

Proposed Amendments

BY-LAWS

of

**UNITE HERE
LOCAL 26**

**Boston, Massachusetts
&
Rhode Island**

Amended ~~April 4, 2016~~ October 2019

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BY-LAWS

ARTICLE 1 Name and Object

Section 1. This organization shall be known as UNITE HERE Local 26 of Boston, Massachusetts, affiliated with UNITE HERE International Union.

Section 2. The Purpose of this organization shall be to organize all persons working under its jurisdiction; to establish and maintain equitable wage scales and working conditions; to elevate their moral, social and intellectual standing; to guard their financial interests; to promote their general welfare and the Local's cardinal principles, truth, justice and morality; to secure employment for its members and to uphold the dignity of Labor.; ~~and to assist employers in the hotel, motel and restaurant industries in all legitimate ways.~~

~~**Section 3.** Wherever a masculine pronoun occurs in these By-Laws, it shall be deemed to include the feminine pronoun.~~

ARTICLE 2 Membership

Section 1. Membership of this organization shall consist of an unlimited number of workers in the hotel, ~~gaming, motel food service~~ and restaurant industries, who agree to abide by the By-Laws of this Local, ~~the Ritual~~, and the Constitution of the UNITE HERE International Union, as now in effect, or as they may hereafter be amended.

Section 2. Acquiring Membership. A person eligible for membership working within the jurisdiction of the Local Union, making application for membership, shall become a member of the Local and the International Union upon receipt of the membership application and the dues and fees which may be required.

~~Any member who desires to protest the membership of such person must do so within 30 days of receipt of the application for membership, by filing a protest with the Financial Secretary-Treasurer of the Local Union. In the event of such protest, the Executive Board of the Union shall review the qualifications of such person and shall determine if the membership is to be revoked. The member shall be given notice that a protest of his membership has been filed and given an opportunity to appear before the Executive Board. The decision of the Executive Board shall be considered the decision of the Local Union and shall be appealable in accordance with International Union Constitution, provided further, however, that the decision of the General President shall not be further appealable.~~

Section 3. Whenever a member of this Local becomes a manager not working at the craft of this International Union, an owner, ~~or~~ proprietor or a working member of another International Union, and not employed under the jurisdiction of the International Union, ~~she~~/he may be

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accepted for or hold membership in the Local Union only as a passive member, provided such person maintains no affiliation with a proprietor's organization hostile to the Local Union.

- (a) Passive members shall not be entitled to voice or vote or to attend meetings of the Local Union. They shall be ineligible for election to any office in the Union or any position as a delegate representing the Union.
- (b) Passive membership is hereby declared a privilege, revokable at will by the Local Union Executive Board or the General President. Such revocation of passive membership by the General President shall not be appealable.

~~(c) Any member desiring to change his membership status from passive to active or active to passive must appear before the Executive Board and such change of status can only be granted upon the approval of the Executive Board.~~

Section 4. All active members shall do picket duty as may be necessary to bring successfully to a conclusion any strikes or organizing programs declared by the Union. ~~The Financial Secretary-Treasurer shall keep a rotating picket list so that all members shall do an equal amount of picketing.~~

ARTICLE 3 Meetings

Section 1. This Local shall hold regular meetings on a quarterly basis at a time and day set by the Executive Board.

Section 2. The Executive Board shall meet every **month**. ~~Tuesday preceding the second Sunday at 2:00pm. Membership meetings of this Local Union shall be conducted in accordance with Robert's RULES OF ORDER.~~

Section 32. Special meetings may be called by the President/Chief Executive Officer or on the written request of 500 members in good standing. In either case, all members shall be notified of such meeting by the Financial Secretary-Treasurer. No business shall be transacted other than that for which the meeting may have been called.

Section 43. Fifteen (15) members, including one qualified to preside, shall constitute a quorum for all general meetings and special meetings.

Section 54. Members shall be expected to attend all meetings when possible and take an active interest in the affairs of the Union.

