

# NORTHEAST REGIONAL COUNCIL OF SMART

## BYLAWS

EFFECTIVE  
05/01/2021

These bylaws shall be effective on May 1, 2021 and the Regional Council shall come into existence and start operations on that date (“Effective Date”). These Bylaws shall be subordinate to the provisions of the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), AFL-CIO, (hereinafter called “the International” or “International Union”). In case of conflict between these provisions and the provisions of the Constitution, the latter shall govern. All questions and disputes concerning the meaning or application of these Bylaws shall be decided by the General President of the International Association, whose decision shall be final and binding.

### Article One (1) – Name

This organization is formed pursuant to Article 9 of the Constitution (2019) and shall be known as the Northeast Regional Council (Council) of SMART.

### Article Two (2) – Council Territory and Powers

#### Section 1 – Territory

**Sec. 1(a).** The Council shall be composed of Local Unions 17, 40, 63 and any Local Union which is added to the jurisdiction of the Council by the International Union’s General Executive Council. The territorial jurisdiction of the Council shall be the States of Connecticut excluding Fairfield County and Litchfield County with the exception of the open townships of Harwinton, Litchfield, Plymouth, Thomaston, Torrington and Watertown, CT, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont, and Fishers Island, NY. Territorial jurisdiction may be altered at any time by the General President in accordance with the International Constitution. All local unions of the International Union within the territorial jurisdiction of the Council shall come under the jurisdiction of the Council and shall be affiliated with the Council.

**Sec. 1(b).** The Council’s headquarters office shall be located in the Greater Boston area in the State of Massachusetts (“Headquarters Region”).

**Sec. 1(c).** A local union which becomes affiliated with the Council after its initial formation shall be bound by these Bylaws in their entirety and shall have all the rights and privileges thereunder including but not limited to representation on the Council’s Executive Committee.

**Sec. 1(d).** The Council shall be organized into two districts. The Eastern District will include

Massachusetts with the exception of Berkshire, Franklin, Hampden, Hampshire and Worcester counties, Rhode Island, New Hampshire, and Maine. The Western District will include the Massachusetts counties of Berkshire, Franklin, Hampden, Hampshire and Worcester (with the exception of Harvard and Lancaster townships), Vermont, Connecticut excluding Fairfield County and Litchfield County with the exception of the open townships of Harwinton, Litchfield, Plymouth, Thomaston, Torrington and Watertown, CT, and Fishers Island, NY. The President of the Council, with the approval of the Executive Committee and the General President, may alter the boundaries of these districts or add additional districts. The President shall divide each district into regions with the approval of the Executive Committee.

## **Section 2 – General Powers**

**Sec. 2(a).** The Council shall be the central governing body over and shall have legislative and executive powers on all matters relating to the general interest and welfare of affiliated Local Unions and their members. It shall have the power to collect and retain all dues, assessments, fines and other payments due from members of local unions which belong to the Council. All persons employed on matters within the jurisdiction of the Council, including Vice Presidents, Council Representatives and Organizers, shall be employees of the Council. No person shall be an employee of an affiliated Local Union. Furthermore, the Council shall have all other powers provided for in the Bylaws. All powers of the Council shall be exercised by its various officers according to the authority given to them in these Bylaws.

**Sec. 2(b).** The Council shall have the exclusive power and authority to negotiate, ratify and execute collective bargaining agreements for and on behalf of its affiliated Local Unions, except to the extent the International Union exercises its jurisdiction or authority. The method of collective bargaining ratification, which may include a vote of the membership, shall be decided by the Council. Furthermore, the Council shall have the authority to adopt rules and procedures governing the method of ratification.

**Sec. 2(c).** All “standing resolutions” previously adopted by affiliated local unions are hereby rescinded and will be replaced, to the extent deemed desirable, by resolutions of the Executive Committee.

## **Article Three (3) – Council Objectives**

The objectives of the Council are to further the objectives of the International Union; organize the unorganized; to bring about harmony and unity between Local Unions; to establish a minimum rate of wages in the Council; to enforce a code of working rules governing hours, wages, and other terms and conditions of employment; and to create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity for Union employers while, at the same time, insuring job security, safety, training and excellent wages and benefits for our members.

