BYLAWS

of the

Brotherhood of Locomotive Engineers and Trainmen
A Division of the Rail Conference of the
International Brotherhood of Teamsters

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Instituted at Detroit, Mich., March 17, 1863, as the
"Brotherhood of the Foot-Board." Reorganized
at Indianapolis, Ind., August 17, 1864 as
Grand International Brotherhood
of Locomotive Engineers.
Name changed to
International Brotherhood of Locomotive Engineers
August 2, 1976.
Merged with International Brotherhood of Teamsters as
Brotherhood of Locomotive Engineers and Trainmen
January 1, 2004

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Bylaws Revised at
Las Vegas, Nevada
June 2006

These National Division Rules, Local Division Rules, General Committee Rules, Legislative Board Rules and Ritual are in effect on and after March 15, 2007, except such laws as become effective at time indicated by action of the National Division.

OFFICERS OF THE ND

Executive Committee

Don M. Hahs ..... National President

Edward W. Rodzwicz ..... First Vice President

William C. Walpert ..... National Secretary-Treasurer

Vice Presidents

P. T. Sorrow ..... Vice President

R. K. Radek ..... Vice President

D. L. McPherson ..... Vice President

M. W. Geiger ..... Vice President

S. D. Speagle ..... Vice President

E. L. Pruitt ..... Vice President

J. P. Tolman ..... Vice President
and National Legislative Representative

M. J. Ruef ..... Vice President

ALTERNATE OFFICERS OF THE ND

Alternate National Secretary-Treasurer

J. H. Nelson ..... Div. 644

Alternate Vice Presidents

#1. D. R. Pierce ..... Div. 687

#2. M. D. Twombly ..... Div. 191

#3. W. E. Knight ..... Div. 511

#4. G. L. Gore ..... Div. 193

#5. D. L. Moates ..... Div. 782

#6. C. W. Davis ..... Div. 86

#7. P. J. Williams ..... Div. 446

#8. D. T. Fernald ..... Div. 2

#9. R. D. Carter ..... Div. 205

Alternate Vice President and National Legislative Representative

T. G. Mayne ..... Div. 463

Mission

The Brotherhood of Locomotive Engineers and Trainmen exists to promote and protect the rights, interests, and safety of its members through solidarity, aggressive representation, and education.

Vision

It is the vision of the Brotherhood of Locomotive Engineers and Trainmen to be at the forefront of the labor movement as the result of grassroots involvement, expanding membership, and a cohesiveness among the engineer and trainman crafts and with other unions.

It will be well known for its excellence in education, communication, political action, and strategic planning. It will be a democratic organization with deeply held values and ideals that advance the working conditions, wages, benefits, job security, and quality of life for its present and future members and their families.

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THIS SECTION, entitled "National Division Rules," has to do principally with the operation of the National Division, the National Office and national officers.

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the local division.

NATIONAL DIVISION RULES

Title, Location and Departments

Section 1.(a) This organization shall be known as the Brotherhood of Locomotive Engineers and Trainmen (BLET), a Division of IBT Rail Conference, and shall have full and exclusive jurisdiction over wages and working conditions of all employees working under BLET contracts and all questions pertaining thereto and/or arising thereunder. It shall be composed of individually chartered groups of members, with a headquarters group located at Cleveland, Ohio. The headquarters group shall be known as the National Division (ND).

The individually chartered groups shall be known as local divisions and shall be identified by a number assigned by the ND.

(b) The officers of the ND shall be elected from the membership by **direct membership voting** ~~the delegates in convention assembled~~ and shall be National President, First Vice President, who will be Alternate National President, National Secretary-Treasurer, and eight (8) vice presidents, one of which shall be the National Legislative Representative. These officers collectively shall constitute the Advisory Board.

In addition, there shall be elected from the membership **by direct membership voting** an Alternate National Secretary-Treasurer, an Alternate Vice President and National Legislative Representative, and ~~seven (7)~~ **nine (9)** alternate vice presidents ~~from the United States,~~ to be known as Nos. 1, 2, 3, 4, 5, 6**,** ~~and~~ 7**, 8 and 9**.

It shall be understood that the elected alternate vice presidents shall be used to fill temporary or permanent vacancies on the Advisory Board in the order of their election as set forth herein. Should the office of First Vice President become vacant, such vacancy shall be filled by a member of the Advisory Board, elected by a majority vote of such board. Should the list of duly elected alter-

nate vice presidents become depleted, such further replacements to the Advisory Board, between conventions of the ND, shall be in accordance with Section 6(c) - National Division Rules. Should the Alternate National Secretary-Treasurer be used to fill the position of National Secretary-Treasurer and subsequently vacate the position of National Secretary-Treasurer for any reason, such vacancy shall be filled by a member of the Advisory Board or from the membership, elected by a majority vote of the Advisory Board. Should the Alternate Vice President and National Legislative Representative. be used to fill the position of National Legislative Representative and subsequently vacate the position of National Legislative Representative for any reason, such vacancy shall be filled by a member of the Advisory Board or from the membership, elected by a majority vote of the Advisory Board.

Alternate officers will not be entitled to a seat on the Advisory Board unless such alternate officers are serving in the capacity of the active offices to which they have been elected as alternates.

(c) Only members who do not hold membership in any other labor organization purporting to represent engineers or trainmen, and who hold active membership as provided in Section 25(b) - Local Division Rules will be eligible for or elected to serve on the Advisory Board of the ND or full-time employment with the BLET.

(d) No member who is promoted to an official position on a railroad, elevated railroad, subway, in a steel plant or other industries shall serve in any capacity under or for the BLET or attend division meetings.

NOTE: Beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement. **Article II, Section 4(a)(1) and (b) of the IBT Constitution state,**

" (a)(1) To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in ative membership in the Local Union for which office is sought because of suspensions, expulsions, withdrawals, transfers, or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

*** * ***

(b) In newly chartered Local Unions which have been in existence for less than twenty-four (24) months, a candidate for Local Union office must be a member and in continuous good standing in such Local Union and must have worked under its jurisdiction as a member for at least half of the period of time since the Local Union was separately chartered by the International Union."

Officers and Members of the ND

Section 2.(a) In convention assembled, the governing body of the ND of the BLET shall be the duly elected delegates as provided in Section 20 - National Division Rules.

The ND of the BLET, in convention assembled, shall be composed of the National President, First Vice President, National Secretary-Treasurer, eight (8) vice presidents, Guide and Chaplain, ex-officio, and the duly elected delegates as provided in Section 20 - National Division Rules.

(b) Between conventions of the ND, the Advisory Board shall have authority to make any decision and perform any act or duty on behalf of the ND which is not in conflict with or otherwise provided for in the Constitution of the International Brotherhood of Teamsters (IBT), the Rail Conference (RC) Bylaws, or BLET Bylaws.

(c) The Executive Committee shall be composed of the following members of the Advisory Board of the ND: the National President, First Vice President, and the National Secretary-Treasurer.

Jurisdiction of the ND

Section 3.(a) The ND shall have full and exclusive jurisdiction over all rail operating craft employees and subjects pertaining to the BLET.

(b) The ND and all divisions organized under the authority of the ND shall have power to purchase real estate, and hold the same, that may be used for the purpose of carrying on their business, as provided in these Bylaws; and the ND and all divisions shall have power to require and execute bonds for all officers who occupy places of trust who handle any of the funds of the organization.

Initiative

Section 4.(a) The governing body of the BLET, between meetings of the ND, shall be vested in the active membership as defined in Section 25(b) - Local Division Rules, to be exercised by ballot under the initiative process, to be put in effect in the following manner.

Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent (25%) of the active membership, sign a petition to change these Bylaws, it will be mandatory upon the National President to prepare a ballot with the question worded as presented in the petition, to be voted on by all those holding active membership in the BLET. The ballot must be put out by the National President within thirty (30) days of the receipt of the request, and sent to every active member by government mail. The ballot must be returned to a post-office box in Cleveland established for that purpose, within sixty (60) days from the date it was mailed from the ND. This does not preclude electronic voting, the means to be determined by the ND.

The National President shall appoint a committee composed of six (6) active members, two from each of the three territories specified in Section 44(b)-(d) – General Committee Rules, for the purpose of counting the returned ballots. The committee will report the results of the return to the National President.

The National President will, upon receiving the results of the return, show the results of the initiative in the next issue of the newsletter. It will then be mandatory upon the National President to place in effect the decision of the membership, subject to the approval of the IBT General President.

Any proposition put before the active membership for their decision cannot be resubmitted for a period of two (2) years.

Any enactment of the membership under this section shall remain in full force and effect unless repealed by the same method or by convention two (2) or more years after enactment of same.

In order to carry a proposition under the initiative process, it will be necessary that twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent (25%) of the active membership, sign for the initiative. It will require a majority of the ballots cast to carry the proposition.

(b) In the event twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent (25%) of the active membership, have not filed a request in writing with the National President or the National Secretary-Treasurer within six (6) months from the time the first request is filed instituting an initiative, no consideration will be given such request until another six (6) month period has elapsed, after which it will be necessary to reinstate the initiative by filing new petitions.

Meetings of the ND

Section 5.(a) The convention of the ND shall be held quadrennially, the date and place to be designated by the Advisory Board. The date for the convention to convene shall be not earlier than the first Monday in May or later than the first Monday in October.

(b) The length of time the convention shall be in session shall not exceed four (4) consecutive calendar days.

(c) The National President shall notify all general committees, legislative boards and divisions not later than January 15 of the convention year as to the decision of the Advisory Board regarding the date and place of holding the convention.

Between regular quadrennial conventions, if two-thirds (2/3) of the divisions, or divisions representing two-thirds (2/3) of the active membership, petition the National President to convene the ND in special convention, he shall, within sixty (60) days, set a date for holding said special convention, except that a special session of the convention will not be called to convene in the regular convention year.

The ND in special convention assembled shall handle only those subjects which are set out in the notices which require the ND to be convened in special session.

(d) A majority of the accredited delegates shall constitute a quorum for the transaction of business of meetings of the ND.

(e) The authority vested in a delegate shall continue as long as such delegate retains his qualifications and until such a time as a qualified successor is elected and installed.

(f) Regularly qualified delegates shall be subject to a call to assemble at any time during their term of office.

Election and Terms of Office ND - Filling Vacancies

Section 6.(a) All national officers shall be elected **by direct membership voting** ~~a majority vote of the duly elected delegates at each quadrennial convention~~ to serve for a term of four (4) years, except in Section 1(c) - National Division Rules, or until their successors are elected and installed, unless they be removed for cause, except the National Guide and National Chaplain, who will be appointed by the National President at each convention from the membership.

(b) Should only one (1) nomination be made for any office, the presiding officer will cast a ballot to elect the candidate by acclamation.

(c) In case any of the offices of the ND shall become vacant by death, or otherwise, the officer highest in rank shall call into session the Advisory Board of the ND who shall, by a majority vote, fill such vacancy from the membership until the next meeting of the ND, except as provided for in Section 1(b) - National Division Rules.

NOTE: Effective January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement.

Duties of the National President

Section 7.(a) The National President shall preside at all meetings of the ND, and at the expiration of his term of office, shall deliver to his successor all books, papers, etc. belonging to the ND, and shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution.

(b) He shall render interpretations of these bylaws.

(c) He shall, with the concurrence of one (1) or more of the other members of the Executive Committee, decide such controversies as may be appealed from divisions; and after careful examination of the subject, he shall forward to the divisions making the appeal, the written decision of the committee in the case; and such decision shall be final and binding unless appealed under applicable provisions of the IBT Constitution.

Decisions involving administrative matters shall not be subject to appeal. If a dispute arises as to whether a controversy is properly related to administrative matters, it shall be referred to the Advisory Board, which shall so decide by a majority vote.

(d) If at any time the National President has knowledge that the books of the secretary-treasurer of any division or committee subordinate to the ND are in such condition that an additional audit should be made, he shall be empowered to authorize such audit at any time; and the National President's representative shall have access to all books and papers of such office.

(e) In case of emergency, the National President may appoint temporary vice presidents to render assistance.

(f) The National President shall have authority to maintain a Public Relations and Publications Department to be staffed with expert personnel.

(g) There shall be maintained at the ND a Department of Education and Training. One (1) of the vice presidents or the National Secretary-Treasurer shall be appointed by the National President to head this department. He shall devote his time to providing training and/or education to the officers of the ND, general chairmen and all division officers. The purposes of the training and/or education will be to assist the officers and membership to improve their performance in their interactions within the union; between the union and management; between the union and the public; between the union and the various federal, state and local governments, and with all other labor movements and activities. While not engaged in providing training and/or education for the above purposes, he shall do any other work pertaining to the interest of the membership when called upon by the National President.

(h) There shall be maintained at the ND a Department of Internal Organizing, Mobilizing and Strategic Planning. One (1) of the vice presidents or the National Secretary-Treasurer shall be appointed by the National President to head this department. He shall devote his time to coordinating and developing the internal organizing, mobilizing and strategic planning with the officers of the ND, general chairmen, state and provincial legislative board chairmen, and all division officers. The purposes of the department will be to assist the officers and membership to incorporate the concepts of internal organizing, mobilization and strategic planning to improve their performance in their interactions with the union; between the union and the public; between the union and the various federal, state, provincial and local governments, and with all other labor movements and activities. While not engaged in providing the above purposes, he shall do any other work pertaining to the interest of the membership when called upon by the National President.

(i) There shall be maintained at the ND an Arbitration Department to be staffed with expert personnel. One (1) of the vice presidents shall be appointed by the National President to head this department and to serve and/or work in conjunction with the Mem-

ber of the First Division - National Railroad Adjustment Board representing the BLET. He shall devote his time to the support of the arbitration and arbitration-related activities of the union, and in the supervision and direction of the department's staff. The purposes of the Arbitration Department will be to handle, in conjunction with other union officers and/or departments, or independently, disputes involving national agreement rules; to assist ND officers, general and local chairmen generally in the minor dispute handling and arbitration process; to manage the ND electronic arbitration data base; to develop and conduct educational programs concerning the minor dispute resolution process for ND officers, general and local chairmen in cooperation with the Education and Training Department; and such other activities as directed by the National President.

(j) There shall be maintained at the ND a Trainmen Department. One (1) of the vice presidents or the National Secretary-Treasurer shall be appointed by the National President to head this department. The department shall provide assistance in all areas of concern to trainman members of the BLET.

(k) There shall be maintained at the ND a Short Line Railroad Department. One (1) of the vice presidents or the National Secretary-Treasurer shall be appointed by the National President to head this department. The department shall provide assistance to members working on short line railroads and assist in the organizing of short line railroads that are currently not represented by the BLET.

(l) There shall be maintained at the ND a Passenger Department. The National President shall appoint a member to head this department within thirty (30) days of the implementation of the IBT/BLE merger. The department shall provide assistance to passenger and commuter general committees when called upon by the general chairmen. Within sixty (60) days of the implementation of the IBT/BLE Merger Agreement, the National President and First Vice President will meet with the passenger and commuter lines general chairmen and the department head to develop the structure of the department and the specific goals of same. The

structuring of the department shall be completed within ninety (90) days from the date of such meeting.

(m) He shall have authority to place special representatives in the field at his discretion, but not to exceed seven (7) permanent special representatives. When exercising this authority, the National President may select one or more special representative(s) to provide training and/or education to the divisions, general committees, and state legislative board chairmen in the area of computer, hardware, software and technological support and recommendations. The National President shall have authority to remove any special representative if found incompetent or when his usefulness has terminated.

(n) The National President, in conjunction with the other members of the Advisory Board and the Association of General Chairmen, shall have the authority to appoint a wage committee, when necessary, to serve in connection with national wage movements. This committee shall consist of:

National President; two (2) national vice presidents, elected by Advisory Board; three (3) general chairmen, elected by respective general chairmen's associations.

The salary and expenses of such committee shall be set by the National President.

(o) The National President shall be in charge of and have the direction of vice presidents, special representatives and special organizers.

(p) The National President shall submit to each Standing Committee on the Bylaws his recommendation and/or recommendations relative to amendments of the law of the ND.

(q) The National President shall be the chairman of the Executive Committee; and no meeting of the Executive Committee shall be legal unless the National President is involved, or authorizes

the First Vice President to act in his behalf in any decision or act by said Executive Committee.

(r) The National President shall have authority to grant annual vacations to the officers and special representatives of the ND, in accordance with provisions of the National Vacation Agreement for engineers.

(s) The National President shall have authority to employ counsel to defend the BLET against any action brought against it arising out of its labor activities; to defend any member who may be prosecuted under the criminal code, or sued under civil law, for his connection with any accident occurring while in the performance of his duties as a locomotive engineer, trainman or other service defined under Section 25 - Local Division Rules, and to prosecute any claim of the BLET on behalf of its Protective Department. The expense of counsel employed shall be paid by the ND.

(t) In the performance of the National President's duties as prescribed in Section 7(e)-(m) – National Division Rules, the Executive Committee shall not enter into any employment contract that binds the BLET beyond their current term of office; and each such contract shall include a clause expressly setting forth said term limitation. Any such contract shall include a provision that permits the BLET to terminate the services of the employee, if the employee's performance does not meet the contract specifications, or for valid, nondiscriminatory business reasons, upon a maximum of 120 days' written notice of termination. The National President shall provide a copy of any employment contract executed by the Executive Committee to the BLET's controller, who will file same in the BLET's financial records, within ten (10) days of execution, and any such contract not so filed shall be null and void.

Duties of the First Vice President

Section 8.(a) The First Vice President shall be the next ranking officer to the National President, shall assist in handling the work

of the Protective Department; and in the absence of the National President, he will assume the duties of that office.

(b) He shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution.

Duties of the Vice Presidents

Section 9. The vice presidents shall devote their whole time to the interests of the organization; their duties shall be to visit divisions and assist in organizing new ones, and may fill the office of president when visiting divisions and perform such other duties as may be assigned to them by the National President.

They shall furnish the National President with a detailed monthly report of their work, together with a detailed expense account, and in addition will submit their recommendations pertaining to the welfare of the organization and general conditions in the territory to which they have been assigned; and at the expiration of their term of office, they will deliver to the National President all funds, books and papers, and other belongings of their office.

Each vice president shall be assigned to a definite territory~~; but~~. **The National Legislative Representative shall be assigned to Washington DC. S**hould conditions warrant, ~~they~~ **vice presidents** may be used outside of their defined territory.

Duties of the National Secretary-Treasurer

Section 10.(a) The National Secretary-Treasurer shall receive and have custody of all funds of the BLET, and have supervision over the Financial and Record Department personnel. He shall deposit the funds of the BLET in a reliable bank or banks which are members of the Federal Reserve System with the approval of the Advisory Board.

All checks, drafts, or orders against the accounts of the BLET, with said depositories, shall be signed by him and countersigned

by the National President or First Vice President; or, in the absence of the National Secretary-Treasurer, by the National President and First Vice President; or, in the absence of any two (2) of these officers, by the remaining officer and facsimile-stamped signature of either the National President or the National Secretary-Treasurer; and provided, further, that checks drawn against the payroll accounts of the BLET, with said depositories, may be signed with the facsimile-printed signature of the National Secretary-Treasurer and the National President, and the manually attached signature of one (1) or more bonded employees authorized by the National Secretary-Treasurer and approved by the National President and the First Vice President.

(b) He shall be under the direction of and report to the Executive Committee regarding matters pertaining to his duties as National Secretary-Treasurer of the BLET. He shall keep a true and correct record of the proceedings of the ND at each meeting and transmit one (1) copy, properly authenticated, to each division and general chairman. He shall preserve the archives and have charge of the books, papers and property of the ND, keep a roster of all divisions with the date of their organization, location, and a correct list of all members, and attest all official documents.

It shall be the duty of the National Secretary-Treasurer to notify the president and secretary-treasurer of each division thirty (30) days prior to the convening of the convention of the exact financial status of their division in regard to international dues and assessments.

(c) He shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution; and at the expiration of his term of office, he shall deliver to his successor all books, papers, etc., belonging to the ND.

(d) He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with respect to members within the BLET consistent with the Bylaws of the BLET.

Duties of the National Guide

Section 11. The National Guide shall receive and introduce delegates and visiting brothers, and attend to such other duties as the National President may assign to him, and shall act as marshal in all proceedings of the ND.

Duties of the National Chaplain

Section 12. The National Chaplain shall assist in the exercises of opening and closing the ND, and shall perform the duties of chaplain for the ND upon all public occasions.

Expenses of National Officers ND

Section 13.(a) Salaried national officers, or any member employed exclusively by the National Office, when absent from their designated headquarters on BLET business, shall be reimbursed for actual reasonable expenses incurred, but only when itemized statement covering such expenditures has been approved and endorsed by the National President. Expenses allowed shall only be for transportation, hotel room, meals, taxi, transfer of baggage, telephone, electronic communication, stenography, postage and delivery, each of which shall be shown separate and distinct from each other on the itemized statement.

(b) The representatives of the BLET in Washington, DC, when handling legislation, and on the National Railroad Adjustment Board, will be allowed necessary expense accounts in connection with their work, subject to the approval of the National President.

Advisory Board - How Composed

Section 14.(a) The National President, First Vice President, eight (8) other vice presidents and the National Secretary-Treasurer shall constitute an Advisory Board on matters pertaining to the welfare of the BLET. It shall have authority to suspend a national officer

who fails or refuses to perform the duties for which he was elected, or is at any time guilty of any action calculated to injure the organization in any way. Such officer may be suspended without pay if found guilty by a majority vote of the Advisory Board after having been afforded a full and fair hearing in accordance with Article XIX, Section 3 of the IBT Constitution. Any appeal therefrom may be filed in accordance with Article XIX of the IBT Constitution and the provisions of Paragraph 6.10 of the IBT/BLE Merger Agreement.

(b) The Advisory Board shall employ a firm of ~~nationally known auditors who are~~ certified public accountants to audit the books of all departments of the BLET annually; such audit to show all moneys received and from what source and the amount paid out and for what purpose. **The CPA firm shall be licensed and in good standing with the Accountancy Board of the state in which it operates. In addition, the partners of the CPA firm should be members of the American Institute of Certified Public Accountants.**

(c) The books of each department of the BLET shall be audited separately. They shall be put in one (1) booklet and one (1) copy furnished each division, general chairman, state and provincial legislative chairman and vice president. The expense of these audits shall be paid from the general fund of the BLET.

(d) The National President shall be the chairman of the Advisory Board when convened. He shall convene the Advisory Board as provided in these Bylaws or when he deems it necessary or by request of a majority of the members of the Advisory Board.

(e) Advisory Board members must devote their whole time to the interest of the organization.

Membership Pins

Section 15. On request of the division secretary-treasurer, members who now or hereafter shall have five, ten, twenty, twenty-

five, thirty, forty, fifty, sixty, or seventy years of continuous membership shall be given an emblem showing the years of membership.

Publications

Section 16.(a) A periodic magazine shall be published and sent to all members of the BLET.

(b) A periodic newsletter shall be published and sent to all active members of the BLET.

The periodic newsletter will contain reports of assignments of the National President, First Vice President and the vice presidents. Supplemental newsletters may be provided when significant events or information of importance to the members so dictate.

(c) The contents and frequency of the newsletter will be determined and coordinated by a publications committee, consisting of the National President, First Vice President, National Secretary-Treasurer, National Legislative Representative, and editor, and will include legislative news when available.

(d) The rates of advertising in the **newsletter** shall be under the direction of the National President and the Advisory Board. Anyone desiring to advertise in the magazine must agree to the terms and conditions established by the National President and the Advisory Board.

Printing

Section 17.(a) The Executive Committee shall secure bids and make awards for all printing and all supplies required by the ND.

They shall also devise proper books and forms for the use of all divisions of the BLET; and their use shall be required except divisions may procure letterheads and envelopes locally, provided they

comply with the adopted forms and standard size in use by the National Office.

They shall also provide annually a directory of all divisions, GCAs and legislative boards to each general chairman, state legislative chairman, division secretary-treasurer, local chairman and the divisions of the GIA to BLET.

(b) Printed copies of all awards of the First Division of the National Railroad Adjustment Board will be furnished each general chairman; and if any GCA requests extra copies for their members, they shall receive same by paying the extra expense for the number supplied.

(c) The Bylaws of the BLET will be furnished to each member, without cost, by the ND, upon request from the division secretary-treasurer.

Delegates to IBT International Union Convention

Section 18. Delegates from the BLET to the IBT International Union Convention shall be as follows. For the purpose of allocating and electing delegates to the IBT Convention, IBLE/BLET GCAs shall be treated as the equivalent of local unions as provided in Article III of the IBT Constitution and Paragraph 6.16 of the IBT/BLE Merger Agreement. Each GCA having between 100 and 1000 active members shall be entitled to one (1) delegate 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 an 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 delegates 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, as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement, and shall be elected in accord with the applicable provisions of the IBT Constitution and the Rules governing the election.

