

Association of Commuter Rail Employees Signalmen's Division

Local 166



Bylaws

Rev 03-06-10

ACRE Local 166 Bylaws

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Association of Commuter Rail Employees
- ACRE -
Signalmen's Division - Local 166
Bylaws

GENERAL

SECTION 1 - Local Division Name, Number, and Regular Meetings

This local division shall be known as Association of Commuter Rail Employees, Signalmen's Division, Local 166 having a membership of those holding seniority on the Metro-North Railroad in the Signalmen's Craft.

- Regular meetings of Local 166 will be held quarterly, during the months of March, June, September, and December on an agreed upon Saturday in New York City.
- There will be no alcoholic beverages allowed during any Local 166 meetings. Officers and/or members shall not be permitted to attend meetings, or conduct business when it appears they are under the influence. Violation of this rule shall be cause for expulsion from the meeting.
- All members shall be notified of the exact date, time, and location of Regularly Scheduled Meetings. Notification shall be made by U.S. Mail to the members last known address no less than fifteen days prior to the date set forth for such meeting. Notification shall also include the agenda and any pending referendum requiring approval of the membership.
- Membership to Local 166 shall be granted by the Secretary/Treasurer of Local 166 in accordance with Article IV of the ACRE Constitution. Within (60) calendar days after entering service, the new member must complete an application and pay the necessary membership fees and dues provided for in Section 2 of Local 166 Bylaws.

SECTION 2 - Initiation Fee

For members newly hired as Signal Trainees the initiation fee shall be \$ 250.00. For members newly hired as full-rated Signaller or into any class above Signaller the initiation fee shall be \$ 1000.00

Initiation fee is to be paid in full before the end of 60 days, after the new employee's hire date. New employees will owe dues from the first day of the first full month after their hired date. New employees will owe the balance of their dues by the 60th day after being hired. Any new employee not paying dues or initiation fee by the 60th day will have their name turned over by the Secretary/Treasurer to the General Chairperson for citation purposes.

SECTION 3 - Obligations of Members

Members of Local 166 are obligated to pay all dues monthly through payroll deductions. All dues will be paid by the 15th of the month in which they are due. If dues are not paid by the 15th, the Secretary/Treasurer will send the name of the delinquent member to the General Chairperson for citation purposes. If a member is cited for non payment of dues, and is allowed back into the Local, (after a formal hearing) the penalty will be equivalent to three months dues, plus the dues he was delinquent in paying. Any assessments will be paid by the member within 10 days of the assessment. Any member whose check is returned to the Secretary/Treasurer for insufficient funds will be charged a fee of \$25.00 per check, plus any charges the bank may charge the Local.

Members of Local 166 are obligated to pay all dues monthly through payroll deduction and promptly pay all assessments, to attend all meetings where reasonably possible to do so, to faithfully perform all the duties assigned to them to the best of their ability and skill, to conduct themselves at all times so as not to bring reproach upon their union and to faithfully observe the provisions of the Association of Commuter Rail Employees Constitution and these bylaws.

SECTION 4 - Registers

Local 166 shall maintain a membership roster showing the name, address, and employment status of its members. Local 166 shall also maintain an attendance register and require that every member who attends local meetings personally register his/her name and local division number therein. The Local Secretary/Treasurer shall be responsible for the maintenance of accurate registers.

SECTION 5 - Change of Residence

When a member of Local 166 changes their residence, they shall immediately notify the Local Secretary/Treasurer who will record the change on the membership roster.

RULES OF ORDER

SECTION 6 - Special Meetings

Special meetings may be called by the Local President and the purpose thereof must be stated. The President shall call a special meeting, upon receipt of written request of twelve (12) members in good standing, stating the purpose for which the meeting is requested. In the absence of the President, the meeting shall be called by the Vice President or Secretary/Treasurer.

Notification shall be made by U.S. Mail to the members last known address no less than fifteen days prior to the date set forth for such meeting and no business shall be transacted except that for which a special meeting is called.

SECTION 7 - Quorum

Twelve (12) members in good standing shall constitute a quorum for the transaction of business.

SECTION 8 - Voting Privileges of President

The President may speak on any subject before the local but he/she may not vote except, in case of a tie vote, on a matter upon which he/she is otherwise eligible to vote shall cast the deciding vote.

SECTION 9 - Bills of Allowance

- a) Any expenses submitted at a regular or special meeting under bills of allowance need majority approval by members in attendance.
- b) Bills of allowance will be used to pay the expenses attributed to the running of Local Meetings.

SECTION 10 - Suspending the Rules or Taking Business Out of Order

If circumstances arise during a regular or special meeting that compels the membership to move to suspend the rules or to take business out of order, the motion can only be carried by a two-thirds (2/3) majority vote of the members present.

