

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

Report of the Law Committee to the 38th Convention

Vancouver, BC, Canada • September 19-23, 2011

2011 LAW COMMITTEE

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Tennessee

Michael A. Datillo, *Business Manager/Financial Secretary*
L.U. 1455 (uow) – St. Louis, Missouri

Article XXVII, Section 2 first two paragraphs of the IBEW Constitution states:

The I.P. shall appoint a Law Committee consisting of eleven (11) delegates elected to the I.C., at least one from each I.V.P. District. These shall meet in the I.O. fifteen (15) days prior to the opening of the I.C. This committee shall consider all proposed amendments to be submitted to the I.C., and the committee shall have a printed report ready for the first day's session of the I.C.

Only proposed amendments and resolutions approved by L.U's and recommendations of International Officers shall be considered. All these must be submitted to the I.S.T. forty-five (45) days prior to the opening of the I.C.

Your Law Committee for the 38th International Convention convened in accordance with this mandate in the IBEW Constitution. The members selected to serve on this Committee represent a broad cross section with respect to branches of our Brotherhood and geographic locations. This diverse experience, gained while servicing their own memberships, makes them particularly aware of the problems that face the Brotherhood and our two nations. Their experience with the rules and regulations of the IBEW and its local unions has guided their work on the proposals to be presented to the IBEW 38th International Convention.

The Law Committee thoroughly discussed and researched every proposed amendment, mindful that we have just gone through a period of historic economic challenges and that there are a multitude of corporate, political, and economic adversaries that continue to threaten our union. Foremost in our minds at all times was the interest of the entire Brotherhood, and the necessity to ensure that as we move forward we maintain our standing as the premier union, able to do the work that needs to be done in representing our current and future members at the highest level. In addition, and in keeping with the ba-

sic premise that we all believe in, that organizing is the lifeblood of our organization, we also kept in mind that the IBEW needs the resources to grow our membership in all branches of our union.

Our report to the 38th International Convention states the reasons why we CONCUR or NONCONCUR with each resolution. In those cases in which the real intent may not be clearly expressed in the preamble of a resolution, we have attempted to provide clarification in our statement. Likewise, our statements in certain instances will provide a synopsis of the actual information obtained through our research. We believe this will assist the delegates in judging the merits of each proposed amendment to our Constitution.

We, the Law Committee, wish to express our appreciation to the international officers and the members of their staffs who so readily furnished the Committee with whatever information and technical data we requested.

ARTICLE II, SECTION 10 DELEGATE SELECTION

WHEREAS, the IBEW Constitution at present does not address the question who should replace an elected delegate who resigns or is otherwise unable to attend the International Convention; and

WHEREAS, that situation has arisen at recent International Conventions, causing confusion concerning who should attend the Convention as the local union's delegate; and

WHEREAS, describing the procedure in the Constitution would end the confusion, avoid unnecessary disputes, and be of service to any local union facing that situation;

THEREFORE, BE IT RESOLVED that two new paragraphs be added at the end of the existing language in Article II, Section 10 to read as follows:

If between the election and the I.C., an elected delegate should resign or otherwise be unable to attend the I.C., then the alternate delegate with the highest number of votes in the election shall take his place as a delegate. Should a second elected delegate resign or otherwise be unable to attend the I.C., then the alternate

delegate with the next highest number of votes in the election shall take his place as a delegate, and so forth.

In the event there are no other elected alternates, the Executive Board shall appoint such delegates, provided, however, that appointed delegates may not, as provided by law, vote in any election for International Officers.

SUBMITTED BY:

Edwin D. Hill, International President

Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes that elected delegates may not be able to attend the International Convention. In an effort to clarify the process under which alternates will attend, and to respect the basic democratic process within a local union, your Committee believes this resolution presents a fair and equitable plan.

Therefore, your Committee **CONCURS**.

ARTICLE II, SECTION 13 DELEGATES TO OTHER CONVENTIONS

WHEREAS, this provision allows for the nomination and election of delegates to the conventions of the American Federation of Labor and Congress of Industrial Organizations, its departments, and the Canadian Labour Congress; and

WHEREAS, the persons selected for nomination by the International President have been business managers, given their elected status and practical experience in their local unions; and

WHEREAS, the section does not cover the situation in which a business manager who is a delegate ceases to be a business manager; and

WHEREAS, an individual who is no longer a business manager should not represent the IBEW as a delegate to the conventions of the American Federation of Labor and Congress of Industrial Organizations, its departments, or the Canadian Labour Congress;

THEREFORE, BE IT RESOLVED that the first paragraph of Article II, Section 13 be amended to read as follows:

Sec. 13. The I.P. shall nominate, and the I.C. shall elect, two (2) delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations; two (2) delegates to the Building and Construction Trades Department; two (2) delegates to the Metal Trades Department; one (1) delegate to the Union Label and Service Trades Department; one (1) delegate to the Maritime Trades Department; and two (2) delegates to the Canadian Labour Congress. Each of these delegates shall be business manager or principal officer of his local union. If the delegate's status as business manager or principal officer changes, he shall resign and the I.P. shall appoint a replacement delegate.

SUBMITTED BY:

Edwin D. Hill, International President

Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes that since the last International Convention, clarification has been necessary. The business manager, when a local union has one, is the principle officer of the local union duly elected by his membership. Delegates to these bodies should be the current business manager of the local union.

