

# TEAMSTERS CANADA RAIL CONFERENCE BYLAWS



# TCRC

These **Conference Bylaws**, **Division rules**, **General Committee rules**, **Legislative Board rules** are in effect on and after January 1, 2004, except such laws as become effective at such other time as indicated by action of the Rail Conference.

**This section, entitled “Teamsters Canada Rail Conference Bylaws,” has to do principally with the operation of the Rail Conference, the Rail Conference Office and the Rail Conference Officers,**

## **Mission**

To unite into one labour organization all railway workers eligible for membership, regardless of religion, race, creed, colour, national origin, age, physical disability or sex;

To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization;

To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods;

To provide educational advancement and training for employees, members and officers;

To safeguard, advance and promote the principle of free collective bargaining, the rights of railway workers, and the security and welfare of all the people by political, educational and other community activity;

To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social and other activities which further the interests of this organization and its membership directly or indirectly;

To provide financial and moral assistance to other labour organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;

To protect and preserve the Union as an institution and to perform its legal and contractual obligations;  
To carry out the objectives of the international Union and Teamsters Canada as an affiliate thereof and its duties as such as an affiliate;

To receive, manage, 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 these Bylaws, the International Constitution and the Bylaws of Teamsters Canada and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

It is recognized that the problems with which this labour organization is accustomed to deal cannot be resolved in isolation but require achievement of a broad spectrum of economic and social objectives as set forth above and as the Union may determine from time to time; we, therefore, determine and assert that the participation of this labour organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the benefit of the organization and its members.

**Note: For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as “Rail Conference President” in this section. “President” will refer to “President of the division”.**

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THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE

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**Section 1****Title, Location and Departments**

- 1 a) This organization shall be known as Teamsters Canada Rail Conference and shall encompass all Railway  
2 Divisions and General Committees representing railway workers.
- 3 b) The principal office of this Conference shall be located in the City of Ottawa, Province of Ontario, or at such  
4 other place as the Conference Executive Board may designate. The organization may have such other subof-  
5 fices within the country of Canada as the Conference Executive Board may require from time to time.
- 6 c) All books, records and financial documents shall be kept at the principal office of the Rail Conference.
- 7 d) Divisions will be individually chartered groups identified by a number assigned by the Rail Conference.
- 8 e) The officers of the Rail Conference shall be elected from the membership, by the delegates in convention  
9 assembled and shall be: the President, Vice-President, Secretary-Treasurer, Recording Secretary and three  
10 (3) Trustees (auditing committee). These officers collectively shall constitute the Executive Board of the Union.
- 11 f) In addition, there shall be elected from the delegates an Alternate for each Rail Conference position. It shall  
12 be understood that the elected alternates shall be used to fill temporary or permanent vacancies on the Rail  
13 Conference Executive Board in the order of their election as set forth herein. Should the office of the President  
14 become vacant, such vacancy shall be filled by a member of the Executive Board, elected by a majority vote  
15 of such board. Should the list of duly elected alternates become depleted, such further replacements to the  
16 Executive Board, between conventions of Rail Conference, shall be in accordance with Section 6(d) – TCRC  
17 Bylaws. Should the Alternate Secretary-Treasurer be used to fill the position of Secretary-Treasurer and sub-  
18 sequently vacate the position of Secretary-Treasurer for any reason, such vacancy shall be filled by a member  
19 of the Executive Board or from the membership, elected by a majority vote of the Executive Board. Alternate  
20 officers will not be entitled to a seat on the Executive Board unless such alternate officers are serving in the  
21 capacity of the active offices to which they have been elected as alternates.

22 Note: *Beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the*  
23 *IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

**Section 2****Officers and Members of the Rail Conference**

- 24 a) In convention of the Teamsters Canada Rail Conference, the governing body of the Rail Conference shall be the  
25 duly elected delegates as provided in Sections 19 and 20 - TCRC Bylaws. The Rail Conference, in convention  
26 assembled, shall be composed of the President, Vice President, Secretary-Treasurer, and a Recording Secretary  
27 and (3) three trustees and the duly elected delegates as provided in Sections 19 and 20 - TCRC Bylaws.
- 28 b) Between conventions of the Rail Conference, the Executive Board shall have authority to make any decision  
29 and perform any act or duty on behalf of the Rail Conference which is not in conflict with or otherwise provid-  
30 ed for in the Constitution of the International Brotherhood of Teamsters (IBT), Teamsters Canada Bylaws (TC)  
31 or the Teamsters Canada Rail Conference (TCRC) Bylaws; and such act or decision shall stand as law for all  
32 divisions and members unless appealed under applicable provisions of the IBT Constitution.

**Section 3****Jurisdiction of the Rail Conference**

- 33 a) The Rail Conference shall have full and exclusive jurisdiction over all railway employees and subjects pertain-  
34 ing to the Rail Conference.
- 35 b) The Rail Conference and all divisions organized under the authority of the Rail Conference shall have the  
36 power to purchase real estate, and hold same, which may be used for the purpose of carrying on their busi-  
37 ness, as provided in these Rail Conference Bylaws. The Rail Conference and all divisions shall have the  
38 authority to require and execute bonds for all officers who occupy places of trust who handle any of the funds  
39 of the organization.

**Section 4****Initiative**

- 1 a) (i) The governing body of the Rail Conference, between meetings of the Rail Conference shall be vested in  
 2 the active membership as defined in Section 25(b) – Division Rules, to be exercised by ballot under the ini-  
 3 tiative process, to be put in effect in the following manner:
- 4 (ii) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five per-  
 5 cent (25%) of the active membership, sign a petition to change the TCRC Bylaws, it will be mandatory upon  
 6 the Rail Conference President to prepare a ballot with the question worded as presented in the petition, to be  
 7 voted on by all those holding active membership in the Rail Conference. The ballot must be put out by the Rail  
 8 Conference President within thirty (30) days of receipt of the request, and sent to every active member by gov-  
 9 ernment mail. The ballot must be returned to a post-office box in a location established by the executive board  
 10 for that purpose, within sixty (60) days from the date it was mailed from the Rail Conference office. This does  
 11 not preclude electronic voting; the means to be determined by the Rail Conference executive board.
- 12 (iii) The Rail Conference President shall appoint a committee composed of three (3) active members for the  
 13 purpose of counting the returned ballots. The committee will report the results of the return to the Rail  
 14 Conference President.
- 15 (iv) The Rail Conference President will, upon receiving the results of the return, show the results of the initia-  
 16 tive in the next issue of the newsletter. It will then be mandatory upon the Rail Conference President to place  
 17 in effect the decision of the membership immediately.
- 18 (v) Any proposition put before the active membership for their decision cannot be resubmitted for a period of  
 19 two (2) years.
- 20 (vi) Any enactment of the membership under this section shall remain in full force and effect unless repealed  
 21 by the same method or by convention two (2) or more years after enactment of same.
- 22 (vii) In order to carry a proposition under the initiative process, it will be necessary that twenty-five percent  
 23 (25%) of the active membership, or divisions representing twenty-five percent (25%) of the active membership,  
 24 sign for the initiative. It will require a majority of the ballots cast to carry the proposition.
- 25 b) In the event twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent  
 26 (25%) of the active membership, have not filed a request in writing with the Rail Conference President or the  
 27 Secretary-Treasurer within twelve (12) months from the time the first request is filed instituting an initiative, no  
 28 consideration will be given such request until another twelve (12)-month period has elapsed, after which it will  
 29 be necessary to reinstate the initiative by filing new petitions.

**Section 5****Meeting of the Rail Conference**

- 30 a) The convention of the Rail Conference shall be held quadrennially, the date and place to be designated by the  
 31 Executive Board. The date for the convention to convene shall be not earlier than the first Monday in May or  
 32 later than the first Monday in October.
- 33 b) The length of time the convention shall be in session shall not exceed three (3) consecutive calendar days.
- 34 c) (i) The Rail Conference President shall notify all general committees, legislative boards and divisions not later  
 35 than January 15 of the convention year as to the decision of the Executive Board regarding the date and place  
 36 of holding the convention.
- 37 (ii) Between regular quadrennial conventions if two-thirds (2/3) of the divisions, or divisions representing two-  
 38 thirds (2/3) of the active membership, petition the Rail Conference President to convene the Rail Conference in  
 39 special convention, he shall, within sixty (60) days, set a date for holding said special convention, except that a  
 40 special session of the convention will not be called to convene in the regular convention year.

- 1 (iii) The Rail Conference in special convention assembled shall handle only those subjects that are set out in  
2 the notices, which require the Rail Conference to be convened in special session.
- 3 d) A majority of the accredited delegates shall constitute a quorum for the transaction of business of meetings of  
4 the Rail Conference.
- 5 e) The authority vested in a delegate shall continue as long as such delegate retains his qualifications and until  
6 such a time as a qualified successor is elected and installed.
- 7 f) Regularly qualified delegates shall be subject to a call to assemble at any time during their term of office.

## Section 6 Election and Terms of Office Rail Conference – Filling Vacancies

- 8 a) All Rail Conference officers shall be elected by a majority vote of the duly elected delegates at each quadren-  
9 nial convention to serve for a term of four (4) years, except as provided in Section 1(e) – TCRC Bylaws or until  
10 their successors are elected and installed, unless they have been removed for cause.
- 11 b) Should only one (1) nomination be made for any office, the presiding officer will cast a ballot to elect the can-  
12 didate by acclamation.
- 13 c) In the election of Rail Conference officers, all duly elected delegates shall vote for and elect the (President,  
14 Vice President and Secretary-Treasurer, Recording Secretary and three (3) trustees and their alternates).
- 15 d) In the event any office of the Rail Conference should become vacant as a result of death, or otherwise, and  
16 there is no alternate to appoint in accordance with Section 1 (e) – TCRC Bylaws, the officer highest in rank  
17 shall call into session the Rail Conference Executive Board who shall, by a majority vote, fill such vacancy from  
18 the membership until the next meeting of the Rail Conference.

## Section 7 Duties of the Rail Conference Presidents

- 19 a) The Rail Conference President shall be the principal officer of the Railway Conference and shall preside at  
20 all meetings of the Rail Conference and at the expiration of his term of office, shall deliver to his successor  
21 all books, papers, etc. belonging to the Rail Conference and shall be bonded in accordance with Article X,  
22 Section 7(a) of the IBT Constitution.
- 23 b) The Rail Conference President shall render interpretations of these bylaws.
- 24 c) (i) The Rail Conference President shall, with the concurrence of a majority of the Executive Board, decide all  
25 controversies which may be appealed from divisions; and after careful examination of the subject, he shall for-  
26 ward to the divisions making the appeal, the written decision of the board in the case; and such decision shall  
27 be final and binding unless reversed in accordance with applicable appeal provisions of the IBT Constitution.
- 28 (ii) Decisions involving administrative matters shall not be subject to appeal to the Executive Board.
- 29 (iii) In the event a dispute arises as to whether or not a controversy is properly related to administrative mat-  
30 ters, it shall be referred to the next Convention of the Rail Conference, which shall, by a majority vote, of the  
31 assembled delegates decide whether or not it will hear and rule on the matter in question.
- 32 d) The Rail Conference President shall have the authority to demand and review the records of any trial con-  
33 ducted in a division when same is brought to his attention by any division or member of the Rail Conference.  
34 Should it be apparent from the records of such trial that it has not been conducted or disposed of in accor-  
35 dance with the law and evidence, he shall have the power to order a new trial of the case and direct that a  
36 complete record of same be forwarded to the Rail Conference Office.
- 37 e) Upon receipt of the complete record of the trial ordered in Section 7(d) above, same will be reviewed by the  
38 Executive Board. If, after a careful review of the evidence, the Executive Board decides that such evidence does  
39 not sustain a finding of guilt, said Board shall be empowered to set aside such verdict. A written report of the  
40 Board's decision shall be sent to the aggrieved member and the division to which he belongs. Any division refus-

- 1 ing to apply the decision of the Executive Board will have its charter suspended at the direction of the Executive  
2 Board; such charter to be held by the Rail Conference President, until said order has been complied with.
- 3 f) Should an officer of a division, or any member of a committee of a division, member of a GCA or any member  
4 of a legislative board refuse to carry out any of the requirements of these Bylaws, all facts relating thereto will  
5 be forwarded to the Rail Conference President; and, if found guilty, after having been served with written spe-  
6 cific charges, given a reasonable time to prepare a defence and afforded a full and fair hearing, the Rail  
7 Conference President shall be empowered to remove such offending member from office. Such offending  
8 member shall not be reinstated, except by direction of the Rail Conference President, or upon appeal such  
9 member is reinstated under applicable provisions of the IBT Constitution.
- 10 g) If at any time the Rail Conference President has knowledge that the books of the secretary-treasurer of any  
11 division or committee subordinate to the Rail Conference are in such condition that an additional audit should  
12 be made, he shall be empowered to authorize such audit at any time; and the Rail Conference President's rep-  
13 resentative shall have access to all books and papers of such office.
- 14 h) The Rail Conference President may appoint permanent and temporary Special Representatives to render  
15 assistance.
- 16 i) There shall be maintained in conjunction with Teamsters Canada a Department responsible for education,  
17 training and Strategic Planning.
- 18 j) The Rail Conference President shall be in charge of and have the direction of vice presidents, craft directors  
19 and Special Representatives.
- 20 k) The Rail Conference President shall submit to each Bylaws Committee his recommendation and/or recom-  
21 mendations relative to amendments of the law of the Rail Conference.
- 22 l) The Rail Conference President shall be the chairman of the Executive Board and no meeting of the Executive  
23 Board shall be legal unless the Rail Conference President is involved, or authorizes the Vice President to act  
24 in his behalf in any decision or act by the Executive Board.
- 25 m) The Rail Conference President shall have the authority to grant annual vacations to the officers and Special  
26 Representatives of the Rail Conference, in accordance with the Collective Bargaining Agreement in effect on  
27 the property where they hold seniority.
- 28 n) The Rail Conference President shall have the authority to employ counsel to defend the Rail Conference  
29 against any action brought against it arising out of its labour activities.
- 30 o) In the performance of the Rail Conference President's duties as prescribed in this Section 7, paragraphs (h)  
31 through (j), the Executive Board shall not enter into any employment contract that binds the Rail Conference  
32 beyond their current term of office, and each such contract shall include a clause expressly setting forth said  
33 term limitation. Any such contract shall include a provision that permits the Rail Conference to terminate the  
34 services of the employee, if the employee's performance does not meet the contract specifications, or for valid,  
35 non-discriminatory business reasons, upon a maximum of 120 days' written notice of termination. The Rail  
36 Conference President shall provide a copy of any employment contract executed by the Executive Board to the  
37 Rail Conference's secretary- treasurer, who will file same in the Rail Conference's financial records, within ten  
38 (10) days of execution, and any such contract not so filed shall be null and void.

## Section 8

## Duties of the Vice Presidents

- 39 a) The Vice President shall perform any and all duties as directed by the Principal Executive Officer and render  
40 such assistance as may be directed by the Principal Executive Officer.
- 41 b) The Vice-President will be responsible for legislative matters / governmental affairs.
- 42 c) The Vice-President shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution.

**Section 9****Duties of the Secretary-Treasurer**

- 1 a) The Secretary-Treasurer shall perform all the duties imposed upon Rail Conference Secretary-Treasurers by  
2 the IBT Constitution and these Bylaws, and in general perform all duties incident to the office and such other  
3 duties as from time to time may be assigned by the Principal Executive Officer, the Rail Conference Executive  
4 Board or the members by resolution. The Secretary-Treasurer shall see that all notices and reports shall be  
5 given in accordance with the provisions of the IBT Constitution, Teamsters Canada Bylaws and these  
6 Conference Bylaws or as required by law. Such officer shall make at least quarterly a report including the  
7 assets and liabilities of the Conference and shall keep itemized records showing the source of all monies  
8 received and spent, and shall keep records, vouchers, work sheets, books and accounts and all resolutions to  
9 verify such report.
- 10 b) The Secretary-Treasurer, upon request of any member, shall make available to the member a copy of the last  
11 annual report. Such officer shall also make available for inspection by any member or members at the  
12 Conference's principal office, during regular business hours, any prior annual report and any other document  
13 which is subject by statute to such inspection. Copying of any financial record to which a member is entitled  
14 by law shall be permitted provided that the member pays the actual cost of duplication. Membership lists shall  
15 not be copied.
- 16 c) The Secretary-Treasurer shall have custody of the Conference seal and the records of the proceedings of all  
17 meetings of the Rail Conference Executive Board, as prepared by the Recording Secretary, or such person as  
18 is authorized to take such proceedings; and shall keep important documents, papers, correspondence, as well  
19 as files on contracts and agreements with employers for the benefit of all officers and staff of the principal  
20 office.
- 21 d) The Secretary-Treasurer shall keep a correct account of all income and expenditures by the Rail Conference  
22 and shall provide receipts for any dues, initiations fees, or other fees, assessments or fines or other monies  
23 received which are not shown by the employer on t-4 slips issued to the employee or member. The Secretary-  
24 Treasurer will not make any payments from the Rail Conference's funds until receiving bills or receipts evi-  
25 dencing the goods or services to be paid for. The Secretary-Treasurer shall enter all receipts in the name of  
26 the Rail Conference and shall deposit all monies in accordance with Article X, Section 9 of the IBT Constitution.
- 27 e) The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution,  
28 Teamsters Canada Bylaws and Rail Conference Bylaws.

**Section 10****Duties of the Recording Secretary**

- 29 a) It shall be the function of the Recording Secretary to attend meetings of the Rail Conference Executive Board  
30 and to keep minutes of the proceedings. Minutes shall reflect motions made at meetings and shall specify their  
31 adoption or rejection. Minutes shall specifically include all financial transactions approved at the meeting.
- 32 b) The Recording Secretary shall keep a record of the names of the members comprising each committee and  
33 handle all correspondence of the Rail Conference assigned by the principal executive officer or authorized by  
34 membership resolution. In such officer's absence, the President shall appoint an officer of the Executive Board  
35 to act as Recording Secretary pro tempore who shall have the duties set forth above.

**Section 11****Duties of the Trustees**

- 36 It shall be the duty of the Trustees to conduct or have conducted a quarterly examination of the books of the Rail  
37 Conference and the results thereof shall be reported at the next Rail Conference Executive Board meeting. They  
38 shall sign the books of the Secretary-Treasurer if they have found them to be correct and have verified the bank  
39 balances. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Rail  
40 Conference President and Rail Conference Secretary-Treasurer his reasons for declining to do so. A Trustee's dis-  
41 agreement with an expenditure properly authorized by the Executive Board or membership shall not be a valid  
42 basis for refusing to sign the books. The Trustee's reports shall be sent to the Rail Conference President and the  
43 General Secretary-Treasurer, as required by the IBT Constitution and Teamsters Canada Bylaws. They shall

1 receive and review the original surety bond covering each officer, employee and representative of the Rail  
2 Conference required to be bonded, and retain it at the Conference's principal office. They shall have the duty to  
3 see that such bonds are current and enforceable. In the event of the unavailability of a Trustee, the remaining  
4 Trustees or Trustee shall perform the above functions. In performing their functions, the Trustees may avail them-  
5 selves of the services of the certified public accountants retained by the Rail Conference Executive Board.

## Section 12

## Special Representatives

6 The Rail Conference President shall have authority to place Special Representatives in the field at his discretion,  
7 but not to exceed two (2) permanent Special Representatives. When exercising this authority, the Rail Conference  
8 President may select one (1) or more Special Representatives to provide training and/or education to the divisions,  
9 general committees and provincial legislative board chairmen. The Rail Conference President shall have authority  
10 to remove any Special Representative if found incompetent or when his usefulness has terminated. Elected offi-  
11 cers may be appointed as Special Representatives.

## Section 13

## Expenses and Automobile of Rail Conference Officers

### 12 a) Allowances

13 Recognizing that the officers and representatives of this organization do not work regularly scheduled hours  
14 and receive no compensation for overtime or premium pay; also recognizing that such individuals are required  
15 to pay varying amounts for lodging and meals depending upon the city in which they travel, which amounts are  
16 sometimes less, but more often more than the allowances given them; and recognizing that they must partici-  
17 pate in cultural, civic, legislative, political, fraternal, educational, charitable, social and other activities in addi-  
18 tion to their specific duties as provided in the IBT Constitution, Teamsters Canada Bylaws and these Bylaws,  
19 that such duties benefit the organization and its members and that the time spent in such activities is unpre-  
20 dictable and unascertainable, such officers and representatives may be granted an allowance (both for in-town  
21 and out-of-town work, respectively, which in the case of out-of-town work shall include hotel and meal expen-  
22 ditures) in such amount (daily, weekly or monthly) as the Rail Conference Executive Board may determine. In  
23 addition to the allowances set forth above, all officers and employees may be reimbursed or credited for all  
24 other expenses incurred in connection with their activities, provided that no officer or employee receives more  
25 than one (1) payment for the same expense.

### 26 b) Expenses

27 When a representative of the organization is engaged in activities in the interest of or for the benefit of the  
28 organization and its members within the scope of such individual's authority, the labour organization shall pay  
29 the expenses incurred therein, or reimburse the representative upon receipt of itemized vouchers from such  
30 individual or the supplier of such services, provided that the representative does not receive an allowance for  
31 these expenses or reimbursement from any other source.

### 32 c) Automobile Allowance

33 The Rail Conference may provide its officers or representatives with automobiles, or in lieu thereof, they may  
34 provide a monthly allowance and per km rate in such amount as approved by the Rail Conference Executive  
35 Board. In such instances where the Rail Conference provides an automobile, title to the automobile shall  
36 remain in the name of the Rail Conference until such time as the Rail Conference decides to dispose of the  
37 vehicle. It is recognized that such officers or employees are required to be on instant call at all times, may be  
38 required to garage such automobiles and are responsible for their safeguarding. Accordingly, for the conven-  
39 ience of the union and as partial compensation for such additional responsibilities, such officers shall be per-  
40 mitted private use of such automobiles on a round-the-clock basis when the automobiles are not required on  
41 union business.

### 42 d) Benefits

43 The Rail Conference Executive Board may from time to time provide the terms and conditions of employment  
44 for officers, employees and representatives of this organization including, but not limited to, such fringe bene-  
45 fits as vacations with pay, holidays, sick leave, time off for personal leave, and, in conjunction therewith, any  
46 disability or sickness, health and welfare and retirement benefits and activities, and facilities relating thereto,  
47 and may from time to time provide changes therein, as well as additional compensations and allowances. Any

1 such benefit adopted by the Executive Board shall be specifically set forth in the minutes of the Executive  
2 Board meetings. The Rail Conference Executive Board or the Principal Executive Officer is authorized to make  
3 to any Rail Conference officer or employee advances on salary and/or vacation pay, within the restrictions of  
4 applicable law.

