

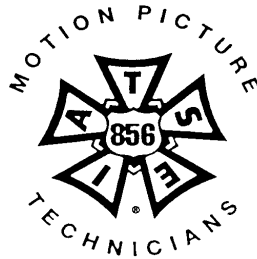
# CONSTITUTION AND BY-LAWS

of the

**MOTION PICTURE TECHNICIANS  
LOCAL 856**

**Chartered July 1, 1999**

11th Edition



International Alliance of Theatrical Stage Employees,  
Moving Picture Technicians, Artists and Allied Crafts  
of the United States, its Territories and Canada

Affiliated with the

AFL CIO CLC

We live, work and play on original lands of the Anishinaabe, Cree, Oji-Cree, Dakota, and Dene peoples, and on the homeland of the Red River Métis. We acknowledge the harms and mistakes of the past, and we dedicate ourselves to move forward in partnership with Indigenous communities in a spirit of reconciliation and collaboration.

We also acknowledge that our water is sourced from Shoal Lake 40 First Nation.

**Land Acknowledgement: Written by Elder Theodore Fontaine (for MAPC)**

We acknowledge that we are on First Nation Land, Turtle Island, inhabited by First Nations from time immemorial.

For thousands of years, First Nations People – The Anishinaabe, Cree, Dene, Dakota, and Oji-Cree Nations - walked and lived on this land and knew it to be the centre of their lives and spirituality.

The Ojibwa call this land Manitou Ahbee, the place where the Creator resides.

We acknowledge this land became the Homeland of the Red River Metis People.

We also acknowledge that we are now all bound together by Treaty 1.

PLEDGE

I, the undersigned, as a condition of my membership in Local No. 856 and in the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, do solemnly pledge myself to accept and abide by the provisions of the Constitution and By-Laws of this Local and of the Alliance, as are now in force and as hereafter legally amended, and hereby express my consent to be governed thereby in the conduct of my trade and in my relationship with this Local and the Alliance. I solemnly pledge myself not to resort to legal proceedings against this Local and the Alliance for any grievance, but first to seek remedies within this Local and the Alliance, before resorting to any other tribunals.

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Signature of Member

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Name of Member



## **CONSTITUTION**

### **ARTICLE I**

#### **Name, Affiliation and Jurisdiction**

Section 1. The name of this organization shall be The Motion Picture Studio Production Technicians Local 856, of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (hereinafter called the "Union" or "Local").

Section 2. This Local has been established and exists by virtue of a Charter issued by the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, AFL-CIO (hereinafter called the "Alliance" or "International") and pursuant to the Constitution and By-Laws of the International.

Section 3. Jurisdiction of this Local shall embrace the jurisdiction set forth in the Charter granted, and as more fully defined in Article XVIII, Sections 9 and 10 of the International Constitution.

### **ARTICLE II**

#### **Objects**

Section 1. This Local is dedicated to the principles of trade unionism. Its objects are, but not limited to, uniting all workers within its jurisdiction for the following purposes:

- (a) To improve their wages and hours of work, to increase their job security and to better their working conditions.
- (b) To advance their economic, social and cultural interests.
- (c) To establish peaceful and harmonious relations between its members and their employers, and to increase the stability of the industry.
- (d) To work towards full employment.
- (e) To promote and support democracy and free trade unionism.
- (f) To engage in such other activities as may be necessary or proper to strengthen the labour movement and to extend the process of collective bargaining throughout all trades and industries.

Section 2. This Local shall endeavor to accomplish the foregoing purposes by organizing the unorganized, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation, and by all other appropriate means within the International.

### **ARTICLE III**

#### **Membership**

##### **Section 1. QUALIFICATIONS FOR MEMBERSHIP**

No person shall be eligible either to join membership or to retain membership in this Local who shall be a member of any organization having for its aim or purpose the overthrow, by force, of the Constitution and Government of the United States or Canada.

Any member who shall, upon trial, be found to lack any of the qualifications for membership in this Local, shall forthwith be expelled and shall surrender all rights and privileges as such member, including death benefits and other property rights, if any, in the assets of this Union; and no member, so expelled shall ever be eligible to reinstatement thereafter.

Any person applying for membership in this Local must be of good moral character and reputation, and unless waived by the International for proper cause upon application by the Local, must have been a resident for at least eighteen (18) months preceding their application within its jurisdiction.

Such applicant shall be of legal age to engage in gainful employment within the jurisdiction of this Local.

There shall be no discrimination against any person in respect to membership in this Local by reason of race, colour, creed, religion, national origin, sex, sexual orientation or age.

##### **Section 2. APPLICATION FOR MEMBERSHIP**

Every application for membership must be made upon the official printed form supplied by the International to the Local.

The endorsement of the application by the General Secretary-Treasurer of the International must be obtained before any action is taken by the Local upon the admission of the applicant, and if endorsement is refused the applicant shall be rejected.

Each application blank must be accompanied by an initiation fee as defined in Article IX (to be returned if application is rejected), and such processing fee as may be determined by the General Office. This processing fee is not returnable.

Any applicant who is guilty of knowingly making false statements upon the application blank shall, if admitted to membership, be expelled upon conviction and shall be thereafter denied admission to membership in this Local. Any initiation fee paid by such member shall be forfeited upon expulsion.

### Section 3. EXAMINATION OF APPLICANTS

Applicants for membership may, if so decided by the Department, be required to pass satisfactory examination as to competency and qualifications. If required, such examination shall be before a Board of Examiners, consisting of or appointed by the Executive Board, and the examination shall be uniform for all applicants. The approval of the Board of Examiners is essential before further action is taken.

### Section 4. BALLOTING ON APPLICANTS

An applicant who has complied with the preceding sections of this Article and who is, thereunder, eligible for membership shall be proposed for admission at a regular meeting of the Local. Such applicant shall not be present when their name is proposed for membership. The members of the local shall then proceed to vote upon the applicant and the members shall vote to reject or accept the names/s proposed, a majority vote of the members present shall be required for the acceptance of said applicant to membership.

