

**CONSTITUTION**  
and **By-Laws**

*of the*

**UNITED GOVERNMENT SECURITY  
OFFICERS OF AMERICA,  
INTERNATIONAL UNION**



As Amended and Adopted at the 6<sup>th</sup>  
UGSOA Constitutional Convention  
Wareham, Massachusetts  
September 2021

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**CONSTITUTION AND BY-LAWS**  
**OF THE**  
**UNITED GOVERNMENT SECURITY OFFICERS**  
**OF AMERICA, INTERNATIONAL UNION**

**ARTICLE I**  
**NAME**

This Organization shall be known as the United Government Security Officers of America, International Union (UGSOA), hereinafter referred to as the International Union.

**ARTICLE II**  
**DURATION**

This organization shall have perpetual existence and shall not be dissolved so long as three (3) Local Unions support its continued existence.

**ARTICLE III**  
**PURPOSES AND OBJECTS**

This International Labor Organization exists to further and enhance the wages, hours and other terms and conditions of employment of those workers within its jurisdiction. It shall strive to bring together in one Union, all workers within its jurisdictions, that workers and their families may lead secure, dignified lives and so that workers may enjoy a measure of industrial democracy and justice at work. Collective Bargaining shall always be the preferred means to its goals but it is recognized that legislative, political, civic, educational, social, and community activities and other forms of activity may be necessary or appropriate to achieve these purposes and objects. It shall also be a primary purpose of this organization to organize the unorganized.

This Union shall operate as a nonprofit organization dedicating itself to the interests and welfare of its membership, or workers in

general and of the community in which all citizens live. It shall dedicate itself to correcting the power imbalance between workers and those with whom they deal at work so that all may enjoy human and civil rights and be able to participate in community affairs or otherwise achieve their individual destiny.

We embrace the philosophy that a knowledgeable citizenry will enhance the larger community in which we live and that a system of collective bargaining will improve the functioning of our democratic society and of all economic activity, whether public or private.

## **ARTICLE IV JURISDICTION**

**Section 1.** The trade jurisdiction of this Union shall include all phases of the work of protecting person, insuring safety, protecting the property of employers and of the government, and enforcing rules of employers, regardless of whether the employee is called a guard, security officer, police officer, security inspector, investigator or other title.

**Section 2.** The trade jurisdiction of this union shall apply at government installations. Additionally, jurisdiction will also include other agencies within the security occupational fields, and not limited to government security contracts. Irrespective of whether the employer is a private entity, or is contracted to provide protective services for the government and or other security agencies and the government itself.

## **ARTICLE V GOVERNANCE**

**Section 1.** This Constitution and By-Laws is the supreme law of the International Union and shall govern in all respects the activities of the United Government Security Officers of America, International Union, and its officers and employees as well as its affiliated Local Unions and their officers and employees and can only be amended by a two-thirds majority vote of the delegates at succeeding Conventions; provided however, that during the interim

between Conventions, this Constitution and By-Laws can be amended by a two-thirds majority vote of the total International membership voting in their Local Unions. The International Executive Board shall be empowered by a two-thirds vote to make interim changes in this Constitution and By-Laws applicable only until the next duly constituted Convention, as may from time to time be necessary to address various issues and matters which may arise and/or to conform this Constitution and By-Laws to any applicable laws. The International Executive Board shall give written notice to all Local Unions after exercising this power.

**Section 2.** The membership, in convention assembled, shall have ultimate authority to interpret and change this constitution. Between conventions, authority to interpret this constitution shall vest in the International President who may receive advice from the International Executive Board.

**Section 3.** There shall be an International Executive Board which shall advise and counsel the International President on the development of policy and the administration of the affairs of the Union. The International Executive Board shall meet at the call of the International President but not less frequently than every six (6) months. A telephone conference or other “real-time” electronic means (i.e. video conference), may be acceptable to accomplish this goal. The International Executive Board shall be comprised of all officers of the International Union and the International (Divisional) Vice Presidents, to include all Regional Directors.

## **ARTICLE VI MEMBERSHIP**

**Section 1.** Membership shall be open to those individuals employed to provide protective services, as more specifically defined and limited by applicable law, who work within the trade jurisdiction of the International Union.

**Section 2.** An individual may not maintain membership after leaving employment within a bargaining unit except while

employed by this International Union, a related entity or a chartered Local of this International Union.

**Section 3.** An individual may not directly join this organization but becomes a member by virtue for joining a chartered Local Union.

**Section 4.** “Member” and “membership” in good standing shall mean one who pays all lawful dues, initiation fees and assessments and who has not had his membership status affected pursuant to Section 8 herein and/or Article XIV.

**Section 5.** The International Executive Board shall prescribe forms and procedures for becoming a member and shall have the authority to reject any applicant. It shall have the authority to provide for forms of membership status other than full, good standing membership defined in section 4 hereof and to hear appeals of noticed suspension for failure to remit dues pursuant to Section 8 hereof.

**Section 6.** Membership in the organization does not entitle one to any portion of the property of the organization and any member who has lost their good standing status and/or has rescinded their membership shall immediately return all Local and International Union property in their possession to the Local and/or International Union.

**Section 7.** Members transferring from one chartered UGSOA local to another chartered UGSOA Local will not be required to pay an initiation fee.

**Section 8.** Any member who fails to pay lawful dues for three consecutive months and who has not had his or her employment and dues payment effected due to a problem with dues deduction, job termination under a grievance/appeal, extended disciplinary suspension under grievance/appeal, a medical or military leave of absence, or other legally documented leave, and/or any other extenuating circumstance beyond the control of the member, shall be subject to suspension, the International Union

shall notify said member of the pending suspension and the member shall be permitted to appeal his or her suspension to the Executive Board for reconsideration. Any member who has received notification of a suspension for failure to remit is on an approved and legally documented leave of absence may still vote on all Union votes.