## Section 14 Powers and Duties of Rail Conference Executive Board

5 Except as may be otherwise provided in these Bylaws, the Rail Conference Executive Board is authorized and  
6 empowered to conduct and manage the affairs of this organization, and to manage, invest, expend, contribute, use,  
7 borrow, lend and acquire Rail Conference funds and property in the pursuit of accomplishment of the objectives  
8 set forth in the IBT Constitution, Teamsters Canada Bylaws, and these Bylaws and resolutions adopted in further-  
9 ance thereof. However, the Rail Conference Executive Board shall not have the authority to bind the Rail  
10 Conference for personal services to be rendered to the Rail Conference or its Executive Board, such as, but not  
11 limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise,  
12 beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not  
13 prevent the Rail Conference Executive Board from entering into a bona fide collective bargaining agreement with  
14 another union covering Rail Conference employees. The Rail Conference Executive Board, in addition to such  
15 other general powers conferred by these Bylaws, is hereby empowered to:

- 16 1. Make and change rules and regulations not inconsistent with these Bylaws, the IBT Constitution or Teamsters  
17 Canada Bylaws for the management and conduct of the affairs of this Rail Conference;
- 18 2. Establish the salaries for the officers, delegates to Rail Conference convention and Special Representatives  
19 and establish the allowances, direct and indirect disbursements, expenses and reimbursement of expenses for  
20 officers, delegates to Rail Conference convention and Special Representatives. Changes in the salaries,  
21 allowances or expenses of the officers and Special Representatives shall be specifically set forth in the min-  
22 utes of the Executive Board meeting at which such changes are approved. The minutes shall also reflect  
23 whether any officer who also serves as a Special Representative receives a salary, allowance or expense in  
24 his officer capacity or in his Special Representative's capacity. The Rail Conference Executive Board may  
25 establish a dues check-off procedure for Rail Conference officers and employees belonging to this Rail  
26 Conference.
- 27 3. Loan and borrow monies directly and indirectly for such purposes and with such security, if any, as it deems  
28 appropriate, and with such arrangements for repayment as it deems appropriate – all to the extent provided by  
29 law.
- 30 4. Approve the Principal Executive Officer's employment of clerical employees, attorneys, accountants, and such  
31 other special or expert services as may be required for the organization and secure an audit of the books of  
32 this organization by a certified public accountant at least once a year;
- 33 5. On behalf of the Rail Conference, its officers, employees or members, initiate, defend, compromise, settle, arbi-  
34 trate or release or pay the expenses and costs of any legal proceedings or actions of any nature if, in its judg-  
35 ment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization;
- 36 6. Fill all vacancies in office which occur during the term of such office for the unexpired term, in the manner pro-  
37 vided in Article XXII, Section 9 of the International Constitution;
- 38 7. Transact all business and manage and direct the affairs of the Rail Conference between conventions, except  
39 as may otherwise be herein provided; delegate when necessary any of the above powers to any officer for spe-  
40 cific and temporary purposes and on condition that the action of such officer or agent shall be ratified by the  
41 Rail Conference Executive Board; the Rail Conference Executive Board shall designate other officers for the  
42 President or Secretary-Treasurer for the purpose of signing cheques to pay bills or to exercise any other func-  
43 tions of their offices in the event that either shall refuse to act or shall become ill or otherwise incapacitated;
- 44 8. Lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization any and all  
45 real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its

- 1       affairs, and which the organization is authorized to acquire, at such price or consideration and generally on  
2 such terms and conditions as it sees fit, and, therefore, at its discretion pay either wholly or partly in money or  
3 otherwise. Specific authorization at a Rail Conference Executive Board meeting shall be required for such  
4 expenditures, excepting for routine expenditures not of a substantial nature;
- 5       9. Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization when-  
6 ever in its opinion the Rail Conference's interests would thereby be promoted, subject to authorization at the  
7 Rail Conference Executive Board meeting;
- 8       10. Create, issue, and make deeds, mortgages, trust agreements, contracts, and negotiable instruments, secured  
9 by mortgage or otherwise, as provided by resolution of the membership, and do every other act or thing nec-  
10 essary to effectuate the same;
- 11       11. Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and  
12 terminate and effectuate the same, subject to authorization at the Rail Conference Executive Board meeting;
- 13       12. Appoint trustees of Health and Welfare or Pension Trust Funds negotiated directly by the Rail Conference.
- 14       13. Determine the membership which shall vote on agreements and strikes, and the composition of other mem-  
15 bership meetings, and adopt rules and regulations concerning the conduct thereof, not inconsistent with the  
16 IBT Constitution, Teamsters Canada Bylaws or these Rail Conference Bylaws;
- 17       14. Determine the manner in which referendums shall be held, subject to review and modification by the Teamsters  
18 Canada President, as permitted by Article VI, Section 1(h) of the IBT Constitution;
- 19       15. Enter into jurisdictional settlements and comply with jurisdictional awards on behalf of the Rail Conference, in  
20 accordance with the policies and directives of the International Brotherhood of Teamsters and Teamsters  
21 Canada;
- 22       16. Review interpretations of these Bylaws rendered between meetings by the Principal Executive Officer.  
23 Disputes over the interpretations of these Bylaws shall be submitted to the Teamsters Canada President, pur-  
24 suant to Article VI, Section 2 (a) of the IBT Constitution;
- 25       17. Engage all acts not expressly authorized herein which are necessary or proper in implementation of the above  
26 duties for the protection of the property of the Rail Conference and for the benefit of the Organization and its  
27 members.
- 28       18. The Rail Conference Executive Board shall have the duty to investigate any alleged breach of fiduciary duty  
29 when circumstances so warrant and take appropriate action if the investigation so merits.
- 30       19. The Rail Conference Executive Board shall hold meetings at such time and place as shall be determined by  
31 the President, upon notice to all Board members. The President shall have the right to vote on any question  
32 pending before said meeting except where such vote would create a tie. The meetings of the Rail Conference  
33 Executive Board shall be no less frequent than once every three (3) months.
- 34       20. A majority of the Rail Conference Executive Board shall constitute a quorum for the transaction of business at  
35 any meeting of the Board. The action of a majority of the Rail Conference Executive Board present at a meet-  
36 ing, at which a quorum exists, shall become a transaction of the Board.
- 37       21. By action of the Rail Conference Executive Board, which action shall be recorded in the Executive Board meet-  
38 ing minutes, members of the Board who are not full-time paid officers or employees of the organization may  
39 be paid their expenses, including wages lost, if any, for attendance at each meeting of the Board.
- 40       22. Whenever matters require action by the Rail Conference Executive Board, and when the Executive Board is  
41 not in formal session, the Executive Board may act electronically or by facsimile, letter or telephone. When  
42 action by the Rail Conference Executive Board is required, the Principal Executive Officer may obtain same  
43 electronically or in writing or by telephoning the members of the Executive Board and such members may take

1 action on the matter brought to their attention in the same manner; provided, however, that whenever action is  
2 sought by any of the foregoing methods, all members of the Executive Board shall be polled. Such action so  
3 taken by the majority of the members of the Rail Conference Executive Board shall constitute action of the  
4 Board as though the Board were in formal session; provided, however, that any such action shall be confirmed  
5 at the next formal session of the Executive Board.

6 23. If the Executive Board is deadlocked for two (2) consecutive meetings on any matter within its exclusive author-  
7 ity under this section of the bylaws, the matter shall be referred to the membership for resolution.

## Section 15

## Officers – Generally

8 a) All officers of this Rail Conference when installed after election shall be required to take the following obliga-  
9 tion of office:

10 I, \_\_\_\_\_, do most sincerely promise, upon my honour, that I will truly and faithfully, to the  
11 best of my ability, perform the duties of my office, for the ensuing term, as prescribed in the Constitution and  
12 Bylaws of this union, and as an officer of this union, will at all times endeavour, both by counsel and example,  
13 to promote harmony and preserve the dignity of its sessions. I will at all times faithfully comply with and enforce  
14 the Constitution and laws of the International Union, Teamsters Canada and the Bylaws and laws of this Rail  
15 Conference.

16 b) All officers are required to carry out their respective duties. In the event an officer declines to perform the duties  
17 of office as prescribed by the IBT Constitution, Teamsters Canada Bylaws and these Rail Conference Bylaws  
18 or by law, such officer shall be subject to charges filed in accordance with Article XIX of the IBT Constitution.  
19 In appropriate situations in which misconduct or failure to perform duties assigned by these Bylaws jeopardiz-  
20 es the interests of the Rail Conference, an officer may be subject to summary removal from office, in accor-  
21 dance with Article XIX, Section 1 (f) of the IBT Constitution.

22 c) The right to assume office or hold office or position in the Rail Conference, as distinguished from accrued or  
23 vested benefits, shall never be deemed a property right, but shall be a personal privilege and honour only. Any  
24 action taken by an officer in good faith and within the scope of such officer's authority and power under these  
25 Bylaws shall not be the basis for any personal liability against such officer.

26 d) All officers of the Rail Conference must, as a condition of holding office, execute all necessary forms required  
27 by law to be filed with any federal agency either for and on behalf of the Rail Conference or as an officer or  
28 employee thereof, but accidental default shall not be considered a violation of the duty imposed by this section.

29 e) All officers in the performance of their duties shall adhere to the terms of these Bylaws, Teamsters Canada  
30 Bylaws and the IBT Constitution.

31 f) The officers, Special Representatives and other representatives of this Rail Conference, occupy positions of  
32 trust in relation to the Rail Conference and its members as a group and are, therefore, accountable to the mem-  
33 bership with respect to the performance of their duties in handling funds and property of the Rail Conference.  
34 The failure or refusal by an officer, Special Representative or other representative of this Rail Conference, upon  
35 demand of the Rail Conference Executive Board or of any individual member for good cause, to render a prop-  
36 er and adequate accounting or explanation respecting the performance of such officers' duties or in handling  
37 funds and property of the Rail Conference shall constitute a ground for charges under Article XIX of the IBT  
38 Constitution.

**Section 16 Delegate to International Brotherhood of Teamsters**

1 Delegates from the TCRC to the IBT shall be elected at large and the number of delegates and alternate delegates  
2 shall be determined in accord with Article III, Section 2, of the IBT Constitution and the Rules governing the elec-  
3 tion of delegates and alternate delegates. Delegates and alternates shall be nominated and elected in as provid-  
4 ed in the IBT Constitution and the Rules governing the election of delegates and alternate delegates.

5 Note: *Eligibility to vote, nominate and run for office will be determined by the applicable provisions of the IBT*  
6 *Constitution and as provided and modified in Paragraphs 6.7 and 6.8 of the Merger Agreement.*

**Section 17 Credentials – Delegates to the Rail Conference**

7 A delegate's credential shall be formulated by the Rail Conference Secretary-Treasurer and sent to the division of  
8 which the delegate-elect is a member prior to the date set for convening the Rail Conference convention.

**Section 18 Representation of Division to Rail Conference**

- 9 a) Each division as recorded in the Rail Conference Office on April 1 prior to the opening date of the convention  
10 will be entitled to a delegate at each Rail Conference convention.
- 11 b) Delegates will have one (1) vote for each division represented and an additional vote for each one hundred  
12 (100) additional members represented over the first two hundred (200).
- 13 c) All divisions must be square on the books on the date the convention convenes.
- 14 d) Each division entitled to representation must be represented by either delegates or by proxy.
- 15 e) Any division granting proxy to a delegate of another division has the same right in instructing such proxy, as  
16 they would have in instructing the delegate of their own division.
- 17 f) In the event of the death of the delegate-elect or other cause that might prevent attendance at the convention,  
18 the first alternate delegate shall be the legal representative. Should conditions arise whereby both the dele-  
19 gate-elect and the first alternate delegate are prevented from attending, the second alternate delegate shall  
20 be the legal representative. Should conditions arise whereby the delegate-elect and the first and second alter-  
21 nate delegates are prevented from attending, Section 19 – TCRC Division Rules will apply.

**Section 19 Delegates to Rail Conference - Term of Office**

22 The delegates to the Rail Conference shall continue as such until their successors are elected and qualified, as  
23 per Section 2 – TCRC Division Rules, and shall be subject to call from the Rail Conference President to assemble  
24 at any time during their term of office.

**Section 20 Delegate to Rail Conference - Qualifications**

- 25 a) In order to be a candidate for delegate to the Rail Conference, an individual must hold active membership as  
26 defined in Section 25(b) - TCRC Division Rules.
- 27 b) No salaried Rail Conference officer or member employed exclusively by the Rail Conference Office shall be  
28 eligible as a delegate to represent any division at the Rail Conference Convention.

29 Note: *Beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of*  
30 *the IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

**Section 21****Delegates - Division Not Square on Books**

1 Any delegate whose division is not square on the books and any division that has not paid its pro rata assess-  
2 ments, as provided in these Bylaws or is indebted to other subordinated bodies, shall not be allowed a seat at  
3 the Teamsters Canada Rail Conference convention.

**Section 22 Delegates - Rail Conference Special Session - New Division**

4 In case a special session of the Rail Conference should be called, any division that may have been organized sub-  
5 sequent to the last session of the Rail Conference and is in good standing at the time shall be entitled to repre-  
6 sentation in accordance with the law governing representation.

**Section 23****Delegates to Rail Conference – How Paid**

- 7 a) Salaries and expenses of delegates to the Rail Conference convention will be established as per Section 14  
8 (2) – TCRC Bylaws.
- 9 b) A system will be provided to check the actual attendance of delegates at convention; and they shall receive a  
10 per diem for actual attendance only, unless excused by the Rail Conference President.

**Section 24****Delegates to Rail Conference - Salaried**

11 When any full-time salaried officer of a subordinate body of the Rail Conference is elected by his division to rep-  
12 resent such division at the convention of the Rail Conference, his officer's salary shall offset any salary payable for  
13 service as delegate.

**Section 25****Delegate to Rail Conference - Reporting to Divisions**

14 Delegates will report to their divisions. The Rail Conference will supply all divisions with a report of the convention  
15 proceedings.

**Section 26****Delegate to Rail Conference Excused**

16 Should a delegate, on account of sickness or other cause, find it necessary to be absent from the convention, he  
17 may, by permission of the Rail Conference, designate the delegate of another division to act in his stead, except  
18 in the case of the election of officers.

**Section 27****Rail Conference Dues and Assessments**

- 19 a) Each division shall be required to account for all members shown on their monthly report of the preceding  
20 month.
- 21 b) All members in active service, as defined under Section 25(c) – TCRC Division Rules, including those holding  
22 official positions with the railways and those employed exclusively by the Rail Conference, shall pay twenty-  
23 seven dollars (\$27.00) per month Rail Conference dues and such assessments as may be levied by the  
24 Executive Board. Active membership includes all occupations eligible for membership in the Rail Conference  
25 regardless of status, except as excluded in the following sections.
- 26 c) In addition to above Rail Conference dues, all members, except those under Section (d), will be required to  
27 pay two dollars (\$2.00) per month to establish and maintain a convention fund.
- 28 d) The following members shall pay four dollars (\$4.00) dues and shall be exempt from GCA, legislative board  
29 and division dues and/or assessments:

- 1 (1) Members working in another craft on a property where the Rail Conference does not represent such craft  
2 and where a union dues agreement is in effect that require such employee to pay union dues to another  
3 organization.
- 4 (2) Members employed on short-line railway where the Rail Conference does not hold representation rights,  
5 or where the Rail Conference does hold representation rights but has not as of yet negotiated a collective  
6 bargaining agreement.
- 7 e) Should it become necessary to raise additional funds to defray the expenses of the Rail Conference, such  
8 funds shall be raised by assessments as may be levied by the Executive Board, notwithstanding any policy or  
9 resolutions to the contrary, provided that such action on the part of the Executive Board shall be effective only  
10 until the next regular convention of the Rail Conference.
- 11 f) All notices of assessments levied by the Executive Board are to be in the hands of the GCA secretary-treas-  
12 urers sixty (60) days before said assessments are due and same to be remitted by the GCA secretary-treas-  
13 urers on or before the 20th day of the next succeeding month thereafter.

## **Section 28 Dues and Assessments - When Payable to Rail Conference**

- 14 National dues and assessments levied by the Executive Board are due and payable on or before the first day of  
15 the month for which they apply, except in the case of a dues check-off, and are delinquent after the 20th day of the  
16 same month; and such dues and assessments must be remitted to the Rail Conference Secretary-Treasurer, by  
17 the GCA secretary-treasurers on or before the 20th day of the next succeeding month.

## **Section 29 Fiscal Year- Liability for Non-payment**

- 18 a) The fiscal year of the Rail Conference shall commence on the first day of January in each year. All divisions  
19 are required to be square on the books of the Rail Conference Office on or before the 20th day of the month  
20 following the month for which dues are collected.
- 21 b) When a secretary-treasurer resigns or otherwise gives up the office, an audit must be completed before the  
22 new secretary-treasurer is installed; such audit to be conducted by a committee appointed for such purpose.  
23 All records are to be delivered to the new secretary-treasurer along with the audit report.

## **Section 30 Convention Committees Rail Conference**

- 24 a) The Convention Committees of the Rail Conference shall consist of a Bylaw and a Legislative Committee.
- 25 b) Members of committees identified in this section shall be paid the same salaries and expenses as the dele-  
26 gates to the Rail Conference convention.

## **Section 31 Bylaws - Committee**

- 27 a) The Committee on Bylaws shall meet at a location and date to be fixed by the Executive Board and shall review  
28 and consider all resolutions submitted by divisions, together with any recommendations for changes in the law  
29 made by the Rail Conference President. The said committee shall have authority to review any section of the  
30 law of the Rail Conference and to make any recommendations for change of such laws, which, in their judg-  
31 ment, is necessary. The said committee shall have all resolutions from divisions and recommendations of the  
32 Rail Conference President printed as submitted, in their report; and such report will be printed in sufficient  
33 quantity for each delegate at the convention to receive a copy.
- 34 b) At the conclusion of the convention, the said committee shall compile all laws adopted, indicating section and  
35 paragraph to which the law applies; and all amendments approved, by the convention shall be placed in bold-  
36 face type and deleted items in strikethrough type at such time as the revised Bylaws are printed.

**Section 32****New Divisions**

- 1 a) (i) If fifteen (15) or more active members on any railway wish to organize a new division, they shall apply to the  
2 nearest division on the system where the new division is to be located; and it shall be the duty of the president  
3 of said division first to obtain the consent, through the chairman, of a majority of the GCA on the railway where  
4 the division is to be located, and then apply to the Rail Conference President for blank charter and the neces-  
5 sary books and papers to organize the same. The Rail Conference President shall then secure permission from  
6 the IBT General President for a new charter.
- 7 (ii) When in receipt of the charter, he shall proceed to meet with five (5) or more members, fill out the charter,  
8 organize and instruct said members, and appoint officers pro tem; and if a sufficient number have joined to fill  
9 the offices, they will elect permanent officers; and the secretary-treasurer shall immediately furnish the names  
10 of the officers and members and their addresses to the Rail Conference Secretary-Treasurer, with the date of  
11 their organization.
- 12 b) All charter members of the new division shall be assessed the sum of twenty-five dollars (\$25.00) to be put  
13 into the treasury of the division for the purpose of meeting initial operating expenses.
- 14 c) A fee of one hundred (\$100.00) shall accompany all applications for charters.

**Section 33****Merging Divisions**

- 15 a) When two (2) or more divisions have decided by a majority vote of the active membership of each division to  
16 merge or consolidate their membership, application will be made to the Rail Conference President for approval.  
17 He shall then seek the permission of the IBT General President and if approved, he will arrange the consoli-  
18 dation as follows: that the division having the largest membership will be the division to retain the charter,  
19 except where due to location and for other reasons, in the opinion of the Rail Conference President, it would  
20 work a hardship on the members of the division, he will decide the charter to be retained. All special funds will  
21 be distributed at the discretion of the members of the division or divisions giving up their charter.
- 22 b) If the membership of any division falls below twelve (12) active members, the Rail Conference President shall  
23 investigate the cause; and unless the interests of the organization require the continuance of the division, he  
24 shall have the authority to order it to be merged with another division on the same seniority district or a divi-  
25 sion under the same GCA.

**Section 34****Resolutions to Rail Conference - When Presented**

26 Except in case of the suspension of the rules by two-thirds (2/3) vote of all delegates present, six (6) copies of any  
27 resolution that has for its purpose the changing of existing laws, or the enactment of new laws, shall be forwarded  
28 to the Rail Conference Office not less than one hundred twenty (120) days before the convention convenes and  
29 shall be mailed to the delegates not less than forty-five (45) days prior to the convention. Should the resolution rec-  
30 ommend changes in more than one (1) section of the law, each section shall be printed on a separate sheet of  
31 paper. Each sheet shall bear a heading showing the particular section and page that is to be amended. All rec-  
32 ommended changes shall be shown in boldface type; and the section, as it would read after being so changed or  
33 amended, shall be written out in full. Resolutions received that are not in conformity with the above will not be enter-  
34 tained by the Committee on Bylaws.

**Section 35****Order of Business**

- 35 1. Call the meeting to order without form.
- 36 2. Report of Credentials Committee.
- 37 3. Convention called to order, composed of the delegates seated by the Credentials Committee.
- 38 4. Report of Bylaws Committee.

- 1 5. Report of Rail Conference officers.
- 2 6. Report of Convention Committees (**Section 30 – TCRC bylaws**) and election of officers.
- 3 7. Report of other committees.
- 4 8. Financial business.
- 5 9. Reading of resolutions and petitions.
- 6 10. New business.

### Section 36

### Laws - How Changed

- 7 a) These Bylaws shall not be subject to alteration or amendment until the next session of the Rail Conference  
8 convention, except as provided in Section 4(a) and Section 2(b) - TCRC Bylaws.
- 9 b) When a GCA enters into a collective agreement with a railway containing a provision requiring, as a condition  
10 of employment, membership in the Rail Conference, a union dues agreement without mandatory membership,  
11 granting a preference of employment to members of the Rail Conference, or the check-off of union dues each  
12 calendar month from wages due each employee coming within the scope of such agreement, the specified  
13 amount of Rail Conference dues authorized under the provisions of the Rail Conference bylaws, Division  
14 Rules, General Committee Rules and Legislative Rules of the Rail Conference, the Rail Conference President  
15 and Secretary-Treasurer, in conjunction with the officer negotiating such agreement, will have authority to mod-  
16 ify the provisions of the laws above referred to for application to the divisions concerned for the purpose of  
17 applying such agreements.
- 18 c) It must be understood that no change will be made in the amount of dues or assessments prescribed under  
19 our laws in connection with Paragraph (b) of this section.
- 20 d) Between conventions the Executive Board will have authority to amend the law where it is in conflict with civil law.

### Section 37

### Working Rules – Rail Conference

- 21 a) Working hours. The morning meeting shall be from 9 a.m. until 11:30 a.m. The afternoon meeting will be from  
22 1 p.m. until 5 p.m. and continued until all business legally coming before the convention has been disposed of.  
23 The length of time the convention will remain in session shall not exceed three (3) consecutive calendar days.
- 24 b) All resolutions shall be typewritten and presented in duplicate, one (1) copy for the record and one (1) for the  
25 committee, and signed by the author and the number of his division. Resolutions that are in proper form shall  
26 be entertained and disposed of by the convention without necessarily referring them to a committee.  
27 Resolutions not in proper form shall be referred to a committee.
- 28 c) All resolutions relating to subjects to which no committee has been appointed shall be read by the Rail  
29 Conference Secretary-Treasurer to the Convention for consideration.
- 30 d) Nominations for officers shall be made verbally from the floor of the convention. Each nomination not to con-  
31 sume more than two (2) minutes.
- 32 e) A nominee may not accept nomination for two (2) or more offices that cannot be held simultaneously. In the  
33 event he is nominated for more than one (1) office, he must select the office for which he wishes to stand as  
34 a candidate.
- 35 f) In the election of officers, a paper or electronic ballot will be used. A majority of the votes cast will be neces-  
36 sary to elect; if there be no election on the first ballot, only the two (2) leading candidates shall be eligible on  
37 the second ballot.
- 38 g) Delegates shall be required to wear their badges while assembled in convention hall.

- 1 h) If there is only one (1) nomination for any office and sufficient time has been allowed for further nominations,  
2 the presiding officer will cast a ballot to elect such officer by acclamation.

### Section 38

### Employment Eligibility - Officers and Employees of the Rail Conference

- 3 No member shall be eligible for office in the Rail Conference or full-time employment with the Rail Conference  
4 unless he holds active membership as provided in Section 25 (b) – TCRC Division Rules.