ARTICLE 4 Officers

Section 1. The officers of this Union shall be as follows: President/Chief Executive Officer, ~~Vice President, 2nd Vice President, Rhode Island Vice President,~~ Financial Secretary-Treasurer,

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Executive Vice President, Recording Secretary, three (3) Trustees, and ~~eleven-sixteen~~ (16+) ~~Executive Board members~~ **Vice Presidents**, including two (2) from Rhode Island.

Section 2. The following officers shall constitute the Executive Board of the Local Union: President/Chief Executive Officer, ~~Vice President, 2nd Vice President, Rhode Island Vice President,~~ Financial Secretary-Treasurer, **Executive Vice President**, Recording Secretary, and three (3) Trustees and ~~eleven-sixteen~~ (16+) ~~Executive Board members~~ **Vice Presidents**, including two (2) from Rhode Island.

Section 3. All officers, agents or other representatives or employees of the Local Union who handle funds shall be bonded for the faithful discharge of their duties in accordance with the requirements of applicable Federal and State Laws and the International Union Constitution. ~~The premium on said bonds shall be paid by the Local.~~

ARTICLE 5

Nominations and Elections

Section 1. Election of Officers shall be held every three (3) years. To be eligible to be nominated for office, a member must have been an active member in continuous good standing with the Local Union for a period of twenty-four (24) calendar months immediately preceding nominations.

In order for any member to be eligible to be nominated for any office in this Local, **she**/he must be present at the nomination meeting or must have submitted in writing a statement to the Financial Secretary-Treasurer seven (7) days prior to the opening of nominations, **her**/his willingness to accept the nomination if his name is proposed.

Section 2. A reasonable opportunity shall be given to the members to nominate candidates for office. Nomination of officers shall be received in the month of March ~~1981-2020~~ and every three (3) years thereafter.

Section 3. The Election shall be held by secret ballot fourteen (14) days later among the members in good standing of the Local Union. No write-in votes shall be permitted. The polls shall be open from ~~68~~:00am to ~~68~~:00pm.

Section 4. The Financial Secretary-Treasurer, not less than fifteen (15) days prior to the date of nominations, shall mail to each member in good standing at **the member's**his last known home address a notice of the offices to be filled and the time, date and place and manner of submitting nominations as well as the time, date and place of the election. The notice shall bear the signatures of both the President/**Chief Executive Officer-Business Manager** and the Financial Secretary-Treasurer.

Section 5. An Election Committee of five (5), the majority appointed by the President/Chief Executive Officer, the first appointee to be the Chair**person**man of the Election Committee, and the Minority appointed by the **Executive** Vice President, shall take charge of the election and provide safeguards to insure a fair election. No candidate or any officer serving out his/her term

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of office shall be eligible to serve on the Election Committee. The Election Committee shall pass on the eligibility of all candidates, and their decision shall be subject to appeal to the General President.

Section 6. Any candidate shall have the right to have an observer at the polls and at the counting of the ballots.

Section 7. The votes cast by the members of the Local shall be counted and the results for each office shall be announced by the Election Committee. The Financial Secretary-Treasurer shall preserve for one (1) year the ballots and all other records pertaining to the election.

Section 8. The installation of all officers shall take place at the next regular meeting or at a special meeting following the election. If any officer-elect shall fail to make an appearance at the installation meeting he/she shall forfeit the office to which he/she was elected, unless he/she has been excused by the Executive Board. ~~because of sickness or other justifiable reason.~~

ARTICLE 6 Vacancies

~~Section 1. The vacancy of the office of President/Chief Executive Officer and Financial Secretary-Treasurer shall be filled by secret ballot election in accordance with all procedural requirements as set forth in Article 5. Nominations for the office shall be called for at the next regular meeting immediately following the vacancy or at a special meeting called for the purpose, and the election shall be held within thirty (30) days after the close of nominations. In case of emergency, the Executive Board shall appoint an officer until the election is held.~~

Section 12. Vacancies in ~~non-salaried~~ offices shall be filled for the unexpired term by ~~appointment~~ **vote** of the ~~President/Chief Executive Officer~~ **Executive Board**, subject to approval of the membership. The ~~appointed~~ **elected** party shall serve immediately upon ~~appointment~~ **election**.

