

LODGE 5101 OF THE AMERICAN RAILWAY AND AIRWAY SUPERVISORS ASSOCIATION BY-LAWS.

Name

This Organization shall be known as Railway Subordinate Lodge No 5101 of The American Railway and Airway Supervisors Association, chartered in Omaha, NE.

Officers

The elective officers of this organization shall be President, Vice President, General Chairmen, Vice-General Chairmen, District Chairman, Local Chairman, Recording and Corresponding Secretary, Financial Secretary/Treasurer, Member Benefits Chairman and a Board of three (3) Trustees, one position elected as chairman. All Officers shall be elected not less than once every three (3) years by a secret referendum vote. No member shall hold more than one (1) office, except in the case of members of the Board of Trustees and the Chairman of the Representative Branch. The President and the Financial Secretary/Treasurer shall not be eligible to serve as chairman or member of the Board of Trustees. Members of the Association regularly employed and who are in good standing, for more than one (1) year, shall be eligible candidates to run for office. No member may be nominated for any office or Committee in the Lodge who is indebted to the Lodge for more than the current month's dues or for assessments, who is under charges, or who is otherwise not eligible to hold office under the provisions of applicable law.

At the discretion of the President, the Vice-President, General Chairmen, Vice-General Chairmen, Recording/Corresponding Secretary, Financial Secretary/Treasurer, Chairman of the Board of Trustees and whom ever else the President deems necessary, shall serve as the Oversight Committee to address issues assigned to it by the President.

Any office or representative who is no longer regularly employed as a Subordinate Official shall vacate his office as soon as possible but in no case, more than thirty (30) days after leaving his Subordinate Official Position. This would not apply to those off account of illness drawing Railroad related sickness benefits, FMLA leave, or those furloughed drawing Railroad related unemployment benefits.

Tribunal of Arbitration

This tribunal shall consist of five members elected at a meeting held not less often than once every three years. One of the five members selected shall be selected as Chief Arbitrator. (Covered by Article XI of the Association By-Laws).

Jurisdiction

Jurisdiction shall include all Supervisors on all American and Foreign Railways and Airways affiliated with this Organization. This lodge is empowered with authority to make its own Rules and Regulations to govern its own welfare, provided of course, that such Rules and Regulations are in accord and do not conflict with the Constitution and By-Laws of the Governing Bodies of this Lodge.

Membership

Membership in this Lodge shall consist of all American Railway Supervisors, or any other class of supervision as covered by Section 1, Paragraph 5, of the Railway Labor Act as amended, and defined in regulations issued by the Interstate Commerce Commission revised February 5, 1924, and identified as I.C.C. Ex Parte No. 72, on the Union Pacific, Alton Southern and Kansas City Southern Railroad and its subsidiaries under their control outside the continental United States, and future parties as may be incorporated under the direction of the ranking Division Officer.

Elections

Not less than one month prior to the date of election of officers of the lodge a nominating committee shall be appointed by the President of the lodge with confirmation of the members present. The nominating committee of the lodge shall select a ticket of candidates for officers of the lodge to be elected by a secret referendum ballot. The Secretary shall prepare and have printed or typewritten, sufficient ballots containing the names of all candidates whose names are submitted either by the nominating committee, by petition, or candidates nominated from the floor. In making up the secret referendum ballot the name of each candidate either nominated by the nominating committee, by petition or nominated from the floor shall have their names designated on the secret referendum ballot. After the name of each candidate who has been nominated as outlined, the salary shall be shown, if any. Each member in good standing is entitled to receive a ballot, which must be mailed to him at his last known home address not less than fifteen (15) days prior to the election. In order to preserve the secrecy of the ballot, "A" and "B" envelopes shall be provided each member with his ballot. After marking his ballot, it is placed in the "A" envelope, which is then sealed. No identification marks are to be placed either in the ballot or on the "A" envelope. After sealing, the "A" envelope is placed within the "B" envelope, which is then sealed. The "B" envelope must bear the address of the designated officer in charge of the election tellers, and must be marked "Election Ballot 'B' ". Before mailing the "B" envelope, each member must show his name and address in the upper left-hand corner, so that the election tellers can determine the member's eligibility to vote and also to avoid duplicate ballots. Prior to the tellers opening the "B" envelope the individual's name must be checked off for eligibility, then the outer "B" envelope must be opened and preserved with other election records. After this is done, the small "A" envelopes containing the ballots must be shuffled before opening and counting. When an election is held for any officer, officers, chairmen or delegates, the President or the Officer presiding shall act as judge and appoint three (3) tellers to assist in conducting the election in a fair and impartial manner. When the counting of votes polled discloses a greater number than registered, the presiding officer shall declare the ballot null and void and shall direct another ballot to be taken immediately. A plurality of all valid votes cast shall be necessary to constitute a choice. In case of a tie vote during an election, the candidate having the longest continuous membership in the union shall be declared elected.