### Section 39

### Annual Salaries - Officers of the Rail Conference

- 5 Rail Conference President.....Cdn \$136,512.38  
6 Rail Conference Vice President.....Cdn \$127,023.58

- 7 Note: *Rail Conference officers' salaries will be adjusted by using monetary allowances/increases or other*  
8 *applicable adjustments negotiated nationally for Rail Conference members.*

### Section 40

### Vacations - Officers of the Rail Conference

- 9 All officers of the Rail Conference shall be allowed annual vacation in accordance with seniority and pay provisions  
10 of the Collective Bargaining Agreement in effect on the property where they hold seniority.

### Section 41

### Rules of Order – Rail Conference

- 11 Except as otherwise herein provided, Robert's Rules of Order shall govern the deliberation of the Teamsters  
12 Canada Rail Conference convention.

### Section 42

### Savings Clause

- 13 If any provision of these Rail Conference Bylaws shall become invalid by operation of Canadian law or declared  
14 invalid by any competent Canadian authority, the Rail Conference Executive Board, by majority vote of all of its  
15 members, shall have the power to substitute in its place and stead a provision which will meet the objections to its  
16 validity and which will be in accord with the intent and purpose of the invalid provision and said substituted provi-  
17 sion shall be effective until the next regular or special Convention of the Rail Conference. If any article or section  
18 of these Bylaws should be held invalid by operation of Canadian law or by a competent Canadian authority, the  
19 remainder of these Bylaws or the application of such article or section to persons or circumstances other than  
20 those as to which it has been held invalid, shall not be affected thereby.

### Section 99

### Sample Resolution

- 21 (TCRC Bylaws, Rules of Order – Rail Conference; Division Rules, Rules of Order; GCA Rules, Rules of Order;  
22 Legislative Rules, Rules of Order), page 999.

- 23 Present law reads:

- 24 (a) Type the present law exactly as it reads in the Bylaws and – or Rules.

- 25 NOTE: *If you wish to propose changes in more than one (1) subsection of a particular section (e.g. a change in*  
26 *Section 99 (a) and a change in Section 99 (b), they must be submitted as separate resolutions on sepa-*  
27 *rate sheets of paper.*

- 28 Resolution submitted by Division 000:

- 29 Section 99 (a) – (TCRC Bylaws, etc.), page 9

- 1 Type the paragraph as you would like it to read. Any changes in the present law must be put in bold type.
- 2 At the end of the resolution, give a brief explanation of your reasons for the proposed change.

**This Section, entitled “Division Rules” has to do principally with the operation of the divisions of “Teamsters Canada Rail Conference”.**

**Note: For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as “Rail Conference President” in this section. “President” will refer to “President of the division”.**

THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE

## RAIL CONFERENCE DIVISION RULES.

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**Section 1****Officers - Divisions**

- 1 a) (i) The officers of each division shall consist of a president, vice president, secretary-treasurer and alternate,  
2 chaplain, three (3) trustees (auditing committee), delegate to the Rail Conference and first and second alter-  
3 nates, legislative representative who shall be the delegate to the legislative board and alternate and the local  
4 committee of adjustment consisting of three (3) members; the local chairman and local vice-chairmen (mini-  
5 mum of two (2)).
- 6 (ii) The local chairman shall be the delegate to the general committee of adjustment. The local chairman and vice  
7 local chairmen shall constitute the local committee of adjustment, and the vice local chairmen shall act under the  
8 direction of the local chairman. Vice local chairman positions are not alternates to the office of local chairman.
- 9 (iii) The offices of president, vice president, secretary-treasurer, local chairman and legislative representative  
10 shall together constitute the executive board of the division. A majority of the executive board convened shall  
11 constitute a quorum.
- 12 b) When there are members employed on more than one (1) seniority district belonging to the same division, the  
13 members on each seniority district may elect a local committee of two (2) members to act in conjunction with  
14 the local chairman on matters pertaining to the district they represent.
- 15 c) Divisions having members employed on different divisions of the same railway who are permitted to maintain  
16 more than one (1) local committee, such members will only be allowed to vote for the local committee that will  
17 adjust their local differences.

**Section 2****Qualification for Office**

- 18 a) No member shall be nominated, elected or serve as an officer in any division who is not in good standing, or  
19 who is in arrears for dues and assessments, provided that no member whose dues have been withheld by his  
20 employer for payment to such organization pursuant to his voluntary authorization provided for in a collective  
21 bargaining agreement shall be declared ineligible to be a candidate for office by reason of alleged delay or  
22 default in the payment of dues.
- 23 b) Only members who do not hold membership in any other labour organization which purports to represent rail-  
24 way workers and meet the requirements of active membership as defined in Section 25(b) – TCRC Division  
25 Rules may be elected delegate or alternate delegate to the Rail Conference, general chairman of the GCA,  
26 local chairman or member of the local committee of adjustment, or legislative representative or delegate to the  
27 provincial legislative boards.

28 *Note: Beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the*  
29 *IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

- 30 c) The president shall not be elected to or hold the office of secretary-treasurer, local chairman or member of the  
31 local committee of adjustment.

32 *Note: It shall be the policy of the Rail Conference that any Rail Conference member dismissed from the service*  
33 *of a railway will be considered in active service, as defined in Section 25 (c) – TCRC Division Rules, until*  
34 *after all investigations and appeals of his case are closed.*

- 35 d) No member who is promoted to an official position on any railway shall serve in any capacity under or for the  
36 Rail Conference or attend division meetings.

**Section 3****Term of Office**

- 37 a) The official term of all officers of divisions, also delegates to the Rail Conference, GCA, local committee of  
38 adjustment and delegate to the legislative board, shall commence at the first regular meeting in January fol-  
39 lowing the triennial election, or when duly installed due to a vacancy occurring, and shall end when successor  
40 is duly installed.

- 1 b) The officers of a newly organized division shall be elected at the time of the organization of the division by  
2 secret ballot.
- 3 c) When an officer of the Division relinquishes his office for any cause whatsoever, he will turn over all files, let-  
4 ters or communications of any nature whatsoever to his successor as soon as is feasible, but no later than said  
5 successor's installation into office.

#### Section 4

#### Regular Meetings

- 6 a) The regular meetings of all divisions of the Rail Conference shall take place not less than once each month,  
7 and on any day that the majority of the members of each division may determine.
- 8 b) No change of place, day or hour of division meeting will be made unless so ordered by a majority of the mem-  
9 bers present at two (2) successive regular meetings of the division. The secretary-treasurer will promptly noti-  
10 fy the Rail Conference President of changes made.
- 11 c) No change of place, from one terminal to another or from one town to another, will be made unless a petition  
12 from twenty-five percent (25%) of the active membership makes such request in writing.
- 13 If the above request is made, the secretary-treasurer will, within ten (10) days thereafter, prepare a ballot stat-  
14 ing the change desired and furnish a ballot to all active members of the division, stating at which meeting the  
15 ballots shall be counted, and shall not exceed sixty (60) days from date of mailing. The mailing of the ballots  
16 and the counting of votes shall be governed by Section 8 – TCRC Division Rules, and the result of vote will  
17 govern. The secretary-treasurer will promptly notify the Rail Conference President of changes made.
- 18 d) Three (3) members shall constitute a quorum to do any business that may legally come before the division.

#### Section 5

#### Elections Triennially

- 19 The officers of divisions shall be elected by secret ballot triennially for the ensuing three (3) years at the first meet-  
20 ing in December; provided, however, in the event any applicable civil law is enacted or revised which sets a max-  
21 imum term of less than three (3) years, the term of such offices shall be for the maximum time permitted by law.

#### Section 6

#### Members Qualified to Nominate or Vote

- 22 All those holding active membership (Section 25(b) – TCRC Division Rules), except those holding official positions  
23 on a railway, will be entitled to nominate and vote for all offices in the division. However, members will not nomi-  
24 nate or vote for officers not entitled to represent them.

25 *Note: Beginning January 1, 2006, eligibility to nominate, second and vote will be determined by the applicable*  
26 *provisions of the IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

#### Section 7

#### Officers - Nomination of

- 27 a) (i) Nominations for officers of divisions shall be made at the first regular meeting in September preceding the  
28 date of election; no member who is not eligible for election at the time of nomination shall be nominated for  
29 office. Members in good standing desiring to place their nominations for division officers may nominate by  
30 voice from the floor at the meeting at which nominations are being held; and those unable to attend the above  
31 meeting on account of being on vacation, sick, working, or on an outlying assignment may write their choice  
32 of nominations to the division secretary-treasurer, who will read same at the meeting.
- 33 (ii) The secretary-treasurer of each division shall post a notice at terminals and on Rail Conference bulletin  
34 boards at least thirty (30) days prior to the meeting at which nominations are to be held, such notice to state  
35 the time, date, place and purpose of such meeting.

36 *Note: Beginning January 1, 2006, eligibility to nominate, second, run for office and vote will be determined by*  
37 *the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

- 1 b) A member who is eligible may be nominated though absent from the meeting; but such nominee shall be noti-  
2 fied within five (5) days of such nomination, giving him an opportunity to withdraw his name should he desire  
3 to do so.
- 4 c) A member who is present, eligible and nominated at the division meeting at which nominations are held may  
5 decline to accept such nomination at the time of being nominated or may do so by submitting to the secretary-  
6 treasurer of the division, within five (5) days thereafter, a written request that his name be stricken from the  
7 ballot.
- 8 d) A member may not accept nomination for two (2) or more offices that cannot be held simultaneously. In the  
9 event he is nominated for more than one (1) of such offices, he must select the office for which he wishes to  
10 stand as a candidate.
- 11 e) In the event of irregularities in the nomination of officers, protest must be filed in duplicate with the Rail  
12 Conference President within fifteen (15) days after alleged violation. The Rail Conference President will con-  
13 duct an investigation and render a decision. Any member dissatisfied with such decision may appeal such deci-  
14 sion, within thirty (30) days to the Executive Board, whose decision shall be final and binding.

## Section 8

## Election - How Conducted

- 15 a) Not less than fifteen (15) days prior to date of election in divisions, the secretary-treasurer shall deliver to each  
16 member of his division, by government mail, directed to his last known address, a ballot together with two (2)  
17 envelopes, one (1) of approximately 3-1/2 x 6-1/2 inches and one (1) of approximately 4 x 9-1/2 inches. The  
18 ballot and return envelopes must also be accompanied by written notice of time, date, place and purpose of  
19 the election. The smaller envelope shall be for the purpose of containing the voted ballot and should be sealed  
20 and placed within the larger envelope for return of the ballot. The larger envelope must contain space for the  
21 member's name and return address, must have first-class postage affixed thereto, and must contain the divi-  
22 sion number and address of a post- office box, which must be rented for the election by the secretary-treas-  
23 urer of the division. The contents of the post-office box must not be accessible to any officer or member until  
24 the ballots are picked up on the date of the election. If a post-office box is not available, the division will deter-  
25 mine an alternative method of receiving, securing and delivery of the ballots.

26 The ballot is to be filled out by the member in whose name it is to be voted, naming his choice for officers,  
27 which, however, need not be confined to nominees. The completed ballot must then be folded and placed in  
28 the small envelope that is provided for that purpose. The small envelope must then be sealed and placed in  
29 the larger envelope, upon which the member will clearly mark his name and return address before placing  
30 same in the government mail for delivery to the post-office box designated thereon.

31 Immediately prior to the election and following the date designated for the return of the ballots, the secretary-  
32 treasurer and president, or another member designated by the president of the division, shall go the post office  
33 and remove the envelopes containing the ballots from the post-office box. They shall then be delivered intact  
34 to the meeting at which the election will be held. It will be the privilege of any member of the division, upon  
35 proper application to these officers, to accompany the secretary-treasurer and president (or his designated  
36 representative) to the post office for the purpose of observing this procedure.

37 When the election begins, the envelopes containing the smaller ballot envelopes will be opened by the board  
38 of tellers, at which time a determination will be made as to the right of each member to vote on the various  
39 offices. The smaller envelopes containing the ballots may be marked prior to the time they are opened at the  
40 discretion of the board of tellers, or the smaller envelopes containing the ballots may be placed in stacks des-  
41 ignating the status of the member voting the ballot.

42 Each candidate or his representative may observe the work of the board of tellers by standing not closer than  
43 five (5) feet from the table at which the ballots are counted. These observers shall not interfere with the work  
44 of the board of tellers and must address any remarks pertaining to the counting of the ballots to the division  
45 secretary-treasurer, who will convey such inquiries or remarks to the board of tellers. They shall be required  
46 to refrain from conversation except as herein provided.

- 1 b) Each division shall be permitted to prepare its own ballots, following a form that will be furnished by the Rail  
2 Conference.
- 3 c) The division, previous to each election of officers, shall elect by a ballot a board of tellers, unless appointed by  
4 the president with the unanimous consent of the members present, composed of three (3) non-nominees, if  
5 available, from the members present at the meeting at which election is held, who, in company with the sec-  
6 retary-treasurer, shall act as tellers at such election of officers; and when ballot is presented, they shall  
7 announce in open division in whose name the ballot is voted. The secretary-treasurer's duty in assisting the  
8 board of tellers shall be to give the financial standing of the member when the name of the member voting the  
9 ballot is announced and designate honorary members. Further than this, he has no duties while ballots are  
10 being counted.
- 11 d) The tellers shall make an exact return of the total number of votes cast for each person voted for and announce  
12 such return to the president, who shall thereupon declare the result; no unsealed ballot shall be counted unless  
13 the member voting it is present. Member who receives the largest number of votes cast for any office in a divi-  
14 sion shall be declared duly elected thereto.
- 15 A copy of the exact return with the total number of votes cast for each candidate must be forwarded to the Rail  
16 Conference President within five (5) days of the completion of the election.
- 17 e) The candidate receiving the highest number of votes shall be declared elected if eligible. Should an equal num-  
18 ber of votes have been cast for two (2) or more members for any office, the tie shall be decided by another  
19 election for that office, the tied members being the only candidates.
- 20 Where a nominee or non-nominee is elected to an office to which he is ineligible, votes cast for him should not  
21 be counted; and the nominee or non-nominee who is eligible to serve in that office that receives the next high-  
22 est number of votes is declared elected.
- 23 Where a nominee or non-nominee is elected to an office and eligible to serve but resigns or refuses to accept  
24 the election, a vacancy is created; and it will be necessary to hold a special election to fill the office as per  
25 Section 20 – TCRC Division Rules.
- 26 f) Every member elected to an office shall be entitled to fill the same, providing he is eligible under the law, unless  
27 it be shown that the law was clearly violated in the manner of holding it or that the results were fraudulently  
28 obtained. The fact that any member or members may be ineligible or erroneously declared elected shall not  
29 affect the rights of those who are eligible and duly elected, nor be a sufficient reason for setting an entire elec-  
30 tion aside and ordering a new one.
- 31 g) In the event of any irregularities in the election of officers of a division, resulting in a contest of election, the  
32 protest must be filed in duplicate with the division and the Rail Conference President within thirty (30) days  
33 after such election. The Rail Conference President will conduct an investigation to obtain the facts and evi-  
34 dence and render his decision accordingly. Any member who is dissatisfied with the decision of the Rail  
35 Conference President may appeal such decision within thirty (30) days to the Rail Conference Executive Board  
36 whose decision shall be final and binding.

## Section 9

## Ballots Sealed and Preserved

- 37 a) The ballots and envelopes shall be sealed by the board of tellers in the presence of the division and, together  
38 with all other records pertaining to the election, will be placed among the private papers of the division and, if  
39 practical, in the division room until the next election, where they shall be destroyed; but in no case shall they  
40 be held for less than one (1) year.

- 1 b) The ballots cannot be unsealed without first having submitted a resolution to the division at a regular meeting  
2 thereof, at which it must be stated why it is desired to have them opened; said resolution to lie over until the  
3 next regular meeting of the division before action is taken by a majority vote, unless the division is ordered to  
4 unseal the ballots by the Rail Conference President or his representative.

## Section 10

## Installation of Officers

- 5 All officers of divisions, except officers who are elected to succeed themselves, shall be installed at the first meet-  
6 ing in January following election of officers.

## Section 11

## President's Duties

- 7 a) It shall be the duty of the president to preside at all meetings of the division, to preserve decorum, to decide  
8 all questions of order - subject, however, to an appeal to the members present - appoint all committees and  
9 enforce these Bylaws.
- 10 b) The President shall see that the trustees audit the books and accounts of the division annually, makes a prop-  
11 er report to the division, and makes a full report to the Rail Conference President. He will, in conjunction with  
12 the secretary-treasurer of the division, furnish a financial statement annually to the Rail Conference Office in  
13 form required by Rail Conference. He shall have the authority to call special meetings and must call a special  
14 meeting when request is made, in writing, by five (5) or more members. All names of the members request-  
15 ing the special meeting must be printed and their signatures applied to the request. The signatories of the  
16 request must be in attendance at the special meeting for the division president to call the assembly to order.  
17 Such request must state the object for which the meeting is called, and no other business shall be transacted  
18 at such special meeting. Upon receiving a written request from five (5) or more members, the president shall  
19 instruct the secretary-treasurer to post notices at terminals and on Rail Conference bulletin boards. Notices  
20 must be posted at least five (5) days prior to the time a special meeting is scheduled.
- 21 c) When the president is notified of the failure of the secretary-treasurer of his division to make a prompt month-  
22 ly dues report to the GCA, as per Section 13(b) – TCRC Division Rules, it shall be the duty of the president to  
23 contact the secretary-treasurer and instruct him to promptly make such report. Continued failure on the part of  
24 the secretary-treasurer will subject him to removal from office, with the president to prefer charges against him  
25 in accordance with Article XIX, Section 1(a) of the IBT Constitution. A copy of the letter of notification is to be  
26 sent to the secretary-treasurers of the general committee and the legislative board representing the division.
- 27 d) The President shall cast the deciding vote in the case of an equal vote on matters coming before the division  
28 except in the case of a tie in a referendum or in the election of officers. Breaking of a tie in the election of offi-  
29 cers is provided for in Section 8(e) – TCRC Division Rules.
- 30 e) It shall be the duty of the President to provide ways and lend encouragement to securing new members, to  
31 inquire into and investigate cause of any member or members being expelled and at times endeavour to build  
32 up and retain the membership of his division.
- 33 f) The President may speak on points of order in preference to other members of the division, rising from his seat  
34 for the purpose, and shall decide questions of order subject to an appeal to the division by any two (2) mem-  
35 bers. On such an appeal no member shall speak more than once.
- 36 g) When an appeal is made from the decisions of the president, the president shall put the question thus: "Shall  
37 the decision of the chair be sustained?"
- 38 h) It shall be the duty of the president and the privilege of any member of the division to call a member to order  
39 who violates an established rule of order.
- 40 i) The president shall be the principal officer of the division.

**Section 12****Vice President's Duties**

1 It shall be the duty of the vice president to assist the president in the duties of his office; and in the absence of the  
2 president, he shall perform all the duties of the office; and should the vice president also be absent, the division  
3 shall elect a temporary president from the members present. The vice president shall serve as an alternate to the  
4 president and assume the duties of that office in the event it becomes vacant due to death, resignation or for any  
5 other reason.

**Section 13****Secretary-Treasurer - Duties and Bond**

- 6 a) The secretary-treasurer shall be bonded for all funds received for the division. He shall keep a true account of  
7 all funds received by the division and shall deposit all moneys of the division in the name of the division in a  
8 bank designated by the division, disbursing none of the funds in his possession except for division purposes,  
9 and with the authority given by division action at a regular meeting and written order signed by the president.  
10 Fixed monthly expenses, such as meeting room rental, officers' salaries, telephone/utilities expenses, etc.,  
11 once properly authorized for payment as stated in this section, will be considered as authorized each month  
12 until the division takes action eliminating such authorization. Disbursements of division funds will be by check  
13 signed by the secretary-treasurer and any one of the following persons: president, vice president or alternate  
14 secretary-treasurer.
- 15 b) (i) The secretary-treasurer of each division shall send the monthly reports to the secretary-treasurer of  
16 the GCA.
- 17 (ii) In case any secretary-treasurer shall fail to make his monthly report to the GCA General Secretary-  
18 Treasurer within ten (10) days from the time it shall become due, it shall be the duty of the GCA General  
19 Secretary-Treasurer to notify the president of the division of the failure of said secretary-treasurer to make  
20 proper returns.
- 21 c) The secretary-treasurer shall have charge of all books and papers pertaining to the duties of his office, and  
22 they shall be kept in a convenient place where he can have access to them at all times. He shall keep a true  
23 record of all meetings of the division, which shall be placed in the minute book at time of meeting, and shall  
24 keep his division accounts in such form that he may give the total amount of orders on treasury and balance  
25 in treasury at each meeting, and shall record balance in the minute book, issue notice of all special meetings  
26 when instructed to do so by the proper officer, notify candidates of their election within one (1) week after such  
27 election shall have taken place, and shall make out withdrawal cards, traveling cards, membership certificates,  
28 etc., and shall immediately forward proposition for membership to Rail Conference Secretary-Treasurer of the  
29 admission of all new members by initiation, and shall report all cases of members transferred into or out of the  
30 division, expelled, suspended, deceased or withdrawn, stating date and age of member; and the Rail  
31 Conference Secretary-Treasurer will issue membership card to the division secretary-treasurer for his records.  
32 If withdrawal card is issued, he must report why.
- 33 d) At all regular meetings of the division, the secretary-treasurer shall read from the record book a report of the  
34 proceedings of the previous meeting; and at the end of each month, he shall present to the division and the  
35 Rail Conference Office a monthly report, which shall embrace the number of persons, proposed, accepted,  
36 rejected, initiated, forfeited, admitted by card, withdrawals, expulsions, the number of deaths, together with the  
37 whole number of members in good standing; and at the expiration of his official term, shall deliver to his suc-  
38 cessor all books, papers and moneys belonging to his office. In the absence of the secretary-treasurer, the  
39 president will appoint some member of the division present to perform the duties of the office.
- 40 e) (i) The secretary-treasurer, when requested to do so by the Rail Conference President, shall turn over records,  
41 accounts and books of the division to the Rail Conference President's authorized representative for audit or  
42 inspection.
- 43 (ii) The bond covering the office of the secretary-treasurer shall be in an amount in accordance with Article X,  
44 Section 7(a) of the IBT Constitution. The expenses on bonds are to be paid by the division.

- 1 f) The secretary-treasurer will, in conjunction with president of the division, furnish a financial statement annual-  
2 ly to the Rail Conference Office in the prescribed form required by Section 27 – TCRC Bylaws. He shall in gen-  
3 eral be responsible to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with  
4 respect to members within the division consistent with these bylaws.

## Section 14

## Chaplain's Duties

- 5 It shall be the duty of the chaplain to assist in the exercise of opening and closing of the division, and perform the  
6 duties of chaplain for the division on all public occasions.

## Section 15

## Trustees – (Auditing Committee) – Duties

- 7 a) It shall be the duty of the trustees (auditing committee) to examine the books and accounts of the division  
8 annually, making a written report of same to the division; failing to do so, they shall be held responsible for  
9 defalcations. They shall also make an annual report to the Rail Conference President at the close of the year.  
10 Any division desiring to employ the services of a chartered accountant to assist the auditing committee may  
11 do so by a majority vote of the members present at the meeting of the division.
- 12 b) The president and secretary-treasurer will not be eligible to serve as trustees.