## **ARTICLE VII OFFICERS**

**Section 1.** The Principle Officers of this organization shall be the International President, International Senior Vice President, International Secretary-Treasurer and the International Vice Presidents. The International Vice Presidents shall be designated as the head of the following Divisions: the Federal Division (FED), Nuclear Regulatory Commission Division (NRC), and Court Security Division (CSO). Additionally, the International Vice Presidents may also oversee employees of governmental agencies such as County, State, and Local Agencies or contractors thereof, including Domestic and Commercial Security, other than members of the military, as assigned by the International President. The International Union President may also designate additional divisions and regions as may be necessary and appoint Vice Presidents and Regional Directors over the same, as well as over existing divisions and regions in the event of a vacancy, with the approval of a simple majority of the Executive Board subject thereafter to a subsequent special election vote via secret ballot of the Locals within the appropriate Division or Region.

**Section 2.** The International President shall be responsible for the administration of the affairs of the organization and shall implement policies as promulgated by the International Executive Board and as contained in the Constitution or as amended via the membership at the convention. The President is encouraged to confer, when possible, with the other Officers of the International regarding the exercise of his or her powers as delineated below and shall always exercise the same in the best interest of the International Union. Permitted to incur in the exercise of their delineated powers, responsibilities, duties and/or authorities as set forth below or otherwise, any non-budgeted indebtedness in excess of \$20,000.00

without first having obtained prior approval of a simple majority of the Executive Board of the International Union.

In the event the International Union President shall die, become incapacitated during his or her term of office, resign or be removed, the Senior Vice President shall serve as the Acting President and shall fulfill the unexpired term of the International Union President.

During his or her period of incapacity the International President shall not be involved in the day to day operations of the International Union and shall have no authority to take any action on behalf of the International Union during the period of incapacity. Moreover, the International Union President shall provide at least a two-week written notice to the Acting President of his or her intent to return to work from a period of incapacity.

The International President shall:

- (a) Preside at all conventions and International Executive Board meetings, or designate someone to do so in his or her absence;
- (b) Insure that all other officers, agents and employees perform their duties;
- (c) Fill vacancies on the International Executive Board for unexpired terms, with the approval of two-thirds of the International Executive Board;
- (d) Decide all questions of interpretation under the constitution and the By-Laws subject to appeal to the convention;
- (e) Decide all other disputes or matters in controversy subject to appeal to the International Executive Board;
- (f) Establish departments, employ persons and purchase services to further the needs and interest of the organization and the membership;



- (g) Employ International representatives or other staff to assist in carrying out his or her duties;
- (h) Retain attorneys, accountants (except that the International Executive Board shall hire an independent auditor for purposes of auditing the books of the International Union) or others to assist in carrying out his or her duties and protecting the interests of the organization and the membership;
- (i) Set all salaries of all officers and employees of the International Union;
- (j) Suspend or revoke, subject to appeal to the International Executive Board, any Local Union charter;
- (k) Impose a trusteeship, as provided by Article X when, in his or her judgment, such is necessary to protect the interests of the membership;
- (l) Post bond in an amount determined by the International Executive Board as appropriate and adequate to secure the assets of the organization;
- (m) Call such meetings or conferences, including emergency conventions, to further the interests and the needs of the membership;
- (n) Appoint all committees at conventions and otherwise;
- (o) Organize the un-unionized;
- (p) Provide advice and assistance during Local Union negotiations if requested by the Local Union; and
- (q) Take other actions as deemed necessary to further the purpose and objects of the organization; and

- (r) The International President shall have the authority to appoint, direct, suspend or remove such organizers, representatives, agents and employees, as the President may deem necessary. In interpreting this section the International President shall, by virtue of his or her authority to appoint shall have the authority to remove appointments. The President shall fix their compensation and where appropriate, shall establish job rates, including retirement, and health and welfare plans. The President will give any additional salary increments.
- (s) Review and approve any Local By-Laws or changes thereto, or assign this task to a Principle Officer of the International Union.
- (t) Reorganize, dissolve, disaffiliate, consolidate, merge, amalgamate or separate existing Local Unions subject to a two-thirds majority vote of the Executive Board approving the same.

**Section 3.** The International Senior Vice President shall act as President during any vacancy in the office of the President or period of incapacity of the President. Otherwise, he or she shall assist the International President by carrying out such assignments and responsibilities, as the President deems necessary to further the interests of the organization and its members.

The International Senior Vice President, subject to the limitations set forth in Section 2, shall:

- (a) Assist the President in the fulfillment of his or her duties.
- (b) Assist in providing oversight regarding the daily operations of the International Union
- (c) Assist with the International's compliance with its Constitution.

**Section 4.** The International Secretary-Treasurer, subject to the limitations set forth in Section 2, shall:

- (a) Maintain the record of proceedings of all conventions, International Executive Board meetings, and other official meetings as determined by the International President;
- (b) Collect and protect all money and property of the organization;
- (c) Maintain bank accounts and the investments of the organization;
- (d) Maintain all necessary and appropriate membership records;
- (e) Pay bills and accounts, subject to approval or ratification by the International President or the International Executive Board, upon presentation of receipts or other proof, and upon being satisfied that the expenditure was for a legitimate Union purpose;
- (f) Receive all charter applications, process it and grant them jointly with the International President;
- (g) With the International President, make and receive official communication by and between the organization and its Locals;
- (h) Prepare all reports the organization is required to file;
- (i) Post bond in an amount determined by the International Executive Board as appropriate and adequate to secure the assets of the organization as well as secure insurance for property liability and errors and omissions; and
- (j) The responsibilities above will be vested with the Secretary-Treasurer with concurrence of the International President, and may be delegated.

**Section 5.** Each International Vice President shall represent and speak for his or her constituency within the organization and shall carry out such assignments as directed by the International President and the International Executive Board. International Vice President positions shall be filled via election at the Convention. The President may appoint a member in good standing to fill any International Vice President vacancy that may arise between Conventions subject to the approval of the Executive Board via a majority vote. Said appointee shall serve the unexpired term of the former officer.

**Section 6.** Each International Regional Director shall represent and speak for his or her constituency within the organization and shall carry out such assignments as directed by the International President and the International Executive Board. Regional Director positions shall be filled via election at the Convention. The President may appoint a member in good standing to fill any Regional Director vacancy that may arise between Conventions subject to the approval of the Executive Board via a majority vote. Said appointee shall serve the unexpired term of the former officer.

