



THE PUBLIC UTILITY CONSTRUCTION AND GAS APPLIANCE WORKERS OF THE STATE OF NEW JERSEY UNITED ASSOCIATION LOCAL UNION 855

CONSTITUTION AND BY-LAWS ADOPTED BY THE MEMBERSHIP February 8, 2006

I. Name and Nature

This Local Union shall be known as The Public Utility Construction and Gas Appliance Workers of the State of New Jersey, Local 855 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada. Throughout the remainder of these By-Laws, Local Union 855 will be referred to as "this local" or "the local" and Association will be referred to as "U.A." or "Association".

II. Jurisdiction, Objects, Purposes and Brotherhood of Local 855

A. The territorial Jurisdiction of Local 855 shall include the State of New Jersey and the trade jurisdiction shall encompass the Metal Trades, Production Workers, Utility Workers and assorted job categories within the Utility Industry.

B. The objects and purposes of this Local Union shall include but not be limited to organizing unorganized workers; securing just improvements in working conditions for its members; promoting free collective bargaining; engaging in cultural, civic; educational; political; charitable; enforcement of all UA constitution policies and procedures; social and fraternal activities to promote the general well-being of its member's.

C. This Local Union shall not discriminate by its actions or through these By-Laws against any individual because of race, sex, sexual orientation, age, color, religion or national origin.

III. Eligibility for Membership

Every applicant for membership in Local 855 must completely fill out an application on forms furnished by the General Secretary-Treasurer, which shall be filed in the General Office of the United Association. This application will contain a pledge, which the member is obligated to sign prior to his acceptance as a member in the Local. Applicants for membership shall comply with the qualifications and the membership procedures set forth in the Metal Trades provisions of the U.A. Constitution

IV. Officers in the Local and Their Duties

The officers of this Local Union, all of whom shall be nominated and elected in accordance with the provisions of Article VIII shall be: Business Manager/Financial Secretary-Treasurer, President, Vice President, Recording Secretary, four members of the Executive Board, three members of the Finance Committee and the Inside Guard.

The term of each office listed above shall be three years.

A. Business Manager/Financial Secretary-Treasurer

The position of Business Manager/Financial Secretary-Treasurer (hereinafter referred to as Business Manager) is a combined office. As Business Manager, the individual who fills that office will tend to the day-to-day relations between the Union and any and all companies with which the Union has contractual obligations. He shall also be responsible for all correspondence to and from the general office of the International Union. His duties as Business Manager shall also be consistent with those granted him by the Constitution of the United Association. The Business Manager shall have the right to create any committees and to prescribe the rules for the operation of such committees. He shall accept or reject their advice; their recommendations shall be a matter of public record.

The Business Manager may appoint a Business Agent to assist him, who shall work at the discretion of and directly under the supervision and control of the Business Manager and as such shall not be considered an officer of the Local Union.

As Financial Secretary-Treasurer, the individual occupying the combined office shall keep a correct account of the financial standing of all members of the Local Union and will receipt and account for all monies received or disbursed by order of the Local Union. His other duties shall be consistent with those prescribed for the office of Financial Secretary in the Constitution of the United Association. In his combined capacity, the Business Manager/Financial Secretary-Treasurer will consult with the Finance Committee on large donations and purchases to confirm compliance with the By-laws and existing guidelines and to determine the current state of the local Union finances. This provision shall not apply for expenses mandated by the By-Laws or in emergent situations or to any orders or directives issued by the United Association. The Business Manager/Financial Secretary-Treasurer shall have the right to exercise all authority as provided for those separate offices in the Constitution of the United Association. He shall also issue an annual financial report at the general membership meeting.

The Business Manager/Financial Secretary-Treasurer shall have the right to act on matters, make decisions, expend Union funds, make appointments and assignments in his discretion for the betterment of the Union provided such actions, etc., are not inconsistent with the constitution of the United Association.

Except where the membership of a negotiation committee is provided for by a current contract, the Business Manager/Financial Secretary-Treasurer shall chair and have the right to appoint negotiation committees for all other contracts.

B. President

The President shall preside over all meetings and conduct the same in conformity with the rules of order specified in these By-Laws. He shall have supervisory control over all matters pertaining to the welfare of the Local Union and shall serve ex-officio over all committees of the Local Union.

