

CONSTITUTION

&

BY-LAWS

of the

TRANSPORT WORKERS UNION

LOCAL 106

TRANSIT SUPERVISORS ORGANIZATION



Affiliated July 13, 1998

5768 Mosholu Ave Bronx, NY 10471

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www.twu106.org

MEMBERSHIP PLEDGE
of the
TRANSPORT WORKERS UNION
LOCAL 106
TRANSIT
SUPERVISORS ORGANIZATION

To be administered to new members at a Local membership meeting upon their acceptance into the Transport Workers Union Local 106 - Transit Supervisors Organization.

I solemnly pledge on my honor to abide by the Constitution of By-Laws of the Transport Workers Union Local 106 - Transit Supervisors Organization: to discharge all my duties and obligations faithfully; not make known any private business of the Local, and to conduct myself at all times as becomes a member of this Local.

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of the
TRANSPORT WORKERS UNION
LOCAL 106**

Affiliated July 13, 1998

**TRANSIT SUPERVISORS
ORGANIZATION**

Founded August 1954

Philip Valenti

President

Past Presidents:

Vincent Modafferi - 2010-2022

Robert F. Romaine 1997-2010

Michael Collins 1976-1997

James F. Rahilly 1973-1976

Andrew G. Young 1973 - Founding

This is the complete text of the Constitution and By-laws as originally adopted in October 1954 and as further amended:

April 1967	June 1976	February 1979	November 1995
November 1970	February 1977	December 1980	December 1995
March 1971	June 1977	March 1981	June 2016
March 1972	December 1977	June 1987	November 2023
January 1976	April 1978	February 1991	June 2024

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Article I

Name

This organization shall be known as Transport Workers Union Local 106 - Transit Supervisors Organization, herein also referred to as the Local.

Article II

Objects

The objects of the Local shall be to unite all supervisors engaged in the transportation and allied industries for the following purposes:

- a) To establish through collective bargaining adequate wage standards and retirement benefits, shorter hours of work, and improvements in conditions of employment.
- b) To promote legislation and to engage in such other activities as may be deemed necessary or advisable to preserve and advance the economic security and social welfare of the members and their families.
- c) To organize all unrepresented supervisors in the transportation and allied industries.

Article III

Membership and Applications

All supervisors engaged in the transportation industry and related fields are eligible for membership in and subject to the provisions of this Constitution without regard to race, religion, color, creed, sex or national origin.

- a) Application for membership must be filled out and signed by the applicant on the form prescribed by the Local. Any eligible applicant who signs and delivers to an authorized representative of the Local a proper dues deduction authorization card shall be considered in good standing regardless of when in a particular month his/her dues for such

month are deducted, or when his/her dues are paid over to the Local, as set forth in the TWU International Constitution.

- b) Active members: A covered supervisor shall, upon payment of all financial obligations, or the signing of a proper dues deduction authorization card, become an active member of the Local with all the rights, privileges, and obligations set forth herein and in the TWU International Constitution.
- c) However, every applicant for membership in the Local shall be subject to review and acceptance by the Executive Council at its next meeting following receipt of application.

Article IV

Local Officers

The Officers of this Local shall be:

- President/Convention Delegate
- Vice President¹/Convention Delegate
- Secretary-Treasurer/Convention Delegate
- Local Recording Secretary/ Convention Delegate

Once elected, the President, Vice President, Secretary-Treasurer and Local Recording Secretary shall serve ex officio as delegates to the International Convention.

Local Units

MaBSTOA – Transportation Operating Unit consisting of:

- a) Surface Line Dispatchers
- b) Transit Support Coordinators Level I
- c) Transit Support Coordinators Level II

MaBSTOA – Maintenance Operating Unit consisting of:

- a) Maintenance Line Supervisors
- b) Plant & Equipment Supervisors
- c) Storeroom Supervisors
- d) Revenue Equipment Supervisors
- e) Property Protection Supervisors
- f) Coin Retriever Technicians
- g) Coin Retriever Technician - Leader

1 The Vice President shall be elected by the Executive Council at the first Executive Council Meeting following the General Elections. Once appointed, the term of office shall expire on the same date as all other elected officer positions.