Therefore, your Committee **CONCURS**.

ARTICLE III, SECTION 3 ELECTION OF INTERNATIONAL VICE PRESIDENTS AND INTERNATIONAL EXECUTIVE COUNCIL MEMBERS

WHEREAS, Article III, Section 3 currently provides that each district's choice for International Vice President and International Executive Council shall be decided by a majority of the local unions in the district, represented at the International Convention, and present at the time the choice is made; and

WHEREAS, not all of the local unions present when the choice is made necessarily cast a vote, as, for example, when the delegates from a local union cannot agree on how to cast the local union's vote; and

WHEREAS, the number of local unions present may not equal the number of votes cast; and

WHEREAS, at prior International Conventions, the question has arisen whether an International Vice

President or International Executive Council member could be chosen by a majority of local unions voting but less than a majority of the local unions present; and

WHEREAS, the failure or inability of a local union to cast a vote should not deprive a candidate of the necessary majority; and

WHEREAS, this question should be clearly resolved by the language of the IBEW Constitution to avoid needless disputes;

THEREFORE, BE IT RESOLVED that the second paragraph of Article III, Section 3 be amended to read as follows:

However, the choice for International Vice President and International Executive Council (except I.E.C. Chairman) shall be recommended to the Convention by each district. The Convention shall adopt the district's recommendation as its own action, by the I.S.T. casting one ballot for the district's choice. The choice of each district shall be decided by a majority of the L.U.'s of the district represented at the Convention—and present and voting at the time the choice is made—on the basis of one vote for each L.U., by secret ballot, not by a delegate or per capita tax vote. If the district is unable to determine its choice, then the Convention shall decide any contest by a roll call, per capita tax vote.

SUBMITTED BY:

Edwin D. Hill, International President

Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee has been made aware of instances at prior International Conventions, when the question has arisen as to whether an International Vice President or a member of the International Executive Council can be elected by a majority of local unions voting but less than a majority of the local unions present. The Committee recognizes the need to clarify the process that establishes a majority for purposes of electing the International Vice Presidents and International Executive Council members.

This proposed change conforms to the basic democratic principle that the majority of votes cast shall determine the outcome of an election.

Therefore, your Committee **CONCURS**.

**ARTICLE III, SECTION 3
ELECTION OF INTERNATIONAL
VICE PRESIDENTS AND EXECUTIVE
COUNCIL MEMBERS**

WHEREAS, Article III, Section 3 currently provides that, in district elections, when there are more than two candidates for the same office, at every unsuccessful balloting the candidate receiving the lowest number of votes shall be dropped, with the voting then to continue until one candidate has received a majority overall; and

WHEREAS, on a number of occasions at prior International Conventions, when there have been multiple candidates for an office, this provision has required the holding of three or more separate votes to decide an election; and

WHEREAS, district elections in that situation are unnecessarily lengthened by this requirement; and

WHEREAS, the district election process could be shortened by providing, instead, for a single run-off election between the two candidates receiving the highest number of votes;

THEREFORE, BE IT RESOLVED that the third paragraph of Article III, Section 3 be amended to read as follows:

The vote of each L.U. shall be decided by a majority of its delegates. If the delegates of a L.U. are equally divided, then the L.U. shall have no vote. When there are more than two candidates for the same office in the district, and no candidate receives a majority on the first ballot, there shall be a run-off election between the two candidates receiving the highest number of votes.

(Nothing in this Constitution shall be construed to conflict with the above section.)

SUBMITTED BY:

Edwin D. Hill, International President

Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee had lengthy consultation with counsel, and reviewed past International Convention proceedings. After careful analysis, it was decided that a single runoff election between the two candidates receiving the

highest number of votes best serves the democratic process and provides for the efficient conduct of business at the International Convention.

Therefore, your Committee **CONCURS**.

**ARTICLE III, SECTION 8
INCREASE IN PENSIONS PAID
TO RETIRED OFFICERS, REPRESENTATIVES
AND ASSISTANTS**

WHEREAS, the 34th International Convention of the IBEW in St. Louis, Missouri, in 1991, dealt with resolutions which would increase the retirement benefits of international officers, representatives, and assistants, and further, provide for a biennial review of pension benefits being paid to retired international officers, representatives, and assistants; and

WHEREAS, that same Convention authorized the International President and International Secretary Treasurer to review, on a biennial basis, the pensions being paid to retirees and recommend to the International Executive Council that increases be granted to retirees if deemed actuarially feasible; and

WHEREAS, such review took place in 1991, 1995, 1997, and 1999, which resulted in increases being granted to retirees in the years 1992, 1996, 1998, and 2000; and

WHEREAS, the retirees have not had an increase since the year 2000; and

WHEREAS, the retirees are fully cognizant of the fact that the downturn in the markets played a major role in no increase being granted in 2002, 2004, 2006, 2008, and 2010; and

WHEREAS, the majority of those retirees contributed at the rate of 5 percent of their salaries through most of their years of service to our great Brotherhood, thus creating the great wealth of the plan; and

WHEREAS, the IBEW has always been the leader in providing benefits for its employees, active and retired; and

WHEREAS, the retirees have been faced with unprecedented increases in the cost of essentials such

as heating for their homes, gasoline, hydroelectric, transportation, and all other goods and services vital to their survival;