**Section 7.** As a condition of assuming International office, upon installation each International officer shall pledge the following obligation: “I, (officer name) do solemnly and sincerely pledge, on my word of honor, before the members and other witnesses here assembled, to faithfully perform and diligently execute, to the best of my ability, the duties and responsibilities of the office in which I have been elected as prescribed by the Constitution and By-Laws of this International Union. I pledge that I will, to the best of my ability, protect and promote the democratic institutions and processes, civil rights and liberties, and the highest traditions of social and economic justice of the United States. I pledge to deliver to my successor in office all books, papers and other property of the International Union that may be in my possession or under my control at the close of my official term. Further, I pledge at all times to bear true and faithful allegiance to this International Union and to uphold and support its Constitution and By-Laws, as becomes a member and officer of this Union.”

**Section 8.** Any vacancy in the office of International Senior Vice President, International Secretary-Treasurer or International Vice President(s) shall be filled by the President within ninety (90) days of said vacancy subject to approval by the Executive Board. In the event that the office of President becomes vacant the Senior Vice President shall exercise all powers of the President for the duration of the former President's unexpired term.

**Section 9.** Elected Officers of the International Union shall serve a term of office that shall begin with their installation and shall continue thereafter for the period up to the next Convention and until their successors shall have been qualified and installed. All Officers shall promptly complete any and all documents pertaining to or otherwise regarding their employment with the International Union. Departing Officers shall promptly and cooperatively assist their successors in the transition of union business and property and shall promptly surrender all International Union property to the International Union, and within fourteen (14) days after the conclusion of their term submit to the Secretary-Treasurer of the International Union any request for any form of reimbursement they may be entitled to receive for covered expenses and if requested promptly provide an accounting for the same to the Secretary-Treasurer.

**Section 10.** Every year in or about January the International Executive Board (IEB) shall meet and form a Salary sub-Committee for the purpose of reviewing the salary of the International President. The Salary sub-Committee will convene and draft a wage proposal for the IEB to vote on which shall then be adjusted and applied every June 1<sup>st</sup> to the International President's base salary. Each year on or about November 15<sup>th</sup>, the International Secretary-Treasurer will evaluate the financial position of the International Union and will report the same to the IEB which shall thereafter convene on or about November 30<sup>th</sup> (or more frequently if needed), in combination with the Salary sub-Committee's recommendation, to review and vote on a bonus for the International President. A bonus adopted by the IEB based on the recommendation of the Salary sub-Committee will be paid on or about December 20<sup>th</sup> of each year. The Salary sub-

Committee shall be composed of three (3) Executive Board Members, one of who shall be the International Secretary-Treasurer.

## **ARTICLE VIII INTERNATIONAL EXECUTIVE BOARD**

**Section 1.** There shall be an International Executive Board composed of the Officers described in Article V, Section 3, including (3) International Regional Directors, who must be members in good standing.

**Section 2.** The International Executive Board shall:

- (a) Adopt and from time to time change By-Laws for this organization;
- (b) Develop policy for this organization as required;
- (c) Assist the International Officers as requested;
- (d) Appoint, annually, a committee of three (3), not including any Officer, to audit the financial records of this organization and certify to their accuracy and propriety; and, further, employ a certified public accountant to audit the organization's records;
- (e) Act as an appellate body for any matter made appealable to it in this Constitution or as requested by the International President;
- (f) Review the activities of the officers and report to the membership during each Convention of the activities of the officers and of itself;
- (g) Act as the committee on rules at all Conventions;
- (h) Levy assessments, not to exceed six (6) months duration, but only in emergencies;

- (i) Decide questions reorganization, dissolution, disaffiliation, consolidation, merger, amalgamation or separation of existing Local Unions, in cooperation with and as presented to it by the International President;
- (j) Determine reimbursement levels for lost wages and expenses of its members when it is in formal session;
- (k) Approve, upon recommendation of the International President, all extraordinary expenses of any kind and all real estate purchases or sales;
- (l) Call special Conventions and set the time and location of all Conventions;
- (m) Have the authority to independently audit the books and records of any chartered Local for any reason at any time;
- (n) At its discretion, establish a pension plan for eligible International officers and employees. This plan shall be subject to amendment by a majority vote of the entire International Executive Board and the funds of such plan shall be separate from the funds of the International Union; and
- (o) Establish a separate strike fund which can only be used for the payment of strike benefits, and only from which strike benefits may be paid.
- (p) Set, review and approve the International Union President's salary and all increases thereto as well as setting and approving annual bonuses for the President.

**Section 3.** The International Executive Board may delegate any of its specific powers to the International President to be exercised by the International President on its behalf during the interval between meetings of the International Executive Board.

**Section 4.** A quorum of the International Executive Board shall be a majority of the members of the International Executive Board.

**Section 5.** The International Executive Board may reorganize, dissolve, consolidate, disaffiliate, amalgamate, separate or merge existing Local Unions as the International Executive Board may determine when in the opinion of the International Executive Board and the International President the interests of the International Union and its membership will be better served by taking such action.

**Section 6.** Any and all reorganization, dissolution, disaffiliation, consolidation, merger, amalgamation or separation of existing Local Unions shall require the consent of the Local Union and/or may also be effectuated after a hearing upon reasonable notice before the International Executive Board at a time and location to be set by the International Executive Board.

## **ARTICLE IX STRIKES**

**Section 1.** It shall be inviolate that no member shall ever cross or work behind the picket line during a strike of any Local Union of this organization.

**Section 2.** A majority of two-thirds (2/3) of the members in a bargaining unit actually voting must authorize a strike.

**Section 3.** Local Unions must seek the advice; counsel; and approval of the International President before striking and the failure to do so or striking against the advice of the International President shall deprive the Local of access to any available financial assistance. The activities of the International President, under this section, are assistance only and shall not make the International Union a party to any strike.



## **ARTICLE X TRUSTEESHIPS**

**Section 1.** A trusteeship may be imposed upon a Local Union or chartered body for the purpose of correcting corruption or financial malpractice, assuring the performance of Collective Bargaining Agreements or other duties of a collective bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of this organization or of such Local Union or other subordinate body. Whenever, in the judgment to the International President, such action is required, he shall have the power to place a Local Union or chartered body in trusteeship. Absent an emergency, prior to the imposition of the trusteeship, a hearing shall be held to determine whether the trusteeship is justified pursuant to Article X, Section 3. In the event of an emergency, a hearing shall be held within a reasonable time following the imposition of the trusteeship to determine whether the trusteeship is justified and shall be continued pursuant to Article X, Section 3.