## Section 16

## Local Committee of Adjustment - Duties

- 13 a) It shall be the duty of the local committee of adjustment of each division to meet at such time and place as the  
14 chairman may designate and adjust, if possible, with the local officials of the railway or system, the grievances  
15 of the members of their respective divisions.
- 16 b) The local committee or local chairman shall not handle any grievance, except upon written instructions from  
17 their divisions (except in cases of emergency, such as dismissals, suspension, etc., or any cases involving  
18 schedule interpretations); such cases may be referred directly to the local chairman, who shall use his discre-  
19 tion as to whether they should be handled immediately or referred to the division before handling. All griev-  
20 ances arising as a result of a disputed time claim, being referred to the local committee for further handling  
21 shall be accompanied by a full statement of facts on a prescribed form furnished at cost by the Rail Conference  
22 Office. A written report of all cases handled shall be made to the division, and such report shall be filed with  
23 the division papers for future reference. Differences the local committee is unable to adjust satisfactorily with  
24 the local officials must be sent along with a complete record to the GCA for further action.
- 25 c) The first of each year or each time a revised seniority list is issued; the local chairman of each division on a  
26 system will furnish the general chairman's office with a revised seniority list of their respective seniority dis-  
27 tricts, showing by check, names of all active members and names of all non-members under their jurisdiction.
- 28 d) The local committee of adjustment is vested with the authority to appoint additional representatives when nec-  
29 essary to represent the committee at points or locations where no member of the local committee is located  
30 or where the Rail Conference represents multiple crafts of railway workers. Where twelve (12) or more mem-  
31 bers of a division are employed in a craft not covered by Rail Conference agreements, the local committee of  
32 adjustment may appoint a member from that craft to represent their grievances. The appointed representative  
33 will work directly under the supervision of the local chairman and will be required to report directly to him.

## Section 17

## Duties of Division Legislative Representative

- 34 a) The duties and responsibilities of the Division Legislative Representative are the safety and sanitation of the  
35 working environment and the political education for the members of the Division.
- 36 b) The Division Legislative Representative will in their normal course of duties monitor the enforcement of safety  
37 rules, regulations, and acts of Parliament and/or provincial legislatures that provide the membership with a safe  
38 and healthy work environment.

- 1 c) The Division Legislative Representative shall undertake corrective measures relative to the issues specified  
2 above at the Division level. If unable to resolve those issues, they will report these issues to the Provincial  
3 Legislative Board Chairman for further handling. The Provincial Legislative Board Chairman shall undertake to  
4 correct such conditions through appropriate measures. Upon receipt of the unresolved issues and if they are  
5 unable to correct these issues, they will report these issues to the National Legislative Board Chairman for fur-  
6 ther handling.
- 7 d) In Provinces where there are no Legislative Boards, issues that cannot be resolved at the Division level shall  
8 be directed to the National Legislative Board Chairman.

## Section 18

## Delegates to the Rail Conference - How Instructed

- 9 a) Whenever a poll of a division is ordered to instruct a delegate to the Rail Conference, the secretary-treasurer  
10 will send out a ballot to each member (with all questions printed thereon), requesting him to vote on said ques-  
11 tions; and when properly filled out, it must be returned to the secretary-treasurer before the date indicated on  
12 the ballot.
- 13 b) If a majority of the members vote in favour of the questions submitted, the division shall so instruct the dele-  
14 gate; and he shall carry out his instructions; such instructions shall be signed by the president and the secre-  
15 tary-treasurer; and said instructions shall be brought in person to the convention by the delegate so instruct-  
16 ed; and in case he fails to carry out such instructions, he shall be guilty of violation of obligation.
- 17 c) (i) In the event a delegate shall be instructed in accordance with Subsections (a) and (b) of this section by a  
18 division to make nomination or nominations for any office of the Rail Conference, the president and secretary-  
19 treasurer of said division shall also file a copy of the instructions pertaining to nominations with the Secretary-  
20 Treasurer of the Rail Conference by sending same by certified mail, return receipt requested, at least ten (10)  
21 days prior to the date of the convening of the convention.
- 22 (ii) It shall be the duty of the instructed delegate to place in nomination at the convention of the Rail Conference  
23 the name or names of the candidate(s) for the office(s) designated in his instructions; however, in the event the  
24 instructed delegate fails to do so, the Secretary-Treasurer shall bring the matter to the attention of the presid-  
25 ing officer, who shall call on said delegate to place the name or names in nomination. If said delegate is not  
26 present at that time or refuses to make any nomination as to which he has been instructed, the Secretary-  
27 Treasurer, or in the event his office is involved in the election, the presiding officer, shall formally nominate said  
28 candidate for the office in question.
- 29 (iii) If any instructed delegate refuses to comply with nominating instruction, the Rail Conference President  
30 shall, as soon as practicable after the convention is concluded, serve said delegate with written specific  
31 charges. After the individual has been given a reasonable time to prepare a defence and has been afforded  
32 a full and fair hearing, the Rail Conference President shall have the authority, upon finding said delegate has  
33 wilfully or deliberately violated his obligation, to remove him from office as a delegate and/or to reprimand,  
34 expel or suspend his membership in the Rail Conference. If said delegate is found guilty and ordered removed  
35 from office, the Rail Conference Secretary-Treasurer shall immediately notify the alternate delegate and the  
36 division(s) represented by said delegate of the action taken and to further instruct the alternate delegate to  
37 assume representation of said division(s) until the next regular election of delegates.

## Section 19

## Officer Failing to Attend Meetings

- 38 Should any officer of a division fail to attend the division meetings for four (4) consecutive months, he shall be sub-  
39 ject to removal from office after a trial conducted under Article XIX, IBT Constitution. In the application of this sec-  
40 tion, excuses can be, but not limited to, working, attending other division business, vacation, etc.

## Section 20

## Vacancies - How Filled

- 41 a) An officer of a division may at any time resign. Resignation shall be in writing and shall be read at a regular  
42 meeting of the division by the secretary-treasurer; and the resigning officer shall not be eligible for nomination,

1 re-election or appointment to the office vacated until the next regular triennial election of division officers. Any  
2 office left vacant by resignation, death, or otherwise, special election shall be held by ballot. Notice of nomi-  
3 nation will be posted ten (10) days prior to regular meeting, and ballots will be mailed at least fifteen (15) days  
4 prior to regular meeting. Ballot must specify the date to be returned to division secretary-treasurer. The pres-  
5 ident will fill the office vacated by appointment until such election; provided, special election need not be held  
6 if vacancy occurs within twelve (12) months of regular division election. Provided further, that no special elec-  
7 tion shall be necessary to fill an office that is protected by an alternate, or to fill the alternate office that is vacat-  
8 ed. (Any officer or member who is under Rail Conference suspension shall not be eligible to be appointed or  
9 become a candidate for any division office while under suspension.)

10 b) Temporary vacancies created by illness, incapacity or unavailability in the office of local chairman shall be filled  
11 by appointment by the local chairman from members of the local committee of adjustment.

## Section 21

## Official Letterheads

12 The official letterheads of the Rail Conference Office and of divisions shall be used for Rail Conference business  
13 only.

## Section 22

## Bills - How Paid

14 All bills against divisions shall be acted upon by the divisions; and on such bills being ordered paid by a majority  
15 of members present, the secretary-treasurer shall make an order signed by himself and the president and shall  
16 pay such bills, taking the receipts of the parties to whom they are paid unless paid by check, in which case the  
17 cancelled check will be the receipt. Funds of the division are to be used only to defray the legitimate obligations  
18 of the division.

## Section 23

## Correspondence

19 Any division president, secretary-treasurer, local chairman, legislative representative or general chairman of any  
20 system, upon receiving correspondence or other communication, either from the Rail Conference or from a divi-  
21 sion, requesting information relative to a member, or any other business between divisions, shall reply to the same  
22 without delay.

## Section 24

## Expense of Committee

23 a) When a division is composed of members on more than one (1) railway or seniority district, the time and  
24 expense of the local committee representing each railway will be paid promptly from the funds of their division.  
25 When necessary to reimburse the division, a pro rata assessment shall be levied on all members employed on  
26 the railway which each local chairman represents, provided that such assessment is authorized by a two-thirds  
27 (2/3) affirmative vote by secret ballot of all the active members of the affected railway or seniority district pres-  
28 ent at the meeting at which the matter is considered, provided, however, that reasonable notice of intention to  
29 vote on such question has been given.

30 b) Members doing committee work as instructed by the division shall receive not less than time lost plus neces-  
31 sary expenses.

32 c) Each division has the authority to make such arrangements for the payment of time consumed by the local  
33 chairman in addition to time or mileage lost as best meets with the needs and wishes of the membership.

## Section 25

## Active Service - Active Membership – Membership

34 a) "Membership" shall be understood to mean all persons belonging to and paying dues into the Rail Conference,  
35 including honorary and excused members.

36 b) "Active membership" shall be understood to mean employment in a railway or those holding seniority as afore-  
37 mentioned and employed exclusively by the Rail Conference.

1 *Note: Exceptions to Paragraphs (b) and (c) of this Section 25 may be made on behalf of other groups of*  
2 *employees by the action of the Rail Conference Executive Board.*

3 c) "Active service" shall be understood to mean employment in railway crafts or holding seniority in such service,  
4 or those holding seniority as aforementioned and employed exclusively by the Rail Conference.

## Section 26

## Membership Eligibility

5 Individuals in service as defined in Section 25 – TCRC Division Rules are eligible for membership in the Rail  
6 Conference.

## Section 27

## Application for Membership

7 All proposals for membership shall be made to the division located on the division of the system or the railway  
8 where the applicant is employed; and on the application blanks for membership by initiation, there shall be a blank  
9 space where the applicant shall be required to state the date of his qualification.

## Section 28

## Register

10 All divisions shall keep a registry book at their division room, and it shall be the duty of the president to have it  
11 opened for registry at each meeting. He shall call upon all members present previous to opening and closing the  
12 division to register in their own handwriting their names in such book.

## Section 29

## Grievances - Handled

13 Should a member present a grievance to his division for adjustment, he shall receive assistance from the division and  
14 general committee if he is in good standing and not in arrears for dues or assessments when request is made.

## Section 30

## Division May Appeal to Executive Board

- 15 a) In the event of trouble arising in any division or between two (2) or more divisions that cannot be amicably  
16 adjusted, the Rail Conference Executive Board shall investigate the trouble and render a decision, which shall  
17 be final and binding subject to appeal under applicable provisions of the IBT Constitution.
- 18 b) When a Rail Conference officer is detailed to investigate any matter within a division, the president and the  
19 secretary-treasurer shall be present at such meeting or investigation if possible. Should it be necessary for  
20 them to lose time on this account, they will be paid for time lost by the division.

## Section 31

## Division Must Entertain Appeal

21 Any member in good standing who feels that an injustice has been done him, in a case coming under the juris-  
22 diction of the GCA, may appeal to that body, provided such appeal is made within sixty (60) days; and the division  
23 must entertain such appeal and send it to the chairman of the GCA.

## Section 32

## Member May Appeal to Executive Board

- 24 a) Should any member feel that any injustice has been done him by any decision of his division, he may appeal  
25 to the Rail Conference Executive Board, making a written statement of his case, and file a copy of same with  
26 the division, except cases under the jurisdiction of a GCA, Section 29(b) – TCRC GCA Rules. After allowing  
27 the division a reasonable time to reply, the Rail Conference Executive Board shall consider the facts and evi-  
28 dence, as well as the law, and render a decision that shall be final subject to appeal to the General President  
29 of the IBT in accordance with Article VI, Section 2(a) – IBT Constitution.
- 30 b) A member, making an appeal under this section, must file same within sixty (60) days of the action being taken  
31 by the division of which he is a member.

**Section 33****Membership - Where Held**

- 1 a) When two (2) or more divisions are located on one (1) seniority district, the member may hold membership in  
2 the division located at the point nearest where he resides. In all other cases, membership shall be held in the  
3 division that under the law adjusts his grievances.
- 4 b) On systems where members hold system seniority on which there are two (2) divisions having concurrent juris-  
5 diction, membership may be held in either division.

**Section 34 Members Changing Address Must Notify Secretary-Treasurer**

- 6 a) It shall be the duty of members away from the location of their division to make known to their division their  
7 whereabouts and the business in which they are engaged at least once in three (3) months.
- 8 b) Any member moving from one (1) location to another, resulting in a permanent change of address, shall notify  
9 the secretary-treasurer of his division of such change of address.

**Section 35 Division Must Request Transfer and Pay GCA Assessments**

- 10 a) When a member of any division, except a division officer or the chairman or a member of the local committee  
11 of adjustment, obtains employment under the jurisdiction of another division, it will be his duty within ninety  
12 (90) days after securing such employment to make application to such division for transfer card.
- 13 b) It shall be the duty of the division to which application has been made to request the transfer card from the  
14 division in which he holds membership. If a member secures employment under the jurisdiction of another divi-  
15 sion and fails to request a transfer within one hundred twenty (120) days after obtaining employment, the divi-  
16 sion having jurisdiction may request a transfer card from the division in which he holds membership.
- 17 c) A division receiving a request for a transfer card from another division, in accordance with Article XVIII, Section  
18 3 – IBT Constitution, shall, if the member is square on the books of the division, grant such card without delay.
- 19 d) The secretary-treasurer of the division granting the card shall send it to the secretary-treasurer of the division  
20 to which the member is to be transferred. As soon as transfer card is received, the secretary-treasurer of the  
21 division receiving the card shall notify the secretary-treasurer of the division granting the card immediately of  
22 its receipt.
- 23 e) Upon receipt of a transfer card, issued in accordance with Article XVIII, Section 3 – IBT Constitution, the mem-  
24 ber on whose account it is issued shall be declared a member of the division requesting the card without fur-  
25 ther action; but he remains a member of the division granting the card until the division to which he is trans-  
26 ferred has received it. Such members shall pay the secretary-treasurer of the division having jurisdiction over  
27 the territory of the road upon which employed, all local and GCA assessments levied after his employment,  
28 regardless of whether his division membership has been transferred or not. No member will be required to pay  
29 GCA assessments on more than one (1) railway at the same time. Failure to pay division and GCA assess-  
30 ments where employed will be sufficient cause for expulsion if found guilty after a full and fair hearing in accor-  
31 dance with Article XIX, Section 1 – IBT Constitution, inclusive, before the division which under Rail Conference  
32 law is empowered to adjust his grievances.

**Section 36****Dues and Assessments**

- 33 a) No assessments shall be levied by a division without a two-thirds (2/3) majority vote, by secret ballot, of all the  
34 active members present after a reasonable notice of intention to vote upon such question has been given.
- 35 b) The employment status of a member on the first day of any month shall determine the amount of dues and  
36 assessments for which he is liable in the next succeeding months, except where agreements have been con-  
37 summated with the carrier contradictory to this agreement. Employment status shall mean the member's reg-  
38 ular assignment.

- 1 c) All dues and assessments are payable on or before the first day of the month to which they apply and, except  
2 in the case of dues check-off, are delinquent after the 20th day of the same month. Where there is an agree-  
3 ment in effect with the carrier to have dues deducted from the payroll at source, the secretary-treasurer of the  
4 GCA shall remit dues and assessments including legislative dues to the Rail Conference Secretary-Treasurer  
5 and shall also remit legislative board assessments and division assessments to the secretary-treasurer of the  
6 legislative board, and the division respectively.

**Section 37****Member in Arrears**

- 7 Any member failing to pay dues or assessments as per Section 36 – TCRC Division Rules will be subject to expul-  
8 sion, unless upon request in writing, signed by him, he is carried or excused by the division.

**Section 38****Relief Committee**

- 9 It shall be the duty of the president, vice president, and chaplain to act as relief committee. Their duties shall be to  
10 visit the sick and provide them with any attention of which they may be in need.

**Section 39****Relief of Sick or Disabled Members**

- 11 Should any division assist a sick or disabled member, the necessary funds may be taken from the treasury of the  
12 division or raised by assessment as per Section 36 (a) – TCRC Division Rules or voluntary contribution.

**Section 40****Memorial Day**

- 13 April 28 or any other day set aside by the Canadian Labour Congress each year shall be observed as a day of mourn-  
14 ing. The day is to be observed by all divisions, with appropriate services in memory of our deceased members.

**Section 41****Non-member Employees Protected**

- 15 Any person engaged in any service coming under the jurisdiction of any Rail Conference contract or schedule, or  
16 engaged in any service over which the Rail Conference is endeavouring to secure jurisdiction by contract shall, in  
17 case of injustice, be entitled to the full protection of the division and general committees of adjustment under the  
18 terms and conditions of Section 41(c) – TCRC GCA Rules, provided application is made to the division in writing  
19 and meets with their approval.

**Section 42****Charges**

- 20 Charges in the division shall be handled in accordance with Article XIX, Section 1(a) of the IBT Constitution.

**Section 43****Refusing to Sustain the GCA or Interfering  
with a Local Committee**

- 21 Any member refusing to sustain the action or carry out instructions of the GCA of a system on which he is  
22 employed or who in any manner interferes with a case or cases in the hands of the local committee or the GCA  
23 shall, upon conviction after trial as provided in Article XIX, Section 1 – IBT Constitution, be expelled.

**Section 44****Soliciting Aid**

- 24 No division shall be allowed to solicit financial aid, either by circular or otherwise, from other divisions of the Rail  
25 Conference, except by consent of the Rail Conference President.

**Section 45****Taking the Place of a Striker**

- 1 a) It is the policy of the Rail Conference that it will support and, if necessary, place the full power of the Rail  
2 Conference behind the members of the Rail Conference who, because of fear of hazard or injuries to them-  
3 selves or families or damage to their personal property, decline to cross picket lines; and if such conditions do  
4 exist, the management of the railway so affected will be notified by the local or general chairman of the Rail  
5 Conference.
- 6 b) In case a strike is called by any labour organization which has for its purpose preventing the enforcement of  
7 Rail Conference contracts or an invasion of the jurisdictional or contractual rights of the Rail Conference, and,  
8 in enforcing the strike, picket lines are established, the Rail Conference will exert all the force at its disposal in  
9 an effort to make it possible for members to report for and perform their normal duties. In such cases, the Rail  
10 Conference President will promptly notify all concerned whether or not the controversy causing the strike is  
11 jurisdictional.

**Section 46****Taking Case to Court**

- 12 a) No member or members or any division of the Rail Conference shall submit or appeal any case in controver-  
13 sy arising within the Rail Conference, for which the laws of the Rail Conference provide a means of settlement,  
14 within four (4) months lapse time from the date of the decision, to the judges of the civil courts or administra-  
15 tive tribunals, for opinion or decision, without having previously exhausted all such remedies for settlement  
16 available to them within the Rail Conference.
- 17 b) Any member violating the provisions of paragraph (a) of this section shall be expelled if found guilty after trial  
18 in accordance with Article XIX, Section 1 – IBT Constitution.
- 19 c) Any division convicted of the same offence shall have its charter suspended by the Rail Conference President  
20 subject to appeal to the Executive Board.

**Section 47****Reinstatements**

- 21 a) All applications for reinstatements must be made in writing, stating date of birth and giving name of railway  
22 employing him.
- 23 b) An application for reinstatement of expelled members, except for non-payment of dues and assessments, must  
24 lie over to the first regular meeting after application is received.
- 25 c) No member who has been expelled shall be reinstated unless he is eligible for active membership, as provid-  
26 ed in Section 25(b) – TCRC Division Rules; at the time he makes application.
- 27 d) Any member who has been expelled for the non-payment of dues and assessments, upon application to the  
28 division from which he was expelled, may be reinstated by a majority vote of all the members present at the  
29 meeting when the application is received.
- 30 e) If expelled for any other cause, he shall not be eligible as a candidate for readmission in less than three (3)  
31 months, after which time he must apply to the division from which he was expelled for reinstatement; and he  
32 may be reinstated by a two-thirds (2/3) vote of all members present if he is eligible for active membership, as  
33 provided in Section 25(b) – TCRC Division Rules, when application is made.
- 34 f) No member who has been expelled upon receipt of findings and recommendations of another division can be  
35 reinstated until the consent of the division that recommended his expulsion has been obtained. Any member  
36 expelled for violation of obligation, if reinstated, must be re-obligated and furnish evidence, if requested by the  
37 division, that he has not joined any other labour organization than one recognized as legal by the Rail  
38 Conference.

- 1 g) In the case of an expelled member, of a division that has gone out of existence, desires reinstatement, he may,  
2 with the consent of the Rail Conference President, be reinstated by any division to which he may apply.
- 3 h) Reinstated members will be required to pay Rail Conference dues for the month in which they are reinstat-  
4 ed, and such other dues as may be determined by the division, except that a member who has been  
5 expelled for non-payment of dues and assessments, when reinstated, shall not be required to pay more than  
6 Rail Conference dues, division, GCA and legislative board dues and assessments for the month in which he  
7 is reinstated.

**Section 48****Order of Business**

- 8 1. Opening division in due form.
- 9 2. Reading of minutes of the previous regular meeting, with those of subsequent special meetings, directly from  
10 the minute book for approval.
- 11 3. The reading or referring of petitions or propositions.
- 12 4. Report of committees on previous propositions.
- 13 5. Voting on proposed members.
- 14 6. Initiation of candidates.
- 15 7. Unfinished business and reports of local and general committees and legislative boards.
- 16 8. Financial business.
- 17 9. New business.
- 18 10. Request for information of any sick or disabled brother or a brother's family in distress.
- 19 11. Reading of minutes for correction before closing in due form.

**Section 49****Law in Effect**

- 20 These TCRC Bylaws, except as herein specified, will be in effect on and after the first day of [Date].

**This Section, entitled “General Committee Rules” has to do principally with the functioning of General Committees.**

**Note: For purpose of clarity, President of the Conference will be referred to as “Rail Conference President” in this section. “President” will refer to “President of the division”.**

THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE

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**Section 1 General Committee of Adjustment - How Organized**

1 On any system of railway where two (2) or more divisions are organized, there shall be a standing general committee of adjustment whose members shall be elected triennially at the regular division election. On any line or  
2 system of railroad under or controlled by one (1) president or by an executive committee under whom are one (1)  
3 or more presidents or managers, where a railway or branch constitutes a separate department of the system and  
4 on which the Rail Conference has separate and distinct schedules of pay, different from schedules in force on other  
5 parts of the system, such railway or branch shall have the privilege of maintaining its own GCA. On railways or  
6 systems having an executive committee, the GCA shall have power only to settle all differences that can by them  
7 be adjusted with any and all officers of such railway or system subordinate to the president.  
8

**Section 2 GCA Representation**

- 9 a) Each division with twelve (12) or more active members paying GCA assessments on a railway or system shall  
10 be entitled to one (1) representative and one (1) vote in the committee, unless otherwise authorized by the  
11 GCA and the Rail Conference President; provided, however, that on a railway or system where there is but one  
12 (1) division, the local committee will be the GCA; where there are two (2) divisions, the division having the most  
13 members employed on such system shall have two (2) representatives, and two (2) votes on the committee.
- 14 b) Each division having members employed on more than one (1) railway or system shall be entitled to a mem-  
15 ber of the GCA on each system represented. The chairman of the local committee of adjustment shall be a  
16 member of the GCA on the railway he represents; and only members employed on that railway shall have a  
17 vote for their local committee, which vote shall be by secret ballot.
- 18 c) On short-line railways where the membership feel they will derive more economic and more efficient repre-  
19 sentation by merging with the general committee of another railway, they may, by a majority vote of the active  
20 membership casting a ballot, request the Rail Conference President to permit them to merge with some other  
21 GCA of their choice (choice to be determined by majority vote). If, in the opinion of the Rail Conference  
22 President, such merger would operate to the best interests of the Rail Conference, he shall order the same to  
23 become effective on a specified date; provided, however, the general committee with which the merger is pro-  
24 posed shall approve of the same by a majority vote in accordance with Section 39(b) – TCRC GCA Rules.
- 25 d) In the event of such merger becoming effective, the so-called short-line railway shall be entitled to represen-  
26 tation on the merged GCA, as provided for in Paragraph (a) of this section.

**Section 3 Number of Assessable Delegates**

27 Any secretary-treasurer of the division who fails to report to the secretary-treasurer of the GCA all assessable  
28 members belonging to his division shall be expelled when found guilty after trial in accordance with the provisions  
29 of Article XIX, Section 1 – IBT Constitution.