## **Article Four (4) – Officers**

### **Section 1 – Council Officers**

The Officers of the Council shall be: President, Financial Secretary-Treasurer, and members of

the Executive Committee. Local 17 shall be entitled to five Executive Committee members. Local 40 and Local 63 shall each be entitled to two Executive Committee members. Each local union affiliated with the Council shall be entitled to an additional Executive Committee member for each full 500 members in good standing over the number of members it had on the Effective Date. The initial officers shall be: President: Bob Butler; Financial Secretary-Treasurer/Recording Secretary: Russell Bartash; Executive Committee members: Paul Conners (Local 17), Jason Wright (Local 17), Pat McCormack (Local 17), Sean Langton-Hayward (Local 17), Mike Mathews (Local 17), John Nimmons (Local 40), Fred Descy (Local 40), Michael Lafleur (Local 63), Kyle Violatte (Local 63). The President and Financial Secretary-Treasurer must reside in the Headquarters Region when they assume office.

## **Section 2 – Council Office Elections**

**Sec. 2(a).** The officers of the Council shall be elected in June, 2024 and every three years thereafter. Elected officers shall take office on the July 1 following the election. The President and Financial Secretary-Treasurer shall be elected at large by the members of all the local unions affiliated with the Council. The members of the Executive Committee shall be elected by the members of the local unions of which they are members.

**Sec. 2(b).** Candidates for a Council office must be members in good standing of a local union affiliated with the Council for a period of at least two (2) consecutive years immediately preceding their nomination and election. They must also at the time of their nomination and election either (i) be working at the trade, (ii) be salaried officers or representatives of this Association, (iii) be salaried officers or representative of a local union or council, or (iv) be salaried officers or representatives of the AFL-CIO or an affiliate or subordinate unit of thereof.

**Sec. 2(c).** Nominations of candidates for any Council office shall be made in writing to the Financial-Secretary Treasurer in the form of a petition designed by the Financial-Secretary Treasurer and posted on the Council’s website as well as made available to any member upon request. Candidates for President or Financial-Secretary Treasurer must be nominated by at least 100 members in good standing from at least two-thirds of the local unions affiliated with the Council. Candidates for Executive Committee must be nominated by at least 25 members in good standing in their respective local unions. Nominating petitions with sufficient signatures must be submitted to the Financial-Secretary Treasurer no later than May 1 in the year when the election is held.

**Sec. 2(d).** When there is no contest for an officer position, the Financial-Secretary Treasurer shall declare the properly-nominated candidate(s) elected. The Financial-Secretary Treasurer shall be responsible for designing, printing and distributing the ballots for the election should balloting become necessary. The President may appoint an election committee from among members in good standing of the local unions affiliated with the Council to take charge of the election process.

## **Section 3 – Duties of the President**

**Sec. 3(a).** The President shall be responsible for the management and supervision of the field activities, business office(s), and for conducting the daily business of the Council. The President shall be the presiding officer at all meetings of the Executive Committee and general membership meetings of the Council but may delegate this responsibility to another officer.

**Sec. 3(b).** The President shall have the authority to appoint, hire, suspend, promote or

terminate Vice Presidents, Council Representatives and Organizers, provided that the Council shall employ David Roche from the Effective Date until July 1, 2021 as a Council Representative with the same compensation as he had immediately before the Effective Date. The President may appoint members of the Executive Committee to such positions but membership on the Executive Committee is not a condition or a guarantee of appointment. The President shall direct and supervise all employees including Vice Presidents, Council Representatives and Organizers in the performance of their duties. The President shall assign Vice Presidents to the districts and the Vice Presidents shall have responsibility for the Council Representatives and Organizers in their respective jurisdictions. The President may assign a Vice President to each of the regions which the Council establishes pursuant to Article Two, Section 1(d). The President shall exercise the union powers of appointment under the trust agreement for each fund sponsored by a local union affiliated with the Council, provided that the pattern of local representation prior to the formation of the Council shall be retained.

**Sec. 3(c).** The President with the approval of the General President of SMART may reduce or increase the number of Council Representatives and/or Organizers as financial conditions of the Council may dictate.

**Sec. 3(d).** The President shall have responsibility for negotiation of all collective bargaining agreements covering members of the Council.