SECTION 11 - Suspending, Amending, or Annuling Bylaws

These bylaws shall not be suspended, amended or annulled unless such changes are submitted in writing and read at two successive regular meetings and adopted by a two-thirds (2/3) majority vote of the members present at the second meeting. Any changes will then be sent to the Executive Board for approval, and become effective on the first day of the month following the approval of the Executive Board.

SECTION 12 - Regular or Special Meetings Order of Business

- a) Meetings shall be opened by the President, Vice President, or in their absence by any other officer or member with the following statement:

“I now declare this meeting of Association of Commuter Rail Employees, Signalmen’s Division, Local 166 open for the transaction of business.”

- b) The order of business is as follows:

1. Pledge of Allegiance
2. Roll call of officers
3. Reading minutes of the previous meeting
4. Admission of new members
5. Treasurers report
6. Reports of officers and committees
7. Communications
8. Unfinished business
9. New business
10. Bills of allowance
11. Nominations of officers and committee persons
12. Election and installation of officers
13. Members in distress
14. Ways and means of improving Association of Commuter Rail Employees
15. Closing

GOVERNMENT AND OFFICERS

SECTION 13 - Government

Local 166 shall elect Local Officers, Boards and a General Committee. The Local President, assisted by the other Local Officers and Boards, runs the daily affairs of the Local. The General Committee reports to the Local Membership. The Local Officers, Boards and General Committee Officers shall be subject to the orders of the Local Membership, and none of their acts shall conflict with action taken by the Local Membership.

SECTION 14 - Elected Officers

The following Offices will be elected as set forth in **Article VII, Constitution and Section 34, Bylaws,**

LOCAL OFFICERS

- a) **President**
- b) **Vice-President**
- c) **Secretary/Treasurer**
- d) **Board of Trustees (2)**
- e) **Board of Appeals (3)**

LEGISLATIVE REPRESENTATIVE

- f) **Legislative Representative**

GENERAL COMMITTEE OFFICERS

- g) **General Chairperson**
- h) **Vice-General Chairperson**
- i) **Local Chairperson - Grand Central Terminal**
- j) **Local Chairperson - Hudson/Harlem Division/Port Jervis Line Maintenance**
- k) **Local Chairperson - New Haven Division**
- l) **Local Chairperson - Signal Construction Forces/Signal Shop NWP**
- m) **Local Chairperson - Electronic Specialist/Technicians/Signal Control Desk**

DUTIES OF OFFICERS AND BOARDS

SECTION 15 - General Chairperson

- Shall serve as the Executive head of the General Committee and supervise all business coming before it.
- Shall have the authority to conduct contract negotiations with the Carrier for the purposes of Section 6 negotiations. The negotiating committee will consist of at least one Local Chairperson. That one Local Chairperson will be appointed by the other Local Chairpersons.
- Shall settle grievances pertaining to the interpretation of agreements including, but not limited to, rules, agreements, working conditions, and pay rates.
- Shall furnish a quarterly report describing his/her activities to the membership under his/her jurisdiction.
- Shall serve as a labor member on the Special Board of Adjustment.

SECTION 16 - Vice-General Chairperson

- Shall by virtue of this office be a member of the General Committee.
- Shall serve at the discretion of the General Chairperson.
- Shall perform the duties of the General Chairperson in his/her absence.
- Shall assist the General Chairperson in fulfilling the responsibilities of his/her office.
- Shall have the duties of researching, writing, submitting, and arguing cases before the Special Board of Adjustment or the 3rd Division of National Railway Adjustment Board.

SECTION 17 - Local Chairpersons

- Shall assist the General Chairperson and Vice-General Chairperson in fulfilling the responsibilities of their office.
- Shall by virtue of their office be members of the General Committee.
- Shall act as a liaison between management and the membership.
- Shall resolve claims, disputes and grievances among members.
- Shall handle vacation entitlements and preferences as per company agreements.
- Shall furnish a quarterly report describing his/her activities to the membership under his/her jurisdiction.
- Shall, when necessary, furnish the General Chairperson with all files and correspondence pertaining to all claims, disputes and grievances.

SECTION 18 - President

- Shall be the presiding officer at all meetings of the membership and the Local Committee.
- Shall be responsible for the ongoing administration of the Local 166
- Shall be a member of all standing Local Committees, with the exception of the Election Committee.
- Shall appoint standing and special committees including the Election and Political Action Committees and shall supervise all employees of the Local 166.
- Shall receive, report, and respond to all correspondence of the Local 166.
- Shall be one of the responsible financial officers of the local and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- Shall make an annual report to the membership of the Local 166.