**Section 4 When Two or More GCA's Are Organized, May Consolidate**

- 30 a) (i) On any system or railway having one (1) or more general managers under one (1) executive officer or pres-  
31 ident, where two (2) or more GCAs are organized, they can merge into one (1) GCA, provided a two-thirds  
32 (2/3) majority of the GCAs of the territory affected so decide. Such mergers of GCAs shall not become effec-  
33 tive until after the expiration of sixty (60) days and no appeal from the action has been made. If an appeal is  
34 made within sixty (60) days of such action of GCAs, the question shall be referred to the membership on that  
35 portion of the system from which appeal is made; and unless a majority of the members on such portion of the  
36 system vote to merge their GCAs, their individual GCA shall continue as heretofore.
- 37 (ii) Upon effecting such merger, officers of the merged general committee shall be elected as provided in  
38 Section 9 – TCRC GCA Rules.
- 39 b) After the merger is consummated, the general chairman may at any time convene only that portion of the GCA  
40 that is under the jurisdiction of the general manager of the territory affected.

- 1 c) In the event a GCA on any small railway or system desires to merge with the GCA under the same general  
2 manager or one (1) executive officer or president, and said GCA is not agreeable to such merger, the request  
3 with all facts in connection therewith will be referred to the Rail Conference President who, in conjunction with  
4 the Rail Conference Executive Board, will make a recommendation to the IBT General President, who will  
5 decide the matter, subject to appeal under applicable provisions of the IBT Constitution.
- 6 d) However, in the event the Rail Conference President has reason to believe that the merging of a small GCA  
7 would be in the best interest of the members, he shall forward the request with all facts in support of his posi-  
8 tion to the affected general committees, requesting they voluntarily agree to the merger. The final decision will  
9 rest with the affected members of the involved committees as per Section 4(a) above.

## Section 5

## Dividing a General Committee of Adjustment

10 The dividing of a consolidated GCA should be promulgated, if at all possible, at the consolidated GCA regular ses-  
11 sion. When it appears necessary or desirable to divide a GCA on any line or system of railway under or controlled  
12 by one (1) president or by an executive committee under whom are one (1) or more presidents or managers, where  
13 a railway or branch constitutes a separate department of the system and on which the Rail Conference has sepa-  
14 rate schedules of pay, such railway or branch shall have the privilege of withdrawing from the consolidated GCA  
15 and form a separate GCA; provided, after one (1) year from their last regular session, a majority of the active mem-  
16 bership casting ballots in the division on the territory that wish to withdraw so express by referendum vote.

## Section 6

## Executive Committee - How Formed

17 To form an executive committee, it will require a majority vote of all members of the GCA of the railway or system  
18 affected. It shall consist of a general chairman, secretary-treasurer, and vice-chairman or vice-chairmen, and such  
19 other members of the GCA, as the general committee deems advisable.

## Section 7

## Duties of the Executive Committee

20 Duties of the executive committee shall be to adjust only subjects referred to it by action of a majority of the full  
21 GCA.

## Section 8

## GCA Meetings

- 22 a) It shall be the duty of the GCA of each system to meet triennially after the triennial election of the division,  
23 unless the GCA has adopted a resolution to meet quadrennially (once each four (4)-year period), at such time  
24 and place as may be determined by the chairman and secretary-treasurer, or by a majority of the divisions,  
25 and adjust the differences existing on the systems.
- 26 b) (i) At any time between regular sessions, should a majority of the divisions on a system instruct the chairman  
27 to convene the GCA, he shall do so without delay. Should said general chairman refuse or neglect to do so,  
28 the Rail Conference President shall be empowered to suspend said general chairman from office pending trial.
- 29 (ii) The Rail Conference President will assign a Rail Conference officer to the property with instructions to con-  
30 vene without delay said GCA and preside over same. All expenses incurred by so doing shall be borne by the  
31 GCA on the property where the violation occurs; and the general chairman so offending, if found guilty by a  
32 majority of the members of the GCA after having been served with written specific charges, given a reason-  
33 able time to prepare a defence and afforded a full and fair hearing, shall be penalized as per Article XIX – IBT  
34 Constitution.
- 35 c) In case of an emergency, the chairman is empowered to convene the GCA when, in his judgment, it is necessary.
- 36 d) At all such meetings, as soon as each division has presented and discussed grievances and, if a regular meet-  
37 ing, the officers have been elected, the GCA may reduce to an executive committee, elected by the GCA.

**Section 9****GCA Election of Officers**

- 1 a) The chairman, vice-chairman or vice-chairmen, and secretary-treasurer of the GCA will be elected after the  
2 officers have made their report and each division has presented and discussed its grievances and before  
3 reducing to an executive committee. Chairman and vice-chairman or vice-chairmen shall hold active mem-  
4 bership as defined in Section 25(b) – TCRC Division Rules.

5 Note: *Beginning January 1, 2006, eligibility to nominate, second and run for office will be determined by the*  
6 *applicable provisions of the IBT Constitution as set forth and modified in Paragraph 6.8 of the Merger*  
7 *Agreement.*

- 8 b) At the regular election of officers of the GCA, a majority of the ballots cast shall be required for election. If after  
9 fifteen (15) ballots have been taken and no candidate has received a majority of votes cast, the names of two  
10 (2) candidates receiving the highest number of votes shall be arranged alphabetically on the ballot and sub-  
11 mitted to a secret referendum vote of the active membership of the system within thirty (30) days. The candi-  
12 date receiving the highest number of votes will be declared elected.
- 13 c) (i) Where there are two (2) divisions on a system, each division will nominate its candidate or candidates for  
14 the office of general chairman.
- 15 (ii) The secretary-treasurer of each division will notify the secretary-treasurer of the GCA of the names of the  
16 candidates, who in turn will furnish a list of names of candidates of both divisions for office of general chair-  
17 man to the respective secretary-treasurers of the two (2) divisions; the names of the candidates for office of  
18 general chairman will then be placed on a separate ballot and sent out to members affected, with the regular  
19 division ballot.
- 20 (iii) Upon the completion of the election of officers in the division, the secretary-treasurer of each division will  
21 notify the secretary-treasurer of the GCA of the number of ballots cast for each candidate and the name of the  
22 candidate who received the majority of votes. The secretary-treasurer of the GCA will then notify the secre-  
23 tary-treasurer of each division of the name of the successful candidate for the office of general chairman, with  
24 the tabulation of votes cast by each division for candidates for that office. In case no candidate receives major-  
25 ity of votes cast, Paragraph (b) will apply.
- 26 d) In the event a majority of the delegates of a GCA are so instructed by the division they represent, the general  
27 chairman will be elected by a secret referendum vote of the active membership on the system. The candidate  
28 receiving the highest number of votes will be declared elected.

**Section 10****Chairman May Be Made Salaried Officer.**

- 29 a) The chairman of the GCA shall be made a salaried officer if so decided by a majority of all votes cast by mem-  
30 bers paying GCA assessments in a secret referendum vote on the system. Such salaried chairman must be in  
31 active service as defined in Section 25(c) – TCRC Division Rules at the time of his election.
- 32 b) The position of salaried chairman shall be abolished, provided such action is carried by a majority of all the  
33 votes cast by members paying GCA assessments on the system or unit in a secret referendum vote; such vote  
34 to be taken at the request of one-fourth (1/4) of the divisions on the system or unit. A vote once taken and  
35 decided cannot be renewed for one (1) year.
- 36 c) In taking a referendum vote to place a general chairman on a salary in accordance with Paragraph (a) or to  
37 abolish the salary of a general chairman in accordance with Paragraph (b), the ballot will be prepared by the  
38 general chairman and secretary-treasurer; and sufficient ballots will be sent to each division's secretary-treas-  
39 urer to vote the membership paying GCA assessments. The ballots must be returned to the division secre-  
40 tary-treasurer either in person or by government mail. After ballots are voted, each division will count and tab-  
41 ulate the votes cast and forward same to the General Secretary-Treasurer of the GCA, who will notify each  
42 division of the result of the vote.

**Section 11****General Chairman's Duties**

- 1 a) A salaried chairman shall devote his whole time to the interests of the members on his system and visit the  
2 divisions. Any chairman of the GCA, when called upon by one (1) or more divisions on his system, shall be  
3 empowered in conjunction with the local committee to adjust, if possible, any differences that may arise  
4 between members and their employers without convening the GCA. Failing, he may notify the Rail Conference  
5 President of the facts in detail and call upon him for assistance. Receiving such call, the Rail Conference  
6 President will assign a Rail Conference vice president; or he may authorize the general chairman to represent  
7 him. The general chairman will not, however, vote the active members or withdraw them from the service with-  
8 out permission from the Rail Conference President. In case the local committee cannot be convened readily,  
9 the chairman shall have the power to select one (1) or more members to assist him.
- 10 b) It shall be the duty of the general chairman to convene the GCA in accordance with Section 8 – TCRC GCA  
11 Rules and to preside over the meeting while in session. He will make a report to the committee in session of  
12 items not completed and carried out from the last session of the committee. He shall render to each division  
13 on the system a report at the end of each quarter and send to each division and each local chairman a copy  
14 of the rulings and interpretations of the schedule under which they are working; and at the close of the year,  
15 he will render an annual report to the Rail Conference Office, the expense of same to be paid out of the funds  
16 of the general committee. He may fill the president's chair when visiting the divisions on the system. He shall  
17 be paid for his services by an assessment on all active members on the system (as provided in Section 36 –  
18 TCRC Division Rules), provided that such assessment will be in effect only until the next session of the GCA,  
19 at which time it will be continued, discontinued or revised.
- 20 c) The general chairman shall have authority to review the books of any or all divisions within his jurisdiction  
21 when, in his opinion, it is desirable to do so.
- 22 d) The general chairman shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution.
- 23 e) The general chairman shall be recognized as the GCA between meetings of that body; and his decision on all  
24 matters within the scope of authority of the GCA shall be made effective subject to appeal in accordance with  
25 the provisions of Sections 24 and/or 25 – TCRC GCA Rules, except for matters specifically stipulated in  
26 Sections 30 and 31 – TCRC GCA Rules.

**Section 12****Duties of the Vice-General Chairman, GCA**

- 27 a) The vice-chairman shall assist the general chairman when called upon to do so and, in the absence of the gen-  
28 eral chairman, shall fill that office in accordance with the bylaws of the GCA. In the event the office of gener-  
29 al chairman becomes vacant through death or otherwise, he shall fill the office until a successor has been duly  
30 elected in keeping with the laws herein provided for or by the bylaws of the GCA.
- 31 b) In the absence of GCA bylaws to govern, the vice-chairman shall convene the committee within thirty (30) days  
32 for the purpose of electing a chairman, unless such vacancy occurs within six (6) months of the regular date  
33 of convening said GCA.

**Section 13****Duties of the Secretary-Treasurer, GCA**

- 34 a) The secretary-treasurer shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution; and  
35 he shall notify the Rail Conference President when the general committee will convene and the nature of the  
36 business to be transacted; he will furnish each division on the system a copy of the minutes of each session  
37 of the GCA, which shall include the number of each division represented, together with the assessable mem-  
38 bers of each.
- 39 b) The secretary-treasurer shall remit Rail Conference dues and assessments to the Rail Conference Secretary-  
40 Treasurer and shall also remit division and legislative board assessments to the secretary-treasurer of the divi-  
41 sion and the Provincial Legislative Board, respectively, on or before the 20th day of the next succeeding month  
42 for which such dues and assessments are collected.

- 1 c) The secretary-treasurer shall render an annual financial itemized report of all receipts and disbursements to  
2 each division, the general chairman and the Rail Conference President and at the expiration of his term of  
3 office deliver to his successor all books, papers, files and funds of the GCA.
- 4 d) The secretary-treasurer shall furnish the Rail Conference President a copy of the minutes of each session of  
5 the GCA. He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT  
6 Constitution are fulfilled with respect to the general committee consistent with these bylaws.

## Section 14

## Rail Conference President - Called by GCA

7 A GCA may call upon the Rail Conference President for assistance to dispose of any issue in dispute between the  
8 general committee and its management, which has not been satisfactorily disposed of. If such assistance is  
9 requested, it shall be given precedence over all other business; and the Rail Conference President shall respond  
10 in person, at once, or send a Rail Conference vice president, who will use all honourable means to make a satis-  
11 factory disposition of the dispute.

12 Except as provided in Sections 30 and 31 – TCRC GCA Rules, the Rail Conference President shall not be empow-  
13 ered to assign a Rail Conference vice president to assist any GCA unless requested to do so by said GCA.

## Section 15

## Trusteeships

14 The authority to place subordinate bodies into trusteeship and appoint trustees is vested in the General President  
15 of the IBT under the provisions of Article VI, Section 5 – IBT Constitution subject to the provisions of paragraph  
16 6.11 if the Merger Agreement.

## Section 16 Authority for Taking Strike Vote and Withdrawing from Service

- 17 a) In the event of a question of wages or other causes where the Rail Conference is likely to be involved in an  
18 issue with a railway company or when a strike is in progress on any railway, no one will be permitted to take  
19 an active part in the deliberations of any division while the question at issue is under discussion unless he is  
20 in active service as a railway employee as defined in Section 25(c) – TCRC Division Rules. The employees on  
21 every railway shall settle their grievances with their own GCA, if possible. Failing to do so, they may call on the  
22 Rail Conference President who, in conjunction with the majority of the committee, shall have full power to give  
23 permission to poll the railway; and after such permission has been granted, the employees on the railway shall  
24 decide whether they will quit work or not by a majority of the ballots cast by all the members employed on the  
25 system where the trouble exists, except as provided in Section 16(b) below. Members belonging to divisions  
26 who are not employed on the system where the trouble exists shall not be allowed to vote upon the questions  
27 in controversy.
- 28 b) In cases where the best interests of the Rail Conference would be jeopardized by the delay incident to the cir-  
29 culation of a referendum strike ballot, the general chairman, with the consent of the Rail Conference President,  
30 may vote the GCA by the most convenient means available in lieu of the circulation of a referendum to the  
31 membership.
- 32 c) If a majority of the membership casting a ballot on the railway or system or two-thirds (2/3) or more of the mem-  
33 bers of the GCA vote in favour of a strike, the general chairman, with the concurrence of the Rail Conference  
34 President, shall have authority to set a strike date and withdraw the members of the railway or system from  
35 service.
- 36 d) In the event it is decided to use the economic strength of the Rail Conference, the Rail Conference shall sus-  
37 tain the membership on the railway where the trouble exists. Should it be necessary, the Executive Board of  
38 the Rail Conference shall be empowered to levy an assessment on the active membership of the Rail  
39 Conference. Such assessment will not be effective beyond the next session of the Rail Conference Convention,  
40 at which time it will be continued, discontinued or revised.

**Section 17****Members Placed on Payroll**

1 When a strike occurs on any railway, the secretary-treasurer of each division on the railway or railways involved in  
2 the strike shall forward to the Rail Conference President a complete list of all members who are to be placed on  
3 the payroll. It shall then be the duty of the Rail Conference President to secure such help as may be necessary to  
4 enable him to pay promptly.

**Section 18****Authority for Declaring Strike Off**

5 On any railway where a strike is called or is in progress, the GCA on the railway involved, with the concurrence of  
6 the Rail Conference President, shall have absolute power to declare the strike off. Should the strike continue for  
7 ten (10) days or longer, the power to declare the strike off shall be vested in the GCA on the railway or system,  
8 acting in concurrence with the Executive Board of the Rail Conference.

**Section 19****GCA Convened by the Rail Conference President.**

9 When the GCA, on any railway or system, is convened on the authority of, or by, the Rail Conference President,  
10 on matters of a general nature, the time and expenses of the committee shall be paid from the general fund of the  
11 Rail Conference.

**Section 20****Members Must Not Sign Contracts Unless Authorized**

12 A member or members, other than the duly designated representative of the Rail Conference, are prohibited from  
13 entering into any verbal or written agreements with any railway management involving rates of pay, rules or work-  
14 ing conditions of Rail Conference members. Any member violating this provision shall, if found guilty after trial as  
15 per Article XIX of the IBT Constitution, be expelled from the Rail Conference.

**Section 21****Communications - Illegal**

16 When any member or members of a division (except chairman of the local committee) take up directly with the gen-  
17 eral chairman, verbally or written, any question where other members' interests are involved, or ask for a ruling  
18 upon any question, the general chairman must refuse to grant such requests or ruling until the proposition has  
19 been submitted to the division for their consideration. If carried by a majority of the members present, the secre-  
20 tary-treasurer will furnish the general chairman all the facts in the case, who will furnish the division with his ruling  
21 or interpretation, as the case might be.

**Section 22****Member or Officer May Be Expelled From the GCA**

22  
23  
24  
25 a) Any member of the GCA who, by act or word in the presence of any railway official, injures any matter under  
26 discussion by the committee or executive committee, which has for its purpose the enforcement of the GCA  
27 Rules of the Rail Conference, shall have written charges preferred against him in the GCA or executive com-  
28 mittee by the general chairman. If, after he has been served with written specific charges and given a reason-  
29 able and fair hearing by the body before which such charges have been preferred, a majority of the GCA or  
30 executive committee voting by ballot so decides (general chairman to have the deciding vote in case of a tie),  
31 he shall be deprived of service on the same. The general chairman shall then notify the president of the divi-  
32 sion that the deposed member represented, and the president of the division may fill such vacancy by  
33 appointment promptly. If necessary, the general chairman is authorized to fill the vacancy by interim appoint-  
34 ment from the membership of the division to which the deposed member belongs; and said appointee will  
35 serve until relieved by a delegate appointed by the president or elected by the division as per Section 20 –  
36 TCRC Division Rules.

- 1 b) Any officer may be removed from office by a majority vote of the members of the executive committee of the  
2 GCA for violation of any of the laws or rules of the Rail Conference committed in his official capacity as a mem-  
3 ber of the GCA, if found guilty after having been served with written specific charges, given reasonable time to  
4 prepare a defence and afforded a full and fair hearing under Article XIX, Section 3 – IBT Constitution.
- 5 c) Any officer or member proven guilty under the above paragraph will be deprived from again holding office in  
6 the GCA for a period of not less than three (3) years.

### Section 23

### GCA May Make Its Own Rules

- 7 The GCA shall make such rules or regulations as are deemed necessary for the proper adjustment of differences  
8 on their respective systems. Such laws and regulations, however, must not conflict with the laws of the  
9 International Brotherhood of Teamsters, Teamsters Canada, the Rail Conference or applicable civil law.

### Section 24

### GCA Decisions Stand as Law

- 10 a) Any action taken by a general chairman or GCA shall stand as law for all members and divisions in the terri-  
11 tory over which the general chairman or GCA has jurisdiction, until repealed by the general committee or in  
12 accordance with the provisions for appeals in Section 25 – TCRC GCA Rules. A copy of all rulings shall be fur-  
13 nished to the vice-chairman, secretary-treasurer GCA, and to the secretary-treasurer of divisions whose mem-  
14 bership is affected.
- 15 b) A division, an active member or a group of members may appeal from a decision of the general chairman made  
16 between sessions of the GCA to the general committee, provided such appeal is filed with the general chair-  
17 man thirty (30) days prior to the meeting of the general committee. Copy of such appeal to be furnished the  
18 division or divisions affected.

### Section 25

### Appeal May Be Taken

- 19 a) Any member or division in good standing may take an appeal to the active membership from a decision of a  
20 general chairman or GCA. Such appeal must be made prior to the expiration of sixty (60) days from the date  
21 of the said decision and must be voted on by the active membership on the territory under the jurisdiction of  
22 the GCA involved.
- 23 b) To inaugurate an appeal, the appellant must first draw up a statement of facts addressed to the active mem-  
24 bership. This statement, together with a sample ballot, shall be submitted within said sixty (60)- day period to  
25 the general chairman for his examination and the opportunity of preparing a statement defending the commit-  
26 tee's decision. The appellant's statement of facts, the ballot in approved form and the general chairman's state-  
27 ment in reply shall be returned without delay to the appellant. The appellant may add a rebuttal to the state-  
28 ment of the general chairman if he so chooses. The appellant shall, as soon as possible upon the return of the  
29 appeal from the general chairman, proceed with the printing of such appeal. The ballot shall set out the deci-  
30 sion from which the appeal is taken, without any argumentation upon the part of the appellant or the general  
31 chairman. A copy of the printer's proof shall be forwarded to the general chairman for his approval. The gen-  
32 eral chairman shall immediately examine his statement and the ballot appearing in the printer's proof and,  
33 when satisfied as to their accuracy, shall return such appeal to the appellant for final printing, giving notice as  
34 to the quantity required. Each active member of each division under the jurisdiction of the GCA involved shall  
35 receive a ballot.
- 36 c) The division shall, within thirty (30) days after receipt of the ballots, take a referendum vote of its active mem-  
37 bership and advise the secretary-treasurer of the GCA of the result. Divisions meeting but once a month shall  
38 call a special meeting for the purpose of counting and tabulating the votes when necessary in order to carry  
39 out the thirty (30) day-limitation.
- 40 (ii) All ballots, including those improperly signed or for any other reason declared illegal, shall be forwarded to  
41 the secretary-treasurer of the GCA, together with a copy of the division tellers' report. The report shall show  
42 the number of votes cast by the active membership for and against the issue constituting the appeal and the

- 1 number of ballots rejected as illegal. Every ballot declared illegal shall have the same written across the face  
2 thereof. The division must retain a duplicate copy of this report and a record made in the minutes of the meeting.
- 3 d) Upon receipt of the ballots and the reports from all the divisions, the secretary-treasurer of the GCA shall pre-  
4 pare a report showing the results of the balloting and forward the report, together with all the ballots, to the  
5 general chairman. Sufficient copies of the report from the secretary-treasurer of the general committee shall  
6 be prepared by the general chairman and forwarded to all the divisions in the territory involved. Such report  
7 shall show, separately, the number of votes cast for or against the appeal by the active membership of each  
8 division and the number of ballots ruled illegal. The result of a majority of the legal ballots shall be the deci-  
9 sion of the active membership, and such decision shall be final and binding. The GCA shall be governed by  
10 the results of the referendum.
- 11 e) A time limit of one hundred twenty (120) days from the date of receipt of the appeal by the general chairman  
12 is hereby established, within which the requirements of this section must be completed. The time limit of one  
13 hundred twenty (120) days, as set forth herein, may be extended by mutual agreement between the parties  
14 affected.

## Section 26

## Appeal to the Rail Conference President

- 15 No appeal from a decision of the GCA on a settlement will be entertained by the Rail Conference President, unless  
16 there was a violation of the law of the Rail Conference by such GCA.

## Section 27

## GCA - How Paid

- 17 GCAs shall have power to fix the rate of pay for chairman and members serving on the committee, time allowed  
18 going to and from place of meeting to be computed by the GCA.

## Section 28

## Expense of Committee

- 19 a) The expenses of members of a GCA when convened for any purpose, together with pay for time they lost in  
20 such service, shall be raised by an assessment on all active members of the Rail Conference employed on the  
21 system represented (except as provided in Section 35 – TCRC Division Rules); and the secretary-treasurer of  
22 the GCA shall have power when so ordered by the committee to levy such an assessment for the purpose of  
23 creating a fund to pay the members of the committee immediately after such session is over. All such assess-  
24 ments shall be levied by majority affirmative vote of the members of the GCA, or by majority affirmative vote  
25 of the members of the GCA casting a mail ballot between sessions, and shall be effective only until the next  
26 session of the GCA, at which time it will be continued, discontinued or revised.
- 27 b) The salary of the general chairman and the rate of pay and expenses paid to the members of the general com-  
28 mittee and legitimate expenses of the general committee shall be raised by an assessment on all active mem-  
29 bers employed on the system represented. All such assessments shall be levied by majority affirmative vote  
30 of the members of the GCA present at a session of the GCA, or by majority affirmative vote of the members  
31 of the GCA casting a mail ballot between sessions, and shall be effective only until the next session of the  
32 GCA, at which time it will be continued, discontinued or revised. All members of the GCA will be required to  
33 pay GCA assessments in the amount determined by the GCA, which shall be collected monthly and forward-  
34 ed to the secretary-treasurer of the general committee, who will pay the chairman's salary semi-monthly and  
35 all delegates for their services. Any surplus remaining in the treasury shall be applied to the payment of the  
36 legitimate expenses of the general committee.
- 37 Where a vice-chairman assumes the duties of the chairman on account of the absence of the chairman, his  
38 salary shall not be more while he is occupying that position than the salary of the general chairman.