Credentials – Delegates to IBT and ND

Section 19. A delegate's credential shall be formulated by the National Secretary-Treasurer and sent to the division of which the delegate-elect is a member prior to the date set for convening the ND. Credentials for the IBT International Union Conventions shall be issued by the International Union or the election administrator as provided by the applicable rules.

Representation of Division to ND

Section 20.(a) Each division on record in the National Office on April 1 prior to the opening date of the convention shall be entitled to a delegate at each BLET convention.

(b) Delegates will have one (1) vote for each division represented and an additional vote for each one hundred (100) additional members represented over the first two hundred (200).

(c) All divisions must be square on the books on the date the convention convenes.

(d) Each division entitled to representation must be represented by either delegates or by proxy. Federal law prohibits proxy voting in the election of officers.

(e) Any division granting proxy to a delegate of another division has the same right in instructing the proxy as they would have in instructing the delegate of their own division.

(f) In the event of the death of the delegate-elect or other cause that might prevent attendance at the convention, the first alternate delegate shall be the legal representative. Should conditions arise whereby both the delegate-elect and the first alternate delegate are prevented from attending, the second alternate delegate shall be the legal representative. Should conditions arise whereby the delegate-elect and the first and second alternate delegates are prevented from attending, Section 20 - Local Division Rules will apply.

(g) The name and division number of all elected delegates to ND shall be published in the newsletter no later than April prior to the convention.

Delegates to ND - Term of Office

Section 21. The delegates to the ND shall continue as such until their successors are elected and qualified, as per Section 2 of the Local Division Rules, and shall be subject to call from the National President to assemble at any time during their term of office.

Delegate to ND – Qualifications

Section 22.(a) In order to be a candidate for delegate to the ND, an individual must hold active membership as defined in Section 25(b) - Local Division Rules.

(b) No salaried national officer or member employed exclusively by the National Office shall be eligible as a delegate to represent any division in the ND.

NOTE: Beginning January 1, 2006, eligibility to run for office will be determined by ~~the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement~~ **Section 1 – National Division Rules - NOTE**.

Delegate to ND - Division Not Square on Books

Section 23. Any delegate whose division is not square on the books and any division that has not paid its pro rata assessments, as provided in these Bylaws, also its indebtedness to other divisions, shall not be allowed a seat in the ND.

Delegates - ND Special Session - New Division

Section 24. In case a special session of the ND should be called, any division that may have been organized subsequent to the last session of the ND and is in good standing at the time, shall be entitled to representation in accordance with the law governing representation.

Delegates to ND – How Paid

Section 25.(a) Delegates to the ND shall be allowed the maximum allowable IRS per diem for each day the convention is in session, including two (2) travel days, plus $600.00 travel allowance, paid by the ND. Salaries of delegates to the National Division Convention will be the responsibility of the division the delegate represents.

(b) A system will be provided to check the actual attendance of delegates at convention; and they shall receive per diem for actual attendance only, unless excused by the National President.

Delegate to ND - Salaried Officer

Section 26. When any full-time salaried officer of a subordinate body of the ND is elected by his local division to represent such division at the convention of the ND, his officer's salary shall offset any salary payable for service as delegate.

Delegate to ND - Reporting to Divisions

Section 27. Delegates will report to their divisions. The ND will supply all divisions with a report of the convention proceedings.

Delegate to ND - Excused

Section 28. Should a delegate, on account of sickness or other cause, find it necessary to be absent from the convention, he may, by permission of the ND, designate the delegate of another division to act in his stead, except in the case of the election of officers.

National Dues and Assessments

Section 29.(a) Each division shall be required to ~~account for all members shown on their monthly report of the preceding month~~ **update its monthly membership status report as soon as practicable after it is posted on the BLET website; however, it must be updated no later than the end of the month following the month it is posted.**

(b) All members in active service, including those holding official positions with the carrier and those employed exclusively by the BLET, shall pay ~~$27.00~~ **$27.68** per month national dues and such assessments as may be levied by the Advisory Board**, provided that such action on the part of the Advisory Board shall be effective only until the next regular convention of the BLET**. Active membership includes all occupations eligible for membership in the BLET regardless of status, except as excluded in the following sections.

(c) ~~All~~ **M**embers whose names do not appear on ~~the~~ an engineers' seniority roster~~, such as conductors and other train service employees,~~ shall pay $12.30 national dues, and such assessments as may be levied by the Advisory Board**, provided that such action on the part of the Advisory Board shall be effective only until the next regular convention of the BLET**. However, once

the BLET obtains the right to represent such members in accordance with the provisions of the Railway Labor Act through the National Mediation Board, they will be liable for active dues as outlined in Section 29(b) - National Division Rules.

At locations where another organization cancels all seniority maintenance fees, seniority retention fees, and does not assert exclusive representation rights, members whose names do not appear on an engineers' seniority roster shall pay $18.50 national dues.

The additional dues levied upon such members by the National Division shall be used towards funding education and training of general chairman and local division officers to enhance their ability to properly represent trainmen members.

Members who pay a monthly seniority maintenance fee to another labor organization will have their dues set by the BLET Advisory Board (currently set at $4.00 per the December 21, 2004 Executive Committee decision.)

(d) All members ~~whose names appear on the engineers seniority roster but who are employed at~~ **working on a carrier wherein the rate of pay is** less than the ~~standard hourly national wage level~~ **minimum rate of pay under national railway agreements**, shall pay ~~$16.00~~ **$16.40** national dues and such assessments as may be levied by the Advisory Board**, provided that such action on the part of the Advisory Board shall be effective only until the next regular convention of the BLET**. These shall include members employed on short line railroads where BLET holds representation rights but has not yet negotiated a collective bargaining agreement.

(e) Members receiving remuneration under any merger or other protective agreements (as defined in Sections 32, 33, and 34 - General Committee Rules) shall pay dues applicable to the position held at the time they were affected by the merger or other agreements, as stipulated in Paragraphs (b), (c) and (d) above.

(f) In addition to above national dues, all members, except those under present Sections (g) and (h), will be required to pay $2.00 per month to establish and maintain a convention fund.

(g) New **and reinstated** members shall pay ~~$4.00~~ national, ~~dues and shall be exempt from~~ GCA, legislative board and division dues and assessments for the ~~initial month of membership~~ **month following initiation or reinstatement**, unless required **to pay earlier** by a union dues agreement.

(h) The following members shall be exempt from the payment of international dues and shall be exempt from Advisory Board, GCA, legislative board and division dues and/or assessments:

(1) Members reported as retired from service because of physical disability.

(2) Member*s* serving in the armed forces of the United States.

(3) Members cut off of the working list for a calendar month or more due to fluctuation in business.

(4) Members who have been dismissed from service for a calendar month or more.

(5) Members out of service due to sickness or injury for a calendar month or more.

NOTE: Consistent with existing practice, members referred to in this Paragraph (h) will continue to be eligible for exemption from the payment of dues after the effective date of the merger. However, beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement. Members should be aware that these provisions require the timely payment of dues for a fixed period prior to nomination and

that any failure to pay dues during the applicable period, even if excused, will render the member ineligible to run for office.

(i) Retired members not holding seniority shall be exempt from the payment of national, GCA, legislative board and division dues and assessments.

(j) All national dues and assessments, with the exception of the convention fund assessment, are to be placed to the credit of the general fund. Convention fund assessments are to be placed to the credit of a convention fund.

(k) Should it become necessary to raise additional funds to defray the expenses of the ND, such funds shall be raised by assessments as may be levied by the Advisory Board, notwithstanding any policy or resolutions to the contrary, provided that such action on the part of the Advisory Board shall be effective only until the next regular convention of the ND.

(l) All notices of assessments levied by the Advisory Board are to be in the hands of the GCA secretary-treasurers sixty (60) days before said assessments are due and same to be remitted by the GCA secretary-treasurer*s* on or before the 20th day of the next succeeding month thereafter.

(m) Between conventions, national dues will increase by the same percentages as gross wage increases under the national agreement. However, COLA adjustments shall not affect national dues. **The increase will be rounded to the nearest dollar, i.e., $0.50 or more will round up; $0.49 or less, round down. The actual (unrounded) amount of dues shall be used in the computation of future dues increases.**

National Dues and Assessments - When Payable to the ND

Section 30. **For members who do not have their dues deducted from their payroll by the carrier (non-dues checkoff),** National dues and assessments ~~levied by the Advisory Board~~ are due and

payable on or before the first day of the month for which they apply, ~~except in the case of a dues checkoff,~~ and are delinquent after the ~~20th~~ **last business** day of the same month~~;~~**. ~~and~~ Monthly reports must be completed by the division as soon as practicable and no later than the end of the month following the month posted on the BLET website.** ~~such~~ **D**ues and assessments must be remitted to the National Secretary-Treasurer by the GCA secretary- treasurers ~~on or before the 20th day of the next succeeding month~~ **within fifteen days after the monthly report is submitted by the division**.

GCAs on railroads where an agreement is in effect with the carrier, the terms of which prevent the forwarding of dues as provided herein, will notify the Executive Committee of the terms of such agreement; and the Executive Committee shall have authority to make such agreements as are necessary for the submission of national dues and assessments to the National Secretary-Treasurer.

~~**National Dues - Reinstated Members**~~

~~Section 31. Reinstated members will be required to pay national dues and assessments levied by the Advisory Board for the month in which they are reinstated and such other dues as may be determined by the division.~~

Fiscal Year

Section 32. The fiscal year of the ND shall commence on the first day of January in each year. All divisions are required to be square on the books of the National Office on or before the 20th day of the month following the month for which dues are collected, and shall be required to submit an annual audit report or a copy of Form LM-2 or 3. Reports are due on or before April 1 of each year.

When a secretary-treasurer resigns or otherwise gives up the office, an audit must be completed before the new secretary-treasurer is installed. The audit must be conducted by a committee

appointed for that purpose. All records are to be delivered to the new secretary-treasurer along with the audit report.

Standing Committees ND

Section 33.(a) The Standing Committees of the ND shall consist of: first, a Committee on Credentials; second, a Committee on Salaries; third, a Committee on Bylaws; fourth, a Legislative Committee; and fifth, a Committee on Work.

All delegates are to be supplied with a copy of report of Committee on Salaries before said report is rendered.

(b) Members of committees identified in this section shall be paid $260.00 for each day of service, including travel days and actual reasonable travel expenses. They shall also be paid daily expenses commensurate with the current IRS maximum for the city where assigned. This provision does not apply while convention is in session.

Bylaws Committee

Section 34. The Committee on Bylaws shall meet at the National Office on a date to be fixed by the Executive Committee and shall review and consider all resolutions submitted by divisions, together with any recommendations for changes in the law made by the National President. The said committee shall have authority to review any section of the law of the BLET and to make any recommendations for change of such laws which, in their judgment, is necessary. The said committee shall have all resolutions from divisions and recommendations of the National President printed as submitted, in their report; and such report will be printed in sufficient quantity for each delegate at the convention to receive a copy.

At the conclusion of the convention, the said committee shall compile all laws adopted, indicating section and paragraph to which the law applies; and all amendments approved, by the convention

shall be placed in bold face type and deleted items in strikethrough type at such time as the revised Bylaws are printed.

New Divisions

Section 35.(a) If forty (40) or more active members on any railroad wish to organize a new division, they shall apply to the nearest division on the system where the new division is to be located; and it shall be the duty of the president of said division first to obtain the consent, through the chairman, of a majority of the GCA on the road where the division is to be located, and then apply to the National President for blank charter and the necessary books and papers to organize the same. The National President shall then secure permission from the IBT General President for a new charter.

When in receipt of the charter, he shall proceed to meet with five (5) or more members, fill out the charter, organize and instruct said members, and appoint officers pro tem; and if a sufficient number have joined to fill the offices, they will elect permanent officers; and the secretary-treasurer shall immediately furnish the names of the officers and members and their addresses to the National Secretary-Treasurer, with the date of their organization.

(b) All charter members of the new division shall be assessed the sum of $25.00 to be put into the treasury of the division for the purpose of meeting initial operating expenses.

(c) All applications for charters shall be accompanied by a fee of $100.00.

Subdivisions

Section 36.(a) When the members of a division wish to hold meetings at any designated point other than where their division is located and where ten (10) or more members are located at such point, they may make application to their division to form a subdivision.

(b) Any division receiving such petition shall give consideration to same at the next two (2) regular meetings; and if approved by a two-thirds (2/3) vote of the membership present at each of these meetings, the petition, with all facts in connection therewith, will be presented to the National President, who shall have authority to grant permission to form the subdivision.

(c) When a subdivision is approved, at least one (1) regular stated meeting each month will be held under same. The officers of that division shall be one and the same as that of the parent division, except a corresponding secretary, who shall be elected by and from the members of the parent division, who shall keep a true record of all meetings. At the close of each meeting, the secretary-treasurer or corresponding secretary will forward a true copy of the proceedings of such meeting to the secretary-treasurer or corresponding secretary of the parent division, which shall be inserted into and become a part of the record of that division.

(d) No resolution that has for its purpose the changing of jurisdiction of territory, seniority, or rights to runs will be entertained by any local or general committee of adjustment until approved by the parent division. A meeting held by a subdivision shall not have authority to levy assessments or order bills to be paid.

(e) Nominations and election of officers, as provided in Sections 7, 8, and 20 - Local Division Rules, shall be held in the parent division.

Merging Divisions

Section 37.(a) When two (2) or more divisions have decided by a majority vote of the active membership of each division to merge or consolidate their membership, application will be made to the National President for approval. The National President shall then seek the permission of the IBT General President; and if approved, he will arrange the consolidation. The division having the largest membership will be the division to retain the charter, except where

due to location and for other reasons, in the opinion of the National President, it would work a hardship on the members of the division, he will decide the charter to be retained. All special funds will be distributed at the discretion of the members of the division or divisions giving up their charter.

(b) If the membership of any division falls below twenty-five (25) active members, the National President shall investigate the cause; and unless the interests of the organization require the continuance of the division, he shall have the authority to order it to be merged with another division on the same seniority district or a division under the same GCA.

~~Note 1:~~ Divisions chartered before ~~the effective date of these bylaws~~ **January 1, 2004** will retain the previous threshold level of twelve (12) active members.

~~Note 2: Within two (2) years of the effective date of these bylaws, a ballot will be sent to the active membership under the initiative process to decide whether to eliminate Note 1.~~

Appeal Cases

Section 38. Appeals from decisions of the National President or Executive Committee of the BLET concerning issues not referable to the IBT – such as collective bargaining matters and disputes between GCAs over jurisdiction – shall be referable to the Advisory Board, whose decision shall be final and binding.

Resolutions to ND - When Presented

Section 39. Except in case of the suspension of the rules by two-thirds (2/3) vote of all delegates present, six (6) copies of any resolution that has for its purpose the changing of existing laws, or the enactment of new laws, shall be forwarded to the National Office not less than one hundred twenty (120) days before the convention convenes and shall be mailed to the delegates not less than

forty-five (45) days prior to the convention. Should the resolution recommend changes in more than one (1) section of the law, each section shall be printed on a separate sheet of paper. Each sheet shall bear a heading showing the particular section and page that is to be amended. All recommended changes shall be shown in black face type; and the section, as it would read after being so changed or amended, shall be written out in full. (Refer to sample resolution at the end of the National Division Rules section). Resolutions received not in conformity with the above will not be entertained by the Committee on Bylaws.

Sample Resolution:

Section 99.(a) - [National Division Rules; Rules of Order – ND; Local Division Rules; Rules of Order – Divisions, GCAs & LBs; General Committee Rules; Legislative Board Rules; etc.], page 999.

Present law reads:

(a) [Type the present law exactly as it reads in the Bylaws.]

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

Resolution submitted by Division 000:

Section 99.(a) - [National Division Rules, etc.], page 999.

(a) [Type the paragraph as you would like it to read. Any changes in the present law must be put in bold type.]

[At the end of the resolution, give a brief explanation of your reasons for the proposed change].

Order of Business - ND

Section 40.

1. Call the meeting to order without form.

2. Report of Credentials Committee.

3. Convention called to order, composed of the delegates seated by the Credentials Committee.

4. Report of Standing Committee on Salaries.

5. Report of the national officers.

6. Report of Standing Committees (Section 33 - National Division Rules) and **nomination** ~~election~~ of officers.

7. Report of other committees.

8. Financial business.

9. Reading of resolutions and petitions.

10. New business.

Abuse of Name

Section 41.(a) It shall be considered a violation of obligation for a national officer, a division officer or a member to use his prestige as such officer or member to promote any business scheme, or furnish the mailing list of divisions to salespersons of any class except where the BLET is directly interested. Violators shall be subject to charges under Article XIX of the IBT Constitution.

National officers shall be tried for any such offenses before the BLET Advisory Board under the provisions of Article XIX, Section 3 of the IBT Constitution. Officers and members of divisions

shall be tried in their own divisions in accordance with Article XIX of the IBT Constitution.

(b) ~~The use of the BLET's name/logo for unauthorized purposes is prohibited.~~ **Subject to the oversight of the International Union General Executive Board, the National Division Executive Committee shall have full control over all marks, labels, and other insignia of the National Division, including the right to retake and repossess such marks, labels, and insignia and to change the provisions, terms, and conditions of all agreements relating to the use, printing, and issuance of marks, labels, and other insignia. All subordinate affiliates shall be subject to the orders of the Executive Committee, respecting the use, printing and issuance of marks, labels or other insignia.**

Brotherhood of Locomotive Engineers' Building - Acquisition and Maintenance

Section 42.(a) A company incorporated under the statutes of the State of Ohio relating to the incorporation of companies not organized for profit shall be maintained, the membership of which company shall be confined to the members of the Advisory Board of the BLET and their successors in that capacity. The purpose of the corporation shall be the holding of real estate for the benefit of the BLET.

(b) This corporation shall have the power to acquire and hold real estate and to operate an office building or buildings or any other property for the benefit of the BLET, which it now possesses or as may hereafter be authorized by the ND.

(c) It shall have full power and authority to borrow money and encumber any part or all of such real estate, or any personal property coming to its possession, for the purpose of said corporation. It shall have authority to sell any real property acquired only with the consent of the ND, or majority of the Advisory Board.

(d) It shall have authority to do all things necessary to carry out the purposes of said corporation; and shall be authorized to adopt such rules and regulations as may be necessary in order to accomplish said purposes; and shall have such further powers in relation to the custody, control, management, right of hypothecation, control or disposition of the real or personal property of this Brotherhood as may from time to time be conferred on it by said ND by special resolution or by general regulations.

(e) The Building Association shall furnish all divisions of the BLET, annually, an audit made by a certified public accountant of all money received by the Association and from what source. Such audit shall show the amount paid out in salaries, and the amount paid out for each item, such as repairs of building, or equipment, or maintenance, insurance, taxes, heat, lights, depreciation, the cost of the audit and so forth. Such audit shall show all money, if any, that is due and from what source. The expense of such audits to be paid for by the Building Association. All audits to be of concurrent date.

(f) The National President and National Secretary-Treasurer are authorized to transfer from the general fund such amounts as may be necessary toward defraying any obligations incurred on account of the BLE building which the earnings of the building are unable to provide for, and all earnings of the building in excess of cost of operation to be placed to the credit of the general fund.

(g) The Advisory Board may authorize amendments to the corporation's Articles of Incorporation limiting the corporation's powers in any way necessary to obtain an exemption from federal income taxation.

Laws - How Changed

Section 43.(a) These bylaws shall not be subject to alteration or amendment until the next session of the ND, except as provided in

Section 2(b) and Section 4(a) - National Division Rules. Any change in the bylaws is subject to approval of the IBT General President in accordance with Article VI, Section 4(a) of the IBT Constitution.

(b) When a GCA enters into a collective agreement with the carrier containing a provision requiring, as a condition of employment, membership in the BLET, a union dues agreement without mandatory membership, granting a preference of employment to members of the BLET, or the checkoff of union dues each calendar month from wages due each employee coming within the scope of such agreement, the specified amount of BLET dues authorized under the provisions of the National Division Rules, Local Division Rules, General Committee Rules and Legislative Board Rules of the BLET, the National President and National Secretary-Treasurer, in conjunction with the officer negotiating such agreement, will have authority to modify the provisions of the laws above referred to for application to the divisions concerned for the purpose of applying such agreements.

(c) It must be understood that no change will be made in the amount of national dues or assessments prescribed under our laws in connection with Paragraph (b) of this section.

(d) Between conventions the Executive Committee will have authority to amend the law where it is in conflict with civil law.

Working Rules - ND

Section 44.(a) Working hours. The morning meeting shall be from 9 a.m. until 11:30 a.m. The afternoon meeting will be from 1 p.m. until 5 p.m. and continued until all business legally coming before the convention has been disposed of. The length of time the convention will remain in session shall not exceed four (4) consecutive calendar days.

(b) All resolutions shall be typewritten and presented in duplicate, one (1) copy for the record and one (1) for the committee, and signed by the author and the number of his division. Resolutions which are in proper form shall be entertained and disposed of by the convention without necessarily referring them to a committee. Resolutions not in proper form shall be referred to a committee.

(c) All resolutions relating to subjects on which no committee has been appointed shall be read by the National Secretary-Treasurer to the Convention for consideration.

(d) Nominations for officers shall be made verbally from the floor of the convention and must be accompanied by a second. Each nomination shall not consume more than two (2) minutes.

(e) A nominee may not accept nomination for two (2) or more offices which cannot be held simultaneously. In the event he is nominated for more than one (1) office, he must select the office for which he wishes to stand as a candidate.

(f) In the election of officers, a paper or electronic ballot will be used. **The candidate receiving the highest number of votes for each office shall be declared elected. In the event of a tie vote that determines election to any office, there shall be a rerun election between the tied candidates.** ~~A majority of the votes cast will be necessary to elect; if there is no election on the first ballot, only the two (2) leading candidates shall be eligible on the second ballot.~~

(g) Delegates shall be required to wear their badges while assembled in convention hall.

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

Employment Eligibility - Officers and Employees of the BLET

Section 45. No member shall be eligible for office in the ND or full-time employment with the BLET unless he holds active membership as provided in Section 25(b) - Local Division Rules.

Pension Plan - Officers of the ND

Section 46.(a) Those elected national officers who retired prior to August 9, 1971 shall receive additional pension from the ND at $75 per month for each term served, maximum pension to be $500 per month.

(b) Those retiring on or after August 9, 1971 will receive pension of $27.50 per month for each calendar year, or portion thereof, served as a national officer, to a maximum amount of $440. Such pension plan shall be funded under contract to an accredited insurance company and shall be vested to the credit of each participant.

(c) For those retiring after April 1, 1976, pension will be computed on a "step-rate" formula contained in the Officers Pension Plan as approved by the Internal Revenue Service as complying with the Employees Retirement Income Security Act of 1974. Present vested rights in the plan shall be frozen as of August 31, 1986 if such amount exceeds $1,000. Future individual amounts will be capped at $1,500 per month, **indexed annually effective January 1, 2008 for cost of living adjustments equivalent to the cost of living adjustments made to Tier I annuitants by the U.S. Railroad Retirement Board.**

Annual Salaries - Officers of the ND

Section 47.(a)

National President	**$160,786**
First Vice President	**$131,423**
National Secretary-Treasurer	**$131,423**
Vice Presidents	**$122,614**

NOTE: The salaries of the above officers include all COLAs provided to engineers.

(b) Between conventions officers' salary increases will be granted on the basis of monetary allowances/increases or COLA adjustments, whichever is applicable, obtained for engineers through the concerted national wage movements.

NOTE: Any COLA adjustments allowed to engineers will be allowed to officers based on eight (8) hours per day.

(c) In the event national concerted wage movements cease to exist, the officers' salary increases will be adjusted on the basis of the average monetary allowances/increases or COLA adjustments, whichever is applicable, of class one railroads.

Vacations - Officers of the ND

Section 48.(a) All officers of the ND shall be allowed annual vacation in accordance with seniority and pay provisions of the National Vacation Agreement for engineers.

(b) Effective January 1, 1987, earned vacation must be taken by all officers of the ND annually; and no pay shall be allowed in lieu of vacation time except through retirement, death, or otherwise.

Rules Governing Direct Membership Election of National Division Officers

Section 49. These Rules are designed to provide for fair and informed elections. The Rules are applicable only to the election of National Division officers and are not applicable to the election of any subordinate body officers.

NOMINATIONS

Candidates for National Division office shall be nominated by delegates at the National Division Convention and, thereafter, shall be elected by the active membership in secret mail ballot voting. Candidates shall declare their intention to run for office in writing via certified mail to the National Secretary-Treasurer at least thirty (30) days prior to the start of the Convention. A candidate may only declare his/her candidacy for one National Division office in any election year.