## **ARTICLE IV**

### **Headquarters**

The headquarters and main office shall be within the City of Winnipeg, Manitoba, Canada at such place as may be designated by the Local.

## **ARTICLE V**

### **Government**

#### Section 1. SUPREME LAW

The International Constitution and By-Laws, as well as this Constitution and By-Laws, shall be supreme law of this Local.

#### Section 2. MEMBERSHIP MEETINGS

No fewer than 4 Regular General Membership meetings shall be held each year, 5 meetings in an election year. These meetings shall be held in the months of February, May, September and December and in an election year November. The meetings shall be held on the third Wednesday at 7:30 PM. The regular meeting date and time may be changed by a majority vote of the Executive Board.

#### Section 3. SPECIAL MEETINGS

Special Meetings must be called by the President on petition of no less than twenty percent (20%) of the membership, and no business, other than that for which such meeting is called, shall be conducted thereat. A majority of the Executive Board as well as the President shall also have the power to call Special Meetings.

#### Section 4. QUORUM AT REGULAR AND SPECIAL MEETINGS

A quorum of ten percent (10%) of all members in good standing is required to open a meeting for the transaction of lawful business.

Section 5. CONTINUANCE OF MEETING

If a quorum is not present at any regular meeting within thirty minutes of the time specified, that meeting shall be postponed for at least five days. The quorum for any such postponed meeting shall be five percent (5%) of the membership. Quorum will remain at the continuance level of five percent (5%) until 10 percent (10%) quorum is met.

Section 6. EXECUTIVE BOARD MEETINGS

The Executive Board shall meet at least once per month and at such other times as called by the President. A majority of the members of the Board shall have the power to call an Executive Board meeting. All members of the Board shall be notified in advance of such meeting. A majority of the members of the Executive Board shall constitute a quorum.

**ARTICLE VI**

**Officers (Elected and Other), Nominations and Elections**

Section 1. ELECTED OFFICERS

There shall be elected to office the following officers, viz.:

**Executive Board**

- to consist of:

President

Vice-President

Secretary

Treasurer

Three Members at Large (the three candidates receiving the highest number of votes shall be declared elected).

Past President. At the discretion of the President in consultation with the Executive Board the Past President may be invited to sit on the Executive Board for a period of one (1) term (three (3) Years) without having any voting privileges.

**Board of Trustees**

- to consist of three (3) members, two (2) of which are elected, the one receiving the highest vote in the election to be declared the Chairperson. If the vote is a tie, the president shall have the power to appoint the Chairperson.

Section 2. OTHER OFFICERS

**Trustees**

One Executive Board Member shall be appointed by the President as a Trustee of the Local.

**Sergeant-at-Arms**

- to be appointed by the President or Chair at each regular meeting.

**Delegates to the International Convention**

- Automatic Delegates: the President of this Local shall automatically be considered as a delegate to any Convention of the Alliance by virtue of having been elected to office. If a second delegate is necessary the Secretary shall automatically be considered a delegate.

- Additional Delegates: To be eligible to become a delegate, a person must have been a member in good standing in this Local for a period



of two (2) years. Additional delegates will be at the discretion of the President. The President's choice may be (other than delegates by virtue of their office) a Member in good standing in the local. The name/s of any additional delegates selected must be elected by the general membership of the local in accordance with Article 4, Section 1 of the International Constitution.

- Nominations and Elections of Additional Delegates shall take place at one General Membership meeting prior to the convention.
- In the event of a special Convention and time not permitting it, the election will be held during the meeting of the announcement. The election of Additional Delegates shall be held by secret ballot.
- The Delegates shall perform their duties as prescribed by the Constitution and By-Laws of the International Alliance and report thereon at the next regular meeting following the Convention.

### Section 3. BUSINESS AGENT

The Executive Board shall be charged with the hiring of a Business Agent, who may or may not be a member of this Local. The Executive Board shall negotiate the terms, conditions, remuneration and length of contract. Any contract negotiated shall be for a term of not more than two (2) years in length.

The Business Agent shall:

- i) be a full time employee;
- ii) work in conjunction with and under the direction of the President and Executive Board;
- iii) be responsible for the operations of the Local, which shall include but not be limited to the following: the negotiation and administration of collective agreements, advertising and promotions, lobbying, serving on relevant industry committees, providing crew assistance to productions, undertaking special projects and in a general sense, providing a liaison between the production community and the Local as an organization.

### Section 4. ELIGIBILITY FOR ELECTED OFFICE

To be eligible for office, a person must have been a member in good standing in this Local for a period of two (2) years as of the date of the Nominations Meeting, and not disqualified from holding office under any applicable Governmental law. An eligible candidate may run for no more than one Executive Board position. For further eligibility please reference the International Constitution Article Nineteen, Section 4.

### Section 5. NOMINATIONS NOTICE

Members shall be notified by mail of the date, time and place of the meeting at which nominations are to be taken ("Nominations Meeting") at least fifteen (15) days in advance of such meeting. Such notice shall also state the offices to be filled by election and the manner in which nominations are to be received. The Local shall also include a list of members who have been or will be members for a period of two years as of the Nominations Meeting.

#### Section 6. NOMINATIONS MEETING

All nominations must be made at a regular meeting in the month of November, with the exception of nominations for a By-Election, which may take place at any regular meeting following proper notice outlined in Section 5 of this Article. A quorum at the Nominations Meeting is not required to proceed with nominations. Each nomination must have a nominator and a seconder in order to be accepted. Absentee Nominations must be delivered to the Union Office no later than 5:00 PM on the date of the Nominations Meeting. All Nominators, Seconders and Candidates must be members in good standing as of the date of the Nominations meeting in order for their Nomination, Seconding of a Nomination or Acceptance to count. All Candidates who wish to accept a Nomination must do so either in person at the Nominations Meeting, or in writing to the Union Office by 5:00 PM on the date of the Nominations Meeting.