The results of the election must be published separately and the election ballots and all other records pertaining to the election must be preserved by the Recording Secretary for one year.

An election shall be held within sixty (60) days to determine the successor when any lodge elective office becomes vacant. The Vice-Officer in the lodge will not automatically succeed a general officer when vacancy arises; an election must be held to determine the successor to the office vacated. Protests relative to the results of an election must be filed with the Board of Arbitration of the Subordinate Lodge within fifteen (15) days of the election and its decision may be appealed to the Association Board of Arbitrators whose decision shall be final.

Meetings - as approved by membership vote November 27,2007 (a)

Monthly meetings are held on the second and fourth Tuesday of each month using a conference call system. The toll free number, time, and instructions for access will be published in the Web site meeting minutes, along with the mailed minutes. The call on the second Tuesday of the month will address the business of the Engineering Services and Appendix Agreement members primarily, with remaining time devoted to the concerns of other members. The call on the fourth Tuesday of the month will address the business of the Locomotive and Car Department members primarily, with remaining time devoted to the concerns of other members.

Representation

Representation shall be handled by a General Chairman, Vice General Chairman, Local Chairman and District Chairman. A Vice-General Chairmen from each Department will aid and assist the General Chairman in handling claims or grievances in behalf of the membership. Election of the General Chairman, Vice-General Chairmen, Local Chairman and District Chairman shall be held not less than once every three years. All contracts, memorandums, etc., pertaining to rules governing working conditions and rates of pay agreed upon between the management and the General Chairman may be accepted without ratification, subject to the approval of the Oversight Committee, if in place at the time, provided it is an improvement over prevailing conditions. No agreement covering rules, working conditions or compensation can be accepted by the General Chairman and/or the Oversight Committee, if in place at the time, when the terms thereof have diminished the collective bargaining conditions previously enjoyed unless they are approved through the medium of a secret referendum ballot.

Suspension and Expulsions.

Section 1. A member will be automatically suspended by the lodge by his failure to pay his dues within sixty (60) days after they, or any part of them, become due.

Section 2. A suspended member shall be liable for dues during the period of his suspension; he may not be reinstated until he has fully paid all indebtedness and reinstatement fees due the Association.

Section 3. A suspended member may appeal his suspension to the Tribunal of Arbitration.

Section 4. A suspended member shall be denied all the rights, benefits, protection or advantages accorded to members in good standing.

Section 5. The Secretary or President of the lodge may file a written notice to expel a member with the Tribunal of Arbitration of the lodge. Any member so charged, for any of the following reasons, may be expelled only after he is afforded a fair and proper hearing. Appeals from such decisions may be made in accordance with guidelines of the Division.

1. Breach of the By-Laws, rules or regulations of the Association.
2. Violation of the duties of a member.
3. Consistent failure or refusal to pay assessments, fines, or penalties properly levied.
4. Attempt to enter a contract of employment with a Carrier contrary to existing agreements between the Carrier and his Association relative to rates of pay or salaries, hours of labor or service, working conditions or rules of employment.
5. Refusal to abide by the terms of agreements properly made between the Association and the employer.
6. Refusal to abide by the decision or award of the Tribunal of Arbitration of this Association.

Section 6. An expelled member may appeal his expulsion to the Association's Tribunal of Arbitration.

Voting

Members residing outside of the Local District, and members residing within the Local District, employed on night duty, shall be accorded the same opportunity of voting on all questions of major importance.

Order of Business

1. Calling lodge to order by the President.
2. Presentation of the American Flag followed by Pledge of Allegiance: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.
3. Invocation – Association Prayer for Divine Guidance: Our Heavenly Father, we are gathered here in the interest of the Supervisors in the Transportation Industry. We invite Thee, Dear Lord, to join with us in all of our deliberations. Lead, guide and direct us so that everything we do will be in the best interest of our representation. In Thy Holy Name we pray. Amen.
4. Roll call of Officers and registration of members.
5. Reading of minutes of previous meeting.
6. Reports of Financial Secretary and Treasurer.
7. Communications, bills, etc.
8. Reports of General Chairman and Vice-General Chairman
9. Old business.
10. New business to be considered.
- 10a. Elections when in order
- 10b. Installation of Officers when in order
11. Good of the Order.

Section 7. Any procedure not covered by these By-Laws will be governed by Robert's Rules of Order.