Any active member in good standing who desires to be nominated for office must obtain signatures on petitions from divisions representing five (5) percent of the membership or from Convention delegates representing five (5) percent of the membership and file the petitions with the National Secretary-Treasurer prior to the nominations. Such petitions shall include: (1) identification of the candidate by name, local division number and title of office sought; (2) space for each signatory to sign their name, to print their name, and to list their local division number; (3) space at the bottom for each circulator to state their name, local division number, and to verify the validity and accuracy of the petition's contents. Once the requisite number of petition signatures has been obtained, the candidate may submit these petitions to the National Secretary-Treasurer for counting and verification. Immediately after petitions are received, the National Secretary-Treasurer shall take whatever action is necessary to verify the validity and accuracy of petition signatures and information and count the

valid signatures to insure that the requisite number has been obtained.

Signing petitions for opposing candidates shall not invalidate the member's signature on any of the petitions signed.

The National Secretary Treasurer shall immediately verify nomination results. The Convention shall not adjourn prior to verification of the nomination of at least one (1) candidate for each and every National Division officer position.

Appeals concerning the eligibility of a person nominated as a candidate for National Division office shall be handled in accordance with Section 6.9 of the Merger Agreement and Article XXII, Section 5(a) of the IBT Constitution.

The placement of candidates on the ballot shall be according to alphabetical listing.

ELECTIONS

Method of Voting and Date of Election

Beginning in 2006, the election of National Division officers shall be conducted by secret mail ballot under the supervision of the National Secretary-Treasurer. The National Secretary-Treasurer shall contract with the American Arbitration Association (AAA) to administer the election process. If for some reason agreement cannot be reached with the AAA to administer the election process, another nationally recognized organization qualified to administer secret mail ballot elections shall be retained.

A ballot packet shall be mailed to every active member at their last known address within thirty (30) days of the close of the Convention. The date of election shall be sixty (60) days after the close of the Convention. When the date of election falls on a Saturday, Sunday or federal holiday, the ballots shall be counted on the first weekday following that date. In order to

be counted, the deadline for receipt of completed ballots shall be 10:00am on the date of election.

Notice of Election

The Notice of Election shall be prepared under the supervision of the National Secretary-Treasurer. The Notice shall state: the date by which ballots must be received in order to be counted; the National Division offices subject to election and the number of candidates to be elected to each office. The Notice shall provide a clear and complete explanation of the requirements and procedures for voting. The Notice shall also state the requirements for eligibility to vote, including the date by which dues arrearages and/or initiation fees must be paid in order for members to be eligible to vote. The Notice shall specify the method for members who do not receive a ballot to obtain a ballot or a duplicate ballot.

Eligibility to Vote

To be eligible to vote in the election of National Division officers, a member in good standing must have his/her dues paid up through the month prior to the month in which the election is held.

Printing and Handling of Ballots

The National Secretary-Treasurer shall have authority to designate a standard type of mechanical ballot counting device and to print ballots for the election of National Division officers which can be counted using this device.

All ballots shall be identified as the "Official Ballot for Election of National Division Officers" and shall be printed in a legible manner, with headings printed in bold face. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots being used, voted or counted.

Ballots shall state the offices open for election and the number of candidates to be elected for each office, and shall instruct the voter to vote for no more than that number of candidates.

Candidates shall be identified on the ballot only by name. Where a similarity in names may cause confusion, appropriate additional identification shall be added.

Ballots shall be printed under the direct supervision and control of the National Secretary-Treasurer at one site in the United States. The person or entity printing the ballots shall certify the number printed. The AAA shall maintain custody of the ballots prior to the election. Ballot security shall be maintained throughout the election process.

Mailing of Ballots

The mail ballot package shall be mailed within thirty (30) calendar days of the close of the Convention. The National Secretary-Treasurer shall directly supervise and control all aspects of the assembly and mailing of the mail ballot package. The mail ballot package shall be mailed by the AAA from a single location in the United States to all active members. Each mail ballot package shall contain the Notice of Election, a ballot, a secret ballot envelope, a self-addressed and stamped return envelope prelabeled by the AAA with the member's name and address and other data sufficient to identify and distinguish the member, and instructions regarding the procedure for secret mail ballot voting.

Observers shall be permitted to inspect the list of members to whom ballots are being sent. Should any observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be treated as a challenged ballot.

Casting of Votes

Once mail ballot materials are received, the member shall cast his/her vote, place the ballot in the secret ballot envelope (with-

out making any mark on that envelope) and place the secret ballot envelope in the stamped return envelope and then place the return envelope in the mail. If the preaffixed label on the return envelope is missing, the member should write his/her name, address and local division number in the upper left corner of the return envelope. Any ballot cast without proper identification on the return envelope or received after the deadline for receipt of ballots shall be void.

Receipt of Ballots

The AAA shall rent a post office box for the return of the ballots and shall also rent a post office box for receipt of mail ballot packages returned by postal authorities as undeliverable and shall make all reasonable efforts to verify and correct addresses and remail the ballot packages.

Any member not receiving a ballot should contact the AAA immediately. Any member who spoils or loses a ballot should contact the AAA immediately for a replacement ballot.

Verification of Voter Eligibility

Prior to commencement of the ballot count, and under the direct supervision and control of the AAA, the eligibility to vote of each person casting a ballot shall be verified.

Ballot Counting

All ballots shall be counted under the direct supervision and control of the AAA. All challenged ballots shall be segregated. No sticker, write-in or proxy votes shall be permitted.

Prior to the election, the National Secretary-Treasurer may issue supplemental guidelines or advisories with respect to counting of ballots and other matters relating to these Rules. Any such supplemental guidelines or advisories shall be subject to approval by the Advisory Board.

Retention of Ballots
All ballots, including those that are challenged, voided, spoiled or unused, all ballot envelopes, copies of all tally sheets, and voter/membership rosters shall be preserved for one (1) year after the count.

Prohibition on Interference with Voting
No person or entity shall limit or interfere with the right of any member to vote. Any violation of this rule may result in disqualification of a candidate who benefits from the violation.

CAMPAIGNING AND ACCESS

Inspection of Membership Lists
Each bona fide candidate shall have the right, once within thirty (30) days prior to the casting of ballots in any election in which he/she is a candidate, to inspect a list containing the last known names and addresses of all active members of the Union. The right of inspection does not include the right to copy the list, however, if the Union permits any candidate to copy or otherwise use the list, all candidates must be notified of this and provided the same opportunity. The Union shall not, in any way discriminate in favor of or against any candidate with respect to access or use of the membership list.

Candidate Literature and Mailings
Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense. This means: (a) each candidate is entitled to a reasonable number of mailings; whether or not any other candidate makes such request(s); (b) when the Union authorizes distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and (c) the union need not distribute any candidates campaign literature if that candidate is

not able and willing to pay for the reasonable costs for such distribution.

Any request for distribution of literature shall be made by the candidate to the National Secretary-Treasurer in writing. The request shall be accompanied by at least one (1) copy of the literature (if the candidate wishes it to be duplicated by the Union) or by a number of copies sufficient for distribution (if the candidate duplicates the literature him/herself), or by a number of sealed envelopes, containing the literature, sufficient for distribution (if the candidate duplicates the literature and stuffs the envelopes him/herself).

Each candidate shall pay, on a reasonable basis, for the actual cost of distribution, including stationery, duplication, time required to do the work and postage for mailing.

In complying with requests to mail literature, the Union shall use the current names and addresses that are on file for all active members. Mailing labels shall be prepared through the least expensive system available to the Union. The Union shall arrange for a mailing service to process and distribute candidates' literature, and for such mailing service to receive literature directly from the candidate.

Union Financed Publications
No publication or communication financed, directly or indirectly, by a Union may be used to support or attack any candidate or the candidacy of any person.

Subordinate Body Publications
No subordinate body need reserve any space in any of its publications for the purpose of campaigning, except, if any candidate is permitted to have his/her campaign material published, all other candidates must be so advised in writing and provided the same opportunity on an equal basis.

Freedom to Exercise Political Rights

All Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. This includes, but is not limited to the right to distribute campaign literature and otherwise solicit support for a member's candidacy outside a meeting hall before, during and after a Union meeting, regardless of Union policy, rule or practice.

All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, openly to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. Accordingly, officers and employees (and other members) of the Union may not campaign on time that is paid for by the Union.

Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance; and unless all candidates are provided equal access to such assistance and are notified in advance, in writing, of the availability of such assistance.

Retaliation or threat of retaliation by the International Union, National Division, any subordinate body, any member of the Union, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed by this or any other provision of this section is prohibited.

Each candidate nominated for a National Division office shall have the right, at his or her expense, to have at least one (1)

observer present at each and every phase of the election process. Such observer shall be a candidate or other member in good standing. The National Secretary-Treasurer shall provide reasonable notice to all candidates of the dates, times and places of all events or activities which candidates may have the right to observe.

RIGHTS AND DUTIES UNDER LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

The following sections of the Labor Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. Sections 401531 (1988) are incorporated into and made a part of these Rules:

Section 101 (a)(1) (equal rights and privileges);

Section 101 (a)(2) (freedom of expression and assembly);

Section 104 (right to inspect or receive copy of collective bargaining agreement);

Section 401 (c) (distribution of campaign literature; prohibition against discrimination in use of union membership list; inspection of membership list; safeguards to insure fair election);

Section 401 (d) (election of intermediate body officers by secret ballot among the members in good standing);

Section 401 (e) (reasonable opportunity to nominate; eligibility to hold office; voting and campaigning without interference or reprisal; notice of election; right to vote; preservation of election records; following union constitution and bylaws where consistent with LMRDA);

Section 401 (g) (prohibition on use of union or employer assistance in campaigning); and

Section 609 (prohibition on union discipline for exercising rights under LMRDA).

Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to elections of National Division officers, they are not incorporated into the Rules.

THIS SECTION, entitled "Rules of Order–National Division," is concerned with the government of deliberations of the National Division (ND).

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

RULES OF ORDER

National Division

Section 1. It is the duty of the presiding officer to decline to entertain any order, motion, resolution or amendment that is not in proper form and is not presented at the proper time.

Section 2. In voting on regular business before the body, a majority vote of all delegates seated will determine the question. When an aye and nay vote is ordered, each delegate shall be permitted to cast one (1) vote for each division he represents. Divisions with two hundred (200) members or more will be entitled to a vote for the first two hundred (200) members represented and an additional vote for each one hundred (100) members above the first two hundred (200). Majority votes to govern.

Should fifty (50) or more delegates request an aye and nay vote on any question, the same shall be taken.

Section 3. A motion must be seconded and given a number and afterwards repeated from the chair; if the chair requires it, motion shall be reduced to writing and read aloud before it is debated.

Section 4. A member, having made a motion, may withdraw it with the leave of his second before it is debated, but not afterwards without the consent of the body.

Section 5. When a member speaks or offers a motion, he shall rise in his place and respectfully address the chair, confine himself to the question under consideration, and avoid personality and unbecoming language.

Section 6. When two (2) or more members rise to speak at the same time, the presiding officer shall decide who is entitled to the floor.

Section 7. Except upon suspension of the rules, no delegate shall occupy the floor, either in debate or asking a series of questions, to exceed ten (10) minutes. No delegate shall occupy the floor more than twice debating any one subject and shall not occupy it a second time until all delegates desiring to be heard are recognized and given an opportunity to be heard. This shall not bar a delegate from receiving recognition from the chair and asking questions at other times.

The chair shall appoint an official timekeeper, whose duties shall be to keep the time of delegates occupying the floor and to inform the chair when the time of the delegate has expired.

Section 8. While a member is speaking, no one shall interrupt him except for the purpose of calling him to order or asking the presiding officer to explain or to call the previous question. A member allowed to "explain" shall only have the right to explain an actual misunderstanding of the language and shall be strictly prohibited from going into debate on the merits of the question.

Section 9. For any member, in speaking, to impeach the motives of a fellow member, treat him with personal disrespect, or pass between him and the chair while he is speaking, shall be deemed an act of disrespect, which may incur the censure of the presiding officer.

Section 10. If a member, while speaking, be called to order by the chair, he shall cease speaking until the question of order is determined and permission given him to proceed.

Section 11. If any member shall feel himself personally aggrieved by a decision of the chair, he may appeal from the decision.

Section 12. Any conversation, by whispering or otherwise, which is calculated to disturb a member while speaking or hinder the transaction of business, shall be deemed an act of disrespect.

Section 13. A motion to amend, and to amend an amendment, shall be in order; but to amend an amendment to an amendment shall not be entertained.

If it is moved to amend the amendment, the vote is first taken on the amendment to the amendment, then on the amendment as amended, then on the original motion as amended if the amendment of the motion was carried, and finally by the paragraph as it would read if so amended.

Section 14. When the motion is under debate, no motion shall be received except the following subsidiary motions:

Questions of privilege must not be confounded with privileged questions. Question of privilege is to allow a member to make some statement, usually calling attention to disorder, something endangering the welfare, or charges against himself or others, etc.

Section 15. When a question is before the ND, the only motion in order that may interrupt shall be: First, to adjourn; second, the previous question; third, to lay on the table; fourth, to postpone indefinitely; fifth, to postpone to a definite period; sixth, to defer; seventh, to divide, if the sense will admit of it; or eighth, to amend - to take precedence as herein arranged, and the first three (3) to be decided without debate.

Section 16. When the previous question is moved and seconded, it shall be put in this form: "Shall the main question be now put?" If this is carried, all further motions, amendments and debates shall be excluded, and the question put without delay. If the question has been amended, the question on the amendment shall be put first. If more than one (1) amendment has been made, the last amendment in order shall take precedence in the vote. It shall not be in order to reconsider the agreement to take the previous question.

Section 17. When a motion is postponed indefinitely, it shall not again come up during the meeting of that date.

Section 18. A motion to adjourn shall always be in order; except first, when a member is in possession of the floor; second, when the ayes and nays are being called; third, when the members are voting; fourth, when to adjourn was the last preceding motion; or fifth, when it has been decided that the previous question be taken.

Section 19. First, a motion to adjourn; second, a motion to lay on table; third, a previous question; fourth, a motion to read a paper, are undebatable.

Section 20. The reading of any paper called for relating to the subject under debate shall always be in order.

Section 21. When the presiding officer has commenced taking a vote, no further debate or remarks shall be admitted unless a mistake has been made, in which case the mistake shall be rectified; and the presiding officer shall recommence taking the vote.

Section 22. When the vote on any question before the ND is questioned, the presiding officer shall direct the proper officer to count the vote in the affirmative and negative and report the same to him.

Section 23. The main question shall not be called for by any delegate at the conclusion of his remarks as he is yielding the floor.

Section 24. A question may be reconsidered at any time during the meeting or at the first regular meeting held thereafter.

A motion to reconsider must be made and seconded by members who voted in the majority.

No question shall be considered more than once, nor shall a vote to reconsider be reconsidered.

A motion to reconsider shall be debatable and must be made at the same or the next regular meeting.

Section 25. A motion to repeal or rescind a resolution shall be made in writing and read in ND, and shall lie over until the following meeting before any action shall be taken on the same, and shall only be in order when the motion to reconsider is no longer available. A rescind motion is in order only one (1) time.

Section 26. To suspend any rule or order of business, it shall require a majority vote of the delegates present.

Section 27. In appointing a committee, the presiding officer shall appoint according to his best judgment. The member first named on a committee shall be the chairman, and shall call the committee together at such time and place as he may elect; but when thus convened, any committee can select its own chairman and secretary.

Section 28. All reports of committees, excepting reports of progress, shall be made in writing and signed by a majority.

If a committee disagrees, they may submit a majority and a minority report. After the majority report has been read, the minority report will be read; and it will require the adoption of a motion to substitute the minority report for the majority report. If adopted, the minority report will then become the report of the committee.

Section 29. When the question of procedure arises, decision of the chair will govern unless set aside by majority vote of the delegation.

Section 30. Except as otherwise herein provided, Robert's Rules of Order shall govern.

THIS SECTION, entitled "Local Division Rules," has to do principally with the operation of the divisions of the BLET.

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

LOCAL DIVISION RULES

Officers - Divisions

Section 1.(a) The officers of each division shall consist of a president, vice president, secretary-treasurer and alternate, guide, chaplain, delegate to the National Division and first and second alternates, legislative representative who shall be the delegate to the legislative board and alternate, local chairman, ~~and vice local chairmen (minimum of two (2))~~ **first vice local chairman and second vice local chairman.**

The local chairman shall be the delegate to the general committee of adjustment. **The first vice chairman shall be the first alternate local chairman and first alternate delegate to the general committee of adjustment; the second vice chairman shall be the second alternate local chairman and second alternate delegate to the general committee of adjustment**. The local chairman and vice local chairmen shall constitute the local committee of adjustment, and the vice local chairmen shall act under the direction of the local chairman. **Divisions are entitled to elect additional vice local chairmen positions. Any additional vice local chairmen, beyond first and second vice local chairmen, will not serve as alternate delegate nor alternate local chairmen.** ~~Vice local chairman positions are not alternates to the office of local chairman.~~

In the event of the death of the local chairman or other cause that might prevent attendance at the general committee meeting, the first vice local chairman shall be the legal representative. Should conditions arise whereby both the local chairman and first vice local chairman are prevented from attending, the second vice local chairman shall be the legal representative. Should conditions arise whereby the local chairman and first and second vice local chairmen are prevented from attending, Section 20 – Local Division Rules will apply.

The offices of president, vice president, secretary-treasurer, local chairman and legislative representative shall together constitute the executive board of the division. A majority of the executive board convened shall constitute a quorum.

The vice president, local chairman and legislative representative shall serve as trustees to review and verify the books of the division on a monthly basis.

(b) When there are members employed on more than one (1) seniority district belonging to the same division, the members on each seniority district may elect a local committee of two (2) members to act in conjunction with the local chairman on matters pertaining to the district they represent.

(c) Divisions having members employed on different divisions of the same road who are permitted to maintain more than one (1) local committee, such members will only be allowed to vote for the local committee which will adjust their local differences.

Qualification for Office

Section 2.(a) No member shall be nominated, elected or serve as an officer in any division who is not in good standing, or who is in arrears for dues and assessments, provided that no member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to be a candidate for office by reason of alleged delay or default in the payment of dues. (Dues checkoff).

(b) Only members who do not hold membership in any other labor organization which purports to represent locomotive engi-

neers and meet the requirements of active membership as defined in Section 25(b) – Local Division Rules may be elected delegate or alternate delegate to the ND, general chairman of the GCA, local chairman, vice local chairman, or legislative representative or delegate to the state legislative board.

In the application of Paragraph (b), it shall be unlawful for salaried National officers and/or members employed exclusively by the National Office to be elected delegates to the ND, in accordance with provisions of Section 22(b) - National Division Rules.

NOTE: It shall be the policy of the BLET that any BLET member dismissed from the service of a carrier will be considered in active service, as defined in Section 25 - Local Division Rules, until after all investigations and appeals of his case are closed.

(c) Only members who do not hold membership in any other labor organization purporting to represent locomotive engineers may be elected secretary-treasurer or alternate, president, vice president, guide or chaplain.

The president shall not be elected to or hold the office of secretary-treasurer, local chairman or vice local chairman.

(d) No member who is promoted to an official position on a railroad, elevated railroad, subway, in steel plant or other industries shall serve in any capacity under or for the BLET or attend division meetings.

NOTE: Beginning January 1, 2006, eligibility to run for office will be determined by ~~the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement~~ **Section 1 – National Division Rules - NOTE**.

(e) No member of the BLET shall serve on a committee of adjustment of any other labor organization, under penalty of expulsion, if found guilty after a full and fair hearing as provided in Article XIX of the IBT Constitution.

Term of Office

Section 3.(a) The official term of all officers of divisions, also delegates to the BLET, GCA, local committee of adjustment and delegate to the legislative board, shall commence at the first regular meeting in January following the triennial election, or when duly installed due to a vacancy occurring, and shall end when successor is duly installed.

(b) The officers of a newly organized division shall be elected at the time of the organization of the division by secret ballot.

(c) When an officer of the BLET relinquishes his office for any cause whatsoever, he will turn over all files, letters or communications of any nature whatsoever to his successor as soon as is feasible, but no later than said successor's installation into office.

Regular Meetings

Section 4.(a) The regular meetings of all divisions of the BLET shall take place not less than once each month, and on any day which the majority of the members of each division may determine.

(b) No change of place, day or hour of division meeting will be made unless so ordered by a majority of the members present at two (2) successive regular meetings of the division. The secretary-treasurer will promptly notify the National President of changes made.

(c) No change of place, from one terminal to another or from one town to another, will be made unless a petition from twenty-five percent (25%) of the active membership makes such request in writing.

If the above request is made, the secretary-treasurer will, within ten (10) days thereafter, prepare a ballot stating the change desired

and furnish a ballot to all active members of the division, stating at which meeting ballots shall be counted, and shall not exceed sixty (60) days from date of mailing. The mailing of ballots and counting of votes shall be governed by Section 8 - Local Division Rules, and the result of the vote will govern. The secretary-treasurer will promptly notify the National President of changes made.

(d) Three (3) members shall constitute a quorum to do any business that may legally come before the division.

Election Triennially

Section 5. The officers of divisions shall be elected by secret ballot triennially for the ensuing three (3) years at the first meeting in December; provided, however, in the event any applicable civil law is enacted or revised which sets a maximum term of less than three (3) years, the term of such offices shall be for the maximum time permitted by law.

Members Qualified to Nominate or Vote

Section 6. All those holding active membership (Section 25 - Local Division Rules), except those holding official positions with railroads, will be entitled to nominate and vote for all offices in the division. However, members will not nominate or vote for officers not entitled to represent them.

NOTE: Beginning January 1, 2006, eligibility to nominate and vote will be determined by the applicable provisions of the IBT Constitution as modified in Paragraph 6.7 of the IBT/BLE Merger Agreement. Members are urged to verify their eligibility to nominate prior to nominations.

Officers - Nomination of

Section 7.(a) Nominations for officers of divisions shall be made at the first regular meeting in September preceding the date of

election; no member shall be nominated for office who is not eligible for election at the time of nomination. Members in good standing desiring to place their nominations for division officers may nominate by voice from the floor at the meeting at which nominations are being held; and those unable to attend the above meeting on account of being on vacation, sick, working, or on an outlying assignment may write their choice of nominations to the division secretary-treasurer, who will read same at the meeting. All nominations, including written, must be seconded.

The secretary-treasurer of each division shall post a notice at terminals and on BLET bulletin boards at least thirty (30) days prior to the meeting at which nominations are to be held, such notice to state the time, date, place and purpose of such meeting.

(b) A member who is eligible may be nominated though absent from the meeting; but such nominee shall be notified within five (5) days of such nomination, giving him an opportunity to withdraw his name should he desire to do so.

(c) A member who is present, eligible and nominated at the division meeting at which nominations are held may decline to accept such nomination at the time of being nominated or may do so by submitting to the secretary-treasurer of the division, within five (5) days thereafter, a written request that his name be stricken from the ballot.

(d) A member may not accept nomination for two (2) or more offices which cannot be held simultaneously. In the event he is nominated for more than one (1) of such offices, he must select the office for which he wishes to stand as a candidate.

(e) When only one candidate is nominated for any office, he shall be declared elected by acclamation.

(f) In the event of irregularities in the nomination of officers, protest must be filed in duplicate with the National President within fifteen (15) days after alleged violation. The National President

will conduct an investigation and render a decision. Any member dissatisfied with such decision may appeal such decision within thirty (30) days to the BLET Executive Committee, whose decision shall be final and binding.

Election - How Conducted

Section 8.(a) Not less than fifteen (15) days prior to date of election in divisions, the secretary-treasurer shall deliver to each member of his division, by government mail, directed to his last known address, a ballot together with two (2) 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 ballot and return envelopes must also be accompanied by written notice of time, date, place and purpose of the election. The smaller envelope shall be for the purpose of containing the voted ballot and should be sealed and placed within the larger envelope for return of the ballot. The larger envelope must contain space for the member's name and return address, must have first-class postage affixed thereto, and must contain the division number and address of a post-office box, which must be rented for the election by the secretary-treasurer of the division. The contents of the post-office box must not be accessible to any officer or member until the ballots are picked up on the date of the election. If a post-office box is not available, the division will determine an alternative method of receiving, securing and delivery of the ballots.

The ballot is to be filled out by the member in whose name it is to be voted, naming his choice for officers, which must be confined to nominees. The completed ballot must then be folded and placed in the small envelope which is provided for that purpose. The small envelope must then be sealed and placed in the larger envelope, upon which the member will clearly mark his name and return address before placing same in the government mail for delivery to the post-office box designated thereon.