New York City Transit Authority – Queens Division consisting of:

- a) Surface Line Dispatchers
- b) Maintenance Line Supervisors

New York City Transit Authority – Subway Maintenance and Stations Unit consisting of:

- a) Maintenance Supervisors Level II
- b) Station Supervisors Level II

MTA Bus – Transportation Unit consisting of:

- a) Surface Line Dispatchers

MTA Bus – Maintenance Unit consisting of:

- a) Maintenance Line Supervisors
- b) Storeroom Supervisors
- c) Plant & Equipment Supervisors
- d) Revenue Equipment Supervisors

Article V

Units Officers and Duties

- a) Each Unit shall have a Chairperson/Convention Delegate², Vice Chairperson and Recording Secretary, except the Coin Retriever Technicians shall be represented by the MaBSTOA Maintenance Unit, the Transit Support Coordinators shall be represented by the MaBSTOA Transportation Unit, and the Station Supervisors II shall be represented by the Maintenance Supervisors II, which shall constitute the Unit Committee which, between meetings of the Unit, shall administer the affairs of the Unit.
- b) Units may be established by the Executive Council where effective representation of the membership makes it desirable.
- c) Meeting minutes and attendance must be kept of all Unit

2 Once the International Union establishes the number of delegates the Local is granted to the International Convention, the Executive Council will designate any additional Convention delegates from amongst the elected Unit Chairpersons, based on the number of members represented by such Chairpersons. Once appointed, the delegate's term of office shall expire on the same date as all other elected officer positions.

meetings, even if a quorum is not present. The Unit Recording Secretary shall keep the attendance and Unit meeting minutes in the Unit sign-in books, a copy of which shall be filed with the Local's Recording Secretary within 48 hours of the meeting.

- d) Failure to keep minutes and properly maintain attendance records shall be grounds for removal of the Unit Recording Secretary.
- e) The Unit Chairperson shall be responsible for assuring that all supervisors working in his/her Unit's jurisdiction are Local members and that all documents needed to collect dues from those members have been properly executed and forwarded to the Local's Secretary-Treasurer.
- f) Unless for good and sufficient reason, all Unit Officers shall be required, as a duty of their office, to attend at least fifty percent (50%) of Unit meetings held during any twelve (12) month period. Failure to do so shall be grounds for suspension from and removal from office.
- g) The Chairperson of each Unit shall file with the Local Recording Secretary, and keep up to date, the names, addresses and telephone numbers of the Shop Stewards in his/her Unit.
- h) The Chairperson of each Unit will be responsible for conducting Shop Steward Elections in his/her Unit in accordance with the Local Policy on Shop Steward Elections.

Article VI

Executive Council

The Executive Council shall be the supreme governing body in the Local, except any action, decision, or rule of the Executive Council may be amended or reversed upon petition signed by fifty percent (50%) of the members in good standing requesting a vote of the general membership to amend or reverse. A two-thirds (2/3) vote of those voting shall be required to amend or reverse.

The Executive Council shall consist of the Local Officers elected and the Unit Chairpersons elected and as further provided below:

- a) The members of the Executive Council shall consist of a balance of one (1) Executive Council member for each one hundred (100) members or fraction thereof, up to a maximum of three (3) Executive Council members in each unit of the Local.
- b) The Unit Chairperson shall represent the first one hundred (100) members thereof in his/her Unit.
- c) On April 1st of each year, the Executive Council will determine the number of Executive Council members (as specified in (a) above) for each Unit based on the Unit's previous year's monthly average membership.
- d) In the event the Executive Council as elected under this article reflects an imbalance, in that any Unit does not have one (1) Executive Council member for each one hundred (100) members or fraction thereof, up to a maximum of three (3) Executive Council members per unit, or has more than one (1) Executive Council member for each one hundred (100) members or fraction thereof for the Unit, the Executive Council shall appoint or remove an Executive Council member to or from the Executive Council as necessary to balance its representation on the Executive Council.
- e) The Executive Council shall only designate an elected Officer from the Unit where an imbalance exists.
- f) Once established (as per (c) above), the number of Executive Council members per Unit will not change until April 1st of the following year.
- g) In cases of long-term absence in the office of Unit Chairperson, the Vice-Chairperson of the Unit involved shall replace the Chairperson (member of the Executive Council).
- h) All newly sworn officers will be given copies of all the Locals Policies.