ARTICLE I

Section 1. This lodge shall meet each month if possible, on such date and place as the majority of members designate, and the meetings shall be opened promptly when a quorum or more is present.

Section 2. The President shall call a special meeting whenever a written request is made by five (5) or more members, at which special meeting no business shall be transacted except that for which the meeting is called. All members to be notified of such special meeting by postal card.

Section 3. A quorum shall consist of five (5) members in good standing, two (2) of whom shall be officers.

ARTICLE II

Section 1. The initiation fee shall be not less than one hundred fifty (\$150.00) dollars.

Section 2. The monthly dues shall be(\$.....), due on the first day of each month.

Section 3. The salaries of the officers of this lodge for the ensuing year or term shall be determined prior to their election.

Section 4. The salaried officers of this Lodge shall be in the discretion of the Lodge.

Section 5. Officers shall be paid for authorized loss of time and their actual expenses that are within the guidelines set forth by the Board of Trustees. An itemized expense account and receipts shall be furnished to the lodge.

ARTICLE III

Section 1. The installation of officers shall be at the first meeting following the election.

ARTICLE IV

Section 1. A member shall be permitted to retain his membership in this lodge if demoted on account of reduction or reorganizations or readjustments.

Section 2. Pensioned or retired members will be permitted to retain their membership as honorary members, and shall be furnished with a life membership certificate.

Section 3. A member demoted or leaving the service of the Carrier, upon request, shall be permitted to take out a Withdrawal Card on condition that his dues are paid up to the time of such request.

Section 4. Supervisors retiring, demoted or furloughed may apply for a retention of membership card.

ARTICLE V

Section 1. The Presidents duties are:

1. To guide and direct the organization
2. To enforce the rules.
3. To protect the members in their rights.
4. To carry out the will of the members, expressed by a vote.
5. He is the representative and spokesman of the lodge.
6. Presides at all meetings.

7. Calls special meetings.
8. Signs orders on Treasurer for payment of bills.
9. Appoints committees not otherwise provided for in the By-Laws.

Section 2. The Vice President shall assist the President in the performance of all his duties and shall occupy the chair in absence of the President.

Section 3. The General Chairman shall represent the Local Union and its membership in all matters pertaining to collective bargaining agreements, wages and working conditions. He shall have the authority to prepare such revision or rates, rules and regulations of working agreements as may be deemed just and equitable. He shall handle all proper grievances presented to him.

Section 4. The Vice-General Chairman shall assist the General Chairman in the performance of all his duties. He shall represent the Local Union and its membership in all matters pertaining to collective bargaining agreements, wages and working conditions. He shall handle all proper grievances presented to him and keep copies of all important communications relative to his work. He will keep the Financial Secretary current on all active members and members off on leave of absence and make such reports of his activities as required by the Local Union.

Section 5. The District Chairman shall represent the Local Union and its membership in all matters pertaining to collective bargaining agreements, wages and working conditions and assist the General Chairman and/or Vice-General Chairman in keeping his point organized. He shall handle all proper grievances presented to him and keep copies of all important communications relative to his work. He will keep the Financial Secretary current on all active members. They will advise the Financial Secretary of known address changes of those under their jurisdiction monthly using provided forms and members off on leave of absence and make such reports of his activities as required by the Local Union.

Section 6. The Local Chairman shall represent the Local Union and its membership in all matters pertaining to collective bargaining agreements, wages and working conditions and assist the General Chairman and/or Vice-General Chairman in keeping his point organized. He shall handle all proper grievances presented to him and keep copies of all important communications relative to his work. He will keep the Financial Secretary current on all active members. They will advise the Financial Secretary of known address changes of those under their jurisdiction monthly using provided forms and members off on leave of absence and make such reports of his activities as required by the Local Union.

Section 7. The Financial Secretary/ Treasurer shall keep a correct account of all receipts of this lodge and the standing of its members. He shall receive all members' dues and take charge of the bankbook and all the funds of this lodge. He shall bank or remit the whole or any portion of the funds committed to his charge as the lodge may order. All moneys shall be deposited in the name of the Association, showing the name and the lodge number. He shall under no circumstances pay away any money without the sanction of the lodge. He shall make a monthly report of the standing of this lodge dealing with the various items of income and expenditure, the number of members in good standing, those which are in arrears and how far, and all other business pertaining to his office as Financial Secretary/Treasurer. He shall submit all books and documents to the proper officials for inspection, when required by the lodge to do so, and shall, with the Recording Secretary, assist the Trustees in auditing the books.

