# Constitution of the United Food and Commercial Workers International Union

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**Article 32(A) of the UFCW International Constitution:** [I]f any conflict should arise between . . . Local Union bylaws and the Constitution and laws of the International Union, or interpretations of either, such Constitution, laws, or interpretations shall control.

# PREAMBLE

Because the history of workers has been a record of constant struggle for dignity and equality;

And because wealth, with its accompanying power, is more and more concentrated in the hands of the few;

And because the organization of workers into trade unions is essential to the economic, social, and political freedom of society and to a successful democracy;

And because in our union there is strength and workers are better able collectively to secure their share of the profits from their toil;

This International Union is created in order to elevate the social and economic status of workers and, further, to advance the principles and practice of freedom and democracy for all.

# ARTICLE 1
## Name and Headquarters

**(A)** This International Union shall be known as the United Food and Commercial Workers International Union and shall be comprised of all persons who are members and consist of an unlimited number of Local Unions and other chartered bodies, all of which shall bear the name United Food and Commercial Workers and shall be subject to this Constitution and any laws enacted pursuant to it; except that, in Canada, this International Union shall be known as the United Food and Commercial Workers Canada or Travailleurs et Travailleuses Unis de l'Alimentation et du Commerce de Canada, and chartered bodies therein shall bear said English or French name. The initial names UFCW, UFCW Canada, TUAC, or TUAC Canada may be used or interchanged as applicable. The International Union shall not be dissolved while there are three dissenting Local Unions.

**(B)** The International headquarters of the United Food and Commercial Workers International Union shall be located in the metropolitan Washington, DC area, unless otherwise determined by the International Executive Board. The national headquarters of the United Food and Commercial Workers Canada shall be located in the greater Toronto, Ontario area, unless otherwise determined by the Executive Board of the United Food and Commercial Workers Canada National Council.

# ARTICLE 2
## Objectives and Principles

The object of this International Union shall be the elevation of the position of its members, and further: to conduct an International Union of persons engaged in the performance of work within its jurisdictions; to organize, establish, and charter bodies in all states, provinces, and territories of North America; to organize, unite, and assist persons, without regard to race, creed, color, sex, religion, age, disability, sexual orientation, gender identity, gender expression, national origin, or ethnic background, engaged in the performance of work within its jurisdiction for the purpose of improving wages, hours, benefits, and working conditions on local, national, or international levels; to obtain the status of exclusive bargaining representative of persons employed within the jurisdiction of the International Union and to process and resolve grievances and enforce all other rights arising out of such collective bargaining relationships; to encourage members and all workers to register and vote; to support research in its industries for the benefit of its members; to advance and safeguard the full employment, economic security, and social welfare of its members and of workers generally; to protect and extend democratic institutions, civil rights and liberties, and the traditions of social and economic justice of the United States and Canada; to function as an autonomous International Union affiliated with other International Unions in national and international federations; to print and disseminate publications; to protect and preserve the International Union as an institution and to perform its legal and contractual obligations; to protect the International Union and all of its chartered bodies from any and all corrupt influences and from the undermining efforts of all who are opposed to the basic principles of democracy and democratic unionism; to acquire, receive, hold, manage, lease, convey, invest, expend, or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in this International Constitution; to take all steps and actions, which are reasonable and proper, to promote the welfare and interests of its members, of workers within its jurisdiction, and of workers generally and to afford mutual protection to members against unwarranted rules, unlawful discharge, or other forms of injustice or oppression; to sponsor, encourage, engage in, and support, financially and otherwise, educational, legislative, political, civic, social, health, welfare, community, or charitable projects or activities; and to support and encourage such other objectives for which working people may lawfully combine for their mutual protection and benefit.

# ARTICLE 3
## Jurisdiction

The jurisdiction of the United Food and Commercial Workers International Union shall encompass all industries and shall recognize the United Food and Commercial Workers International Union's primary jurisdiction is focused in certain industries. It shall include, but shall not be restricted to:

**(A)** Employees and other persons, in both the private and public sectors, performing any work or services in connection with or related to the sale, distribution, provision, processing, handling, or production of goods, commodities, merchandise, or services in all industries, but primarily in the United Food and Commercial Workers International Union's core industries of retail food, other retail, and food processing and manufacturing;

**(B)** Anyone performing any work or services within the jurisdiction of any union or other organization which was a predecessor of the United Food and Commercial Workers International Union, has merged with the International Union or any of its chartered bodies, or has been chartered by the International Union; and

**(C)** Anyone performing any work or services incidental or related to work within the jurisdiction of the International Union, or otherwise performing any work or services as may be determined by the International Executive Board to be within the jurisdiction of the International Union.

# ARTICLE 4
## Membership Classifications

**(A)** All persons are eligible for membership in the United Food and Commercial Workers International Union whose membership is not otherwise restricted or precluded by this Constitution or by other actions consistent with and authorized by this Constitution or International Union law, provided that no such

restrictions or preclusions shall be based upon race, creed, color, sex, religion, age, disability, sexual orientation, gender identity, gender expression, national origin, or ethnic background. Membership shall be in accordance with the following classifications, and no member shall hold more than one classification of membership at any one time: active, associate, paid-up life, nonactive, general, and honorary. Persons who have been suspended or expelled, are on withdrawal status, or have resigned their membership, or any other person who is not a member in accordance with the classifications of membership provided for in this Article, shall not be considered members for any purpose, except as may be directed by the International President or the International Executive Board following an appeal under this Constitution.

**(B)** **1.** An individual is eligible to be an active member if the individual is: employed within a collective bargaining unit represented by the International Union or any of its chartered bodies; an employee or salaried officer of the International Union or any of its chartered bodies or of any organization approved by the International Executive Board with which the International Union or any of its chartered bodies has affiliated; a member of the International Union through a Local Union or a division of a Local Union which was a professional or other association that has been chartered by or merged with the International Union or any of its chartered bodies; or working as a barber, cosmetologist, or independent insurance agent; except that, at the request of the Executive Board of a Local Union, the International President may extend the active membership of any member in that Local Union during a period of unemployment, if the International President determines that exceptional circumstances warrant such extension, subject to an appeal to the International Executive Committee. Receipt by the Local Union of the current dues and the required initiation or reinstatement fee, or any installment established by the Local Union for payment of such fee, is required for an eligible individual to become an active member. Continued payment of dues, and, if applicable, any remaining installments of the required initiation or reinstatement fee, is required to maintain active membership.

**2.** An active member who is not actively working due to layoff, illness, disability, or a contractually provided leave of absence, and has applicable recall or reemployment rights which have not expired under the collective bargaining agreement, or who has been discharged and has a grievance pending under the collective bargaining agreement, may elect (1) to continue to pay dues and maintain active membership for the temporary period for which said recall or reemployment rights are valid or said grievance is pending, but in neither event for longer than two years, (2) to apply for another classification of membership provided for in this Article, if eligible, or (3) to apply for a withdrawal status pursuant to the provisions of Article 6. The provisions of this paragraph shall not apply in the case of an active member in a Canadian chartered body who has been discharged and has a grievance pending under a collective bargaining agreement pursuant to which the member is represented by a union other than the International Union or one of its chartered bodies.

**(C)** An individual is eligible to be an associate member if the individual is a participant in a specific associate program, established by or approved by the International Executive Board, and the individual is not eligible to be an active member, or if the individual is employed by an employer who is the subject of an active organizing effort by the International Union or any of its chartered bodies. Payment of the applicable dues is also required to become an associate member and to maintain such membership.

**(D)** **1.** Any Local Union may provide in its bylaws for the issuance of paid-up life membership in the Local Union to any of its members who have accumulated 25 or more years' active membership in the International Union and who are no longer eligible for active membership in the International Union.

**2.** Proposals to grant paid-up life memberships shall be introduced and voted on at a regular meeting of the Executive Board of the Local Union. A decision by the Executive Board not to grant paid-up life membership may be appealed at the next regular membership meeting of the Local Union.

If paid-up life membership is approved for any member, the President of the Local Union shall immediately notify the International Secretary-Treasurer of such action. If such member again becomes eligible for active membership in the International Union, the member shall apply for active membership in the same manner as provided for reinstatement from withdrawal status in Article 6.

**(E)** An individual is eligible to be a nonactive member if the individual is an owner-operator of an establishment within the jurisdiction of the International Union. Payment of the applicable dues is required to become a nonactive member and to maintain such membership.

**(F)** **1.** Any member who is no longer eligible for active membership in the International Union and who desires to maintain membership in the International Union shall, on or before the first day of the month following the effective date of the individual's withdrawal status, shall be eligible to apply to the International Union to become a general member. Any general member who again becomes eligible for active membership in the International Union shall apply for active membership with the Local Union within whose jurisdiction the member is employed in the same manner as is provided for reinstatement from withdrawal status in Article 6.

2**.** General members shall pay to the International Union $6.00 per month dues, said dues to be payable on or before the first day of the month in advance. If dues are not so paid, such general member is delinquent.

**(G)** No person shall hold honorary membership in any Local Union of this International Union. The International Executive Board shall have exclusive authority to confer upon any individual honorary membership in the International Union in recognition of distinguished public service.

**(H)** All applications for membership in this International Union shall be made on forms furnished or approved by the International Secretary-Treasurer. The Local Union shall retain such applications and enter all information required for new members on a monthly membership report in the format provided, approved, or mandated by the International Union, which could include an electronic report. Such report shall be forwarded to the International Secretary-Treasurer.

**(I)** Members, with the exception of general members, shall hold membership through the Local Union in whose jurisdiction they are working or last worked, except for members employed by the International Union or intermediate chartered bodies, who shall hold membership in such Local Union as may be determined by the International President, subject to an appeal to the International Executive Committee. Where a member works within the jurisdiction of more than one Local Union, such member shall hold membership through the Local Union in whose jurisdiction such member first worked. No member shall be permitted to hold membership in more than one Local Union of this International Union.

**(J)** Employers, except for owner-operators, are not eligible for membership in the International Union; provided, however, that any member becoming an employer, other than an owner-operator, shall be entitled to withdrawal status.

**(K)** Any person who is a member of, subscribes to, or supports the principles of an organization having as its purpose to overthrow the government of the United States or Canada by force or violence, to deny to citizens the guarantee of the Bill of Rights or the Charter of Rights and Freedoms, or to throttle or eliminate a free trade labor movement, shall not be eligible for admission to membership in this International Union, nor shall such person hold membership therein. Any member charged as stated above shall be tried in accordance with the procedure set forth in this International Constitution and laws and, if found guilty, shall be forever barred from membership in this International Union.

## ARTICLE 5
### Membership Rights and Privileges

**(A)** Active members shall enjoy all rights and privileges of membership in their respective Local Unions and in the International Union, including the right to vote at all regular and special meetings and to hold any office and be elected a delegate if otherwise qualified under their Local Union's bylaws and this Constitution.

**(B)** Associate, nonactive, honorary, and paid-up life members may be privileged to attend membership meetings and serve on committees as the Local Union President may determine. Such members may, at the request of the Local Union President, make reports or otherwise address such meetings. They shall have no voice or vote in Union affairs, nor shall they hold Union office or be elected a delegate.

**(C)** General members may be privileged to attend membership meetings and serve on committees as the International President may determine. Such members may, at the request of the International President, make reports or otherwise address such meetings. They shall have no voice or vote in Union affairs, nor shall they hold Union office or be elected a delegate.

**(D)** Active, associate, nonactive, and general members have the privilege of being granted withdrawal status provided they are eligible pursuant to the requirements of Article 6. If otherwise eligible, active members may be granted military leave status.

## ARTICLE 6
### Withdrawal and Military Leave Status

**(A)** The following members whose current dues and fees have been paid shall be entitled to withdrawal status without charge therefor:

**1.** Members no longer employed within a collective bargaining unit represented by and within the jurisdiction of the Local Union;

**2.** Members whose positions are excluded from coverage by a collective bargaining agreement;

**3.** Members who are employed by the International Union or any of its chartered bodies who are represented by another labor organization for purposes of collective bargaining with the International Union or any of its chartered bodies;

**4.** Members no longer employed by an employer who is the subject of an active organizing effort by the International Union or any of its chartered bodies and who is not a party to a collective bargaining agreement with the International Union or any of its chartered bodies; and

**5.** Members who terminate their associate, nonactive, or general membership, and are not eligible for active membership.

**(B)** Withdrawal status shall be effective as of the first of the month following the member's eligibility to receive such status.

**(C)** Persons in withdrawal status may maintain continuous membership:

**1.** By notifying the International Union in writing no later than the first day of the month following the effective date of such status, along with one month's dues, as provided in Article 4(F), with the International Union and becoming a general member as provided in Article 4(F), or

**2.** If eligible for active membership, applying for such, together with the payment of the current dues, with the Local Union within whose jurisdiction the individual is employed or last held membership within one calendar month from the effective date of withdrawal status.

**(D)** Any person in withdrawal status and making application for membership in a Local Union shall be accepted as a reinstated member without the payment of a fee, except the current dues, provided such reinstatement with the Local Union within whose jurisdiction such person is employed occurs within 30 days from the date of employment within a collective bargaining unit represented by the International Union or such Local Union, or within 30 days from the date of employment by the International Union or any of its chartered bodies, unless a longer period of time is duly established by such Local Union. Any person who is employed within a collective bargaining unit represented by the International Union or any of its chartered bodies and fails to reinstate as prescribed in this paragraph shall have withdrawal status voided and shall not be reinstated to membership without the payment of the applicable fee.

**(E)** In the event any member whose current dues and fees have been paid enters the military service of the United States or Canada, whether voluntarily or by draft, such member shall be entitled to, upon request, military leave status with the privilege of reinstating with any Local Union within whose jurisdiction the individual is employed within a collective bargaining unit represented by the International Union or such Local Union within six months after discharge from military service, provided that such person makes application for membership in the required manner, presents evidence of discharge, and pays current dues.

**(F)** During such military leave, the benefits as provided in this Constitution shall be inoperative; however, any such person readmitted under the above provisions shall immediately be restored to membership status in all respects as of the effective date of the military leave status.

**(G)** Such members in military leave status applying for membership after the aforementioned six months' period shall be honored as regular withdrawal status as set forth by this Constitution in Article 6(D).

**(H)** Members in withdrawal or military leave status or holders of paid-up life or honorary membership receive such status and membership and privileges incident thereto in recognition of past membership or service or as a conferred honor. Continued possession of such status and membership and privileges incident thereto presumes that the holders of such status and membership will continue to uphold the aims, objectives, and principles of the International Union. Should any such person engage in any act which, if engaged in by a member, would constitute a disciplinary offense under Article 25 of this Constitution, the International Executive

Board, after the issuance of a direction to such person to show cause why the individual's status, membership, or privileges should not be voided and consideration of any response, may void the status, membership, or privileges.

## ARTICLE 7
### International Officers

**(A)** The officers of this International Union shall constitute the International Executive Board and shall consist of an International President, International Secretary-Treasurer, three International Executive Vice Presidents to be listed in order of their seniority on the International Executive Committee, and 50 International Vice Presidents to be listed in order of their seniority on the International Executive Board. In the event of a reduction in the number of International Vice Presidents between regular International Conventions as the result of vacancies which the International Executive Board pursuant to its authority in Article 17(P) has not filled or in the event of an increase in the number of International Vice Presidents in said period as the result of additions which the International Executive Board pursuant to its authority in Article 8(A)2 has made, the number of International Vice Presidents elected at the next regular Convention shall be the number serving on December 31 of the year preceding the year in which the Convention occurs. The number of International officers from Canada elected at the next regular Convention shall be six or the number serving on December 31 of the year preceding the year in which the Convention occurs, whichever is greater. If the Convention will commence in a month prior to July, the date for determining the number of International Vice Presidents, as applicable in this paragraph, shall be September 30 of the year preceding the year in which the Convention occurs.

**(B)** As a condition of assuming International office, upon installation each International officer shall pledge the following obligation: "I, (officer's name), do solemnly and sincerely pledge, on my word of honor, before the members and other witnesses here assembled, to faithfully perform and diligently execute, to the best of my ability, the duties and responsibilities of the office to which I have been elected as prescribed by the Constitution and laws of this International Union. I pledge that I will, to the best of my ability, protect and promote the democratic institutions and processes, civil rights and liberties, and the highest traditions of social and economic justice of the United States and Canada. I pledge to deliver to my successor in office all books, papers, and other property of the International Union that may be in my possession or under my control at the close of my official term. Further, I pledge at all times to bear true and faithful allegiance to this International Union and to uphold and support its Constitution and laws, as becomes a member and officer of this Union."

## ARTICLE 8
### International Executive Board

**(A)** **1.** Between Conventions the International Executive Board shall be the highest authority of the International Union as provided in this Constitution. The International Executive Board shall have the final power to make such laws as may be needed in the interest and for the benefit of the International Union and its membership and which are not inconsistent with this Constitution, which laws shall be published and distributed to the affected membership.

**2.** The International Executive Board, during the interval between regular Conventions of the International Union, shall be empowered from time to time to elect International Vice Presidents, in addition to those elected to fill vacancies pursuant to its authority in Article 17(P), as members of the International Executive Board pursuant to the terms of the merger of an organization into the International Union or the International Union's chartering of an organization as a Local Union or intermediate chartered body. Such International Vice Presidents, when elected, shall hold office concurrently and on the same basis and term as incumbent International Vice Presidents.

**3.** The International Executive Board shall have the power to authorize the payment of benefits, subject to the limits set out in this Constitution and laws.

**4.** The International Executive Board shall establish the fiscal year on which the financial books and records of the International Union shall be based. The International Executive Board shall employ a certified public accountant to perform an annual audit of the financial books and records of the International Union.