THEREFORE, BE IT RESOLVED that Article III, Section 8 of the IBEW Constitution be amended to read:

Sec. 8. Salaries of the International President, International Secretary-Treasurer, International Vice Presidents, I.E.C. Chairman, I.E.C. Members, Executive Assistants, Directors, and Senior International Representatives and the pensions being paid to retired Officers, Representatives, and Assistants shall be increased annually on October 1 of each year based on the following formula. In the year 2011, the retirees shall be granted an increase equal to the combined average of the percentage increases negotiated and approved for the members of the Construction, Manufacturing, Telephone, and Utility branches of the I.B.E.W. for the twelve (12) month period ending August 31 of each year. In 2012 and 2013, the average negotiated increase shall be paid to the International Officers, Executive Assistants, Directors, and Senior International Representatives. The format for distribution of the increase, available based on the combined average of percentage increases negotiated and approved for the members of the Construction, Manufacturing, Telephone, and Utility branches of the I.B.E.W. for the twelve (12) month period ending August 31 of each year, shall be continued as set out above, with the retirees receiving that increase in 2011, 2014, and every third (3rd) year thereafter.

All such officers etc., etc.....to end of Section 8 ending at I.P.

SUBMITTED BY:

Local Union 804 - Kitchener, ON, Canada

Local Union 230 - Victoria, BC, Canada

Statement of the Committee: Your Committee appreciates and values the time, efforts, and many contributions retired international officers and staff have dedicated to the IBEW and its members.

Following an in-depth actuarial presentation by the Plan's actuary and counsel, the proposed resolution, while well intended, is clearly cost prohibitive. The Plan's funded status would be impacted to such a degree so as to trigger federally mandated funding increases, thereby creating budget challenges in other areas. The trustees of the Plan review the health of the

plan annually and have the authority to make adjustments to retiree pension benefits.

Your Committee further believes that the proposed constitutional amendment would unduly tie the hands of the Plan's fiduciaries in making adjustments to pension payments and responding to changing economic situations in the future.

Therefore, your Committee **NONCONCURS**.

**ARTICLE IX, SECTION 2
PER CAPITA TAX**

WHEREAS, the financial strength of the IBEW assures its continued existence and its continued ability to provide members and local unions with a high level of service and representation; and

WHEREAS, the IBEW continues to have one of the lowest per capita tax rates of any international union in the United States and Canada; and

WHEREAS, for the past five years, IBEW operating expenses have exceeded its operating revenues, resulting in approximately \$131,000,000 in losses; and

WHEREAS, even with the increase in per capita tax sought by this resolution, the IBEW is projecting operating losses for the next several years; and

WHEREAS, the total membership of the IBEW has declined by over 30,000 members since the last International Convention, resulting in a substantial loss of dues income; and

WHEREAS, the IBEW intends to continue to aggressively organize electrical employees and add substantial numbers of new members, thereby strengthening the IBEW financially; and

WHEREAS, to assure that the IBEW will be able to pay its projected expenses, it is prudent and necessary to provide for an increase in the per capita tax rate and to provide the International Secretary-Treasurer with authority to increase the per capita tax rate if needed in later years to protect the financial interest of the IBEW and its members; and

WHEREAS, the Finance Subcommittee, appointed by International President Edwin D. Hill, recommends an increase in the per capita tax and its recommendation is fully supported by all the international officers of the IBEW;

THEREFORE, BE IT RESOLVED that Article IX be amended to reflect a two-dollar (\$2.00) increase in the per capita tax rate, effective January 1, 2012, and a second increase of two dollars (\$2.00) in the per capita tax rate, effective January 1, 2014; and

BE IT FURTHER RESOLVED to authorize the International Secretary-Treasurer to increase the per capita tax rate an additional one dollar (\$1.00), effective January 1, 2016, should the IBEW fail to meet membership growth projections (1% annually) as of June 30, 2015, as reported in the Calibre CPA Group, PLLC *Financial Forecast and Projection*.

BE IT FINALLY RESOLVED that Article IX, Section 2 be amended to state:

Sec. 2. The monthly per capita tax for each member, including each member on participating withdrawal, shall be as follows:

| | | |
|---------|---------|---------|
| 1/1/11 | 1/1/12 | 1/1/14 |
| \$13.00 | \$15.00 | \$17.00 |

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee has carefully and thoroughly reviewed this resolution on the proposal to increase the monthly per capita tax, effective January 1, 2012, January 1, 2014, and, if needed, January 1, 2016.

Your Committee is aware that we have gone through a period of historic economic challenges, and that there are many adversaries who threaten our union. Foremost in our minds is the interest of the entire Brotherhood, and our ability to represent our current and future members at the highest level of service.

Your Committee met with International Secretary-Treasurer, Salvatore J. Chilia and financial experts who provided a detailed report on the projected revenues and expense budget for the next 5 years. Since the last International Convention, operating

expenses have exceeded operating revenues, resulting in losses of approximately \$130,000,000. Membership is down, and even with the proposed increase in per capita tax, it is projected that for the next several years we will have operating losses. Although investment income has offset some of these losses, in our current economic climate, it is difficult to predict how this income may be affected.