#### Section 7. JUDGE AND TELLERS

After nominations have closed, the President shall appoint a Judge to have charge of the proper conduct of the election and two (2) Tellers, none of whom shall be candidates, to assist. The Judge and Tellers shall also serve as the Elections Committee.

#### Section 8. ELECTIONS

The election shall be held once every three (3) years in the month of December on the designated election day. At such elections, there shall be elected the Officers listed in Article VI, Section 1, of this Constitution and By-Laws.

#### Section 9. ELECTIONS NOTICE

Notices of Election shall be mailed to all members at least ten (10) days prior to elections, specifying the date, time and place of the election and the offices to be filled. Such notices shall be mailed to the members last known address.

#### Section 10. ELECTION DAY

The Judge of Elections, in conjunction with at least one (1) Teller, shall prepare and arrange the ballots, tally sheets and the ballot box. It shall be the duty of the Secretary of the Local to preserve the ballots and all other records pertaining to the election for a period of one (1) year.

The eligibility of members to vote must be verified. Every member must be a member in good standing in order to receive an official ballot, which they shall mark alone inside one of the ballot areas. Before leaving the area, they shall fold the ballot so as to conceal their vote and deposit it in the ballot box. Any member, who, through misfortune, is unable to cast their own vote may call upon the Judge of Elections only, to assist them.

Upon the polls being declared closed, the Judge shall open the ballot box and have the ballots counted. If the total agrees with the tally, the Judge and Tellers shall then proceed to the official count of the votes for the different candidates.

The total of each candidate's vote shall be recorded on a recapitulation sheet, which must be signed by the Judge and Tellers, and delivered to

the President at the next regular meeting. The President shall then read the results to the meeting and those candidates who receive the highest number of votes shall be declared elected.

Any candidate shall have the right to have an observer (who must, however, be a member in good standing in this Local) present at the polls and the counting of the ballots.

Every candidate shall have the right within thirty (30) days prior to the election to have full access to a list containing names and last known addresses of all members of this Local.

All Elections of Officers and Officials of Local 856 shall be conducted by In-Office/On-Set/Electronic Voting or by Absentee Ballot. Proxy voting shall not be permissible. Each member is entitled to one vote. Absentee ballots for nominations and elections will be made available in paper form, upon written request from a member. Absentee Ballots and Electronic Voting will be available 7 business days prior to Election Day.

Only those members duly nominated shall be candidates for office (write-in votes for those not duly nominated shall not be counted).

If there is only one candidate for any office, the Secretary shall cast a unanimous ballot for that candidate and it shall dispense with the requirement of a secret ballot vote for that office.

#### Section 11. INSTALLATION

The officers elected shall be installed at the first regular meeting in the month of January, with the exception of officers elected in a By-Election who shall be installed at the next regular meeting following the By-Election. All officers shall subscribe and assent to the required pledge before entering upon the duties of their office.

#### Section 12. CAMPAIGN LITERATURE MAIL-OUT

Campaign literature will be mailed out by the Local once, no less than 10 days in advance of election day. Any candidate may submit up to two single-sided pieces of paper for inclusion in the Campaign Literature Mail-out, for a twenty dollar (\$20) fee. All candidates shall be notified in advance of the submission deadline. The submission deadline shall be no less than five days prior to the mail-out. Any campaign literature submitted must refrain from slander and offensive language in order to be included in the mail-out, and therefore must be approved in advance by the Election Committee before being included in the Campaign Literature Mail-out.

#### Section 13. Vacancy of Office/By-Elections/Term of Office

- A) If a vacancy should occur during the term of any officer of this Union, other than the office of the President, the President shall have the power to appoint a member in good standing to take their place temporarily until the vacancy shall have been filled by the membership at a By-Election.
- B) In the event a vacancy occurs in the office of President, the Vice-President shall succeed to the office of President until the vacancy shall have been filled by the membership at a By-Election.
- C) By-Elections must be held within sixty (60) days after the vacancy was created.
- D) The term of office for all elected officers shall be three (3) years

in length and shall continue until the election and installation of their successors, or the acceptance of resignation, or removal by impeachment.

- E) Where a vacant office is filled in a By-Election, the person elected to that office shall assume that office for the time remaining in that term.

## ARTICLE VII

### Duties of Officers

#### Section 1. PRESIDENT

##### A) The President shall:

I) Preside at all meetings of the membership and of the Executive Board and shall at all times conduct it in accordance with this Constitution and By-Laws and the standing rules attached hereto.

i) For misconduct during the course of a meeting, a member may be summarily fined in an amount not to exceed twenty-five dollars (\$25) for each separate offense, or at the discretion of the President, may be summarily ejected from the meeting if their conduct persists in disrupting the meeting.

ii) In the absence of a specific law to govern a given condition the President shall decide the matter in a spirit of fairness and equity, and such ruling shall be enforced unless changed by the Executive Board or the membership.

II) See that all officers perform their duties as prescribed by the Constitution and By-Laws. The President shall appoint all committees, unless otherwise ordered, and be an ex-officio member of the same.

III) With the consent of the Executive Board, use all moral and financial aid in enforcing the rules, wage scale and conditions of this Local.

IV) Appoint Delegates to such conventions or trade assemblies as shall be of interest and importance to this Local

##### B) In addition to the Business Representative, the President shall be required to sign all contracts involving the Local.

#### Section 2. VICE-PRESIDENT

In the absence of the President, the Vice-President shall assume all duties of the President. In the absence of the President and Vice-President at a meeting, the body shall select a presiding officer.

#### Section 3. SECRETARY

##### A) The Secretary shall:

I) attend all meetings of the membership and of the Executive Board and keep minutes, but not necessarily verbatim, of the proceedings of such meetings in a book provided for such purposes. II) Keep a duplicate copy of all correspondence and shall keep the seal in their possession.

##### B) Upon hiring of office personnel some of the above duties may be delegated accordingly.

#### Section 4. TREASURER

##### A) The Treasurer shall:

I) keep a true and accurate record of all income and disbursements and all assets and liabilities of this union.