Article VII

Executive Committee

The Executive Committee shall consist of the Local Officers and the Unit Chairpersons and between meetings of the Executive

Council shall be charged with the responsibility of carrying out and effectuating the policies and decisions of the Executive Council.

Article VIII

Vacancies

In the event a permanent vacancy occurs in the office of the President for any reason, the Vice President shall succeed to the position of President for the remainder of the term; the vacancy shall then be in the title of Vice President. In the event of long-term absence or the disability of the President, the Vice President shall perform the duties of the President. In the event a permanent vacancy occurs in the office of Vice President, Secretary-Treasurer or Local Recording Secretary, the same shall be filled for the remainder of the term by the Executive Council from amongst the current Executive Council members. Except as otherwise provided, when a vacancy occurs in any Unit Officer position, such position shall be filled as follows:

- a) When a permanent vacancy occurs in the office of Unit Chairperson, the Vice-Chairperson of the Unit involved shall replace the Chairperson (member of the Executive Council) and the vacancy shall be in the office of the Unit Vice Chairperson.
- b) Where a vacancy exists in the office of Unit Vice Chairperson and/or Unit Recording Secretary:
 - i. For three-fourths (3/4) or more of the elected term of office, the vacancy shall be filled for the remainder of the term by election within such Unit.
 - ii. When the term of the vacancy is less than three-fourths (3/4) of the elected term of office, the vacancy shall be filled by appointment of the Executive Council.
- c) During the term of office, any Officer who applies for any non-bargaining unit position shall be deemed to have resigned from his/her Local position effective immediately.

Article IX

General Elections

- a) All Officers and Executive Council members shall be elected every four (4) years, in a secret mail ballot election. The elections shall be conducted by an independent third party election balloting organization, on a day fixed by the Executive Council in the first two weeks in March and shall give notice thereof to the membership of the Local at least five (5) days prior to the election.
- b) On or before the first day of January of the calendar year during which the terms of the office of all Officers and the Executive Council members shall expire, the Executive Council shall appoint and designate a Chairperson and two additional members, no two of whom shall be from the same Unit and none of whom shall be a candidate for office in the election, to the Elections Committee. The Elections Committee shall promptly meet and draw up proposed rules and regulations to govern nominations and elections and shall report back to the Executive Council at a meeting held on the first Friday of February. The Executive Council shall review the rules and regulations proposed by the Elections Committee and shall have the right to reject any rules or regulations that they deem to violate any provisions of the Local or International's Constitution and By-laws.
- c) The Elections Committee shall pass on the eligibility of all voters and candidates, shall have full charge of the conduct of the elections, and shall have the authority to settle any and all disputes arising in connection with the election. A member in good standing, pursuant to Article XIII of the International's Constitution and who would otherwise be eligible to be a candidate for office shall not be deemed ineligible to run for office by the Elections Committee.
- d) Any member in good standing who believes he/she has been improperly denied the opportunity to be a candidate for an elective office or position may file a complaint to the Executive Council no later than fifteen (15) day after receiving such notice.
- e) The newly elected Officers and Executive Council members, certified by the Elections Committee and taking the Oath of

Office as prescribed by the International Constitution, shall assume office on the first day of April preceding such election.

Article X

Nominations

- a) The Elections Committee will conduct nominations for all Officers and Executive Council members at a General Membership meeting of the Local, on a date set by the Executive Council, in February of the calendar year during which the terms of the office of all Officers and the Executive Council members shall expire. Nominations for all Officers and Executive Council members at such General Membership meeting shall be made and seconded by a member or members in good standing.
- b) Unit Officers shall be nominated by only the members in good standing from within that particular Unit.
- c) A member in good standing can nominate themselves or second their own nomination. Any member whose nomination is made must be present to accept the nomination or must file an acceptance by letter within five (5) days of nomination.
- d) No member shall accept nomination for more than one office at the same time.

Article XI

Eligibility

- a) To be eligible for nomination to office, members must have been in continuous good standing for at least one (1) year at the time of nomination and must have attended fifty percent (50%) of a combination of his/her Unit and/or General Membership meetings held during the twelve (12) months immediately preceding the month of their nomination. This section shall not apply to a member of any group or groups which may become eligible for membership in the Local, for any reason, less than one (1) year prior to such nomination and election, in such case to be eligible for nomination and election a member

shall have been in continuous good standing from the date of his/her admission to membership in the Local.