**5.** The International President shall be authorized to convene meetings of the International Executive Board whenever the International President deems it advisable or whenever requested by a majority of the Board, provided, however, that the International Executive Board shall meet not less often than twice a year. In connection therewith, the International President shall fix the time and place of such meetings. The International President shall chair the International Executive Board meetings, provided that, in the International President's absence, the International Secretary-Treasurer shall chair, and provided further that, in the absence of both the International President and the International Secretary-Treasurer, the seniority provisions of Article 17(Q) shall govern as applicable. The chairperson shall vote where that vote would be determinative of the outcome. A majority of the members of the International Executive Board shall constitute a quorum for the conduct of all business.

**6.** When the International President and International Secretary-Treasurer deem it necessary for the International Executive Board to act promptly, the International President and the International Secretary-Treasurer may conduct a vote of the International Executive Board by mail, telephone, or other form of communication they deem appropriate. Any such vote shall constitute official action of the International Executive Board.

**(B)** The International Executive Board shall have power to make agreements with employers covering hours, wages, and conditions of employment and to exercise all other responsibilities associated with a collective bargaining representative when the International Union is such representative.

**(C)** The International Union shall pay the authorized expenses of the International Executive Board in connection with its meetings or other authorized work performed by it. Such expenses shall be paid for on a reimbursement and/or per diem basis, and, in addition, a stipend shall be paid to those International Vice Presidents not in the primary employment of the International Union.

**(D)** The International Executive Board shall have the authority to grant dispensation of the fee otherwise required by Article 18(A)1 for applicants for membership or reinstatement in cases where the Local Union has waived Local Union initiation or reinstatement fees during active organizing programs and for applicants for membership or reinstatement in cases where the Local Union collects no initiation or reinstatement fee as a result of open shop conditions mandated by law or contract, provided that for such

open shop situations, any such dispensation shall not provide for a fee of less than 50 percent of the fee required by Article 18(A)1.

**(E)** The International Executive Board shall have authority to grant dispensation in the payment of initiation fees, Union dues, or other financial obligations relating to membership in those jurisdictions operating under laws or regulations which require that membership in good standing be a condition precedent to the filing or processing of petitions for certification or representation or the legal equivalent thereof, and where the circumstances are such that the International Executive Board deems such action to be necessary. Such dispensation, when granted, may include any part or portion of the financial obligations above referred to and shall be under such terms and conditions as the International Executive Board may stipulate.

**(F)** Recognizing that chartered bodies in Canada operate under circumstances different from those experienced by other chartered bodies in the jurisdiction of the International Union, the International Executive Board shall be empowered, in a manner not inconsistent with the purposes of this Constitution, to give special consideration to Canadian chartered bodies, upon the recommendation of the International officers in Canada. In further recognition of the distinctive legal, cultural, political, historical, and national circumstances in Canada, the International President, the International Secretary-Treasurer, the International Executive Committee, and the International Executive Board shall consult with the National Director, who may also hold the title of National President, and consider any recommendations of the International officers in Canada prior to carrying out their respective authority on matters directly affecting the membership in Canada. Further, in the event of any jurisdictional dispute arising between chartered bodies in Canada, the National Director, who may also hold the title of National President, and the International officers in Canada shall resolve such dispute, subject to an appeal to the International President and a further appeal to the International Executive Board.

**(G)** The International Executive Board shall have the authority to establish a program of union benefits and services for such categories of persons as it may designate who are not actively engaged in work within a collective bargaining unit represented by the International Union or any of its chartered bodies and to prescribe the rules governing membership in such program. Such program shall entitle its members to such rights and privileges consistent with Article 5.

**(H)** The International Executive Board may delegate any of its specific powers to the International Executive Committee or to the International President, to be exercised by the International Executive Committee or the International President on its behalf during the interval between meetings of the International Executive Board.

**(I)** **1.** The International Executive Board by the vote of two-thirds of its members shall have the power to call a special Convention of the International Union to consider such questions as the International Executive Board by the same vote shall certify to it. A special Convention shall be convened by such procedures as a majority of the International Executive Board shall specify, which may include a specification that the delegates, but not votes, pursuant to the apportionment formula of Article 15(B), from each Local Union be reduced.

**2.** No sooner than 18 months from the time the last Convention was adjourned, seven or more Local Unions comprising not less than 25 percent of the membership of the International Union, acting by a vote of the majority of the members of each Local Union present and voting at a special meeting called for such purpose, may submit a request for a special Convention, specifying the particular question or questions to be considered. The International Secretary-Treasurer shall, within 15 days of the receipt of such request, forward the request to all Local Unions for a membership vote. If Local Unions comprising at least two-thirds of the membership of the International Union, acting by a vote of the majority of the members of each Local Union present and voting at a special meeting for that purpose, shall, within 30 days after the receipt of the communication from the International Secretary-Treasurer, notify the International Secretary-Treasurer of the approval of the request for a special Convention, such special Convention shall be called as hereinafter provided. Special Conventions called at Local Unions' request shall be convened within four months after the receipt of the required approvals from Local Unions. The time and place of such a special Convention shall be designated by the International Executive Board and shall be set forth in a call to be issued by the International Secretary-Treasurer at least 90 days prior to its opening. A special Convention shall consider the question or questions specified to the International Executive Board as set forth in the request of the Local Unions, and such question or questions shall be stated in the call. At any such special Convention the International Executive Board shall have the right to present for consideration and action any matter or matters it deems necessary, in addition to those stated in the call.

**3.** Each Local Union President shall be a delegate to special Conventions by virtue of election to office, except, where a Local Union is entitled to or elects to send only one delegate to a special Convention, such delegate shall be elected by secret ballot. Where a Local Union is entitled to more than one delegate to special Conventions, the Local Union Secretary-Treasurer shall be a delegate by virtue of election to office, except, where a Local Union is entitled to or elects to send only two delegates to a special Convention, the second delegate shall be elected by secret ballot. The remaining delegates and alternates to which a Local Union is entitled shall be nominated and elected by secret ballot in accordance with the procedures for the nomination and election of Local Union officers as provided in Article 35 of this Constitution, except as provided in the procedures specified by the International Executive Board.

**(J)** The International Executive Board shall have the power to authorize and effectuate the merger of any other organization into the United Food and Commercial Workers International Union, where such merger can be effectuated without amendment to this Constitution. The International Executive Board may waive the application of any provision of this Constitution for a period not to exceed three years or January 1 of the year following the next regular International Convention, whichever occurs later, where such waiver is necessary to effectuate the merger; except that, the International Executive Board may approve beyond such period the per capita payable on members of the merging organization that is higher than that provided in Article 18(A)3 of this Constitution, as provided in a merger agreement with the merging organization. Where the effectuation of a merger of the United Food and Commercial Workers International Union with another organization requires amendment to this Constitution, the International Executive Board may authorize the International President and International Secretary-Treasurer to enter into discussions directed toward merger. Approval of such a merger shall be submitted by the International Executive Board to a regular Convention or to a special Convention called for by it for the purpose of considering the proposed merger.

**(K)** The International Executive Board shall have the power to authorize the voluntary merger of Local Unions of the United Food and Commercial Workers International Union or of an organization

not chartered by the United Food and Commercial Workers International Union into a Local Union of the United Food and Commercial Workers International Union. The International Executive Board shall have the authority to initiate and promote mergers between Local Unions pursuant to procedures adopted by the International Executive Board, where such merger would increase the ability of workers to unite with other workers in their industry or industries and improve their ability to secure better wages, benefits, and working conditions. The International Executive Board shall prescribe the conditions under which any such merger shall be effectuated, and may waive the application of any provision of Articles 34 and 35 of this Constitution for a period not to exceed the first full term of office following the merger, where such waiver is necessary to effectuate the merger. Further, the International Executive Board may approve Local Union bylaws providing for constitutional officers additional to those provided for in Article 34(A) where such approval would facilitate such merger. No merger will be approved by the International Executive Board without the membership of each affected Local Union voting separately in favor of the merger.

**(L)** The International Executive Board shall be empowered to affiliate this International Union with such national and international bodies as the International Executive Board believes is in the best interests of this International Union.

**(M)** If any provision of this Constitution shall be declared or shall otherwise become invalid or impaired by virtue of any federal, state, administrative law or provincial legislative enactment, or by virtue of any decision or regulation of any federal, state, or provincial court or administrative agency, the International Executive Board shall have the authority to suspend the operation of any such provision during the period of its invalidity or impairment and shall also have the authority to substitute a provision or provisions which, to the extent permitted by law, will meet the objections and which will be in accord with the intent and spirit of the invalid provision. The International Executive Board shall give written notice to all Local Unions and all intermediate chartered bodies after exercising this power. If any provision of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution shall not be affected thereby.

## ARTICLE 9
### International Executive Committee

**(A)** The International President, International Secretary-Treasurer, and the three International Executive Vice Presidents shall, by virtue of their offices, constitute the International Executive Committee. The International President shall serve as chairperson of the International Executive Committee, and a record shall be kept of its decisions.

**(B)** The International Executive Committee shall purchase, manage, and control all real property of the International Union, and may sell, rent, lease, encumber, and improve the same in such manner as the majority of the International Executive Committee shall direct, but shall have no right to sell, convey, or encumber the current or a successor International headquarters without the approval of the International Executive Board.

**(C)** The title to the International headquarters and other real property currently held by the International Union, or which may hereafter be acquired, shall be vested by proper conveyance in the name of the International Union or a building corporation or the International Executive Committee and their successors in office, to be held by the International Union, the building corporation or the International Executive Committee in trust for the sole use and benefit of this International Union, provided that, the title to any real property held by the International Union in Canada shall be vested by proper conveyance in the name of the International Union or a building corporation or a trustee or trustees, and their successors in office, designated by the International Executive Committee, in accordance with the applicable law in Canada, in trust for the sole use and benefit of this International Union.

**(D)** The International Executive Committee shall perform such other duties as are provided in this Constitution and as may be directed from time to time by the International Executive Board. The International Executive Committee may delegate any of its specific authority to the International President, to be exercised by the International President on its behalf.

**(E)** No member of the International Executive Committee shall receive any additional compensation by virtue of their services in connection with the management and control of International headquarters or other real property of the International Union.

**(F)** **1.** A trusteeship may be imposed by the International Union upon a chartered body to correct corruption or financial malpractice, including mishandling or endangering Union funds or property, or the funds or property of any trust in which the Union has an interest; assure the performance of collective bargaining agreements or other duties of a bargaining representative; restore democratic procedures; or otherwise carry out the legitimate objectives of the International Union, including the proper administration of the finances and other affairs of the chartered body, and the enforcement of compliance with federal, state, or provincial law, the Constitution or laws of the International Union, the approved bylaws of the chartered body, or the rules, decisions, or orders of the International Executive Board, the International Executive Committee, or International officers made within the scope of their authority under this Constitution. Whenever in the judgment of the International Executive Committee such action is required, it shall have the power to place such chartered body in trusteeship or take such other temporary action as it deems necessary, provided that any such action shall not be authorized in Canada unless concurred in by a majority of the International officers in Canada. Within 30 days following the imposition of a trusteeship, a hearing shall commence to determine whether the trusteeship is justified and shall be continued.

**2.** **a)** If a trusteeship is imposed, the International President shall appoint a trustee, who shall administer the affairs of the chartered body during the trusteeship. In Canada, such trustee shall be a member of a Canadian Local Union who shall be appointed following consultation with the National Director, who may also hold the title of National President. The trustee shall act under the supervision of the International President, who may remove the trustee at any time and appoint a successor.

**b)** The trustee shall take immediate charge of the affairs of the chartered body and shall have the right, upon demand, to all assets and records for the period that the trustee is in charge, to be held in trust for the benefit of the members of the chartered body. During the trusteeship, the assets of the chartered body shall be expended for the conduct of its affairs. If, after the trusteeship hearing, the International Executive Committee ratifies the imposition of the trusteeship, the International President may require the chartered body to bear the expenses incurred in connection with the imposition, servicing, administration, and termination of the trusteeship. The

trustee shall be bonded in sufficient amount as determined by the International Secretary-Treasurer to safeguard the assets of the chartered body.

**c)** When a trusteeship is imposed, the officers of the chartered body shall be suspended from office, and their functions shall pass to the trustee, who may delegate such functions to deputy trustees, and others as deemed necessary, subject to the approval of the International President. If the International Executive Committee determines after a hearing that the trusteeship is justified, and thereby ratifies the trusteeship, all officers within the chartered body shall immediately be removed, and the trustee may continue to delegate their functions as provided above. If the International Executive Committee determines that the trusteeship was not justified, or should not continue, the suspended officers shall be restored to their prior offices without loss of salary or benefits, unless otherwise determined in accordance with the procedures set forth in this Constitution.

**d)** At any time after the trusteeship has been ratified, the trustee shall have authority to bring disciplinary proceedings, including the filing of charges, against any member or former officer of the chartered body whom the trustee has reasonable grounds to believe has contributed to the conditions leading to the establishment of the trusteeship. The trustee may also file charges against any member for other violations of the individual's duties and obligations as a member, provided that in such case the trustee files charges with the International President within six months after the basis for the alleged violation has been discovered or should have been discovered. In any disciplinary proceeding held during the trusteeship, including any proceeding involving charges which were pending at the time the trusteeship was imposed, the accused shall be tried before a representative appointed by the International President. Trial proceedings shall be in accordance with the applicable provisions of Article 26(A), provided that such provisions are not inconsistent with the provisions of this Article. The representative appointed to conduct the trial shall, upon its completion, submit findings and recommendations to the International Executive Committee with the trial record. The International Executive Committee is thereupon authorized to issue its decision and take such disciplinary measures as the circumstances warrant. Appeals from the decision of the International Executive Committee may be taken to the International Executive Board in accordance with the applicable provisions of Article 26(C), provided that such provisions are not inconsistent with the provisions of this Article.

**e)** The autonomy of the chartered body shall be suspended during the period of the trusteeship, except that membership votes shall be held where required under Articles 23 and 38 and as otherwise required under this Article.

**f)** The trustee shall make periodic reports to the International President on the progress of the trusteeship. The trustee shall also hold meetings of the membership not less than quarterly for the purpose of reporting to the membership on the affairs and transactions of the chartered body.

**3. a)** The trusteeship hearing shall be conducted in the vicinity of the chartered body involved by a hearing officer appointed by the International President, provided that the hearing officer shall be a member of a Canadian Local Union if the chartered body is located in Canada.

**b)** Adequate notice of the time, place, and subject of the hearing shall be sent by the International President to the members of the chartered body.

**c)** The chartered body shall have the right to be represented by its officers or suspended officers, who, subject to rules formulated by the hearing officer to prevent undue repetition, shall have the right to examine and cross-examine witnesses, present other evidence, and argue the case for or against trusteeship.

**d)** Members shall have a right to testify, subject to rules formulated by the hearing officer to prevent undue repetition. If a member alleges that the officers or suspended officers of the chartered body cannot adequately represent the member's interests, the hearing officer may determine, upon a sufficient showing, to permit the member to participate in the examination and cross-examination of witnesses, the presentation of other evidence, and the argument.

**e)** Any officer of the chartered body who refuses to produce any document relevant to the hearing shall be subject to charges and immediate suspension from office by the International Executive Committee pending proceedings under Article 9(G). Any employee who refuses to produce such records shall be subject to immediate suspension or termination from employment, as determined by the International Executive Committee.

**f)** The hearing officer may formulate whatever additional rules may be required to ensure a full, fair, and expeditious hearing.

**g)** All testimony shall be taken under oath, and a verbatim transcript shall be made of the hearing.

**h)** The hearing officer shall submit findings and recommendations to the International Executive Committee with the hearing transcript and exhibits.

**i)** Within 45 days from the date the hearing closes, the International Executive Committee shall issue its decision and order, which shall include its findings and determinations. Such decision and order shall be sent to the chartered body and made available to its members.

**j)** The International President shall make available for examination by the members of the chartered body, at the office of the chartered body, a copy of the hearing officer's findings and recommendations, the hearing transcript, and the hearing exhibits.

**4. a)** A decision and order of the International Executive Committee following the hearing specified in Article 9(F)3 may be appealed to the International Executive Board in accordance with the applicable provisions of Article 26(C) governing appeals to the International Executive Board.

**b)** A decision and order of the International Executive Committee determining that a trusteeship is justified shall constitute ratification or authorization of the trusteeship by the International Union, unless reversed on appeal.

**5. a)** The trusteeship shall continue for such period as the International Executive Committee shall consider necessary for the reorganization or stabilization of the affairs of the chartered body to achieve the purposes of the trusteeship; provided, however, that the body in trusteeship shall have the right to petition for removal of the trusteeship at intervals of not less than six months following the establishment of the trusteeship. Any such petition must first be duly signed by a majority of the active members of the chartered body and then filed with the International President.

**b)** Upon receipt of such petition, the International President shall at the earliest practicable time hold an inquiry to determine whether the trusteeship shall continue. The inquiry shall be conducted by a representative appointed by the International President, under rules formulated to ensure a full, fair, and expeditious inquiry. Due notice of the time and place of the inquiry shall be given to the members of the chartered body.

**c)** The representative holding the inquiry, at its conclusion, shall submit findings and recommendations to the

International Executive Committee. The decision of the International Executive Committee shall include its findings and recommendations and shall be sent to the members of the chartered body.

**d)** The decision of the International Executive Committee may be appealed to the International Executive Board by any member of the chartered body in accordance with the applicable provisions of Article 26(C).

**6.** Prior to the conclusion of the trusteeship, the trustee shall review the bylaws of the chartered body and shall submit recommendations for amendment to the membership in accordance with the applicable provisions of Article 32(A). Prior to the conclusion of the trusteeship, the trustee shall conduct a new election for all offices of the chartered body in accordance with the Constitution of the International Union and the bylaws of the chartered body.

**7.** When the trusteeship is terminated upon order of the International Executive Committee, the trustee shall return all assets and records to the chartered body and shall make an accounting of the trusteeship to the International Executive Committee and the chartered body.