II) deposit all money in a bank approved by the Executive Board, same to be in the name of the Local, subject to withdrawal by cheques signed by any two (2) of the following: Treasurer,

President, Secretary one (1) Member at Large (appointed by the Executive Board.

III) collect all dues, fines and assessments from the members and report quarterly to the meeting the standing of all members.

IV) deliver to the Trustees for auditing purposes all books and papers in their possession and shall attend such auditing meetings.

B) Upon hiring of office personnel some of the above duties may be delegated accordingly.

#### Section 5. BOARD OF TRUSTEES

The Board of Trustees shall ensure that the books of this Union are audited every twelve (12) months and will make a report of their findings at the next regular meeting. The Board of Trustees is charged with responsibility of seeing to it that any officers and employees of this Union who handle its funds and property are bonded to the extent and in the amount and form required by law. The Board of Trustees shall also be responsible for seeing to it that all books and records of the Local, used as the basis for preparing reports required by law to be filed with the Government, are preserved for at least five years from the dates such reports were filed.

#### Section 6. EXECUTIVE BOARD

The Executive Board shall investigate all complaints of members and decide, if possible, upon all questions in dispute between employer and employee, accepting any honourable means toward an amicable settlement that may be deemed essential to the best interests of this organization.

The Executive Board shall decide upon all matters referred to them by the membership and their decision shall be binding unless reversed by a majority vote of the members present at a regular or special meeting of the Local. The Executive Board shall act as a trial board of this Local unless the member elects to be tried at an open meeting as provided in Article XI, Section 16 hereof. They shall have the power to summon as a witness any members and those failing to answer may be adjudged in contempt and penalized for same by fine or suspension.

The Executive Board shall also serve as the Local's Board of Examiners.

#### Section 7. SERGEANT-AT-ARMS

A new Sergeant-At-Arms will be appointed by the President prior to the commencement of each regular meeting. It shall be the duty of a Sergeant-at-Arms to be present at all membership meetings and see that none but members in good standing enter the meeting hall and carry out such instructions as are given to them by the presiding officer.

#### Section 8. DELEGATES TO INTERNATIONAL CONVENTION

The Delegates shall perform their duties as prescribed by the Constitution and By-Laws of the International Alliance and report thereon at the next regular meeting following the Convention.

#### Section 9. OTHER DELEGATES

Other delegates shall attend meetings of the Bodies or Conventions to which they are accredited and shall report thereon to the membership at the next regular meeting.

#### Section 10. REMUNERATION OF OFFICERS

- a) The Executive Board will be remunerated for their time, expertise and expenses in the following manner:
- President: Five Hundred dollars (\$500) per month.
  - Vice President: Two Hundred-fifty dollars (\$250) per month.
  - Secretary: Five Hundred dollars (\$500) per month.
  - Treasurer: Five Hundred dollars (\$500) per month.
  - Members at Large: Two Hundred-fifty dollars (\$250) per month
  - Elected Trustees: Two Hundred-fifty Dollars (\$250) per year
- b) In the event of an executive officer or any other member in good standing being given by the general membership a special and specific task, duty or assignment, that executive officer or member in good standing will be remunerated for their time and effort at the Tier 1 Grip Crew rate, as outlined in the Local's current Collective Agreement, plus expenses, upon completion of said task, duty or assignment. Remuneration will be subject to approval at a general membership meeting, and it is incumbent upon the remuneree to submit a complete written report outlining hours and expenses and summarizing work done.
- c) Renumeration rate will increase at the same percentage as the general memberships wages set each year in the 856 Collective Agreement.

### **ARTICLE VIII**

#### **Transfer and Reinstatement**

##### Section 1. TRANSFER

Any member of another Local of this Alliance wishing to transfer their membership to this Local shall present their application as a new member together with a transfer card from the Union of which they are a member. And shall meet all the position requirements stipulated by the department in this local.

##### Section 2. REINSTATEMENT OF MEMBERS

Any member who has been suspended from membership shall be required to pay a reinstatement fee of one hundred and fifty dollars (\$150), together with all financial obligations that may have accrued against them during the period of their suspension. Any member who has been expelled shall be required to make application as a new member, and shall be governed by all conditions pertaining to same.

## **ARTICLE IX**

### **Revenues**

#### Section 1. DUES AND INITIATION FEES

The Dues payable by each member shall be one hundred twenty five dollars (\$125) per Quarter, due the first day of the new quarter, but must be paid by the last day of the quarter to remain in good standing, plus two percent (2%) of the earnings of members from work under the Local's jurisdiction. The initiation fee shall be as set annually by the Executive Board and approved by the Membership, but may be reduced or waived by vote of the membership for organizational purposes.

Members at least sixty-five (65) years of age with twenty-five (25) years of membership in the Alliance may at their option be declared Retired Members provided they fully cease employment under the Local's jurisdiction or under the jurisdiction of any other affiliated I.A.T.S.E. Local or the International. Retired Members shall have voice but no vote at the Union meetings and shall not be eligible to hold office.

#### Section 2. SPECIAL ASSESSMENTS

If at any time the Executive Board deems it necessary to acquire additional revenue, for the best interest of the Union, it shall recommend to the membership a special assessment.

#### Section 3. CHANGE IN DUES

The amount of dues provided for herein shall not be changed nor shall any special assessment be levied or increased unless approved upon secret ballot by a majority vote of the members in good standing present at a regular or special meeting, written notice of which has been mailed to the members at least fifteen (15) days in advance.

#### Section 4. INVESTMENTS

The Executive Board, subject to the approval of the membership, shall be permitted to invest the surplus money of this Local in secured investments.

#### Section 5. OUT-OF-TOWN MEMBERS

Members of other Locals of the Alliance working in the jurisdiction of this Local shall pay the same percentage of weekly earnings as the regular members of this Local may be required to pay but they shall not be required to pay Quarterly Dues to this Local.

#### Section 6. AUTHORITY TO EXPEND FUNDS

The funds of this Local shall be used to defray the proper operating expenses provided for herein and for other legitimate purposes to accomplish the objects of the Union.