C. Recording Secretary

The office of Recording Secretary will be an elected office and the person holding that post will have duties assigned to him by the Business Manager consistent with those duties as prescribed in the Constitution of the United Association. Specifically, the Recording Secretary will be obligated to keep a correct and intelligent account of all resolutions, motions, and the general business transacted at the Local's statewide general meeting.

D. Vice-President

The Vice President shall be Chairman of the Executive Board and have duties consistent with those found in the United Association Constitution. If the office of President becomes vacant, the Vice President will succeed him.

E. Executive Board

The Executive Board shall consist of five members, which shall include the Vice President of the Local Union who by virtue of his office shall be a member thereof and Chairman of the Executive Board.

F. Finance Committee

The duties of the Finance Committee shall be as prescribed in the Constitution of the United Association.

G. Inside Guard

The duties of the Inside Guard shall be consistent with those prescribed in the Constitution of the United Association.

V. Salaries, Expenses and Automobiles

- A. The annual salaries of the Business Manager/Financial Secretary-Treasurer and the Business Agent shall be * and * respectively. The salary of the Business Agent shall be increased automatically on May 1st of each year in a dollar amount equivalent to the yearly increase negotiated for PSEG Co. Service Inspector (Working) for that contract year. The salary of the Business Manager/Financial Secretary –Treasurer shall be increased automatically on May 1st of each year by the percentage (%) increase negotiated with P.S.E. &G. or its successors. (* See Financial Records for Current Salaries).

No salary increases beyond those provided for herein can be granted unless they are presented and proposed at the State-side General Membership Meeting and approved by majority vote of the membership present. Notice must be given by mail to each member at least 30 days prior to such a meeting that a salary increase proposal has or will be introduced and will be voted upon at that meeting. The Business Manager/Financial Secretary-Treasurer and the Business Agent(s), shall be entitled to the number of weeks' vacation each would be entitled as an employee of Public Service Electric and Gas Company under the collective bargaining agreement in existence at the time, the years of service as Business Manager/Financial Secretary or Business Agent, while on leave from the company, shall count toward vacation entitlement; all accrued vacation to be utilized prior to March 31st of the following year. They shall not take vacation concurrently with the other.

- B. The Local Union shall provide an automobile, which may be leased, purchased or rented for the use of the Business Manager/Financial Secretary-Treasurer and the Business Agent. These autos are to be fully insured by the Local. New automobiles shall not be acquired by purchase, lease or rent with two years of the purchase of the exiting automobile, except in emergent situations.

It is recognized that such representatives of the Local are required to be on instant call at all times, may be required to garage such car, and are responsible for its safe-keeping. Accordingly, for the convenience of the Union and as partial compensation for such additional responsibilities, these representatives shall be permitted private use of the car on a normal round-the-clock basis, including private use when the car is not required on Union business.

The business Manager shall make all the arrangements for furnishing the automobiles.

- C. The officers and representatives of the Local Union shall submit vouchers and/or preliminary approval requests (at the discretion of the Business Manager) to the Business Manager for all expenses incurred in the conduct of Union business. The Business Manager may, in his sole discretion, approve or disapprove such payments.

All expenses vouched and approved will be referred to the Finance Committee and kept by the Financial Secretary-Treasurer. These records will be maintained at the Local Union office and may be examined upon reasonable request by any member during office hours.

VI. Expense of Litigation

If Litigation is instituted against any officer of the union arising out of the performance of his job duties and which is based on allegations of violations of various labor laws, the union shall pay or reimburse all reasonable attorney fees and expenses involved in the defense of any civil or criminal proceedings against that officer, under the following conditions.

- a. It must appear that the proceedings are related to, arose from, or grew out of performance of his duties on behalf of the Local Union.
- b. If the proceedings are criminal or quasi-criminal in nature, they must be finally terminated without a conviction, guilty plea or plea of nolo contendere.

The Executive Board will have authority to decide any claims arising under this article.

VII. Bonding

All officers of the Local required to be bonded by Federal Law will be bonded at the expense of the Local.

VIII. Nominations and Elections

All officers of the Local Union shall be elected for three (3) year term of office.

Nominations for all offices within Local 855 will be held in November of each succeeding election year. At least 10 days prior to the nomination meeting notice will be sent to all members in accordance as prescribed in the Constitution of the United Association. No member may be nominated for an elected office unless he is present at the nominating meeting and states his willingness to accept the nomination. A member, who for a good and compelling reason, such as illness cannot attend the meeting, may nevertheless be nominated if he submitted to the President of the Local a written notice of his intention to accept a nomination and to serve in the office in which he is being nominated if he is elected.