Based on the need for additional revenue demonstrated by the report of the Finance Subcommittee, appointed by International President Edwin D. Hill, the information provided by financial experts and International Secretary-Treasurer Salvatore J. Chilia, and the fact that the IBEW's per capita tax rate remains one of the lowest of any international union, your Committee believes this resolution represents a responsible plan to protect and serve our Brotherhood until the next International Convention.

Therefore, your Committee **CONCURS**.

ARTICLE IX, SECTION 6 IBEW PENSION BENEFIT FUND CONTRIBUTION INCREASE

WHEREAS, the IBEW Pension Benefit Fund (PBF) is currently experiencing a deficit, as determined by the PBF's actuaries; and

WHEREAS, that deficit has been caused, in great part, by the current devastating economic downturn; and

WHEREAS, the current amount that is paid into the PBF is fourteen dollars (\$14.00) per month; and

WHEREAS, International President Hill established a Finance Subcommittee in February 2011, to provide recommendations to the IBEW international officers on the finances of the IBEW and the PBF "for the future protection and sustainability necessary to meet our goals of growing the Brotherhood and servicing our members"; and

WHEREAS, the Finance Subcommittee concluded that a combination of (1) an increase in "A" membership, through educational efforts to encourage "A" membership for new and existing members and the ongoing organization efforts, and (2) an increased investment by the "A" membership will ensure that the PBF is well-positioned for the future; and

WHEREAS, the Finance Subcommittee recommended an increase in payments to the PBF of one dollar (\$1.00) beginning January 1, 2013, and an additional one dollar (\$1.00) beginning January 1, 2015; and

WHEREAS, it is anticipated that the IBEW's active organizing efforts will result in a significant increase in "A" membership over the next decade and such increase generally improves the financial position of plans so long as the overall mix of new participants is relatively young; and

WHEREAS, the IBEW will embark on an educational program to encourage new IBEW members to choose "A" membership status and existing "BA" members to transfer to "A" membership status, to take advantage of the "A" membership benefits; and

WHEREAS, the Trustees of the PBF, in consultation with the PBF's actuaries, have reviewed the report of the Finance Subcommittee and have determined to adopt the Subcommittee's recommendation.

THEREFORE, BE IT RESOLVED that Article IX, Section 6 should be amended to read as follows:

Sec. 6. Each "A" member and each "A" member on Participating Withdrawal Card shall pay monthly to the Pension Benefit Fund:

| | | |
|---------|---------|---------|
| 1/1/10 | 1/1/13 | 1/1/15 |
| \$14.00 | \$15.00 | \$16.00 |

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee has carefully and thoughtfully reviewed this resolution, jointly submitted by International President Edwin D. Hill and International Secretary-Treasurer Salvatore J. Chilia, that would address the current deficit in the PBF.

Your Committee met with the PBF's actuary, Plan attorney, and other Plan professionals, as well as the International Secretary-Treasurer Salvatore J. Chilia, each of whom have recommended this increase in contributions to further ensure the continued financial solvency of the PBF. After consultation with the PBF's actuaries and further discussions with IBEW's leadership, your Committee is convinced that the pro-

posed increases are warranted to protect future benefits of the IBEW "A" membership.

Additionally, a Finance Subcommittee was established by International President Edwin D. Hill and charged with providing recommendations to him, the full International Executive Committee, and the International Vice Presidents, on the finances of the IBEW and the PBF. The Subcommittee evaluated and discussed the PBF's existing and future funding levels. It became clear that to do nothing was not an option, and an investment by our membership is necessary.

Your Committee further recognizes that the payments to the PBF are separated in Article IX from the per capita tax paid by all IBEW members. This amendment to Article IX of the IBEW Constitution directly relates to matters affecting the PBF and Article XI of the Constitution. Therefore, your Committee notes that, pursuant to Article II, Section 8 of the Constitution, only delegates representing "A" membership are entitled to discuss or vote on this resolution.

Therefore, your Committee **CONCURS**.

ARTICLE XI, SECTION 1(a) PENSION BENEFIT FUND

WHEREAS, the last increase to the International Pension dates back to 2006; and,

WHEREAS, the cost of living has steadily increased at a rate of approximately 3 percent per annum; and,

WHEREAS, our most vulnerable sisters and brothers are facing financial hardships; and

WHEREAS, Article XI and all sections and subsections currently read four dollars and fifty cents (\$4.50) per month for each full year of continuous "A" membership;

THEREFORE, BE IT RESOLVED that there be an increase of one dollar and fifty cents (\$1.50) per year to equal six dollars (\$6.00) per month for each year of continuous "A" membership.

SUBMITTED BY:
Local Union 105 - Hamilton, ON, Canada

Statement of the Committee: Your Committee recognizes the good intention of this proposed resolution.

Following an in-depth actuarial presentation by the Plan's actuary and counsel, the proposed resolution is clearly cost prohibitive absent significant additional contributions being made, over and above the required proposed increases that will be necessary to maintain existing benefits at their current level.

The proposed resolution, as submitted, would jeopardize future benefit obligations. This decision is best left to the Trustees that administer the Plan.

Therefore, your Committee **NONCONCURS**.

