



CURRENT INFORMATION



United Brotherhood of Carpenters and Joiners of America

October, 2010 -- No. 196

101 Constitution Avenue NW, Washington, DC 20001

BULLETIN

CONSTITUTIONAL CHANGES

At the 40th General Convention in Las Vegas, Nevada, a number of amendments to the UBC Constitution were approved. These amendments are effective as of November 1, 2010.

The purpose of this Bulletin is to provide a summary of some of the significant changes to the UBC Constitution that were enacted at the 40th General Convention. Copies of the amended Constitution are being distributed to all affiliates.

We encourage you to review this Bulletin carefully and to forward a copy to all appropriate officers and staff.

PASSWORD REQUIREMENT

Through numerous amendments to the UBC Constitution, the password requirement was deleted from the UBC Constitution. A quarterly password will therefore no longer be issued by the General Secretary-Treasurer. Furthermore, a password will no longer be required to enter Local Union meetings.

ELIGIBILITY TO NOMINATE IN LOCAL UNION ELECTIONS

Section 31-G of the UBC Constitution was amended to clarify that only members in good standing of a Local Union are eligible to nominate members for Local Union officer, delegate or Committee positions.

APPRENTICES

Section 31-D of the UBC Constitution was amended to remove the language prohibiting apprentices from being nominated for or holding officer, delegate or Committee positions. In order for apprentices to be eligible to be nominated for or hold Local Union or Council office, however, they must satisfy all of the eligibility requirements set forth in Section 31-D of the UBC Constitution.

One of the eligibility requirements set forth in Section 31-D of the UBC Constitution is that a member must have been “twelve (12) consecutive months a member in good standing immediately prior to nomination in the Local Union and a member of the United Brotherhood of

Carpenters and Joiners of America for two consecutive years immediately prior to nomination.” Thus, only those apprentices who meet the 12 consecutive month in good standing requirement and the two year membership requirement, as well as the other eligibility requirements set forth in Section 31-D, will be eligible to be nominated for or hold Local Union officer, delegate or Committee positions.

In general, this amendment will affect third and fourth year apprentices, who, in the past, may have satisfied all of the other eligibility requirements under Section 31-D of the UBC Constitution, including the two year membership requirement, but were barred from holding office due to the language that had been set forth in Section 31-D that prohibited apprentices from holding office.

METHOD FOR BREAKING TIES IN LOCAL AND COUNCIL ELECTIONS

Section 31-G of the UBC Constitution was amended to provide for a method of breaking ties in Local Union and Council elections. Pursuant to amended Section 31-G, if there is a tie between two candidates, the tie is to be broken by a coin toss. In the event of a tie between more than two candidates, the tie is to be broken by a runoff election. If a runoff election is conducted on the same date as the original election, the notice of the election must have so indicated.

The prior UBC Constitution did not indicate how ties were to be addressed.

CONDITIONAL WITHDRAWALS

Section 47-C of the UBC Constitution was amended to provide that when a member on conditional withdrawal reactivates his or her membership, voting rights will be reestablished immediately after reactivating membership. Under the prior UBC Constitution, when a member on conditional withdrawal reactivated his or her membership, voting rights were not reestablished until 12 months after reactivation of membership.

CARPENTERS INTERNATIONAL TRAINING FUND

A new Section 43-C was added to the UBC Constitution that addresses funding for the Carpenters International Training Fund (“CITF”). Under this new section, effective July 1, 2011, in the event that a collective bargaining agreement of a Regional or District Council provides for contributions to CITF that are less than 10 cents per hour worked, the Regional or District Council is required to contribute an amount equal to the difference between 10 cents and the amount of the per hour contribution provided for in the collective bargaining agreement for each hour worked under the agreement by employees working in construction. Such payments are due to CITF by no later than the first day of the third month following the month in which the work was performed.

The requirements of Section 43-C also apply to Local Unions that are not affiliated with a Regional or District Council.

PAYMENTS BY ELECTRONIC TRANSFER

Sections 37-C and 40-B of the UBC Constitution were amended to permit Local Unions to make payments by electronic transfer. Under the amended sections, a Local Union disbursement may

be made by electronic transfer if: (a) the disbursement by electronic transfer is approved, in writing, by two officers of the Local Union prior to the disbursement; (b) any necessary approval of the membership required under Section 54 of the UBC Constitution is obtained; and (c) the disbursement is in compliance with any additional requirements established by the General Secretary-Treasurer for payments by electronic transfer.