#### Section 7. DISTRESSED MEMBERS

Any member who through prolonged sickness is physically unable to work for more than one quarter, may upon application to the Executive



Board have their dues reduced, to the per capita tax of the International.

## **ARTICLE X**

### **Good Standing**

Members in good standing of this Local shall enjoy all rights, privileges and benefits of this Constitution and By-laws.

Failure on the part of any member to pay any financial obligation to this Local within thirty (30) days after same became payable shall result in such member being automatically declared not in good standing. A member not in good standing shall be deprived of the right to hold office, to attend meetings and to vote.

If such default continues for a period of more than six (6) months from the date the financial obligation first became payable, and should the member fail to pay the indebtedness in full within ten (10) days after written notice by certified mail (at the member's expense) of their default has been sent to them (such written notice to specify the amount due and how such amount was arrived at), the member shall be deemed automatically expelled from membership unless prior thereto, they have been granted an extension of time to pay by vote of the membership.

The term "In Good Standing" as used in this Constitution and By-Laws shall be construed to mean that the member has fully complied with all obligations to the Local not only financially but in all other regards.

Payment of any financial obligation due by a member to the Local shall be enforceable by fine, suspension or expulsion and, in addition thereto, by resort to court action. If court action is required, the delinquent member shall also be liable to the Local for reasonable legal fees and other expenses incurred by it in connection with the suit.

## **ARTICLE XI**

### **Discipline of Officers and Members**

#### **Section 1. GROUNDS**

In addition to the penalties expressly provided under the various sections of this Constitution and By-Laws, any member who shall breach their duty as a member by violation of the express provisions of the Constitution and By-Laws of this Local or of the Alliance, or by such conduct as is detrimental to the advancement of the purposes which this Local or the Alliance pursues, or as would reflect discreditably upon this Local or the Alliance, shall be subject to discipline in the manner set forth in the sections following. Charges filed against an Officer of this Local shall be filed pursuant to this Article, except as provided in Article Seven, Section 5(e) of the International Constitution.

#### **Section 2. FAIR TRIAL**

Nothing in the provisions of this Constitution and By-Laws shall be construed to deprive a member charged with a violation thereof of the right to a fair trial whereby that member's guilt or innocence may be determined, with the exception that a member who has defaulted in the payment of any dues, fees, fines, or assessments lawfully imposed, shall

not be entitled to stand trial, but shall be punished summarily as this Constitution and By-Laws provide.

### Section 3. CHARGES

All charges against a member for a violation of the provisions of this Constitution and By-Laws or the Constitution and By-Laws of the International must be in writing, in the form of a sworn affidavit, reciting clearly the offence charged, the name of the accused, the time, place and nature of the violation, the section or sections of this Constitution or By-Laws or the Constitution and By-Laws of the International alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offences charged who shall be known to the accuser.

### Section 4. PENALTY FOR PREFERRING FALSE CHARGES

If false charges shall be maliciously preferred against any member, the person or persons preferring such charges shall be fined five hundred dollars (\$500), plus the expenses of the proceeding. These amounts shall be imposed upon the acquittal of the member accused.

### Section 5. CHARGES FILED IN DUPLICATE

Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.

### Section 6. TO WHOM AND WHEN PREFERRED

Charges shall be filed with the Secretary of the Local or with the General Secretary-Treasurer of the Alliance where the charges are preferred against a member who does not hold membership in this Local.

Charges must be filed within sixty (60) calendar days after the offence becomes or should have become known to the person making the charge.

If the Secretary of the Local is the party charged, the charges may be filed with any other Officer of the Local who is not a charged party.

### Section 7. COGNIZANCE OF CHARGES

The Executive Board shall examine all charges preferred and shall have the power to declare such charges cognizable or not.

### Section 8. CHARGES AGAINST AN OFFICER

Charges shall be filed with the Secretary of the Local. If cognizance is taken of the charges, the Executive Board of the Local may, if it deems it necessary or advisable, temporarily suspend the accused from office and, in that event, further payment of salary to such officer shall be withheld pending the outcome of the trial.

If the accused was temporarily suspended from office pending the outcome of the trial and is not found guilty after the trial, they shall be immediately reinstated to office with pay for the period during which they were under suspension.

Whenever an officer of the Local against whom charges are preferred is temporarily suspended from office, such officer shall be entitled to a trial no less than thirty days after the date of their suspension. In

the absence of extenuating circumstances, failure of the Local to comply with the foregoing requirement shall result in dismissal of the charges by the International President.

#### Section 9. WITHDRAWAL OF CHARGES

After charges have been filed with the Secretary of the Local they shall not be withdrawn unless the member accused shall consent to withdrawal.

#### Section 10. PUBLICATION OF CHARGES

After the Executive Board has taken cognizance of the charges, they shall be read at the next regular meeting by the presiding officer. No debate or discussion shall be permitted, but the presiding officer shall request those having personal knowledge of any of the facts alleged in the charges to submit their names as witnesses to the Recording Secretary of the meeting. The presiding officer shall refer the charges to the Executive Board for trial.

#### Section 11. WAIVER OF TRIAL

If charges as required by either Section 3 or Section 8 hereof have been filed, the accused may plead guilty and waive the holding of the trial provided that the accused does so in a written, notarized and witnessed statement and has been advised in writing as to the range of penalties that may be imposed upon them by reason of such plea. If the accused wishes to plead guilty with an explanation, such explanation shall also be in written form. An accused who pleads guilty to charges shall be deemed to have waived their right on any appeal to raise any question concerning their guilt or innocence and their appeal in that event, shall be limited to the question of the appropriateness of the penalty or penalties imposed. No stenographic transcript or tape recording shall be required if a plea of guilty is entered in accordance herewith.

#### Section 12. NOTICE

Within one (1) week after reference of the charges, the Executive Board shall cause to be served upon the accused personally, or by registered mail to the accused member's last known address, a duplicate copy of the charges, and shall notify said accused of the time and place appointed for the hearing thereon.