- Shall be able to delegate the responsibilities of the office except where otherwise prohibited by the Constitution.
- Shall arrange for bonding of all Local Officers who are authorized to co-sign financial instruments.

SECTION 19 - Vice-President

- Shall assume the duties of the President in the event of the absence, recall, illness, or death of the President.
- Shall oversee and assist the President in his duties.
- Shall perform other duties as delegated by the President.
- Shall co-sign financial instruments in the absence of the President.

SECTION 20 - Secretary/Treasurer

- Shall maintain all financial and non-financial files and records of Local 166 including a roster showing the name, address, and employment status of each member of Local 166.
- Shall be the custodian of the charter of Local 166.
- Shall record and keep accurate minutes of Regular and Special Local Meetings.
- Shall record and keep accurate minutes of General and Special Committee Meetings.
- Shall assist the President in handling the correspondence of Local 166.
- Shall be a standing member of the Election Committee, oversee its work, receive, certify and file its reports.
- Shall be a standing member of the Political Action Committee, oversee its work, receive funds, and file its reports
- Shall perform other duties as delegated by the President.
- Shall perform duties of the office as required by the Labor-Management Reporting and Disclosure Act.
- Shall issue notices of meetings when so directed by the President, Committee or General Chairperson.
- Shall have charge of the books and papers of the Committees pertaining to this office.
- Shall aid the General Chairperson in the preparation of Arbitration Briefs and Collective Bargaining Agreements.
- Shall receive, record, and deposit all dues monies and other income in the name of Local 166.
- Shall maintain accurate membership records.
- Shall issue membership cards and notices of delinquency.
- Shall be one of the responsible financial officers of the Local 166 and be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- Shall arrange for an audit of the finances of Local 166 biannually and make the audit report available to the members of the Local 166 and the Executive Board. (Rev. 03-06-10)
- To grant membership.

SECTION 21 - Legislative Representative

Shall coordinate and monitor Legislative efforts directed toward the enactment, enforcement and improvement of regulations and laws that concern the health, safety and general welfare of Local 166 membership.

The Legislative Representative shall file quarterly reports and shall keep all officers of Local 166 informed and current on all Legislative matters affecting ACRE, Local 166 and the railroad industry as a whole.

The Legislative Representative shall be compensated one **(1) day pay** at the Inspectors rate of pay for attending meetings of the Legislative Committee.

SECTION 22 - Local Board of Trustees

Two **(2)** trustees shall comprise Local 166 Board of Trustees. The Board shall supervise the financial affairs of Local 166. The Board shall meet in the months of January and July of each year for the purpose of auditing the report of the Treasurer and verifying bank balances and cash on hand. If the Treasurer's report is found to be correct, the Board members shall endorse the report with their signatures, furnishing copies to Local 166 and the General Secretary and Treasurer of the Executive Board. Each member of the Local Board of Trustees shall be compensated one **(1) day pay** at the Inspectors rate of pay for attending each of the aforementioned meetings.

Trustees of Local 166, along with trustees from other local divisions granted charters by the Association of Commuter Rail Employees, shall comprise the Executive Board of Trustees. The Board shall supervise the financial affairs of the Executive Board. The Board shall meet in the month of January of each year for the purpose of auditing the report of the General Secretary and Treasurer of the Executive Board and verifying bank balances and cash on hand. If the General Secretary and Treasurer's annual report is found to be correct, the Board members shall endorse the report with their signatures, furnishing copies to their respective Local Divisions. Each member of the Executive Board of Trustees shall be compensated **one (1) day pay** at the Inspectors rate of pay for performing the annual audit. In addition, they will serve on the Executive Board of Appeals.

SECTION 23 - Board of Appeals

- a) Immediately after their election, the members of the Board of Appeals shall meet and elect a Chairperson. The Secretary/Treasurer shall keep a correct record of the proceedings of the Board. A record shall be taken of all oral testimony for the use of the Board in making its final decision.
- b) The Board of Appeals shall meet when necessary, at Local 166 headquarters location, to consider and determine all appeals submitted under the provisions of these bylaws.
- c) The Board shall give a clear and concise report of each appeal properly submitted before it. Such report shall consist of a statement of all material facts involved in the appeal, the contentions of the parties and the decision of the Board. All decisions shall be released by the Board without delay.
- d) The original decision shall be signed by each member of the Board participating and, following each signature, the word "for" or "against" shall be written indicating his/her vote on the matter. All copies of the decision shall contain the names of the Board members participating.