**8.** No obligation or liability of a chartered body which may have been incurred prior to the imposition of a trusteeship shall be assumed by or become an obligation of the International Union. No obligation or liability of a chartered body which has been placed in trusteeship, including obligations under existing collective bargaining agreements incurred subsequent to the institution of such trusteeship, shall become an obligation of the International Union, unless specifically authorized or assumed by the International Executive Board.

**(G)** Whenever the activities of any member or officer of a chartered body involve, in the judgment of the International Executive Committee, an emergency situation injurious to the welfare or best interests of the International Union or a chartered body, the International Executive Committee is authorized to assume original jurisdiction in such matter, even though charges may have been filed with another body and are pending. Under such circumstances, the International Executive Committee may suspend the person from membership or office, but it shall be required to accord such member or officer a hearing, upon notice of the charges against the individual, and the hearing shall commence within 30 days of such suspension. The International Executive Committee shall have authority to appoint a temporary successor to any officer thus suspended, to serve until the charges are disposed of. Such hearing shall be conducted by a representative appointed by the International President, and the proceedings shall be in accordance with the applicable provisions of Article 26(A), provided that such provisions are not inconsistent with the provisions of this paragraph. Following such hearing, the International Executive Committee is authorized to take such disciplinary action as the circumstances warrant, including removal from office. Appeal from the decision of the International Executive Committee may be taken to the International Executive Board. Procedure on appeals shall be governed by the applicable provisions of Article 26(C).

**(H)** Whenever, in the judgment of the International Executive Committee, a chartered body is working against the best interests of the International Union, including, but not limited to, violation of the provisions of the Constitution and laws of the International Union, the International Executive Committee shall have the authority to expel such chartered body after a hearing conducted pursuant to the applicable provisions of Article 9(F), subject to an appeal to the International Executive Board; provided that any such action shall not be authorized in Canada without consulting with the National Director, who may also hold the title of National President, and having the support of a majority of the International officers in Canada.

## ARTICLE 10
### International President

**(A)** The International President shall be the chief executive officer of the International Union and shall exercise supervision over the affairs of the International Union.

**(B)** It shall be the duty of the International President to preside at all Conventions, appoint all committees, unless otherwise ordered by the Convention, and sign all official documents of the International Union, as applicable.

**(C)** The International President shall manage, conduct, and edit any official membership publications and any other publications of the International Union, subject to such editorial policy as may be established by the International Executive Committee.

**(D)** The International President, in consultation with the International Secretary-Treasurer, shall have the authority to manage and control all assets of the International Union, except as otherwise provided in Article 9 of this Constitution. The International President shall have the authority, between meetings of the International Executive Board, to direct and approve the expenditure of the funds of the International Union as shall be necessary or advisable in carrying out the principles and objectives of the International Union and for any additional purposes and objectives not inconsistent therewith which will further the general interest and welfare of the International Union. Such expenditures shall be paid from the funds of the International Union and shall be paid by check cosigned, or electronic transfer authorized, by the International President and the International Secretary-Treasurer, provided that, in the event of a vacancy in either of such offices, the seniority provisions of Article 17(Q) shall govern as applicable. The International President shall have the authority to invest the surplus funds of the International Union where the International President deems it advisable, subject to the approval of the International Executive Committee. The International President shall be further empowered to do all acts, whether or not expressly authorized in this Constitution, which the International President deems necessary or proper for the protection of the assets of the International Union, subject to the approval of the International Executive Committee. No expenditure of International Union funds shall be made except upon authorization of the International President, except as otherwise provided in this Constitution.

**(E)** **1.** The International President shall have the authority to interpret the Constitution and laws of the International Union and to decide all questions relating thereto, subject to an appeal to the International Executive Board. The International President shall have the authority to resolve any dispute between chartered bodies, between chartered bodies and members thereof, or between chartered bodies and the International Union, for which no appeal to the International President, International Executive Committee, or International Executive Board is otherwise provided in this Constitution, and to direct such steps as may be necessary to resolve the dispute, provided that any appeal or request for intervention pursuant to such authority is filed with the International President within 45 days from the decision or action which is the subject of the dispute; except that, the International President, for good cause shown, may extend the time within which any such appeal or request

may be filed. The decision of the International President regarding such dispute may be appealed to the International Executive Board not later than 30 days after such decision has been rendered.

**2.** The International President shall not have the authority to direct any change in a chartered body's disposition of a member's grievance arising out of a collective bargaining agreement between the chartered body and an employer.

**(F)** The International President, in consultation with the International Secretary-Treasurer, shall establish and maintain such departments, divisions, and offices as are necessary to effectively administer the International Union's affairs. Further, the International President, in consultation with the International Secretary-Treasurer, shall employ and fix the compensation and other terms of employment of directors, department heads, assistants, field representatives, and professional and other personnel that the International President deems advisable for the purpose of carrying out the duties of the International President's office and to effectively administer the affairs of the International Union. Such personnel shall work under the supervision of the International President. The International President shall have the authority to terminate the employment of any such personnel in the best interest of the International Union, subject to an appeal to the International Executive Committee, provided that there is no other grievance procedure authorized by the International Union.

**(G)** The International President, or designated representatives of the International President, are authorized to visit any chartered body and attend and participate in any meeting, conference, or convention, including those of chartered bodies, in order to lend assistance, to examine the records and inspect the operations, or otherwise to further the objectives of the International Union.

**(H)** The bond of the International President shall be in such amount as the International Executive Board shall deem sufficient to fully protect the International Union and shall be furnished by a surety company approved by the International Executive Board, the premium thereof to be paid by the International Union.

**(I)** The International President, or a designated representative of the International President, is hereby authorized, by virtue of the International President's office, to attend as an official delegate of the International Union all meetings, conferences, or conventions that may be held where the International Union is entitled to representation or where the best interest of the International Union may be served by the International President's presence. Where the International Union is entitled to more than one representative at any such meeting, conference, or convention, the International Secretary-Treasurer is authorized, by virtue of the International Secretary-Treasurer's office, to attend as an official delegate. The International President is further authorized to appoint such additional delegates as the International Union may be entitled to send to such meetings, conferences, or conventions.

**(J)** The International President shall receive in regular installments an annual salary to be determined by the International Executive Board. The International President shall also receive reimbursement for all expenses incident to the conduct of the International President's office. Salary determinations by the International Executive Board once made shall constitute a new minimum.

## ARTICLE 11
### International Secretary-Treasurer

**(A)** The International Secretary-Treasurer shall be the chief administrative officer of the International Union and shall have custody of all books, papers, funds, assets, property, and effects of the International Union. The International Secretary-Treasurer shall conduct all correspondence pertaining to the International Secretary-Treasurer's office and shall maintain custody of the minutes of the International Executive Board meetings.

**(B)** The International Secretary-Treasurer shall collect all moneys due the International Union and shall deposit all funds in responsible depositories in the name of the United Food and Commercial Workers International Union. The International Secretary-Treasurer shall keep accurate account between the International Union and its chartered bodies and shall furnish an annual financial statement, as well as interim quarterly itemized financial statements, including a balance sheet and statement of income and expenses, of the International Union to each member of the International Executive Board and to the President of each Local Union.

**(C)** The International Secretary-Treasurer shall furnish, at the expense of the International Union, all forms and materials for the transaction of business between the International Union and the Local Unions. No chartered body shall use any forms for the transaction of such business except those furnished or approved by the International Secretary-Treasurer. The International Union shall pay all duties on supplies shipped outside the borders of the United States.

**(D)** All income received from interest, rents, lease, or sale of any property of the International Union, or any part thereof, shall be received by the International Secretary-Treasurer as provided for in the Constitution and laws of this International Union, and shall become a part of the general assets of the International Union.

**(E)** Negotiable bonds and other securities shall be placed in safekeeping with a responsible registered broker or other depository in the name of the United Food and Commercial Workers International Union. Access to any safe deposit box shall be obtained only on the signature of the International President, the International Secretary-Treasurer, or the senior International Executive Vice President.

**(F)** The International Secretary-Treasurer shall promptly notify the International Executive Board of the results of the votes cast on all propositions submitted to it.

**(G)** The International Secretary-Treasurer shall have the International Union's names, logos, and union shop identification cards, or other indicia of union shop identification registered in each state, province, and territory where required; provided that, in Canada, such registration shall be taken in consultation with the National Director, who may also hold the title of National President.

**(H)** The International Secretary-Treasurer shall remit per capita to bodies with which the International Union is affiliated.

**(I)** The International Secretary-Treasurer shall be furnished with a seal, which shall be fixed to official and important documents, as may be required by applicable law, and shall deliver to the International Secretary-Treasurer's successor in office all property, funds, assets, and effects in the International Secretary-Treasurer's possession belonging to the International Union.

**(J)** The bond of the International Secretary-Treasurer shall be of such amount as the International Executive Board shall deem safe to fully protect the International Union and shall be furnished by

a surety company approved by the International Executive Board, the premium thereof to be paid by the International Union.

**(K)** Constitutions and membership cards shall be furnished to Local Unions by the International Secretary-Treasurer at the expense of the International Union in such number as may be required. The Local Union President shall, upon request, provide membership status and, if consistent with the Local Union's practice, issue such membership card, or similar membership card which has been approved by the International Secretary-Treasurer, to each member of the Local Union.

**(L)** The International Secretary-Treasurer shall provide for the bonding of such officers, representatives, and employees of the International Union and its chartered bodies as the International Secretary-Treasurer deems advisable, with a surety company approved by the International Executive Board. Each such officer, representative, or employee shall be bonded by said company in an amount adequate to protect the chartered body from loss. The minimum amount of such bond shall be $2,500, or whatever higher amount may be required by applicable law. Such bond shall run to the International Union and its cost shall be borne by the chartered body involved or the International Union, as applicable. To ensure adequate and proper bonding, the International Secretary-Treasurer shall establish such procedures as the International Secretary-Treasurer deems necessary for compliance by chartered bodies with this section.

**(M)** The International Union shall have the authority, without notice, to obtain or make an audit, inspection, or examination of all books, records, and other documents of any chartered body. The International Secretary-Treasurer, in conjunction with the International President, shall exercise the foregoing authority through the assignment of personnel as they deem necessary. In Canada, said authority shall be exercised as provided in this paragraph, following consultation with the National Director, who may also hold the title of National President.

**(N)** The International Secretary-Treasurer shall receive in regular installments an annual salary to be determined by the International Executive Board. The International Secretary-Treasurer shall also receive reimbursement for all expenses incident to the conduct of the International Secretary-Treasurer's office. Salary determinations by the International Executive Board once made shall constitute a new minimum.

**(O)** The International Secretary-Treasurer shall conduct the International Secretary-Treasurer's office in consultation with the International President and in accordance with this Constitution. The International Secretary-Treasurer shall perform such other duties and responsibilities as may be delegated to the International Secretary-Treasurer by the International Executive Committee or International Executive Board.

## ARTICLE 12
### International Executive Vice Presidents and International Vice Presidents

**(A)** The International Executive Vice Presidents shall fulfill their responsibilities as members of the International Executive Committee as set forth in this Constitution.

**(B)** It shall be the duty of the International Executive Vice Presidents and International Vice Presidents to provide such assistance to the International President as the International President may require, to perform such other work under the International President's direction as the International President may request, and to make regular reports on the progress of organizational work assigned to them and with respect to any other duties or functions which they have been directed to perform.

**(C)** A minimum of 50 percent of the International Vice Presidents shall not be in the primary employment of the International Union. A minimum of three International officers from Canada elected pursuant to Article 7(A) shall not be in the primary employment of the International Union. The International officers from Canada shall be residents of Canada and members of Local Unions chartered in Canada and the International Vice Presidents shall be nominated by Canadian Local Unions and elected by a majority vote of the delegates representing Canadian Local Unions at the next regular International Convention. The International Executive Vice President or, alternatively, the International Vice President designated number one for purposes of nomination and election of International Vice Presidents in Canada and elected by the delegates representing the Canadian Local Unions shall be appointed National Director, and may also hold the title of National President.

## ARTICLE 13
### International Board of Audit

Six International Vice Presidents elected annually by the International Executive Board, who are not in the primary employment of the International Union, shall constitute a Board of Audit. As soon as practicable each year, the Board of Audit shall meet at the office of the International Secretary-Treasurer for the purpose of reviewing the report of the certified public accountant retained by the International Executive Board to audit the financial books and records of the International Union. The financial statements of the certified public accountant and the report of the Board of Audit, which shall be certified and sworn to, shall be furnished to each Local Union and each International officer.

## ARTICLE 14
### Regular International Conventions

**(A)** The United Food and Commercial Workers International Union shall meet in regular Convention in 2023 and every five years thereafter, at a time between April 1 and August 31 of each Convention year, to elect the officers of the International Union and to transact such other business as may come before the Convention. The dates and place of the regular Convention shall be determined by the International Executive Board, and the Executive Board shall make the necessary arrangements for holding such Convention.

**(B)** The International Secretary-Treasurer shall issue a Convention call to each Local Union in the first ten days of the month which is seven months prior to the month in which the Convention will commence; except that, if the Convention will commence in the first 15 days of the month, the Convention call shall be issued in the first ten days of the month which is eight months prior to the month in which the Convention will commence. Such call shall state the dates and place of the Convention as determined by the International Executive Board.

## ARTICLE 15
### Regular International Convention Delegates

**(A)** At the time the Convention call is issued, the International Secretary-Treasurer shall inform each Local Union of the number of delegates to which it is entitled and shall furnish each Local Union President with credential forms, in duplicate, for delegates and alternates. The Local Union's President shall remit the completed original credentials and the results of the election to the International Secretary-Treasurer, in a format designated by the International Secretary-Treasurer, immediately after the Local Union elects its delegates and alternates. Credentials must be received by the International Secretary-Treasurer 60 days prior to the convening of the Convention. The completed duplicate credentials shall be retained by the delegates and alternates and presented to the Credentials Committee immediately prior to the convening of the Convention. Each credential must be signed by the Local Union President.

**(B)** **1.** Local Unions shall be apportioned Convention delegates and votes in accordance with the following formula:

| Number of Active Members in Local Union | Number of Delegates and Votes |
|---|---|
| 1 - 500 | 1 |
| 501 - 1,000 | 2 |
| 1,001 - 1,750 | 3 |
| 1,751 - 2,500 | 4 |
| 2,501 - 3,250 | 5 |
| 3,251 - 4,000 | 6 |
| 4,001 - 4,750 | 7 |
| 4,751 - 5,500 | 8 |
| 5,501 - 6,250 | 9 |
| 6,251 - 7,000 | 10 |
| 7,001 - 7,750 | 11 |
| 7,751 - 8,500 | 12 |
| 8,501 - 9,250 | 13 |
| 9,251 - 10,000 | 14 |
| 10,001 - 10,750 | 15 |
| 10,751 - 11,500 | 16 |
| 11,501 - 12,250 | 17 |
| 12,251 - 13,000 | 18 |
| 13,001 - 13,750 | 19 |
| 13,751 - 14,500 | 20 |
| 14,501 - 16,000 | 21 |
| 16,001 - 18,000 | 22 |
| 18,001 - 21,000 | 23 |
| 21,001 - 24,000 | 24 |
| 24,001 - 29,000 | 25 |
| 29,001 - 34,000 | 26 |
| 34,001 - 39,000 | 27 |
| 39,001 - 44,000 | 28 |
| 44,001 - 49,000 | 29 |

And an additional delegate and vote for each 5,000 active members, or fraction thereof, above 49,000 active members.

**2.** Any intermediate chartered body with any bargaining units and active members directly affiliated with the intermediate chartered body, rather than with a Local Union, shall be apportioned delegates and votes based on the number of active members directly affiliated with it and in accordance with the formula of Article 15(B)1. Apportionment of delegates and votes shall be based on only those active members directly affiliated with the intermediate chartered body, and only such members shall be eligible to represent the intermediate chartered body as delegates and alternates to the Convention. Wherever the term "Local Union" or "Local Unions" is used in Articles 14, 15, 16, and 17 of this Constitution, it shall be deemed to encompass any intermediate chartered body with any directly affiliated bargaining units and active members.

**(C)** The number of delegates apportioned to a Local Union shall be determined by the International Secretary-Treasurer upon the basis of its average monthly active membership for the 12 calendar months ending with the next to last month prior to the month in which the Convention call is issued. Each Local Union may elect a number of alternates, as determined by the Local Union Executive Board prior to nominations, up to the number of delegates to which it is entitled, in accordance with the procedures for the election of delegates.

**(D)** If a vacancy occurs in the Local Union's delegation, the alternate who was elected by the greatest number of votes, or, in the case of a tie, the alternate chosen by a vote of that Local Union's remaining delegates, shall succeed to the vacancy; provided that, if the vacancy occurs as the result of a temporary absence from the Convention, the vacancy shall be filled only if such Local Union's seated delegates decide to fill such vacancy, in which case, the vacancy shall be filled for the period of the delegate's absence. An alternate succeeding to a vacancy shall have neither voice nor vote until recognized by the Credentials Committee.

**(E)** Each Local Union President shall be a delegate to the regular Convention by virtue of election to office. Where a Local Union is entitled to more than one delegate to the Convention, the Local Union Secretary-Treasurer shall be a delegate by virtue of election to office. The remaining delegates and alternates to which a Local Union is entitled shall be nominated and elected by secret ballot in accordance with the procedures for the nomination and election of Local Union officers as provided in Article 35(C) of this Constitution, except as provided in this Article; provided that, if a Local Union is entitled to only one delegate and decides to have an alternate in addition to that delegate, the alternate shall be the Local Union Secretary-Treasurer. Where an election of delegates or alternates is to be conducted, nominations for all delegates and nominations for all alternates shall precede the conduct of the elections. Nominations shall not be conducted by petition. The election shall be conducted at polling places, by mail referendum, or other method approved by the International Executive Board. No member shall run for both delegate and alternate. Each active member voting shall be entitled to cast a number of votes for delegates and alternates up to the number of delegates and alternates which the Local Union is entitled to or chooses to elect, but in no event may a member cast more than one vote for any one nominee. Such delegates and alternates shall be elected by plurality vote in descending order of the votes received, starting with the nominee receiving the highest number, up to the number of delegates and alternates which the Local Union is entitled to or chooses to elect, whichever is the lesser. In the event of a tie that affects the outcome, there shall be a runoff election among the tied nominees. As provided in this paragraph, the Local Union President or Secretary-Treasurer shall be a delegate or alternate to the Convention without separate nomination and election as a delegate or alternate, provided that the President or Secretary-Treasurer was elected by the Local Union membership in the Local Union's election of officers.