Provided, that such notice shall be served upon or sent to the accused at least fifteen (15) calendar days prior to the date for the hearing.

#### Section 13. POSTPONEMENTS

Should the accused be unable for proper cause to attend the hearing at the time and place designated, they shall, at the discretion of the Executive Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.

#### Section 14. APPEARANCE FOR TRIAL

If the accused so desires, they may waive the right of appearing before the Executive Board for hearing upon the charges preferred against

them, or the accused may designate a fellow member as counsel to appear on their behalf and conduct their defence. Provided, that waiver of appearance shall not be prejudicial to the accused, and the trial shall, if the accused fails to appear, proceed in the absence of the accused, the Executive Board hearing all evidence and basing its decision as to the guilt of the accused solely thereon.

#### Section 15. TRIAL BODY

The Executive Board shall sit as a trial body to hear all evidence upon the charges, and to determine the guilt or innocence of the accused and make recommendations as to the penalty to be imposed if found guilty.

#### Section 16. CHALLENGES

The accused shall have the privilege of challenging the right of any member of the Executive Board to sit upon their case, and in the event of such a challenge, the other members of the Executive Board shall pass upon its validity, sustaining or overruling it.

#### Section 17. TRIAL IN OPEN MEETING

Where the accused shall be aggrieved by the ruling of the Executive Board upon the challenge of an individual member or members, the accused shall have the election to proceed before the Executive Board, waiving the challenge, or to demand a trial before the members of the Local in open meeting. Provided, that if the accused elects to be tried in the last-named manner the hearing shall be conducted in the manner set forth for trials before the Executive Board.

#### Section 18. HEARING

The accused shall, at the hearing upon the charges, have the right to present their defence in full, and to confront and question all witnesses and to examine all the evidence of the case.

#### Section 19. MEMBER COUNSEL

The accused shall have the right to be represented by counsel, who shall be a member of this Alliance in good standing.

#### Section 20. WITNESSES SWORN

Whenever the accused or the Executive Board so request, the testimony of any witness must be taken under oath, to be administered by the Chairman of the Executive Board.

#### Section 21. INTERROGATORIES AND DEPOSITIONS

If a witness be unable to attend the trial, written interrogatories and cross interrogatories, on notice to the adverse party, may be allowed upon due application to the Executive Board; or a written deposition of their testimony may be taken in the form of an affidavit, in which latter case such portions of it as are not denied by the adverse party shall be admitted as evidence.

#### Section 22. TRANSCRIPT

A written verbatim transcript of all testimony adduced at the hearing shall be made, provided, however, that in the event the Local elects to tape record the proceedings, such recording must be fully and

accurately transcribed by the Local in typewritten form in the event of an appeal to the International President.

#### Section 23. REPORT OF FINDINGS

The Executive Board shall, after hearing all the evidence, render a written report of its findings as to the guilt or innocence of the accused and, if the accused be found guilty, the penalty to be imposed. A copy thereof shall be filed with the Secretary of the Local and a copy shall be served either personally or by registered mail on the accused within five (5) working days. A copy of the transcript of the evidence and proceedings at the hearing shall be available for examination by the accused or by the member counsel of the accused at the offices of the Local. If so requested by the accused in writing, a copy thereof shall be furnished to the accused at their own expense. Immediately upon receipt of the transcript, the Local shall notify the accused in writing of its availability.

#### Section 24. ACTION BY MEMBERSHIP OF THE LOCAL

At the next membership meeting of the Local but in no event sooner than twenty (20) days from the date on which the accused has been notified of the availability of the transcript or tape recording, the report of the Executive Board shall be submitted to the membership for appropriate action as hereinafter provided. The transcript of the hearing shall not be read except upon motion duly seconded and carried by a majority vote of the members present or if so requested by the accused or in any case under the circumstances referred to in Section 27 hereof.

#### Section 25. ACQUITTAL OR CONVICTION

After submission of the report, the accused, if aggrieved by the decision of the Executive Board, and any other member in attendance at the meeting, including members of the Executive Board, shall be afforded an opportunity to speak either in favour of or against such decision. Upon completion of debate, the membership shall proceed to vote upon the findings of the Executive Board as to the guilt or innocence of the accused.

If a majority of the members present so vote, the findings of the Executive Board shall be adopted. If the findings are not accepted, the transcript shall be read unless this has been done theretofore, and the question shall be put whether the accused shall be granted a trial by the membership or whether the membership shall proceed to vote upon the guilt of the accused. If a majority of the members present vote for a latter procedure, a vote shall be taken on the guilt of the accused, and if two-thirds of the members present shall vote contrary to the findings of the Executive Board, the findings shall stand reversed, otherwise, the findings shall stand upheld.

#### Section 26. IMPOSITION OF PENALTIES

If the accused be found guilty, the membership shall then proceed to vote upon the decision of the Executive Board as to the penalty to be imposed. If a majority of the members present so vote, the penalty fixed by the Executive Board shall be adopted. If a majority of the members present reject the penalty decided upon by the Executive Board, the membership shall then proceed to vote upon the penalty to be imposed,

the members voting to expel, suspend, fine and/or reprimand.

When membership voting on the report of the Executive Board is completed, available remedies within the Local shall be deemed exhausted.

#### Section 27. WHERE TRIAL WAS BEFORE THE MEMBERSHIP

Where the accused is tried before the Local as provided in Section 17, the guilt or innocence of the accused shall be determined by majority vote of the members present and the penalty shall be imposed as prescribed in Section 26.

#### Section 28. SENTENCE REPORTED TO INTERNATIONAL PRESIDENT

A report of the sentence imposed upon an accused member shall be forwarded by the President of the Local to the International President of the Alliance for filing.

#### Section 29. APPEALS

Appeals may be taken from decisions upon the charges against members in the manner provided by Article XII of this Constitution. Members shall exhaust all remedies by appeal within this Alliance and shall be bound by the decisions of its tribunals as to all their rights.