APPOINTMENTS AND SPECIAL PROCEDURES

SECTION 24 - Officers Appointed by President

- a) The following Officers will be appointed by the President:
 - 1) Elections Officers (3)
 - 2) Chaplain
 - 3) Vacant Local positions

- b) In the event a Local Office is vacated, the Local President will as soon as possible appoint a member in good standing with the approval of the majority of Local Officers. If the proposed appointee is not approved, other members will be considered until a majority is satisfied. This appointee will fulfill the term until next scheduled election.
- c) If any appointed officer is negligent in performing his/her duties as a Local representative, the President of Local 166 may declare the office vacant and appoint a successor at any regular or special meeting.

SECTION 25 - General Chairperson's Office Declared Vacant

- a) In the event the General Chairperson's office is declared vacant the succession procedure is as follows:
 - 1) Vice-General Chairperson
 - 2) The most senior member of the General Committee with seniority being calculated as time served on the General Committee, then Age
- b) Within thirty days of the General Chairperson's office becoming vacant a new election for the position of General Chairperson will be conducted as per **Section 34, Bylaws**. During this time period no system agreements can be entered into without the unanimous consent of the General Committee.

SECTION 26 - Holding More Than One Elected Office

- a) No member may fill more than one (1) elected position, as prescribed under **Section 34, (a), (b), and (c), Bylaws**.
- b) A member holding an elected office may become a candidate and run for another elected office. A member who is elected to a second office while currently serving in an elected capacity may not fulfill the term of his/her original office.

SECTION 27 - Reports and Expenses

All reports and expenses submitted to Local 166 must be typed in an easily understood manner and filed with the Secretary/Treasurer for further reference.

All Officers Reports shall be read at the quarterly meeting and made available to any member at his or her request. In the event an officer will be absent from the Regular Meeting, the officer will file his or her report with the Secretary/Treasurer for reading at the involved meeting.

Expenses submitted to the Secretary/Treasurer shall be paid in a reasonable and timely manner unless found to be excessive or invalid. Said expenses shall then be submitted to the Board of Trustees for further consideration and disposition. If the Board of Trustees fails to rule in favor of paying the expense(s) then the member or officer may submit the questionable expense(s) to the Board of Appeals for final consideration and disposition. Any part of the submitted expenses which is not considered questionable shall be paid.

SECTION 28 - Special Election Procedures for a Recalled Officer

An officer of Local 166 may be recalled as provided by Article VII, Section 1, Constitution. An officer of Local 166 may be removed from office as per **Section 29, Bylaws**. At least fifteen (15) days prior to the next scheduled local meeting or special meeting called for this purpose, the Election Committee shall notify members of the opening of nomination for this office. Election procedures will be governed by **Section 34, Bylaws**. The successful candidate will assume office immediately. (Rev. 03-06-10)

CHARGES AND TRIALS

Officers, Committee Persons, and members of the Local
General Committee and Legislative Boards

SECTION 29 - Charges and Trials

- a) A member of Local 166, or a non-member that maintains rights on the Local 166 Signalmen Roster may be suspended, removed from office, or expelled from the organization upon the bringing of written and signed charges. Charges shall clearly specify the alleged offense(s) together with the article(s) of the Constitution and or those portions of these bylaws, which it is alleged have been violated. Charges must be signed by the party preferring them. He/she shall then forward the charges by certified mail to the Secretary/Treasurer of the Local.
- b) A Local officer or committee person against whom charges have been preferred shall continue in office while under charges unless otherwise voted by the Local.
- c) Local 166 will consider the charges at its first regular meeting following receipt by the Secretary/Treasurer of the Local and unless charges are found to be completely lacking in substance or merit the Local will accept the charges and authorize a trial.
- d) A Trial Board consisting of five (5) members of the Local working in the craft of the accused shall be elected by the Local and the Trial Board shall from its members elect a Chairperson and Secretary and proceed to try the case. Within three (3) days of their first meeting the Secretary of the Trial Board shall send to the accused by certified mail a copy of the charges and notice of the date, time and place of trial. The date selected for trial must permit not less than fifteen (15) day's advance notice to all parties involved in the trial. The trial shall be held within thirty (30) days from the meeting at which the charges were presented.
- e) The Secretary of the Trial Board shall send by certified mail the same information relative to the trial to the party preferring the charges along with instructions to attend the trial for the purpose of submitting evidence and testimony in support of the charges.
- f) The majority of the Trial Board shall constitute a quorum and, in the absence of a quorum, no Trial shall be held and the Trial Board will report the circumstances to the local at its next meeting. If the Local elects to continue the trial the Chairperson of the Trial Board will then set another date for the Trial and notify all parties involved of the time, place and date of the rescheduled trial which shall be held within thirty (30) days.
- g) No member of a Trial Board shall be directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges preferred against the accused. In the event any of the members of the Trial Board are so involved they shall be disqualified to sit and the Local shall elect a

substitute member.