If at the nomination meeting only one nomination is made for any office and no opposition therefore exists for that office, any member attending the meeting may rise to cast one vote for the unopposed candidate. The casting of that vote shall constitute the election of that unopposed candidate. However, any office to which two or more nominations have been made must be voted upon in the regularly scheduled election in December. If no offices are contested, there shall be no election in December.

No member shall be eligible for nomination, election, or appointment to any office unless he has been a member of the Local in good standing for at least a period of two years (2) years immediately prior to election.

The Business Manager shall report to the nominations meeting the eligibility of each nominee. If a candidate is declared ineligible under the provisions of the preceding paragraph, he must within two (2) days contest the accuracy of the Business Managers report to the Election Committee who will then convene hearing within three (3) days at which time the disqualified candidate and the Business Manager shall present their evidence. The Election Committee will render a decision within five (5) days. Such decision will be final and binding unless either party appeals within five (5) days to the General President of the United Association.

Nominations shall be considered closed after the President declares them closed during the meeting. Any subsequent attempt to add nominations will be void and of no effect. If a nominee is subsequently declared to be ineligible the President must reopen nominations for the position that candidate sought provided there is no other nomination for the office.

At the nomination meeting, each nominee or slate of nominees (those members running for separate offices who wish to affiliate with each other) shall be assigned a number, which will be placed on a ticket in a container. A member of the Election Committee then will select tickets or line positions. The candidate receiving the most votes for each office shall be declared the winner and will take office in January.

All officers of the Local Union shall be elected for the term of three (3) years.

IX. Elections

Elections will be held in December of each succeeding election year. The Business Manager/Financial-Secretary shall set a date for elections at least 25 days after the nomination meeting. This election will be held at one central location selected by the Business Manager and the polls will remain open from 9 AM to 7 PM on a designated Saturday.

Rules for eligibility of members to vote, protests of Local Union elections, and removal from office, and the election of Local officers will be those specified in the constitution of the United Association.

Vacancies created in any of the elected offices are to be filled by appointment until the next election by the Business Manager/Financial Secretary-Treasurer. If the post of Business Manager/Financial Secretary-Treasurer becomes vacant, the President will assume the position.

No electioneering is allowed within 100 yards of the building in which the election is held. Each candidate for office shall be entitled to designate one union member in good standing to act as an observer. No absentee, proxy or mail ballots are allowed.

Local Area Elections

If an individual is elected to the Executive Board from an area shall by virtue of that election be considered the chairman of his area. If more than one member is elected to the Executive Board from the same area, the member with the greater number of votes shall be designated the chairman of that area.

It shall be the chairman's responsibility to conduct the Local elections for his area in the month of February following the election of officers in December.

Elections will be held in February in succeeding election years. Nominations will be conducted in January and the dates for nominations and elections will be set by the Business Manager.

Each local area will elect individuals to fill the following posts: Chairperson (if no executive Board elected from area) Vice Chairperson and Secretary. However, each shop in each area must be represented by at least one Shop Steward who may either be appointed by the President or elected at his discretion. Additional positions may be appointed or elected at the discretion of the area Chairman with the approval of the President.

If there is no Executive Board member elected from an area, that area may then elect a Chairman at the local area election in February.

All individuals elected in the area elections or appointees from the areas are not to be considered officers of Local 855 and no action taken by any of them can bind Local 855.

X.

Meetings

A State-Wide General Membership Meeting shall be held at least three (3) times a year in a central location designated by the Business Manager. Meetings may be called more often or in special circumstances if the Business Manager deems them necessary. Twenty-five members must be present to constitute a quorum. Contract ratification votes will be by secret ballot.

Local area meetings will be held at least four times a year. These meetings will be for purely informational and fraternal purposes. They will not be considered to be official meetings of Local 855. Actions taken at these meetings cannot bind Local 855 in any way.

Standing Rules for Meetings

The Order of Business shall be as follows:

1. The reading of the minutes
Report of Executive Board
Roll Call of Officers
Reports of Committees
Correspondence
Unfinished business
New business
Adjournment
2. The above order shall not be suspended until after the minutes have been read. A vote of two-thirds of the members present is necessary to suspend the order of business.
3. The Chairman of the meeting shall enforce these rules and he may direct that members who have violated these rules be removed from the meeting.
4. Members attending meetings under the influence of alcohol or drugs are subject to removal.
5. If a member, while speaking, is called to order, he shall at the request of the Chair, take his seat until the question of order is determined. He shall be permitted to resume speaking upon a ruling of the chair to that effect.