Immediately prior to the election and following the date designated for the return of the ballots, the secretary-treasurer and presi-

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

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

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

(b) Each division shall be permitted to prepare its own ballots, following a form which will be furnished by the BLET.

(c) The division, previous to each election of officers, shall elect by a ballot a board of tellers, unless appointed by the president with the unanimous consent of the members present, composed of three (3) non-nominees, if available, from the members present at the meeting at which election is held, who, in company with the secretary-treasurer, shall act as tellers at such election of officers; and when ballot is presented, they shall announce in open division in whose name the ballot is voted. The secretary-treasurer's duty

in assisting the board of tellers shall be to give the financial standing of the member when the name of the member voting the ballot is announced. Further than this, he has no duties while ballots are being counted.

(d) The tellers shall make an exact return of the total number of votes cast for each person voted for and announce such return to the president, who shall thereupon declare the result; no unsealed ballot shall be counted unless the member voting it is present. Member who receives the largest number of votes cast for any office in a division shall be declared duly elected thereto.

A copy of the exact return with the total number of votes cast for each candidate must be forwarded to the National President within five (5) days of the completion of the election.

(e) The candidate receiving the highest number of votes shall be declared elected if eligible. Should an equal number of votes have been cast for two (2) or more members for any office, the tie shall be decided by another election for that office, the tied members being the only candidates.

Where a nominee is elected to an office to which he is ineligible, votes cast for him should not be counted; and the nominee or non-nominee who is eligible to serve in that office who receives the next highest number of votes is declared elected.

Where a nominee is elected to an office and eligible to serve but resigns or refuses to accept the election, a vacancy is created; and it will be necessary to hold a special election to fill the office as per Section 20 - Local Division Rules.

(f) Every member elected to an office shall be entitled to fill the same, providing he is eligible under the law, unless it be shown that the law was clearly violated in the manner of holding it or that the results were fraudulently obtained. The fact that any member or members may be ineligible or erroneously declared elected shall

not affect the rights of those who are eligible and duly elected, nor be a sufficient reason for setting an entire election aside and ordering a new one.

(g) In the event of any irregularities in the election of officers of a division, resulting in a contest of election, the protest must be filed in duplicate with the division and the National President within thirty (30) days after such election. The National President will conduct an investigation to obtain the facts and evidence and render his decision accordingly. Any member who is dissatisfied with the decision of the National President may appeal such decision within thirty (30) days to the BLET Executive Committee whose decision shall be final and binding.

Ballots Sealed and Preserved

Section 9.(a) The ballots and envelopes shall be sealed by the board of tellers in the presence of the division and, together with all other records pertaining to the election, will be placed among the private papers of the division and, if practical, in the division room until the next election, where they shall be destroyed; but in no case shall they be held for less than one (1) year.

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

Installation of Officers

Section 10. All officers of divisions, except officers who are elected to succeed themselves, shall be installed at the first meeting in January following election of officers.

Local Division Rules

President's Duties

Section 11.(a) It shall be the duty of the president to preside at all meetings of the division, to preserve decorum, to decide all questions of order - subject, however, to an appeal to the members present - appoint all committees and enforce these Bylaws.

(b) He will, in conjunction with the secretary-treasurer of the division, furnish a financial statement annually to the National Office in form required by Section 32 - National Division Rules. He shall have power to call special meetings and must call a special meeting when request is made in writing by five (5) or more members. All names of the members requesting the special meeting must be printed and their signatures applied to the request. The signatories of the request must be in attendance at the special meeting for the division president to call the assembly to order. Such request must state the object for which the meeting is called, and no other business shall be transacted at such special meeting. Upon receiving a written request from five (5) or more members, the president shall instruct the secretary-treasurer to post notices at terminals and on BLET bulletin boards. Notices must be posted at least five (5) days prior to the time a special meeting is scheduled.

(c) When the president is notified of the failure of the secretary-treasurer of his division to make prompt monthly reports, and if necessary, remittances of money due the GCA, as per Section 13(b) - Local Division Rules, it shall be the duty of the president to contact the secretary-treasurer and instruct him to promptly make such report. Continued failure on the part of the secretary-treasurer will subject him to removal from office, with the president to prefer charges against him in accordance with Article XIX of the IBT Constitution. A copy of the letter of notification is to be sent to the secretary-treasurer of the general committee representing the division.

(d) He shall cast the deciding vote in the case of an equal vote on matters coming before the division except in the case of a tie in a

referendum or in the election of officers. Breaking of a tie in the election of officers is provided for in Section 8(e) - Local Division Rules.

(e) It shall be his duty to provide ways and lend encouragement to securing new members, to inquire into and investigate cause of any member or members being expelled and at times endeavor to build up and retain the membership of his division.

(f) He may speak on points of order in preference to other members of the division, rising from his seat for the purpose, and shall decide questions of order subject to an appeal to the division by any two (2) members. On such an appeal no member shall speak more than once.

(g) When an appeal is made from the decisions of the president, he shall put the question thus: "Shall the decision of the chair be sustained?"

(h) It shall be the duty of the president and the privilege of any member of the division to call a member to order who violates an established rule of order.

Vice President's Duties

Section 12. 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 president, he shall perform all the duties of the office; and should the vice president also be absent, the division shall elect a temporary president from the members present. The vice president shall serve as an alternate to the president and assume the duties of that office in the event it becomes vacant due to death, resignation or for any other reason.

Secretary-Treasurer - Duties and Bond

Section 13.(a) The secretary-treasurer shall be bonded for all funds received for the division. He shall keep a true account of all

funds received by the division and shall deposit all moneys of the division in the name of the division in a bank designated by the division, disbursing none of the funds in his possession except for division purposes, and with the authority given by division action at a regular meeting and written order signed by the president. Fixed monthly expenses, such as meeting room rental, officers' salaries, telephone/utilities expenses, etc., once properly authorized for payment as stated in this section, will be considered as authorized each month until the division takes action eliminating such authorization. Disbursements of division funds will be by check signed by the secretary-treasurer and any one of the following persons: president, vice president or alternate secretary-treasurer.

(b) The secretary-treasurer of each division shall send the monthly reports to the secretary-treasurer of the GCA.

In case any secretary-treasurer shall fail to make his monthly reports and/or remittances, if necessary, to the GCA Secretary-Treasurer within ten (10) days from the time it shall become due, it shall be the duty of the GCA Secretary-Treasurer to notify the president of the division of the failure of said secretary-treasurer to make proper returns.

(c) He shall have charge of all books and papers pertaining to the duties of his office, and they shall be kept in a convenient place where he can have access to them at all times. He shall keep a true record of all meetings of the division, which shall be placed in the minute book at time of meeting, and shall keep his division accounts in such form that he may give the total amount of orders on treasury and balance in treasury at each meeting, and shall record balance in the minute book, issue notice of all special meetings when instructed to do so by the proper officer, notify candidates of their election within one (1) week after such election shall have taken place, and shall make out withdrawal cards, etc., and shall immediately forward application for membership to National Secretary-Treasurer of the admission of all new members by initiation, and shall report all cases of members transferred into or out

of the division, expelled, suspended, deceased or withdrawn, stating date and age of member; and the National Secretary-Treasurer will issue membership card to the division secretary-treasurer for his records. If withdrawal card is issued, he must report why.

(d) At all regular meetings of the division, he shall read from the record book a report of the proceedings of the previous meeting; and at the end of each month, he shall present to the division and the National Office a monthly report, which shall embrace the number of persons, proposed, accepted, rejected, initiated, forfeited, admitted by card, withdrawals, expulsions, the number of deaths, together with the whole number of members in good standing; and at the expiration of his official term, shall deliver to his successor all books, papers and moneys belonging to his office. In the absence of the secretary-treasurer, the president will appoint some member of the division present to perform the duties of the office.

(e) The secretary-treasurer, when requested to do so by the National President, shall turn over records, accounts and books of the division to the National President's authorized representative for audit or inspection.

(f) The bond covering the office of the secretary-treasurer shall be in an amount in accordance with Article X, Section 7(a) of the IBT Constitution.

The expenses on bonds are to be paid by the division.

(g) He will, in conjunction with president of the division, furnish a financial statement annually to the National Office in form required by Section 32 - National Division Rules. He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with respect to members within the division consistent with these bylaws.

Guide's Duties

Section 14. It shall be the duty of the guide to receive and conduct candidates, introduce and accommodate visiting members, and perform such other duties as marshal in all processions of the division.

Chaplain's Duties

Section 15. It shall be the duty of the chaplain to assist in the exercise of opening and closing of the division, and perform the duties of chaplain for the division on all public occasions.

Local Committee of Adjustment - Duties

Section 16.(a) It shall be the duty of the local committee of adjustment of each division to meet at such time and place as the chairman may designate and adjust, if possible, with the local officials of the road or system, the grievances of the members of their respective divisions.

(b) The local committee or local chairman shall not handle any grievance, except upon written instructions from their divisions (except in cases of emergency, such as dismissals, suspension, etc., or any cases involving schedule interpretations); such cases may be referred directly to the local chairman, who shall use his discretion as to whether they should be handled immediately or referred to the division before handling. All grievances arising as a result of a disputed time claim being referred to the local committee for further handling shall be accompanied by a full statement of facts on a prescribed form furnished at cost by the National Office. A written report of all cases handled shall be made to the division, and such report shall be filed with the division papers for future reference. Differences the local committee is unable to adjust satisfactorily with the local officials will be sent with all the records to the GCA for further action.

(c) The first of each year or each time a revised seniority list is issued, the local chairman of each division on a system will furnish the general chairman's office with a revised seniority list of their respective seniority districts, showing by check, names of all active members and names of all nonmembers under their jurisdiction.

(d) The local committee of adjustment is vested with the authority to appoint additional representatives when necessary to represent the committee at points or locations where no member of the local committee is located or where the BLET represents more than one operating craft. Where twelve (12) or more members of a division are employed in an operating craft not covered by BLET agreements, the local committee of adjustment may appoint a member from that craft to represent their grievances. The appointed representative will work directly under the supervision of the local chairman and will be required to report directly to him.

Duties of Division Legislative Representative

17.(a) The duties and responsibilities of the division legislative representative are the safety and sanitation of the working environment and the political education for the members of the local division.

(b) The division legislative representative shall, in their normal course of duties, monitor the enforcement of safety rules, regulations, and acts of Congress and/or state legislatures that provide the membership with a safe and healthy work environment.

(c) The division legislative representative shall undertake corrective measures relative to the issues specified above at the division level. If unable to resolve those issues, they will report same to the state legislative board chairman for further handling. The state legislative board chairman shall undertake to correct such conditions through appropriate measures. Upon receipt of the

unresolved issues and if they are unable to correct these issues, they will report these issues to the National Legislative Board Chairman for further handling.

(d) In states where there are no legislative boards, issues that cannot be resolved at the division level shall be directed to the National Legislative Board Chairman.

Delegates to the ND - How Instructed

Section 18.(a) Whenever a poll of a division is ordered to instruct a delegate to the BLET, the secretary-treasurer will send out a ballot to each active member (with all questions printed thereon), requesting him to vote on said questions; and when properly filled out, it must be returned to the secretary-treasurer before the date indicated on the ballot.

(b) If a majority of the members vote in favor of the questions submitted, the division shall so instruct the delegate; and he shall carry out his instructions. Such instructions shall be signed by the president and the secretary-treasurer; and said instructions shall be brought in person to the convention by the delegate so instructed; and in case he fails to carry out such instructions, he shall be guilty of violation of obligation.

(c) In the event a delegate shall be instructed in accordance with Subsections (a) and (b) of this section by a division to make nomination or nominations for any office of the BLET, the president and secretary-treasurer of said division shall also file a copy of the instructions pertaining to nominations with the National Secretary-Treasurer by sending same by certified mail, return receipt requested, at least ten (10) days prior to the date of the convening of the convention.

It shall be the duty of the instructed delegate to place in nomination at the convention of the BLET the name or names of the candidate(s) for the office(s) designated in his instructions; however, in the event the instructed delegate fails to do so, the Na-

tional Secretary-Treasurer shall bring the matter to the attention of the presiding officer, who shall call on said delegate to place the name or names in nomination. If said delegate is not present at that time or refuses to make any nomination as to which he has been instructed, the National Secretary-Treasurer, or in the event his office is involved in the election, the presiding officer, shall formally nominate said candidate for the office in question.

If any instructed delegate refuses to comply with nominating instruction, he shall be subject to charges under the provisions of Article XIX, Section 1(a) of the IBT Constitution. If said delegate is found guilty and ordered removed from office, the National Secretary-Treasurer shall immediately notify the alternate delegate and the division(s) represented by said delegate of the action taken and to further instruct the alternate delegate to assume representation of said division(s) until the next regular election of delegates.

Officer Failing to Attend Meeting

Section 19. Should any officer of a division fail to attend the division meetings for four (4) consecutive months, he shall be subject to removal from office after a trial conducted under Article XIX of the IBT Constitution. In the application of this section, excuses can be, but not limited to, working, attending other division business, vacation, etc.

Vacancies - How Filled

Section 20.(a) An officer of a division may at any time resign. Resignation shall be in writing and shall be read at a regular meeting of the division by the secretary-treasurer; and the resigning officer shall not be eligible for nomination, reelection or appointment to the office vacated until the next regular triennial election of division officers. Any office left vacant by resignation, death, or otherwise, special election shall be held by ballot. Notice of nomination will be posted ten (10) days prior to regular meeting, and ballots will be mailed at least fifteen (15) days prior to regular meeting. Ballot must specify date to be returned to division secre-

tary-treasurer. The president will fill the office vacated by appointment until such election; provided, special election need not be held if vacancy occurs within twelve (12) months of regular division election. No special election shall be necessary to fill an office that is protected by an alternate, or to fill the alternate office that is vacated. (Any officer or member who is under BLET suspension shall not be eligible to be appointed or become a candidate for any division office while under suspension.)

(b) ~~Temporary~~ **V**acancies created ~~by illness, incapacity or unavailability~~ in the office of local chairman shall be filled ~~by appointment by the local chairman from members of the local committee of adjustment.~~ **in succession by (1) the first vice local chairman and (2) the second vice local chairman.**

Official Letterhead

Section 21. The official letterhead of the National Office and of divisions shall be used for BLET business only.

Bills - How Paid

Section 22. All bills against divisions shall be acted upon by the divisions; and on such bills being ordered paid by a majority of members present, the secretary-treasurer shall make an order signed by himself and the president and shall pay such bills, taking the receipts of the parties to whom they are paid unless paid by check, in which case the canceled check will be the receipt. Funds of the division are to be used only to defray the legitimate obligations of the division.

Correspondence

Section 23. Any division president, secretary-treasurer, local chairman, legislative representative or general chairman of any system, upon receiving a communication, either from the National Division or from a division, requesting information relative to a

member, or any other business between divisions, shall reply to the same without delay.

Expense of Committee

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

(b) Local committeemen doing committee work as instructed by the division shall receive not less than time lost plus necessary expenses.

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

Active Service - Active Membership - Membership

Section 25.(a) "Active service" shall be understood to mean employment in an operating craft on surface, subway, elevated lines, in steel plants or other industries, or holding seniority in such service, or those holding seniority as aforementioned and employed exclusively by the BLET, or appointed to official positions on railroads.

(b) "Active membership" shall be understood to mean employment in an operating craft on surface, subway, or elevated lines, or holding seniority as such, or those holding seniority as aforemen-

tioned and employed exclusively by the BLET, or appointed to official positions on railroads.

NOTE 1: Beginning January 1, 2006, eligibility to run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraph 6.8 of the IBT/BLE Merger Agreement. Members should be aware that these provisions require the timely payment of dues for a fixed period prior to nomination and that any failure to pay dues during the applicable period, even if excused, will render the member ineligible to run for office.

NOTE 2: Exceptions to Paragraphs (a) and (b) of this Section 25 may be made on behalf of other groups of employees by the action of the Advisory Board.

(c) "Membership" shall be understood to mean all persons belonging to and paying dues into the BLET, also honorary and excused members.

Membership Eligibility

Section 26. Individuals in service as defined in Section 25 – Local Division Rules are eligible for membership in the BLET. This does not include persons working for contractors who have not had at least one (1) year's experience under standard train rules.

Application for Membership

Section 27.(a) All proposals for membership shall be made to the division located on the division of the system or the road where the applicant is employed; and on the application blanks for membership by initiation, there shall be a blank space where the applicant shall be required to state the date of his qualification.

(b) If a member of any other labor organization, he may be voted on; and if elected, he may be initiated with the distinct understanding that within ninety (90) days after initiation, he must show satisfactory proof that he has severed his connections with all other

labor organizations purporting to represent engineers or trainmen, except the United Transportation Union. Failure to provide proof shall subject him to charges under Article XIX of the IBT Constitution.

Applications - Handling of

Section 28.(a) All proposals for membership shall be dated. After the application has been read, the president shall appoint a committee of three (3) members, other than those who recommended the petitioner, which committee shall investigate the character, ability, habits and standing of the applicant; the committee to report at the next regular meeting subsequent to their appointment, unless further time is granted; all proposals shall lie over to the first regular meeting before vote is taken on the application, except:

(b) When the petitioner is well known, the committee may report at once in order that the vote may be taken and initiation immediately follow. The division may vote on prospective candidates or reinstatements, authorizing local or special organizers to collect the proper amount of dues and obligate such candidates.

(c) In case of emergency, after the applicant has been favorably voted on and the secretary-treasurer has received the initiation fee, the candidate is prevented by known cause from attending a regular division meeting, the president may obligate and instruct the applicant. Proper report of such procedure must be made to the division; the division will then declare the applicant a member of the BLET in good standing.

(d) When a candidate has been proposed for membership, he will be voted on. If candidate's application is rejected, he will be eligible to submit an application for membership after the expiration of ninety (90) days from the date his previous application was rejected.

Candidate Not Initiated During Strike

Section 29. No candidate shall be initiated while there is a strike of locomotive engineers or trainmen on the road on which the candidate is employed unless the candidate has previously been elected. Nor shall a petition for membership be considered if the applicant is known to have ever taken the place of anyone engaged in a strike conducted by a legally organized body recognized by the BLET as a legitimate organization.

Another Division Authorized to Initiate

Section 30. Should an application be made to a division and the applicant is elected but, before he is initiated, is required to locate elsewhere, the division most convenient to such applicant shall be authorized to initiate him and receive the fee from the division where the application was first made; and he shall be a member of the division that initiates him.

Joining Other Labor Organizations

Section 31. An active member of the BLET shall not join any other labor organization purporting to represent locomotive engineers or trainmen, except the United Transportation Union. Violators shall be subject to charges under Article XIX of the IBT Constitution.

Register

Section 32. All divisions shall keep a registry book at their division room, and it shall be the duty of the president to have it opened for registry at each meeting. Prior to opening and closing the division, he shall call upon all members present to register in their own handwriting their names in such book.

Visiting Members - How Seated

Section 33. A visiting member shall not be allowed a seat in a division of the BLET until after the division shall have been opened in due form, unless examined by the president or a committee he may appoint, or is vouched for by a member who has sat in open division with the visitor within the current quarter.

Grievances - Handled

Section 34. Should a member present a grievance to his division for adjustment, he shall receive every assistance from the local and general committee.

Division May Appeal to Executive Committee

Section 35.(a) In the event of trouble arising in any division or between two (2) or more divisions that cannot be amicably adjusted, the Executive Committee of the ND shall investigate the trouble and render a decision, which shall be final and binding subject to appeal under applicable provisions of the IBT Constitution.

(b) When a national officer is detailed to investigate any matter within a division, the president and the secretary-treasurer shall be present at such meeting or investigation if possible. Should it be necessary for them to lose time on this account, they will be paid for time lost by the division.

Member May Appeal to Executive Committee

Section 36.(a) Should any member feel that any injustice has been done him by any decision of his division, he may appeal to the Executive Committee of the ND, making a written statement of his case, and file a copy of same with the division, except cases under the jurisdiction of a GCA, Section 31(b) - General Commit-

tee Rules. After allowing the division a reasonable time to reply, the Executive Committee shall consider the facts and evidence, as well as the law, and render a decision which shall be final subject to appeal to the General Executive Board of the IBT in accordance with Article XIX of the IBT Constitution.

(b) A member making an appeal under this section must file the same within sixty (60) days after the action is taken by the division of which he is a member.

Division Must Entertain Appeal

Section 37. Any member in good standing who feels that an injustice has been done him in a case coming under the jurisdiction of the GCA may appeal to that body, provided such appeal is made within sixty (60) days; and the division must entertain such appeal and send it to the chairman of the GCA.

Membership - Where Held

Section 38.(a) When two (2) or more divisions are located on one (1) seniority district, the member may hold membership in the division located at the point nearest where he resides. In all other cases membership shall be held in the division that adjusts his grievances.

(b) On systems where engineers or trainmen hold system seniority on which there are two (2) divisions having concurrent jurisdiction, membership may be held in either division.

Change of Location

Section 39. It shall be the duty of members away from the location of their division to make known to their division their whereabouts and the business in which they are engaged at least once in three (3) months, and always when changing their permanent address.

Members Changing to Another System Must Notify Secretary-Treasurer

Section 40. Any member changing from one (1) system to another shall notify the secretary-treasurer of the nearest division on the system employed of the date of his employment, and in what division he holds membership, within sixty (60) days after date of employment. Members failing to comply shall be subject to charges under Article XIX of the IBT Constitution.

Transfer Cards

Section 41.(a) There shall be a transfer card used in transferring members from one (1) division to another provided by the National Secretary-Treasurer.

(b) All transfer cards must be filled out by the secretary-treasurer, stating date of birth, when and where initiated, name of member for whom it is granted, and be signed by the president and secretary-treasurer.

Division Must Request Transfer

Section 42.(a) When a member of any division, except a division officer or the chairman or a member of the local committee of adjustment, obtains employment under the jurisdiction of another division, it will be his duty within ninety (90) days after securing such employment to make application to such division for a transfer card.

(b) It shall be the duty of the division to which application has been made to request the transfer card from the division in which he holds membership. If a member secures employment under the jurisdiction of another division and fails to request a transfer within one hundred twenty (120) days after obtaining employment, the division having jurisdiction may request a transfer card from the division in which he holds membership.

(c) A division receiving request for a transfer card from another division shall, if the member is square on the books of the division, grant card without delay**, or provide a reason why such member should not be transferred. If the division does not act on the request to transfer in 30 days, the member will be transferred by the National Division. If the reason provided for not transferring the member is a dispute involving jurisdiction, the matter will be referred to the governing GCA for resolution.**

(d) The secretary-treasurer of the division granting the card shall send it to the secretary-treasurer of the division to which the member is to be transferred. As soon as transfer card is received, the secretary-treasurer of the division receiving the card shall notify the secretary-treasurer of the division granting the card immediately of its receipt.

(e) Upon receipt of a transfer card, the member on whose account it is issued shall be declared a member of the division requesting the card without further action; but he remains a member of the division granting the card until it is received by the division to which he is transferred. ~~Such members shall pay the secretary-treasurer of the division having jurisdiction over the territory of the road upon which employed, all local and GCA assessments levied after his employment, regardless of whether his division membership has been transferred or not. No member will be required to pay GCA assessments on more than one (1) railroad at the same time. Failure to pay local and GCA assessments where employed shall subject a member to charges under Article XIX of the IBT Constitution, before the division which under BLET law is empowered to adjust his grievances.~~

Membership Card

Section 43. There shall be a membership card containing the member's name, division number and other pertinent information. Such card shall be provided by the National Office and will be supplied to divisions on request. It shall be issued to such mem-

bers entitled thereto over the signatures of the president and secretary-treasurer.

Withdrawal Cards

Section 44.(a) Effective January 1, 2006, members no longer holding seniority as engineers or in any other operating craft where the BLET holds the contract will be placed in withdrawal status. Members in employment status described under Section 29(h) – National Division Rules will be permitted to withdraw from the BLET.

(b) A withdrawal card shall be issued to such member and will show name, division number and date.

(c) No card will be granted to any member who is not square on the books of his division, including national and all other dues and assessments.

Honorary Members of Divisions

Section 45. Any member having ten (10) or more consecutive years' membership who has retired from service and relinquished his seniority shall be granted an honorary membership card, which shall be issued for life by the National Office.

Dues and Assessments

Section 46.(a) No assessments shall be levied by a division without a two-thirds (2/3) majority vote, by secret ballot, of all the active members present after a reasonable notice of intention to vote upon such question has been given.

(b) Members of a division, except those holding official position on railroad, shall be required to pay national dues and assessments, as outlined in Section 29 - National Division Rules, in addition to such dues and assessments as may be levied by the GCA, legislative board and division.

Those holding official position on railroad will pay only national dues and be exempt from such dues and assessments as may be levied by GCA, legislative board and division, except where agreements have been consummated with the carrier contradictory to this section, in which case the agreement provisions will prevail.