- h) The accused shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as his/her representative or counsel in the trial proceedings.
- i) The party preferring the charges shall act as the prosecutor in the case either in person or through his/her counsel or representative. The prosecutor in the trial shall deliver to the Trial Board a list of the names of witnesses which he/she intends to call in support of the charges. The person prosecuting the case or his/her representative shall furnish a copy of the list to the accused.
- j) For good cause any party may request a postponement of the date set for trial. Such request shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or rejection with the discretion of the members of the Trial Board. Such postponement shall not exceed thirty (30) days.
- k) The Trial Board shall arrange for a transcript of the trial proceedings, A copy of the transcript shall be furnished to both parties in the case without cost. Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party.
- l) Before giving testimony, any witnesses who are members of the Association of Commuter Rail Employees will be required to make the following affirmation:

“Do you solemnly affirm upon your honor as a member of the Association of Commuter Rail Employees that the evidence to be given by you in this case shall be the truth and nothing but the truth.”

All persons shall be excluded from trial sessions except the members of the Trial Board, parties to the trial and their counsel or representatives, the witness who is testifying, and the reporter or person transcribing the testimony.

- m) After all evidence has been presented and arguments made by all parties or their counsel, the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session for consideration of its decision.
- n) The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be monetary penalty, removal from office, suspension, or expulsion from membership. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in **Section 30, Bylaws**.
- o) The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the Local President, Secretary/Treasurer and the Executive Board.
- p) If suspension, removal from office and/or expulsion from membership is the penalty, such suspension, removal and/or expulsion shall become effective on the date the Trial Board’s decision is delivered to the accused by certified mail.

APPEALS

SECTION 30 - Appeals

- a) An officer or member of Local 166 may appeal from an action or decision of Local 166 to the Board of Appeals. Such appeal shall be filed with the Secretary/Treasurer within sixty (60) days from the date the action or decision occurred.
- b) Local 166 or a member of Local 166 may appeal from an action or decision of the General Chairperson to the General Committee, provided the appeal is filed within sixty (60) days from the date the action or decision occurred. Appeals to the General Committee must be filed with the Secretary/Treasurer and shall be acted upon not later than the next session of the General Committee.
- c) An appeal pending before a General Committee which has not been acted upon within sixty (60) days shall be referred by the Secretary/Treasurer to the Board of Appeals for a decision, provided the appellant makes a request to do so to the Secretary/Treasurer at least thirty (30) days prior to the date the Board of Appeals is scheduled to convene.
- d) An appeal from the decision of the General Committee may be made to the Board of Appeals provided the appeal is filed with the Secretary/Treasurer, Executive Board, within sixty (60) days from the date of the decision of the General Committee.
- e) Decisions of the Board of Appeals may be appealed to the Executive Board as per **Article V Sections 2, and 6 Constitution.**

Procedures: In all appeals as provided herein the party whose action or decision is being appealed shall be allowed sixty (60) days from the date the appeal is filed to reply to the appeal. All appeals must be in writing, contain the pertinent facts involved, and set forth the basis of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply thereto, and all related correspondence. Copies of decisions involving appeals will be furnished to all interested parties.

LOCAL 166 FUNDS

SECTION 31 - Annual Budget

- a) A yearly budget will be established outlining in detail all monies received and the expenditures of those funds. The proposed budget for the next fiscal year will be voted upon at the December Local 166 union meeting. Copies of the proposed budget will be mailed upon request to members fifteen (15) days prior to the December Local 166 union meeting. The budget will be approved by a majority vote of members in attendance voting by **secret ballot.**
- b) Salaries of all paid officers, dues structure and amount, and other itemized and general revenues and expenses are contained in the annual budget of Local 166. Copies of the annual budget shall be made available, upon request, to all members in good standing from the Local Secretary/Treasurer.

SECTION 32 - Local 166 Funds

- a) Local 166 shall maintain a local fund to pay the expenses of the Local, by levying local dues on all in-service members as per **Article VIII Section 1, Constitution**. Beginning November 18, 2002 the amount local dues shall be \$30.00 per month. Dues shall automatically increase commensurate to subsequent wage increases. Dues will be assessed to any member receiving remuneration for any portion of the month. Local 166 dues will be collected through automatic payroll deduction.
- b) Local 166 shall maintain a fund to pay the expenses of the General Committee, by levying local dues on all in-service members as per **Article VIII Section 1, Constitution**. Beginning November 18, 2002 the amount of General Committee dues shall be \$30.00 per month. Dues shall automatically increase commensurate to subsequent wage increases. Dues will be assessed to any member receiving remuneration for any portion of the month. Local 166 dues will be collected through automatic payroll deduction
- c) No change in the daily rate or salary established for Local officers, General Committee officers or Legislative Representatives, or the levying of a special assessment, may be considered until notice of such proposition has been read at one (1) regular meeting and all members have been notified of the proposition and date on which the proposition will be considered. At the next regular or special meeting when the proposition is considered, it must be approved by a majority vote of the members in attendance voting by secret **ballot**.