6. If two or more members shall rise to speak at approximately the same time, the Chair shall decide who is entitled to the floor.
7. No member shall speak more than twice on one subject and not more than five minutes at one time without permission of the Chair.
8. (a) While the Chair is giving its opinion and or endeavoring to preserve order, no member shall be admitted to the assembly and any person leaving his seat, engaging in private discussion or otherwise causing interruption or members who engage in disorderly conduct at a union meeting shall be subject to removal from the meeting at the direction of the Chair (as described below in section X (8) (b)), as well as other possible discipline in accordance with the procedures of the UA Constitution.

(b) After declaring any member out of order, the Chair shall have discretion to compel the member to leave the meeting room and not to return to the meeting. Where a majority of members vote in favor of removing the member from the meeting, the Inside Guard shall escort the member from the meeting room. Upon a charge preferred by the Chair, the member may also be subject to discipline in accordance with the procedures of the UA Constitution.” Alternatively or in addition, the Chair could be given the power to have the member removed from the meeting without a poll of the members present.
9. The merits of any motion may be debated in strong language, but motives shall not be impugned nor attacks on personalities allowed.
10. All questions, unless otherwise provided, shall be decided by a majority of all votes cast. The Chair will take a voice vote and only in his discretion or as the result of a motion carried, direct a vote by division of the house.
11. General Statement “All meetings and other union business shall be conducted in accordance with Robert’s Rules of Order, current edition, unless a rule set forth in Robert’s Rules is expressly modified in these By-Laws, in which case the rule as modified shall prevail.”

XI.

Exhaustion of Remedies

Any member, who feels aggrieved by any action taken by the Local Union or aggrieved for any reason whatsoever, shall be required to exhaust any and all remedies provided to him within these By-Laws and the Constitution of the United Association before initiating any legal action in the courts or before administrative agencies.

XII.

Shop Stewards

Shop Stewards shall not be considered officers of the Union.

Stewards are empowered to investigate and present grievances in accordance with the provision of their collective bargaining agreements.

The Stewards shall also be empowered to transmit messages and information which shall originate with, and are authorized by the Business Manager or Business Agent (he/she has given authorization to) of the Local Union provided such messages and information (a) have been reduced to writing or (b) if not reduced to writing, are of routine nature and do not involve work stoppages, slowdowns, refusal to handle goods, or any other interference with the employers business.

Shop Stewards and their alternates have no authority to take strike action or other action interrupting the employers business except as authorized by official action of the Business Manager of the Union, in writing.

XIII.

Charges and Trials

A member may be charged with any of the following violations:

1. Failure to meet the responsibilities of a union member.
2. Conduct that interferes with the legal or contractual obligations of the Local.
3. Violation of the oath of obligation Section 153 of the Constitution.
4. Gross disloyalty or conduct which places the Local or the International Union in bad light.
5. Giving information to an employer against the Local Union.
6. Disorderly conduct at meetings or at the union offices.

Sections 199 and 200 of the United Association Constitution shall govern the disciplinary procedures to be followed by all parties, except in the case of officers who shall be subject to charges and proceedings in accordance with the "Discipline of Officers procedures of the UA Constitution".

XIV.

Dues

Membership dues of the Local shall consist of:

1. Initiation fee equal to the starting gross weekly wage of a PSEG Co. 9322 Street Helper, rounded to the next highest dollar.
2. Regular monthly dues, which will increase each year beginning January 1, 1988. The percentage or dollar amount rounded to the next highest tenth, equal to the percentage or dollar amount of the negotiated wage increase in the PSEG Co. Collective Bargaining Agreement.
3. Special purpose dues and/or assessments that may, from time to time, are enacted.
4. Initiation fee for Non Perm Production Workers shall be fifty dollars (\$50.00). If they become permanent, they will be charged an initiation fee equal to the starting gross weekly wage of a 9322 Street Helper, minus fifty dollars (\$50.00).

Temporary or seasonal help working less than four (4) months will be required to pay a fee equal to the amount of the current monthly dues.

In order for assessments to be enacted, a majority vote of the members must approve any such matters in a secret ballot vote taken at a specially notified regular membership meeting held after reasonable notice of time, place and purpose of the meeting.

Any member who owes more than three months dues to the Local shall lose his status as a member in good standing for all purposes. In the event of a layoff, the Business Manager shall notify the members affected of their membership rights under the constitution of the United Association.