### **Section 2.**

- (a) If a trusteeship is imposed, the International President shall appoint a Trustee, who shall administer the affairs of the Local Union or chartered body during the trusteeship. The Trustee shall report in writing to the International President and/or his or her designee on a quarterly basis regarding the status of the trusteeship, efforts to resolve the issues that caused the trusteeship to be imposed, plans to terminate the trusteeship, the filing of all required reports, including, but not limited to, LM reports and the scheduling of elections if needed.
- (b) Upon imposition of the trusteeship, the Trustee shall take immediate charge of the affairs of the Local Union or chartered body, and shall have the right, upon demand, to all assets and records for the period that he or she is in charge, to be held in trust for the benefit of the members of the Local Union or chartered body. During the

trusteeship, the assets of the chartered body shall be expended for the conduct of its affairs. After the trusteeship hearing, the International President may require the Local Union or chartered body to bear reasonable expenses incurred in connection with the imposition, servicing, administration, and termination of the trusteeship. The Trustee as well as any co-Trustee, shall be bonded in an amount sufficient to safeguard the assets of the chartered body.

- (c) When a trusteeship is imposed, the officers of the Local Union or chartered body shall be suspended from office and their functions shall pass to the Trustee, who may delegate such functions to deputy trustees, interim officers and others as deemed necessary, subject to the approval of the International President. After a hearing, all officers within the Local Union or chartered body shall immediately be removed and the Trustee may continue to delegate its functions as provided above. If, after a hearing, it is determined that the trusteeship was not justified, or should not continue, the suspended officers shall be restored to their prior offices without loss of salary or benefits, unless otherwise determined in accordance with the procedures set forth in this Constitution;
- (d) At any time after a hearing, the Trustee shall have authority to bring disciplinary proceedings. Including the filing of charges, against any member or former officer of the Local Union or chartered body whom he or she has reasonable grounds to believe has contributed to the conditions leading to the establishment of the trusteeship. The Trustee may also file charges against any member for other violations of his or her duties and obligations as a member, provided that in such case the Trustee files charges with the International President within six (6) months after the basis for the alleged violation has been discovered or should have been discovered. In any disciplinary proceeding held during the trusteeship, the accused shall be tried before a representative appointed by

the International President. Trial proceeding shall be in accordance with the applicable provisions of Article XIV, provided that such provisions are not inconsistent with the provisions of this Article. The representative appointed to conduct the trial shall, upon its completion, submit findings and recommendations to the International Executive Board with the trial record. The International Executive Board thereupon authorized to take such disciplinary measures as the circumstances warrant, including, but not limited to, fine, suspension, expulsion, or any combination thereof. Appeals from the decision of the International Executive Board may be taken to the International Convention in accordance with the applicable provisions of Article XIV, Section 5, provided that such provisions are not inconsistent with the provisions of this Article;

- (e) The autonomy of the Local Union or chartered body shall be suspended during the period of the trusteeship, except that a membership vote shall be held to ratify Collective Bargaining Agreements and increase dues for the Local Union; and
- (f) The Trustee shall hold meetings of the membership for reporting to the membership on the affairs and transactions of the Local Union or chartered body.

### **Section 3.**

- (a) The trusteeship hearing shall be conducted in the vicinity of the Local Union or chartered body involved by a hearing officer appointed by the International President;
- (b) Adequate notice of the time, place, and subject of the hearing shall be sent by the International President to the members of the Local Union or chartered body;
- (c) The Local Union or chartered body shall be represented by its officers or suspended officers, who, subject to rules

formulated by the hearing officer to prevent undue repetition, shall have the right to examine and cross-examine witnesses, present other evidence, and argue the case for or against trusteeship;

- (d) Members shall have a right to testify, subject to rules formulated by the hearing officer to prevent undue repetition. If a member alleges that the officers or suspended officers of the Local Union or chartered body cannot adequately represent his or her interests, the hearing officer may determine, upon a sufficient showing, to permit the member to participate in the examination and cross-examination of witnesses, the presentation of other evidence, and the argument;
- (e) Any officer of the Local Union or chartered body who refuses to produce any document relevant to the hearing shall be subject to charges and immediate suspension from office by the International Executive Board pending proceedings under Section 9 herein. Any employee who refuses to produce such records shall be subject to immediate suspension or termination from employment, as determined by the International Executive Board;
- (f) The hearing officer may formulate whatever additional rules may be required to ensure a full, fair, and expeditious hearing;
- (g) All testimony shall be taken under oath, and an accurate transcript shall be made of the hearing;
- (h) The hearing officer shall submit his or her findings and recommendations to the International Executive Board with the hearing transcript and exhibits;
- (i) Within forty-five (45) days from the date the hearing closes, the International Executive Board shall issue its decision and order, which shall include its findings and determinations. Such decision and order shall be sent to

the chartered body and made available to its members;  
and

- (j) The International President shall make available for examination by the members of the chartered body, at the office of the Local Union or chartered body, a copy of the hearing officer's findings and recommendations, the hearing transcript, and the hearing exhibits.

#### **Section 4.**

- (a) A decision and order of the International Executive Board determining that a trusteeship is justified shall constitute ratification or authorization of the trusteeship by the International Union.

#### **Section 5.**

- (a) The trusteeship shall continue for such period as the International Executive Board shall consider necessary for the reorganization or stabilization of the affairs of the Local Union or chartered body to achieve the purposes of the trusteeship and is in compliance with the time frames specified within the LMRDA for the duration of trusteeships; provided, however, that the body in trusteeship shall have the right to petition for removal of the trusteeship at intervals of not less than six (6) months following the establishment of the trusteeship. Any such petition must first be duly signed by a majority of the active members of the Local Union or chartered body and then filed with the International President;
- (b) Upon receipt of such petition, the International President shall, at the earliest practicable time, hold an inquiry to determine whether the trusteeship shall continue. The

inquiry shall be conducted by a representative appointed by the International President under rules formulated to ensure a full, fair, and expeditious inquiry. Due notice of the time and place of the inquiry shall be given to the members of the Local Union or chartered body;

- (c) The representative holding the inquiry, at its conclusion, shall submit findings and recommendations to the International Executive Board. The decision of the International Executive Board shall include its findings and recommendations and shall be sent to the members of the Local Union or chartered body.