COMPENSATION OF OFFICERS

Section 33 - Salaries and Lost Wages

- a) The General Chairperson shall be paid a base salary of sixteen (16) hours per week at the prevailing Inspectors rate.
- b) The Vice General Chairperson shall be paid a base salary of two (2) hours per week at the prevailing Inspectors rate.
- c) The Local Secretary/Treasurer shall be paid a base salary of twelve (12) hours per week at the prevailing Inspectors rate.
- d) Local Chairmen shall be paid a base salary of two (2) hours per week at the prevailing Inspectors rate.
- e) The Local President shall receive a salary of (4) hours at the prevailing Inspectors rate for each Local meeting over which he or she presides. If the Local President is unable to preside over a Local meeting this salary shall be paid to whomsoever presides over the meeting in his or her absence.
- f) Trustees shall receive compensation in accordance with **Section 22, Bylaws**.
- g) Election Committee shall receive compensation in accordance with **Section 36(b), Bylaws**
- h) The Legislative Representative shall receive compensation in accordance with **Section 21, Bylaws**.
- i) The Salaries paid to Local officers are compensation paid for services rendered and are not to be

construed as being compensation for time lost from his or her regular railroad assignments.

- j) Any officer who is required to lose wages from his or her regularly assigned railroad position, while in the performance of his or her union duties shall be compensated for such lost time at the prevailing rate of the position held up to eight (8) hours daily **except as provided for in Sections 21 & 22 of Bylaws.**
- k) No officer shall receive compensation for lost overtime from his or her regular position due to performing union work. Nor will any overtime earned by such officer while working his regular railroad assignment be charged against his base salary or daily lost time compensation.
- l) No officer will take time and/or days off from his regular railroad assignment to perform routine union duties unless approved by the Local Board of Trustees. (Example: Writing grievances, discipline appeals, activity reports or making bank deposits.)
- m) Increases in salaries and wages, as outlined in these bylaws, shall not take place until such a time when the negotiated wage increase is first applied to the member's paychecks. Retroactive payments shall not be applied to the salaries of any Local Officer, General Committee Officer, Board Member or other member so entitled. Retroactive payments shall be applied to the lost wages of any Local Officer, General Committee Officer, Board member or other member so entitled.

ELECTION PROCEDURES

SECTION 34 - Elections

- a) Local 166 Officers will consist of President, Vice-President, Secretary/Treasurer, Board of Trustees (2), and a Board of Appeals (3). The local officers will serve for a three (3) year term with no term restrictions. Members eligible to vote must be current dues paying members. Any member who at the time of his/her nominations, as prescribed in **Section 34(d)** of the bylaws and has been in continuous good standing for the entire past year, and has worked under the jurisdictions of Local 166, shall be eligible to serve as an officer. No person holding a management position shall be eligible to hold any position of Local 166.
- b) General Committee Officers will consist of General Chairperson, Vice General Chairperson, Local Chairperson / Grand Central Terminal Division, Local Chairperson / New Haven Division, Local Chairperson / Harlem-Hudson Division- Port Jervis Line, Local Chairperson / Signal Construction-Signal Shop, Local Chairperson / Electronic Specialist-Technicians-Signal Control Desk. Members eligible to vote must be current dues paying members currently working in the craft and under the Agreement negotiated by the General Committee. General Committee Officers will serve a three year term with no term limit restrictions.
- c) The Legislative Representative will serve for a three year term with no term limit restrictions. Members eligible to vote must be current dues paying members.
- d) Officers represented in **Section 34, Bylaws**, will be elected by a secret mail ballot referendum which will be tabulated at the regular quarterly meeting in December. Notice will be posted at least 15 days prior to the September regular meeting that nominations for office will be accepted at the September meeting. Nominations for office must be filed with the Local Secretary/Treasurer not later than the

close of nominations at the regular monthly meeting in September. Nominations may be accepted from the floor or by petition. **Where nominations are made by petition, at least five (5) members eligible to vote for that candidate shall sign the petition.** The Secretary/Treasurer shall read all petitions received at the September union meeting. **All nominations must be accompanied by a certificate from the nominee stating that he/she is agreeable to the nomination and will serve if elected to office.** (Rev. 03-06-10)

