided, subject to the terms of the Merger Agreement. In the United States, nominations and elections shall be held once every three (3) years commencing with the fall elections in 1960 at the first regular meeting of each Local Lodge in the last ~~three (3)~~ **six (6)** months of the year. At the option of the Local Lodge, nominations may be held either at the same meeting at which elections are held or at a meeting preceding the first regular meeting of the last ~~three (3)~~ **six (6)** months when elections are conducted, provided that all members in good standing of the Local Lodge have been given at least fifteen (15) days advance notice in writing at their last known home addresses of the date, time and place at which nominations shall be made and the date, time and place at which elections shall be held; and provided, further, that Local Lodges may at their option permit nominations to be made by mail or email with read receipt to the Secretary-Treasurer of the Lodge during the period following the notice and preceding the meeting at which the election is to be conducted. All Officers shall be elected from duly nominated candidates as aforesaid and no “write-in” candidates are permitted.