**Section 29****GCA Authority and New Business**

- 1 a) No new business will be entertained by a GCA unless records are sent showing that the division has acted  
 2 upon the merits of the question. A copy of the resolution sent to the GCA shall be sent to other divisions inter-  
 3 ested upon receipt of same by the general chairman.
- 4 b) (i) The GCA shall have full power to settle all questions of seniority and rights to runs and jurisdiction of terri-  
 5 tory that are presented to it; and its decision shall be final unless, on an appeal to the membership, its deci-  
 6 sion is repealed by a majority vote.
- 7 (ii) Where there are only two (2) divisions on a system, they may appeal to the Rail Conference President,  
 8 whose decision shall be final, subject to appeal under applicable provisions of the IBT Constitution.
- 9 c) To consolidate or divide the seniority rosters of members on one (1) or more seniority districts on a system, a  
 10 majority vote of the active members holding seniority and casting a ballot on each seniority district affected  
 11 must be obtained.
- 12 d) When a question of jurisdiction of territory or seniority arises between the members themselves or two (2) or  
 13 more divisions that cannot be amicably adjusted by such divisions, the question shall, with all the facts in the  
 14 premises, be referred to the GCA, which shall rule on the matter; and such ruling shall stand as law, subject  
 15 to appeal as per Section 25 – TCRC GCA Rules.

**Section 30****Authority of Rail Conference President in Mergers, etc.  
with Protective Agreements**

16 Note: *The term "Mergers, etc.," as referred to in subtitle and as hereinafter expressed in this section,*  
 17 *means - mergers, consolidations, coordinations, control, absorptions, diversions of traffic, purchases or*  
 18 *any other action whereby separate facilities or operations of railways are going to be unified.*

19 a)(1) Mergers, etc.

20 When the Rail Conference President has sufficient information that a merger, consolidation, coordination, con-  
 21 trol, absorption, diversion of traffic, purchase or any other action whereby separate facilities or operations of  
 22 railways are going to be unified, he shall immediately assign an officer for the purpose of directing the com-  
 23 mittees in the handling to the best interests of the members involved.

**A. Contracts**

- 25 I. There shall be a revision of the existing agreements on the properties involved which will have for  
 26 its purpose the consolidation of contracts covering the merged, etc. property.
- 27 II. The assigned officer, in conjunction with the interested general chairmen, shall represent all of the  
 28 committees in negotiations with the railway and/or railways.
- 29 III. Contracts shall be ratified by a majority vote of the active members casting a ballot.

**B. General Committees**

- 31 (i) The committees involved on the merged systems may be consolidated, if necessary, to meet the  
 32 representational requirements of the membership.
- 33 (ii) The officer assigned shall submit his recommendations to the Rail Conference President. If the  
 34 recommendation is to merge the involved committees, the Rail Conference President shall forward  
 35 said recommendation with all facts in support to the involved general committees. The affected  
 36 general committee(s) shall refer the question to the membership under their jurisdiction by instruct-  
 37 ing each affected division to prepare a paper ballot to be delivered within sixty (60) days to each  
 38 member of the division, by government mail, directed to his/her last known address. The ballot,  
 39 with a large envelope, approximately 4 x 9 1/2 inches, which must contain space for the member's

1 name and address, must have first-class postage affixed thereto and must contain the division  
2 number and address for returning the ballot. The ballot and return envelope must also be accom-  
3 panied with the written recommendation of the Rail Conference President, the written recommen-  
4 dation of the affected general chairmen, and written instructions showing purpose of the ballot,  
5 time, date and place for counting the ballots. The ballot shall also contain a signature and date  
6 line, which must be signed and dated by the member. The return envelope containing the ballot  
7 must be returned and postmarked within fifteen (15) days from the postmarked date on the enve-  
8 lope sent to the member. The ballots shall be counted by each division at the first regular division  
9 meeting following the date for return of the ballots. Each division secretary-treasurer will notify the  
10 general chairman of the results from the ballots received within ten (10) days. The affected gen-  
11 eral chairmen will forward this information to the Rail Conference President and the other affected  
12 general chairmen, within thirty (30) days from date received from last division reporting.

13 If the decision of the majority is to merge the committees in question, the Rail Conference President shall noti-  
14 fy the affected general committees of the decision and instruct the merged committees to meet within ninety  
15 (90) days for the purpose of electing new officers, as provided in Section 9 – TCRC GCA Rules, and conduct-  
16 ing any business or grievance that may properly come before the body.

17 The new date to meet regularly shall be decided as per Section 8 – TCRC GCA Rules. If it is the decision of  
18 the majority not to merge their GCAs, their individual GCAs shall continue as heretofore.

### 19 C. Divisions

#### 20 I. Representation

21 The general committee or general chairman and division or divisions affected shall, after the  
22 determination has been made relative to a merged seniority district or districts, make a study of  
23 the Rail Conference divisions in the affected area for the purpose of reducing, if possible, the num-  
24 ber thereof to only those necessary to maintain an efficient operation.

25 The general committee or general chairman and divisions affected shall give consideration to the  
26 following points as a guideline for making such a determination:

- 27 a. The number of members in a division.
- 28 b. The location of the majority of the members' place of residence.
- 29 c. The availability of the majority of the members to attend the division meeting place.
- 30 d. The location of the operating division offices nearest the Rail Conference division.

31 Changes as referred to in the above paragraph shall not be put into effect by a general committee or general  
32 chairman until the proposed changes have been submitted to the Executive Board of the Rail Conference and  
33 approved.

#### 34 II. Jurisdiction

35 Should it be, in the judgment of the general committee or general chairman and divisions affect-  
36 ed, that more than one Rail Conference division is necessary on a seniority district, and said Rail  
37 Conference divisions have been set up, each division shall be given a definite territory by the gen-  
38 eral committee and/or the general chairman.

39 Elections to all offices of each division shall be held immediately after they have been set up, pro-  
40 vided divisions have been merged or a new division has been created.

41 Should the GCA and divisions fail to reach an amicable agreement in the merging of and/or cre-  
42 ating a new division within sixty (60) days, the matter shall be referred to the Rail Conference  
43 President who shall, upon receipt thereof, make an investigation of the facts within thirty (30) days,  
44 after which the Executive Board of the Rail Conference shall make a recommendation thereon,  
45 which shall be final and binding.

1           **D. Seniority Districts**

2           (i) Should it be, in the judgment of the officers assigned and the general chairmen, in the best inter-  
3           est of the members affected as a result of a merger, etc., to consolidate and/or merge a seniority  
4           district or districts, the general chairman must meet and consult with the affected divisions' local  
5           chairmen to work out a merger of the old districts and seniority rosters into a new district and  
6           merged roster.

7           In the preparation of seniority rosters to cover the seniority districts on an equitable basis, the gen-  
8           eral chairman shall request the railway to furnish promptly to him all statistical information such as  
9           - but not limited to - number of trains, car miles, train miles, and yard engine hours and/or inbound  
10          car count for use in determining what method will be used in the merging of the seniority districts.

11          (ii) Should the general chairman and affected local chairmen fail to agree, the matter shall be referred  
12          to the Rail Conference President, who shall make an investigation within thirty (30) days, after  
13          which the Executive Board of the Rail Conference shall make a determination which shall be final  
14          and binding.

15   (a)(2) Employees Protection Requirements

16          When officers of the Rail Conference and GCAs are confronted with conditions affecting employees of railways  
17          involved in mergers, etc., all such employees shall be considered as being adversely affected; and the officers,  
18          in recognition of rearrangement of existing contracts, seniority equities and/or districts, general committees and  
19          divisions, shall first give full recognition to negotiating implementing agreements with the railway or railways to  
20          provide protection for all employees involved as follows:

21          A. Guaranteed earnings and employment.

22          B. Preservation of working agreements and conditions, except as may be revised or changed by the imple-  
23          menting agreements.

24          C. Preservation of the rights and equities of all employees.

25          D. Protection against any loss or expense incurred by the necessity of an employee moving/traveling from  
26          his established residence or terminal.

27          E. Extension of the protection afforded all employees to cover full-time or part-time officers of the Rail  
28          Conference and its subordinate committees as well as members serving in temporary capacities.

29          F. Separation allowances on the basis of seniority selections for those employees desiring to retire or sep-  
30          arate their employment relationship subsequent to the effective date of the implementing agreement.

31   (b) To insure appropriate handling of proposed mergers, etc., should any provision of the TCRC Bylaws conflict  
32          with application of this Section 30 (a), the provisions of this section shall prevail.

**Section 31**

**Other Mergers, etc. on Two or More Railways**

33   a) Whenever one (1) railway or any portion thereof is absorbed, traffic diverted, consolidated, merged, leased or  
34          coordinated by, to or with another railway or any portion thereof, and the officers of the Rail Conference and  
35          GCAs are unable to obtain protective agreements in their judgment satisfying the requirements of Section  
36          30(a)(2) – TCRC GCA Rules, the employees on the railway or railways or any portion thereof affected thereby  
37          shall retain their right and seniority as heretofore on the railways absorbed, traffic diverted, consolidated,  
38          merged, leased or coordinated; but the runs shall be manned by the engineers of the respective roads in pro-  
39          portion, as near as practicable, to the car miles or train miles in road service and to the engine hours or  
40          inbound car count in yard service on the territory involved on each railway. Such count of car miles or train  
41          miles in road service and of engine hours or inbound car count in yard service shall be compiled for a period  
42          of not less than six (6) months nor more than one (1) year. Such test period shall be established at a time  
43          agreed upon, sufficiently prior to the effective date of any of the conditions specified in this section to give a  
44          fair and equitable representation of normal business handled by each district involved. The figures determined

- 1 for each month of the aforementioned test period will be supplied to each division involved prior to the con-  
 2 summation of any agreement establishing a distribution of work.
- 3 b) When GCAs are unable to agree upon a settlement of questions arising covered by the foregoing, they will  
 4 submit a joint statement setting forth their contentions regarding same, with all the facts in the premises, to the  
 5 Rail Conference President who, after making a thorough investigation, is authorized, in conjunction with the  
 6 Executive Board, to render a decision which shall be final and binding.
- 7 c) In the event that the GCAs do not meet within sixty (60) days from the time that the merger, coordination, etc.,  
 8 took place, the Rail Conference President will be empowered to order the GCA 's involved to meet at once and  
 9 settle the question in dispute within thirty (30) days from the time the sixty (60)-day limit expires.
- 10 d) Any division involved, if dissatisfied with the decision of the officer assigned and general chairman with respect  
 11 to the method to be used for dividing the work, may appeal to the Executive Board of the Rail Conference with-  
 12 in sixty (60) days following the issuance of that decision. The Executive Board, after making an investigation  
 13 of the controversy, shall render a decision which shall be final and binding.

### Section 32

### Traffic Merged, etc., On One Railway

- 14 a) Where any portion or portions of any railway is or are by any means absorbed, consolidated, merged, or coordi-  
 15 nated with any other portion or portions of the same railway, or any portion of the same railway is abandoned,  
 16 the employees affected thereby shall retain their seniority as heretofore on the portion or portions of the rail-  
 17 way which has or have been so absorbed, consolidated, merged or coordinated, or from which traffic has been  
 18 so diverted.
- 19 b) Whenever the events referred to in the foregoing subsection have occurred and it becomes necessary to read-  
 20 just the service, the runs shall be manned by the employees of the respective portions of the road in propor-  
 21 tion, as near as practicable, to the car miles or train miles in road service and to the engine hours or inbound  
 22 car count in yard service on the territory involved. Such count of car miles or train miles in road service and  
 23 of engine hours or inbound cars in yard service shall be compiled for a period of not less than six (6) months  
 24 nor more than one (1) year. Such test period shall be established at a time agreed upon, sufficiently prior to  
 25 the effective date of any of the conditions specified in this section to give a fair and equitable representation of  
 26 normal business handled by each district involved. The figures determined for each month of the aforemen-  
 27 tioned test period will be supplied to each division involved prior to the consummation of any agreement estab-  
 28 lishing a distribution of work. The respective local committees of adjustment or local chairmen representing  
 29 the groups of the affected employees, unless a proper adjustment of the question has been reached, will meet  
 30 within thirty (30) days after the question of such rights to runs has been raised by either of such local com-  
 31 mittees or local chairmen, unless further time, not exceeding an additional thirty (30) days, is mutually agreed  
 32 upon by such local committees, and will endeavour to agree upon which of the above factors shall be used for  
 33 measuring the service and upon the precise period of time within the foregoing range. If such agreement can-  
 34 not be reached, the question of which of the above-mentioned alternative factors for such tests and the dura-  
 35 tion of the test period will be determined; said factors shall be considered to afford a suitable basis for an equi-  
 36 table division of the normal business handled by each territory between the employees involved.
- 37 c) Any division involved in the controversy, if dissatisfied with the decision of the general chairman on the meth-  
 38 ods to be used for dividing the work, may appeal in accordance with the provisions of Section 25 – TCRC GCA  
 39 Rules.

### Section 33

### Statute of Limitation

- 40 A statute of limitation of sixty (60) days is hereby fixed within which to take up or appeal any case of seniority, sub-  
 41 ject to appeal in accordance with Section 32– TCRC Division Rules.

### **Section 34 Representation, Establishment of Seniority and Mileage Regulations**

- 1 a) The right to make and interpret contracts, rules, rates of pay and working conditions for members of the Rail  
2 Conference shall be vested in the regularly constituted GCA of the Rail Conference.
- 3 b) GCAs shall be free to incorporate into the respective schedules such rules, as they may deem advisable to  
4 govern the hiring of railway employees under their jurisdiction.
- 5 c) When the members of a division take a vote on regulation of mileage, only members possessing seniority in  
6 the craft to be regulated will be permitted to vote.
- 7 d) A five (5)-day workweek agreement for yard engineers cannot be placed into effect on any railroad until a ref-  
8 erendum vote is taken and a majority of the active members voting approve.
- 9 A separate seniority district (with or without a separate working agreement) may place a five (5)-day workweek  
10 agreement into effect for yard engineers on said seniority district only if approved by a majority of active mem-  
11 bers casting a ballot in a referendum vote of members of said seniority district. (Covered by appropriate mem-  
12 orandum of agreement covering and confined to the affected territory.)
- 13 e) All GCAs shall make an effort to have included in their schedules a rule providing for the inclusion of a train-  
14 ing program for their members.
- 15 f) No GCA shall place a compulsory retirement into effect on any railway or seniority district until a referendum  
16 vote is taken and the majority of the members in active service casting a ballot on the railway or seniority dis-  
17 trict approve.

### **Section 35 Divisions Refusing to Sustain Committee**

- 18 Should a division on any system refuse to sustain an action of the GCA of the system or to enforce the laws passed  
19 by the Rail Conference, it shall be the duty of the members of the committee from the division to make a written  
20 statement of the fact concerning the refusal to the chairman of the GCA, who shall submit the same to the Rail  
21 Conference President, for his review and recommendation to the General Executive Board of the IBT, which is  
22 empowered to suspend the charter.

### **Section 36 Divisions Refusing to Take Vote**

- 23 a) Should any division refuse or neglect to take a vote of its members when ordered to do so by the GCA, it shall  
24 be considered a refusal to sustain the action of the GCA and shall be dealt with according to Section 35 of the  
25 TCRC GCA Rules; and any member of the committee failing to report to the general chairman of the commit-  
26 tee as per Section 35 shall be dealt with by the GCA as per Section 22(b) – TCRC GCA Rules.
- 27 b) Unless otherwise provided, all expenses incurred in taking a vote shall be borne by the division.

### **Section 37 Agreements Governing Rates of Pay on All Kinds of Power**

- 28 a) GCAs on all railway systems shall make a strenuous effort to make agreements governing the rates of pay and  
29 to continue the service of a locomotive engineer and motorman in the operation of all railway motive power.
- 30 b) It shall be the policy of the GCA to secure agreements with railways covering the rules, rates of pay and work-  
31 ing conditions of all operating crafts if, as and when the opportunity presents itself. The individual GCA shall  
32 have full jurisdiction in the matter.

**Section 38****Attempting to Reduce Standard Wages**

1 Any member who shall attempt, in any manner, to reduce the standard of pay for any Rail Conference craft, or  
2 establish a maximum limit for the same, shall be guilty of violating his obligation, and upon conviction of same after  
3 trial as per Article XIX – IBT Constitution, shall be expelled; this not to apply to or interfere with legitimate action  
4 of GCAs or Rail Conference officers.

**Section 39****Contract Procedures**

- 5 a) (i) All wage settlements shall be ratified by a majority vote of the active members casting a ballot.  
6 (ii) When a tentative agreement is negotiated or a proffer of arbitration made, the Rail Conference or GCA pro-  
7 posing a system-wide agreement will furnish a copy of the proposal to all general chairmen and local chair-  
8 men. The Rail Conference or GCA will also provide a synopsis of the proposal to each affected member, along  
9 with an instruction sheet, a ballot and a return envelope.
- 10 (iii) Each affected member will return his/her ballot to the Secretary-Treasurer of the Rail Conference when  
11 such ballot is issued by the Rail Conference, or the secretary-treasurer of the GCA when the ballot is issued  
12 by the GCA, within the time period specified, who will tabulate the vote and certify the results to the Rail  
13 Conference President and/or affected general chairman of the GCA. The GCA will choose a board of tellers  
14 to help the secretary-treasurer of the GCA count the ballots.
- 15 b) Before any collective agreement or change of scheduled rules can be agreed to or signed on behalf of mem-  
16 bers on a railway system, the proposed terms of settlement must first receive the approval of each general  
17 committee and then the approval of the members by a majority referendum vote. Only ballots returned shall  
18 be counted. A list of the number of “yes” and “no” votes for all individual divisions must be forwarded to each  
19 division within seven (7) days of the counting of votes.
- 20 c) When a GCA and/or GCAs are engaged in joint contract negotiations with another union or unions, the Rail  
21 Conference national negotiating committee may authorize a joint ratification vote, the results of which shall be  
22 determined in accordance with the governing ratification process.

**Section 40****Violation of Contract - Railway Officials**

- 23 a) On any railway system where there is a contract between the railway company and the Rail Conference it will  
24 be considered a violation of said contract on the part of the railway company to open any differences except  
25 through the GCA in connection with craft positions.
- 26 b) All GCAs are prohibited from making agreements with the railway managements, the terms of which will con-  
27 flict with any law or policy adopted by the Rail Conference, without first submitting same to the
- 28 Rail Conference President who, in conjunction with the Executive Board, will determine proper disposition of the  
29 question at issue.

**Section 41****Grievances**

- 30 a) Should any member in the employ of a railway company have any grievance against the company, either from  
31 meeting with an accident of any kind while in the discharge of his duties, or from any other cause, he shall be  
32 required to make out a complete report of the same to his division in writing for the benefit of the committee  
33 of adjustment; and the division shall keep such report, together with a copy of the judgment of the company's  
34 officials concerning the grievance or accident. The local committee and general committee shall refuse to han-  
35 dle the case unless such a report is made out and signed by the member, providing the member be physical-  
36 ly and mentally able to do so.
- 37 b) It shall be unlawful for any member to withdraw his case after having been acted on by the division and referred  
38 to the committee of adjustment.

1 c) (i) Each and every member of the Rail Conference grants to the duly authorized representative and/or repre-  
2 sentatives of the Conference (which includes divisions, local chairmen and/or local committees, general chair-  
3 men and/or general committees, vice president and/or the Rail Conference President) full and complete  
4 authority to present and handle each and every member's claims, complaints and grievances against the rail-  
5 way on which he is employed.

6 Said power and authority shall include the handling of such claims, complaints and grievances before any and  
7 all officials of the railway, and shall include the right to collect, settle, compromise, amend, withdraw, dismiss  
8 or in any other manner dispose of such claims, complaints and/or grievances, and shall also include the power  
9 and authority to submit such claims, complaints and grievances for determination to any person, court or board  
10 or other tribunal provided by law or otherwise as may be deemed necessary or advisable by such authorized  
11 representatives.

12 (ii) The foregoing will in no way conflict with other provisions of the IBT Constitution, Teamsters Canada Bylaws  
13 or the Rail Conference Bylaws which stipulate the procedure and sequence to be followed by divisions, local  
14 chairmen and/or local committees, general chairmen and/or general committees and other duly authorized  
15 representatives of the Rail Conference in handling claims and grievances of members.

## Section 42

## Members - Misrepresentation of Facts

16 Should any member wilfully misrepresent facts in his statement for the guidance and information of the committee,  
17 he shall be considered as having violated his obligation, and on conviction at a regular trial as per Article XIX of  
18 the IBT Constitution, shall be suspended or expelled, as the division may determine.

## Section 43

## Association of General Chairmen, Rail Conference

19 a) For the purpose of carrying on concerted movements relating to wages, working conditions or other important  
20 matters of general interest of its members, the Rail Conference authorizes the formation of a general chair-  
21 men's association in Canada.

22 b) The general chairman of each system or railway in their association may be a member of and attend meetings  
23 of the association and be entitled to a vote on all questions, provided the GCA on the railway he represents  
24 has authorized his membership in the association.

25 c) The association shall elect from its members a chairman, vice-chairman, secretary and two (2) members of  
26 the association, who shall constitute the executive committee.

27 d) The association shall have power to adopt for their government such bylaws as may be agreed upon, not in  
28 conflict with the IBT Constitution, Teamsters Canada Bylaws or Rail Conference Bylaws, subject to the  
29 approval of the Rail Conference President.

30 e) The association shall meet annually at such time and place as may be designated in the constitution and  
31 bylaws of the association.

32 f) Special meetings may be called by the Rail Conference President or the executive committee of the associa-  
33 tion when, in their judgment, the same is deemed advisable in the interests of the members, or by request of  
34 a majority of the members of the association.

**This Section, entitled "Teamsters Canada Rail Conference Legislative Rules," has to do principally with the operation of the Governmental Affairs and Legislative Boards within the Rail Conference.**

The objective is to provide Governmental Affairs, Provincial and Division Representatives with a more direct contact and access to resources. As a result, members will have constant representation and governmental affairs will be addressed as a common effort for the benefit of the membership across Canada.

To set general overall legislative policy for the protection of the locomotive engineer's craft, the protection of associated crafts which form part of the Rail Conference and to ensure the long-term health of the railway industry in Canada and North America.

THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE

### **RAIL CONFERENCE LEGISLATIVE RULES.**

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**Note: For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as "Rail Conference President" in this section. The term "Vice President" will refer to "Vice President /Governmental Affairs".**

**Section 1****Provincial Boards**

1 a) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent  
2 (25%) of the active membership, sign a petition proposing to formulate or merge a provincial legislative board,  
3 it will be mandatory upon the Rail Conference President to prepare a ballot with the question worded as pre-  
4 sented in the petition, to be voted on by all holding active membership in the Rail Conference within the  
5 province. The ballot must be put out by the Rail Conference President within thirty (30) days of the receipt of  
6 the request.

7 It will be sent to secretary-treasurers of all divisions, and they will personally see that each person holding  
8 active membership has a copy by handing it to the member or by placing in the government mail with a return  
9 address thereon.

10 The ballot must be returned and the result tabulated and a copy of the decision mailed to the Rail Conference  
11 Office within ninety (90) days from the time the ballots are received from the Rail Conference Office. The  
12 results of the vote will be announced by the Rail Conference President to all divisions in the province, and a  
13 vote once taken cannot be acted upon again for four (4) years.