### **ARTICLE XII**

#### **Appeals**

##### Section 1. RIGHT OF APPEAL

Any member aggrieved by the decision, rule, regulation, order or any other act or omission or mandate of an officer or the Executive Board of this Local may, after exhausting their remedies within the Local by appeal to the membership, appeal their case in the following order: (1) from the decision of the membership of the Local to the International President of this Alliance; (2) from the decision of the International President to the General Executive Board; (3) from the ruling of the General Executive Board to the Alliance in convention assembled and the latter body shall be tribunal of ultimate judgment. However, in the interim rulings of any proper tribunal of this Local or the Alliance shall be enforced pending disposal of appeal, unless a stay of decision has, upon application, been granted. All appeals by a member to the membership of the Local must be heard within sixty (60) days of the date the appeal was filed or the member may appeal directly to the International President.

##### Section 2. TIME ALLOWED FOR FILING

Appeals shall be cognizable only if filed within thirty (30) days after the decision appealed from.

##### Section 3. MUST BE IN WRITING

All appeals to the International must be in writing, setting forth those facts which the appellant shall consider entitle them to a reversal of the ruling, and signed by the appellant.

#### Section 4. COPY OF APPEAL

When an appeal is taken to the International President from the decision of the Local, a copy of the appeal shall be filed with the Secretary of the Local. Within two (2) weeks the Local shall forward to the International President all the records in the case. If the appeal involves a determination made after trial of charges against a member or officer, the records in the case shall include the sworn charges and the transcript of testimony or if a tape recording was made, the original unedited tape recording and a typewritten transcript thereof, the findings and sentence, and any additional matters of evidence on record. The correctness of the transcript or of the tape recording and stenographic transcript thereof and the record shall be certified by the Local under the appropriate seal. The Local shall also answer to the appeal, setting forth reasons in support of its decision, and serve a copy of the answer on the appellant.

#### Section 5. DECISIONS CONCLUSIVE

The members of the Local shall submit all their rights within the Local and Alliance first to the determinations of their proper tribunals.

#### Section 6. EXHAUSTING INTERNAL REMEDIES

The members further consent to be disciplined in the manner provided by this Constitution and By-Laws, and under no circumstances to resort to outside tribunals until all the remedies therein provided shall have been exhausted.

### **ARTICLE XIII**

#### **Permanency**

This Local shall not dissolve itself while there are fifteen (15) dissenting members, nor shall this article of the Constitution be subjected to any alteration or amendment whatsoever.

### **ARTICLE XIV**

#### **Altering or Amending the Constitution**

Alterations or amendments to this Constitution shall be made in writing and have three (3) readings; one (1) at a regular General Membership meeting, second (2) reading sent by mass email and sent out regular mail for members with no email, and the third (3) reading at a regular General Membership meeting at which time the vote is held and must receive the favorable vote of at least two-thirds (2/3) of the members present. No such alteration or amendment shall, however, be effective until it is endorsed by the International President.

## **RULES OF ORDER**

### **Order of Business**

1. Opening of the meeting.
2. Roll call of officers.
3. Reading of the minutes of previous meeting.
4. Reading of communications and bills.
5. Propositions of candidates.
6. Reports of committees on candidates.
7. Balloting for candidates
8. Obligations (or initiation) of candidates.
9. Recess for payment of dues, etc.
10. Reports of committees.
11. Unfinished business.
12. New business.
13. Good and welfare.
14. Announcement of receipts of the meeting and Treasurer's Report.
15. Closing of the meeting.





## **BY-LAWS**

### Section 1. ADDRESS OF MEMBERS

Any member, on changing their residence, shall notify the Secretary-Treasurer immediately. Any notice sent to the last address as shown on the books of this Local shall be deemed legal and sufficient notice.

### Section 2. MISCONDUCT

Any member misconducting themselves during the course of a meeting shall be admonished by the President and if said offence is repeated shall be excluded from the meeting and fined twenty-five dollars (\$25).

### Section 3. SUMMONS

Any member of this Local failing to appear before the Executive Board or any Trial Committee, after being properly notified, shall be fined one hundred dollars (\$100).

### Section 4. DRUNKENNESS

Any member appearing on a job under the influence of drugs or alcohol, shall be penalized by a mandatory fine of two hundred and fifty dollars (\$250) for the first offence, suspended for thirty (30) days for the second offence, and expelled from the Local for the third offence.

### Section 5. CREW REPRESENTATIVE

The Business Representative shall appoint Crew Representatives as required on productions. The duties shall consist of the following: Notify the Business Representative of any infraction of the working rules, assist members in filing grievances, examine the cards of all persons employed under the Local's Collective Agreement and make immediate report to the Business Representative of anyone who is not a member in good standing in this Local.

### Section 6. ACCIDENT REPORTS

Any member sustaining an accident while employed within the jurisdiction of this Local shall report same to the Business Representative as soon as possible. Failure to comply with this requirement may subject the member so offending to a fine of not more than ten dollars (\$10).

### Section 7. UNFAIR JOB

No member of this Local shall be permitted to work any job that is declared unfair. Any member refusing to leave a job declared unfair shall be fined, suspended, or expelled at the option of this Local.

### Section 8. MEMBERS GIVING NOTICE

Members hired on a weekly basis on features and series who quit their job without giving the company one week notice shall be fined one hundred dollars (\$100).

#### Section 9. NSF CHEQUES

Any member who issues a cheque payable to the Local drawn on an account lacking sufficient or cleared funds to make good the said cheque shall be required to re-issue a certified cheque or money order for the full amount to the Local plus a twenty-five dollar (\$25) fine separate from any charges levied by the bank to process such cheque.

#### Section 10. HARASSMENT

This By-Law has been established to protect both Union members and all others working within an I.A.T.S.E. 856 contract from harassment. Harassment is defined as any unwelcome action, verbal or physical, on a single or repeated basis, which humiliates, insults or degrades. Discrimination and harassment are expressions of power or perceived power. Harassment on the basis of race, colour, sex, religion, political affiliation, mental or physical disability, sexual orientation, marital or family status, or record of offences will not be tolerated by Local 856.