Section 8. It shall be the duty of the Trustees to superintend the financial concerns of this lodge, to inspect and audit the accounts of the Secretaries and Treasurer, and all officers or committees charged with the receipt or expenditure of money. They shall see that all members' dues are properly entered and correctly transferred to the cashbook, and see that all arrears are carried forward to the next quarter. They shall examine every item of expenditure and insist on having receipts of payments for all bills paid. They shall ascertain that the Treasury really holds the cash balance stated in the accounts and shall examine the bankbook, see that the interest has been properly entered, and is duly accounted for in the books. They shall then (if found correct) sign their names in each of the books and also on their report to the lodge. In the event of the death, resignation, or removal from office of the Financial Secretary/ Treasurer, the Trustees shall take charge of and examine the books within seven (7) days and report thereon to the next meeting. The Trustees shall immediately report to the President of the Association, in the event of failure or neglect on the part of subordinate lodge Financial Secretary/ Treasurer to perform their required duties, and each Trustee is required to do so.

Section 9. It shall be the duty of the Chairman of the Board of Trustees to examine and if found correct, approve all bills presented for payment. It shall also be the duty of the Chairman of the Board of Trustees to preside at all meetings where the President and Vice President are absent.

Section 10. The Financial/ Treasurer Secretary and other officers of the lodge shall be bonded at the expense of this lodge to the extent of the amount equivalent to 10% of the funds, as required by law. The Lodge shall be required to secure such bond and/or bonds through the Division Executive Staff.

Section 11. The Recording and Corresponding Secretary shall keep a correct record of all the proceedings of each meeting of this lodge, a copy of which shall be furnished to the Association's Headquarters. He shall keep a record of the attendance. He shall submit all books and papers to the proper officers for inspection when ordered to do so by the President of the lodge. He shall, together with the Financial Secretary and Treasurer, assist the trustees in auditing the books annually. He shall perform such other duties as this lodge may direct that are consistent with the duties of a Secretary. He shall handle all correspondence pertaining to the lodge in general. He shall submit for reading all letters received and forwarded since the previous meeting. He shall have charge of all correspondence and documents except such as should be properly in the keeping of other officers of this lodge. The names, addresses and phone numbers of all elected officers and their subsequent successors shall be filed promptly after regular elections or special elections when any vacancies are filled.

Section 12. The Member Benefits Chairman will stay current on Medical Plan Providers, Mental Health And Substance Abuse Providers, Prescription Drug Providers, Life Insurance Provider, Supplemental Sickness Plan Providers, Railroad Retirement Board (RRB) issues and other benefit's available to members, to assist and address member inquiries and issues.

Section 13. It is the duty of every member of this Lodge to pay his dues, and assessments, promptly. Attend all meetings possible, giving moral support to the officers by such attendance, participating actively in all functioning of this Lodge. To yield with a cheerful compliance with these rules and By-Laws and to aid in preventing them from being violated by any other member. To be courteous to visitors that may be admitted to this lodge. To recognize a brother member and to never speak falsely or maliciously of a member.

Section 14. No funds from the treasury or other assets of this Lodge shall be used for social functions or for other entertainment or private use of any of its officers or members.

Section 15. The application of these By-Laws are not meant to be gender specific, despite some wording. They are equally applicable to both male and female genders and adjustment made as necessary for the current situation.

ARTICLE VI

Installing Officer: Officers-elect, you have been chosen by your fellow-members to a high and honorable position in this lodge, and from them to you receive authority to rule and govern the lodge; and as some must rule and some must obey, it becomes those who rule to avoid any appearance of partiality. On the other hand, the membership at large should render that willing obedience which is due to the officers they have placed in position of authority.

OATH: Officers-elect, you will place your right hand over your heart in token of your sincerity and repeat after me the obligation of office, pronouncing your name in full where I use mine.

I,..... In the presence of the members here assembled do most solemnly and sincerely promise and declare that I will honorably and faithfully perform, to the best of my ability the duties of the office to which I have been elected. I will act with strict impartiality in all matters pertaining to my office and see that every member receives justice. I will not take part directly or indirectly in any illegal transaction, or suffer it to be done by others if in my power to prevent it. I will obey all orders coming to me from the constituted authorities of the Union, and will do all that lies in my power to advance its welfare. For the faithful observance of all of these several points, I hear by pledge my word and honor. So help me God. And now, by the power vested in me by the Constitution and Laws of the Union, I declare the officers of this lodge duly and legally installed.

These Bylaws of Lodge 5101 were ratified by the membership
on the 22nd day of August 2006.

R.A. Scardelletti, TCU International President

C.P. Carrow Lodge 5101 President

M.J. Gardner Lodge 5101 Recording/Corresponding Secretary

(a) revised by membership November 27, 2007, mjpg.