- b) In the event that a position(s) is open and there are no members eligible to run for that position(s), due to the fact that no one nominated to such position has the required meetings (above), in this instance ONLY the meeting requirements will be waived for such position(s).
- c) A member who has an application pending for a managerial non-bargaining unit position or who is serving in such a capacity for any employer which has a collective bargaining agreement with the Local, even on an acting basis, shall not be eligible to be nominated to any office. This provision shall not apply to anyone who is in-voluntarily serving in such position.
- d) Any employees who are in confidential non-bargaining unit position or who are serving in such a capacity for any employer which has a collective bargaining agreement with the Local, even on an acting basis, shall not be eligible to be nominated to any office.
- e) All candidates for each office shall be shown on the ballot separate from the candidate for any other office and the ballot shall show no single slate or list of candidates for any group of officers.

Article XII

Meetings

- a) The Executive Council shall meet on the first Friday in the months of February, April, June, October, and December. Additional meetings may be called by the President, and must be called by him/her within five (5) days after the receipt of a petition signed by the majority of the members of the Executive Council.
- b) Units shall meet at least once every two (2) months, unless otherwise determined by the Unit Chairperson, except that all Units will dispense with regular meetings during July, August,

and September. Unit meetings shall be held at a location and at times which are convenient to members.

- c) General Membership, Ratification, and Special Meetings may be called by the President whenever necessary.
- d) All notices of meetings shall list the business to be discussed. Only action taken on the agenda as posted and mailed shall be binding on the membership.
- e) A quorum of ten (10) members must be present at the meeting in order to constitute business of the Local.
- f) Unless for good and sufficient reason, all Local Officers shall be required, as a duty of their office, to attend at least fifty percent (50%) of the General Membership and Executive Council meetings held during any twelve (12) month period. Failure to do so shall be grounds for suspension from and removal from office.
- g) A member who is unable to attend any meeting because of the requirement of his/her job, illness, vacation or disability and gave notice in writing to the Local President of the reason for their absence before the meeting or within thirty (30) days thereafter, such absence shall be treated as an attendance at the meeting.
- h) Robert's Rules of Order shall be the authority on all points not covered by the Constitution, including all questions of parliamentary procedure.

Article XIII

Duties of Local Officers

President

He/she shall preside at all meetings of the Local and Executive Council. He/she shall countersign all checks issued by the Secretary-Treasurer against accounts of the Local on authorization of the Executive Council. He/she shall enforce the provisions of

this Constitution. He/she shall appoint all Committees, except as otherwise provided. He/she shall perform such other duties as the Executive Council may assign to him/her, and he/she shall adhere to all decisions and directions of, and be subject to, the Executive Council. He/she shall be ex officio delegate to the Convention of the International Union and of all organizations to which the Local is affiliated. He/she shall be responsible for the efficient conduct of the affairs of the Local, and the compliance by his/her fellow Officers with their obligations under the Local Constitution. He/she shall negotiate and sign all contracts involving the Local. He/she shall be Chairperson of the Local's Political Education and Organizing Committees.

Except as otherwise provided, the President, subject to the approval of the Executive Council, shall have the authority to appoint, direct, suspend, or remove such employees as he may deem necessary and shall fix their compensation.

Vice- President

The Vice President shall assist the President in the discharge of his/her duties, and during his/her absence shall perform the duties of the President.

Local Recording Secretary

The Local Recording Secretary shall:

- a) Keep correct minutes of all meetings of the Executive Council, General Membership and Special meetings of the Local and upon approval of previous meeting minutes he/she shall enter them into the minutes book of the Local which will be transcribed into the official format and approved by the Executive Council at the next Executive Council meeting. Once approved by the Executive Council the transcribed minutes shall be part of the permanent record.
- b) Maintain attendance records of all Executive Council meetings and shall maintain a record of votes of the Executive Council on all matters where the vote is not unanimous.

- c) Send out notices and correspondence that may be required by the Local.
- d) Have the responsibility for maintaining a complete and accurate membership database showing the number of members, to whom the Local counts as in good standing and notify all delinquent members, keeping a record of such notices and ensure that the Local is receiving the correct dues from all MTA Agency employers.
- e) Perform such other duties as are prescribed by this Constitution or by the Executive Council.