**ARTICLE XI, SECTION 4(a)
PENSION BENEFIT FUND—DEATH BENEFIT**

WHEREAS, the Pension Benefit Fund was created to provide a reasonable pension and death benefit to our "A" members and their spouses and families; and

WHEREAS, there are approximately 330,000 "A" members; and

WHEREAS, currently under Article XI Pension Benefit Fund, Section 4(a) "the beneficiary to receive the death benefits shall be paid a sum computed by subtracting from six thousand two hundred fifty dollars (\$6,250.00) all pension benefits paid by the I.B.E.W. Pension Fund to the retired member. However, in no event shall the amount of the death benefit due as a result of the death of an "A" member retired under Section 1 or Section 2 be less than three thousand dollars (\$3,000.00)"

THEREFORE, BE IT RESOLVED that the delegates of this International Convention support the elimination of the language within Article XI Pension Benefit Fund Section 4(a) as identified above so as to provide the full death benefit of six-thousand two-hundred and fifty dollars (\$6,250.00), except as provided for under 4(c) of Article XI.

SUBMITTED BY:
Local Union 23 - St. Paul, Minnesota

Statement of the Committee: Your Committee appreciates the sentiment of this proposed resolution.

Following an in-depth actuarial presentation by the Plan's actuary and counsel, the proposed resolution is clearly cost prohibitive, absent significant additional contributions being made over and above the required proposed increases that will be necessary to maintain existing benefits at their current level.

The proposed resolution, as submitted, would jeopardize future benefit obligations. This decision is best left to the Trustees that administer the Plan.

Therefore, your Committee **NONCONCURS**.

**ARTICLE XI, SECTION 6(d)
RETIRED MEMBERS VOTING IN
LOCAL UNION ELECTIONS**

WHEREAS, this Prohibition of Work section permits retired members to attend local union meetings and, with the local union's approval, to have a voice but no vote at those meetings; and

WHEREAS, this provision was never intended to allow retired members to come off pension and return to the trade for one month, just prior to an election, in order to vote in that election, and then to return to pension status immediately thereafter; and

WHEREAS, some members have recently attempted to "game the system" by doing exactly that, which is contrary to the long-standing intent of this provision; and

WHEREAS, the action of those members unfairly interferes with and dilutes the voting rights of the active members of the local union;

THEREFORE, BE IT RESOLVED that Article XI, Section 6(d) be amended to read as follows:

(d) Prohibition of Work. It is a condition for admission to pension benefits, including vested pension right and the continuation thereof, that the member shall not perform any work of any kind coming under the I.B.E.W.'s jurisdiction either for compensation or gratis for anyone, except that a member may work as an instructor in an I.B.E.W. recognized apprenticeship program, or as an Electrical Inspector for a governmental authority where Electrical Inspectors are not covered by an approved I.B.E.W. collective bargaining agreement. A retired member shall be permitted to attend L.U. meetings, and, with the L.U.'s approval, have a voice at

such meetings, but shall not have a vote; provided, that a member who comes off pension and returns to the trade prior to a L.U. election shall not be permitted to vote in the L.U. election for a period of one hundred twenty (120) days following his return to the trade. He shall observe his obligation of membership and show due obedience to I.B.E.W. laws and the bylaws of its L.U.'s.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes this is an issue that affects "A" members only. It also recognizes that all members in good standing have the right to vote.

Retirees making a bona fide return to the trade also have the right to vote; however, this resolution preserves the democratic process in a local union election. This resolution guards against the practice of retirees temporarily reactivating their membership for the sole purpose of influencing the outcome of an election.

Therefore, your Committee **CONCURS**.

**ARTICLE XII, SECTION 10
MILITARY SERVICE CARDS**

WHEREAS, for many years, the Military Service Card has allowed members in good standing who enter military service for the first time, or who are recalled to military service, to retain all membership privileges without being required to pay dues or per capita taxes; and

WHEREAS, this section also provides that a member who remains in or reenters military service, without being required to do so, is not entitled to retain the Military Service Card; and

WHEREAS, a member who is involuntarily called to active duty in the military should not suffer a loss of membership privileges; and

WHEREAS, to eliminate any confusion concerning the right of a member in the military service or the National Guard to retain the Military Service Card when recalled to active duty;

THEREFORE, BE IT RESOLVED that the fifth paragraph of Article XII, Section 10 be amended to read as follows:

Any member who remains in or reenters military service, without being required to do so, shall not be entitled to retain the Military Service Card, nor shall such member be issued a new one in such circumstances; provided, however, that a member serving in the National Guard or in the military reserves may retain the Military Service Card benefit whenever called to active duty.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes the great sacrifices made by our military personnel, including those in the National Guard or the military reserves. This resolution extends the benefits which currently are afforded to those members required to serve on active duty. *National guard etc intent*
Therefore, your Committee **CONCURS**.

**ARTICLE XV, SECTION 5
ARTICLE XXIV, SECTION 1
MEMBERS HOLDING
MANAGEMENT POSITIONS**

WHEREAS, Article XV, Section 5 provides that a member who becomes an electrical employer, or a partner in an electrical employing concern, may not hold office in the local union, attend its meetings, or vote in local union elections; and

WHEREAS, Article XXIV, Section 1 provides that a member who becomes a general manager or superintendent may apply for a withdrawal card or be issued one by the local union; and

WHEREAS, the purpose of both of these provisions is to assure that, as required by applicable law, members who assume management roles may not participate in the affairs of their local unions; and

WHEREAS, some confusion has arisen from the fact that the positions listed in the two provisions are different, and that discrepancy became an issue with the Department of Labor in a local union election case; and