(c) The employment status of a member on the first day of any month shall determine the amount of dues and assessments for which he is liable in the next succeeding months, except where agreements have been consummated with the carrier contradictory to this agreement. Employment status shall mean the member's regular assignment.

(d) All dues and assessments are payable on or before the first day of the month to which they apply and, except in the case of dues checkoff, are delinquent after the 20th day of the same month.

(e) The division secretary-treasurer shall remit all dues and assessments collected by him to the GCA *s*ecretary-*t*reasurer on or before the 20th day of the next succeeding month for which such dues and assessments are collected.

Member in Arrears

Section 47. Any member failing to pay dues or assessments as per Section 46 - Local Division Rules will be subject to expulsion, unless upon request in writing, signed by himself, he is carried or excused by the division.

Relief Committee

Section 48. It shall be the duty of the president, vice president, and chaplain to act as relief committee. Their duties shall be to visit the sick and provide them with any attention of which they may be in need.

Relief of Sick or Disabled Members

Section 49. Should any division assist a sick or disabled member, the necessary funds may be taken from the treasury of the division or raised by assessment as per Section 46(a) - Local Division Rules or voluntary contribution.

Memorial Day

Section 50. The last Sunday in May each year should be set aside and observed as Memorial Day. The day is to be observed by all divisions, with appropriate services in memory of our deceased members.

Nonmember Employees Protected

Section 51. Any person engaged in any service coming under the jurisdiction of the BLET's contracts or schedules, or engaged in any service over which the BLET is endeavoring to secure jurisdiction by contract shall, in case of injustice, be entitled to the full protection of the local and general committees of adjustment under the terms and conditions of Section 43(c) - General Committee Rules, provided application is made to the division in writing and meets with their approval.

Charges

Section 52. Charges in the division shall be handled in accordance with Article XIX of the IBT Constitution.

Refusing to Sustain the GCA or Interfering with a Local Committee

Section 53. Any member refusing to sustain the action or carry out instructions of the GCA of a system on which he is employed or who in any manner interferes with a case or cases in the hands

of the local committee or the GCA shall be subject to charges under Article XIX of the IBT Constitution.

Religious Subjects Prohibited

Section 54. The influence or sympathy of the BLET as a body shall never be enlisted or used in favor of any religious organization whatever; no member of the BLET shall be permitted to discuss in any manner in division, or while discussing division matters, any religious matter, or criticize the religious belief of any member; and any division permitting same to be done shall be subject to charges under Article XIX of the IBT Constitution.

Taking the Place of a Striker

Section 55.(a) It is the policy of the BLET that it will support and, if necessary, place the full power of the BLET behind the members of the BLET who, because of fear of hazard or injuries to themselves or families or damage to their personal property, decline to cross picket lines; and if such conditions do exist, the management of the railroad so affected will be notified by the local or general chairman of the BLET.

(b) In case a strike is called by any labor organization which has for its purpose preventing the enforcement of BLET contracts or an invasion of the jurisdictional or contractual rights of the BLET, and, in enforcing the strike, picket lines are established, the BLET will exert all the force at its disposal in an effort to make it possible for engineers or trainmen to report for and perform their normal duties. In such cases the National President will promptly notify all concerned whether or not the controversy causing the strike is jurisdictional.

Reinstatements

Section 56.(a) All applications for reinstatements must be made in writing, stating date of birth and giving name of road employ-

ing him. If application is rejected, it cannot be entertained again until it has been laid on the table for one (1) regular meeting.

(b) An application for reinstatement of expelled members, except for nonpayment of dues and assessments, must lie over to the first regular meeting after application is received.

(c) No member who has been expelled shall be reinstated unless he is eligible for active membership, as provided in Section 25 - Local Division Rules, at the time he makes application.

(d) Any member who has been expelled for the nonpayment of dues and assessments, upon application to the division from which he was expelled, may be reinstated by a majority vote of all the members present at the meeting when the application is received.

(e) If expelled for any other cause, he shall not be eligible as a candidate for readmission in less than three (3) months, after which time he must apply to the division from which he was expelled for reinstatement; and he may be reinstated by a two-thirds (2/3) vote of all members present if he is eligible for active membership, as provided in Section 25 - Local Division Rules, when application is made, except as provided for in Section 13 - Ritual, Resolution No. 2.

(f) No member who has been expelled upon receipt of findings and recommendations of another division can be reinstated until the consent of the division which recommended his expulsion has been obtained. Any member expelled for violation of obligation, if reinstated, must be reobligated and furnish evidence, if requested by the division, that he has not joined any other labor organization than one recognized as legal by the BLET, and that he will, within ninety (90) days, withdraw his membership from any other labor organizations purporting to represent locomotive engineers and trainmen, except the United Transportation Union.

(g) In case an expelled member of a division that has gone out of existence desires reinstatement, he may, with the consent of the

National President, be reinstated by any division to which he may apply.

(h) Reinstated members will be required to pay national dues for the month in which they are reinstated, and such other dues as may be determined by the division, except that a member who has been expelled for nonpayment of dues and assessments, when reinstated, shall not be required to pay more than national dues, local division, GCA and legislative board dues and assessments for the month in which he is reinstated.

Order of Business

Section 57.

1. Opening division in due form.

2. Reading of minutes of the previous regular meeting, with those of subsequent special meetings, directly from the minute book for approval.

3. The reading or referring of petitions or propositions.

4. Report of committees on previous propositions.

5. Voting on proposed members.

6. Initiation of candidates.

7. Unfinished business and reports of local and general committees and legislative boards.

8. Financial business.

9. New business.

10. Request for information of any sick or disabled brother or a brother's family in distress.

11. Reading of minutes for correction before closing in due form.

Law in Effect

Section 58. These Bylaws, except as herein specified, will be in effect on and after **March 15, 2007**.

THIS SECTION, entitled "Rules of Order – Divisions, General Committees of Adjustment and Legislative Boards," is concerned with the government of deliberation of divisions, general committees of adjustment and legislative boards.

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

RULES OF ORDER

Divisions, General Committees of Adjustment and Legislative Boards

Section 1. The Rules of Order for the government of the deliberation of divisions, general committees of adjustment and legislative boards shall be in accordance with the following rules:

Section 2. No member shall retire from any meeting of a division, GCA or legislative board after it is opened for business, without the consent of the presiding officer.

Section 3. Members shall not be permitted to leave their seat, except such as are required to do so in the discharge of their duties, without the consent of the presiding officer; and no member shall cross the floor between the altar and the station of the president while a division is in session, except as provided for during the initiation ceremony.

Section 4. It is the absolute duty of every active member to vote on all questions before a division, GCA or legislative board; and a member can only be excused from voting by a majority vote, except when the individual rights of a member are concerned or when the members interested shall not be permitted to vote, and may be excluded from the body during the vote.

Section 5. It is the duty of the presiding officer to decline to entertain any order, motion, resolution or amendment that is not in proper form and is not presented at the proper time.

Section 6. A motion must be seconded and afterwards repeated from the chair; if a member requires it, motion shall be reduced to writing and read aloud before it is debated.

Section 7. A member, having made a motion, may withdraw it with the consent of his second before it is debated, but not afterwards without the consent of the body.

Section 8. When a member speaks or offers a motion, he shall rise in his place and respectfully address the chair, confine himself to the question under consideration, and avoid personality and unbecoming language.

Section 9. When a member is called to order, he shall take his seat until the point is determined.

Section 10. When two (2) or more members rise to speak at the same time, the presiding officer shall decide who is entitled to the floor.

Section 11. No member shall speak more than twice nor longer than ten (10) minutes each time on any question without consent of the division, GCA or legislative board, which shall be granted or refused without debate.

Section 12. While a member is speaking, no one shall interrupt him except for the purpose of calling him to order or asking of the presiding officer to explain or to call the previous question. A member allowed to explain shall only have the right to explain an actual misunderstanding of the language and shall be strictly prohibited from going into debate on the merits of the question.

Section 13. For any member, in speaking, to impeach the motives of a fellow member or treat him with personal disrespect, or pass between him and the chair while he is speaking, shall be deemed a violation of the organization, which may incur the censure of the presiding officer of the division, GCA or legislative board.

Section 14. If a member, while speaking, be called to order by the chair, he shall cease speaking and take his seat until the question of order is determined and permission given him to proceed.

Section 15. If any member shall feel himself personally aggrieved by a decision of the chair, he may appeal from the decision.

Section 16. Any conversation, by whispering or otherwise, which is calculated to disturb a member while speaking or hinder the transaction of business, shall be deemed a violation of the organization.

Section 17. A motion to amend, and to amend an amendment, shall be in order; but to amend an amendment to an amendment shall not be entertained.

If it is moved to amend the amendment, the vote is first taken on the amendment to the amendment, then on the amendment as amended, then on the original motion as amended if the amendment of the motion was carried, and finally the paragraph as it would read if so amended.

Section 18. When the motion is under debate, no motion shall be received except the following subsidiary motions:

Questions of privilege must not be confused with privileged questions. Question of privilege is to allow a member to make some statement, usually calling attention to disorder, something endangering the welfare, or charges against himself or others, etc.

Section 19. When a question is before the division, GCA or legislative board, the only motion in order that may interrupt shall be first, to adjourn; second, the previous question; third, to lay on the table; fourth, to postpone indefinitely; fifth, to postpone to a definite period; sixth, to defer; seventh, to divide, if the sense will admit of it; or eighth, to amend - to take precedence as herein arranged, and the first three (3) to be decided without debate.

Section 20. When the previous question is moved and seconded, it shall be put in this form: "Shall the main question be now put?" If this is carried, all further motions, amendments and debates shall

be excluded, and the question put without delay. If the question has been amended, the question on the amendment shall be put first. If more than one (1) amendment has been made, the last amendment in order shall take precedence in the vote. It shall not be in order to reconsider the agreement to take the previous question.

Section 21. When a motion is postponed indefinitely, it shall not again come up during the meeting.

Section 22. A motion to adjourn shall always be in order except: first, when a member is in possession of the floor; second, when the ayes and nays are being called; third, when the members are voting; fourth, when to adjourn was the last preceding motion; or fifth, when it has been decided that the previous question be taken.

Section 23. First, a motion to adjourn; second, a motion to lay on the table; third, a previous question; fourth, a motion to reconsider; fifth, a motion to read a paper, are undebatable.

Section 24. The reading of any paper called for relating to the subject under debate shall always be in order.

Section 25. When the presiding officer has commenced taking a vote, no further debate or remarks shall be admitted unless a mistake has been made, in which case the mistake shall be rectified; and the presiding officer shall recommence taking the vote.

Section 26. When the decision of any question in a division is doubted, the presiding officer shall direct the vice president to count the vote in the affirmative and negative and report the same to him.

Section 27. The ayes and nays upon any question before the division, GCA or legislative board may be called for by two (2) members, and upon the assent of one-third (1/3) of the members present shall be so taken. They may be called for at any time

before a peremptory decision of the vote by the chair, and all members shall vote unless excused by a majority of the members present.

Section 28. A question may be reconsidered at any time during the meeting or at the first regular meeting held thereafter, except in the case of a rejected candidate, which shall lie over until the second regular meeting.

A motion to reconsider must be made and seconded by members who voted in the majority.

A motion for reconsideration, being once made and decided in the negative, shall not be renewed before the next regular meeting.

No question shall be considered more than once, nor shall a vote to reconsider be reconsidered.

To reconsider any question, the decision of which has officially passed out of the division, GCA or legislative board, shall not be in order.

Section 29. A motion to repeal or rescind a resolution shall be made in writing and read in open division, GCA or legislative board, and shall lie over until the next regular meeting before any action shall be taken on the same, and shall only be in order when the motion to reconsider is no longer available.

A rescind motion is in order only one (1) time.

Section 30. In appointing a committee, the presiding officer shall appoint according to his best judgment. The member first named on a committee shall be the chairman, and shall call the committee together at such time and place as he may select; but when thus convened, any committee can select its own chairman and secretary.

Section 31. All reports of committees, excepting reports of progress, shall be made in writing and signed by a majority.

If a committee disagrees, they can submit a majority and a minority report. After the majority report has been read, it is customary to allow the minority report to be presented; and it would require the adoption of a motion to substitute the minority report for the majority report, which is the report of the committee.

When a report is read, it shall be considered as properly before the division, GCA or legislative board without a motion to receive.

All proceedings of divisions, GCAs or legislative boards not provided for in the above rules shall be governed according to Robert's Rules of Order.

THIS SECTION, entitled "General Committee Rules," has to do principally with the operation of general committees of adjustment (GCAs).

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

GENERAL COMMITTEE RULES

General Committee of Adjustment - How Organized

Section 1. On any system of railroad 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 system of railroad under or controlled by one (1) president or by an executive committee under whom are one (1) or more presidents or managers, where a road or branch constitutes a separate department of the system and on which the BLET has separate and distinct schedules of pay, different from schedules in force on other parts of the system, such road or branch shall have the privilege of maintaining its own GCA. On roads or systems having an executive committee, the GCA shall have power only to settle all differences that can by them be adjusted with any and all officers of such road or system subordinate to the president.

GCA Representation

Section 2.(a) Each division with twenty-five (25) or more active members paying GCA assessments on a road or system shall be entitled to one (1) representative and one (1) vote in the committee, unless otherwise authorized by the GCA and the National President; provided, however, that on a road or system where there is but one (1) division, the local committee will be the GCA; where there are two (2) divisions, the division having the most members employed on such system shall have two (2) representatives, and two (2) votes on the committee.

~~Note 1:~~ Divisions chartered before ~~the effective date of these bylaws~~ **January 1, 2004** will retain the previous threshold level of twelve (12) active members.

~~Note 2: Within two (2) years of the effective date of these bylaws, a ballot will be sent to the active membership under the initiative process to decide whether to eliminate Note 1.~~

(b) Each division having members employed on more than one (1) road or system shall be entitled to a member of the GCA on each system represented. The chairman of the local committee of adjustment shall be a member of the GCA on the road he represents; and only members employed on that road shall have a vote for their local committee, which vote shall be by secret ballot.

(c) On short-line railroads where the membership feel they will derive more economic and more efficient representation by merging with the general committee of another railroad, they may, by a majority vote of the active membership casting a ballot, request the National President to permit them to merge with some other GCA of their choice (choice to be determined by majority vote). If, in the opinion of the National President, such merger would operate to the best interests of the BLET, he shall order the same to become effective on a specified date; provided, however, the general committee with which the merger is proposed shall approve of the same by a majority vote in accordance with Section 41(b) - General Committee Rules.

(d) In the event of such merger becoming effective, the so-called short-line railroad shall be entitled to representation on the merged GCA, as provided for in Paragraph (a) of this section.

(e) Any division which is not square on the books of the GCA will not be entitled to have its delegate seated at any meeting of the GCA.

GCA Credential - Number of Assessable Delegates - How Instructed

Section 3.(a) Each division shall furnish a credential to each of its members of the GCA; and it shall state the number of assessable members on each seniority district which the division represents, including officials who retain seniority rights; and each division shall pay assessments for the number of members stated on the credentials. Any secretary-treasurer of the division who fails

to report to the secretary-treasurer of the GCA all assessable members belonging to his division shall be subject to charges under Article XIX of the IBT Constitution.

(b) Whenever a poll of a division is ordered to instruct a delegate to the GCA, the secretary-treasurer shall send out a ballot to each active member with all questions printed thereon, requesting him to vote on the questions; and when properly filled out, it must be returned to the secretary-treasurer on or before the date indicated on the ballot, either in person or by government mail.

(c) If a majority of ballots cast by the active members are in favor of the question submitted, the division shall so instruct the delegate; and he shall carry out their instructions. Such instructions shall be signed by the president and the secretary-treasurer and filed with the secretary-treasurer of the GCA prior to the convening thereof. Failure of the delegate to carry out his instructions shall be considered a violation of his obligation; and if found guilty after trial as per Article XIX of the IBT Constitution, he shall be subject to penalty as therein provided.

When Two or More GCAs Are Organized, May Consolidate

Section 4.(a) On any system or roads having one (1) or more general managers under one (1) executive officer or president, where two (2) or more GCAs are organized, they can merge into one (1) GCA, provided a two-thirds (2/3) majority of the GCAs of the territory affected so decide. Such mergers of GCAs shall not become effective until after the expiration of sixty (60) days and no appeal from the action has been made. If an appeal is made within sixty (60) days of such action of GCAs, the question shall be referred to the membership on that portion of the system from which appeal is made; and unless a majority of the members on such portion of the system vote to merge their GCAs, their individual GCA shall continue as heretofore.

Upon effecting such merger, officers of the merged general committee shall be elected as provided in Section 9 - General Committee Rules.

(b) After the merger is consummated, the general chairman may, at any time, convene only that portion of the GCA which is under the jurisdiction of the general manager of the territory affected.

(c) In the event a GCA on any small road or system desires to merge with the GCA under the same general manager or one (1) executive officer or president, and said GCA is not agreeable to such merger, the request with all facts in connection therewith will be referred to the National President who, in conjunction with the Advisory Board, will make a recommendation to the IBT General President, who will process the matter in accord with the applicable provisions of the IBT Constitution and the IBT/BLE Merger Agreement.

However, in the event the National President has reason to believe that the merging of a small GCA would be in the best interest of the members, he shall forward the request with all facts in support of his position to the affected general committees, requesting they voluntarily agree to the merger. The final decision will rest with the affected members of the involved committees as per Section 4(a) above.

Dividing a General Committee of Adjustment

Section 5. The dividing of a consolidated GCA should be promulgated, if at all possible, at the consolidated GCA regular session. When it appears necessary or desirable to divide a GCA on any line or system of railroad under or controlled by one (1) president or by an executive committee under whom are one (1) or more presidents or managers, where a road or branch constitutes a separate department of the system and on which the BLET has separate schedules of pay, such road or branch shall have the privilege of withdrawing from the consolidated GCA and form a separate GCA; provided, after one (1) year from their last regular ses-

sion, a majority of the active membership casting ballots in the division on the territory that wish to withdraw so express by referendum vote.

Executive Committee - How Formed

Section 6. To form an executive committee, it will require a majority vote of all members of the GCA of the road or system affected. It shall consist of a general chairman, secretary-treasurer, and vice-chairman or vice-chairmen, and such other members of the GCA as the general committee deems advisable.

Duties of the Executive Committee

Section 7. Duties of the executive committee shall be to adjust only subjects referred to it by action of a majority of the full GCA.

GCA Meetings

Section 8.(a) It shall be the duty of the GCA of each system to meet triennially after the triennial election of the division, unless the GCA has adopted a resolution to meet quadrennially (once each four (4) year period), at such time and place as may be determined by the chairman and secretary-treasurer, or by a majority of the divisions, and adjust the differences existing on the systems.

(b) At any time between regular sessions, should a majority of the divisions on a system instruct the chairman to convene the GCA, he shall do so without delay.

(c) In case of an emergency, the chairman is empowered to convene the GCA when, in his judgment, it is necessary.

(d) At all such meetings, as soon as each division has presented and discussed grievances and, if a regular meeting, the officers have been elected, the GCA may reduce to an executive committee, elected by the GCA.

Section 9.(a) The chairman, vice-chairman or vice-chairmen, and secretary-treasurer of the GCA will be elected after the officers have made their report and each division has presented and discussed its grievances and before reducing to an executive committee. Chairman and vice-chairman or vice-chairmen shall hold active membership as defined in Section 25(b) - Local Division Rules.

NOTE: Beginning January 1, 2006, eligibility to nominate, second and run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraphs 6.7 and 6.8 of the IBT/BLE Merger Agreement. Members are urged to verify their eligibility before nominations and election. **See Section 1 – National Division Rules – NOTE.**

(b) At the regular election of officers of the GCA, a majority of the ballots cast shall be required for election. If after fifteen (15) ballots have been taken and no candidate has received a majority of votes cast, the names of two (2) candidates receiving the highest number of votes shall be arranged alphabetically on the ballot and submitted to a secret referendum vote of the active membership of the system within thirty (30) days. The candidate receiving the highest number of votes will be declared elected.

(c) Where there are two (2) divisions on a system, each division will nominate its candidate or candidates for the office of general chairman.

The secretary-treasurer of each division will notify the secretary-treasurer of the GCA of the names of the candidates, who in turn will furnish a list of names of candidates of both divisions for office of general chairman to the respective secretary-treasurers of the two (2) divisions; the names of the candidates for office of general chairman will then be placed on a separate ballot and sent out to members affected, with the regular division ballot.

Upon the completion of the election of officers in the division, the secretary-treasurer of each division will notify the secretary-treasurer of the GCA of the number of ballots cast for each candidate and the name of the candidate who received the majority of votes. The secretary-treasurer of the GCA will then notify the secretary-treasurer of each division of the name of the successful candidate for the office of general chairman, with the tabulation of votes cast by each division for candidates for that office. In case no candidate receives majority of votes cast, Paragraph (b) will apply.

(d) In the event a majority of the delegates of a GCA are so instructed by the division they represent, the general chairman will be elected by a secret referendum vote of the active membership on the system. The candidate receiving the highest number of votes will be declared elected.

(e) In the event of any irregularities in the election of officers of a general committee of adjustment, resulting in a contest of election, the protest must be filed in duplicate with the secretary-treasurer of the GCA and the National President within thirty (30) days after such election. The National President will conduct an investigation to obtain the facts and evidence and render his decision accordingly. Any member who is dissatisfied with the decision of the National President may appeal such decision within thirty (30) days to the BLET Executive Committee whose decision shall be final and binding.

Chairman May Be Made Salaried Officer

Section 10.(a) The chairman of the GCA shall be made a salaried officer if so decided by a majority of all votes cast by members paying GCA assessments in a secret referendum vote on the system. Such salaried chairman must be in active service as defined in Section 25(a) - Local Division Rules at the time of his election.

(b) The position of salaried chairman shall be abolished, provided such action is carried by a majority of all the votes cast by members paying GCA assessments on the system or unit in a secret referendum vote. The vote shall be taken at the request of one-fourth (1/4) of the divisions on the system or unit. A vote once taken and decided cannot be renewed for one (1) year.

(c) In taking a referendum vote to place a general chairman on a salary in accordance with Paragraph (a) or to abolish the salary of a general chairman in accordance with Paragraph (b), the ballot will be prepared by the general chairman and secretary-treasurer; and sufficient ballots will be sent to each division's secretary-treasurer to vote the membership paying GCA assessments. The ballots must be returned to the division secretary-treasurer either in person or by government mail. After ballots are voted, each division will count and tabulate the votes cast and forward same to the secretary-treasurer of the GCA, who will notify each division of the result of the vote.

General Chairman's Duties

Section 11.(a) A salaried chairman shall devote his whole time to the interests of the members on his system and visit the divisions. Any chairman of the GCA, when called upon by one (1) or more divisions on his system, shall be empowered in conjunction with the local committee to adjust, if possible, any differences that may arise between members and their employers without convening the GCA. Failing, he may notify the National President of the facts in detail and call upon him for assistance. Receiving such call, the National President will assign a vice president; or he may authorize the general chairman to represent him. The general chairman will not, however, vote the active members or withdraw them from the service without permission from the National President. In case the local committee cannot be convened readily, the chairman shall have the power to select one (1) or more members to assist him.

(b) It shall be the duty of the general chairman to convene the GCA in accordance with Section 8 - General Committee Rules and to preside over the meeting while in session. He will make a report to the committee in session of items not completed and carried out from the last session of the committee. He shall render to each division on the system a report at the end of each quarter and send to each division and each local chairman a copy of the rulings and interpretations of the schedule under which they are working; and at the close of the year, he will render an annual report to the National Office, the expense of same to be paid out of the funds of the general committee. He may fill the president's chair when visiting the divisions on the system. He shall be paid for his services by an assessment on all active members on the system (as provided in Section 51 - Local Division Rules), provided that such assessment will be in effect only until the next session of the GCA, at which time it will be continued, discontinued or revised.

(c) The general chairman shall have authority to review the books of any or all divisions within his jurisdiction when, in his opinion, it is desirable to do so.

(d) The general chairman shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution.

(e) The general chairman shall be recognized as the GCA between meetings of that body; and his decision on all matters within the scope of authority of the GCA shall be made effective subject to appeal in accordance with the provisions of Sections 25 and/or 26 - General Committee Rules, except for matters specifically stipulated in Sections 32 and 33 - General Committee Rules.

Duties of the Vice-General Chairman, GCA

Section 12.(a) The vice-chairman shall assist the general chairman when called upon to do so and, in the absence of the general chairman, shall fill that office in accordance with the bylaws of the GCA. In the event the office of general chairman becomes

vacant through death or otherwise, he shall fill the office until a successor has been duly elected in keeping with the laws herein provided for or by the bylaws of the GCA.