Secretary-Treasurer

The Secretary-Treasurer shall:

- a) Deposit all monies received in the name of the Local in such bank or depository account(s) as the Executive Council may direct and countersign all checks issued against accounts of the Local on authorization of the Executive Council.
- b) At the beginning of each calendar year, shall prepare an estimated budget for the Local. The budget shall be itemized showing clearly and simply the intended expenditures and anticipated income and shall report budgeted estimates compared to actual income and expenditures of the Local to the Executive Council.
- c) Keep regular books and records of the Local finances and shall submit same for inspection and audit at the end of each quarter to the Executive Council. He/she shall make such detailed financial reports as the Executive Council may require from time to time.
- d) At each Executive Council meeting he/she shall report all monies received and paid out and the balances of all funds remaining on deposit and if further required by the Executive Council, produce all books, papers, vouchers, etc., relating to his/her office, that the Executive Council may deem necessary

to determine the correctness of his/her accounts or the actual cash at any time in his/her hands, but he/she shall not be obliged to part with their possessions unless he/she has been suspended or removed from office.

- e) Deliver to his/her successor all monies and other property of the Local.
- f) Be the Custodian of the Seal of the Local.

Article XIV

Finances and Union Funds

- a) The Local shall not be responsible, and no reimbursement shall be made, for any release time or expenses incurred in the name of the Local or of any Unit thereof, without approval of the President.
- b) The Local shall complete an audit of its books by an accredited certified public accountant at the end of each fiscal year. A copy of the completed audit will be distributed to the Executive Council.
- c) The funds of the Local may only be used in accordance with the terms of this Constitution solely for the benefit of the Local and may not be assigned or transferred prior to its dissolution to any other person or Local under any circumstances.
- d) All funds of the Local shall be drawn out of such accounts only by checks issued by the Local and co-signed by the President and Secretary-Treasurer.
- e) Before entering upon the discharge of their duties, the President and the Secretary-Treasurer shall give bond of any reputable fidelity or Guaranty Company, acceptable to the Executive Council of such amount as may be decided by the Executive Council. The premium of said bond shall be paid out of the funds of the Local.
- f) The Executive Council shall be authorized to provide for

pension payments by the Local covering the Officers and such fulltime representatives of the Local and such other fulltime employees of the Local as the Executive Council decides to cover individually or as a group.

Article XV

Salaries

Basic salary scale for Officers and representatives shall be as follows:

- a) The President's salary shall not exceed the highest contractual overtime cap of any group of members represented by the Local.
- b) Any Officer who is requested by the Executive Council to be released and/or assume full-time employment by the Local shall in no event receive less in pay and benefits than such officer receives as compensation on his/her job (which includes overtime that is part of his/her regular day's work).
- c) All Officers working under a CBA when on release and/or full-time duty with the Local shall be given a daily Stipend equal too 1hr at the highest rate of pay in the Local. Business use of personal vehicle will be included in daily the stipend.

Article XVI

Dues

- a) Each member shall pay dues to the Local equal to one percent (1%) of the Annual Base Salary which will include longevity payments which become part of Annual Base Salary, but such dues shall be subject to a minimum of \$14.40 biweekly. Base Salary shall not include additional holiday pay, shift differential, or overtime in any event for purposes of computing the one percent (1%) dues deduction which shall be paid on a biweekly basis.

- b) Newly appointed members may be required to pay an initiation fee of not less than fifty dollars (\$50) or more than two hundred dollars (\$200) upon application for membership being accepted by the Local.
- c) In accordance with the International Constitution and upon approval of the Executive Council, dues paying members shall be temporarily excused from paying dues for months in which, because of illness, injury or lay-off, he/she is prevented from earning wages (meaning that the member's earnings are less than sixty percent (60%) of his/her regular earnings). Members must apply for "dues exoneration" on a form prescribed by the Local and filed by the member with the Secretary-Treasurer prior to the time a dues payment is due.