**(F)** The nomination and election of delegates to the Convention shall be conducted at any time during the four-month period following the month in which the Convention call is issued. The election of delegates to the Convention shall be conducted by secret ballot. Not less than 15 days prior to the nomination of delegates, notice shall be mailed by the Local Union to each member at the member's last known home address, setting forth the times, dates, and places for conducting the nomination of delegates to the Convention. Not less than 15 days prior to the election of delegates, notice shall be mailed by the Local Union to each member at the member's last known home address, setting forth the times, dates, and places for conducting the election. Notice of nominations and election may be combined into a single notice, which shall be mailed not less than 15 days prior to nominations.

**(G)** Any active member of the International Union, as defined in Article 4(B) of this Constitution, shall be eligible to vote for Local Union delegates to the Convention in the Local Union through which the individual holds membership.

**(H)** **1.** Any active member of the International Union, as defined in Article 4(B) of this Constitution, who has been an active member of the International Union, or who had been a member of another organization merged with or chartered by the International Union or merged into a Local Union of the United Food and Commercial Workers International Union, for a continuous aggregate of at least 12 months preceding the month in which the Convention call is issued, shall be eligible to be a delegate to the Convention from the Local Union through which the individual holds membership at the time of nominations, provided that said member maintains continuous active membership in said Local Union during the interval between the election and the commencement of the Convention.

**2.** Nothing herein contained shall be so construed as to disqualify any member who accepts a salaried position with a national American labor federation with which the International Union is affiliated, the Canadian Labour Congress, the International Union, or any of its chartered bodies, or any state or local labor bodies of a national American labor federation to which the International Union has approved its Local Unions to affiliate or to disqualify the delegate or delegates of a Local Union reorganized within a period of less than one year. A Local Union not duly chartered by the International Union at the time the Convention call is issued shall not be entitled to representation in the Convention of the International Union.

**(I)** **1.** Not more than 15 days subsequent to the election of delegates in a Local Union, all challenges to the election of such delegates shall be submitted to the Local Union general election chairperson. The Local Union general election chairperson and election judges shall consider any such challenge and take such remedial action as they deem appropriate. Not more than 15 days subsequent to the decision of the Local Union general election chairperson and election judges respecting such challenge, an aggrieved challenging party may submit an appeal to the International President. Where a Local Union fails to rule on such challenge within 30 days of the Local Union election of delegates, a challenging party may submit an appeal to the International President not later than 15 days thereafter. The International President shall take whatever steps are deemed necessary to resolve the challenge to the election and enforce the decision.

**2.** The decision of the International President may be appealed to the Credentials Committee not later than 15 days after such decision has been rendered. Such appeal shall be sent to the International Secretary-Treasurer, who shall refer such appeal to the Credentials Committee, which shall consist of not less than five uncontested delegates who shall be appointed by the International President not less than 20 days prior to the convening of the Convention. This committee shall meet prior to the convening of the Convention at the call of the International President to consider and resolve all appeals. This committee shall also independently review the credentials of all delegates and shall resolve all questions of irregularity. The committee shall report its rulings on appeals and irregularities to the Convention on the first day thereof. It may meet during the Convention at the call of the International President. The rulings of the committee shall be in force pending review by the Convention.

**3.** Any challenge or appeal which could have been presented in compliance with these filing requirements, but was not, shall be deemed to have been waived.

**(J)** The ballots and all other records pertaining to the nomination and election of delegates, including the membership mailing lists which were used to send the notices of the nomination and election of delegates, shall be preserved for not less than one year by the Local Union President.

**(K)** A Local Union may elect fewer than its quota of delegates, provided that such determination be made by the Local Union membership prior to or at the nominating meeting. The number of votes to which a Local Union is entitled at the Convention on all recorded votes shall be divided equally among the seated delegates present.

**(L)** In the case of a Local Union entitled to two or more delegates, the delegates shall choose a chairperson and alternate chairperson of the delegation.

**(M)** The International Union shall pay for the reasonable and necessary cost of transportation of the duly elected delegates to and from each regular International Convention. Local Unions may pay all or a portion of their delegates' other authorized expenses connected with attendance at the Convention. Where a Local Union pays for the expenses or the salary, wages, or lost time, not including vacation pay, of one of its delegates, it shall pay for the expenses or the salaries, wages, or lost time, not including vacation pay, of all of its delegates.

**(N)** Delegates of Local Unions which as of the first day of the Convention are delinquent for more than one month's financial obligations owed to the International Union, or any part thereof, shall not be seated at the Convention.

**(O)** The officers of the International Union shall be delegates to the Convention and shall attend at the expense of the International Union. International officers may not make nominations or vote in the election of International officers unless they are delegates to the Convention pursuant to Article 15(E).

**(P)** In recognition of the services and contributions to the International Union of its retired officers, retired International officers may attend regular International Conventions as fraternal delegates.

## ARTICLE 16
### Regular International Convention Procedure

**(A)** The proceedings of the regular Convention shall be governed by this Constitution and the rules adopted at each Convention. The rules adopted at the preceding regular Convention shall be in full force from the opening of the Convention until new rules are adopted. Each Convention may adopt rules for the conduct of its business not in conflict with the provisions of this Constitution.

The Convention shall be conducted in accordance with common parliamentary procedure designed for the conduct of orderly and democratic meetings, unless otherwise provided by this Constitution or by the Convention rules.

**(B)** It shall be the duty of the International President to preside at the Convention and conduct it in accordance with this Constitution and the Convention rules. In the absence of the International President, the International Secretary-Treasurer shall preside, provided that, in the absence of both the International President and International Secretary-Treasurer, the seniority provisions of Article 17(Q) shall govern as applicable.

**(C)** The International Secretary-Treasurer shall act as Secretary of the Convention. The International Secretary-Treasurer shall be responsible for having a record kept of the proceedings of the Convention, and shall publish full proceedings of the Convention in convenient form and furnish a copy, upon request, to delegates to the Convention, chartered Local Unions, and members of the International Executive Board.

**(D)** The International Executive Board shall perform such duties for the International President during the Convention as the International President may require. The International Executive Board, International Executive Committee, International President, and International Secretary-Treasurer shall submit reports of their work to each regular Convention. The International Secretary-Treasurer's report shall include a financial report for the five fiscal years preceding the Convention.

**(E)** The International President, in consultation with the International Secretary-Treasurer, shall appoint all Convention committees, and they shall meet at the International President's call. Each committee shall consist of not less than five Local Union delegates. The International Union may pay expenses connected with service on committees which meet prior to the Convention.

**(F)** Resolutions proposed by Local Unions, following adoption by their Executive Boards or membership, shall be submitted to the International President not less than 45 days prior to the convening of the Convention and, unless so submitted or as otherwise provided in this paragraph, shall not be considered by the Convention. Only the delegates of the Local Union proposing a resolution may question whether such resolution was properly adopted by such Local Union. Resolutions may be presented to the Convention by the International Executive Board at any time.

**(G)** **1.** Not less than 90 days prior to the convening of the Convention, all amendments to the International Constitution proposed by Local Unions, following adoption by their Executive Boards or membership, shall be submitted to the International President. Each proposal shall identify the Article to be amended and specifically set forth or describe the proposed change. The International President shall refer such proposed amendments to a Constitution Committee of not less than five delegates, who shall be appointed by the International President not less than 20 days prior to the convening of the Convention. Unless so submitted or as provided in Article 16(G)2, proposed amendments to the International Constitution shall not be considered by the Convention. Only the delegates of the Local Union proposing a constitutional amendment may question whether such amendment was properly proposed by such Local Union.

**2.** The Constitution Committee shall meet prior to the convening of the Convention, at the call of the International President, to consider all amendments to the International Constitution proposed by Local Unions. Proposed constitutional amendments originating with the International Executive Board may be submitted to the Constitution Committee for its consideration or submitted directly to the Convention. The Constitution Committee shall report its recommendations respecting any proposed constitutional amendments referred to it to the Convention.

**(H)** Prior to the opening of each Convention, the International President shall appoint the required number of reading clerks and sergeants-at-arms.

**(I)** An International Convention quorum shall consist of not less than 25 percent of the delegates officially seated by the Convention.

**(J)** The International Secretary-Treasurer shall prepare, for the use of the Convention, a list containing the number of votes to which each Local Union is entitled. Voting shall be by a voice, standing, or roll call vote of the delegates. A roll call vote shall be conducted upon a motion of a delegate, concurred in by 30 percent of the seated delegates, or directed by the presiding officer if the presiding officer is in doubt as to the vote. When a roll call vote is conducted, the International Secretary-Treasurer, in calling the roll of the Local Unions, shall call out the Local Union's number and the number of votes to which it is entitled, except as otherwise specified in Article 17(H) of this Constitution, and the chairperson of each Local Union delegation shall announce the votes of the delegates of that Local Union. Any delegate may request the presiding officer to conduct a roll call of the delegates of the Local Union which the delegate represents. The presiding officer may also order a roll call if the presiding officer is in doubt as to the Local Union's vote.

## ARTICLE 17
### Election of International Officers

**(A)** **1.** Only active members of the International Union, who have been active members of the International Union, or who were members of another organization merged with or chartered by the International Union, for a continuous aggregate of at least 36 months immediately preceding the month in which the regular Convention is held, are eligible to hold any office of the International Union, provided that said members maintain continuous active membership.

**2.** Any officer or employee of the International Union or any of its chartered bodies accepting any political office, or other employment or position, which in the judgment of the International Executive Board presents a conflict of interest, or which interferes with the proper carrying out of duties or responsibilities as a Union officer or employee, shall not be eligible to serve as an officer of the International Union or any of its chartered bodies, and any such officer or employee shall resign from the office or position with the Union immediately, upon order of the International Executive Board, unless a leave of absence is granted with the approval of the International Executive Board. Upon failure to resign as required herein, the International Executive Board shall declare such office or position vacant and a successor shall be elected or appointed in accordance with the provisions of this Constitution.

**3.** Nothing contained in this Constitution shall be construed as making any member ineligible to serve as an officer or delegate by virtue of such member's holding a salaried position with the International Union or any of its chartered bodies, or any organization approved by the International Executive Board with which the International Union or any of its chartered bodies has affiliated.

**(B)** The term of office for all International officers shall begin on September 1 following the regular International Convention at which they are elected and shall expire on August 31 following the

next regular International Convention, except in the case of a special election to fill a vacancy, in which case the term of office shall commence upon election by the International Executive Board and shall continue for the balance of the predecessor's original term. Ceremonial installation of newly elected officers shall take place immediately following their election.

**(C)** The election of International officers shall be conducted at the regular Convention. Nominations shall be held on the second day of the Convention. The election of officers shall take place as the next order of Convention business. International Executive Vice Presidents and International Vice Presidents shall be numerically designated for nomination and election purposes only.

**(D)** Nomination to International office shall be from the floor of the Convention. It shall require at least 10 Local Unions represented at the Convention to make a nomination, provided that, in nominating the International Vice Presidents allocated to Canada, it shall require at least three Canadian Local Unions represented at the Convention to make a nomination for such offices. In making nominations, Local Union action shall be determined by a vote of the delegates of the Local Union, shall require the support of a majority of all seated delegates of the Local Union, and shall be announced by the chairperson of the delegation or such other spokesperson as may be designated by a majority of the delegates. Any delegate may request the presiding officer to conduct a roll call of the delegates of the Local Union which the delegate represents to verify the Local Union action. The presiding officer may also order a roll call if the presiding officer is in doubt that a majority of the delegates support the Local Union action. No Local Union may nominate more than one candidate for each office.

**(E)** Following the nominations, the nominees shall be required to indicate their acceptance of the nomination. No member shall be eligible to run for more than one International office, and no member who declines to accept nomination for an office shall be eligible for election to that office.

**(F)** There shall be an Election Committee, which shall be composed of not less than five Local Union delegates, who shall be appointed by the International President and shall not be candidates for International Union office. The Election Committee shall report on the eligibility of the nominees to the Convention prior to the election and conduct the subsequent election.

**(G)** Where there is only one nominee for an office, the unopposed candidate shall be deemed elected by acclamation.

**(H)** Election of International officers shall be by standing vote of the delegates, except that a roll call vote of the Local Unions shall be conducted by the Election Committee if such a vote is authorized pursuant to the provisions of Article 16(J) of this Constitution.

**(I)** Each candidate may be present or be represented by a delegate to observe the count.

**(J)** A majority of the votes cast for any office shall be required to elect. If no candidate receives a majority, a runoff election shall be conducted. Such runoff election shall present to the delegates only the names of the two nominees receiving the greatest number of votes.

**(K)** No funds of the International Union or any of its chartered bodies shall be used to promote the candidacy of any person for any elective office within the International Union.

**(L)** No publications sponsored by or supported by the International Union or any chartered body shall be used to promote the candidacy of any person for elective office within the International Union.

**(M)** All Convention minutes and other records pertaining to the election of International officers, including membership lists used to determine the number of delegates to which a Local Union is entitled and the original completed credentials of the delegates, shall be preserved by the International Secretary-Treasurer for at least one year following the election.

**(N)** Any member desiring to protest the conduct of the election shall lodge a protest in writing within 30 days of the election with the International Executive Board.

**(O)** A report of the election of International officers shall be published in the official membership publications of the International Union.

**(P)** In the event of a vacancy in any office on the International Executive Board, other than that of the International President, the International President shall immediately make such vacancy known to the International Executive Board. The International Executive Board, by majority vote, may elect a successor. In filling a vacancy in the office of an International Vice President in Canada, the International Executive Board shall elect an active member who is nominated by an International officer from Canada and is a resident of Canada and a member of a Local Union chartered in Canada. Upon each unsuccessful balloting, the name of the candidate receiving the fewest number of votes shall be eliminated.

**(Q)** In case of a vacancy in the office of International President, the International Secretary-Treasurer shall perform the duties of the International President until the International President's successor is elected. It shall be the duty of the International Secretary-Treasurer to immediately make known such vacancy to the International Executive Board, which shall, within 30 days of such vacancy, by majority vote, elect a successor. Upon each unsuccessful balloting, the name of the candidate receiving the fewest number of votes shall be eliminated. If, during a vacancy in the office of International President, there is also a vacancy in the office of International Secretary-Treasurer, the following order of seniority shall be applicable to the responsibilities specified within this paragraph: the International Executive Vice Presidents in the order of seniority on the International Executive Committee or, in the event of equal seniority, in the order of seniority on the International Executive Board; and, then, the International Vice Presidents in the primary employment of the International Union in the order of seniority on the International Executive Board.

## ARTICLE 18
### International Revenue

**(A)** The operating revenue of the International Union shall be derived as follows:

**1.** From a fee payable by Local Unions of $5.00 on each applicant for membership or reinstatement;

**2.** From investments;

**3.** From a monthly per capita payable by Local Unions on each active and nonactive member, based upon the membership on the last day of each month. For the period from April, 2018 through June, 2018, such per capita shall be in the amount of $15.04. For the period beginning July, 2018, such per capita shall be in the amount of $16.04, except that the International Executive Board shall have the authority, to the extent that it deems necessary, to increase such per capita by up to an additional $1.00, taken in full or incrementally, effective no earlier than March, 2020. Additionally, the International Executive Board shall also have the authority, following consultation

with its professional advisers, to increase such per capita, beginning with the month of January, 2019, by such amounts as it deems necessary to fund any increases after January 1, 2018, in the costs of the plans provided for in Articles 27 and 28 of this Constitution;

**4.** From a monthly per capita payable by the Local Unions on each associate member based upon the membership on the last day of the month. Such per capita shall be the greater of 30 percent of the dues paid by the associate member to the Local Unions or $2.00 per member;

**5.** From a fee payable by Local Unions of $100 on each new paid-up life member; and

**6.** From all other lawful sources.

**(B)** From the monthly per capita on each member, $1.00 shall be allocated to the United Food and Commercial Workers International Union strike and defense fund. If the assets of the strike and defense fund exceed $30 million, the International Executive Committee shall have the authority to transfer any or all of the excess to another fund of the International Union.

**(C)** Where employees pay service fees or dues to a Local Union pursuant to agency shop, Rand formula, service fee provisions, or otherwise, a Local Union, in recognition of services performed by the International Union and in discharge of its obligations under the Constitution as a Local Union, shall pay to the International Union monthly service fees equal to the per capita payments otherwise due on such employees. Where initiation service fees are collected by a Local Union in lieu of regular initiation or reinstatement fees, the $5.00 fee set forth in Article 18(A)1 shall be remitted to the International Union.

**(D)** Payment of all financial obligations owed to the International Union shall be made by each Local Union and received in the office of the International Secretary-Treasurer no later than the tenth day of the month following that in which the Local Union is billed by the International Union. All such financial obligations shall be credited in the order in which they are owed. If all such financial obligations, or any part thereof, are not received by the tenth day of the month following that in which the Local Union is billed by the International Union, the Local Union is delinquent in its payment and shall be charged a late payment fee, equal to 2 percent of that portion of the last month's financial obligations which has not been paid by the due date, and the International Secretary-Treasurer shall send a notice of delinquency by certified mail to the Local Union. If all such financial obligations, or any part thereof, are not received by the tenth day of the second month following that in which the Local Union is billed by the International Union, the Local Union shall be subject to such remedial or corrective action as the International Executive Committee may deem just and proper. A Local Union may appeal any such remedial or corrective action to the International Executive Board within 30 days, except where the International Executive Committee has imposed a trusteeship, in which case the procedures of Article 9(F) of this Constitution shall govern. "Financial obligations," as used in this paragraph and in Article 15(N) of this Constitution, do not include moneys owed by virtue of participation in a voluntary fund maintained by the International Union.