(b) In the absence of GCA bylaws to govern, the vice-chairman shall convene the committee within thirty (30) days for the purpose of electing a chairman, unless such vacancy occurs within six (6) months of the regular date of convening said GCA.

Duties of the Secretary-Treasurer, GCA

Section 13.(a) The secretary-treasurer shall be bonded in accordance with Article X, Section 7(a) of the IBT Constitution; and he shall notify the National President when the general committee will convene and the nature of the business to be transacted; he will furnish each division on the system a copy of the minutes of each session of the GCA, which shall include the number of each division represented, together with the assessable members of each.

(b) The secretary-treasurer shall remit national dues and assessments to the National Secretary-Treasurer and shall also remit division and legislative board assessments to the secretary-treasurer of the division and the legislative board, respectively, on or before the 20th day of the next succeeding month for which such dues and assessments are collected.

(c) He shall render an annual financial itemized report of all receipts and disbursements to each division, the general chairman and the National President, and at the expiration of his term of office deliver to his successor all books, papers, files and funds of the GCA.

(d) He shall furnish the National President a copy of the minutes of each session of the GCA. He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT Constitution are fulfilled with respect to the general committee consistent with these bylaws.

GCA - Duties Before Calling National President

Section 14. It shall be the duty of the GCA on any system to exert all means available to effect a settlement of any issue in dispute between the management and the membership on the system.

Failing to effect a satisfactory settlement, it shall notify the National President of the facts, in detail, and if it so desires, may request assistance from the National President.

National President - Called by GCA

Section 15. A GCA may call upon the National President for assistance to dispose of any issue in dispute between the general committee and its management which has not been satisfactorily disposed of. If such assistance is requested, it shall be given precedence over all other business; and the National President shall respond in person, at once, or send a vice president, who will use all honorable means to make a satisfactory disposition of the dispute.

Except as provided in Sections 32 and 33 - General Committee Rules, the National President shall not be empowered to assign a vice president to assist any GCA unless requested to do so by said GCA.

Trusteeships

Section 16. The authority to place subordinate bodies into trusteeship and appoint trustees is vested in the General President of the IBT under the provisions of Article VI, Section 5 of the IBT Constitution and in accordance with Paragraph 6.11 of the IBT/BLE Merger Agreement.

Authority for Taking Strike Vote and Withdrawing from Service

Section 17.(a) In the event of a question of wages or other causes where the BLET is likely to be involved in an issue with a railroad company or when a strike is in progress on any road, no one will be permitted to take an active part in the deliberations of any division while the question at issue is under discussion unless he is in active service as a locomotive engineer or trainman as defined in Section 25(a) - Local Division Rules. The members on every railroad shall settle their grievances with their own GCA, if possible. Failing to do so, they may call on the National President who, in conjunction with the majority of the committee, shall have full power to give permission to poll the road**,** ~~or~~ system**, or portion thereof involved**; and after such permission has been granted, the members on the road**, system, or portion thereof** shall decide whether they will quit work or not by a majority of the ballots cast by all the members employed on the **road,** system**, or portion thereof** where the ~~trouble~~ **dispute** exists, except as provided in Section 17(b). ~~Engineers or trainmen belonging to divisions~~ **Members** who are not employed on the **road,** system**, or portion thereof** where the ~~trouble~~ **dispute** exists shall not be allowed to vote upon the questions in controversy.

(b) In cases where the best interests of the BLET would be jeopardized by the delay incident to the circulation of a referendum strike ballot, the general chairman may vote the GCA by the most convenient means available in lieu of the circulation of a referendum to the membership, provided that consent to do so has already been obtained from the active membership by a referendum vote.

(c) If a majority of the membership casting a ballot on the road**,** ~~or~~ system**, or portion thereof** ~~or~~ **and** two-thirds (2/3) or more of the members of the GCA vote in favor of a strike, the general chairman, with the concurrence of the National President, shall have authority to set a strike date and withdraw the engineers or trainmen of the road**,** ~~or~~ system**, or portion thereof** from service.

(d) In the event it is decided to use the economic strength of the BLET, the membership on the railroad where the ~~trouble~~ **dispute** exists shall be sustained by the BLET. Should it be necessary, the Executive Committee of the BLET shall be empowered to levy an assessment on the active membership of the BLET. Such assessment will not be effective beyond the next session of the BLET, at which time it will be continued, discontinued or revised.

(e) In the application of the aforementioned provisions on railroad properties where the BLET holds the contract for firemen, apprentice engineers and/or other classes of service other than engineers, the words "firemen, apprentice engineers and/or other classes of service represented by the BLET" will be substituted for the words "locomotive engineer" and "engineer" therein.

Members Placed on Payroll

Section 18. When a strike occurs on any road, the secretary-treasurer of each division ~~on the road or roads~~ involved in the strike shall forward to the National President a complete list of all engineers or trainmen who are to be placed on the payroll. It shall then be the duty of the National President to secure such help as may be necessary to enable him to pay promptly.

Authority for Declaring Strike Off

Section 19. On any railroad where a strike is called or is in progress, the GCA on the railroad involved, with the concurrence of the National President, shall have absolute power to declare the strike off. Should the strike continue for ten (10) days or longer, the power to declare the strike off shall be vested in the GCA on the road**,** ~~or~~ system**, or portion thereof** acting in concurrence with the Executive Committee of the BLET.

GCA Convened by the National President

Section 20. When the GCA on any road or system is convened on authority of or by the National President on matters of a general nature, the time and expenses of the committee shall be paid from the general fund of the ND.

Members Must Not Sign Contracts Unless Authorized

Section 21. A member or members, other than the duly designated representative of the BLET, are prohibited from entering into any verbal or written agreements with any railroad management involving rates of pay, rules or working conditions of locomotive engineers or trainmen. Any member violating this provision shall be subject to charges under Article XIX of the IBT Constitution.

Communications - Illegal

Section 22. When any member or members of a division (except chairman of the local committee) take up directly with the general chairman, verbally or written, any question where other members' interests are involved, or ask for a ruling upon any question, the general chairman must refuse to grant such requests or ruling until the proposition has been submitted to the division for their consideration. If carried by a majority of the members present, the secretary-treasurer will furnish the general chairman all the facts in the case, who will furnish the division with his ruling or interpretation, as the case might be.

Member or Officer Disciplined By the GCA

Section 23.(a) Any member of the GCA who, by act or word in the presence of any railroad official, injures any matter under discussion by the committee or executive committee, which has for its purpose the enforcement of the General Committee Rules of the BLET, shall have written charges preferred against him before the executive committee by the general chairman under the provi-

sions of Article XIX of the IBT Constitution. If, after he has been served with written specific charges and given a reasonable and fair hearing, a majority of the executive committee voting by ballot so decides (general chairman to have the deciding vote in case of a tie), he shall be deprived of service on the same. The general chairman shall then notify the president of the division which the deposed member represented, and the president of the division may fill such vacancy by appointment promptly. If necessary, the general chairman is authorized to fill the vacancy by interim appointment from the membership of the division to which the deposed member belongs; and said appointee will serve until relieved by a delegate appointed by the president or elected by the division as per Section 20 - Local Division Rules.

(b) Any officer may be removed from office by a majority vote of the members of the executive committee of the GCA for violation of any of the laws or rules of the BLET committed in his official capacity as a member of the GCA, if found guilty after having been served with written specific charges, given reasonable time to prepare a defense and afforded a full and fair hearing under Article XIX of the IBT Constitution.

(c) Any officer or member proven guilty under the above paragraph will be deprived from again holding office in the GCA for a period of not less than three (3) years.

GCA May Make Its Own Rules

Section 24. The GCA shall make such rules or regulations as are deemed necessary for the proper adjustment of differences on their respective systems. Such laws and regulations, however, must not conflict with the laws of the IBT, Rail Conference, ND or applicable civil law.

GCA Decisions Stand as Law

Section 25.(a) Any action taken by a general chairman or GCA over a collective bargaining issue shall stand as law for all mem-

bers and divisions in the territory over which the general chairman or GCA has jurisdiction, until repealed by the general committee or in accordance with the provisions for appeals in Section 26 - General Committee Rules. A copy of all rulings shall be furnished to the vice-chairman, secretary-treasurer GCA, and to the secretary-treasurer of divisions whose membership is affected.

(b) A division, an active member or group of members may appeal from a decision of the general chairman made over a collective bargaining issue between sessions of the GCA to the general committee, provided such appeal is filed with the general chairman thirty (30) days prior to the meeting of the general committee. Copy of such appeal to be furnished the division or divisions affected.

Appeal May Be Taken

Section 26.(a) An appeal may be taken to the active membership by any member or division in good standing from a decision of a general chairman or GCA made over a collective bargaining issue. Such appeal must be made prior to the expiration of sixty (60) days from the date of the said decision and must be voted on by the active membership on the territory under the jurisdiction of the GCA involved.

(b) To inaugurate an appeal, the appellant must first draw up a statement of facts addressed to the active membership. This statement, together with a sample ballot, shall be submitted within said sixty (60) day period to the general chairman for his examination and the opportunity of preparing a statement defending the committee's decision. The appellant's statement of facts, the ballot in approved form and the general chairman's statement in reply shall be returned without delay to the appellant. The appellant may add a rebuttal to the statement of the general chairman if he so chooses. The appellant shall, as soon as possible upon the return of the appeal from the general chairman, proceed with the printing of such appeal. The ballot shall set out the decision from which the appeal is taken, without any argumentation upon the

part of the appellant or the general chairman. A copy of the printer's proof shall be forwarded to the general chairman for his approval. The general chairman shall immediately examine his statement and the ballot appearing in the printer's proof and, when satisfied as to their accuracy, shall return such appeal to the appellant for final printing, giving notice as to the quantity required. Each active member of each division under the jurisdiction of the GCA involved shall receive a ballot.

(c) The division shall, within thirty (30) days after receipt of the ballots, take a referendum vote of its active membership and advise the secretary-treasurer of the GCA of the result. Divisions meeting but once a month shall call a special meeting for the purpose of counting and tabulating the votes when necessary in order to carry out the thirty (30) day limitation.

All ballots, including those improperly signed or for any other reason declared illegal, shall be forwarded to the secretary-treasurer of the GCA, together with a copy of the division tellers' report. The report shall show the number of votes cast by the active membership for and against the issue constituting the appeal and the number of ballots rejected as illegal. Every ballot declared illegal shall have the same written across the face thereof. A duplicate copy of this report must be retained by the division and a record made in the minutes of the meeting.

(d) Upon receipt of the ballots and the reports from all the divisions, the secretary-treasurer of the GCA shall prepare a report showing the results of the balloting and forward the report, together with all the ballots, to the general chairman. Sufficient copies of the report from the secretary-treasurer of the general committee shall be prepared by the general chairman and forwarded to all the divisions in the territory involved. Such report shall show, separately, the number of votes cast for or against the appeal by the active membership of each division and the number of ballots ruled illegal. The result of a majority of the legal ballots shall be the decision of the active membership, and such decision

shall be final and binding. The GCA shall be governed by the results of the referendum.

(e) A time limit of one hundred twenty (120) days from the date of receipt of the appeal by the general chairman is hereby established, within which the requirements of this section must be completed. The time limit of one hundred twenty (120) days, as set forth herein, may be extended by mutual agreement between the parties affected.

Appeal to the National President

Section 27. Appeals from a decision of the GCA on a collective bargaining issue, in which there has been a violation of the law of the BLET by such GCA, will be entertained by the National President. Decisions of a GCA on non-collective bargaining issues and any disputes between GCAs are appealable to the National President.

GCA - How Paid

Section 28. GCAs shall have power to fix the rate of pay for chairman and members serving on the committee, and time allowed going to and from the place of meeting shall be computed by the GCA.

Expense of Committee

Section 29.(a) The expenses of members of a GCA when convened for any purpose, together with pay for time they lost in such service, shall be raised by an assessment on all active members of the BLET employed on the system represented (except as provided in Section 46 - Local Division Rules); and the secretary-treasurer of the GCA shall have power when so ordered by the committee to levy such an assessment for the purpose of creating a fund to pay the members of the committee immediately after such session is over. All such assessments shall be levied by ma-

jority affirmative vote of the members of the GCA, or by majority affirmative vote of the members of the GCA casting a mail ballot between sessions, and shall be effective only until the next session of the GCA, at which time it will be continued, discontinued or revised.

(b) The salary of the general chairman and the rate of pay and expenses paid to the members of the general committee and legitimate expenses of the general committee shall be raised by an assessment on all active members employed on the system represented. All such assessments shall be levied by majority affirmative vote of the members of the GCA present at a session of the GCA, or by majority affirmative vote of the members of the GCA casting a mail ballot between sessions, and shall be effective only until the next session of the GCA, at which time it will be continued, discontinued or revised. Operating craft employees will be required to pay GCA assessments in the amount determined by the GCA, which shall be collected monthly and forwarded to the secretary-treasurer of the general committee, who will pay the chairman's salary semi-monthly, and all delegates for their services. Any surplus remaining in the treasury shall be applied to the payment of the legitimate expenses of the general committee.

Where a vice-chairman assumes the duties of the chairman on account of the absence of the chairman, his salary shall not be more while he is occupying that position than the salary of the general chairman.

Assessments - General Committee

Section 30. All notices of GCA assessments and/or increases or decreases of regular dues shall be in the hands of the secretary-treasurers of divisions sixty (60) days before such assessments are due. Any such assessments collected shall be remitted by the secretary-treasurer of the division on or before the 20th day of the month following sixty (60) days' notice as defined by Section 29(k) - National Division Rules.

Section 31.(a) No new business will be entertained by a GCA unless records are sent showing that the division has acted upon the merits of the question. A copy of the resolution sent to the GCA shall be sent to other divisions interested upon receipt of same by the general chairman.

(b) The GCA shall have full power to settle all questions of seniority and rights to runs and jurisdiction of territory that are presented to it; and its decision shall be final unless, on an appeal to the membership, its decision is repealed by a majority vote.

Where there are only two (2) divisions on a system, they may appeal to the National President, whose decision shall be final, subject to appeal to the Advisory Board.

(c) To consolidate or divide the seniority rosters of engineers or trainmen on one (1) or more seniority districts on a system, a majority vote of the active members holding seniority as engineers or trainmen and casting a ballot on each seniority district affected must be obtained. Where the BLET holds the contract for firemen, and trainmen, a majority vote of the members casting a ballot in either occupation will be required to consolidate or divide the seniority roster of that occupation.

(d) When a question of jurisdiction of territory or seniority arises between the members themselves or two (2) or more divisions that cannot be amicably adjusted by such divisions, the question shall, with all the facts in the premises, be referred to the GCA, which shall rule on the matter; and such ruling shall stand as law, subject to appeal as per Section 25 or 26 - General Committee Rules.

Authority of National President in Mergers, etc., with Protective Agreements

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

Section 32.(a)(1) Mergers, etc.

When the National President has sufficient information that a merger, consolidation, coordination, control, absorption, diversion of traffic, purchase or any other action whereby separate facilities or operations of railroads are going to be unified, he shall immediately assign an officer for the purpose of directing the committees in the handling to the best interests of the members involved.

A. Contracts

I. There shall be a revision of the existing agreements on the properties involved which will have for its purpose the consolidation of contracts covering the merged, etc. property.

II. The assigned officer, in conjunction with the interested general chairmen, shall represent all of the committees in negotiations with the carrier and/or carriers.

III. Contracts shall be ratified by a majority vote of the active members casting a ballot.

B. General Committees

The committees involved on the merged systems may be consolidated, if necessary, to meet the representational requirements of the membership.

The officer assigned shall submit his recommendations to the National President. If the recommendation is to merge the involved committees, the National President shall forward said recommendation with all facts in support to the involved general committees. The affected general committee(s) shall refer the question to the membership under their jurisdiction by instructing each affected division to prepare a paper ballot to be delivered within sixty (60) days to each member of the division, by government mail, directed to his/her last known address. The ballot, with a large envelope, approximately 4 x 9 1/2 inches, which must contain space for the member's name and address, must have first-class postage affixed thereto and must contain the division number and address for returning the ballot. The ballot and return envelope must also be accompanied with the written recommendation of the National President, the written recommendation of the affected general chairmen, and written instructions showing purpose of the ballot, time, date and place for counting the ballots. The ballot shall also contain a signature and date line, which must be signed and dated by the member. The return envelope containing the ballot must be returned and postmarked within fifteen (15) days from the postmarked date on the envelope sent to the member. The ballots shall be counted by each division at the first regular division meeting following the date for return of the ballots. Each division secretary-treasurer will notify the general chairman of the results from the ballots received within ten (10) days. The affected general chairmen will forward this information to the National President and the other affected general chairmen within thirty (30) days from date received from last division reporting. If the decision of the majority is to merge the committees in question, the National President shall secure permission from the IBT General Executive Board to implement the merger, notify the affected general committees of the decision and instruct the merged committees to meet within ninety (90) days for the purpose of electing new officers, as provided in Section 9 - General Committee Rules, and conducting any business or grievance that may properly come before the body. The new date to meet regularly shall

be decided as per Section 8 - General Committee Rules. If it is the decision of the majority not to merge their GCAs, their individual GCAs shall continue as heretofore.

C. Divisions

I. Representation

The general committee or general chairman and division or divisions affected shall, after the determination has been made relative to a merged seniority district or districts, make a study of the BLET divisions in the affected area for the purpose of reducing, if possible, the number thereof to only those necessary to maintain an efficient operation.

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

a. The number of members in a division.

b. The location of the majority of the members' place of residence.

c. The availability of the majority of the members to attend the division meeting place.

d. The location of the operating division offices nearest the BLET division.

Changes as referred to in the above paragraph shall not be put into effect by a general committee or general chairman until the proposed changes have been submitted to the Executive Committee of the ND and the IBT General Executive Board for approval.

II. Jurisdiction

Should it be, in the judgment of the general committee or general chairman and divisions affected, that more than one BLET divi-

sion is necessary on a seniority district, and said BLET divisions have been set up, each division shall be given a definite territory by the general committee and/or the general chairman.

Changes as referred to in the above paragraph shall not be put into effect by a general committee or general chairman until the proposed changes have been submitted to the Executive Committee of the ND and the IBT General Executive Board for approval.

Should the GCA and divisions fail to reach an amicable agreement in the merging of and/or creating a new division within sixty (60) days, the matter shall be referred to the National President who shall, upon receipt thereof, make an investigation of the facts within thirty (30) days, after which the Executive Committee of the ND shall make a recommendation thereon to the IBT General Executive Board for appropriate action.

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

D. Seniority Districts

Should it be, in the judgment of the officers assigned and the general chairmen, in the best interest of the members affected as a result of a merger, etc., to consolidate and/or merge a seniority district or districts, the general chairman must meet and consult with the affected divisions' local chairmen to work out a merger of the old districts and seniority rosters into a new district and merged roster.

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

Should the general chairman and affected local chairmen fail to agree, the matter shall be referred to the National President, who shall make an investigation within thirty (30) days, after which the Executive Committee of the ND shall make a determination which shall be final and binding.

(a)(2) Employee Protection Requirements

When officers of the ND and GCAs are confronted with conditions affecting engine service employees of railroads involved in mergers, etc., all such employees shall be considered as being adversely affected; and the officers, in recognition of rearrangement of existing contracts, seniority equities and/or districts, general committees and divisions, shall first give full recognition to negotiating implementing agreements with the carrier or carriers to provide protection for all engine and train service employees involved as follows:

A. Guaranteed earnings and employment.

B. Preservation of working agreements and conditions, except as may be revised or changed by the implementing agreements.

C. Preservation of the rights and equities of all engine service employees to service as locomotive engineer or trainman.

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

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

F. Separation allowances on the basis of seniority selections for those employees desiring to retire or separate their employment

relationship subsequent to the effective date of the implementing agreement.

(b) On railroad properties where the BLET holds the contracts for firemen, apprentice engineers and/or other classes of service other than engineers; the words "firemen, apprentice engineers and/or other classes of service represented by the BLET" will be substituted for the word "engineers."

(c) Should a merger implementing agreement mandate future equity adjustments, such adjustments will be handled in accordance with GCR Section 33 or GCR Section 34, whichever is applicable.

(~~c~~ **d**) To insure appropriate handling of proposed mergers, etc., should any provision of these bylaws conflict with application of this Section 32(a)-(~~b~~ **c**), the provisions of this section shall prevail.

Other Mergers, etc. on Two or More Railroads

Section 33.(a) Whenever one (1) railroad or any portion thereof is absorbed, traffic diverted, consolidated, merged, leased or coordinated by, to or with another railroad or any portion thereof, and the officers of the ND and GCAs are unable to obtain protective agreements in their judgment satisfying the requirements of Section 32(a)(2) - General Committee Rules, the engineers or trainmen on the road or roads or any portion thereof affected thereby shall retain their right and seniority as heretofore on the roads absorbed, traffic diverted, consolidated, merged, leased or coordinated; but the runs shall be manned by the engineers or trainmen of the respective roads in proportion, as near as practicable, to the car miles or train miles in road service and to the engine hours or inbound car count in yard service on the territory involved on each road. Such count of car miles or train miles in road service and of engine hours or inbound car count in yard service shall be com-

piled for a period of not less than six (6) months nor more than one (1) year. Such test period shall be established at a time agreed upon, sufficiently prior to the effective date of any of the conditions specified in this section to give a fair and equitable representation of normal business handled by each district involved. The figures determined for each month of the aforementioned test period will be supplied to each division involved prior to the consummation of any agreement establishing a distribution of work.

(b) When GCAs are unable to agree upon a settlement of questions arising covered by the foregoing, they will submit a joint statement setting forth their contentions regarding same, with all the facts in the premises, to the National President who, after making a thorough investigation, is authorized, in conjunction with the Advisory Board, to render a decision which shall be final and binding; but if, in the opinion of the National President, an unusual condition exists on any one railroad, he shall proceed to investigate and give a decision, which shall be final unless reversed by the Advisory Board.

(c) In the event that the GCAs do not meet within sixty (60) days from the time that the merger, coordination, etc., took place, the National President will be empowered to order the GCAs involved to meet at once and settle the question in dispute within thirty (30) days from the time the sixty (60) day limit expires.

(d) Any division involved, if dissatisfied with the decision of the officer assigned and general chairman with respect to the method to be used for dividing the work, may appeal to the Executive Committee of the ND within sixty (60) days following the issuance of that decision. The Executive Committee, after making an investigation of the controversy, shall render a decision which shall be final and binding, unless reversed by the Advisory Board.

(e) On railroad properties where the BLET holds the contracts for firemen, apprentice engineers and/or other classes of service

other than engineers; the words "firemen, apprentice engineers and/or other classes of service represented by the BLET" will be substituted for the word "engineers."

Traffic Merged, etc., on One Railroad

Section 34.(a) Where a portion of any railroad is absorbed, consolidated, merged, or coordinated with any other portion or portions of the same railroad, or any portion of the same railroad is abandoned, the engineers or trainmen affected thereby shall retain their seniority as heretofore on the portion or portions of the road which has or have been so absorbed, consolidated, merged or coordinated, or from which traffic has been so diverted.

(b) Whenever the events referred to in the foregoing subsection have occurred and it becomes necessary to readjust the service, the runs shall be manned by the engineers or trainmen of the respective portions of the road in proportion, as near as practicable, to the car miles or train miles in road service and to the engine hours or inbound car count in yard service on the territory involved. Such count of car miles or train miles in road service and of engine hours or inbound cars in yard service shall be compiled for a period of not less than six (6) months nor more than one (1) year. Such test period shall be established at a time agreed upon, sufficiently prior to the effective date of any of the conditions specified in this section to give a fair and equitable representation of normal business handled by each district involved. The figures determined for each month of the aforementioned test period will be supplied to each division involved prior to the consummation of any agreement establishing a distribution of work. The respective local committees of adjustment or local chairmen representing the groups of the affected engineers or trainmen, unless a proper adjustment of the question has been reached, will meet within thirty (30) days after the question of such rights to runs has been raised by either of such local committees or local chairmen, unless further time, not exceeding an additional thirty (30) days, is mutually agreed upon by such local committees, and will endeavor to agree upon

which of the above factors shall be used for measuring the service and upon the precise period of time within the foregoing range. If such agreement cannot be reached, the question **of equity shall be resolved by the General Chairman within 60 days of the meeting date in accordance with the data gathered during the aforementioned study period**. ~~of which of the above-mentioned alternative factors for such tests and the duration of the test period will be determined; said factors shall be considered to afford a suitable basis for an equitable division of the normal business handled by each territory between the engineers or trainmen involved.~~

(c) Any division involved in the controversy, if dissatisfied with the decision of the general chairman on the methods to be used for dividing the work, may appeal in accordance with the provisions of Section 26 - General Committee Rules.