14 b) When such a vote shows a majority of the ballots cast by the active membership in the province favouring crea-  
15 tion of a provincial legislative board, the legislative representative of the division sponsoring the petition or  
16 member sponsoring the petition will select a meeting place and set a date for convening the board. He shall  
17 also notify the other divisions in the province to have their legislative representative present.

18 c) The legislative representative from the division issuing the call or the member initiating the petition may act as  
19 chairman of the board until officers herein provided for are elected. Any board thus formed shall be deemed  
20 to be an active legislative board.

21 d) At every meeting of a legally organized provincial legislative board, each division in the province having twelve  
22 (12) or more assessable members may be represented by a delegate. However, by a vote of the division, any  
23 division in the province may be represented by proxy. Such vote will designate the seated delegate who is to  
24 exercise such proxy.

25 e) After a board is formed and convened by notice from the chairman through the secretary-treasurer, the sec-  
26 retary-treasurer of each division shall at once acknowledge receipt of same and send the number of assess-  
27 able members of his division to the secretary-treasurer of the legislative board.

28 f) When the provincial legislative board has been convened, it will proceed to elect a chairman, first vice-chair-  
29 man, second vice-chairman, secretary-treasurer, alternate secretary-treasurer, an executive committee (not to  
30 exceed five (5) members), and three (3) trustees (an audit committee not to include the chairman or secretary-  
31 treasurer). A provincial legislative representative may be elected when provided for in the bylaws of the board.  
32 The candidate receiving the highest number of votes shall be declared elected if eligible. Should an equal  
33 number of votes have been cast for two (2) or more members for any one (1) office, a second ballot, and if  
34 necessary a third ballot will be cast. If after the third ballot a tie still exists, the tie shall be decided by lot.  
35 Should any office become vacant, it will be the duty of the executive committee to fill such vacancy. The chair-  
36 man and secretary-treasurer cannot be members of the audit committee.

37 NOTE: *Beginning on January 1, 2006, eligibility to nominate, second and run for office will be determined by*  
38 *the applicable provisions of the IBT Constitution as set forth and modified in Paragraph 6.8 of the*  
39 *Merger Agreement.*

40 g) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent  
41 (25%) of the active membership, sign a petition proposing to abolish a provincial legislative board, it will be  
42 mandatory upon the Rail Conference President to prepare a ballot with the question worded as presented in  
43 the petition, to be voted on by all holding active membership in the Rail Conference within the province. The  
44 ballot must be issued by the Rail Conference President within thirty (30) days of the receipt of the request.

- 1 In the event the vote is to dissolve the legislative board as per this section, the Rail Conference President will  
2 set an effective date for dissolution; and the assets of such board shall be distributed among the various divi-  
3 sions comprising said board in proportion to the number of assessable members.
- 4 h) All division legislative representatives' names will be entered in the Rail Conference Directory as legislative  
5 representative, (LR).
- 6 i) Each division shall, after electing its delegate to the provincial legislative board, immediately notify the secre-  
7 tary-treasurer of the provincial legislative board, giving the name and address of its delegate. The division sec-  
8 retary-treasurer shall request from the Rail Conference Office the form provided for the delegate to the provin-  
9 cial legislative board; this credential to show the number of assessable members he represents, and be signed  
10 by the president and the secretary-treasurer of the division.
- 11 j) Each provincial board shall be convened by the chairman, through the secretary-treasurer, at the capital of the  
12 province, or at any point most convenient, on the fourth Tuesday in January after the election of officers of divi-  
13 sions, or at such time as the chairman and secretary-treasurer or a majority of the members of the board deem  
14 it advisable.
- 15 k) The secretary-treasurer of each provincial board shall immediately after election of officers of the board for-  
16 ward to the chairman and secretary-treasurer of the National Board the name and address of the newly elect-  
17 ed chairman and secretary-treasurer of the provincial board. The chairman and secretary-treasurer of each  
18 provincial board must be a duly elected delegate to such board.

## Section 2

## National Legislative Board

- 19 a) There shall be a National Legislative Board of which the National Legislative Representative elected by the  
20 convention shall be the chairman. The other members of the board will be composed of the chairmen of the  
21 various provincial boards.
- 22 b) The chairman shall, through the secretary-treasurer, convene the National Legislative Board triennially after  
23 he has received notice of the election of officers of the provincial boards, at such time as he deems most suit-  
24 able for transaction of all business properly submitted to the board or at such other times as the chairman or  
25 a majority of the members of the board deem it advisable.
- 26 c) Questions of jurisdiction or conflict involving legislative boards and general committees which pertain to acts  
27 of Parliament and/or provincial legislatures; the regulations of such legislative assemblies; the abandonment  
28 of trackage right-of-ways; the health, safety and working environment of the membership shall be referred to  
29 the Rail Conference President for adjudication. Matters which may be in conflict with the affairs of a GCA will  
30 not be handled by a board unless requested in writing by the general chairman on the property or properties  
31 affected.
- 32 d) The National Board shall be deemed to have a quorum when the majority of the provincial boards are repre-  
33 sented.
- 34 e) In the event the National Board is dissolved, the assets of such board shall be distributed proportionally to the  
35 divisions contributing to such funds.
- 36 f) The duties of the Vice President / Governmental Affairs, the chairman of the provincial legislative board and  
37 the National Board shall be:
- 38 (i) to protect and advance the interests of the members of the Rail Conference in handling of all matters relat-  
39 ing to legislation and/or regulations made by the Parliament of Canada and/or the provincial legislatures  
40 and/or any regulatory body created by those legislative assemblies;
- 41 (ii) to work for more healthful, safer and sanitary conditions on locomotives, in conjunction with the general  
42 committee;

- 1 (iii) to stimulate the political education of the members to understand their political rights and the use of the  
2 ballot;
- 3 (iv) to coordinate the activities of our membership in each province in order that organized working people  
4 may, insofar as possible, present a united front upon matters of local, provincial and national importance;
- 5 (v) to support legislation which will benefit and oppose legislation which will injure the people we represent  
6 and the industry in which we work.

### Section 3

### Officers - Convening Board

- 7 a) The National Board shall elect a vice-chairman, secretary-treasurer, and alternate secretary-treasurer trienni-  
8 ally, who must be members of the board. The Vice President / Governmental Affairs shall cause to have pub-  
9 lished in the Rail Conference Directory the names and addresses of all provincial chairmen and secretary-  
10 treasurers.
- 11 b) The National Board, when convened, shall have authority to adopt such bylaws as will be of benefit in handling  
12 their duties, provided such bylaws are not in conflict with the Constitution of the International Brotherhood of  
13 Teamsters, Teamsters Canada and the Rail Conference Bylaws.
- 14 c) All correspondence submitted by divisions to provincial legislative boards must bear the signature of the sec-  
15 retary and/or legislative representative.

### Section 4

### Compensation for Service

- 16 Compensation for the services of officers and members of legislative boards and legislative representatives shall  
17 be fixed by the board at the regular triennial session.

### Section 5

### Membership Assessments - How Levied

- 18 (a) (i) All expenses incurred by the National Board when convened for any purpose of legislation shall, except as  
19 otherwise agreed or provided, be raised by an equal assessment on all active members of the Rail  
20 Conference. The secretary-treasurer of each division shall, upon receipt of notice, forward to the secre-  
21 tary-treasurer of the National Legislative Board a list of the assessable members of their division; and the  
22 National Legislative secretary-treasurer, upon receipt of same, shall make a pro rata assessment, notify-  
23 ing the secretary-treasurer of each division the amount due from his division; same to be forwarded by the  
24 secretary-treasurer of each division within thirty (30) days of receipt of such notice of assessment.
- 25 (ii) All members in active service, including those holding official positions with the carrier and those employed  
26 exclusively by the Rail Conference, shall pay National Legislative Board dues as established by the  
27 National Legislative Board. These dues shall be remitted to the Rail Conference by the GCA secretary-  
28 treasurer along with other dues and assessments as provided by Section 27 - TCRC Bylaws and shall be  
29 separately allocated. The National Legislative Board shall prepare a budget for the use of these dues prior  
30 to the beginning of each fiscal year, subject to the approval of the Rail Conference Executive Board. These  
31 dues shall be used at the discretion of the National Legislative Board for the following:
- 32 (1) Actions with respect to any programs by the federal government or any national agency/railway asso-  
33 ciations;
- 34 (2) Rail safety committees;
- 35 (3) Lobbying efforts with respect to the federal government;
- 36 (4) Additional education and training.

- 37 All excess funds from these dues remaining at the end of the fiscal year shall be transferred to the general fund.  
38 b) Except as otherwise agreed or provided, all expenses incurred by the provincial legislative board shall be

1 raised by an equal assessment levied upon all active members of the Rail Conference holding membership in  
 2 the province in which their division is located. The secretary-treasurer of the provincial legislative board shall  
 3 notify the secretary-treasurer of each division in the province of the amount of assessment, who shall collect  
 4 such assessment from all assessable members of his division on or before the 20th day of the following month  
 5 after the date of notice, and shall remit same by the 20th day of the next succeeding month.

6 Where an agreement is in effect between the railway company and the Rail Conference, for union dues check-  
 7 off at source, the notice of an increase of assessment shall be given to the office of the general chairman for  
 8 the property affected, for forwarding to the appropriate railway company officer. Such notice shall be acted  
 9 upon immediately. The amount of the assessment payable by a division to the provincial legislative board will  
 10 be calculated by the rate of assessment determined by the provincial legislative board and the number of mem-  
 11 bers certified working by the union dues checkoff at source.

12 c) No delegate to any legislative board will be entitled to a seat unless the division to which he belongs is square  
 13 on the books of the secretary-treasurer.

14 d) The secretary-treasurer of provincial board shall have the power, when so authorized by the chairman, to levy  
 15 an assessment for the purpose of meeting the expenses of the board.

16 e) The secretary-treasurer of the National Board shall have the power, when so authorized by the chairman, to  
 17 levy an assessment for the purpose of meeting the expenses of the board.

18 f) The secretary-treasurers of legislative boards may secure a reduction in the premium on bonds in proportion  
 19 to funds handled, as is provided for secretary-treasurer of division in Section 13 (f) ii – TCRC Division Rules.

## Section 6

## Statements to Division

20 The secretary-treasurer of both the National and provincial legislative boards shall furnish each division with a copy  
 21 of the minutes of each board meeting, together with a financial statement of year ending December 31. Provincial  
 22 board secretary-treasurers shall also furnish the chairman of the National Legislative Board a copy of board min-  
 23 utes and annual financial statements.

## Section 7

## Assessments - How Paid

24 Members shall pay legislative board assessments to their own division. Members running out of one province into  
 25 another will be required to pay their legislative assessments to the division where they hold membership.

## Section 8

## Interfering with Boards

26 a) Any member refusing to sustain the official acts or instructions of any legislative board, or who engages in any  
 27 activity detrimental to any legislative board shall, when proven guilty after trial in accordance with Article XIX  
 28 IBT Constitution, be expelled.

29 b) In the event a division should refuse to sustain the official acts or instructions of a legislative board, or should a  
 30 division engage in any activity detrimental to any legislative board, the following procedure shall govern:

31 (1) The secretary-treasurer of the board will advise the Vice President / Governmental Affairs by written state-  
 32 ment of such refusal and provide the division involved a copy of the same.

33 (2) Within forty-five (45) days, a division so notified must submit to the National Legislative Representative a  
 34 written statement of the facts concerning their refusal.

35 (3) After reviewing the statements, the Vice President / Governmental Affairs will advise the Rail Conference  
 36 President for his review and recommendation to the General Executive Board of the IBT, which is empow-  
 37 ered to suspend the charter of the offending division.

**Section 9****Laws to be Compiled**

1 The National Legislative Board shall collect and compile data relative to all the laws affecting the interests of labour  
2 and furnish the same to the provincial legislative boards. All legislative boards will furnish the Rail Conference  
3 Office, and all general chairmen affected, a copy of laws enacted affecting railway labour.

**Section 10****New Legislation**

4 Provincial legislative boards are instructed to urge the passage of a law which will make it a misdemeanour, with  
5 penalty attached, for a railway company to permit, assign or hire anyone to operate a locomotive who is not a loco-  
6 motive engineer.

**Section 11****Not Deemed Invalid / Saving Clause**

7 No proceeding of this board shall be deemed invalid by reason of any defect of form or any technical irregularity.

**Section 12****Joint Legislative Boards**

- 8 a) Legislative boards may affiliate with or take the initiative to form labour legislative organizations, subject to the  
9 approval of the chairman of the National Legislative Board. Legislative boards formed in accordance with pro-  
10 visions of Section 1(a) may, by a majority vote of all members of the board, elect a representative to act with  
11 representatives from other organizations in forming what might be termed a joint legislative board (said organ-  
12 ization to have equal representation). The purpose of a joint legislative board shall be to protect the interests  
13 of labour. National or provincial board funds may be used to aid such joint national or provincial organizations  
14 respectively.
- 15 b) Provincial legislative boards may merge upon receiving a favourable vote of the delegates to each of the  
16 provincial legislative boards proposing to merge.
- 17 c) A division within a province that does not have a provincial legislative board may affiliate with a provincial leg-  
18 islative board of an adjoining province. Where no adjoining provincial legislative board exists, the closest geo-  
19 graphical provincial legislative board will be used. If more than one division desires to affiliate, a majority vote  
20 of the affected members will determine which provincial legislative board the divisions will be affiliated with.  
21 Upon receiving a majority vote of the delegates from the provincial legislative board to be affiliated with, the  
22 affiliation will take effect. The division legislative representative from the newly affiliated division will be a dele-  
23 gate as per Section 1 (d) – TCRC Legislative Board Rules.
- 24 d) If a division within a province that does not have a provincial legislative board seeks to affiliate and one (1) or  
25 more other divisions within that province have already affiliated with an adjoining provincial legislative board a  
26 majority vote of all affected members, members already affiliated and members seeking affiliation will deter-  
27 mine which provincial legislative board the divisions will be affiliated with. Upon receiving a majority vote of the  
28 delegates from the provincial legislative board to be affiliated with, the affiliation will take effect.

**Section 13****Canadian Labour Congress**

29 The membership, through Teamsters Canada will be part of the Canadian Labour Congress or any other recog-  
30 nized central labour body.

**Section 14****Association of Legislative Chairmen**

- 31 a) For the purpose of carrying on legislative matters, the Rail Conference authorizes the formation of a Legislative  
32 Board Chairmen's Association, which will include the United States and Canada.
- 33 b) The legislative board chairman of each state/province may be a member of and attend meetings of the asso-  
34 ciation and be entitled to a vote on all questions, providing the legislative board he represents has authorized  
35 his membership in the association.

- 1 c) The Vice President / Governmental Affairs will be an honorary member of the association. He shall attend all  
2 meetings of the association unless excused by the Rail Conference President. The association shall elect from  
3 its members a chairman, vice-chairman and secretary-treasurer.
- 4 d) The association shall have power to adopt for their government such bylaws as may be agreed upon not in  
5 conflict with the Constitution of the International Brotherhood of Teamsters, Teamsters Canada and the Rail  
6 Conference Bylaws, subject to the approval of the Rail Conference President.
- 7 e) The association shall meet at such time and place as may be designated in the constitution and bylaws of the  
8 association. Special meetings may be called by the Rail Conference President.

**Section 15****Legislative Boards - Adopt Bylaws**

9 The first order of business at the first meeting of a Provincial Legislative Board shall be the formulation and adop-  
10 tion of bylaws. Bylaws shall prescribe the duties of the officers of the board and provide the method of filling vacan-  
11 cies, such method not to be in conflict with applicable civil law; they shall prescribe for the board alone to have  
12 authority to levy assessments in accordance with Section 5(a) and (b) – TCRC Legislative Board Rules, the board  
13 alone to authorize expenditures of money derived from such assessments. The secretary-treasurer shall be bond-  
14 ed in accordance with Article X Section 7 (a) of the IBT Constitution. The secretary-treasurer shall be responsible  
15 to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with respect to the general com-  
16 mittee consistent with these bylaws.

**MERGER AGREEMENT**  
**between**  
**INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS**  
**and**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

The International Brotherhood of Locomotive Engineers (IBLE) and the International Brotherhood of Teamsters (IBT) enter into this Merger Agreement subject to approval and ratification as required by their respective Constitutions.

WHEREAS, after considering several potential merger partners, the Advisory Board of the IBLE voted unanimously to pursue merger discussions with the IBT; and

WHEREAS, the Unions determined that the merger agreement should be discussed and negotiated through a Joint Committee procedure in which both Unions would participate; and

WHEREAS, a Joint Committee composed of representatives of the IBLE and the IBT have met over an extended period, and the representatives have become familiar with the operations of each Union and its various subordinate organizations and have mutually agreed upon the terms set forth in this Merger Agreement and in the Bylaws of the IBT Rail Conference, the Brotherhood of Locomotive Engineers and Trainmen (a Division of the IBT Rail Conference) and the Teamsters Canada Rail Conference; and

WHEREAS, representatives from both Unions have determined that the following terms and conditions and the Bylaws of the proposed IBT Rail Conference, the Brotherhood of Locomotive Engineers and Trainmen (a Division of the IBT Rail Conference) and the Teamsters Canada Rail Conference (all of which are incorporated by reference and are a part of this Merger Agreement) guarantee to the IBLE and its members maximum autonomy within the structure of the IBT; and

WHEREAS, the IBLE Advisory Board and the members of the Joint Committee believe that a merger with the IBT will give the IBLE strength and resources to enable it to better represent its members and to negotiate strong contracts; and

WHEREAS, the Joint Committee members from both Unions recommend approval of this agreement, the incorporated bylaws and the merger they represent;

NOW, THEREFORE, BE IT RESOLVED that the parties agree to the following terms and conditions to govern the merger of the IBLE into the IBT subject to the approval procedures set forth in the Constitutions of each Union.

1. Purpose. The purpose of this Agreement is to provide for the merger of the IBLE into the IBT; to maintain for the IBLE the maximum autonomy available within the structure established by the IBT Constitution; to gain for the IBLE and its members the strength and resources available both from the International Brotherhood of Teamsters and from cooperation and coordination with IBT Local Unions and other affiliates throughout the United States, Canada and Puerto Rico; to enable IBLE to better serve its members, to better represent its members and to secure stronger contracts for its members;

to establish a Rail Conference within the IBT in which IBLE will play the leading role; and to enable IBLE to expand its jurisdiction and membership to include all operating crafts within the Rail Industry to the fullest extent permitted by the rules of the AFL-CIO as they exist at the time this Merger Agreement is approved by the IBLE Advisory Board.

2. General Terms and Summary. This merger is subject to the approval of each Union in accord with the procedures established by their Constitutions.

2.1. United States. If the merger is approved, the IBLE and its subordinate bodies in the United States will become known as the Brotherhood of Locomotive Engineers and Trainmen (BLET) and will be constituted as a division within a newly formed IBT Rail Conference. The IBLE and its subordinate bodies will maintain the same control over their assets, contracts and affairs that they have prior to the merger limited only by the specific provisions of this Merger Agreement and the applicable bylaws for the BLET and the IBT Rail Conference. All current officers of all IBLE bodies (International Division, Local Divisions, General Committees of Adjustment and State Legislative Boards) will maintain their current offices, and elections in each body will be conducted as currently scheduled. In particular, the next IBLE Convention and the next elections of IBLE officers will go forward on their current schedule. The Rail Conference will be an umbrella organization designed to coordinate activities on behalf of members within the Rail Industry in the United States including all members of the IBLE in the United States and any rail union with independent jurisdiction that may merge with the IBT in the future. The Merger Agreement also provides a transition with respect to certain governing provisions of the IBT Constitution, with respect to the payment of per capita by IBLE to the IBT, and with respect to the assumption by IBT of certain IBLE administrative and legislative functions. The Merger Agreement guarantees the parties the right to withdraw from the merger during a two-year period following approval through the procedures set forth in paragraph 6.26, below.

2.2. Canada. The IBLE subordinate bodies in Canada will become the Teamsters Canada Rail Conference (TCRC) and will be directly affiliated with Teamsters Canada. The IBLE subordinate bodies in Canada will maintain the same control over their assets and affairs that they have prior to the merger limited only by the specific provisions of this Merger Agreement and the TCRC Bylaws. All current officers of all IBLE subordinate bodies in Canada (Divisions, General Committees of Adjustment and Provincial Legislative Boards) will maintain their current offices, and elections in each of these subordinate bodies will be conducted as currently scheduled. The TCRC will be established with an Executive Board consisting of the two IBLE Vice Presidents from Canada and five other officers as specified in paragraph 5.4, below. These officers will serve until the TCRC Convention which will be held in 2006, at which time the TCRC Executive Board will be elected by the delegates to the TCRC Convention. The Merger Agreement also provides a transition with respect to certain governing provisions of the IBT Constitution and the Bylaws of Teamsters Canada. The Merger Agreement guarantees IBLE affiliates in Canada and the IBT the right to withdraw from the merger during a two-year period following approval through the procedures set forth in paragraph 6.27, below.

## A

### Provisions Applicable in the United States

3.1 Rail Conference. The IBT will establish a Rail Conference within the IBT as provided by the Rail Conference Bylaws which are incorporated by reference and are a part of this Merger Agreement.

The Rail Conference will be a representative body whose officers will be appointed by the Craft Divisions established within the Conference and the purpose of the Rail Conference will be to coordinate the representation of and all activities on behalf of members within the Rail Industry in the United States including all members of the IBLE in the United States.

3.2. Rail Conference Jurisdiction. The jurisdiction of the Rail Conference shall consist of employees working in the Rail Industry within the United States of America. The Craft Divisions within the Rail Conference shall have jurisdiction in accord with traditional craft lines with the BLET representing all locomotive engineers, all trainmen and all related operating personnel within the United States.

3.3. Rail Conference Headquarters and Offices. The headquarters and office of the Rail Conference shall be located at the IBT headquarters building in Washington, D.C.

3.4. Rail Conference Officers. The initial members of the Rail Conference Policy Committee shall be the IBLE President, First Vice President, General Secretary-Treasurer and a fourth representative designated by the IBLE/BLET Advisory Board. The BLET National President (IBLE President) and the BLET National Secretary-Treasurer (IBLE General Secretary-Treasurer) shall serve as the initial President and Secretary-Treasurer of the Rail Conference. As provided in the Rail Conference Bylaws, additional members of the Rail Conference Policy Committee shall include an appropriate number of representatives from any other affiliated Rail Industry Craft Divisions that may hereafter be established and affiliated with the Rail Conference. In accord with the Rail Conference Bylaws, these officers shall fill these offices until the 2006 Rail Conference Convention at which time the members and officers of the Rail Conference Policy Committee shall be appointed and elected as provided in the Rail Conference Bylaws.

3.5. Rail Conference Convention. The Rail Conference shall hold its first Convention at or about the time of the 2006 IBT Convention and every four years thereafter at a time and place set by the Rail Conference Policy Committee.

3.6. Rail Conference Per Capita. Operations of the Rail Conference shall be supported initially by the IBT by a per capita of \$0.25 per member per month to be allocated from the per capita paid to the IBT by the Craft Divisions within the Rail Conference. The delegates at the first Rail Conference Convention shall continue or change the per capita and, beginning with the month after they have acted, the per capita shall be paid by the Craft Divisions directly to the Conference and separate from any other per capita. These funds shall be maintained and controlled by the Rail Conference in accord with the Rail Conference Bylaws.

3.7. Rail Conference Operations. As provided by its Bylaws, the Rail Conference shall coordinate the activities of its affiliated Craft Divisions. The expenses of the Rail Conference shall be paid by the Rail Conference except as otherwise explicitly provided in this Merger Agreement.