**(E)** All Local Unions shall pay to the International Union promptly, when due, all financial obligations, which shall from time to time become due and payable under the provisions of the Constitution and laws of the International Union. The monthly per capita and fees set forth in this Article are the property of the International Union, and such funds may not be used by the Local Union for any purpose other than their being transferred to the International Union in accordance with this Article.

**(F)** The provisions of this Article shall apply to any intermediate chartered body with any bargaining units and members directly affiliated with the intermediate chartered body, rather than with a Local Union. Such intermediate chartered body shall pay the per capita and fees required by this Article on the members directly affiliated with it and on the employees who are employed in bargaining units directly affiliated with it and who pay service fees or dues to the intermediate chartered body pursuant to agency shop, Rand formula, service fee provisions, or otherwise.

## ARTICLE 19
### International Publications

**(A)** The United Food and Commercial Workers International Union shall publish official membership publications and such other publications as the International President, in consultation with the International Executive Committee, may determine to be necessary or advisable to assist in carrying out the objectives and principles of the International Union.

**(B)** Members of the International Union shall have access to official membership publications without subscription cost. Other persons may, at the discretion of its editor, have access to official membership publication by subscription at such rates as may be determined by the International Executive Board, or on a complimentary basis.

**(C)** Any aggrieved member or chartered body may appeal editorial decisions of the editor to the International Executive Committee, subject to further appeal to the International Executive Board, whose decision shall be final.

## ARTICLE 20
### Union Names, Symbols, and Marks

**(A)** The International Union shall develop and maintain names, symbols, and marks of the Union, including union logos, union labels, union domain names, and union shop identification cards. It is through these names, symbols, and marks that the International Union and its functions, products, and services have been and will continue to be recognized. The International Union shall also copyright the content of any International Union publications as it deems appropriate. All such names, symbols, marks, and copyrights shall be the exclusive property of the International Union. The International Executive Board may prescribe rules, regulations, and standards governing the issuance, use, or display of all such names, symbols, marks, and copyrights; provided that in Canada such rules, regulations, and standards shall be developed in consultation with the National Director, who may also hold the title of National President.

**(B)** Each chartered body shall be licensed to use, solely for the purposes of such chartered body, and not for the private use of any other entity, the names and logos of the United Food and Commercial Workers, and, shall conform to the general art, color, and design themes of the logos, and to make limited excerpts from copyrighted publications of the International Union. Any other use shall occur only in accordance with any applicable rules governing such use as may be established by the International Executive Board.

**(C)** The International Executive Board shall have the authority from time to time to issue a union shop identification card or such other indicia which indicates that a store, establishment, or facility is under an existing collective bargaining agreement with the International Union or any of its chartered bodies. Only

establishments recognized as Union by the laws and principles of the International Union may display the union shop identification card or other such indicia, provided the proprietor or persons duly authorized to conduct such establishment shall have signed a collective bargaining agreement with a chartered body or the International Union. No chartered body shall sell, rent, lease, or charge any fee for the union shop identification card or other such indicia.

**(D)** Union logos, union labels, union domain names, or any other identification of the Union may be used only on products manufactured, processed, grown, or handled by businesses whose employees are represented by the International Union or any of its chartered bodies. No chartered body shall sell, rent, lease, or charge any fee for union logos, union labels, union domain names, or other identification of the Union, without specific authorization in writing from the International Executive Committee.

## ARTICLE 21
### Parliamentary Rules

**(A)** The Conventions of the International Union, meetings of the International Executive Board, and meetings of all chartered bodies shall be conducted in accordance with common parliamentary procedure designed for the conduct of orderly and democratic meetings, unless otherwise provided.

**(B)** Wherever a requirement for a majority vote, two-thirds majority vote, plurality vote, or other such vote is set forth in this Constitution, it shall be applied with respect to those present and voting and/or all valid ballots cast and counted, as applicable, unless the voting requirement in the applicable provision of this Constitution expressly provides otherwise.

## ARTICLE 22
### Death Benefits

The UFCW Death Benefit Plan, as amended effective January, 1983, shall be maintained in effect for those members who meet the eligibility and participation requirements set forth in the Plan. The Plan may be amended by majority vote of the International Executive Committee, except that no such amendments shall be made which reduce benefits or restrict eligibility.

## ARTICLE 23
### Collective Bargaining Contracts

**(A)** The terms of proposed collective bargaining contracts or proposals for renewal or any modifications of existing contracts, whether proposed by the employer or the Local Union, shall be submitted to the International President, upon request, for review prior to any membership action thereon. Such review shall be for the purposes of determining whether the aforementioned terms conform to the applicable established policies, practices, and objectives of the International Union, including any strategic bargaining plans adopted by the International Union, relating to wages, hours, and other working conditions, either in the locality involved or nationally, and enabling the International Union to discharge its obligations in the event such proposed terms are found to be injurious to the best interests of the membership of other Local Unions or the International Union. If the International President exercises authority under this paragraph, terms of proposed collective bargaining contracts or proposals for renewal or any modifications of existing contracts shall not be submitted to the membership for its action pending completion of review or following any disapproval by the International President. Any membership action on the aforementioned terms or proposals pending completion of review or following any disapproval by the International President shall be void and without effect.

**(B)** The International Union, in approving or disapproving the terms of a proposed collective bargaining contract as above set forth, shall not thereby become a party to the contract, or assume any liability with respect thereto, unless the International Union, following specific authorization by the International Executive Board, becomes a party to and signs such contract.

**(C)** Local Unions shall, upon request, file executed copies of all collective bargaining contracts, including all letters of understanding, memoranda of agreement, or other addenda concerning such contracts, and any subsequent modifications thereof with the International Union.

**(D)** **1.** The affected membership may submit initial proposals for a collective bargaining contract or renewal of such a contract to the President of the Local Union involved or to a representative or committee designated by such President prior to the commencement of negotiations. Initial proposals shall be referred to the affected membership or a committee of the affected membership for approval, as directed by the President of the Local Union.

**2.** Following the approval of such initial proposals by the affected membership or a committee of the affected membership, the President of the Local Union involved, or a designated representative of the President of the Local Union, or committee shall meet with the employer and endeavor to arrive at an agreement. The current status of such meetings with the employer shall be reported as regularly as practical to the affected members.

**3.** The proposal judged by the President of the Local Union or negotiating committee to be the employer's final proposal for a collective bargaining contract or renewal of an existing contract shall be submitted to the affected membership for its consideration. A majority vote of those present and voting shall be necessary to accept or reject the proposal.

**4.** In the event of rejection of the employer's proposal, the President of the Local Union shall, upon request, report all pertinent facts to the International President.

**5.** No strike or other economic action shall be taken by any Local Union in connection with a contract proposal, unless the affected membership, at a meeting or meetings thereof, has approved the same through a two-thirds majority vote of members voting on the action separately or combined with the question of approval of the contract proposal. In the event the affected membership constitutes less than a majority of the membership of the Local Union, the Local Union Executive Board may disapprove such strike or other economic action.

**6.** In the event of rejection of the employer's proposal judged by the Local Union President or negotiating committee to be the employer's final proposal for a collective bargaining contract or renewal of an existing contract and the failure of the affected membership of the Local Union to approve a strike or other economic action by a two-thirds vote, the Local Union Executive Board shall, after notifying the International President and receiving acknowledgment of such notice, have authority to accept or reject such offer.

**7.** The affected membership, for purposes of voting on the proposal judged to be the employer's final offer for a collective bargaining contract or contracts or renewal of an existing contract or contracts or on a proposal to strike or take other economic action,

shall be either the affected membership in a single Local Union or in two or more Local Unions, as separately determined by the President of each Local Union involved prior to any such vote. Where such affected membership is in two or more Local Unions, the results of any such vote shall be determined by aggregating the votes of all the affected members, by a majority of the Local Unions involved based upon a separate vote of the affected membership of each, or separately by each Local Union based upon a vote of each Local Union's affected membership. Where the affected membership is in two or more collective bargaining units of the same Local Union, the results of any such vote shall be determined by aggregating the votes of all the affected members or separately by each unit based upon a vote of the affected membership in each unit, unless otherwise prohibited by law. The method of determining such results shall be separately determined by each Local Union President prior to any such vote.

**8.** Adequate notice of all meetings required by Article 23(D) shall be given to the affected membership.

**9.** Whenever in the judgment of the Local Union President it would be preferable to conduct a vote by mail referendum or other method approved by the International Executive Committee for contract ratification, strike, or other economic action, the Local Union President may direct the conduct of such a vote in accordance with this Constitution. Whenever in the judgment of the International Executive Committee it would be preferable to conduct a vote by mail referendum or other method approved by the International Executive Committee for contract ratification, strike, or other economic action, it may direct the conduct of such a vote. Any such vote shall be conducted in accordance with procedures established by the International President.

**10.** Acceptance in the manner provided by the applicable provisions of Article 23(D) shall be required before any terms of proposed collective bargaining contracts or proposals for renewal or any modifications of existing contracts may be agreed to by the Local Union.

**11.** A representative assigned by the International President to assist a Local Union in preparing for or arriving at a satisfactory collective bargaining contract, or in adjusting a dispute arising under a collective bargaining contract, shall perform such duties in conjunction with the Local Union as will assist the Local Union.

**(E) 1.** Following approval of a strike or other economic action by the Local Union, the President of the Local Union shall request authorization from the International Executive Committee to strike or take other economic measures, and shall advise it of the action taken by the affected membership and the Local Union and submit all information required for strike authorization as determined by the International President and, upon request, any other information deemed necessary for facilitating disposition of such request. No Local Union shall engage in a strike or other economic measures without first receiving the authorization of the International Executive Committee and otherwise complying with the applicable provisions of this Article.

**2.** In the event of a dispute concerning the interpretation, application, or enforcement of a collective bargaining contract, efforts shall be made by the Local Union to amicably adjust the dispute, pursuant to the provisions of the collective bargaining contract. No strike or other economic action respecting the foregoing shall take place without the approval of the Local Union and the authorization of the International Executive Committee, to whom a request for such approval must be directed, accompanied by all information required for strike authorization as determined by the International President and, upon request, any other information deemed necessary for facilitating disposition of such request.

**3.** Any authorization by the International Union of strikes or other economic action taken by a Local Union shall be considered not to have been given if such authorization was obtained without full disclosure by the Local Union of the information required in Article 23(E).

**4.** The strike action, or any other economic action authorized by the International Executive Committee, shall not constitute the International Union a party or a participant in any such dispute or impose any liability on the International Union or its officers. Such authorization is solely for the purpose of assuring compliance with the provisions of this Constitution and recognition that amicable means of adjustment have been exhausted and that the best interests of the membership have been protected. Such authorization is also a necessary step to obtain consideration for strike or defense benefits.

**5.** No member shall cross or work behind a legal picket line established by a United Food and Commercial Workers Local Union and sanctioned by the United Food and Commercial Workers International Union. No member shall cross or work behind a legal picket line established by a union other than the United Food and Commercial Workers International Union, provided such picket line has the sanction of the Executive Board of the United Food and Commercial Workers Local Union in whose jurisdiction it is established and, provided further, the United Food and Commercial Workers Local Union has notified its membership of such sanction.

**(F) 1.** Disbursements for strike, lockout, or defense purposes shall be made from the strike and defense fund or from the general funds of the International Union, when authorized by the International Executive Committee. Disbursements, when made, shall be subject to such qualifications, rules, and regulations as may be deemed necessary by the International Executive Committee. The International Executive Committee is authorized to discontinue disbursements for strike, lockout, or defense purposes whenever the International Executive Committee shall so determine.

**2.** No Local Union shall receive strike or defense benefits, unless strike authorization or approval for other economic action has been obtained from the International Executive Committee.

**3.** The financial aid allowed shall not be payable for the first seven days of the strike or lockout and shall apply only to those members who have been on strike or locked out for fourteen days in succession. Only those members who are on authorized strike or who are locked out shall be entitled to receive such benefits, except that the International Executive Committee is authorized to provide for the payment of financial aid to members who respect authorized and legitimate picket lines of the International Union or any of its chartered bodies.

**4.** The International Executive Committee is authorized to establish rules and regulations, not inconsistent with this Constitution, governing the payment of strike, lockout, or defense benefits.

**5.** Each member receiving strike, lockout, or defense benefits must sign their name on forms required by the International Union. These forms, when so signed, must be countersigned by a Local Union officer and shall be sent, with all other information and documents required by the International Executive Committee pursuant to Article 23(F)1 and 4, to the International Secretary-Treasurer by the Local Union President at the close of each week.

**6.** The payment of strike, lockout, or defense benefits under this Article by the International Union constitutes simply the

performance of an obligation under circumstances when its members are involved in economic disputes and shall in no sense make the International Union a party to, or a participant in, such economic action.

**(G)** In no event shall any owner-operator who is an active member pursuant to Article 4(B)1 of this Constitution participate with any active members who are employees in the formulation, ratification, interpretation, application, or enforcement of the terms of a collective bargaining contract.

**(H)** Where an intermediate chartered body or the International Union is a designated bargaining representative for a collective bargaining unit, references in this Constitution, with respect to collective bargaining contracts, to the Local Union, Local Union President, or Local Union Executive Board shall be understood to refer to the designated bargaining representative, its President, and its Executive Board or Executive Committee, as applicable.

## ARTICLE 24
### Pension and Health and Welfare Trusts

**(A)** Local Unions shall, without delay, file with the office of the International President executed copies of all pension and health and welfare trust documents, including all amendments and other pertinent descriptive and operational documents necessary to clearly set forth benefits and administrative details in effect in such trusts.

**(B)** Local Union officers or employees, when serving as trustees of welfare and pension funds, shall do so as representatives of the Union and shall not receive any remuneration for services performed for such welfare and pension funds except for reasonable expenses incurred. Such Union representatives shall report regularly to the Local Union respecting the status of the trust fund and all matters pertaining thereto.

## ARTICLE 25
### Duties and Obligations

**(A)** Every member of this International Union agrees, in consideration of the rights and benefits conferred pursuant to the terms of this Constitution, to comply with the duties and obligations stated in this Article and that termination of membership shall not terminate liability for violations of such duties and obligations occurring during the period of the individual's membership.

**(B)** No member may be disciplined, except for violating the member's duties and obligations by committing any one or more of the following offenses:

**1.** Violating any provisions of the Constitution or laws of the International Union or the approved bylaws or established rules of the member's Local Union;

**2.** Advocating or attempting to bring about the withdrawal from the International Union of any Local Union or any member or group of members, and/or working in the interest of or accepting membership in any organization dual to the International Union;

**3.** Deliberately and improperly interfering with any officer or representative of the International Union or any Local Union in the discharge of the officer's or representative's duties, or with the performance of the legal or contractual rights or obligations of the International Union or any of its Local Unions;

**4.** Deliberately engaging in conduct in violation of the responsibility of members toward the Union as an institution;

**5.** In the case of any officer or representative of the International Union or of any Local Union, failing to faithfully perform the duties of the office or position, accepting dual compensation or expenses for the performance of duties related to the office or position, or embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the International Union, a Local Union, or any employee benefit fund.

**(C)** Any member may be charged, tried, and disciplined for violation of any of the above offenses, or for offenses set forth in the Local Union bylaws, in accordance with the procedures provided for in this Constitution.

**(D)** Elected and appointed representatives of the International Union and its Local Unions serve in a position of trust and responsibility and obtain information and confidences and develop abilities which should not be employed in a manner injurious to the best interests of the International Union or its Local Unions; therefore, all such representatives, in the event of termination for any reason whatsoever, assume the obligation not to seek or obtain employment or position or work with, or in, any dual or other organization antagonistic to or in conflict with the objectives, activities, policies, or jurisdiction of the International Union or any of its Local Unions. This obligation shall continue for a period of one year from termination and extends to such geographical areas as may be necessary to protect the International Union or any of its Local Unions. This provision shall in no respect be applied in derogation or limitation of any rights provided for under the United Food and Commercial Workers International Union Pension Plan for Employees or the United Food and Commercial Workers Health Insurance Plan for Retirees.

**(E)** **1.** Members and chartered bodies shall resolve any dispute relating to the interpretation or application of the Local Union bylaws or rules or the Constitution or laws of the International Union exclusively through the remedial procedures provided therein. Resolution of any such dispute pursuant to such procedures shall be final and binding.

**2.** No member shall institute an action outside the Union against the International Union, Local Union, or any of their officers or representatives without first exhausting all remedies provided by the Local Union bylaws and rules and the Constitution and laws of the International Union.

**(F)** "Local Union" as used in this Article shall apply, where appropriate, to intermediate chartered bodies.

## ARTICLE 26
### Disciplinary Proceedings and Appeals

**(A)** **1.** A member shall be charged and tried in the Local Union through which the individual is a member at the time the charges are filed, except as otherwise provided in this Constitution. Any person no longer a member may be charged and tried in the Local Union through which the individual last held membership for actions committed while the individual was a member.

**2.** Charges may be filed by an active member of the Local Union through which the accused is a member, or, where the accused is no longer a member, by an active member of the Local Union through which the accused was a member at the time of the alleged violation, or by a representative of the International Union.

**3.** More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to

designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

**4.** Charges and other formal documents referred to in Article 26 sent by mail or submitted in another generally accepted manner other than in person shall be considered filed as of the date of postmark or other indicia of transmission. Charges and other formal documents referred to in Article 26 delivered in person shall be considered filed as of the date of delivery.

**5.** Charges shall be filed with the Local Union Executive Board within six months after the basis for the alleged violation has been discovered or should have been discovered.