WHEREAS, that difficulty can be resolved by listing similar positions in each of the two provisions;

THEREFORE, BE IT RESOLVED that Article XV, Section 5 be amended to read as follows:

Sec. 5. No L.U. shall allow any member who becomes an electrical employer, a partner in an electrical employing concern, a general manager, or other managerial position, to hold office in the L.U. or attend any of its meetings, or vote in any election of a L.U. The L.U. may allow such a member to continue his membership in the L.U., or the member may apply to the F.S. for a withdrawal card. It shall require a majority vote at a meeting to grant such card. But the L.U. has the right to require such a member to take out a withdrawal card if it so decides; and

BE IT FURTHER RESOLVED that Article XXIV, Section 1 be amended to read as follows:

Sec. 1. Any member who becomes an electrical employer, a partner in an electrical employing concern, a general manager, or any other managerial position, or who retires from his trade, may apply to the F.S. for a withdrawal card. It shall require a majority vote at a meeting to grant such card. But the L.U. has the right to require such a member to take out a withdrawal card if it so decides. ~~ Not covered under collective~~*

~~base contract agreement~~
SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: This resolution speaks to the issue of members who become employers, partners, or assume management positions as it relates to affairs of the local union.

Your Committee was advised by counsel that in order to be compliant with applicable law, clarification needed to be made as it relates to members who assume management roles.

Therefore, your Committee **CONCURS**.

ARTICLE XV, SECTION 6 SUBMISSION OF BYLAWS AND AGREEMENTS TO THE INTERNATIONAL PRESIDENT

WHEREAS, Article XV, Section 6 presently requires that multiple copies of signed agreements be

submitted to the International President, a requirement that has existed for many years and does not take into account the ability to submit documents in electronic form; and

WHEREAS, the advances in technology since the 37th International Convention permit other forms of submission, and allow the International President to determine other means of submission of agreements in the future; and

WHEREAS, there is no present requirement that bylaw amendments be submitted first to the International Vice President for his recommendation, and through him to the International President; and

WHEREAS, submission of bylaw amendments to the International Vice President will allow the district offices to provide greater assistance to local unions;

THEREFORE, BE IT RESOLVED that Article XV, Section 6 be amended to read as follows:

Sec. 6. L.U.'s are empowered to make their own bylaws and rules, but these shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme. All bylaws, amendments and rules, all agreements, jurisdiction, etc., of any kind or nature, shall be submitted to the I.P. for approval. No L.U. shall put into effect any bylaw, amendment, rule or agreement of any kind without first securing such approval. All these shall be null and void without I.P. approval. The I.P. has the right to correct any bylaws, amendments, rules or agreements to conform to this Constitution and the policies of the I.B.E.W. Bylaw amendments shall be submitted to the I.V.P. of that district, who will forward them to the I.P. with his recommendations. The number of copies of agreements, and the method of their submission, shall be determined by the I.P.

Approval of the L.U. collective bargaining agreements by the I.P. does not make the International a party to such agreements unless the I.P. specifically states in writing that the International is a party to any such agreement.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes the evolution of technology and the benefits of streamlining administrative duties for both

local unions and the International Office in relation to the processing of collective bargaining agreements.

This resolution also addresses the practical advantage for the review and recommendation of by-law amendments by the district office. Additionally, it provides assistance to the local union prior to submission to the International President for approval.

Therefore, your Committee **CONCURS**.

ARTICLE XV, SECTION 25 ARTICLE XVII, SECTION 15 RULES FOR LOCAL UNIONS— EXAMINING BOARD

WHEREAS, Article XVII, which lists local union officers, presently includes the Examining Board as local union officers;

WHEREAS, Article XVI, Section 1 is proposed to be amended to provide that the members of the Examining Board are not considered local union officers; and

WHEREAS, the section in the IBEW Constitution outlining the duties of the Examining Board, which is presently in Article XVII, Section 15 is proposed to be removed from Article XVII; and

WHEREAS, the duties of the Examining Board must be retained in the Constitution, and can be placed logically in Article XV, Rules For Local Unions;

THEREFORE, BE IT RESOLVED that present Article XVII, Section 15 be deleted; and

BE IT FURTHER RESOLVED that a new Section 25 shall be added to Article XV, retaining the current language covering the duties of the Examining Board, as follows:

Supervise

Sec. 25. The Examining Board is to examine all applicants for membership to determine their qualifications for the trade, except for those selected as apprentices under provisions of the collective bargaining agreement. They shall examine such qualifications of members as provided in Article XIX of this Constitution.

The Board shall meet at least quarterly for the examination of applicants when there are applicants to be

examined. The Board shall retain all records of examinations given for at least two (2) years.

The report on the results of all examinations shall be furnished to the Executive Board and the L.U. by the Examiners.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee will recommend passage of other resolutions that, if adopted, clarify the status of the Examining Board. This clarification necessitates the realignment of Article XVII, Section 15 and repositions the Examining Board to Article XV, Section 25.

This resolution does not change the existing duties of the Examining Board, but rather eliminates any possible future misinterpretation by the U.S. Department of Labor that Examining Board members are considered operational officers of the local union. This simply moves the responsibilities and duties of the Examining Board from one section of the IBEW Constitution to another.

Therefore, your Committee **CONCURS**.