4.1. Brotherhood of Locomotive Engineers and Trainmen. The IBLE shall become the Brotherhood of Locomotive Engineers and Trainmen, a Division of the IBT Rail Conference, and will be governed by the BLET Bylaws which are incorporated by reference and are a part of this Merger Agreement. The BLET Bylaws are designed to establish and continue within the IBT as much of the existing structure and operation of IBLE and its subordinate bodies as is consistent with the IBT Constitution.

4.2. BLET Jurisdiction. The jurisdiction of the BLET shall consist of the jurisdiction of the IBLE within the United States and shall include all locomotive engineers, all trainmen and all related operating personnel within the United States.

4.3. BLET Headquarters and Office. The headquarters and office of the BLET shall be located at the current headquarters and office of the IBLE in Cleveland, Ohio, or at such other place as the BLET may determine in accord with its Bylaws.

4.4. BLET Officers. The initial officers of the BLET will be the same as the officers of the IBLE as provided in the BLET Bylaws. The officers of the BLET shall thereafter be elected at the BLET Convention.

4.5. BLET Convention. The BLET shall hold its first Convention at the same time that the next regular IBLE Convention would have been held but for the merger and every four years thereafter.

4.6. BLET Dues. Dues and other financial obligations among and between the BLET and the subordinate bodies of the IBLE/BLET shall not be affected by this agreement and shall in the future be determined and adjusted as provided by the BLET Bylaws and in accord with the requirements of federal law. All expenses of operating the BLET and its subordinate bodies shall be borne by the BLET and its subordinate bodies except as otherwise explicitly provided by this Merger Agreement.

4.7. BLET Operations. As provided by its Bylaws, the BLET shall have responsibility and authority over the activities of its affiliated Local Divisions, General Committees of Adjustment and State Legislative Boards. Except as explicitly modified by the BLET Bylaws, the BLET shall retain and maintain the same responsibility and authority as the IBLE with respect to IBLE operations and subordinate bodies.

4.7.1. Control of Assets and Funds. The BLET shall retain and maintain control of all IBLE assets and funds. All IBLE subordinate bodies shall retain control of their assets and funds. In particular, the BLET shall retain control of the IBLE General Fund, Convention Fund and Mobilization/Strike Fund. The IBLE Building Association shall continue to operate under its current articles of incorporation. The IBLE Building Association shall maintain the same relationship to the BLET as it currently maintains with respect to the IBLE.

4.7.2. Benefit Plans. The BLET shall retain and maintain control of any existing IBLE benefit plans, shall continue to participate in current benefit plans, and shall in the future determine its participation in any such plans in accord with its bylaws.

4.7.3. Employees and Contractors. The BLET shall have authority and responsibility to hire, supervise and direct its own employees and establish their benefits and other terms and conditions of employment. The BLET shall have authority and responsibility to engage its own attorneys, accountants, consultants and other vendors.

4.7.4. Collective Bargaining Agreements. The BLET shall be the successor to and shall continue to hold the certifications currently held by the IBLE and shall have complete authority to negotiate and administer collective bargaining agreements pursuant to those certifications.

4.7.5. Initiation Fees, Dues and Per Capita. Initiation fees, dues, and any other financial obligations between and among the IBLE and its subordinate bodies shall continue as before the merger. The BLET shall pay a monthly per capita to the IBT International Union which shall be \$5.00 for the period January 2004 through December 2005. The monthly per capita for 2006 shall be \$11.00 for engineers, \$9.90 for trainmen and \$6.60 for members under non-standard contracts. Beginning with the month of January 2007, monthly per capita shall be set for the three classes of members within the IBLE/BLET based upon the average hourly wage rate for each class – engineers (based on national contract rates), trainmen, non-standard. The average hourly rate will be recalculated in December of each year for each class and the per capita (calculated in accord with Article X of the IBT Constitution for each class) will become applicable the following January. It is the intent of the parties that this per capita will be paid by the IBLE/BLET National Division and will not be passed on to members in the form of a dues increase or to Local Divisions or other subordinate bodies within the IBLE/BLET. In order to protect the arrangements made in the following paragraph to effectuate this intent, and notwithstanding any other provision of the BLET Bylaws, the provisions of Section 25 of the National Division Rules of the BLET Bylaws will remain in effect until the close of the National Division Convention held in 2006.

4.7.6. Functions Assumed by IBT. In order to insure that IBLE will be able to pay the per capita due to the IBT during the period from January 2004 through December 2005, the IBT agrees to pay all AFL-CIO, TTD and Rail Labor Division per capita on behalf of IBLE; to assume responsibility for the salaries and certain fringe benefits for one auditor, one education/training coordinator and one full-time organizer currently employed by IBLE; to fund certain temporary organizers to assist IBLE in IBLE/BLET and joint organizing campaigns, which funds are currently provided directly by IBLE; to provide office space in the IBT Headquarters Building for the IBLE Washington Office including the National Legislative Office; to bear the expense for publishing the IBLE quarterly magazine and the IBLE newsletter; and to subsidize IBLE expenses for outside legal counsel. Members within the BLET shall participate in the IBT Strike and Defense Fund to the same extent as any other member of the IBT. A Joint Committee on Finances will be formed to reach a similar agreement to fulfill the intent of the parties that the cost of per capita due on and after January 1, 2006, will not be passed on to members in the form of a dues increase or to Local Divisions or other subordinate bodies within the IBLE/BLET.

## B

### Provisions Applicable in Canada

5.1. Teamsters Canada Rail Conference (TCRC). The IBLE affiliates located in Canada shall be organized into the Teamsters Canada Rail Conference (TCRC) which will be directly affiliated with Teamsters Canada. The TCRC Bylaws are designed to continue and establish within Teamsters Canada as much of the existing structure and operation of IBLE affiliates located in Canada within the Teamsters Canada Rail Conference as possible consistent with the IBT Constitution and the Bylaws of Teamsters Canada.

5.2. TCRC Jurisdiction. The jurisdiction of the TCRC shall be all railway employees represented by the IBLE and IBT within Canada and shall include, but not be limited to, all locomotive engineers, all trainmen and all related operating personnel within Canada.

5.3. TCRC Headquarters and Office. The headquarters and office of the TCRC shall be located in Ottawa, Province of Ontario, Canada.

5.4. TCRC Executive Board and Officers. The initial officers of the TCRC Executive Board shall be G. Halle (TCRC President; IBLE Vice President, Canadian Director); T.G. Huckler (TCRC Vice President; IBLE Vice President and National Legislative Representative, Canada); R. Dyon (TCRC Secretary-Treasurer; IBLE 1<sup>st</sup> Alternate Vice President, Canada); D.C. Curtis (TCRC Recording Secretary; IBLE 2<sup>nd</sup> Alternate Vice President, Canada); M.A. Wheten (TCRC Trustee; IBLE 3<sup>rd</sup> Alternate Vice President, Canada); D. Shewchuk (TCRC Trustee); and J. Ruddick (TCRC Trustee). These officers shall serve until the 2006 TCRC Convention at which the Executive Board offices shall be elected by the delegates as provided in the TCRC Bylaws.

5.5. TCRC Dues. Dues, assessments and other financial obligations among and between the TCRC and the subordinate bodies of the IBLE shall not be affected by this agreement except that any dues, assessments or other payments payable by IBLE affiliates in Canada to the IBLE for any time after January 1, 2004 (including administrative dues, convention assessment and national legislative assessment), shall be paid directly to the TCRC. On and after January 1, 2004, all expenses of operating the TCRC and its subordinate bodies shall be borne by the TCRC and its subordinate bodies except as otherwise explicitly provided by this Merger Agreement.

5.6. TCRC Operations. As provided by its Bylaws, the TCRC shall have responsibility and authority over the activities of its affiliated Local Divisions, General Committees of Adjustment and Provincial Legislative Boards. Except as explicitly modified by the TCRC Bylaws, the TCRC shall assume and maintain the same responsibility and authority as the IBLE with respect to IBLE/TCRC operations and subordinate bodies in Canada.

5.6.1. Control of Assets and Funds. The TCRC shall maintain control of all TCRC assets and funds. All IBLE/TCRC subordinate bodies in Canada shall retain control of their assets and funds as provided by the TCRC Bylaws.

5.6.2. Benefit Plans. The TCRC shall maintain control of any existing IBLE benefit plans in Canada, shall continue to participate in current benefit plans, and shall in the future determine its participation in any such plans in accord with its bylaws.

5.6.3. Employees and Contractors. The TCRC shall have authority and responsibility to hire, supervise and direct its own employees and establish their benefits and other terms and conditions of employment. The TCRC shall have authority and responsibility to engage its own attorneys, accountants, consultants and other vendors.

5.6.4. Collective Bargaining Agreements. The TCRC shall be the successor to and shall continue to hold the certifications currently held by the IBLE with respect to any carrier in Canada and shall have complete authority to negotiate and administer collective bargaining agreements pursuant to those certifications.

5.6.5. Initiation Fees, Dues and Per Capita. The TCRC shall pay a monthly per capita of \$4.00 to the IBT International Union and a monthly per capita of \$1.50 to Teamsters Canada for the period of January 2004 through December 2005. The monthly per capita to the IBT International Union for

2006 shall be \$8.25 for engineers, \$7.42 for trainmen and \$4.95 for members under non-standard contracts. Beginning with the month of January 2007, monthly per capita shall be set for the three classes of members within the TCRC based upon the average hourly wage rate for each class – engineers (based on national contract rates), trainmen, non-standard. The average hourly rate will be recalculated in December of each year for each class and the per capita (calculated in accord with Article X of the IBT Constitution for each class) will become applicable the following January. TCRC shall continue to pay per capita to Teamsters Canada. It is the intent of the parties that these per capitae will be paid by the TCRC and will not be passed on to members in the form of a dues increase or to Local Divisions or other subordinate bodies within the TCRC. Teamsters Canada has agreed to assume responsibility for certain TCRC functions in order to insure that TCRC will be able to pay the per capita due to the IBT International Union and to Teamsters Canada during the period from January 2004 through December 2005. TCRC and Teamsters Canada will establish a Joint Committee on Finances to reach a similar agreement to fulfill the intent of the parties that the cost of per capita due on and after January 1, 2006, will not be passed on to members in the form of a dues increase or to Local Divisions or other subordinate bodies within the TCRC.

## C

### Common Provisions

6.1. Continued Cooperation. IBT and IBLE will continue to cooperate during the approval/ratification process with respect to all matters of mutual interest including, but not limited to, legislation, organizing, representation and issues pending before the National Mediation Board.

6.2. Effective Date. The Merger shall become effective on January 1, 2004 (Effective Date) and the Rail Conference, BLET and TCRC Bylaws will become effective on that date.

6.3. Membership. On the Effective Date, all IBLE members will become and be considered IBT members.

6.4. Officers. All current officers of all IBLE bodies (National Division, Divisions, General Committees of Adjustment, State and Provincial Legislative Boards) will maintain their current offices, and elections in each body will be conducted according to the existing schedule except as specifically provided in paragraph 5.4 with respect to the IBLE Vice Presidents for Canada and the Executive Board and officers of TCRC.

6.5. Charters. All charters issued by IBLE will be considered as having been issued by IBT. IBT will issue replacement or duplicate charters upon request. IBT will issue charters to all IBLE affiliates that do not already have charters issued by IBLE (BLET, TCRC, General Committees of Adjustment, and State and Provincial Legislative Boards). The BLET and TCRC Bylaws will otherwise govern the issuance of charters within the IBLE/BLET/TCRC and the IBT will issue charters for subordinate bodies within the IBLE/BLET/TCRC, provided that the issuance of such charters is consistent with the provisions of the BLET or TCRC Bylaws.

6.6. Transition to IBT Constitution. Except as otherwise provided by this Merger Agreement or in the BLET or TCRC Bylaws, the provisions of the IBT Constitution shall apply on and after January 1, 2004. The BLET Bylaws and the TCRC Bylaws shall govern in the event of any inconsistency with the IBT Constitution.

6.7. Eligibility to Vote. The provisions of the IBT Constitution concerning eligibility to nominate, second and vote will become effective on January 1, 2006.

(NOTE: The IBT Constitution provides that members are eligible to nominate and vote only if, as of the date of nominations or election, they are members in good standing through the month prior to the nominations meeting or election.)

6.8. Eligibility to Run for Office (IBT “Continuous Good Standing” Rule). The provisions of the IBT Constitution concerning eligibility to run for office will become effective on January 1, 2006. For the purpose of determining eligibility to run only, all IBLE/BLET/TCRC bodies will be treated as “newly chartered” on January 1, 2006 and the provisions of Article II, Section 4(b), of the IBT Constitution will be applied.

(NOTE: The IBT Constitution provides that members are eligible to run for election only if they are “in continuous good standing . . . and actively employed in the craft . . . for a period of twenty-four (24) consecutive months prior to the month of nomination” (IBT Constitution, Article II, Section 4(a)(1)). In general, “continuous good standing” means the timely payment of dues for each of the twenty-four months during the applicable period together with no interruptions in active service during that period. In “newly chartered” affiliates, Article II, Section 4(b), of the IBT Constitution reduces the twenty-four month period to “at least half of the period of time since the [affiliate] was separately chartered.” For nominations held in September 2006 within the former IBLE, for example, a member will be eligible to run only if he has maintained continuous good standing for four months (one-half the eight-month period from January 1, 2006, through August 2006).)

6.9. Elections. All elections within the former IBLE shall be conducted in accord with the procedures set forth in the applicable BLET or TCRC Bylaws. Effective for all nominations conducted after January 1, 2006, appeals concerning eligibility shall be handled in accord with Article XXII, Section 5(a), of the IBT Constitution. All other appeals and disputes with respect to elections held within the BLET or the TCRC shall be handled in accord with the applicable provisions of the BLET/TCRC Bylaws.

6.10. Charges and Appeals. All internal union charges and appeals filed before the Effective Date will be handled under the provisions, rules and procedures in effect prior to the Merger. All internal union charges and appeals filed after the Effective Date will be handled under the provisions, rules and procedures established by the BLET or TCRC Bylaws and the IBT Constitution. For the purpose of applying the provisions of Article XIX within the IBLE/BLET/TCRC, Local Divisions will be considered as the equivalent of Local Unions and the BLET National Division and the TCRC will be considered as the equivalent of Joint Councils. Time limits shall be as set forth in the BLET and TCRC Bylaws with the provision that the time limits provided in Article XIX shall apply with respect to appeals from the BLET National Division or the TCRC to the IBT General Executive Board. The International Union shall not entertain any appeal from any collective bargaining matter or administrative matter decided by the BLET or TCRC. Decisions appealable to the IBT General Executive Board shall be sustained unless inconsistent with the IBT Constitution or applicable law.

6.11. Trusteeships. During the period from January 1, 2004, through December 31, 2006, trusteeships may only be imposed on IBLE/BLET affiliated bodies with the consent of the National President of the IBLE/BLET or upon IBLE/TCRC affiliated bodies with the consent of the President of the TCRC. Neither the IBLE/BLET nor the TCRC may be placed in trusteeship during this period. On and after January 1, 2006, in the event that the IBT General President should determine that conditions exist that would warrant imposing a trusteeship on any IBLE/BLET/TCRC affiliate he shall consult with the National President of the IBLE/BLET or the President of the TCRC, as the case may be, and seek his assistance in resolving the problems before exercising his authority under Article VI, Section 5, of the IBT Constitution. This shall not prevent the IBT General President from taking immediate action where, in his discretion, the facts indicate the existence of a situation that is imminently dangerous to the IBLE/BLET/TCRC affiliate, the IBLE/BLET/TCRC, the IBT or any IBT affiliate. In such a situation the IBLE/BLET National President or the TCRC President, as the case may be, shall be fully informed of the imposition of the trusteeship and the reasons such action was necessary.

6.12. Ratification of Contracts. Collective bargaining agreements within the BLET and TCRC shall be ratified in accord with the provisions of the BLET and TCRC Bylaws.

6.13. Joint Council Affiliation. BLET Local Divisions and other affiliates will not be required to be affiliated with IBT Joint Councils. Officers of BLET Local Divisions and other affiliates will be invited to attend meetings and other functions and events conducted by the Joint Council having jurisdiction over the geographic area in which the Local Division or other affiliate is located. BLET Local Divisions and other affiliates may enter into agreements with the Joint Council having jurisdiction over the geographic area in which the Local Division or other affiliate is located on mutually agreeable terms, subject to the approval of the BLET President (or the TCRC President) and the IBT General President (acting on the recommendation of the President of Teamsters Canada).

6.14. Jurisdictional Disputes. Any jurisdictional dispute that arises within the BLET or within the TCRC shall be resolved in accord with the provisions of the BLET or TCRC Bylaws. As of January 1, 2004, any jurisdictional dispute that may arise between any IBLE/BLET/TCRC affiliate and any IBT affiliate will be handled as provided by Article XII, Section 21, of the IBT Constitution with one member of the panel appointed by the IBLE/BLET National President or the TCRC President and two members appointed by the IBT General President.

6.15. IBT General Executive Board. The IBLE/BLET President will be considered by the IBT General President for any vacancy that may occur on the IBT General Executive Board. The President of the Rail Conference will attend all meetings of the IBT General Executive Board.

6.16. IBT Convention Delegates, United States. For the purpose of allocating and electing delegates to the IBT Convention in accord with Article III, Section 2, of the IBT Constitution, IBLE/BLET General Committees of Adjustment (GCAs) shall be treated as Local Unions as provided in this paragraph. Each GCA having at least 100 active members shall be entitled to one (1) delegate to the IBT for up to the first thousand active members and to one additional delegate for each additional 750 active members or major fraction thereof. GCAs with less than 100 active members shall be grouped into three geographic groups: (1) New York, New Jersey, Pennsylvania and the New England States; (2) Minnesota and all states west of the Mississippi River; and (3) the remaining states (Midwest and South). The active members in GCAs with less than 100 active members within these designated geographic areas shall be consolidated for the purpose of electing delegates to the IBT Convention and shall be entitled to elect del-

legates according to the formula set out above and in the IBT Constitution as though they constituted a single Local Union. Delegates to the IBT Convention must satisfy the eligibility requirements set forth in the IBT Constitution and shall be elected in accord with the applicable provisions of the IBT Constitution and the Rules governing the election.

6.17. IBT Convention Delegates, Canada. For the purpose of allocating and electing delegates to the IBT Convention, TCRC shall be treated as a Local Union within the provisions of Article III, Section 2, of the IBT Constitution and shall be entitled to the number of delegates there provided.

(NOTE: Article III, Section 2, of the IBT Constitution provides that a Local Union is entitled to one delegate for the first 1000 members or less and one additional delegate for each additional 750 members or major fraction thereof. Delegates are elected at-large in a mail ballot election directly by the membership.)

6.18. IBLE Assets. Notwithstanding the provisions of Article XX of the IBT Constitution, all properties, funds and assets, both real and personal, held by the IBLE or any IBLE affiliate as of December 31, 2003, shall remain the property, funds and assets of the IBLE/BLET/TCRC or affiliate in the event of secession or disaffiliation.

6.19. IBLE PAC Fund. IBLE/BLET will continue to maintain its separate Political Action Committee but will coordinate contributions, reporting and other functions with IBT DRIVE as required by United States law.

6.20. Designated Counsel (FELA). IBLE/BLET National Division will retain exclusive authority to specify designated legal counsel to represent members within the IBLE/BLET under the Federal Employer's Liability Act (FELA).

6.21. United Transportation Union (UTU). In accordance with the explicit provisions of this Merger Agreement, it is the express intent of the parties to include jurisdiction over all rail operating crafts exclusively within the BLET. Therefore, the IBT agrees that it will not exercise its authority under Article IX, Section 12, of the IBT International Constitution to enter into any agreement or arrangement with the UTU for the purpose of effectuating any affiliation or merger of the UTU with the IBT without the consent of the BLET. The BLET shall obtain such consent only through a referendum vote of its active membership.

6.22. Organizing. IBT and Teamsters Canada commit to assist IBLE/BLET/TCRC and their affiliates in a major campaign to organize employees within the jurisdiction of the IBLE/BLET and TCRC and, in particular, to bring within the jurisdiction of the IBLE/BLET and the TCRC all locomotive engineers, all trainmen and all related operating personnel within the United States and Canada.

6.23. Joint Committee on Finances. IBLE/BLET and IBT will each appoint three members to a Joint Committee on Finances for the purpose of determining what measures shall be undertaken by the parties, including what additional services, if any, the IBT should undertake to perform on behalf of the IBLE/BLET (or Teamsters Canada on behalf of TCRC), to fulfill the intent of the parties that the per capita that becomes effective on and after January 1, 2006, will not be passed on to members in the form of a dues increase or to Local Divisions or other subordinate bodies within the IBLE/BLET/TCRC.

6.24. Ratification. This Merger Agreement and the incorporated bylaws shall be subject to approval and ratification by the IBLE and the IBT through the procedures set forth in their Constitutions. The parties shall promptly and expeditiously proceed to submit this Merger Agreement and the incorporated bylaws for approval through the procedures set forth in their respective Constitutions. IBT shall be permitted to address IBLE members and officers with respect to this merger and throughout the approval procedure to the fullest extent permitted by the IBLE Constitution.

6.25. Disputes. Any disputes concerning the terms of this Merger Agreement or their application with respect to matters affecting the United States shall be initially submitted to the National President of the IBLE/BLET and the General President of the IBT or their designated representatives and any agreed-upon resolution will be subject to the approval of the IBLE/BLET Advisory Board and the IBT General Executive Board. Any disputes concerning the terms of this Merger Agreement or their application with respect to matters affecting Canada shall be initially submitted to the President of the TCRC and the President of Teamsters Canada or their designated representatives and any agreed-upon resolution will be subject to the approval of the IBLE/TCRC Executive Board and the IBT General Executive Board. Any dispute concerning the terms or application of this Merger Agreement in the United States or in Canada which cannot be resolved will be promptly submitted to a mutually agreeable neutral third party.

6.26. Withdrawal, United States. With respect to the IBLE/BLET within the United States, either Union may withdraw from this merger at any time during the period from January 1, 2004, through December 31, 2005. BLET may withdraw from this merger if (a) the officers of the BLET vote by a two-thirds majority to withdraw from the merger at any time during this period and (b) the withdrawal is subsequently approved by a majority of active members within the BLET voting in a properly conducted referendum. For the purpose of conducting such a referendum, the parties will designate a mutually acceptable independent individual or agency and the costs will be borne equally between the parties. IBT may withdraw from this merger by action of its General Executive Board. A withdrawal from the merger in the United States shall not affect the independent right of the IBLE/TCRC in Canada to withdraw from the merger.

6.27. Withdrawal, Canada. With respect to the IBLE/TCRC in Canada, either Union may withdraw from this merger at any time during the period from January 1, 2004, through December 31, 2005. TCRC may withdraw from this merger if (a) the officers of the TCRC Executive Board vote by a two-thirds majority to withdraw from the merger at any time during this period and (b) the withdrawal is subsequently approved by a majority of the active members within the TCRC voting in a properly conducted referendum. For the purpose of conducting such a referendum, the parties will designate a mutually acceptable independent individual or agency and the costs will be borne equally between the parties. IBT may withdraw from this merger by action of its General Executive Board following a recommendation by Teamsters Canada. A withdrawal from the merger in Canada shall not affect the independent right of the IBLE/BLET in the United States to withdraw from the merger.

6.28. Savings Clause. The fact that any provision of this Merger Agreement is held illegal or unenforceable by a court or other tribunal of competent jurisdiction shall not affect the validity or enforceability of any other severable portion of this Agreement.

6.29. Correction of Inadvertent Errors. The parties shall have the power to correct any typographical, grammatical or punctuation errors in any of the documents involved in this Merger, provided that any such change must be consistent with the spirit and intent of the provision involved.