~~Section 3. If a vacancy occurs in any office within ninety (90) days prior to the date of the regular election, the President-Business Manager, with approval of the Local Executive Board, shall appoint someone to fill out the unexpired term if the appointee meets the eligibility requirements.~~

ARTICLE 7 Resignations

Section 1. Officers, ~~with the exception of bonded officers,~~ shall have the privilege of resigning ~~at any regular meeting~~, provided no charges are pending against them, and their resignations are submitted in writing.

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~~Section 2. Resignations of bonded officers shall be presented in writing at least one meeting before they are acted upon, and if the Board of Trustees reports the financial accounts of the Local are in proper order and there are no charges pending, the resignation may be accepted.~~

ARTICLE 8 Delegates

Section 1. Delegates to the International Convention may be nominated and elected at the same time as the regular nomination and election of officers is held if there is an International Convention scheduled during that tenure of office. In any event, delegates to the International Convention shall be elected not less than forty-five (45) days prior to the date of the Convention, by secret ballot.

Section 2. Delegates to all conventions, State and Local, shall be nominated and elected on the floor of a regular membership meeting.

Section 3. The procedures and requirements, including the notice pertaining to the nomination and election of officers, as set forth in these By-Laws, shall, where necessary, apply equally to the nomination and election of delegates to the International Convention ~~and all other bodies.~~

ARTICLE 9 Duties of Officers

Section 1. President/Chief Executive Officer

- (a) The President/Chief Executive Officer shall be the Chief Executive Officer **and a salaried position.** He/she shall perform all duties normally delegated to the Executive Officer.
- (b) He/she shall be an elected officer.
- (c) He/she shall preside at all regular and special membership meetings and at all meetings of the Local Executive Board. He/she shall take such action as he/she deems necessary to preserve order and decorum. He/she shall be authorized to call special meetings of the Executive Board whenever, in his/her opinion, it is in the best interest of the Officers of the Union and the membership.
- (d) He/she shall have general supervision of all employees of ~~T~~the Union. He/she shall have authority to employ or terminate all ~~business agents or organizer~~**employees of Tthe Union.**, ~~subject to the approval of the Executive Board.~~

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(e) He/she **or his/her appointee** shall be Chairperson of the Union's negotiating committees. He/she shall sign all contracts between the Union and ~~the~~ Employers.

(f) He/she shall appoint the majority of all committees.

~~(f)~~
—

(g) — He/she shall co-sign all checks for payment of monies from the Union's funds.

(g)

~~(h) He/she shall administer the oath to and initiate candidates, open and close all meetings and officiate at all funerals of the deceased members, as provided for in the Ritual of our International Union.~~

Section 2. **Executive** Vice President.

(a) The **Executive** Vice President shall be an elected officer **and a salaried position**.

(b) He/She shall report directly to, and have all assignments made by the President/Chief Executive Officer.

~~(e)~~ He/She shall preside over all meetings in the absence of the President/Chief Executive Officer, and for the time being be invested with the same power as though he/she was President/Chief Executive Officer.

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~~(d) He/she shall be charged with responsibility for the program of visitation of sick members in behalf of the Local Union.~~

(c)

~~(e) He/she shall notify committee members of their appointment and perform such other duties as may be consistent with his/her office.~~

~~(f)~~(d) He/she shall appoint the minority of all committees.