AUDIT REPORTS

Pursuant to Section 40-C of the UBC Constitution, Local Unions having annual receipts of \$50,000 or more are required to engage a certified or registered public accountant for periodic audits at least once a year. Under amended Section 40-C, if a Local Union that is affiliated with a Council is required have such an audit performed, it must provide the Council with a copy of the audit report from the certified or registered public accountant each year.

DUTIES OF FINANCIAL SECRETARY

As a result of amendments made to Sections 36 and 37 of the UBC Constitution, responsibility for ensuring that the per capita tax is paid has been transferred from the Treasurer of a Local Union to the Financial Secretary of the Local Union. Under newly added Section 36-F, the Financial Secretary is required to ensure that the per capita tax is promptly sent to the General Secretary-Treasurer each month for the month preceding, together with the portion of initiation fees payable to the United Brotherhood.

HOLDING OF REAL PROPERTY

Section 40-A of the UBC Constitution was amended to provide that if real property is held by a Local Union through a building corporation or other entity that is wholly owned by the Local Union, the officers of such corporation or entity shall consist solely of current officers of the Local Union who shall be officers of the corporation or entity by virtue of their Local Union officer positions.

Similar amendments were made to Sections 26-E and 27-D of the UBC Constitution with respect to real property held by a District, Regional, State or Provincial Council through a building corporation or other entity that is wholly owned by such a Council.

PER CAPITA TAX PAYABLE BY REGIONAL AND DISTRICT COUNCILS

Under newly added Section 45-R of the UBC Constitution, effective July 1, 2011, Regional and District Councils will be required to pay a monthly per capita tax to the UBC equal to \$.05 for each hour worked by members in construction under a collective bargaining agreement within the jurisdiction of the Council during the applicable month. Such per capita tax must be paid for each month beginning with the month of July of 2011 by the first day of the third month following the month in which the work was performed. The first per capita tax that is payable under this section is for the month of July of 2011 and is required to be paid to the UBC by no later than October 1, 2011.

Pursuant to Section 45-R, this per capita tax also applies to Local Unions that are not affiliated with a Council.

DISCIPLINARY MATTERS

Section 53-E of the UBC Constitution was amended to include two additional requirements for a Council's or Local Union's answer to a disciplinary appeal. First, under newly added Section 53-E(5), the answer must include the Council's or Local Union's response to the appeal filed by the accused. Second, pursuant to newly added Section 53-E(6), if the charges alleged a violation of a Bylaw or Trade Rule provision, the Council's or Local Union's answer must include a copy of the applicable Bylaw or Trade Rule provision.

The offense of "Divulging the quarterly Password for any purpose other than to enter the meeting" that was previously under Section 51-A-9 of UBC Constitution was deleted from the UBC Constitution. As a result, the offense of "Crossing or working behind a picket line duly authorized by any subordinate body of the United Brotherhood" has been renumbered as Section 51-A-9 and the other offenses that follow have also been renumbered.

Under Section 53-C of the UBC Constitution, as amended, except for the payment of up to \$50 of any fine that is necessary to file an appeal under Sections 53-C(1) and (2), all types of penalties are stayed and may not be enforced during the 60 day period for filing an appeal under Section 53-D of the UBC Constitution. Under the prior UBC Constitution, only the penalties of expulsion and suspension could not be enforced during the 60 day period for filing an appeal.

The requirement under Section 52-E of the UBC Constitution that charges that have been referred by the Executive Committee to a Council or Local Union lay over until the next meeting was eliminated.

FUNERAL DONATIONS

Section 49-B of the UBC Constitution was amended to delete the second level of appeal to the General Convention for UBC funeral donation claims.

TRANSFERS

An amendment was made to Section 6-A of the UBC Constitution that clarifies that the General President has authority to transfer members from one Local Union to another Local Union when action is taken to dissolve, establish or merge Local Unions or Councils or to establish or alter the trade or geographical jurisdiction of a Local Union or Council.

MISCELLANEOUS

A number of other amendments, including "housekeeping" amendments, were approved at the General Convention.

This Bulletin should assist you in handling inquiries that your Local Union or Council may receive pertaining to amendments to the UBC Constitution. If you have further questions, you may wish to write to the office of the General Secretary-Treasurer.

* * * * *