**Sec. 3(e).** The President shall have the authority to hire, suspend, promote or terminate all clerical or custodial employees and determine their duties, assignments, compensation, hours of employment and conditions and to purchase and utilize such equipment and supplies as they deem necessary for the proper operation of Council offices.

**Sec. 3(f).** The President shall be responsible to the Council, the affiliated Local Unions, and the General President for results in organizing the jurisdiction of the Council, for establishing working relations with employers, and for protecting the jurisdiction of SMART.

**Sec. 3(g).** The President shall have exclusive responsibility for granting Resolution 78 relief.

**Sec. 3(h).** The President shall establish hiring hall procedures and shall receive members traveling from other jurisdictions.

**Sec. 3(i).** The President is authorized to make expenditures to pay salaries and benefits of Council employees and to purchase office equipment and supplies, to pay all obligations owed to the International Union, and to pay recurring expenses previously authorized by the Executive Committee.

**Sec. 3(j).** The President also is authorized to make such expenditures as they deem appropriate to promote and protect the interests of the membership, provided that any such expenditures exceeding \$10,000 must be approved in advance by the Executive Committee and provided that such expenditures are not prohibited by resolution adopted by the Executive Committee. All checks or electronic payments shall be co-signed by the President and the Financial Secretary-Treasurer or a member of the Finance Committee.

**Sec. 3(k).** The President shall serve as a trustee and appoint all labor trustees of jointly-administered trust funds where this power of appointment is given by the respective trust fund

documents.

**Sec. 3(l).** The President shall review with the Executive Committee of the Council all minutes of any trust funds with a copy of same to remain at the office of the Council.

**Sec. 3(m).** The President shall have the sole authority to hold a strike vote under Article 30, Section 3 of the SMART Constitution and to decide when to call a strike which has been duly declared. The President shall perform the obligation to notify the General Secretary-Treasurer as required by Article 30, Section 3(b) of the SMART Constitution.

**Sec. 3(n).** The President by virtue of office shall automatically be deemed an elected Delegate from the Council to the conventions of state building and construction trades councils, labor federations, and any other organizations' conferences or meetings with which the Council may participate or become affiliated.

**Sec. 3(o).** The President may delegate any of their authority to another officer or agent of this Council when they deem it necessary.

#### **Section 4 – Duties of the Financial Secretary-Treasurer/Recording Secretary**

**Sec. 4(a).** The Financial Secretary-Treasurer shall receive and record on official receipts all monies paid to the Council and keep a correct record in the membership dues ledger of the account, obligations and payments of each applicant for membership and member, issue official receipts in either electronic format approved by the General Secretary-Treasurer, or in printed triplicate form, in each instance when payments are made to them by applicants or members and no other form of a receipt shall be issued.

**Sec. 4(b).** All monies paid into the Council shall be deposited by the Financial Secretary-Treasurer in the name of the Council in such bank or banks as properly designated by the Executive Committee.

**Sec. 4(c).** The Financial Secretary-Treasurer shall furnish each Local Union with a copy of the quarterly financial report of the Council certified by the Finance Committee of the Council.

**Sec. 4(d).** The Financial Secretary-Treasurer shall maintain a current list of names and addresses of all members of all affiliated Local Unions, keep all documents and correspondence, issue all calls for a special meeting, keep a record of all charges, trials and fines, take charge of the seal of the Council and affix same to all official documents, sign all legal orders, keep a correct account between the Council and the Local Unions, and receive all monies paid to the Council. The Financial Secretary-Treasurer shall be responsible for keeping correct minutes of each meeting but may delegate the work of attending and recording what transpired at a meeting. The Financial Secretary-Treasurer shall be responsible for issuing transfer cards.

**Sec. 4(e).** The Financial Secretary-Treasurer shall furnish to each Local Union a correct record of each meeting of the Executive Committee.

**Sec. 4(f).** The Financial Secretary-Treasurer shall take charge of all the ballots cast in any election of the Council and shall preserve said ballots and other records relating to the election for a period of one (1) year after the election date, and shall report the results of the election to

the General Secretary-Treasurer.

