



Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Freddie N. Simpson
President

David D. Joynt
Secretary-Treasurer

July 20, 2021

Official Notice of Establishment of Canadian Pacific Railway Employer Joint Protective Board

ALL CANADIAN PACIFIC RAILWAY EMPLOYER LOCAL LODGE SECRETARY-TREASURERS

Dear Brothers and Sisters:

Pursuant to the authority granted me under Article XIX, Section 1 of the Bylaws of the Brotherhood of Maintenance of Way Employees Division – International Brotherhood of Teamsters, I have determined that the employees engaged in the maintenance of way work on the railroad operations of the Canadian Pacific Railway Employer have reached a level of organization which warrants the establishment of a Joint Protective Board for such employees.

There are currently several Local Lodges that have not yet held their Local Lodge Officers elections on account of various restrictions due to COVID-19. Therefore, it is recommended that those Local Lodges that have not yet conducted their Local Lodge Officer elections schedule and conduct such elections simultaneously with the delegate elections for the founding Convention that will establish a Joint Protective Board for Canadian Pacific Railway Employer maintenance of way employees. Pertinent information for assistance in sending such elections and special elections meeting notice cards is provided below.

REPRESENTATION

Article XIX, Section 1 directs that each Local Lodge involved in the formation of this new Joint Protective Board must elect a Delegate to attend the meeting that formally establishes the Board. Therefore, I am directing you, pursuant to Article XVIII, Section 6 of the Bylaws, to conduct a special meeting of your Local Lodge within thirty (30) days of receipt of this letter for the purpose of electing said Delegate.

41475 Gardenbrook Road
Novi, MI 48375-1328
Telephone 248.662.2660 Facsimile 248.662.2659
www.bmwe.org

FIFTEEN DAYS ADVANCE WRITTEN NOTICE REQUIRED

Fifteen (15) days prior to the date of nomination and election of the Local Lodge's Delegate, advance written notice to the Local Lodge members by mail is required regarding scheduling a special meeting for the purpose of nominating and electing the Local Lodge's Delegate. In calculating the 15-day period, the day the cards are mailed is not counted, but the day of the meeting is counted.

The "Notice of Meeting Card" (Form F-86) must be mailed to the last known address of all members who are eligible to participate in the election. However, as a matter of courtesy, all members should be advised of the special meeting. The posting of the special meeting notices on bulletin boards, tool sheds etc. or distribution to members of gangs at the work site does not satisfy the notice requirements of federal law.

When you are ready to schedule your Local Lodge Delegate election special meeting, contact National Division Auditor Joseph Corley at (248) 662-2611 or jcorley@bmwe.org (and request a set of preprinted notice of meeting cards or address labels, as well as a dues payment history of your lodge members covering the last (24) months. The dues payment history will help you determine a member's eligibility to vote, or to run for Delegate. Prior to mailing, you should check the addresses against your current membership records to ensure that all members receive notice of the meeting. It may be necessary to hand address cards or labels for new members or those that have a different address. Labels or cards for members who are deceased, or individuals who are no longer members of the Brotherhood should be discarded.

The Secretary-Treasurer of the Local Lodge must preserve the ballots and all other records pertaining to the special meeting election of the Delegate for a period of one (1) year. The results of the election, including the names of the nominees for the Delegate and those members proposing the nomination, should be recorded in the minutes of the Local Lodge and reported to the membership at the next meeting of the Local Lodge.

QUORUM REQUIRED TO ELECT DELEGATE

Article XVIII, Section 6, Paragraph 3, of the National Division Bylaws provides that five (5) members in good standing constitute a quorum for the purpose of transacting Local Lodge business. Therefore, if there are not five (5) members in good standing present at your Local Lodge meeting which has been designated to elect a Delegate, it will be necessary to reschedule the election due to the fact that a quorum was not present. Note that the Local Lodge will be unrepresented at the meeting which formally establishes the Board if a delegate is not elected by the Local Lodge accordingly.

ELECTION CONDUCTED BY SECRET BALLOT

Delegates must be elected by secret ballot vote of the members in “good standing” of the Local Lodge by which they are accredited to the establishment of the Canadian Pacific Railway Employer Joint Protective Board. The Local Lodge Secretary-Treasurer must maintain records regarding the vote for Delegate in the event the election of the Delegate is disputed.

ELIGIBILITY REQUIREMENTS FOR ELECTION AS DELEGATE: TWENTY-FOUR MONTHS OF CONTINUOUS GOOD STANDING

To be elected as a Delegate to represent your Local Lodge, you must be a Member of your Local Lodge and must satisfy the National Division Bylaws and the IBT Merger Agreement “continuous good standing” requirements. “Continuous good standing” generally means “actively employed in the craft” and “the timely payment of dues for each of the twenty-four months during the applicable period” with no interruptions in payments during the applicable period and no interruptions in active membership during that period. Continuous good standing is calculated by starting with the month prior to the nomination and the prior twenty-three (23) months, all of which must be consecutive be in “good “continuous good standing”.

Particular attention should be given to qualifications for candidates at the time of nominations and elections. Ineligible members being elected could result in your Local Lodge not being represented in the convention formally establishing the Joint Protective Board.

ELIGIBILITY REQUIREMENTS TO VOTE IN LODGE ELECTIONS

Only members in “good standing” are entitled to vote in the election of a Delegate. “Good standing” means that the Member has made timely payment of dues in the month prior to the month of nomination (and the month prior to election if nomination and election will be held in different months). A member can restore “good standing” by paying required dues to the duly accredited Secretary-Treasurer prior to the meeting and commencement of nominations or elections.

Retired Local Lodge Secretary-Treasurers holding such office and paying full dues under the provisions of Paragraph 4.11 of the Merger Agreement are also entitled to nominate, second, and vote in the election for delegate.

Retired members who are paying full dues, retiree dues of \$16.00 per year, or National Division dues to protect their death benefit, are **not** eligible to vote in Local Lodge elections. Members who have secured a Withdrawal Card after leaving the service of the railroad, being promoted to an official and/or excepted position with the railroad or transferring to another craft, or who are considered an agency or objector fee payer, are not eligible to participate in the election of a Delegate even if they are paying full dues.

ISSUANCE OF CREDENTIALS

A Credential is included herein for the purposes of certifying the Local Lodge Delegate election for representation at the establishment of the Joint Protective Board. Upon completion of the election of the Delegate, the provided Credential (in triplicate form) must be signed and dated by the Local Lodge President and Secretary-Treasurer, or an elected officer of that Local Lodge. The original Credential shall be given to the duly elected Delegate. One Credential copy shall be retained by the Local Lodge Secretary-Treasurer and the remaining Credential copy shall be forwarded to the National Division President's office as soon as possible after the election of the Delegate.

DELEGATE VOTING STRENGTH

Representative votes for each Delegate shall be determined in accordance with National Division records twenty (20) days prior to the convening of the Joint Protective Board meeting, and shall reflect all members in good standing as of the last day of the month prior to the month in which the Joint Protective Board meeting is convened. No votes shall be added and no duplicate credentials shall be accepted once the Joint Protective Board meeting has been convened.

PROHIBITION AGAINST THE TRANSFER OF VOTES OR CREDENTIALS

The transfer of votes between Local Lodge Delegates will **not** be permitted.

Fraternally yours,

A handwritten signature in black ink, reading "Freddie N. Simpson", enclosed in a thin black rectangular border.

Freddie N. Simpson
President

cc: Local Lodge President

Enclosure