**Section 6.** Prior to the conclusion of the trusteeship, the Trustee shall review the By-Laws of the Local Union or chartered body, and shall submit his or her recommendations for amendment to the membership of the Local Union or chartered body in accordance with the provisions for the amendment contained in the By-Laws. Prior to the conclusion of the trusteeship, the Trustee shall conduct new elections for all offices of the chartered body in accordance with the Constitution of the International Union and the By-Laws of the Local Union or chartered body.

**Section 7.** When the trusteeship is terminated upon order of the International Executive Board, the Trustee shall return all assets and records to the Local Union and shall make an accounting of his or her trusteeship to the International Executive Board and the chartered body.

**Section 8.** No obligation or liability of a Local Union or chartered body, which may have been incurred prior to the imposition of a trusteeship, shall be assumed by or become an obligation of the International Union. No obligation or liability of a Local Union or chartered body, which has been placed in trusteeship, including obligation under existing Collective Bargaining Agreements incurred subsequent to the institution of such trusteeship, shall

become an obligation of the International Union, unless specifically authorized or assumed by the International Executive Board.

## **ARTICLE XI ELECTIONS**

**Section 1.** All International Officers shall be elected at the regular International Conventions every five (5) years.

**Section 2.** No one shall be eligible to be nominated for an International office except one having three (3) years continuous good standing in the organization immediately prior to nomination, except that this requirement shall not apply during the first three (3) years of the organization's existence.

**Section 3.** All Local elections shall be by secret ballot vote.

**Section 4.** In the event, only one person is nominated for a particular office that person shall be deemed elected by acclamation.

**Section 5.** Each officer shall be elected by a majority of the ballots actually cast. If more than two (2) candidates run for an office and no candidate receives a majority of the ballots cast, any candidate with less than twenty percent (20%) of the ballots shall be dropped from the list of nominees. Or, if all candidates received at least twenty percent (20%) of the ballots, the candidate with the lowest vote total shall be dropped from the rerun ballot, this process being repeated until a candidate receives a majority of the ballots cast.

**Section 6.** Candidates for International Vice President shall be nominated only by a Local chartered at that particular agency.

**Section 7.** All members in good standing, as defined in Article VI, Section 4, shall be counted as members of the Local to determine voting strength.

**Section 8.** Any Local Union credentialed at the Convention may nominate a candidate for International office except as provided by Section 6.

**Section 9.** No member may be nominated for more than one office of this International Union.

**Section 10.** Elections shall be conducted by a committee appointed by the International President and no member of the committee may be a candidate for any Union office. The election committee shall also investigate and determine all election challenges, which challenges must be filed within twenty (20) calendar days of the date that the election committee certifies the winning candidates.

**Section 11.** No candidate for office shall accept any financial support from any member in good standing, except that any person may volunteer time in support of a candidate.

**Section 12.** Those elected to office shall be installed and assume office on the last day of the Convention.

## **ARTICLE XII CONVENTIONS**

**Section 1.** The International Union shall call and meet in Convention approximately every five (5) years from the date of the last Convention as is practical and set by the International Executive Board. The Executive Board shall establish the location for the Convention. The International Secretary/Treasurer shall issue a convention call at least ninety (90) days before the date set by the International Executive Board.

**Section 2.** The International Executive Board shall determine the proper subjects and order for the conduct of business at the Convention, as well as the presence of a proper quorum, and any and all other matters pertaining to the operation and procedures of the Convention.



**Section 3.** The International Executive Board shall determine the number of official delegates for each Local with the formula for delegates per number of members being the same for all Locals at any Convention.

**Section 4.** All delegates to an International Convention shall be elected by each Local Union by secret ballot vote, except that the President of each Local shall be a delegate by virtue of his or her office.

**Section 5.** A quorum of delegates at an International Convention shall be twenty-five percent (25%) of the registered delegates.

**Section 6.** Special Conventions may be called by a two-thirds majority vote of the International Executive Board.

**Section 7.** Local Unions must be current in all dues, fees, and assessment for one (1) year prior to the Convention to be considered in “good standing” to vote at an International Convention. The one (1) year period may be retroactively extended if a Local Union has received a letter from the International Union President or Secretary-Treasurer during any of the first four (4) years between Conventions, which details the delinquency and amounts in arrears, and that indicates that the Local is not in good standing as a result of non-payment of said per-capita tax. Any newly affiliated Local Union, being current on payment of per-capita tax from the date of affiliation and charter if such Local Union is less than three (3) years old, will be considered in good standing for the purposes of the Convention. The one (1) year time period will be calculated from ninety (90) days prior to the Convention back.

Matters related to a Local Union’s standing as referenced in this Section shall be reviewed on a case-by-case basis. However, all matters related to the Local’s standing must be resolved to the satisfaction of the International Union no later than thirty (30) days prior the scheduled date of the Convention in order for the Local Union to participate in the same.

## **ARTICLE XIII REVENUE**

**Section 1.** Each Local Union shall pay per capita to the International each month on each person who is a member on any date that month for one and one-half hour's pay of that member, (effective January 01, 2022). Any Local Union who fails to pay their per-capita tax to the International Union for two consecutive months will no longer be considered to be in 'good standing' until all dues, payments, and books are corrected.

- (a) Local Unions who fall out of good standing more than two times between International Union Conventions may be subject to control of administrative processing of dues by the International Union, or Trusteeship, depending on the degree needed to correct the processing until the next International Convention. It is the intent of this section to give the International Union authority to process collections and payment of dues for dues deductions under an active CBA, and where it is not the intent of this section without a proper Trusteeship established under Article X to withhold any dues above the International Union's per-capita tax established in this Article (XIII) from the Local.
- (b) If notice is given under this Section, said notice will be mailed to each and every officer of the Local's Executive Board.
- (c) It shall be the responsibility of the Local Treasurer of each Local Union to notify the International Union of the status of any member that is not paying their dues as a result of a dues deduction error, job termination under appeal, extended disciplinary suspension that is under appeal, a medical or military leave of absence, or other legally documented leave.
- (d) The provisions of this Section shall not apply when the Local Union's delay in remitting their per-capita tax to the

International Union is due to circumstances beyond their control.