(d) On railroad properties where the BLET holds the contracts for firemen, apprentice engineers and/or other classes of service other than engineers; the words "firemen, apprentice engineers and/or other classes of service represented by the BLET" will be substituted for the word "engineers."

Statute of Limitation

Section 35. A statute of limitation of sixty (60) days is hereby fixed within which to take up or appeal any case of seniority, subject to appeal in accordance with Section 37 - Local Division Rules.

Representation, Establishment of Seniority and Mileage Regulations

Section 36.(a) The right to make and interpret contracts, rules, rates of pay and working conditions for operating crafts shall be vested in the regularly constituted GCA of the BLET.

(b) GCAs shall be free to incorporate into the respective schedules such rules as they may deem advisable to govern the hiring of engineers, trainmen and/or apprentice engineers.

(c) When the members of a division take a vote on regulation of mileage, only members possessing seniority in the craft to be regulated will be permitted to vote.

(d) A five (5) day work week agreement for yard engineers or ground service employees cannot be placed into effect on any railroad until a referendum vote is taken and a majority of the active members voting approve.

A separate seniority district (with or without a separate working agreement) may place a five (5) day work week agreement into effect for yard engineers or ground service employees on said seniority district only if approved by a majority of active members casting a ballot in a referendum vote of members of said seniority district. (Covered by appropriate memorandum of agreement covering and confined to the affected territory.)

(e) All GCAs shall make an effort to have included in their schedules a rule providing for the inclusion of a training program for apprentice and/or assistant engineers and trainmen.

Divisions Refusing to Sustain Committee

Section 37. Should a division on any system refuse to sustain an action of the GCA of the system or to enforce the laws passed by the ND, it shall be the duty of the members of the committee from the division to make a written statement of the fact concerning the refusal to the chairman of the GCA, who shall submit the same to the National President, for his review and recommendation to the General Executive Board of the IBT, which is empowered to suspend the charter in accordance with Article IX, Section 2 of the IBT Constitution.

Division Refusing to Take Vote

Section 38.(a) Should any division refuse or neglect to take a vote of its members when ordered to do so by the GCA, it shall be considered a refusal to sustain the action of the GCA and shall be dealt with according to Section 37 of the General Committee Rules; and any member of the committee failing to report to the general chairman of the committee as per Section 37 shall be dealt with by the GCA as per Section 23(b) - General Committee Rules.

(b) Unless otherwise provided, all expenses incurred in taking a vote shall be borne by the division.

Agreements Governing Rates of Pay on All Kinds of Power

Section 39.(a) GCAs on all railway systems shall make a strenuous effort to make agreements governing the rates of pay and to continue the service of a locomotive engineer, motorman and trainman in the operation of all railway motive power.

(b) It shall be the policy of the GCA to secure agreements with carriers covering the rules, rates of pay and working conditions of all operating crafts if, as and when the opportunity presents itself. The individual GCA shall have full jurisdiction in the matter.

Attempting to Reduce Standard Wages

Section 40. Any member who shall attempt, in any manner, to reduce the standard of pay for a locomotive engineer or trainman, or establish a maximum limit for the same, shall be subject to charges under Article XIX of the IBT Constitution. This section shall not apply to or interfere with legitimate action of GCAs or national officers.

Section 41.(a) All wage/rules settlements (concerted movements in the United States, system agreements which may be tied to such concerted movements and system movements initiated by the GCAs, as well as acceptance of proffers of arbitration) shall be ratified by a majority vote of the active members casting a ballot.

When a tentative agreement is negotiated or a proffer of arbitration made, the ND or GCA proposing a system-wide agreement will furnish a copy of the proposal to all general chairmen and local chairmen. The ND or GCA will also provide a synopsis of the proposal to each affected member, along with an instruction sheet, a ballot and a return envelope.

Each affected member will return his/her ballot to the National Secretary-Treasurer when such ballot is issued by the ND, or the secretary-treasurer of the GCA when the ballot is issued by the GCA, within the time period specified, who will tabulate the vote and certify the results to the National President and/or affected general chairman of the GCA. The GCA will choose a board of tellers to help the secretary-treasurer of the GCA count the ballots.

(b) Before any system or local collective agreements or a system or local change of scheduled rules can be agreed to or signed on behalf of the members of any railroad system in the United States, the general chairman must forward the proposed agreement to each local chairman of the division or divisions affected. The local chairman or chairmen will then poll the active membership attending the first regular or special division meeting following receipt of such proposal and ascertain the wishes of the membership. The local chairman or chairmen will then cast a vote with the general chairman in accordance with the instructions of the division. The general chairman will be governed by the instructions of a majority of the local chairmen affected.

This section applies to merger agreements mandated by the Surface Transportation Board as well as any system or collective agreement.

Each GCA may adopt by resolution, at their option, a form of referendum ratification for their respective committees.

Violation of Contract - Railway Officials

Section 42.(a) On any railway system where there is a contract between the railway company and the BLET, it will be considered a violation of said contract on the part of the railroad company to open any differences except through the GCA in connection with the engineer's or trainman's position.

(b) Except upon approval of the National President, no GCA shall make agreements with the railroad companies without including a thirty (30) day notice for revision or abrogation.

(c) All GCAs are prohibited from making agreements with the railroad managements, the terms of which will conflict with any law or policy adopted by the ND, without first submitting same to the National President who, in conjunction with the Advisory Board, will determine proper disposition of the question at issue.

Accidents - Grievances

Section 43.(a) Should any member in the employ of a railroad company have any grievance against the company, either from meeting with an accident of any kind while in the discharge of his duties, or from any other cause, he shall be required to make out a complete report of the same to his division in writing for the benefit of the committee of adjustment; and the division shall keep such report, together with a copy of the judgment of the company's officials concerning the grievance or accident. The local committee and general committee shall refuse to handle the case unless

such a report is completed and signed by the member, providing the member be physically and mentally able to do so.

(b) It shall be unlawful for any member to withdraw his case after having been acted on by the division and referred to the committee of adjustment, unless he gets consent of the division at a regular meeting.

(c) Each and every member of the BLET grants to the duly authorized representative and/or representatives of the Brotherhood (which includes divisions, local chairmen and/or local committees, general chairmen and/or general committees, vice president and/or the National President) full and complete authority to present and handle each and every member's claims, complaints and grievances against the railroad on which he is employed. Said power and authority shall include the handling of such claims, complaints and grievances before any and all officials of the railroad, and shall include the right to collect, settle, compromise, amend, withdraw, dismiss or in any other manner dispose of such claims, complaints and/or grievances, and shall also include the power and authority to submit such claims, complaints and grievances for determination to any person, court or board or other tribunal provided by law or otherwise as may be deemed necessary or advisable by such authorized representatives.

The foregoing will in no way conflict with other provisions of the Bylaws of the ND of the BLET which stipulate the procedure and sequence to be followed by divisions, local chairmen and/or local committees, general chairmen and/or general committees and other duly authorized representatives of the BLET in handling claims and grievances of members.

Association of General Chairmen

Section 44.(a) For the purpose of carrying on concerted movements relating to wages, working conditions or other important matters of general interest of its members, the ND authorizes the

formation of general chairmen's associations within the districts hereinafter named.

(b) Western Association: Shall be composed of all territory lying west of and including the Southwestern Lines of the Illinois Central and lying on the west side of Lake Michigan and south of Lake Superior and west of the line drawn through Duluth, and shall be bounded on the south by the Mexican border and on the north by the Canadian border.

(c) Eastern Association: Shall be composed of the territory east of the aforementioned line of the Western Association, north of the lines of the Chesapeake & Ohio Railway and south of the Canadian border.

(d) Southeastern Association: Shall be composed of the territory south of and including the Chesapeake & Ohio Railway and as far west as the Illinois Central Lines mentioned as the boundary of the Western Association.

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

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

(h) Each association shall have power to adopt for their government such bylaws as may be agreed upon, not in conflict with the Bylaws of the ND, subject to the approval of the National President.

(i) Each association shall meet annually at such time and place as may be designated in the constitution and bylaws of the association.

(j) Special meetings may be called by the National President or the executive committee of the association when, in their judgment, the same is deemed advisable in the interests of the members of any association, or by request of a majority of the members of the association.

General Chairmen Convened by National President

Section 45. When the general chairmen are convened by the National President, the general chairmen's respective associations cease to exist for the time being in their respective bodies; then, a majority vote of the general chairmen convened will prevail.

THIS SECTION, entitled "Legislative Board Rules", has to do principally with the functioning of national and state legislative boards (LBs).

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

National Legislative Board

Section 1.(a) Within the BLET a National Legislative Board shall be formed, consisting of eight (8) members. It shall be comprised of the National President, who shall act as Chairman; First Vice President, who in the absence of the National President shall assume the duties of Chairman; and the National Legislative Representative, who shall act as Secretary. These members shall form the Executive Committee of the National Legislative Board. The Executive Committee shall have final approval over all actions of the National Legislative Board. The other five (5) members of the National Legislative Board shall be the Chairmen and the four (4) Regional Chairmen elected by the Association of Legislative Chairmen from its membership. The board shall have charge of all legislative matters and shall have jurisdiction over all BLET legislative boards within the United States, and shall coordinate activities with the Governmental Affairs Department of the IBT.

(b) The activities of the Vice President and National Legislative Representative shall be coordinated with the National Legislative Board and with the Governmental Affairs Department of the IBT. The duties of the Vice President & National Legislative Representative include; but are not limited to, those activities which protect and advance health and safety issues and other interests of the members in matters before the Congress and/or regulations promulgated by Federal Agencies. He may engage in activities of social, cultural, fraternal and civic nature that advance the political and legislative interest of the membership. He shall stimulate membership voter registration, political education, and financial support of the union's political action committee. In addition, the Vice President and National Legislative Representative shall coordinate a united front supporting or opposing legislation of interest to the members at both Federal and State levels. He shall develop and promote a union-based legislative agenda. He shall act to communicate and inform the membership on political and legislative matters as well as advise and assist State Chairmen and IBT Field Coordinators working with the membership at the local level. **He shall prepare a monthly issues report to be distrib-**

uted to all state legislative board chairmen. He shall prepare a detailed quarterly report of his activities, which shall be furnished to the National Legislative Board Chairman. The National Legislative Board shall review the activity reports each time the board meets.

(c) No member or employee of the BLET shall purport to be a representative of the BLET to any governmental entity without prior authorization of the appropriate BLET committee. For entities of the federal government, jurisdiction would be that of the Chairman of the National Legislative Board. For entities of state and local government, jurisdiction would be that of the state chairman; and if a state has no organized legislative board, jurisdiction would be that of the regional chairman. This does not impinge upon the right of anyone to communicate with their government.

Expenses - National Board

Section 2.(a) All expenses incurred by the National Legislative Board shall be paid from the general fund. Compensation for the National Legislative Board members from the Association of Legislative Chairmen, when attending authorized meetings of the board, shall be paid on a daily basis in conformity with special representatives' pay or their state board's salary, whichever is greater, plus actual expenses.

The National Secretary-Treasurer shall furnish all divisions, general chairmen, and chairmen of state legislative boards with an account of all moneys expended by the board. The National Legislative Board will submit a budget prior to each fiscal year to the Advisory Board.

(b) All members in active service, including those holding official positions with the carrier and those employed exclusively by the BLET, shall pay $2.00 per month National Legislative Board dues, subject to the provisions of Section 29 – National Division Rules. Moneys received from such dues shall be used at the discretion of the National Legislative Board for the following:

(1) salary, benefits, expenses for up to two (2) employees in the Washington, DC office;
(2) any new programs by the Federal Railroad Administration or other federal agencies;
(3) rail safety advisory committees;
(4) lobbying efforts on Capitol Hill;
(5) additional education and training.

All excess funds will be returned to the general fund.

(c) A biannual report of all income and disbursements under Section 2(b) will be prepared by the BLET under the supervision of the Vice President and National Legislative Representative and made available to state legislative chairmen upon request.

Meetings - National Board

Section 3. The National Legislative Board shall convene within the last sixty (60) days of each calendar year. Additional meetings may be called by the Chairman, or by a majority of the board.

Association of Legislative Chairmen

Section 4.(a) The BLET authorizes the formation of a National Legislative Board Chairmen's Association. The association shall elect from its members a chairman, vice-chairman and secretary-treasurer.

(b) The legislative board chairman of each state may be a member of and attend meetings of the association and be entitled to a vote on all questions, if legislative board he represents has authorized his membership in the association.

(c) The National Legislative Representative will be an honorary member of the association and shall attend all meetings of the association, unless excused by the National President.

(d) The association shall have the authority to adopt bylaws, subject to the approval of the National President.

(e) The association shall meet at such time and place as may be designated in the bylaws of the association. Special meetings may be called by the National President.

State Legislative Boards

Section 5(a) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five percent (25%) of the active membership, sign a petition proposing to formulate or merge a state legislative board, it will be mandatory upon the National President to prepare a ballot with the question worded as presented in the petition, to be voted on by all those holding active membership in the BLET within the state. The ballot must be put out by the National President within thirty (30) days of the receipt of the request. It will be sent to secretary-treasurers of all divisions, and they will personally see that each active member has a copy by handing it to the member or by placing in the government mail with a return address thereon. The ballot must be returned and the result tabulated and a copy of the decision mailed to the ND within ninety (90) days from the time the ballots are received from the ND. The results of the vote will be announced by the National President to all divisions in the state, and he shall, pursuant to the IBT Constitution, formulate or merge the board. A vote once taken cannot be acted upon again for four (4) years.

(b) When such a vote shows a majority of the ballots cast by the active membership in the divisions of the state favoring creation of state legislative board, the legislative representative of the division sponsoring the petition or member sponsoring the petition will select a meeting place and set a date for convening the board. He shall also notify the other divisions in the state to have their legislative representative present.

(c) The legislative representative from the division issuing the call or the member initiating the petition may act as chairman of

the board until officers herein provided for are elected. Any board thus formed shall be deemed to be an active legislative board.

(d) At every meeting of a legally authorized state legislative board, each division in the state having twenty-five (25) or more assessable members may be represented by a delegate. However, any division in the state may be represented by proxy by a vote of the division. Such vote will designate the seated delegate who is to exercise such proxy. However, such proxies shall not participate in the nomination or election of officers.

~~Note 1:~~ Divisions chartered before ~~the effective date of these bylaws~~ **January 1, 2004** will retain the previous threshold level of twelve (12) active members.

~~Note 2: Within two (2) years of the effective date of these bylaws, a ballot will be sent to the active membership under the initiative process to decide whether to eliminate Note 1.~~

(e) After a board is formed and exists as outlined above, and a call for convening the board is made by the chairman through the secretary-treasurer, the secretary-treasurer of each division shall at once acknowledge receipt of same and send the number of assessable members of his division to the secretary-treasurer of the legislative board.

(f) In the event that the National President finds that a board is inactive or improperly representing its members, the National President shall authorize the National Legislative Representative to conduct an investigation. The results of the investigation will determine if further action will be taken in accordance with the IBT Constitution.

(g) Whenever a majority of the active membership, or divisions representing a majority of the active membership, sign a petition proposing to abolish a state legislative board, it will be mandatory upon the National President to prepare a ballot with the question worded as presented in the petition, to be voted on by all those

holding active membership in the BLET within the state. The ballot must be put out by the National President within thirty (30) days of the receipt of the request. It will be sent to secretary-treasurers of all divisions, and they will personally see that each active member has a copy by handing it to the member or by placing in the government mail with a return address thereon. The ballot must be returned and the result tabulated and a copy of the decision mailed to the ND within ninety (90) days from the time the ballots are received from the ND. The results of the vote will be announced by the National President to all divisions in the state. A vote once taken cannot be acted upon again for four (4) years.

In the event the vote is to dissolve the legislative board as per this section, the National President shall, pursuant to the IBT Constitution, set an effective date for the dissolution; and the assets of such board shall be distributed among the various divisions comprising said board in proportion to the number of assessable members.

(h) All division legislative representatives' names will be entered in the BLET Directory as legislative representatives, (LR).

Officers

Section 6.(a) When the state legislative board has been convened, it will proceed to elect a chairman, first vice-chairman, second vice-chairman, secretary-treasurer, an executive committee (not to exceed five (5) members) and an auditing committee of three (3).

(b) A state legislative representative may be elected when provided for in the bylaws of the board. The candidate receiving the highest number of votes shall be declared elected if eligible. Should an equal number of votes have been cast for two (2) or more members for any one (1) office, a second ballot, and if necessary a third ballot will be cast. If, after a third ballot a tie still exists, the tie shall be decided by lot. Should any office become vacant, it will be the duty of the executive committee to fill such vacancy. The

chairman and secretary-treasurer cannot be members of the auditing committee.

(c) State legislative boards of small membership, who do not have sufficient delegates to fill all the offices, may elect to office any member who has the qualifications to be a delegate.

NOTE: Beginning January 1, 2006, eligibility to nominate, second and run for office will be determined by the applicable provisions of the IBT Constitution as modified in Paragraphs 6.7 and 6.8 of the IBT/BLE Merger Agreement. **See Section 1 – National Division Rules – NOTE.**

(d) In the event of any irregularities in the election of officers of a state legislative board, resulting in a contest of election, the protest must be filed in duplicate with the secretary-treasurer of the state legislative board and the National President within thirty (30) days after such election. The National President will conduct an investigation to obtain the facts and evidence and render his decision accordingly. Any member who is dissatisfied with the decision of the National President may appeal such decision within thirty (30) days to the BLET Executive Committee whose decision shall be final and binding.

Credentials - Shall Furnish

Section 7. Each division shall, after electing its delegate to the state legislative board, immediately notify the secretary-treasurer of the state legislative board, giving the name and address of its delegate. The division secretary-treasurer shall request from the National Office the form provided for the delegate to the state legislative board; this credential to show the number of assessable members he represents and be signed by the president and the secretary-treasurer of the division.

Section 8. The first order of business at the first meeting of a state legislative board shall be the formulation and adoption of the bylaws. Bylaws shall prescribe the duties of the officers of the board and provide the method of filling vacancies, such method not to be in conflict with applicable civil law; they shall prescribe for the board alone to have authority to levy assessments in accordance with section 10(a) and (b) – Legislative Boards, the board alone to authorize expenditures of money derived from such assessments. The secretary-treasurer shall be bonded in accordance with Article X of the IBT Constitution. **The bylaws may contain such additional rules or regulations as are deemed necessary for the operation of the board. The board may amend or modify the bylaws.** ~~To provide for amendment or modification of the bylaws, none of~~ **T**he bylaws shall **not** conflict with laws and rules of the BLET**, IBT, Rail Conference** or applicable civil law. ~~Bylaws shall be subject to the approval of the IBT General President.~~

Joint Legislative Boards

Section 9.(a) State legislative boards may merge upon receiving a majority vote of the delegates to each of the state legislative boards proposing to merge, and upon receipt of approval from the IBT General Executive Board.

(b) A division within a state that does not have a state legislative board may affiliate with a state legislative board of an adjoining state. Where no adjoining state legislative board exists, the closest geographical state legislative board will be used. If more than one division desires to affiliate, a majority vote of the affected members will determine which state legislative board the divisions will be affiliated with. The proposed affiliation will not take effect until a majority vote of the delegates from the state legislative board being petitioned for affiliation have been received. Division legislative representative from the newly affiliated division will be a delegate as per Section 5(d) – Legislative Boards.

(c) If a division within a state that does not have a state legislative board seeks to affiliate and one (1) or more other divisions within that state have already affiliated with an adjoining state legislative board a majority vote of all affected members, members already affiliated and members seeking affiliation will determine which state legislative board the divisions will be affiliated with. Upon receiving a majority vote of the delegates from the state legislative board to be affiliated with, the proposed affiliation will take effect.

Financial Business

Section 10.(a) All expenses incurred by legislative boards shall be raised by an ~~equal~~ assessment levied by the board upon all **active** members of the BLET holding membership in the state (except as provided in Section 46 - Local Division Rules). All such assessments shall be levied by a majority affirmative vote of the members of the board present at a session of the board, or by majority affirmative vote of the members of the board casting a mail ballot as provided in Section 10(e) – Legislative Boards, and shall be in effect until the next meeting of the board, at which time it shall be continued, discontinued or revised.

(b) The secretary-treasurer of the legislative board shall notify the secretary-treasurer of each division in the state of the amount of the assessment to be levied, and such notice must be in the hands of the secretary-treasurer of each division sixty (60) days before said assessments are due, and he shall collect such assessments from all assessable members of his division in accordance with Section 46 – Local Division Rules and the monthly billing from the ND.

(c) No division shall be represented on the state legislative board unless it is square on the books of the secretary-treasurer of the board. State legislative boards shall have the power to fix the rates of pay for members serving on the board~~, which shall not~~

~~exceed the amount paid delegates to the ND~~. Time allowed going to and from place of meeting to be computed by the board.

(d) The state legislative representative may be made a full-time or part-time salaried officer by majority vote of the delegates to the board. In the event any state legislative board deems it advisable to discontinue the full-time or part-time salary of the state legislative representative, they may do so by a majority vote of the delegates to the board.

(e) Between sessions of the state legislative board, the secretary-treasurer of the board shall have power, when authorized by the chairman, who has by mail ballot received consent of a majority of members of the board casting a ballot, to levy an assessment for the purpose of creating a fund to pay the members of the board and other expenses immediately after it is adjourned; provided, that such assessment shall be in effect until the next meeting of the board, at which time it shall be continued, discontinued or revised.

(f) In the event a division should fail to pay any state legislative board assessment, as provided by Paragraphs (b)-(e) of Section 46 – Local Division Rules, the following procedure will govern:

(1) The state legislative chairman will, or any division may, prefer charges to the National President by a written statement of such failure and provide the division involved a copy of same.

(2) A trial shall be conducted before the Executive Committee of the ND under the provisions of Article XIX of the IBT Constitution.

(3) Should the Executive Committee sustain the charge, the National President shall recommend that the IBT General President suspend the charter of the division involved until such assessment is paid.

Duties of Officers

Section 11.(a) The chairman and/or representative of the state legislative board will devote his time as authorized by ~~a majority~~ **the bylaws** of the board, and to safety, health and political education. **Each state legislative chairman shall submit an annual report of his activities to the National Legislative Board Chairman for review at the annual meeting of the Board. The report shall be submitted by November 1st of each calendar year.**

(b) The secretary-treasurer of the state legislative board shall provide the BLET National Office and each division in the state the names and addresses of the officers of the board. Upon request, he shall provide each division in the state a copy of the minutes of each board meeting, and, in addition, an annual financial statement containing expenditures of committees and representatives, showing dates of claims.

(c) The auditing committee shall review and verify the books of the legislative board on a monthly basis.

Assessment Legislative Board - Pay to Division Where They Hold Membership

Section 12. Members shall pay legislative board assessments to their own divisions. Members running out of one state into another will be required to pay their legislative assessments to the division where they hold membership.

Interfering with Boards

Section 13.(a) Any member refusing to sustain the official acts or instructions of any legislative board shall be subject to charges and trial in accordance with Article XIX of the IBT Constitution.

(b) In the event a division should refuse to sustain the official acts or instructions of a legislative board, or should a division en-

gage in any activity detrimental to any legislative board, the following procedure shall govern:

(1) The secretary-treasurer of the board will advise the National President by written statement of such refusal and provide the division involved a copy of the same.

(2) A trial shall be conducted before the Executive Committee of the ND under the provisions of Article XIX of the IBT Constitution.

(3) Should the Executive Committee sustain the charge, the National President shall recommend that the IBT General President act to revoke the charter of the division involved.

Preapproval of Bills to Be Introduced

Section 14. All bills formulated by any state legislative board must be approved by the National Legislative Board before they can be presented to any state legislature to be enacted into law.

Legislative Board - When Convened

Section 15.(a) State legislative boards must convene at least quadrennially for the purpose of electing officers; however, by a favorable vote of two-thirds (2/3) of the divisions within the state, more frequent meetings may be held. No state legislative board or GCA will initiate or progress any business which may be in conflict with the affairs of a legislative board or GCA.

(b) All correspondence submitted by divisions to state legislative boards must bear the signature of the secretary-treasurer and/or legislative representative.

(c) After the business as enumerated in Paragraph (a) has been completed, the board may then resolve itself into an executive committee (not to exceed five (5) members) for the purpose of transacting any other business properly before the board.

(d) When a chairman of a state legislative board is placed on full-time salary basis, his salary as chairman shall prevail during executive and regular sessions; and delegate's salary will not be applicable to the chairman.

THIS SECTION, entitled "Ritual," comprises the form of opening and closing of divisions, voting, draping of division charter, memorial and funeral services, initiation and installation of officers, instructions for nominations, and resolutions adopted at the regular and special sessions of the Brotherhood of Locomotive Engineers and Trainmen.

NOTE: For purpose of clarity, President of the ND will be referred to as "National President" in this section. "President" will refer to president of the division.