- e) Elections for Local and General Committee Officers, Boards and the Legislative Representative shall commence during the January 2003 Regularly Scheduled Meeting immediately followed by the installation to office of the successful candidates. Subsequent elections shall commence every three (3) years thereafter in December.
- f) Special duty, Supervisory and Management members will have all election voting rights except they will not be allowed a vote in elections of General Committee Officers.
- g) Voting rights of active members in regard to their Local Chairperson will be based on the bulletined assignment in which they are working at the time of nominations. See the jurisdictions as outlined below.
- h) Local Chairperson - Electronic Specialist / Technicians / Signal Control Desk
- i) Local Chairperson - New Haven Line Maintenance
- j) Local Chairperson - Hudson/Harlem Lines Maintenance / Port Jervis Line Maintenance
- k) Local Chairperson - Grand Central Terminal Maintenance
- l) Local Chairperson - Signal Construction Forces / Signal Shop NWP
- m) Candidates for office may have observers present during the counting and tallying process including the tallying of the ballots, totaling, recording and reporting of tally sheets. In addition, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening and counting. All candidates will be furnished upon request a current mailing list of members.
- n) The Secretary/Treasurer shall secure a Post Office Box and the combination or key to the Post Office Box shall remain in the possession of the Postmaster. Such arrangements shall be confirmed in writing. The letter will state that no one is to be allowed access to the box other than the tellers on the date of tabulation.
- o) The Secretary/Treasurer shall prepare ballots showing the names of all candidates and the offices for which they are nominated. Incumbent officers shall appear first with names of other candidates following in alphabetical order. Temporary (interim) officers will not be regarded as incumbents for the purpose of ballot placement. The ballots shall be prepared so as to provide a space opposite each candidate's name in which the voter can mark his or her preference. No write-in candidates will be allowed.
- p) All elections shall be conducted by an Election Committee comprised of three (3) members in good standing, appointed by the Local President. The Election Committee will work under the direction of the Local Secretary/Treasurer.

- q) The ballots shall be mailed by government first-class mail to each eligible voter. The ballots shall be mailed a minimum of 15 days prior to the date of elections. The Local Secretary/Treasurer shall assign a number to each eligible voter. This assigned number will be printed on the "Ballot" and "Ballot Enclosed" envelopes. Election ballots will include an outside envelope marked "Ballot Enclosed", a return stamped envelope marked "Ballot", an envelope marked "A", voting instructions and a ballot. (Rev. 03-06-10)

The voting instructions must contain the following information:

"Instructions for voting: The voter will make a mark in the space provided next to the candidate of his/her choosing and place the ballot in the envelope marked "A" and seal. Place sealed envelope "A" in envelope marked "Ballot" and mail. Do not place any mark of identification on the ballot or the envelope marked "A" that would compromise the secrecy of the ballot. Write-in candidates are not permitted."

- r) On the date set for the tabulation of the ballots, the Local Secretary/Treasurer shall furnish to each member of the Election Committee a copy of the letter confirming the arrangement with the Postmaster which will authorize the Postmaster to release the contents of the Post Office Box to the Election Committee at a stated hour. The Election Committee shall return to the Local and canvas the ballots. They will check the names on the envelope marked "Ballot" against the list of eligible voters furnished by the Local Secretary, open the envelopes marked "Ballot", and remove the envelopes marked "A". After all envelopes marked "Ballot" have been opened and emptied, the envelopes marked "A" will be shuffled, ballots removed and canvassed by the Election Committee.
- s) The candidate receiving a majority of the votes cast for a given office shall be declared elected. If no candidate for a given office receives a majority of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear the names of the two (2) candidates receiving the highest number of votes cast for that office. If any number of the candidates for a given office are tied for the highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of votes cast for that office. If one (1) candidate receives the highest number but that number does not constitute a majority of the votes cast for a given office and any number of candidates are tied for the second highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidate and the names of the candidates receiving the second highest number of the votes cast for that office. However, the Local Board of Trustees and Board of Appeals shall be elected by a majority of the votes cast. In the event a candidate is elected to more than one office in an election, he or she must choose only one of those elected positions. Nominations for the vacated office(s) will be accepted at the next regular quarterly meeting with elections to follow the month after the nominations are accepted. (Rev. 03-06-10)
- t) When only one (1) nomination has been received for an office, the member so nominated will be declared elected on the day set for the tabulation of ballots and election.
- u) The Local Secretary/Treasurer shall keep all election records for one (1) year, including used, unused and void ballots, eligibility list, tally sheets and used "Ballot" envelopes.
- v) All elected officers, upon leaving office must promptly transfer all property, funds, securities, equipment, and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership.