**Section 2.** All per capita funds received from Locals shall be used to administer the affairs of the organization consistent with its purposes and objects.

**Section 3.** The level of per capita tax shall be subject to change by a majority of the delegates voting at a Convention.

**Section 4.** Any assessment, and all per capita tax, must be fully paid for a Local to be credentialed at a Convention.

**Section 5.** Each new member, except as may be waived during an organizing campaign, shall pay an initiation fee to the International which shall be one-half (1/2) of the initiation fee charged by a Local Union but shall not be less than five dollars.

**Section 6.** A member must pay a “re-entry fee” to the Union in an amount equal to that member’s time out from a dishonorable withdrawal of membership. A member withdraws dishonorably if they belong to a Local Union, then withdraw membership, but remain working in the bargaining unit, and later attempts to re-apply membership, having never left employment under the Union’s jurisdiction. A re-entry fee will be equal to the amount the member should have paid in dues during the period they were not a member. If an employee was never a member to begin with, this Section will not apply.

## **ARTICLE XIV DISCIPLINE**

**Section 1.** Any member shall be subject to charges, and may be punished if found guilty of any of the following by either the International Union and/or a Local Union:

- (a) Violation of any provision of this Constitution or By-Laws, or of the Constitution or By-Laws of the member's Local Union;
- (b) Crossing or working behind any picket line established by any Local of this organization;
- (c) Having knowledge of any violation of this Constitution and By-Laws and failing to report it to the International President;
- (d) Disrupting any meeting of the International or any of its Locals or committees;
- (e) Making known the business of the International Union and/or Local Union to those not entitled to the same;
- (f) Dual Unionism and/or support for a rival union that is seeking representation rights over a UGSOA bargaining unit; or
- (g) The misuse and/or misappropriation of the name or property of this International Union and/or its affiliated Local Unions.

**Section 2.** Any member found guilty may be fined, suspended or expelled from membership in the International Union and/or Local Union, or receive other appropriate punishment or any combination thereof.

**Section 3.** All charges shall be processed pursuant to the provisions of this section.

- (a) A member may be charged and tried in the Local Union through which he or she is a member at the time the charges are filed and/or by the International Union, except as otherwise provided in this Constitution. Whenever charges are filed at the Local Union level, such Local Union shall promptly file a copy of such charges with the International Union President by certified mail.

Notwithstanding any other provision of the Article, by a majority vote of the International Executive Board, the International Union may cause charges filed with a Local Union to be transferred to the jurisdiction of the International Union further processing. In such cases, the Local Union will no longer have jurisdiction over those charges. Any person no longer a member may be charged and tried in the Local Union through which he or she held membership, or by the International Union, for actions committed while he or she was a member. The Local Union and International Union may initiate their own charges or jointly if they so choose subject to paragraph (c) below. However, it is not necessary that both entitles file charges;

- (b) Charges must bear the signature of three members and must clearly set forth the basis of the charge. Charges must be sent Certified mail, return receipt requested, to the Secretary/Treasurer of the Organization. Upon receipt of the charges, the Secretary/Treasurer shall immediately transmit a copy thereof to the President of the Organization and shall serve a copy via certified mail, return receipt requested, upon the member or members against whom the charges are preferred;
- (c) More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others;
- (d) Charges and other formal documents referred to in Article XIV sent by mail shall be considered filed as of the date of postmark. Charges and other formal documents referred to in Article XIV delivered in person shall be considered filed as of the date of delivery;

- (e) Charges shall be filed with the Local Union Executive Board and/or the International Union Executive Board within six months after the basis for the alleged violation has been discovered or should have been discovered;
- (f) The charges shall specify the Article or Articles of the International Union's Constitution or By-Laws or the Local Union's By-Laws or Constitution allegedly violated and shall also set forth a short and plain factual statement of the act to acts considered to be in violation, including available information as to dates and places, in such a manner as to fairly inform the accused of the specific acts which are alleged to constitute violations of the International Constitution or By-Laws or the Local Union By-Laws or Constitution. The Local Union's and/or International Union's Executive Board shall dismiss charges failing to comply with this requirement, without prejudice to the re-filing of charges within thirty (30) days which do comply with this requirement. Dismissal of re-filed charges shall constitute final action subject to appeal as provided in Article XIV, Section 5;
- (g) A true and correct copy of the charges and a copy of the Constitution and By-Laws of the Local Union and/or International shall, without delay, be served upon the accused party by the Local Union's and/or International Union's Executive Board by certified mail, return receipt requested, or in person. The accused shall be afforded a reasonable opportunity to reply in writing to the charges, if he or she so desires;
- (h) On motion of the accused before trial or upon its own motion, the Local Union's and/or International Union's Executive Board may dismiss without trial any charges which, after assuming the charging party's facts are true fail to allege actions which would constitute violations of the International Union's Constitution or By-Laws or the Local Union's By-Laws or Constitution. Such dismissal

shall be subject to appeal as provided in Article XIV, section 5;

- (i) On motion of the accused before trial or upon its own motion, the Local Union's and/or International Union's Executive Board may dismiss without trial any charges if finds are of such a trivial nature that it does not justify the expenditure of time, money, and other resources necessary for the conduct of disciplinary proceeding. Such dismissal shall be subject to appeal as provided in Article XIV, Section 5;
- (j) Except for charges processed pursuant to Article XIV, Section 3 (p), the trial on the charges shall be held as soon as practicable, but no later than ninety (90) days following the date on which the charges are filed at a date, time and location set by the charging party. However, upon request of either party, for good cause shown, an adjournment to a later date, not to exceed 180 days from the date the charges are filed, may be granted by the Local Union's and/or International Union's Executive Board. The Local Union's and/or International Union's Executive Board shall have the power, upon its own motion; to postpone any scheduled trial provided such postponement shall not be beyond 180 days from the date the charges are filed. Any such Executive Board decision to postpone the trial beyond the scheduled date or to set a trial for ninety (90) days beyond the date of the charge being filed must be served upon all parties immediately. Every effort shall be made to schedule the trial so that it does not conflict with the working schedule of the parties, and at least fourteen (14) days' notice of the trial date shall be given in writing. The Local Union's and/or International Union's must receive any request for the postponement of the trial date at least three (3) days before the scheduled trial date unless a satisfactory showing is made of inability to comply with this requirement. The request must include good cause for such a postponement. In the event, the

accused fails to appear for a duly noticed trial, it shall nevertheless proceed;