RITUAL

Order of Business

Section 1.

1. Opening division in due form.

2. Reading of minutes of the previous regular meeting with those of subsequent special meetings directly from the minute book for approval.

3. The reading or referring of petitions or propositions.

4. Report of committees on previous propositions.

5. Voting on proposed members.

6. Initiation of candidates.

7. Unfinished business and reports of local and general committees and legislative boards.

8. Financial business.

9. New business.

10. Request for information of any sick or disabled brother or a brother's family in distress.

11. Reading of minutes for correction before closing in due form.

Rank of Officers

Section 2

(1) President
(2) Local Chairman
(3) Secretary-Treasurer
(4) Legislative Representative
(5) Guide
(6) Chaplain

Officers' Stations

Section 3.

Legislative Representative	Local Chairman	President	Secretary-Treasurer

NOTE: Positions of local chairman, legislative representative and secretary-treasurer may be transposed if desired.

Altar	Chaplain
Vice President	Guide

Form of Opening

Section 4. *[For sections governing duties of division officers, see appropriate sections of Statutes.]*

[The president before opening will remind all present to register.]

President - *[One (1) sound of gavel. Calls officers to their station and seats members.]*

President - *[One (1) sound of gavel]* Brother Guide, you will see that the door is properly guarded.

Guide - Brother President, the door is properly guarded.

President - *[One (1) sound of gavel]* Brother Guide, you will satisfy yourself that all present are members of the BLET.

[Guide will examine receipt stubs of all members present.]

[Should any member or a visiting member wish to be admitted to a division after the division is opened, the president will instruct

the guide to go to the anteroom for the purpose of examining him before allowing him to enter division room.]

Guide - Brother President, I am satisfied that all present are members of the Brotherhood.

President - *[Three (3) gavels]* Brothers, give your attention to our worthy chaplain.

Chaplain - Most merciful God! We adore Thee as the Creator of all things and the righteous governor of all beings, upon whom we are dependent for life and all its blessings, and without whose favor no human enterprise can prosper. In Thy name we assemble, most humbly beseeching Thee to bless us in all our undertakings and that our actions may tend to Thy glory and to our advancement in knowledge. And we beseech Thee to bless us in our present assembling and to illuminate our minds with Thy truth, that we may be fully able to understand and fulfill our solemn obligations to our brothers. May we practice Thy precepts that we may finally obtain Thy promise and find an entrance through the gates into Thy temple above. Amen.

All - So mote it be.

President - Brother Guide, you will open the Holy Bible.

President - Brothers, I now declare this division open for the transaction of business. *[One (1) gavel.]*

Form of Voting on Applications for Membership

Section 5. *[If present, applicants are excused from meeting room]*

President - We are about to vote on the application of _____ to become a member of this division. The membership committee will now give its report.

[Membership committee reports its findings on character, ability, habits and standing of applicant]

President - We are now prepared to vote. Shall _____ be granted membership in the division? All those in favor ... All those opposed ...

[If there are any opposed, they must state their objections for the record]

President - Brothers and sisters, the vote is _____ in favor and _____ against. The majority is [in favor of/against] granting membership. Therefore, you have [elected/not elected] _____ to become a member of this division.

Draping of Division Charter

Section 6. *[President calls up the division by three (3) strikes of the gavel.]*

President - It has been recorded that Brother _____, a member of this division since _____, has passed to the great beyond from whence no traveler ever returned.

Our brother has been a loyal member of this organization, and this division has lost a member whose presence will be missed in our association. In his home there will be a vacant chair.

We cherish the memory of our departed brother who has gone to the great beyond where someday we all must follow; therefore, as a token of the esteem in which he was held, our charter will be draped thirty (30) days in his memory.

Brother Guide, you will please drape the charter.

May we ever be mindful that although Brother _____ has de-

parted from our midst, we will remember him and our fellowship with him.

[President gives one (1) stroke of the gavel.]

Memorial Service

Section 7. The last Sunday in May of each year should be set aside and observed as Memorial Day, the day to be observed by all divisions, with appropriate services in memory of our deceased brothers.

Form of Closing

Section 8. *[The president, after the business of his division is finished, will call upon the officers in rank and inquire if they have anything to offer for the good of the Brotherhood. If they have nothing, he will proceed to close, reminding all present that have not already registered to do so.]*

President - If there is nothing further to bring before this division, we will proceed to close.

President - *[Three (3) sounds of the gavel]* Brothers, in closing, I wish to admonish you to be careful in your conversation with all persons, and not to discuss or divulge to any person what has transpired at this meeting except it be to a member of the BLET.

President - Give your attention to our worthy chaplain.

Chaplain - Grant us, O Lord, we humbly beseech Thee, Thy strength to resist temptation and Thy love and pity to all who suffer evil. Help us that we may live pure and holy in this earthly life. May heaven's richest blessings rest upon our beloved order, and when our life's work is ended, receive each one of us into everlasting life. This we ask of Jesus Christ, our Lord. Amen.

All - So mote it be.

President - Brother Guide, close the Holy Bible.

President - Brothers, I now declare this division closed until its next regular meeting except in case of an emergency, in which instance due and timely notice will be given.

President - *[One (1) sound of the gavel]*

Form of Initiation

Section 9. *[If there is a candidate for initiation, the secretary-treasurer will so report when called upon in the order of business; and when there is more than one (1) candidate, the plural instead of singular should be used in speaking to or of them, except when they are called by name with the prefix "Mr."]*

President - Brother Secretary-Treasurer, has Mr. _____ been proposed and elected to become a member of this division in due form?

Secretary-Treasurer - He has.

President - Then, Brother Guide, you will proceed to the anteroom and propound to the candidate the necessary questions.

[The guide proceeds to the anteroom.]

Guide - In becoming a member of the Brotherhood of Locomotive Engineers and Trainmen, is it your desire to assist in protecting the welfare and best interests of your brother engineers?

Answer - It is.

[The guide then gives an alarm at the door and returns to division room to report.]

Guide - Brother President, the questions have been propounded and satisfactory answers received.

President - Then, Brother Guide, you will proceed to the anteroom and conduct Mr. _____ to the altar.

[The guide conducts the candidate to the altar.]

Guide - Brother President, I here present to you Mr. _____, a candidate for initiation.

[The President now addresses the candidate as follows:]

President - My friend, you have gained admission thus far into this division through the goodwill of the members of the BLET. Henceforth, your usefulness and preferment must depend solely upon your own exemplary conduct. Conscious as we are of our weakness and our entire dependence upon divine help, it is important, before any great undertaking, that we should first invoke the blessing of God; therefore, you will now be caused to kneel for the purpose of prayer.

[The guide now causes him to kneel on both knees with both hands resting on the Holy Bible. After the candidate is in position, the president calls up the division and says, "Give your attention to our worthy chaplain."]

Chaplain - O God, our Heavenly Father, we ask Thee to ever let Thy guiding Spirit be with this our friend and candidate, who now seeks admission to our order. Inspire him with Thy divine grace and help him so to act that he may bear honor to our calling and be a blessing to himself and the fraternity. Amen.

All - So mote it be.

[The president seats the division, then addresses the candidate and says:]

President - My friend, it will be necessary for you to take upon yourself a solemn obligation such as all members of the BLET have taken, whereby you bind yourself to keep secret all that will be communicated to you relative to this order. In this obligation, however, there is nothing that will in any manner interfere with your religious opinions or conflict with that duty which you owe to God, your family or yourself. With this assurance upon my part, are you willing to take such obligation?

Answer - I am.

[The president calls up the division with three (3) strokes of the gavel and administers obligation, as follows:]

President - Then, Mr. _____, you will pronounce your name in full and repeat after me: I, _____, of my own free will and accord ... in the presence of almighty God ... and these witnesses, ... *[press candidate's hand on the Bible]* do hereby and hereon ... most solemnly swear ... that I will never reveal ... any of the secrets of the BLET ... to any person or persons whomsoever, ... except I shall, upon examination, ... find him or them ... as lawfully entitled to the same ... as I am myself, ... and that I will aid and assist ... all worthy members of the BLET ... so far as their necessities may require ... and my abilities permit. ... That I will not knowingly wrong or defraud ... a division of the BLET ... or any individual member, by word or deed, ... neither will I permit the same ... to be done by others ... if in my power to prevent. ... That I will abide by and support the bylaws of this or any other division ... of which I may hereafter become a member, ... also the Constitution and Bylaws ... of the Brotherhood of Locomotive Engineers and Trainmen, ... under which all divisions are held ... together with the rules ... and regulations of the same. ... That I will not sign or circulate, ... or cause to be circulated, ... any paper, circular, petition, or document whatsoever, ... calculated to injure our organization. ... That I will not sever my connection with the organization ... except it be with the consent of the division ... and according to the laws governing the same. ... That under no circum-

stances ... will I be led or driven into ... violating this my solemn oath or obligation, ... lest I disgrace myself ... as a member of the BLET ... so help me God.

President - Brother Guide, as our brother is now bound to us by a strong tie, you will allow the brother to rise.

President - My Brother, you observe before you the Holy Bible. It is the emblem of our order, because upon it we obligate all who seek admission, and are found worthy. Within its sacred pages are found the fundamental principles which stand as the rules of our organization, namely, "Do unto others as you would that others should do unto you, and so fulfill the law."

[After completion of obligation, the president seats the division with one (1) stroke of the gavel.]

[The president then instructs the brother that to gain admittance after a division is in session he will give an alarm at the door, and when admitted by the guide, will take his seat. To retire from the room, he should, out of courtesy, ask permission from the president. The voting sign is the uplifted right hand. (It shall be optional with the division to present the new brother with a BLET pin.)]

President - You will now be conducted to the secretary-treasurer's station, where you will sign the division register.

[The guide conducts the brother to the secretary-treasurer's desk. After register is signed, the guide conducts brother to president's station to be instructed in the use and authority of the gavel. One (1) stroke calls the division to order and officers to their stations, also seats the division when standing. Two (2) strokes call up the officers only. Three (3) strokes call up the entire division.]

President - Now, my Brother, in behalf of Division ____, Brotherhood of Locomotive Engineers and Trainmen, it gives me plea-

sure to extend to you the right hand of fellowship, and with it the title of brother and privilege of a seat in this division.

Installation Services

Section 10. *[NOTE: Installation to take place as directed in the Local Division Rules. When the business of the division has progressed to "new business", installation of new officers shall next take place.]*

[All officers of divisions who have been duly elected shall be installed as per the Local Division Rules, except in cases of unavoidable absence. All officers elected at a regular election shall be duly installed before they enter upon the duties of their office.]

The following order must be observed in conducting the ceremonies of installation:

[The acting president shall open his division in due form and attend to the reading of the minutes of the previous meeting. He shall then appoint some member who shall act as master of ceremonies, and who will seat the newly elected officers in front of the president's station. The acting president will then appoint a past president, or, in the absence of a past president, some member of the division who shall proceed to duly install the new officers as they come in rank, commencing with the president.

When the acting president has made these appointments, he will deliver the Bible, charter, BLET Bylaws and gavel to the past president.

The master of ceremonies will collect all implements of office from each of the officers of the division and deposit the same at the president's station.

The acting officers will retain their places until the newly installed officers are conducted by the master of ceremonies to their respective stations and places.]

[NOTE: The secretary-treasurer will read the list of offices and the names of those elected thereto. The newly elected officers-to-be will then station themselves in an arc before the altar, following which the past president will ask each officer-to-be, in order of rank, if he is willing to discharge the duties of the office to which elected. Upon receiving satisfactory answers, he will then declare the officers duly installed to take office as provided in the Local Division Rules. Officers who have been held over need not be reinstalled. Newly elected officers unable to be present may be installed "in absentia."]

Division Nominations

Section 11. *[See Section 7 – Local Division Rules]*

President - *[under new business]:* Brothers, it is now time to nominate members to fill the various offices which will be vacant at the first meeting in January. Nominations are now in order for the office of president.

[Any member of the division in good standing may offer the name of any brother who is in good standing and who is eligible for election as president. Any member who is in good standing may rise and, after obtaining the recognition of the chair, say: "Brother President, I nominate Brother _____ for the office of president." A second to this nomination is necessary.]

President - Brother Secretary-Treasurer, is Brother _____ eligible?

[If the secretary-treasurer replies in the affirmative, the brother whose name has been suggested is eligible for nomination. After all the brothers have been given an opportunity to suggest the name of the brother they wish for president, the presiding officer says:]

President - Brothers, if there are no further nominations, we will now close the nominations for president and proceed to nominate candidates for the office of vice president.

[If there is only one nomination for an office, the presiding officer declares the candidate elected by acclamation.]

[Proceed in like manner until nominations have been made for all the offices of the division.]

President - Having received nominations for all offices of the division in due form, I herewith declare all nominations closed.

Resolutions Adopted by the International Brotherhood of Locomotive Engineers [Modified to conform with BLET Bylaws, January 1, 2004]

Section 12.

WHEREAS, It is evident that the success of any measure which may be calculated to advance the true interests of members united in any division of the BLET must result in the welfare and prosperity of the entire organization, and that defeat may involve the partial and perhaps complete demoralization of such division, and possibly exert an injurious influence over all other divisions in their vicinity, and incur the distrust of the community as to the permanence of our institution and the justness of our intentions; and,

WHEREAS, Cooperation with and dependence upon one another under such circumstances is among the fundamental principles of this organization; and,

WHEREAS, We recognize the undeniable right of each and every division to adopt such rules and take such action as they may deem proper, so long as they are not subversive of the principles of the Bylaws and opposed to the interests of the BLET as a body;

1. RESOLVED, That the officers and members of divisions are hereby strictly prohibited from holding frequent or continued discussion in regard to the private affairs of any division or divisions of the BLET, except at meetings of their respective divisions, under penalty of suspension.

2. RESOLVED, That should any member of the BLET disclose in any way or form whatever, to any person or persons not members of the BLET, any of the proceedings of the division to which he belongs or of any other division, or any plan, project, proposition, or private matter of whatever nature concerning the BLET at large, and which, if made public, would be calculated to injure in the slightest degree the best interests of the BLET, he shall be served with written specific charges, given a reasonable time to prepare a defense and afforded a full and fair hearing; and if convicted, he shall be considered as having violated his obligation by thus betraying the secrets of the BLET and shall be ignominiously suspended from the division; and his name, together with the cause of his suspension, shall be forwarded to the National Office. Any member thus suspended shall not be eligible for membership in the BLET until after a period of five (5) years from the date of his suspension, when he may be reinstated by a two-thirds (2/3) vote of all the members present at a regular meeting of the division from which he was suspended. The application for reinstatement must lay over two (2) regular meetings.

3. RESOLVED, That the entire organization is hereby warned against the insidious approaches of any and all enemies of the organization and the machinations of capital and its agents, who are now using and will continue to use all the power and influence of centralized wealth with a purpose of dividing our councils and, if possible, destroying our organization.

4. RESOLVED, That the members of the BLET are hereby enjoined to keep their own counsel and to bear in mind their duties and obligations to one another, as set forth in the Bylaws, and remember that in this bond of union lies our great anchor of hope for present and future prosperity.

5. RESOLVED, That any copy of the Bylaws or other document, not published under the control and supervision of the Executive Committee of the National Division, shall have no value and will not be recognized by any division.

6. RESOLVED, That any member of the BLET running on any road connecting with or adjacent to any road where trouble exists between the company and its employees is hereby enjoined from participating in any act that would tend to bring disgrace upon the BLET or involve anyone in a criminal prosecution under penalty of suspension. But no member is expected to try to perform his usual duties whenever he may in any manner subject himself to any bodily injury, bearing in mind that it is the privilege of any member to quit work whenever in his judgment circumstances may require it.

7. RESOLVED, That when a member is discharged by a railroad company and is re-employed with a new seniority date within six (6) months, and circumstances show that the penalty was excessive, any brother objecting to his reinstatement to his former rights (providing the company and GCA. are willing to reinstate said engineer to his former position) shall be considered guilty of having violated his obligation, and may be proceeded against by the division of which he is a member.

8. RESOLVED, That in the event of the discharge or removal from his engine or run of any member of any committee who has been so discharged or removed for serving on the same, the division or divisions shall demand his reinstatement, and in the event of the officials of the road where he is employed refusing to accede to such a demand, shall make an issue with said company if sustained by the National President.

9. RESOLVED, That these resolutions shall be recognized as possessing equal value of all other laws of the BLET and shall have all the binding force and consequence of any article, section

or rule of the Bylaws; and the officers and members of the divisions now organized, or which may be hereafter organized, are instructed and hereby required to observe and enforce all of their terms and conditions. These resolutions must be kept among the private papers of each division and must in no case be subject to inspection of any person or persons not members of the BLET.

Resolutions
Adopted by the International Brotherhood of Locomotive Engineers
Sixth Quinquennial Convention
[Modified to conform with BLET Bylaws, January 1, 2004]

Section 13.

1. RESOLVED, that it shall be the policy of the BLET to urge each GCA to negotiate an agreement with its management providing that any individual holding seniority and/or working in any craft represented by the BLET, who has been or subsequently is promoted to an official position or to the work in another craft on the carrier, which is represented by another organization, will no longer continue to accumulate seniority in any craft represented by the BLET unless such individual pays a seniority maintenance fee (equivalent to full monthly dues) to the BLET. It is the sense of the organization that any individual failing to pay the seniority maintenance fee while working in an official position or a craft not represented by the BLET will not accumulate additional seniority on any seniority roster(s) of the craft(s) represented by BLET where the individual's name may appear, and thus will fall below persons continuing to accumulate seniority.

2. WHEREAS the BLET only meets once every four years carrying on the business of the organization, and whereas democracy in its purest form is slow and tedious but must be done correctly to satisfy the laws governing us and insure justice to all; therefore, let it be RESOLVED that at every ND convention the services of a professional parliamentarian be utilized.

3. Whereas the submitters of this resolution feel that the present system and procedures used outside the governing body of the BLET to draft candidates for office within the organization are inefficient and do not serve us well; therefore, let it be RESOLVED that the National President appoint a committee of twelve to resolve this problem and write a formal policy to be adopted and used at future conventions.

Committee of Twelve recommendations as adopted at the 2001, Seventh Quinquennial Convention, are as follows:

• Nominations for offices shall be on the first day (Monday) of convention week.
• Election of officers shall be no earlier than the third day (Wednesday) of convention week.

Caucuses

• Caucuses shall be limited to the Eastern, Southeastern and Western Caucuses.
• Regional caucuses shall meet at 8 PM on the day prior to the convention (Sunday.) Delegates are encouraged to make travel arrangements to arrive in time to attend this session.
• Delegates shall meet in joint session on the first and second days during convention week, beginning at 6:30 PM to hear from candidates.

NOTE: Regional Caucus Chairmen shall meet prior to the first joint session to establish a fair and equitable caucus agenda. It is the recommendation of the Committee that each candidate be allowed five (5) minutes for an opening speech and that no less than ten (10) minutes multiplied by the number of candidates be allowed for each position for a question and answer session. This recommendation is based upon the number of candidates running for office at the 7th Quinquennial Convention.

• First day joint caucus beginning 6:30 PM (See Rule 4 (b))

• Second day joint caucus beginning 6:30 PM (See Rule 4 (b)).

• Regional caucuses may meet at times other than during joint sessions.

Rules for Joint Caucus Meeting

1) Moderator and timekeeper shall be elected from the regional caucus chairmen. Moderator shall not be a candidate for office.

2) Joint caucus meeting shall be open to all BLET members, but only delegates are allowed to participate in the question and answer session.

3) Questions must alternate between candidates. Answers are limited to one minute. All candidates shall be afforded the opportunity to respond to every question if they so desire.

4)(a) Speaking order of candidates for each position shall be determined by a random drawing.

(b) Agenda:

First day 6:30 PM: (All Delegates)
Candidates for International President
Candidates for First Vice President
Candidates for General Secretary-Treasurer
Candidates for Alternate General Secretary-Treasurer

Second day 6:30 PM: (All Delegates)
Candidates for Vice President
Candidates for all other Alternates

In order to maintain the integrity and fairness of this process, campaign speeches and questions and answers are prohibited in regional caucuses.

4. Let it be RESOLVED that all future concerted wage/rule settlements made pursuant to Section 6 of the Railway Labor Act as amended on the participating carriers of the National Carriers Conference Committee reflect that all compensation be paid in U.S. currency

5. RESOLVED, that the National Division is requested to make any changes necessary to provide leadership in using electronic media whenever and wherever possible, especially where the use would be more cost effective.

Resolutions
Adopted by the International Brotherhood of Locomotive Engineers
Seventh Quinquennial Convention
[Modified to conform with BLET Bylaws, January 1, 2004]

Section 14.

WHEREAS, the GIA to BLET is an organization made up of the spouses and families of members who provide behind the scenes activities which further the causes of the BLET both on local and national levels; and

WHEREAS, the GIA to BLET has changed its direction over the years and become more involved with quality of life, safety, and legislative issues pertaining to the welfare of BLET members; and

WHEREAS, the GIA to BLET has become a formidable force to be reckoned with in dealing with the carriers, and local, state and federal legislative bodies on issues important to the members of the BLET; and

WHEREAS, the GIA to BLET spends significant amounts of the resources working to improve the lives of the members and the BLET; and

WHEREAS, providing financial assistance to the GIA to BLET would greatly enhance the outstanding work the organization does, and allow them to increase their influence in their various pursuits on behalf of the members of the BLET;

THEREFORE, BE IT RESOLVED, that the BLET will provide funding in the minimum amount of $25,000 per year to the GIA for the purpose of offsetting the spiraling costs associated with the necessary and reasonable expenses incurred in its support of the BLET and its concerns. The funding will be derived from National Legislative Board funds that can be used at the discretion of the National Legislative Board as outlined in National Legislative Board, Section 1(b), Legislative Board Rules.

Resolutions
Adopted by the Brotherhood of
Locomotive Engineers and Trainmen
First Quadrennial Convention

Section 15

WHEREAS, the Department of Energy has approved the use of dedicated trains and the nations railroads will soon be transporting large quantities of spent nuclear fuel and high level radioactive waste to storage facilities in Utah and Nevada; and

WHEREAS, there will be a potentially high risk of radioactive exposure of BLET members, and

WHEREAS, the nations railroads do not have a Radiation Protection Program in place to protect BLET members;

THEREFORE, BE IT RESOLVED, that the National Division of the BLET, with the advice of the BLET Radiation Safety Officer, will endeavor to ensure that BLET members receive the training, equipment, and Radiation Protection Program necessary to keep radiation exposure to a minimum.

BE IT FURTHER RESOLVED, that the BLET Radiation Safety Officer, at the direction of the National President, will attend Department of Energy TEC meetings and regional meetings, and participate in discussions pertaining to our safety and security concerns with the rail transportation of Spent Nuclear Fuel (SNF) and High Level Radioactive Waste (HLW).

Section 16

WHEREAS, the railroads in the United States and Canada that travel through North America, and;

WHEREAS, the operation of Class 1, Class 2, and short-line railroads include the shipment of radioactive waste, and;

WHEREAS, the shipments of this waste poses a serious health hazard to the public and all railroad employees, and;

WHEREAS, these dangerous materials are subject to uncontrolled releases and spillage when railroad cars carrying radioactive waste are ruptured in derailments or collisions with other rolling stock, and;

WHEREAS, heretofore, all railroads have failed to provide their employees and local first responders with adequate training and appropriate monitoring equipment to ensure safe operations of these trains, and;

THEREFORE,

BE IT RESOLVED, that the Brotherhood of Locomotive Engineers and Trainmen, a division of the Rail Conference of the International Brotherhood of Teamsters, hereby urges the U.S. Congress to immediately secure federal funding earmarked for the U.S. Department of Transportation and Department of Homeland Security to be used to fund training, education and public awareness programs for railroad employees and the general public.

THIS SECTION, entitled "Merger Agreement," comprises the Merger Agreement between the International Brotherhood of Locomotive Engineers and the International Brotherhood of Teamsters, resulting in the formation of the BLET.

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. Hucker (TCRC Vice President; IBLE Vice President and National Legislative Representative, Canada); R. Dyon (TCRC Secretary-Treasurer; IBLE 1st Alternate Vice President, Canada); D.C. Curtis (TCRC Recording Secretary; IBLE 2nd Alternate Vice President, Canada); M.A. Wheten (TCRC Trustee; IBLE 3rd 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 capitas 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 delegates 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, though 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.

N=National Division Rules L=Local Division Rules
G=General Committee Rules L=Legislative Board Rules R=Ritual
1R=Rules of Order, ND 2R=Rules of Order-Divisions, GCAs & LBs

NOTE: Entries are linked to the first paragraph discussing the subject. The coverage of the subject may not be limited to the paragraph given, and may continue in the next paragraph, or even the next section.

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