### **Section 5 – Duties of Vice Presidents**

If appointed, the Vice Presidents shall assist the President in the discharge of the President's duties as directed by the President and shall be responsible for implementation of the Council's program within the Vice President's district, and shall preside at membership meetings in their respective districts. Area meetings within districts may be held with the consent of the President who shall designate the person to preside. Any meeting may be held by teleconference with the consent of the President.

### **Section 6 – Executive Committee**

**Sec. 6(a).** The Executive Committee shall consist of the President, the Financial Secretary-Treasurer and the members elected by each local union affiliated with the Council. Each member of the Executive Committee must remain a member in good standing of a local union affiliated with the Council as a condition of continued service on the Committee.

**Sec. 6(b).** The Executive Committee shall meet at least once each calendar quarter on a date and at a place and time determined by the President. The President may call additional meetings but is not required to do so. The President shall give all members of the Executive Committee at least 15 days advance notice of each meeting. Meetings may be held by teleconference with the consent of a two-thirds majority of the Executive Committee. The Executive Committee shall act by majority vote. Vice Presidents who are not Executive Committee members may attend Executive Committee meetings and shall have the same rights to speak on business before the Committee, except when the Committee takes up personnel matters affecting them and then only at the invitation of the Committee, but may not vote on any matter. The Executive Committee shall set the compensation for all employees of the Council, including the President and the Financial Secretary-Treasurer, provided that no member of the Executive Committee may vote on their own compensation except policies applicable equally to all officers or employees. The Executive Committee shall approve any purchases, sales or long-term leases of real property.

### **Section 7 – Finance Committee**

**Sec. 7(a).** The Finance Committee shall consist of four members of the Executive Committee elected by the Executive Committee at its first regular quarterly meeting each year, with at least one member from each affiliated local union and no more than two from the same local union. The President and the Financial Secretary-Treasurer may not be on the Finance Committee.

**Sec. 7(b).** The Finance Committee shall monitor all funds and properties of the Council subject to such instructions from the Executive Committee as they may receive from time to time. The Finance Committee shall audit all books and accounts of the President at least monthly and report their findings to the Council and perform such other duties as the Council may require. The Finance Committee shall audit all receipts and accounts of any other person authorized to collect funds. The Council shall engage a Certified or Registered Public Accountant for periodic audits, but not less than once a year, and such audit shall be examined by the Finance Committee for comparison with the Finance Committee's audit and shall report their conclusions in writing to the Executive Committee.

## **Section 8 – Bonding**

Officers of the Council shall be bonded in accordance with Article Five, Section 1(c) of the International Constitution.

## **Section 9 – Vacancies in Office**

In the event of a vacancy in the office of President or Financial Secretary-Treasurer due to the incumbent's resignation, removal, death or long-term incapacity (as determined by the Executive Committee with the concurrence of the General President), the Executive Committee shall select the officer's successor by majority vote and the successor shall assume the office and duties of the office for the remainder of the term. Any vacancy as defined above in the office of an Executive Committee member shall be filled through election by the members of the local union which elected the Executive Committee member. The President shall announce to the Executive Committee the existence of the vacancy, and the election of the replacement shall be held within the next 90 days.

## **Article Five (5) – Finances**

### **Section 1 – Dues and Working Assessments**

The dues and working assessments of all members of local unions affiliated with the Council shall be paid directly to the Council. No dues or assessments may be increased except by a secret ballot vote of the affected members conducted by the Council.

### **Section 2 – Targeting / Equality Funds**

**Sec. 2(a).** All "targeting", "equality" or other funds established for the purpose of assisting signatory contractors to obtain work through subsidization of their labor costs, except those under joint labor-management trusteeship, shall be transferred to and held by the Council. The funds shall be kept separate for the benefit of the members of the local union which created the respective funds. The President shall decide how to use such funds in consultation with the Executive Committee members of the local union which created the fund to be used. The President shall send a monthly report to the members of the Executive Committee detailing the use of each fund, including the project, location, contractor(s) and number of jobs created or to be created.

**Sec. 2(b).** Any existing Local Union Organizing Fund(s) shall be transferred to the Council Organizing Fund.

### **Section 3 – Political Action Funds**

Any existing Local Union political action funds shall be transferred to the Council political action fund for contributions to political parties and candidates and for independent expenditures on political issues. The Council shall maintain separate accounting on behalf of each Local Union from which the Council receives said contributions and shall be responsible for the preparation and filing of all needed paperwork to maintain PAC funds.