- (k) The trial shall take place before the Local Union's and/or International Union's Executive Board, which, for purposes of Article XIV, shall mean those members of the Local Union's and/or International Union's Executive Board serving for purposes of trial. The President of the Local Union and/or International Union shall be chairperson of the Local Union's and/or International Union's Executive Board for purposes of the trial proceeding. No charging party or accused member or a witness may serve on the Local Union's and/or International Union's Executive Board in the conduct of disciplinary proceedings. Where the chairperson is unable to serve for any reason, the remaining members of the Local Union's and/or International Union's Executive Board shall designate one of their number to act as chairperson. On motion filed with the Local Union's and/or International Union's Executive Board prior to trial, either party may ask that a particular board member be excused from participating in the proceeding if he or she thinks that he or she cannot receive a fair trial before that board member. The Local Union's and/or International Union's Executive Board shall give precedence to consideration of such motion. For purposes of trial, a quorum of the Local Union's and/or International Union's Executive Board shall consist of three (3) of its members and a quorum is necessary throughout the trial. If any Local Union's and/or International Union's Executive Board member is absent during any portion of the trial, he or she may not participate further in the proceeding. All questions of order, procedure, and admissibility of evidence shall be decided by the chairperson, subject to being overruled by a majority vote of the board upon motion by a member of the board;



- (l) The accused and charging parties shall have a fair and impartial trial and shall have the right to present witnesses and other evidence in their behalf and to examine any witnesses. The accused shall have the right to testify. A charging or accused member may be assisted, advised, or represented by another member of the in good standing, or by an employee, staff or representative of the Local Union or International Union but by no other person. Trials shall not be open to the public. At the commencement of the trial, the chairperson of the board shall advise the parties of their rights as set forth above in this Article, and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event, the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout the trial, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charge. Either at the close of the charging party's cases either the accused or a member of the Local Union's and/or International Union's Executive Board shall have the right to move to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the International Constitution or By-Laws or Local Union By-Laws or Constitution;
- (m) A detailed written record of the trial proceedings shall be made and preserved and shall constitute the trial record, provided that neither fine nor loss of membership rights or Union office shall be imposed unless an audio recording or stenographic record and transcript are kept of the trial proceeding;
- (n) Upon the completion of the trial proceedings, the Local Union's and/or International Union's Executive Board shall within thirty (30) days determine the innocence or guilt of the accused, based solely on the record evidence.

The parties shall be advised of the decision in person or by certified mail. A verdict of guilty shall require a two-thirds (2/3) majority vote of the Local Union's and/or International Union's Executive Board. If the decision is that of guilty, the Local Union's and/or International Union's Executive Board shall affix appropriate penalties in accordance with the provisions of the Constitution, provided that such discipline shall be reasonable and fair and, provided further, that no discipline shall be imposed without stating with detailed specificity for what the discipline is being imposed. If any officer or representative of the International Union or any of its chartered bodies are found guilty, he or she may be disciplined as provided in this paragraph and, in addition, may be suspended or removed from office or position, subject to the conditions above;

- (o) The decision of the Local Union's and/or International Union's Executive Board shall become immediately operative unless stayed by the Local Union's and/or International Union's Executive Board or unless a stay is directed by the International President following an appeal as set forth in Article XIV, Section 5;
- (p) In the instance where the Local Union is the sole charging party and it appears to the International President that a fair and impartial trial cannot be held before the Local Union Executive Board, the International President is authorized to assert original jurisdiction over the matter and appoint not more than six (6) members of the International Union from outside the Local Union to conduct the trial. The trial board so selected shall hear the matter within 180 days from the filing of the charge in accordance with the provisions of this Constitution as far as they are applicable and render judgment thereon as soon as practicable. The parties shall be advised of the decision by certified mail;

- (q) Decisions rendered pursuant to Article XIV, Section 3 (p) shall become immediately operative unless the International President following an appeal as set forth in Article XIV, Section 5, directs a stay.

**Section 4.** All charges against International officers shall be filed with and tried by the International Executive Board in accordance with procedures set forth in Article XIV, Section 3 as far as they are applicable, and all decisions of the International Executive Board shall be immediately effective, unless a stay is directed by the International Executive Board following an appeal to the next regular International Convention as set forth in Article XIV, Section 5 (k). The International President shall be empowered to direct that the International Executive Board try all charges filed against International representatives in the same manner. In case of such charges, the International Executive Board shall have the power to suspend the charged officer or International representative prior to trial.

**Section 5.**

- (a) A member who has been found guilty on charges brought by a Local Union and/or a member of any offense as herein set forth, or the charging party when the accused has been acquitted, may appeal to the International Executive Board;
- (b) Either party may appeal from the decision of the International President to the International Executive Board by filing a written notice of appeal with the International Secretary-Treasurer within thirty (30) days of the date the decision has been mailed. The notice of appeal must briefly state why the party believes the International President's decision should be reversed;
- (c) The International Secretary-Treasurer shall promptly acknowledge receipt of the appeal and shall submit the charges, together with the trial record and all other records pertinent to the appeal, to the International Executive

Board for review. The International Secretary-Treasurer shall promptly send a copy of the appeal to the involved Local Union Executive Board and the other parties;

- (d) The appealing party may file a written statement within thirty (30) days after filing such appeal, setting out why said decision is erroneous, and the other party may, within thirty (30) days after the appealing party's written statement has been sent to him or her by the International Secretary-Treasurer, file a responsive statement. It shall be the duty of the International Secretary-Treasurer to send a copy of the statements so filed to the parties and the Local Union Executive Board promptly after they have been filed in his or her office;
- (e) After the statements have been or could have been filed, the International Executive Board shall proceed to consider such appeal and either affirm or reverse such decision, giving its reason therefore in writing, a copy of which shall be sent to each party and the Local Union Executive Board involved.
- (f) A party aggrieved by a decision of the International Executive Board when acting as a trial board or when acting as an appellate body or of the International Executive Board concerning a matter initially raised and decided at the international level may appeal to the next regular International Convention for redress. Any such appeal to the Convention shall be filed with the International Secretary-Treasurer within thirty (30) days of the decision of the International Executive Board. Unless stayed by the International Executive Board, any appealable decision and any order of the International Executive Board shall be final and immediately effective unless and until reversed or modified by the Convention.