**6.** The charges shall specify the Article or Articles of the International Constitution or laws or the Local Union bylaws or rules allegedly violated and shall also set forth a short and plain factual statement of the act or acts considered to be in violation, including available information as to dates and places, in such a manner and sufficient detail as to fairly inform the accused of the specific acts which are alleged to constitute violations of the International Constitution or laws or the Local Union bylaws or rules. Either upon motion by the charged parties or the Local Union Executive Board, charges failing to comply with this requirement shall be dismissed by the Local Union Executive Board, without prejudice to the refiling of charges within ten days which do comply with this requirement. Dismissal of refiled charges shall constitute final action, subject to appeal as provided in Article 26(C).

**7.** A true and correct copy of the charges and a copy of the Constitution and Local Union bylaws shall, without delay, be served upon the accused party by the Local Union Executive Board by certified mail, return receipt requested, in person, or in accordance with procedures established by the International President. The accused shall be afforded a reasonable opportunity to reply in writing to the charges, if the accused so desires.

**8.** On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges which, after assuming the charging party's facts are true, fail to allege actions which would constitute violations of the International Constitution or laws or the Local Union bylaws or rules. Such dismissal shall be subject to appeal as provided in Article 26(C).

**9.** On motion of the accused before trial, or upon its own motion, the Local Union Executive Board may dismiss without trial any charges it finds are of such a nature that the interest of the Local Union does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding or where it finds that the undisputed material facts warrant dismissal of the charges. Such dismissal shall be subject to appeal as provided in Article 26(C).

**10.** Except for charges processed pursuant to Article 26(A)16, the trial on the charges shall be held as soon as practicable, but no later than 60 days following the date on which the charges are filed. However, upon request of either party, for good cause shown, an adjournment to a later date, not to exceed 100 days from the date the charges are filed, may be granted by the Local Union Executive Board. The Local Union Executive Board shall have the power, upon its own motion, to postpone any scheduled trial, provided such postponement shall not be beyond 100 days from the date the charges are filed. Any such Executive Board decision to postpone the trial beyond the scheduled date or to set a trial for 60 days beyond the date of the charges being filed must be served upon all parties immediately. Every effort shall be made to schedule the trial so that it does not conflict with the working schedule of the parties, and at least 14 days' notice of the trial date shall be given in writing. The written notice to the charging and accused parties shall state that the parties have the right to have other members of the Local Union attend the trial, subject to reasonable accommodations of space. Any request for the postponement of the trial date must be received by the Executive Board at least three days before the scheduled trial date, unless a satisfactory showing is made of inability to comply with this requirement. The request must include good cause for such a postponement. In the event the accused fails to appear for a duly noticed trial, it shall nevertheless proceed.

**11.** The trial shall take place before the Local Union Executive Board, which for purposes of Article 26 shall mean those members of the Local Union Executive Board serving for purposes of trial. The President of the Local Union shall be the chairperson of the Executive Board for purposes of the trial proceeding. No charging party or accused member or a witness may serve on the Executive Board in the conduct of disciplinary proceedings. Where the chairperson is unable to serve for any reason, the remaining members of the Local Union Executive Board shall designate one of their number to act as chairperson. On motion filed with the Local Union Executive Board, prior to trial, either party may ask that a particular Board member be excused from participating in the proceeding if the party thinks that they cannot receive a fair trial before that Board member. The Executive Board shall give precedence to consideration of such motion. For purposes of trial, a quorum of the Executive Board shall consist of three of its members, and a quorum is necessary throughout the trial. If an Executive Board member is absent during any portion of the trial, the Executive Board member may not participate further in the proceeding. All questions of order, procedure, and admissibility of evidence shall be decided by the chairperson, subject to being overruled by a majority vote of the Board upon motion by a member of the Board.

**12.** The accused and charging parties shall have a fair and impartial trial and shall have the right to present witnesses and other evidence in their behalf and to examine any witnesses. The accused shall have the right to refuse to testify. A charging or accused member may be assisted, advised, or represented by another member of the Local Union. At the commencement of the trial, the chairperson of the Board shall advise the parties of their rights as set forth above in this Article, and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, the accused shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout the trial, there shall be a presumption of innocence in favor of the accused. The charging party shall present first and shall have the burden of proving the allegations contained in the charges. At the close of the charging party's case, either the accused or a member of the Executive Board shall have the right to move to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the International Constitution or laws or the Local Union bylaws or rules.

**13.** A detailed written record of the trial proceedings shall be made and preserved and shall constitute the trial record, provided that no fine, nor loss of membership rights or Union office, shall be imposed unless a stenographic record and transcript are kept of the trial proceedings.

**14.** Upon the completion of the trial proceedings, the Executive Board shall, within 45 days, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision in person, by certified mail, or in accordance with procedures established by the International President. A verdict of guilty shall require a two-thirds majority vote

of the Executive Board. If the decision is that of guilty, the Executive Board shall affix appropriate penalties, provided that such discipline shall be reasonable and fair, and, provided further, that no discipline shall be imposed without stating with specificity what the discipline is being imposed for. If any officer or representative of the International Union or any of its chartered bodies is found guilty, the officer or representative may be disciplined as provided in this paragraph and, in addition, may be suspended or removed from office or position, subject to the conditions above; provided that, if the Local Union Executive Board's decision is to remove an officer of the Local Union, the officer may appeal the decision to the membership within 15 days from the date the adverse ruling is delivered to the officer, in which case, the membership shall be sent not less than 15 days' written notice of a membership meeting, which shall be held within 40 days of the Executive Board's decision and at which the members shall vote by secret ballot whether to remove the officer, subject to appeal pursuant to the applicable provisions of Article 26(C). If charges alleging serious misconduct have been filed against an officer of the Local Union and, following trial by the Local Union Executive Board, the officer is found innocent, or the officer is found guilty but removal from office is not imposed as discipline, the Executive Board shall announce the decision at the next membership meeting following the exhaustion of appeal rights or, within 30 days following said exhaustion, provide other reasonable notice to the membership indicating that charges were filed against the officer and giving the date of the trial and the Executive Board's verdict.

**15.** The decision of the Executive Board shall become immediately operative unless stayed by the Local Union Executive Board or unless a stay is directed by the International President following an appeal as set forth in Article 26(C).

**16.** Where it appears to the International President that a fair and impartial trial cannot be held before the Local Union Executive Board, the International President is authorized to appoint not more than six members from outside the Local Union to conduct the trial; except that, when said Local Union is in Canada, such appointment shall be made following consultation with the National Director, who may also hold the title of National President. The trial board so selected shall hear the matter within 150 days from the filing of the charges in accordance with the provisions of this Constitution as far as they are applicable and render judgment thereon as soon as practicable. The parties shall be advised of the decision by certified mail, or in accordance with procedures established by the International President.

**17.** Decisions rendered pursuant to Article 26(A)16 shall become immediately operative unless a stay is directed by the International President following an appeal as set forth in Article 26(C).

**(B) 1.** All charges against International officers in their capacity as representatives of the International Union shall be filed with and tried by the International Executive Board in accordance with procedures set forth in Article 26(A) as far as they are applicable, and all decisions of the International Executive Board shall be immediately effective, unless a stay is directed by the International Executive Board following an appeal to the next regular International Convention as set forth in Article 26(B)2. The International President shall be empowered to direct that all charges filed against International representatives be tried by the International Executive Board in the same manner. In case of such charges, the International Executive Committee shall have the power to suspend the charged officer or International representative prior to trial.

**2.** An International officer or representative who has been found guilty of any offense pursuant to a trial by the International Executive Board, or the charging party when the accused has been acquitted, may appeal to the next regular International Convention for redress. Any such appeal to the Convention shall be filed with the International Secretary-Treasurer within 30 days from the date the adverse ruling is delivered to the appealing party.

**(C) 1.** A member who has been found guilty of any offense as herein set forth, or the charging party when the accused has been acquitted, may appeal to the International President for redress, subject to a further appeal to the International Executive Board.

**2.** A notice of appeal to the International President shall be filed no later than 15 days from the date the adverse ruling is delivered to the appealing party; however, the International President, for good cause shown, may extend the time within which a notice of appeal may be filed. A notice of appeal must briefly state why the party believes the decision should be reversed.

**3.** When an appeal is taken, the International President shall send a copy of the notice of appeal to the Local Union Executive Board involved and to the other party. Thereafter, the Local Union Executive Board shall immediately transmit a full and complete copy of the trial record and charges, together with all other pertinent documents, to the International President, and it shall immediately transmit a full and complete copy of the trial record to the appealing party and the other party in the case.

**4.** The appealing party may file a written statement in support of the appeal with the International President, stating wherein the decision being appealed is erroneous, within 40 days from the date the trial record is sent to the appealing party by the Local Union. The International President shall mail a copy of any such written statement to the other party. The other party may, within 30 days after such written statement has been sent to the individual, file a responsive statement. A request for an extension of the time limit set out herein must be filed with the International President before the expiration of the time limit in question, and the International President can, for good cause shown, extend the time limits.

**5.** The International President shall have authority to obtain any additional information in such form as the International President may prescribe from all parties concerned, in the event the International President believes such additional information is necessary in order to give full consideration to the appeal.

**6.** Upon failure of any party to comply with the foregoing requirements, the International President shall have the power to decide the appeal on the papers before the International President, and the party failing to discharge its obligations as set forth above shall forfeit all further right of appeal from the action of the International President. After all statements have been or could have been filed, the International President shall consider the appeal and render a decision within three months of the date that all statements have been or could have been filed, unless the International President determines that the issues are of such complexity or the appeals pending are so numerous as to warrant an extension to four months, or unless both the charging and accused parties agree to an extension of time. The International President shall give reasons for the decision in writing, a copy of which shall be sent to each party and the Local Union Executive Board.

**7.** Either party may appeal from the decision of the International President to the International Executive Board by filing a written notice of appeal with the International Secretary-Treasurer within 30 days of the date the decision has been sent. The notice of appeal must briefly state why the party believes the International

President's decision should be reversed, and it may also contain a more complete statement setting out wherein said decision is erroneous.

**8.** The International Secretary-Treasurer shall immediately acknowledge receipt of the appeal and shall make available the charges, together with the trial record and all other records pertinent to the appeal, to the International Executive Board for review. The International Secretary-Treasurer shall immediately send a copy of the appeal to the involved Local Union Executive Board and the other parties.

**9.** The other party may, within 30 days after the appealing party's notice of appeal has been sent by the International Secretary-Treasurer to the other party, file a responsive statement. It shall be the duty of the International Secretary-Treasurer to send a copy of any statement so filed to the appealing party and the Local Union Executive Board immediately after it has been filed in the International Secretary-Treasurer's office.

**10.** After the statements have been or could have been filed, the International Executive Board shall proceed to consider such appeal at its next regular meeting, unless both the charging and accused parties agree to an extension of time, and either affirm or reverse the decision of the International President. The International Executive Board shall give its reasons for the decision in writing, a copy of which shall be sent to each party and the Local Union Executive Board involved. Issues which were not raised before the International President may be considered by the International Executive Board in its sole discretion.

## ARTICLE 27
### Pension Plan

**(A)** The International Union, its chartered bodies, and, to the extent applicable, affiliated funds shall maintain the pension plan and trust known as the "United Food and Commercial Workers International Union Pension Plan for Employees" and any spinoff or successor plans and trusts, covering eligible officers and employees of the International Union, its chartered bodies, and any participating affiliated funds. The International Union shall maintain the pension plan and trust known as the "United Food and Commercial Workers International Union Pension Plan for Canadian Employees" covering eligible officers and employees of the International Union and its chartered bodies. Hereinafter in this Article, Article 28, and Article 29(C), the pension plans and trusts described in this paragraph will be referred to as "the Plan" or "the Plans".

**(B)** The Plans shall be funded (1) by the contributions of the Plans' participants as may be provided for in the Plan documents, (2) if applicable, by contributions of the participating affiliated funds on behalf of their participating employees, and (3) by allocation of such portion of the International per capita and other additional employer contributions as may be necessary to fund the pension benefits provided for in the Plans. The amount of such per capita allocation and additional employer contributions shall be determined by the International Executive Board after consultation with the Plans' actuaries. No contributions of the International Union, its chartered bodies, or participating affiliated funds may revert to them except upon satisfaction of all the applicable Plan's liabilities and in accordance with the terms of the Plan and applicable laws and regulations.

**(C)** The International Executive Committee shall be responsible for the general administration of the Plans.

**(D)** The Plans may be amended in the same manner as the International Constitution provides for amendments to the Constitution, except that the Plans may be amended by a majority vote of a quorum of the International Executive Committee in cases where it deems an amendment necessary to qualify the Plans for tax exempt status or to maximize tax advantages to the Plans' participants, to conform to laws and regulations applicable to the Plans, to make plan design changes, or otherwise to administer the Plans. Any amendments implementing plan design changes shall be adopted after the International Executive Committee has obtained such professional advice as it shall determine is necessary, including, but not limited to, the advice of the Plans' actuaries, and after authorization by the International Executive Board.

## ARTICLE 28
### Retiree Health Plan

**(A)** Salaried officers and employees of the International Union and of its chartered bodies, and, to the extent applicable, employees of participating affiliated funds, who are retired under the Plan or Plans as described in Article 27 and who meet the eligibility requirements set forth in the United Food and Commercial Workers Health Insurance Plan for Retirees (hereinafter in this Article referred to as "the Retiree Health Plan"), shall receive retiree health and welfare benefits only at such time and in such amount as allowed under the Retiree Health Plan.

**(B)** The cost of providing retiree health and welfare benefits shall be paid by the International Union, its chartered bodies, participating affiliated funds, salaried officers and employees of the International Union and its chartered bodies, employees of participating affiliated funds, and/or participants and beneficiaries of the Retiree Health Plan. The International Executive Committee shall have the authority to determine the allocation of costs to be paid by any of the foregoing sources, subject to approval by the International Executive Board.

**(C)** Surviving spouses and dependents, as defined by the Retiree Health Plan, of retired officers and employees of the International Union and its chartered bodies and, to the extent applicable, employees of affiliated funds who had satisfied the applicable eligibility requirements of the Retiree Health Plan shall be eligible to receive retiree health and welfare benefits according to the terms and conditions of the Retiree Health Plan.

**(D)** Retired under this Article shall mean that the officer or employee is currently receiving pension benefits from one of the Plans described in Article 27 and has left employment with the International Union, any of its predecessor unions, a chartered body, or an affiliated fund, if applicable.

**(E)** The International Executive Committee shall administer the Retiree Health Plan and shall be empowered to establish and provide retiree health and welfare benefits and make such changes and modifications therein as it deems reasonable; to issue interpretations and regulations governing the operation of such plan; to administer such plan either separately or as integrated in an appropriate way with the UFCW Health Insurance Plan for Active Employees; and to do all other things which are reasonably necessary to accomplish the purposes of this Article, including amending such plan or changing its specifications to conform to changes in the law; except that any changes and modifications which the International Executive Committee, following consultation with its professional advisers, has determined would significantly alter the Retiree Health Plan's benefit design, or any changes in eligibility requirements for

receipt of retiree health and welfare benefits, shall be authorized or ratified by the International Executive Board.

## ARTICLE 29
### Honorary Officers, Other Retired Officers, and Retired Employees

**(A)** In recognition of the contribution of International Presidents and International Secretary-Treasurers to the growth and progress of the International Union, International Presidents and International Secretary-Treasurers who retire or have retired while serving in either of those offices shall be honored with the title of International President Emeritus or International Secretary-Treasurer Emeritus. They shall constitute the honorary officers of the International Union.

**(B)** In a similar spirit of recognition, a Local Union may express appreciation to its Presidents or Secretary-Treasurers who retire or have retired while serving in either of those offices by conferring a similar honor, as may be authorized by and in accordance with the Local Union's bylaws. Those upon whom this honor is conferred shall constitute the honorary officers of their Local Unions.

**(C)** No officer or employee of the International Union or its chartered bodies, except for professional employees, receiving pension benefits from the Plan, other than pension benefits that must commence as a result of applicable law or, if allowed by the Plan, shall perform any services for the International Union or its chartered bodies or represent them in any capacity, except upon temporary assignment after due authorization and in a capacity not involving duties of a continuing nature, subject to the approval of the International Executive Committee.

## ARTICLE 30
### Intermediate Chartered Bodies

**(A)** The International Executive Board shall have exclusive authority to establish intermediate chartered bodies, such as regional, state, provincial, district, and trades councils, state associations, and regional and joint boards, with which Local Unions shall affiliate. Affiliation with an intermediate chartered body shall be mandatory for all Local Unions determined by the International Executive Board to be within the jurisdiction of such intermediate chartered body, unless otherwise directed by the International Executive Board. Such intermediate chartered bodies shall be subject to the Constitution and laws of the International Union and shall be chartered for such geographical area, trade, or appropriate grouping as the International Executive Board may from time to time direct. Charters issued by the International Executive Board for such bodies shall be subject to the direction and control of and revocation by the International Executive Board. Should any dispute arise as to the jurisdiction of an intermediate chartered body, it shall be decided by the International President, in consultation with the International Secretary-Treasurer, subject to an appeal to the International Executive Board, except as provided in Article 8(F). A Local Union which, as determined by the International Executive Committee, has failed to affiliate or remain affiliated with an intermediate chartered body that has jurisdiction for such Local Union shall be assessed a penalty on the next per capita statement of the International Union following such determination; and such penalty, which shall be payable to the International Union, shall be equal to 2 percent of the total amount which the Local Union is billed for International per capita on said statement. The Local Union shall be assessed such penalty each month until the International Executive Committee has determined that the failure to affiliate or remain affiliated has been remedied.