Article XVII

Discipline

1. A charge by a member or members in good standing that a member or members have violated this Constitution or engaged in conduct unbecoming a member of the Local must be specifically set forth in writing and signed by the member or members making the charge. The charge must state the exact nature of the alleged offense or offenses and, if possible, the period of time during which the offense or offenses allegedly took place. Two (2) or more members may be jointly charged with having participated in the same act or acts charged as an offense or with having acted jointly in commission of such an offense and may be jointly tried.
2. Charges must be submitted to the Secretary-Treasurer of the Local within sixty (60) days of the time the complainant first became aware, or reasonably should have been aware, of the alleged offense, provided that, if the charges are against the Secretary-Treasurer, they shall be submitted to the President of the Local.
3. Upon charges being submitted, it is mandatory that a trial be held unless the charges are withdrawn by the accuser or considered by the Executive Council to be improper under this Article. Prior to the notification to a member that charges have been filed against him/her, the Executive Council shall review the charges and consider them improper if:

- a) The charges do not state the exact nature of the alleged offense as required by paragraph 1 of this Article.
 - b) The charges are untimely under paragraph 2 of this Article.
 - c) The act complained of does not sustain a charge of a violation of the Constitution or conduct unbecoming a member of the Local.
 - d) The charges involve a question which should be decided by the membership at a membership meeting and not by the trial procedure. If, pursuant to the above, the charges are determined to be improper, the charging member shall be so notified in writing. The Executive Council's decision may be appealed to the International Committee on Appeals.
4. A member against whom charges have been filed may be suspended pending trial from any elective or appointive office or position he/she may hold in his/her Local by a two-thirds (2/3) vote of the Executive Council.
5. The following enumerated acts are set forth as typifying conduct unbecoming a member of the Local. This enumeration shall not be construed to exclude from disciplinary action other forms of unbecoming conduct.
- a) No member shall violate any provision of this Constitution.
 - b) No member shall bypass the duly elected Unit Chairperson to handle their own or another's grievance.
 - c) No member shall obtain membership in the Local through fraudulent means or misrepresentation.
 - d) No member shall make known the internal affairs of the Local to non-members.
 - e) No member shall urge that any member or group of members bring action in a court of law against the Local or any of its Officers without first exhausting all remedies within the Local.

- f) No member shall advocate or attempt to bring about the withdrawal from the Local of any member or group of members.
- g) No member shall publish or circulate among the members false reports or representations concerning the Local or its Officers.
- h) No member shall act in a manner harmful to the interest and welfare the Local and its members.
- i) No member shall conduct themselves in the performance of their duties, or as a member of the Local, in such a manner as to place an unreasonable burden on their brother or sister members.
- j) No member shall use the name if the Local for any purpose without the consent of the Executive Council.
- k) No member shall work in the interest of, or accept membership in, any union or organization dual to the Local.
- l) No member shall be a member, or consistent supporter of, or active participant in, the interest of the communist party or any fascist, totalitarian or other subversive organization which oppose the democratic principles to which our Local is dedicated.
- m) No member shall use abusive language or disrupt the peace of any meeting in or out of any meeting place of the Local.
- n) No member shall attend or participate in any way in any union or organization which discusses or makes decisions on matters of policy directly related to, or part of, the internal affairs of this Local and which is not authorized by the TWU Local 106 - TSO Constitution.

Article XVIII

Trial of Members

1. In the event that the Executive Council decides that the charges warrant a trial, the Executive Council shall elect a Trial Committee of three (3) members in good standing and shall designate a member in good standing to present the charges before the Trial Committee. The members of the Trial Committee shall be selected by the Executive Council specifically for the trial of such charges and no Officer or member who is a party or directly interested in such charges shall act as member of the Trial Committee.
2. Promptly after the selection of the Trial Committee, the Secretary-Treasurer shall mail a copy of the charge, by registered mail, to the accused member at his/her last known address, together with a statement containing the names of the Trial Committee and the time and place of the hearing, which shall be not less than one (1) week nor more than four (4) weeks after the mailing of the notice. Such information shall also be given to the member or members who proffer charges.
3. The accused may challenge any member of the Trial Committee on the grounds that he/she is a party to or directly interested in such charges. The challenge must be made to the Executive Council within one (1) week after notification to the accused of the names of the Trial Committee. If the challenge is sustained, the Executive Council shall replace the challenged member of the Trial Committee and a new trial date set if necessary to afford the accused reasonable notice.
4. The accused shall have the right to be represented before the Trial Committee by any member of the Local in good standing. In the event that the accused fails to appear at the hearing at the time and place provided in the notice served upon him/her, and presents no acceptable excuse for absence, the hearing shall proceed with the same force and effect as if he/she were present.
5. Within seven (7) days after the conclusion of the hearing, the Trial Committee shall report its findings and recommendations to the Local Secretary-Treasurer.