In accord with Section 74(g) of the United Association Constitution, retired members with fifty (50) years of continuous membership in the United Association will be exempt from paying dues of assessment to the Local Union.

XV.

Amendments

- A. Proposed amendments to the By-Laws shall be submitted in writing at a regular state wide membership meeting either by petition of 20% of members in good standing or by resolution of the Executive Board.
- B. The proposed amendments shall then be read at two (2) consecutive regular meetings of the membership and voted upon at the third meeting. A two-thirds vote of the members in good standing voting at such meeting shall be required for passing.
Reasonable notice that copies of the proposed amendments are available in the offices of the Local Union and that these amendments will be voted upon at the next meeting shall be given to all members of the Local Union prior to the third such meeting.

- C. In lieu of the requirements found in paragraph B, a petition by the Executive Board or by members in good standing may be presented to the Business Manager at least sixty (60) day prior to a general membership meeting. The Business Manager than will mail copies of the proposed amendment to each member with a notation that a vote will be taken on the proposal at the meeting. This provision also applies within the Business Managers discretion to any special meetings called by the Business Manager.

A two-thirds vote is needed for passage of any proposed changes of the By-Laws with the exception of dues increases, donations and assessments, which can be approved by a simple majority of members in attendance.

XVI.

Saving Clauses

Section 1. The provisions of the By-Laws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership, which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International constitution and these Local Union By-Laws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 2. If any provision of these By-Laws shall be declared invalid or inoperative by any competent authority of the executive, judicial, or administration branch of federal or state government, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will be in accord with the intent and purpose of the invalid provision. If any Article or section of the By-Laws should be held invalid by operation or law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such Article or Section to persons or circumstances other than those to which it has been invalid shall not be affected thereby.

Section 3. All provisions of the U.A. Constitution shall form a part of these By-Laws and any provisions of the U.A. Constitution, which are inconsistent with these By-Laws, shall be deemed to supersede them.

XVII.

Anti-Harassment Policy and Procedures

All members should be treated with respect at the workplace. United Association Local 855 will not tolerate discrimination or harassment against employees by supervisory personnel or co-workers. Such conduct is not only wrong; it is also prohibited by law.

Discrimination or unlawful harassment extends to, but is not limited to, conduct involving the granting or denial of job benefits such as hiring, promotions, training, assignments, raises, classification, layoff or discharge based on a person race, color, religion, sex, sexual orientation, gender, national origin, age or disability. It also includes instances where job benefits are exchanged for sexual favors. Harassment also includes conduct having the purpose or effect of unreasonably interfering with an employees work performance or creating an environment that is hostile, abusive, threatening or intimidating.

All members of United Association Local 855 must avoid conduct that may be perceived as harassment, including, but not limited to, (1) repeated remarks, derogatory slurs, offensive jokes, propositions, threats or suggestive comments that are, for instance, sexual or racial; (2) derogatory or demeaning writings, posters, cartoons, e-mail, drawings, suggestive pictures or obscene gestures; (3) unwelcome sexual advances or requests for sexual favors; (4) unwanted physical contact including touching and interference with an individual's normal work movement; and (5) making or threatening reprisals as a result of negative response to harassment.

Responsibility to Report Harassment or Discrimination

If you have been harassed, subjected to discrimination, or if a hostile environment has been created, you should report such conduct promptly. Report any harassment or discrimination committed by any person to the supervisor of the person committing the discrimination. If the harassment or discrimination is by your fellow co-workers, report the unlawful actions to your immediate supervisor or to any Local Union Official. If the harassment or discrimination is by you immediate supervisor, report the unlawful action to the person to whom your supervisor reports. If you are uncomfortable or fear retaliation by the person to whom you are expected to report, you may report to any supervisor or local union official. In particular, you may report to U.A. Local 855's Business Manager/Financial Secretary-Treasurer at (908) 450-7620.

Investigation and Remedial Action

The United Association Local 855 will seriously consider and investigate any reports of harassment or unlawful discrimination. Should the United Association Local 855 determine that a report is truthful, it will take immediate action to remedy the situation, including instituting appropriate disciplinary actions against the person committing the harassment or unlawful discrimination.

The United Association Local 855 will not retaliate or tolerate any retaliatory actions against any person for reporting any form of harassment or unlawful discriminatory actions.

*** 2013 UPDATED PER U.A. MANDATE**