~~Section 2(b). Rhode Island Vice President~~

~~(a) The Rhode Island Vice president shall be an elected officer.~~

~~(b) He/She shall report directly to and have all assignments made by the President/Chief Executive Officer.~~

~~Section 3. 2nd Vice President.~~

~~(a) The 2nd Vice President shall be an elected officer.~~

~~(b) He/She shall report directly to and have all assignments made by the President/Chief Executive~~

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Officer:

Section 43. Financial Secretary-Treasurer

(a) The Financial Secretary-Treasurer shall be an elected officer **and a salaried position.**

~~(a)~~

~~(b) — He/she shall be a member of the Executive Board.~~

(b) The Financial Secretary-Treasurer, with the President/Chief Executive Officer, shall manage the funds of the Local Union with the approval of the Executive Board and the general membership. He/she shall receive and have custody of all funds of the Local Union and give official receipt for all monies collected. All funds of the Local Union shall be deposited regularly in a bank designated by the Executive Board in the name of the Local Union, except for petty cash in an amount to be determined by the Executive Board. The Financial Secretary-Treasurer shall be authorized to disburse funds in accordance with any recommendation of the Executive Board or the membership for the benefit of the organization and its membership. No withdrawals or disbursements shall be made, except by check signed by both the President/Chief Executive Officer and the Financial Secretary-Treasurer, **provided that in the absence of either of these officers, another officer designated in writing by the Executive Board may be the co-signer.**

~~(c) —~~

~~(d) —~~

~~(e) — He/she shall make regular reports of the income and expenses of the Local Union, including a quarterly financial statement ordered by a Certified Public Accountant and submit these to the Executive Board. He/she shall countersign all working, traveling and withdrawal cards, attend to all clerical work of the office, unless otherwise provided for, and inform the Sick Committee as to the names and addresses of sick members.~~

~~(f) — He/she shall be custodian of the Local Union's seal, carry on all correspondence of the Union, impress the seal thereon, and keep on file a copy of all such correspondence. He/she shall perform such other duties as may be directed by the membership of the Union.~~

~~(g) — He/she shall be authorized to hire and fire all office employees. He/she shall have charge of the office and all orders for work to be done by office employees shall be transmitted by him.~~

~~(h)~~(c) He/she shall be bonded in accordance with the applicable Federal and State laws and the International Constitution.

~~(i) — He/she shall keep, or cause to be kept under his direction and supervision, a list of names of all sick members whose dues the Local remits, and on the first day of each month, draw a check for the same, writing a receipt and posting to each member's account.~~

~~(j)~~(d) He/she shall compile, or cause to be compiled under his/her direction and supervision, monthly reports to the International Union as required by the International

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Union Constitution.

~~(*)~~(e) He/she shall compile, or cause to be compiled under his/**her** direction and supervision, the roster of the Local Union as required by the International Union Constitution.

~~(*)~~(f) In the absence of the President/Chief Executive Officer and **Executive** Vice President, he/she shall call meetings to order and preside ~~until a temporary chairman is elected by the membership.~~

Section 5.4 Recording Secretary.

(a) The Recording Secretary shall be **an** elected **officer**.

(b) He/she shall keep a record of each meeting and sessions of the Executive Board.

(c) He/she shall keep a roster of all Local officers and committees and a record of their attendance at meetings.

Section 65. Trustees.

(a) The Trustees shall supervise the property of the Local and shall submit an itemized inventory on the first day of each year.

(b) They shall audit all books of the Financial Secretary-Treasurer each month and verify the quarterly audit required by the International Union Constitution.

(c) They shall certify that the books of all officers desiring to resign are properly balanced and audited and that any of the Local's business which might have been entrusted to them has been properly completed and accepted by the Local before the resignation can be accepted. All books, papers, documents and money which officers or members of the Local might have in their possession shall be made available to the Trustees for inspection as designated times.

Section 76. Executive Board.

~~The Executive Board shall consist of the President/Chief Executive Officer, Vice President, 2nd Vice President, Rhode Island Vice President, Financial Secretary-Treasurer, Recording Secretary, three (3) Trustees and eleven (11) Executive Board members, including two (2) from Rhode Island.~~ The Executive Board shall perform the following duties:

(a) The Executive Board, between regular meetings, shall be the governing body of the Union. It shall have complete authority between meetings of the Union as may be exercised by the Union under the International Union Constitution and these By-Laws.