6. The Executive Council shall take such action on the report of the Trial Committee as it may deem proper and, in the event the accused is found guilty of the charges preferred against him/her, shall impose such uniformly applied penalties as in its judgment it may deem fitting and proper and including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding four (4) years.
7. If any Officer of the Local is found guilty of charges preferred against him/her, the Executive Council may remove him/her from office in addition to any other uniformly applied penalty it may impose including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding four (4) years.
8. The decision of the Executive Council shall be communicated in writing, registered mail, by the Local Recording Secretary to the accused within seven (7) days after the meeting of the Executive Council.
9. A member who has been found guilty of charges preferred against him/her pursuant to this Article shall have the right to appeal to the International Committee on Appeals, provided that he/she files a notice of appeal with the International Secretary-Treasurer within fifteen (15) days after receipt of the decision of the Executive Council. The notice of appeal shall consist of:
 - a) A copy of the charges preferred against him/her;
 - b) A copy of the decision of the Executive Council; and
 - c) The appellant's statement of reasons why the decision of the Executive Council should be set aside or the penalty modified.
10. Any higher body to which an appeal from the decision of the Executive Council is made shall have the authority to affirm or reverse the decision, or to modify the decision, or to order a new trial.
11. A member, who is under suspension from membership, including a temporary suspension pending hearing or trial, shall be required to pay all dues during the period of suspension.

Article XIX

Suspension of Local Officers

Any Officer of the Local who fails or refuses to adhere to, or carry out, the instructions, directions, or decisions of the Executive Council or of the Local, or who acts in violation of the Constitution, may be suspended forthwith by a two thirds (2/3) vote of the Executive Council. Within five (5) days of such suspension, the suspended officer shall be given a written statement of the reasons for his/her suspension, and within fifteen (15) days thereafter, he/she shall be given the opportunity to appear and explain his/her conduct to such Executive Council. He/she shall have the right to call any member of the Local as a witness and shall have the right to cross-examine any witness or any member of the Local who speaks against him/her. A stenographic record shall be made of the proceedings of such hearing, a copy of which shall be furnished to the suspended Officer. Upon the conclusion of such hearing, the Executive Council shall decide whether the evidence warrants removal of the Officer and shall either reinstate the accused to his/her office or remove him/her from his/her office, or may take other appropriate action. The Officer thus removed may follow the appellate procedure set forth in Article XXII of the TWU International Union Constitution.

Article XX

Amendments

This Constitution may be amended by the Executive Council with the approval of the majority of the members at a General Membership meeting called for this purpose, or by the general membership upon the petition of fifty percent (50%) of the general membership and a two thirds (2/3) vote of the members voting, except for Article XXI, a). This Article can only be amended after a General Membership meeting was called for this purpose with (50%) of the ³ACTUAL membership in attendance and a two thirds (2/3) vote of the members voting to affirm the change.

Article XXI

Ratification

Any contract agreed to by the Local which contains provisions relating to wages and other terms of employment shall be subject to a ratification vote by the members of that bargaining Unit. Such vote shall be by secret ballot with a majority of members voting in the affirmation to ratify the contract.

- a) Traditional Medicare and Retiree Medical Benefits cannot be eliminated through bargaining for current retirees unless a General Membership meeting was called for this purpose with (50%) of the ⁴ACTUAL membership in attendance and a two thirds (2/3) vote of the members voting to affirm the change.

3, 4 *Actual Membership means the overall total number of members in the local. E.g. 1200 members, 600 must attend meeting and 2/3 vote to affirm change.*

OATH OF OFFICE

(For Installation of TWU Local 106 - Transit Supervisors Organization Officers)

I solemnly pledge on my honor to perform the duties of my office: to bear true and faithful allegiance to the Local and to its principles and objectives; to perform faithfully and to the best of my ability all of the duties and responsibilities assigned to me; to respect the trust conferred upon me by not divulging any confidential matters or proceedings of this Local; to deliver all books, records, papers, and other property at the end of my term to my successor in office; and to conduct myself at all times as becomes a member and officer of TWU Local 106 - Transit Supervisors Organization.

TRANSIT SUPERVISORS ORGANIZATION



TSO Founded August 1954



TWU Affiliated July 1998

Last Amendment Made on June 11, 2024