**Section 6.** In addition to the offenses set forth above, any officer may be charged with a failure to honestly and attentively discharge his or her responsibilities. If the person charged is an

International Union Officer, the International Executive Board shall serve as the trial board with *pro tem* members appointed by either the International President or International Senior Vice President for the same reasons as set forth in Section 3 (k) of this Article.

## **ARTICLE XV LOCAL UNIONS**

**Section 1.** Charters of Local Unions shall be granted by the International Executive Board for such trade jurisdiction as it shall determine and may be withdrawn at any time.

**Section 2.** Local Unions shall conduct monthly meetings when applicable, or at a minimum, on a quarterly basis.

**Section 3.** Local Unions shall adopt By-Laws and rules, which shall recognize the superior authority of this Constitution and are not in conflict with it. If any conflict should arise between Local Union By-Laws and the Constitution of the International Union, such Constitution shall control subject to an appeal to the International President.

**Section 4.** Local Unions shall negotiate Collective Bargaining Agreements, ensure membership ratification in their Local By-Laws, and otherwise endeavor to represent their membership. Collective Bargaining Agreements that are negotiated by the Local Union shall include in its preamble and following language “THIS AGREEMENT is made and entered into by and between the UGSOA International Union and its affiliated Local #\_\_\_\_ (Local number), hereinafter referred to as the UNION, and the \_\_\_\_\_ (Employers name), hereinafter referred to as the EMPLOYER or COMPANY.” The Local Union will also provide a signature line on the signature page for the International Union.

Notwithstanding the forgoing or any other provision of the Constitution and Bylaws, the International Union is to be represented through a Regional Director, International Vice President, or other agent designated by it all negotiations conducted

by the Local for any such collective bargaining agreement. Further, when it believes that the best interest of the Local Union Membership is served, the International Executive Board may appoint a Regional Director, International Vice President, or other agent designated by it to schedule negotiations on behalf of the Local Union, to serve as the Chief Spokesperson on behalf of the Local Union, and to negotiate the terms of the collective bargaining agreement by the members of the Local Union. At all such negotiations, members of the Local's bargaining committee shall be invited to participate.

**Section 5.** No Local Union shall act for or on behalf of the International Union. All Local Unions are expressly prohibited from contracting or incurring any indebtedness chargeable to the International Union without the written consent and authority of the International President, with the approval of the International Executive Board.

**Section 6.** Except as provided herein, Local Unions shall determine their own officers and duties of each but no individual may hold more than one office. Each Local Union must have a President who shall be the Chief Administrative Officer of the Local Union.

**Section 7.** Local Unions shall set their own level of initiation fees and dues provided that the dues must be high enough to first pay International per capita and then to conduct their own affairs. Local Unions are also responsible for paying arbitrator's fees, (as referenced in the Collective Bargaining Agreement), witness fees and transcript and hearing room/meeting room costs incurred for the Arbitration and Local Union Grievances. The initial fee, no part of which shall be considered as a Local Union fine, shall be not less than ten dollars (\$10.00) nor more than forty dollars (\$40.00).

**Section 8.** Local Union officers shall be elected every three (3) years unless the By-Laws provided for more frequent election. To be eligible to be elected a Local Union Officer, one must have been a member in continuous good standing for one year prior to election, except that this requirement shall not apply to the first year of a Local Union's existence.

**Section 9.** Local Union elections shall be conducted by an election committee appointed by the President of the Local Union. The International Executive Board shall prescribe uniform election rules and procedures for all Local Unions.

**Section 10.** All Local Union officers and Executive Board members shall acknowledge their duty and obligation to support this International Union and its purposes, objects, and policies and those of his or her Local Union.

**Section 11.** All Local Unions shall operate under democratic principles, shall act responsibly in their dealings with employers, and shall carefully protect and prudently spend their money.

**Section 12.** Post bond in an amount determined by the International Executive Board as appropriate and adequate to secure the assets of the organization.

**Section 13.** A Local Union shall not restrict, via its By-Laws or otherwise, it's Local Officials from attending annual Training Seminars held by the International Union.

**Section 14.** If a Local Union disbands, or if a Local Union goes out of existence for any reason, all of the funds, property, and assets of the Local Union shall immediately revert to and become the property and assets of the International Union.

## **ARTICLE XVI SAVINGS CLAUSE**

If any provisions of this Constitution shall be declared or shall otherwise become invalid or impaired by virtue of any federal, state, or local legislative enactment, or by virtue of any decision or regulation of any federal, state, or local court or administrative agency, the International Executive Board shall have the authority to suspend the operation of any such provision during the period of its invalidity or impairment, and shall also have, consistent with Article V, the authority to substitute a provision or provisions which, to the extent permitted by law, will meet the objections and which will be in

accord with the intent and spirit of the invalid provision. The International Executive Board shall give written notice to all Local Unions after exercising this power. If any provision of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution and By-Laws shall not be affected thereby.

**ARTICLE XVII**  
**REAL PROPERTY OF THE INTERNATIONAL UNION**

The title to real property held by the International Union shall be vested by proper conveyance in the name of a corporate trustee to be held by the corporate trustee in trust for the sole use and benefit of this International Union.

**OFFICERS**

Desiree Sullivan, International President

Jeffrey Miller, International Senior Vice President

Mike LeBlanc, International Treasurer-Secretary