(b) A majority of the Executive Board shall constitute a quorum.

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- (c) Trustees may not vote on any issue having to do with the finances of the Union.
~~(a)~~

- (d) The President/Chief Executive Officer may incur and authorize the payment of the routine operating expenses of the Union. Routine operating expenses include expendable supplies, cell phones, minor equipment (individual computers and ancillary devices, fax machines, low-volume copiers, phone units, bullhorns, adding machines, desktop organizers, etc.), repair and maintenance of buildings and equipment, expense reimbursement per policy and domestic travel for normal union business, campaign materials, and legal and other professional fees. All other donations and expenditures require approval of the Executive Board or in the case of major financial commitments, the approval of both the Executive Board and the membership. Examples of expenditures requiring Executive Board approval are real estate transactions, new construction and major remodeling, computer systems, high-volume copiers, telephone systems, furniture, expense reimbursement policies, expense allowances, international travel, domestic travel for special purposes, policies regarding the lending of employees to other organizations, and policies regarding the expenses of employees borrowed from other organizations. All real estate transactions, indebtedness in excess of \$500,000 in a single transaction or series of related transactions or purchases or sales of fixtures, furniture or equipment in excess of \$100,000 in a single transaction or series of related transactions shall also require the approval of the membership at a regular or special meeting. No real property of the Local shall be transferred, conveyed, hypothecated or encumbered, unless the written consent of the International Union is first obtained.
- (e) All salaries, wages, compensation or expense allowances for officers, employees and delegates of the Union shall be recommended by the Executive Board and shall be subject to approval or ratification by majority vote of the membership present at a regular or special meeting.
- (f) All plans for the ownership or long-term lease of real estate or the use of any of the funds of the Local or its members for such purposes shall be first recommended by the Executive Board and submitted to the membership for final approval by a majority of those members present.

Whenever this Local Union, a trust fund, corporation or other entity created directly or indirectly from funds derived from the Local Union or its members enters into a plan for the ownership, sales, encumbrance, remodeling or long term lease of real estate or uses any of its own or its members' funds for such purposes, the entire plan, including any trust agreements, articles of incorporation, corporate bylaws, contracts and leases, shall be subject to approval of the International Presidents before becoming effective.

This Local Union or other such entity may not establish or participate in a plan to hold real estate which does not permit the International Union to audit fully the building fund in the same manner as the Local Union's assets are audited.

- ~~(b) All applications for donations, and all proposed expenditures other than routine operating expenses, shall first be referred to the Board for their recommendation, which~~

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~~recommendation shall be subject to membership approval by a majority vote of the membership present at a regular or special meeting before payments are made. All salaries, wages, compensations or expense allowance for officers, business agents, organizers and delegates of this Union shall first be recommended by the President/Chief Executive Officer, and in case of office employees shall first be recommended by the Financial Secretary-Treasurer, and shall be subject to the approval of the Executive Board.~~

- ~~(c) All plans for the ownership or long term lease of real estate, or use of any of the funds of the Local or its members for such purposes shall be first recommended by the Board and submitted to the membership for final approval by a two thirds majority of those members present. Any such plan, including any trust agreements, articles of incorporation, corporate by laws and contracts shall be subject to the approval of the General President before it is executed. This Local may not establish a plan for holding real estate which does not permit the International Union to fully audit the building funds in the same manner as the Local's assets are audited.~~
- (d) Any officer or employee of this Local entitled to a vacation shall be required to take such vacation within two years after becoming entitled to same. If such officer or employee fails to take such vacation, he shall be deemed to have waived the right to same.