## **Section 4 – Ancillary Corporations and Funds**

All “market recovery,” strike and other funds held or controlled by local unions shall be transferred to and held by the Council. The Financial Secretary-Treasurer shall report the activity in each of these funds to the Executive Committee at the intervals and in the form prescribed by the Executive Committee. The managers of all ancillary union corporations and funds, including building corporations, shall be appointed and removed by the President and their governing documents shall be amended accordingly.

## **Section 5 – Consolidation of Trust Funds**

The Council and the affiliated Local Unions shall wherever possible consolidate jointly-trusted health, pension, training, and labor-management funds in order to achieve greater efficiency and consistency.

## **Article Six (6) – Membership and Obligations**

### **Section 1 – Membership**

**Sec. 1(a).** A member may lose their good standing in the organization by suspension or expulsion or other disqualification from membership after appropriate proceedings consistent with provisions of these Bylaws and the International Constitution, or by nonpayment of regular or administrative dues as provided by the International Constitution. A member who loses their good standing because of a failure to pay dues or other obligations as required by the International Constitution and these Bylaws may reinstate their good standing for the purpose of attending Local Union meetings and voting at elections by payment of all delinquent dues and other financial obligations prior to such meetings and elections as provided by the International Constitution. Expelled members may be reinstated only in accordance with the International Constitution.

**Sec. 1(b).** Every member, by virtue of the member’s membership in a Local Union affiliated with the Council, authorizes the Council to act as their exclusive bargaining representative with full and exclusive power to execute agreements with the member’s employer governing terms and conditions of employment and to act for the member and have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement, or out of their employment with such employer in such manner as it deems within its discretion to be in the best interests of the Council. The Council Officers and Council Representatives may decline to process any grievance, complaint or dispute if, in their sole discretion and judgment, such grievance, complaint or dispute lacks merit.

### **Section 2 – Obligations**

**Sec. 2(a).** Every member, by virtue of their membership in a Local Union affiliated with the Council, is obligated to adhere to and follow the terms of these Bylaws and the provisions of the International Constitution with respect to their rights, duties, privileges and immunities. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

**Sec. 2(b).** No member shall interfere with the elected officers or authorized representatives



of this organization, the International Union or its subordinate bodies, in the performance of their duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required of them, provided this does not interfere with the individual's rights as a member. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and the SMART Code of Excellence and shall refrain from conduct that would interfere with the performance by the International Union, its subordinate bodies, or the Council of its legal, contractual, and constitutional obligations.

**Sec. 2(c).** Every member shall be required to assist the Council and its subordinate bodies, by engaging in picketing, hand billing, salting and other organizing, political action or community service activities, and attending education and training and seminars, as directed and assigned by the Council's President or Executive Committee. Members shall be selected in a fair and equitable process. Members will be contacted by phone and/or electronic communications. When possible, the Council shall use the out of work list first to supply the necessary people. It is not the intent of this article to place an undue travel burden upon those selected to perform picket duty and every effort shall be made to select members in the area where picketing or other activity will be performed. No charges shall be filed or processed against any member for their decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.

#### **Article Seven (7) – Amendments**

These Bylaws may be amended by the affirmative vote of two-thirds of the members of the Executive Committee, subject to approval by the General Executive Council. An amendment may be proposed by: (a) any member of the Executive Committee; or (b) members of this Council by petition signed by at least two hundred fifty members (250) in good standing. All proposed amendments shall set forth the exact text of the amendment and the submission of the proposed amendment shall include an explanation of the reasons why the amendment is being proposed. The Executive Committee by the affirmative vote of a majority of its members may submit one or more proposed amendments to a referendum vote by the members of the Council and shall be adopted if a two-thirds majority of those voting vote in favor of the amendment, subject to approval by the General Executive Council.

#### **Article Eight (8) – Savings Clause**

If any provision of these Bylaws shall be declared invalid or inoperative by a competent authority of the executive, judicial or administrative branch of the federal or state government, the Executive Committee, subject to approval of the General President, shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any article or section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such article or section to person or circumstances other than those as to which it has been held invalid, shall not be affected thereby.