COMMITTEES

SECTION 35 - Finance Committee

A Finance Committee shall be established composed of the President, General Chairperson, Secretary/Treasurer and Board of Trustees. It shall be the duty of this committee to prepare a budget for the fiscal year beginning the first day of January and to submit it to Local 166 at its regular December meeting. The Finance Committee may from time to time submit amendments to the budget for the current fiscal year, which may be adopted by a majority vote of the membership.

SECTION 36 - Election Committee

- a) Officers of the Election Committee will be appointed by the President. **Section 34 (p), Bylaws.**
- b) Election Committee officers will be compensated **four (4) hours pay** at the Inspectors rate of pay for performing their responsibilities as per **Section 34 (p), Bylaws.**

SECTION 37 – Political Action Committee

- a) The Political Action Committee shall consist of two members appointed by the Local President. The Secretary/Treasurer shall be a standing member of the Political Action Committee and shall be responsible for the funds of this committee.
- b) The members of the Political Action Committee will serve for a term of three (3) years

COLLECTIVE BARGAINING AGREEMENTS

SECTION 38 - Ratification of a Collective Bargaining Agreement

Collective Bargaining Agreements and other negotiated rule changes shall be ratified by the membership. The General Chairperson shall conduct the ratification under the same guidelines stipulated for an election as per **Section 34, Bylaws.**

SECTION 39 - Signing System Agreements and Arbitration Cases

A defeated General Chairperson shall not sign system agreements unless he/she has unanimous consent of the members of the General Committee. A defeated General Chairperson shall not close out pending cases unless he/she has unanimous consent of the members of the General Committee.

MISCELLANEOUS

SECTION 40 - Saving Clause

If any bylaw of Local 166 is at any time determined to be in conflict with any law, such bylaw will continue in effect only to the extent permitted by law. If any Local 166 Bylaw is or becomes invalid or legally unenforceable, such invalidity or inability to enforce will not affect or impair any other bylaw of Local 166.

SECTION 41 - Training

Local 166 Officers may upon request receive training in all phases of the duties pertaining to his/her union position.

This may include but is not limited to, training in; Contract Negotiations, Claim and Grievance Handling, Book and Record keeping, Government, Law, Health and Safety.

SECTION 42 - Tributes

The Treasurer is authorized to purchase a floral tribute for a deceased active or retired member, the cost of which may not exceed \$100.00. Donations to charity may be made upon request, in lieu of flowers.

SECTION 43 - Raffle Tickets

Any member of Local 166 who accepts raffle tickets for any Local 166 function, shall be required to make full returns on or before the day of the affair.

SECTION 44 - Distribution of Local 166 Bylaws

All updated versions of Local 166 Bylaws must be furnished to all new and current members of Local 166 within 60 days from the time approved by the Executive Board.

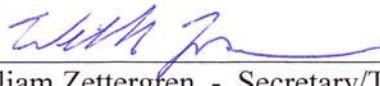
SECTION 45 - Strikes

When a strike has been duly and properly authorized by the Executive Board, all members of Local 166 shall fulfill the obligations of the strike order.

Witnessed:



Steve Fonseca - President

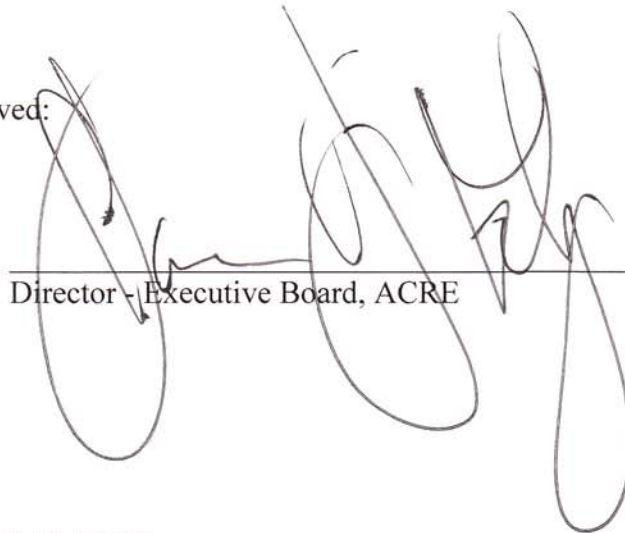


William Zettergren - Secretary/Treasurer

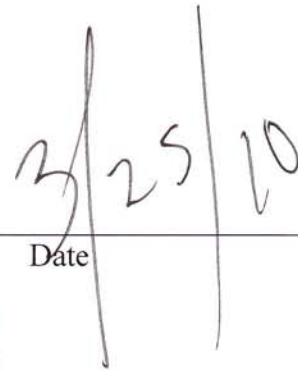


Darren Berger - General Chairman

Approved:



Director - Executive Board, ACRE



Date

Revised 03-06-10