ARTICLE XVI, SECTION 1 LOCAL UNION EXAMINING BOARD

WHEREAS, Article XVI, Section 1 lists all of the traditional officers of a local union, and also states that a local union may have an Examining Board of no more than five (5) nor less than three (3) members; and

WHEREAS, even though the Examining Board is listed in this section, members of the Examining Board have never been considered traditional operating officers of the local union, such as president, vice president, recording secretary, financial secretary, treasurer, business manager, and Executive Board; and

WHEREAS, contrary to the intent of the IBEW Constitution, the U.S. Department of Labor recently took the position that Examining Board members enjoy the same "officer" status as the positions listed above, resulting in unnecessary expense to the local union and the IBEW; and

WHEREAS, the confusion on this issue can be easily eliminated by providing specifically that Examining Board members are not operating officers of the local union;

THEREFORE, BE IT RESOLVED that Article XVI, Section 1 be amended to read as follows:

Sec. 1. Each L.U. shall have a president, vice president, recording secretary, financial secretary, treasurer, and Executive Board of not more than seven (7) nor less than three (3) members, provided that where deemed necessary for better representation in the L.U.'s, the Executive Board may, with the consent of the I.P., have more than seven (7) members and, if the L.U. so decided, an Examining Board of not more than five (5) nor less than three (3) members. The members of the Examining Board are elected, however they are not considered local union operating officers.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: The IBEW has long recognized the importance of maintaining the highest standards of craft proficiency.

Your Committee recognizes that local union Examining Boards are an essential organizing and educational component of the local union. We also recognize they are not operating officers of the local union in that they do not set policy or direction for the local union.

It was brought to the Committee's attention, by general counsel, that the U.S. Department of Labor, contrary to the intent of the IBEW Constitution, recently took the position that because of the current constitutional placement of Examining Board members, they were assumed to be officers of the local union.

The IBEW Constitution clearly defines the duties and responsibilities of elected operational officers. The examining board, even though listed as officers in Article XVI, Section 1 of the Constitution, do not perform the same operational duties.

Therefore, your Committee **CONCURS**.

ARTICLE XVI, SECTION 11 ABILITY OF APPRENTICES TO SERVE AS ELECTION JUDGES AND TELLERS

WHEREAS, Article XVI, Section 11 provides that there shall be one election judge and as many tellers as are required; and

WHEREAS, there is no provision stating whether an apprentice can serve as election judge or teller; and

WHEREAS, the 37th International Convention decided that, because of the need for local union officers to have experience and knowledge about the IBEW, the operation of local unions, and the industry, apprentices are not eligible to hold local union office, except that a member who was previously eligible to hold office in the local union shall remain eligible if he entered an apprenticeship program for the purpose of upgrading his classification; and

WHEREAS, the same reasons—the need for knowledge and experience—dictate that an apprentice should not serve as an election judge or teller;

THEREFORE, BE IT RESOLVED that Article XVI, Section 11 be amended to read as follows:

Sec. 11. The L.U. shall decide the manner in which the nominations and election shall be held, and such shall be stated in the L.U. bylaws. This shall not conflict with the I.B.E.W. Constitution. There shall be one judge and as many tellers as are required, and the method of selection shall be stated in the L.U. bylaws. An apprentice shall not serve as an election judge or teller. Must be member for 2 years in L.U.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: The IBEW has long held the opinion that knowledge of and experience in local union matters are prerequisites for holding office as determined at the 37th International Convention. Apprentices are not eligible to run for local union office, except for those previously eligible to hold office in their local union.

Your Committee recognizes the need to have consistency in the participation of apprentices in local union elections. Participation of apprentices in local union elections is encouraged, but not in the position of a judge or teller.

Therefore, your Committee **CONCURS**.

ARTICLE XVI, SECTION 16 EXAMINING BOARD VACANCIES

WHEREAS, Article XVI, Section 1 is being amended to provide that the members of the Examining Board are not considered local union officers; and

WHEREAS, with that change, there will be no provision for filling vacancies on the Examining Board; and

WHEREAS, this section provides for the filling of vacancies in local union offices and other non-officer positions;

WHEREAS, the reclassification of Examining Board members should not affect the manner in which vacancies are filled;

THEREFORE, BE IT RESOLVED that Article XVI, Section 16 be amended to read as follows:

Sec. 16. Vacancies occurring in any L.U. office, and the Examining Board, shall be filled by the L.U. Executive Board until the next regular election, except when filled by the I.P. The eligibility requirements for election to the office shall apply. Vacancies in the position of press secretary, registrar, door foreman, or inspector shall be filled by the L.U. president.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee has recommended passage of other resolutions that, if adopted, clarify the status of the Examining Board, and reposition references to the Examining Board within the IBEW Constitution. With that change, there is a need to add specific language for the process of filling vacancies on the Examining Board that occur between elections.

Article XVI, Section 16 requires vacancies in any local union office shall be filled by the local union Executive Board until the next regular election. This resolution simply follows the existing process for filling vacancies in the local union, including the Examining Board.

Therefore, your Committee **CONCURS**.