**(B)** **1.** Intermediate chartered bodies shall adopt and amend bylaws for their government as they deem appropriate, provided they conform to the Constitution and laws of the International Union and are approved by the International President. Regardless of approval, if any conflict should arise between such bylaws and the Constitution and laws of the International Union, or interpretations of either, such Constitution, laws, or interpretations shall control. In approving bylaws and bylaw amendments, the International President shall have the authority to make such modifications in the bylaws or bylaw amendments as required to conform them to the provisions of the Constitution and laws of the International Union and the requirements of law. Any intermediate chartered body aggrieved by the approval of or failure to approve its bylaws or amendments to its bylaws may appeal to the International Executive Board.

**2.** Bylaws of intermediate chartered bodies shall provide for the collection of a per capita from the Local Unions affiliated with the body; for the holding of a Convention, which shall meet at least every four years; for the establishment of an Executive Board, which shall meet at least annually; for the election of a President, who shall be the chief executive officer, a Secretary-Treasurer, at least two Vice Presidents, a Recorder, and such other officers as the bodies may deem appropriate. Unless otherwise provided in approved bylaws, the term of all intermediate chartered body offices shall be four years. In the event applicable law allows a term longer than four years, the body may amend its bylaws to provide for such longer term. Bylaw amendments establishing terms of office shall be effective for the next election after their adoption.

**3.** If a Local Union, or a portion of that Local Union's membership, is determined by the International Executive Board to be within the jurisdiction of more than one intermediate chartered body, the Local Union shall pay the required per capita to the intermediate chartered body which is determined by the International Executive Board to be the primary intermediate chartered body for that Local Union, or applicable portion thereof; and it shall pay per capita, which shall be at an amount to be determined by the Local Union, but no less than five cents per month, to the other intermediate chartered body or bodies with which that Local Union, or applicable portion thereof, is affiliated with, on each of the members of the Local Union, or applicable portion thereof; provided that, if the per capita to the other intermediate chartered body is less than five cents, the applicable per capita for said Local Union shall be that lower amount.

**(C)** The duties and responsibilities of intermediate chartered bodies, their elected and appointed representatives, and their members under the Constitution and laws of the International Union shall be the same as those of Local Unions, their elected and appointed representatives, and their members; and all procedures and requirements applicable to Local Unions and their representatives and members shall be applicable to intermediate chartered bodies and their representatives and members, except where the International Executive Board determines that such duties, responsibilities, procedures, and requirements are incompatible with the purposes of such bodies.

## ARTICLE 31
### Local Union Charters

**(A)** The International Union shall grant a charter upon the joint approval of the International President and International

Secretary-Treasurer; provided that, if the Local Union to be chartered is not a pre-existing organization or the successor to a pre-existing organization, a charter shall be issued following approval of an application which has been signed by seven or more persons who are eligible for membership in this International Union and which has been submitted to the International Secretary-Treasurer. A newly chartered Local Union that was an organization prior to its chartering by this International Union shall be exempt from the payment of the fee required by Article 18(A)1 on all members of the organization as of the date of the chartering. The International President, in consultation with the International Secretary-Treasurer, shall determine the jurisdiction of Local Unions and may modify the jurisdiction of Local Unions from time to time, subject to an appeal to the International Executive Board. The International Executive Board may waive the application of any provision of this Constitution for a period not to exceed the first full term of office following the date the charter is issued where such waiver is necessary to effectuate the chartering.

**(B)** Where a charter is applied for within the jurisdiction of an existing Local Union, it shall not be issued until the existing Local Union has had an opportunity to present its views to the International President and International Secretary-Treasurer. The decision of the International President and International Secretary-Treasurer to grant, to modify, or not to grant such charter shall be final, subject to an appeal to the International Executive Board.

**(C)** No Local Union shall entertain a resolution to dissolve or to withdraw from or surrender its charter to the International Union unless notice that such resolution is to be entertained is mailed to each member of the Local Union by certified mail at least 60 days prior to the regular meeting at which such resolution is to be acted upon. Such resolution shall be read at the regular meeting prior to the regular meeting at which such resolution shall be entertained. At least 60 days prior to the regular meeting at which such resolution is to be entertained, notification by certified mail that such resolution has been proposed shall be given to the International President by the President of the Local Union. The vote at such meeting shall be conducted by secret ballot. A Local Union cannot withdraw from the International Union, dissolve, or surrender its charter so long as seven or more active members object thereto. Notwithstanding any of the foregoing, or any other provision of the International Constitution, the Local Unions chartered in Canada may withdraw from the International Union as a body in the manner provided for by the International Executive Board.

**(D)** If a Local Union has fewer than 50 active members for each of three consecutive months, the International Executive Committee, after the issuance of a direction to such Local Union to show cause why it should not be dissolved and consideration of any response, may dissolve the Local Union.

**(E)** If the International Executive Committee shall determine that any Local Union is defunct, dissolved, or withdrawn, or if it expels a Local Union, it shall direct that all assets, property, books, and records held in the name of or on behalf of such Local Union, along with the Local Union's charter, be delivered immediately to the International Secretary-Treasurer, or the International Secretary-Treasurer's designated representative. Such charter shall be canceled and such assets, property, books, and records shall be held in safekeeping by the International Union for a period of one year. If such Local Union shall be reorganized during that period, such assets, property, books, and records shall be returned to the Local Union with a reissued charter by the International Union. If no such reorganization occurs, such assets, property, books, and records shall, without further proceedings, become the property of the International Union. The officers and members of such Local Union shall be responsible for compliance with this Article within 30 days of such determination under penalty of being prosecuted by law, or forfeiture of membership and benefit in this International Union, or both.

**(F)** Members of defunct, withdrawn, dissolved, or expelled Local Unions shall be transferred to such Local Union as may be directed by the International Executive Committee. Such transfer shall become effective immediately.

## ARTICLE 32
### Local Union Duties and Powers

**(A)** **1.** Local Unions shall adopt bylaws, which shall in no way conflict with the Constitution and laws of the International Union, or interpretations of either. Bylaws and bylaw amendments properly adopted by the membership or as required by the Constitution must be filed with and approved by the International President to be effective. In approving bylaws and bylaw amendments, the International President shall have the authority to make such modifications in the bylaws or bylaw amendments as are required to conform them to the provisions of the Constitution and laws of the International Union and the requirements of law. Regardless of such approval, if any conflict should arise between such Local Union bylaws and the Constitution and laws of the International Union, or interpretations of either, such Constitution, laws, or interpretations shall control, subject to an appeal to the International Executive Board.

**2.** Proposals to adopt or amend Local Union bylaws shall (1) be signed and submitted to the Local Union Executive Board by 20 percent of the Local Union membership, provided that, if the Local Union's membership is greater than 2,000, the signatures of 10 percent of the membership or 400 members, whichever is greater, shall be required, or (2) be proposed by the Local Union Executive Board. The Executive Board shall make a recommendation on amendments submitted to it not later than 90 days after they are submitted. Notice of such amendment, containing the Executive Board's recommendation thereon and the date, time, and location of the membership meeting(s) at which the amendment will be voted upon, shall be mailed to each member at least 15 days prior to such meeting(s). The text of the amendment and the Executive Board's recommendation shall be read or distributed to the membership at such meeting prior to voting. Amendments shall be adopted by a two-thirds majority vote of active members voting. At the discretion of the Local Union Executive Board, the vote may be conducted by mail referendum in accordance with the applicable provisions of this paragraph, provided that the Local Union shall mail members their ballots and the proposed amendment at least 15 days prior to the receipt deadline for return of the ballots and that the Local Union shall hold an informational meeting for discussion of the proposed amendment.

**(B)** Local Unions or members thereof shall not seek or solicit financial assistance from any other chartered body other than an intermediate chartered body with which the Local Union is affiliated, from any other labor organization, or from members thereof, in connection with a strike or other economic action, except with the approval of the International President, subject to an appeal to the International Executive Board. Local Unions shall not seek or solicit funds or advertising using the name of the International Union or otherwise implying the endorsement of the International Union,

unless the activity which is the subject of the solicitation has been approved by the International Union, or authorize the use of the name of the International Union other than as provided in Article 20, and members of Local Unions shall not seek or solicit funds or advertising using the name of the International Union or any Local Union or otherwise implying the endorsement of the International Union or any Local Union, except with the approval of the International President, subject to an appeal to the International Executive Board. Local Unions or members thereof shall not furnish a complete or partial list of the membership of the International Union or of any Local Union to any person other than those whose governmental position or International or Local Union office or employee benefit fund position entitles them to have a list, without specific authorization in writing from the International President.

**(C)** All Local Unions shall be required to abide by and conform with all of the provisions of the Constitution and laws of the International Union.

**(D)** All Local Unions are expressly prohibited from contracting or incurring any indebtedness chargeable to the International Union without the written consent and authority of the International President, with the approval of the International Executive Board.

**(E)** Local Unions may affiliate with state and local bodies of a national American labor federation with which the International Union is affiliated, and state and local labor bodies of a national American labor federation to which the International Union has approved its Local Unions to affiliate or Provincial Federations of Labour and Labour Councils of the Canadian Labour Congress.

## ARTICLE 33
### Local Union Membership Meetings

**(A)** Each Local Union shall hold at least one regular meeting of the membership each month; provided, however, that a Local Union may provide, through a bylaw provision, for not less than one regular membership meeting every calendar quarter; provided further, that such quarterly meetings shall not be more than four months apart. Such regular meetings shall consist of a single meeting for all members; provided, however, that a Local Union may elect, through its bylaws, to hold a regular series of meetings for all of its members on an area or divisional basis. Regular meetings may be held via teleconference call or other method approved by the International Executive Board. Regular meetings of the membership, whether held as a single meeting or as a series of meetings, must be held within the time, in the manner, and with the frequency provided in this Article and in any applicable provisions of the Local Union's bylaws, except upon the approval of the International President.

**(B)** A Local Union shall call a special meeting of its membership whenever requested in writing by 10 percent of the membership, as quickly as is practical and reasonably convenient, provided that, where a regular membership meeting is scheduled within a 30-day period of such a membership request, the Local Union President may defer such requested meeting to the date of the regularly scheduled meeting. A special meeting shall also be called when directed by the Local Union Executive Board or President. Special meetings shall be held in the same manner as the Local Union holds its regular meetings.

**(C)** Local Unions may hold informational meetings of a portion of their membership on an occasional or regular basis as may be determined by the Local Union. Such informational meetings of the Local Union membership, except as provided in Article 23, may pass upon recommendations to be referred to the regular meeting or to a special meeting of the membership for its action thereon.

**(D)** Adequate notice shall be given of the time and place of all meetings not held on a periodic basis at a set time and place, so that all members involved have an opportunity to attend. Adequate notice shall also be given of the purpose of all special meetings.

**(E)** Not less than seven members shall constitute a quorum at any membership meeting; provided that in Local Unions with 12 members or less, the quorum shall be 50 percent of the membership.

**(F)** All business at meetings of Local Unions shall be recorded in the language predominantly used in the territory covered by the jurisdiction of the Local Union.

## ARTICLE 34
### Local Union Officers

**(A)** The constitutional officers of Local Unions shall be a President, Secretary-Treasurer, Recorder, and not less than three Vice Presidents, all of whom shall constitute the Executive Board of the Local Union.

**(B)** **1.** The President shall be the chief executive officer of the Local Union and shall be responsible for enforcing the Constitution and laws of the International Union and the bylaws and rules of the Local Union. The President shall have the authority to interpret the bylaws of the Local Union, subject to an appeal to the Local Union Executive Board, provided that any such interpretations or decisions on appeal are consistent with the Constitution and laws of the International Union. The President, or the President's designated representative, shall preside at meetings of the Local Union and the Local Union Executive Board and shall decide all questions of order, subject to an appeal to the Local Union or Local Union Executive Board, as appropriate, provided that any such decisions on appeal are consistent with the Constitution and laws of the International Union. The President, by virtue of office, shall be a delegate or representative to any convention or meeting to which the Local Union is entitled to and elects to send delegates or representatives, except as provided in Articles 8(I)3 and 15(E). The President shall have general supervision over the affairs of the Local Union. Subject to the provisions of the respective trust agreements and collective bargaining agreements, the President, or the President's designated representative, shall be a trustee of all employee benefit trusts on which the Local Union is entitled to a trustee, and the President shall appoint any other trustees to which the Local Union is entitled on such trusts. The President, or the President's designated representative, shall have the authority to appoint stewards, or to determine that stewards in designated locations be elected by the affected membership, and shall have the authority to remove stewards in either instance, except as otherwise provided in the Local Union's bylaws. The President shall appoint all committees as may be necessary and shall perform such other duties as are required by the President's office. The President shall vote where that vote would be determinative of the outcome or in all cases where a secret ballot vote is conducted. The President may appoint sergeants-at-arms to assist in properly conducting the Local Union meetings.

**2.** The President shall disburse the Local Union's funds and, except for disbursements required to be made from the funds of the Local Union by the Constitution or laws of the International Union or the approved bylaws of the Local Union, disbursements shall be authorized or ratified by the Local Union Executive Board. Disbursements shall be made in accordance with Article 36(C). The

President shall invest and reinvest the surplus funds of the Local Union, upon the approval of the Local Union Executive Board, according to standards applicable to fiduciaries.

**3.** The Local Union President may employ or retain such personnel as may be necessary to conduct the affairs of the Local Union. The Local Union President may terminate the employment of any such person at the end of an assignment or in the best interest of the Local Union; except that, the Local Union President may terminate the employment of any Union Representative for reasonable cause, subject to an appeal to the Local Union Executive Board and such further appeal as may be provided in the Local Union's bylaws, provided that there is no other grievance procedure authorized by the Local Union.

**4.** The Local Union President shall determine the compensation and expenses, or expense policy, for all personnel employed or retained by the Local Union, subject to the approval of the Local Union Executive Board.

**5.** The Local Union President shall be the custodian of the union shop identification cards, or other such indicia, union logos, union labels, union domain names, and other identification of the Union as are issued pursuant to Article 20.

**6.** The Local Union President shall forward to the International Secretary-Treasurer a monthly membership report, giving an accurate record and summary of the membership as of the last day of the month for which the report is submitted. The report shall list each newly initiated and reinstated member during the month in which the Local Union first collects all or any part of the initiation or reinstatement fee or any dues from the member. The report shall indicate whether reinstated members are reinstating following a suspension, withdrawal, military leave, or paid-up life membership status. The report shall also list the names of all outgoing members of the Local Union during the month, indicating whether by suspension, withdrawal, military leave, retirement, death, or other categories designated by the International Secretary-Treasurer. The monthly membership report shall be sent to the International Secretary-Treasurer no later than the tenth day following the end of the month for which the report is made, unless an extension for forwarding has been requested by the Local Union and granted by the International Secretary-Treasurer. The monthly membership report shall be made in the format provided, approved, or mandated by the International Union. Local Unions with more than 600 members shall make the report in an electronic format authorized by the International Union.

**7.** The Local Union President shall ensure that the home address, date of birth, cellular phone number, and social security number, if permitted under applicable law, or unique identification number of each member is sent to the International headquarters at the time of reporting affiliation, as well as all changes of address when they occur. New Local Unions, when chartered, shall furnish the home addresses, dates of birth, cellular phone numbers, and social security numbers, if permitted under applicable law, or unique identification numbers of all members in the first report. A copy of this report shall be kept on file by the Local Union.

**8.** The Local Union President shall receive and properly receipt all money collected.

**9.** The Local Union President shall make an itemized statement, which shall contain accounting categories substantially similar to those required in the Local Union trustees' financial report provided for in Article 36(D), including a statement of assets, liabilities, and net assets, at each regular meeting of the Local Union Executive Board of all moneys received and paid out by the President, the accuracy of which shall be certified by the trustees of the Local Union. The President shall make the Local Union financial records available to the trustees at their request. The President shall make such itemized statement available for inspection by members at the Local Union on a reasonable basis. The President shall also make or distribute a financial report at a regular meeting or series of regular meetings of the membership not less than once a year.

**(C)** The Secretary-Treasurer of the Local Union shall assist the President in the carrying out of the President's duties and responsibilities and shall conduct the Secretary-Treasurer's office under the general supervision of the President. The Secretary-Treasurer, by virtue of office, shall be a delegate or representative to any convention or meeting to which a Local Union is entitled to and elects to send more than one delegate or representative, except as provided in Articles 8(I)3 and 15(E).

**(D)** The Vice Presidents shall assist the President in the discharge of the President's official duties. They shall be numerically designated for election purposes only.

**(E)** The Recorder of each Local Union shall report the minutes of each Local Union membership and Executive Board meeting, keeping an accurate and permanently bound or unalterable electronically stored record of all proceedings.

**(F)** The Executive Board of the Local Union shall have full and complete charge of all business of the Local Union not otherwise delegated to a specific officer or officers, or reserved to the membership. It shall act upon all appeals properly presented to it. It shall meet not less often than once a month, provided that a Local Union may provide, through a bylaw provision, for an Executive Board meeting not less often than once each calendar quarter; provided further, that such quarterly meetings shall not be more than four months apart. The Local Union President shall be authorized to call additional meetings of the Executive Board whenever the President deems it advisable or whenever requested by a majority of the Executive Board. The Executive Board may meet by teleconference call or by other means approved by the International Executive Board, provided it meets in person at least nine times a year if meetings are held monthly and at least three times a year if meetings are held quarterly. The Local Union President may conduct a vote of the Executive Board by mail, telephone, or other form of communication the Local Union President deems appropriate. A majority of its members shall constitute a quorum.

**(G)** **1.** All Local Union officers who are entrusted with any books or records of a Local Union shall maintain and keep such books or records in good order and shall at all times have them available for authorized audit, examination, or inspection.

**2.** All officers at the expiration of their respective terms of office, or when removed or when their offices become vacant, shall deliver to their duly elected successors, and if there is no successor then to the duly elected trustees of the Local Union, all books, papers, moneys, and other property in their possession belonging to the Local Union or International Union, and they shall not be relieved from their bonds or obligations until they have complied with this requirement.