ARTICLE 10 Trials and Appeals

Section 1. No member of this Local may be fined, suspended, expelled or otherwise disciplined except for non-payment of dues by this Local or any of its officers, unless such member has been (a) served with written specific charges, (b) given a reasonable time to prepare his/**her** defense, (c) afforded a full and fair hearing as set forth in this Article.

Section 2. A member or officer of this Local shall be subject to charges and to stand trial when charged with violating these By-Laws or the International Constitution. The procedures and requirements of said charges, trials and appeals shall be as set forth in the International Union Constitution.

Section 3. The President/Chief Executive Officer and the Vice President shall appoint a Trial Board of five (5) from the membership to hear the charges and to render a decision. When the accused is found guilty, the penalty may be a fine, suspension, expulsion, limitation to hold office, or to attend meetings or any combination of the foregoing, or such penalty as the determining authority may deem appropriate. Where no penalty is provided for a particular offense the penalty may be a fine, suspension, expulsion, or any combination of the same or other appropriate penalty.

Section 4. The Financial Secretary-Treasurer shall notify the accused of the charges, by sending him/**her** a copy thereof, by registered mail or by delivering a copy of the charges to the accused, personally. The accused shall be notified of the time, date and place of the trial and

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shall be allowed not less than ten (10) days from the time of such notice for the preparation of a defense. Each side shall procure the attendance of its witnesses.

Section 5. The decision and penalty of the Trial Board shall be approved or modified at the next regular meeting of the Local before becoming effective.

ARTICLE 11 Amendments

Section 1. All proposed amendments to these By-Laws must be recommended by the Executive Board in writing, or must be in writing, signed by 500 members in good standing with the Local, and read at three **(3)** consecutive regular or special meetings and voted upon at the third meeting. After the first reading, the proposed amendment must be posted on the bulletin board until final action. A two-thirds majority vote of members present at the third meeting shall be required to adopt an amendment. No amendment shall become effective until approved by the General President.

~~**Section 2.** The procedure outlined above in Section 1 shall be fully applicable to amendments providing for an increase in the dues, initiation fees, or a special or general assessment except it shall require a majority vote by secret ballot at such third meeting after reasonable written notice of intent to vote on the increase or assessment is given to the membership.~~

Section 23. Rules of order, or order of business, may be amended by a two-thirds vote of the membership present at a regular meeting.

ARTICLE 12 International Union Constitution

Section 1. The terms and provisions of the Constitution of UNITE HERE and any amendments thereto shall be binding upon this Local Union, its officers and members as if fully set forth herein. Any provisions of these By-Laws which are in conflict with the International Union Constitution or State or Federal Law shall be of no force or effect.

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Former Local 34 Union Death Fund

~~DEATH FUND—The payment of \$550.00 will be paid to any member's beneficiary who was a member of Local 34 on or before July 31, 1976, providing the member belonged to Local 34 for a period of one (1) year.~~

~~Any former member of Local 34 who becomes two (2) months in arrears in dues, takes a traveling card or a withdrawal card will automatically lose the \$550.00 death benefit.~~

~~Any member suspended, reinstated, traveling in or depositing a withdrawal card after July 31, 1976, will not be covered by the \$550.00 benefit.~~

~~The operation and administration of the death benefit shall be controlled and managed by the Secretary-Treasurer. The benefit shall be paid from the General Fund of the Union.~~

~~In order to obtain a death benefit, the beneficiary must submit a certified copy of the death certificate and identification, as well as satisfy the above condition of eligibility on the part of the member.~~

~~All claims for benefit must be filed in writing within 90 days after death of the member with supporting data.~~

~~Any person claiming a death benefit whose claim is denied shall be notified in writing of the reasons for the denial. Such person may obtain a review of said denial by filing a written request for same together with such facts as may be appropriated for the determination of said claim with the president of the Local not later than thirty days after the notice. Final decision on the appeal shall be by a majority vote of the officers of the Local.~~

~~All charges in this death benefit and the conditions for obtaining said benefits shall be made as an amendment to the Constitution and By-Laws of the Local.~~