In order to promote understanding of this issue it is required that the individual who has been subjected to harassment shall bring to the attention of the harasser that their behaviour is offensive. This may be done in person, through a supervisor, the Steward/Crew Representative, or a co-worker. If after notification the harassment continues, charges may be laid with the Union.

Any member found guilty shall be penalized by a fine of two hundred and fifty dollars (\$250) for the first offence, thirty (30) days suspension for the second offence, and expulsion from the Local for the third offence.

#### Section 11. MEMBERS OF COMMITTEES

Any member of a committee who shall refuse or neglect to perform their duty shall be removed by the Chairperson.

#### Section 12. DONATION OF SERVICES

No member shall be permitted to donate their services gratis under the jurisdiction of the Local except by permission of the Business Representative under penalty of fine.

#### Section 13. CONDUCT UNBECOMING A MEMBER

Conduct unbecoming a member or that which is contrary to trade unionism, or that which would bring discredit to this Local or the Alliance, shall be an offense against this Local, and upon being found guilty thereof after trial, the offending member shall be liable to such penalty as the Local may see fit.

#### Section 14. ALTERATION OF BY-LAWS

No portion of these laws may be suspended, but may be amended or altered by a resolution approved by a majority of the members present at a regular or special meeting after the members have been properly notified. All changes must be approved by the International President.

#### Section 15. DEPARTMENT MEETINGS

Each department shall be obligated to meet at least two times per year. A quorum shall consist of fifteen percent (15%) of the department's roster (no less than 2 people in departments with 13 or less members). Each department is responsible for drafting and proposing entrance requirements for their department, and reviewing department applications.

Each department must elect a Chairperson and Recording Secretary to attend all department meetings. The Chairperson and Recording Secretary shall be elected at the beginning of the January department meeting of even numbered years. If quorum is not met at this meeting, the election shall take place at the next department meeting that has quorum. The election shall be by secret ballot by the members present at the meeting.

#### Section 16. BOARD OF EXAMINERS

The Board of Examiners shall consist of the members of the Executive Board which, acting on behalf of the membership, will reserve the right to veto departmental decisions which appear to be contrary to the interests of the Local or are in violation of the Constitution and By-Laws of the Local and/or the International. Any Department having not met within six (6) months or found not adhering to this criteria may be placed under the supervision of the Board of Examiners who will facilitate the Department until such time as the Board of Examiners feels that the department is working within the criteria laid out and in the best interests of the Local. The Executive Board, at its own discretion, may delegate some of the Board of Examiners Duties to a special committee.

#### Section 17. MEMBERSHIP REQUIREMENTS

All or part of these requirements may be set aside for organizational purposes. Sixty (60) days within the craft, under the jurisdiction of the Local, within the 36 months immediately prior to the date of application is required for membership in any Department. The applicant is responsible for producing all documentation required

#### Section 18. HEALTH & WELFARE TRUST

A Health and Welfare Trust shall be established for the purpose of implementing, maintaining and administering a membership Health and Welfare benefits program. The President shall appoint or remove the Trustees from the membership as necessary. The Health and Welfare Trust Agreement shall govern the Trustees.

#### Section 19. EARLY DUES PAYMENTS

Annual Dues paid in full by March 31<sup>st</sup>, in the year they are due, shall be reduced by 10%.



THIS CONSTITUTION AND BY-LAWS REVISED AND PRINTED

February 17, 2018

ENDORSED BY INTERNATIONAL ALLIANCE OF THEATRICAL STAGE  
EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND  
ALLIED CRAFTS OF THE UNITED STATES, ITS TERRITORIES AND  
CANADA.

ON THE DATE OF May 3, 2018

BY Matthew D. Loeb, International President



## **STANDING RULES**

1. No business shall be taken up except in the order prescribed, unless on motion, such irregularities shall be sanctioned by a majority of the members present.
2. No motion shall be received or laid before the meeting unless moved by two (2) members, nor opened for discussion until stated by the presiding officer. When a question is therefore before the meeting, no other motion shall be in order, except, first to adjourn; second, to lay on the table; third, the previous question; fourth, to postpone; fifth, to refer; sixth, to amend; which motions shall have precedence in the order in which they are arranged. The first three shall be decided without debate, the fourth shall also be decided without debate, unless it is proposed to postpone to a definite period, in which case it shall be debatable.
3. Resolutions, amendments to the Constitution and By-Laws, and charges against officers and members must in all cases be presented in writing, otherwise they shall not be considered.
4. The mover of any verbal proposition shall, upon the request of the chairperson, or two (2) or more members, reduce it to writing.
5. Any member entitled to a vote may move for a division of the question when the sense of the same will admit it.
6. A motion to reconsider any former motion or vote shall only be made and seconded by members who voted with the majority.
7. When the reading of any paper is called for and objected to, the question shall be decided by vote.
8. A division of the meeting shall be taken on any question and recorded at the request of five (5) members.
9. When members speak they shall rise and address the presiding officer, confining themselves strictly to the merits of the question under consideration. A member shall not be interrupted while speaking except on a point of order or admonish to a closer adherence to the subject and to avoid all personalities. Nor shall a member be allowed to speak more than twice on the same subject without the permission of the presiding officer. When two (2) or more members rise at once the presiding officer shall decide who shall speak first.
10. On the call of a member for the previous question the presiding officer shall put it in this form: Shall the question be now put? and until this is decided, it shall preclude all amendments to the question, and all further debate shall cease.



11. The officer or member presiding in the absence of the President, shall, for the time being, possess all the powers and privileges vested in the President by the Constitution and By-Laws of this Local.
12. No subject of a partisan or religious nature shall at any time be admitted.
13. No person who is not a member shall be allowed at any of the meetings without the consent of this Local.
14. In the absence of a standing rule to apply to questions before the Local, recourse shall be had to Robert's Rules of Order.
15. Questions of order shall be decided by the presiding officer, but in case of an appeal from their decision, the meeting shall determine without debate.
16. Refreshments other than cold water shall not be allowed in headquarters of this Local while the meeting is in session.