**3.** The system of bookkeeping used by the Local Union shall be in accordance with practices approved by the International Secretary-Treasurer's office.

**(H)** Compensation and expenses, or the expense policy, for Local Union officers shall be established by the Local Union Executive Board, with such further approval as may be required by the Local Union's bylaws.

## ARTICLE 35
### Local Union Elections

**(A)** An active member in the Local Union, who has been an active member in the Local Union, or who had been a member of another organization merged with the Local Union, for a continuous aggregate of at least 12 months immediately preceding the month in which nominations are held, or an active member in the Local Union who has been an active member in the International Union continuously for at least 24 months immediately preceding the month in which nominations are held, shall be eligible to hold any Local Union office, provided that said member maintains continuous active membership in the Local Union.

**(B)** The constitutional officers of the Local Union shall be elected as provided in Article 35(C); and unless otherwise provided in the Local Union's bylaws, the term of all offices shall be three years. In the event applicable law allows a term longer than three years, the Local Union may amend its bylaws to provide for such longer term. Bylaw amendments establishing terms of office shall be effective following the next election after their adoption. Terms of office shall expire on December 31, unless the Local Union's bylaws provide that they shall expire on the last day of another month.

**(C)** **1.** Nominations shall be conducted during the six-month period preceding the expiration of the term of office. Not less than 15 days prior to nominations, notice shall be mailed by the Local Union to each member at their last known home address, setting forth the times, dates, and places for conducting the nominations. The nominations shall be conducted at such times and places as will afford all active members a reasonable opportunity to nominate.

**2.** Elections shall be conducted during the six-month period preceding the expiration of the term of office, as provided in the Local Union's bylaws. Not less than 15 days prior to elections, notice shall be mailed by the Local Union to each member at their last known home address, setting forth the times, dates, and places for conducting the election. The elections shall be conducted at such times and places as will afford all active members a reasonable opportunity to vote. If the Local Union members are so widely dispersed that they must travel an unreasonable distance to vote at a single polling place, the Local Union shall provide for multiple polling places. Any active member in the Local Union, as defined in Article 4(B) of this Constitution, shall be eligible to vote in the Local Union's elections.

**3.** Notice of nominations and election may be combined into a single notice, which shall be mailed not less than 15 days prior to nominations.

**4.** No member may run for more than one office in any election, and no member may hold more than one Local Union elected office at any one time. The regular employees of the Local Union shall not constitute more than 50 percent of the membership of the Local Union Executive Board.

**5.** The Local Union President shall select a general chairperson, who shall be a member of the United Food and Commercial Workers, to supervise the conduct of the nominations and election and not less than three members to act as election judges to assist the general chairperson. The general chairperson and election judges, who together shall constitute the election committee, shall not be candidates for Local Union office. The general chairperson shall establish the applicable dates, times, places, manner, and procedures for the nominations and election. The election committee shall maintain custody of all ballots and election registers during the conduct of the elections. Where multiple polling places are used, at least one election judge or the general chairperson shall supervise the election at each polling place.

**6.** Each eligible member desiring to vote shall sign an election register authorized by the general chairperson of the election. The voter shall be given a ballot authorized by the general chairperson and shall be provided an opportunity to vote the ballot in secrecy. Ballots shall bear no number or marks which might identify the voter. After marking the ballot, the voter shall fold and place it in a secured ballot receptacle provided by the election committee. Alternative procedures for voting by machine, adequate to ensure the secrecy of the ballot, may be provided. Candidates may have observers, who shall be active members of the Local Union. Adequate safeguards to ensure a fair election shall be provided by the Local Union officers and election officials.

**7.** Where the election is conducted at a single polling place, the results shall be tallied and recorded by the general chairperson of the election and the election judges at the close of the voting.

**8.** Where the election is conducted at multiple times or polling places, the general chairperson of the election and not less than three election judges designated by the general chairperson shall meet not later than the second day following the last day on which the election was held and at a time and place to be specified by the general chairperson to tally and record the results of the election. As may be determined by the general chairperson prior to the balloting, the ballots may be counted at the close of each polling place, provided that, the general chairperson or at least one election judge is present, and provided further, that the general chairperson and not less than three election judges designated by the general chairperson shall tally and record the final results of the election as provided above in this paragraph.

**9.** The general chairperson of the election may determine to conduct the election by a mail referendum in its entirety or in outlying areas in lieu of or in addition to the election procedures specified in Article 35(C). If a mail referendum is conducted, members shall be provided with two envelopes for returning mail ballots, one of which shall be a secret ballot envelope with no identifying number or marks, and the other of which shall be a ballot return envelope which shall be pre-addressed to a post office box used solely for the purpose of the mail referendum and which shall either contain a label with the member's name and address or clearly ask the member to print their name and address. The general chairperson shall establish a deadline for the receipt of return mail ballots, which shall be no earlier than 15 days or later than 30 days after the date upon which the ballots are mailed to the members; provided that, if separate notice setting forth the manner and the dates that the ballots will be sent to the membership and that the return mail ballots must be received has not previously been mailed to each member at their last known home address, the receipt deadline shall be no earlier than 20 days after the date upon which the ballots are mailed to the members. On the day of the receipt deadline, after 12:00 noon, at least two members of the election committee shall together pick up the mail ballots and return them unopened to the place specified by the general chairperson, and thereupon the election committee shall open and count the ballots. If only a portion of the election is conducted by mail ballot, the receipt deadline shall be within the limits provided above and, in addition, the same as the date established for the close of voting in the non-mail portion of the election, and the election committee shall open and count the mail ballots following the close of voting in the non-mail portion that day. Adequate safeguards to ensure the secrecy of each voter's ballot and the fairness of the mail

referendum shall be provided by the Local Union officers and election officials.

**10.** The general election chairperson may determine to conduct a vote by other method approved by the International Executive Committee.

**11.** Write-in candidates and proxy voting shall not be permitted.

**12.** A plurality of votes cast shall be required for election, except as to the offices of Local Union President and Secretary-Treasurer, where a majority of votes cast shall be required for election. Where the election for an office other than President or Secretary-Treasurer results in a tie or where no nominee for Local Union President or Secretary-Treasurer receives a majority of votes cast, a runoff election between the two nominees with the higher number of votes shall be conducted.

**13.** When nominations have been completed and there are unopposed candidates, such unopposed candidates shall be deemed elected by acclamation.

**14. a)** A Local Union may provide in its bylaws for nominations to be conducted by petition. Such Local Union bylaw provisions shall establish procedures for nomination by petition, and such procedures shall be consistent with the provisions of this Article. Such bylaw provisions shall establish a number of signatures of active members of the Local Union required for nomination of an active member for a specific office. The number of signatures required shall not exceed 2 percent of the average monthly active membership of the Local Union, based on the number of active members on which the Local Union pays per capita to the International Union, for the twelve-month period ending with the next to last month prior to the month in which the notice of nominations is mailed to the membership. If the Local Union's bylaws provide that any of its Vice Presidents shall be nominated by a designated portion of the Local Union's membership, such as by the members in a designated geographical area or trade division, the average monthly active membership shall be deemed to refer to the average monthly active membership in that portion of the Local Union's membership, the number of signatures required for such Vice President shall be adjusted accordingly, and all signatures required for nomination of such Vice President shall be from the active membership in such designated portion of the Local Union's membership.

**b)** Not less than 30 days prior to the deadline for the receipt of nomination petitions, notice shall be mailed by the Local Union to each member at the member's last known home address, setting forth the manner for conducting the nominations, the actual number of signatures required for nomination petitions, the deadline date for the receipt of petitions, and all other relevant requirements for the filing of petitions, including what each petition is required to contain. Notice of nominations and election may be combined into a single notice, which shall be mailed in accordance with the time requirements of this paragraph.

**c)** The top of each page of the petition shall indicate the member who is being nominated and the specific office for which the member is being nominated. If a member is being nominated for a Vice President position, the petition shall specify the numerically designated Vice President position for which the member is being nominated. Unless otherwise specified in the Local Union's bylaws, any petition may nominate more than one member for office, provided that each member is being nominated for a different office and that the office for which each member is being nominated is specifically indicated. Each petition shall contain the signature, printed name, and other identifying information, as determined by the general chairperson of the election, of each member signing the petition. Petitions shall be filed at the Local Union office by mail or in person. The original signatures are required to be filed, and transmission by facsimile, computer, or other form of electronic transmission shall not be valid. If a signature on any petition is not accompanied by a printed name or the other identifying information required by the general chairperson, but the identity of the member can be determined from the signature, the signature shall be deemed valid and shall be counted.

**15.** The ballots and all other records pertaining to the nominations and elections, including the membership mailing lists which were used to send the notices of the nominations and elections, shall be preserved for not less than one year by the Local Union President.

**16.** A copy of the results of the election shall be immediately mailed to the International President.

**17.** Formal installation of the newly elected officers may be either before or after the start of their term of office to suit the convenience of the Local Union, but in any event, during either the month preceding or the two months following the start of their term of office; provided, however, that no officer shall be deemed to be in office unless bonded where required by the Constitution and laws of the International Union.

**18.** No funds of the International Union or any of its chartered bodies shall be used to promote the candidacy of any person for any elective office within any chartered body.

**19.** No publications sponsored by or supported by the International Union or any chartered body shall be used to promote the candidacy of any person for elective office within any chartered body.

**20.** In the event any candidate for the office of President dies between nominations and the completion of the election, the election shall be postponed. New nominations for all offices and an election for same shall be conducted prior to the conclusion of the present term of office, unless compliance with the other time provisions of this Article or the Local Union's bylaws is not possible. Notice of the rescheduled nominations and election shall be mailed to the membership pursuant to the provisions of Article 35(C)1, 2, and 3.

**21.** Not more than 15 days subsequent to the election, all challenges to the election shall be submitted to the general chairperson of the election. The Local Union general chairperson and election judges shall consider any such challenge and take such remedial action as they deem appropriate. Not more than 15 days subsequent to such decision, an aggrieved party may appeal such decision to the International President. Where the general chairperson of the election and the election judges fail to render a decision within 30 days of the Local Union election, the challenging party may appeal to the International President not later than 15 days thereafter.

**22.** The decision of the International President may be appealed to the International Executive Board not later than 30 days after such decision has been rendered.

**23.** The International President or International Executive Board shall take whatever steps are deemed necessary to resolve the challenge to the election and enforce their respective decisions.

**24.** Any challenge or appeal which could have been presented in compliance with these filing requirements, but was not, shall be deemed to have been waived.

**(D) 1.** Where vacancies occur in any office of a Local Union, the Local Union Executive Board, not later than 90 days after the vacancy occurs, shall fill the vacancy for the balance of the term.

However, a vacancy in the office of Local Union President shall be filled no earlier than 30 days nor later than 90 days after the vacancy occurs. Any member filling a vacancy must satisfy the eligibility requirements of Article 35(A) as applicable to the filling of vacancies.

**2.** In the case of a vacancy in the office of Local Union President, the Secretary-Treasurer of the Local Union shall perform the duties of such office until a new President is elected by the Local Union Executive Board.

**(E)** If any officer shall fail to attend three successive Local Union Executive Board meetings, without satisfactory excuse, the office shall be declared vacant by the Local Union Executive Board.

## ARTICLE 36
### Local Union Board of Trustees

**(A)** Three Local Union Executive Board members, by virtue of their offices, shall constitute the Local Union Board of Trustees. Two of these shall be the President and the Secretary-Treasurer, and the Local Union Executive Board shall annually designate one of the other members of the Executive Board to be the third trustee.

**(B)** The trustees shall be responsible for ensuring that all finances of the Local Union are managed in accordance with the Constitution and laws of the International Union and the approved bylaws of the Local Union. The trustees shall be responsible for ensuring that the funds and property of the Local Union are properly received and managed for the sole use and benefit of the Local Union and in accordance with standard accounting practices.

**(C)** The signatures of two of the three trustees shall be required on all checks, electronic transfers and all other financial documents, and the trustees shall be responsible for ensuring that all banks and other financial institutions holding funds or property of the Local Union are so instructed.

**(D)** The trustees shall examine the financial records of the Local Union. The trustees shall make a quarterly financial report to the International Secretary-Treasurer on forms supplied or approved by the International Secretary-Treasurer and on such schedule as the International Secretary-Treasurer may determine, and they shall also promptly submit a copy of said report to the Local Union Executive Board. The trustees shall also file with the International Secretary-Treasurer copies of all audits required by this Constitution and all annual financial reports required by the federal government within 30 days of their completion.

**(E)** The trustees shall employ a certified public accountant or a chartered accountant to assist them in the performance of their duties and to perform a complete audit of the Local Union not less than once a year, except that in Local Unions whose membership at the end of the fiscal year is less than 2,500, the trustees may employ a certified public accountant or a chartered accountant to perform a review and issue a report thereon, and except further that, Local Unions whose membership at the end of the fiscal year is less than 250 shall not be subject to the requirements of this paragraph.

**(F)** The trustees shall ensure that Local Union officers, representatives, and employees are bonded as directed by the International Secretary-Treasurer and in accordance with Article 11(L).

**(G)** The title to a headquarters building or other real property held by the Local Union shall be vested by proper conveyance in its own name, if applicable state or provincial law permits; in the names of the individual members of the Board of Trustees and their successors in office, to be held in trust for the sole use and benefit of the Local Union; or in a separate building corporation whose corporate documents have been approved by the International President; except that, a headquarters building or other real property which has been vested prior to January 1, 2004, in the name of a corporate trustee or the Board of Trustees and their successors in office may continue to be vested in that manner.

## ARTICLE 37
### Local Union Funds

**(A)** The general or special funds or property of a Local Union shall be used only for such purposes as are specified in the Constitution and laws of the International Union or the Local Union bylaws, as may be established by proper resolution of the Local Union Executive Board, or as may be required to transact and properly conduct the business of the Local Union.

**(B)** The Local Union shall, under no circumstances, use any of its funds for loans or donations to officers and employees. The Local Union Executive Board may authorize financial assistance to members in the event of a strike, lockout, or other economic action, or in the case of a personal disaster.

**(C)** Any disposition of the property of a Local Union for less than fair market value at any time or liquidation of a substantial portion of the assets of a Local Union in contemplation of the Local Union's becoming defunct, dissolved, withdrawn, or expelled shall be subject to the prior review and approval of the International President, subject to an appeal to the International Executive Board.

## ARTICLE 38
### Local Union Revenue

**(A)** **1.** Except as otherwise provided in this Constitution, reasonable dues, initiation and reinstatement fees, and general or special assessments shall be established, increased, or levied by Local Unions by a majority vote by secret ballot of the members. Not less than 15 days' written notice of such proposed action shall be sent to the membership prior to voting.

**2.** No Local Union may provide for monthly dues for any member which are less than two times the current per capita of the International Union, unless otherwise approved by the International Executive Board, provided that Local Unions may provide for monthly dues for associate members participating in a specific associate program approved or established by the International Executive Board which are less than the current per capita of the International Union. An applicant for membership shall pay any applicable initiation or reinstatement fee, unless otherwise provided pursuant to this Constitution, plus the current month's dues and assessments.

**3.** In order to ensure the financial health of the International Union and its Local Unions, the monthly dues in each Local Union shall be increased in the amount of $2.00 per month for each member effective July 1, 2018. If the International Executive Board exercises its authority pursuant to Article 18(A)3 of this Constitution to increase the per capita by an additional amount effective March, 2020, or later, the monthly dues in each Local Union shall be increased by an additional amount equal to twice such increase in the per capita, effective the first day of the month such per capita increase is effective.

**(B)** Each Local Union shall maintain an accurate record of the dues and other moneys collected from each member. All moneys collected by the Local Union for initiation fees, reinstatement fees, dues, assessments, etc., shall be the property of the Local Union, with

the exception of the monthly per capita and fees as set forth in Article 18, which are the property of the International Union.

**(C)** Each Local Union shall be responsible for the money of all members paid to the Local Union and not forwarded to the International Secretary-Treasurer in accordance with the Constitution. Every Local Union shall be responsible for any and all benefits due members or their heirs where a member is not eligible for benefits in the International Union through the neglect or fault of a Local Union or any of its officers to remit per capita, or to perform any other duties incumbent upon them, within the time limit fixed by this Constitution.

**(D)** Any Local Union may include in its bylaws a provision for payment by the Local Union of all or a specified portion of the dues of such of its members who are temporarily incapacitated due to illness or disability, are unemployed due to an authorized strike or a lockout, or are officers or stewards not in the primary employment of the International Union or any of its chartered bodies.

**(E)** **1.** Dues shall be due and payable on or before the first day of the month for which they are due.

**2.** Any member two calendar months in arrears for dues and fees to the Local Union shall stand suspended if they are not paid on or before the first day of the third month. After the expiration of such period, no Local Union shall accept dues without a reinstatement application and the required fee. The effective date of suspension shall be the first month for which dues and fees are not paid. The responsibility for maintaining membership rests with the member; suspension, therefore, when it occurs, is the voluntary act of the member involved.

**(F)** A suspended member working within the jurisdiction of the International Union may, upon application, be reinstated in the Local Union within whose jurisdiction the individual is working, upon the payment to the Local Union of any applicable reinstatement fee and dues of that Local Union, provided that such reinstatement shall not relieve a suspended member of any past financial obligations.

**(G)** The provisions of this Constitution relating to a member's financial obligations shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under this Constitution and Local Union bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and shall be enforceable in a court of law.

## ARTICLE 39
### Constitutional Amendments

**(A)** This Constitution can be amended only by a two-thirds vote at a duly constituted Convention of the International Union.

**(B)** All amendments to this Constitution shall be effective immediately upon adoption, unless otherwise specified in such amendments.

## ARTICLE 40
### Repeal

All laws or parts of laws previously enacted by this International Union and interpretations of the International President, International Secretary-Treasurer, or International Executive Board in conflict herewith, are hereby repealed.

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