ARTICLE XVII, SECTION 1(f) LOCAL UNION AUDITS

WHEREAS, an independent audit provides an assurance that the books and accounts of the local union are correct, and having this done annually is in the best interest of the membership; and

WHEREAS, most local unions already employ a public accountant for an independent audit or other general accounting needs; and

WHEREAS, there is often a misunderstanding that having a public accountant perform general accounting services constitutes an independent audit; and

WHEREAS, the additional cost of conducting an independent audit is not considered a significant burden to the local unions;

THEREFORE, BE IT RESOLVED that Article XVII, Section 1(f) be amended to read as follows:

Sec. 1(f). He shall either appoint an auditing committee of three members, or he or the L.U. Executive Board, as the L.U. decides, shall employ a public accountant to reconcile the books and accounts of the L.U. every three months. He shall inspect the bank books or books of the treasurer to see that L.U. moneys turned over to the treasurer have been properly and promptly deposited in the name of the L.U.

In addition, he shall employ a certified public accountant to perform an annual independent audit of the books and accounts of the L.U., in accordance with U.S. generally accepted auditing standards or their international equivalent; provided, however, should the L.U. believe it would be cost prohibitive to conduct such an annual independent audit, the L.U. can request a waiver from the I.S.T.

SUBMITTED BY:
Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes the importance of ensuring appropriate safeguards are in place to protect the funds entrusted to the local union by its members. Although reconciliation of the books occurs on a quarterly basis, the Committee believes it is important that an independent review is conducted by an independent auditor on an annual basis.

This resolution amends the IBEW Constitution to ensure the local union president meets current fiduciary responsibilities. It further ensures greater consistency throughout the IBEW, while allowing local unions that might find this requirement cost prohibitive a waiver process.

Therefore, your Committee **CONCURS**.

ARTICLE XVIII, SECTION 5 LOCAL UNION EXPENDITURES AND PURCHASES

WHEREAS, Article XVIII, Section 5 currently provides that the funds and property of a local union shall be used only for such purposes as are approved by the International President or as are specified in the IBEW Constitution; and

WHEREAS, requiring the International President to review and approve or disapprove every local union expenditure and purchase not specified in the IBEW Constitution places an unnecessary administrative burden on the International President and his staff; and

WHEREAS, some expenditures and purchases—those under \$5,000—should be reviewed but could more effectively and more quickly be reviewed by an International Vice President; and

WHEREAS, large expenditures and purchases—those over \$5,000—could affect the financial well-being of a local union and should still be reviewed by the International President;

THEREFORE, BE IT RESOLVED that Article XVIII, Section 5 be amended to read as follows:

Sec. 5. The funds and property of a L.U. shall be used only for such purposes as are approved by the I.P., or as are specified in the Constitution as may be necessary to transact, properly manage, and conduct its business. All purchases of property or expenditures of \$5,000 or above shall be approved by the I.P. Expenditures of less than \$5,000, other than those necessary for payment of regular standing bills such as rent, salaries, and payment to the I.S.T., shall be approved by the I.V.P.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Article XVIII, Sections 4 and 5 of the IBEW Constitution, the *IBEW Basic Laws and Policies*, and local union bylaws presently address expenditures at the local union level.

The above referenced provisions are understood and adhered to presently with the mechanisms in place in each local union through their bylaws, Executive Board, and membership approval of expenditures.

This resolution, as submitted, is cumbersome to the local union and restricts the ability of the local union to conduct business in a timely manner. This Committee is confident that all local unions throughout this great Brotherhood act prudently and responsibly with the disbursement of local union funds.

Therefore, your Committee **NONCONCURS**.

ARTICLE XX, SECTION 1 MEMBERSHIP IN MORE THAN ONE LOCAL UNION

WHEREAS, Article XXIII of the IBEW Constitution provides a procedure by which an individual can transfer his membership from one local union to another; and

WHEREAS, a member should not be able to avoid that provision by applying for membership in a second local union without obtaining and presenting a Traveling Card; and

WHEREAS, the IBEW Constitution does not specifically prohibit an individual from being a member of more than one local union at one time; and

WHEREAS, no individual should be a member of more than one local union at one time;

THEREFORE, BE IT RESOLVED that a new third paragraph be added to Article XX, Section 1 to read as follows:

No L.U. can admit any applicant for membership who is a member of another L.U. except as a traveler under the provisions of Article XXIII. No person may be a member of more than one L.U. at any one time.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: The IBEW Constitution, in Article XXIII, Section 2 provides for a member to transfer membership from one local union to another by securing a Traveling Card. The Constitution does not currently state that an individual shall not be a member of more than one IBEW local union. Your Committee believes that no member should be a member of more than one IBEW local union at the same time.

Therefore, your Committee **CONCURS**.

ARTICLE XXI, NEW SECTION 5 ARTICLE XXV, SECTION 13 GOOD STANDING STATUS OF MEMBERS APPEALING TRIAL BOARD ASSESSMENTS

WHEREAS, under Article XXV, Section 13 a member assessed by a local union trial board who wishes to appeal must first pay the assessment, or when the assessment exceeds fifty dollars (\$50.00) make forty-dollar (\$40.00) monthly installments, which must continue until the assessment is paid or a final decision is made on the appeal, whichever comes first; and

WHEREAS, Article XXI provides that a member indebted to his local union for three (3) months shall be suspended, or if indebted for six (6) months, shall be dropped from membership; and

WHEREAS, it was never intended that the provisions of Article XXI should be applied to a member who, although assessed, is still appealing; and

WHEREAS, clarification is needed to resolve the conflict between these two sections;

THEREFORE, BE IT RESOLVED that a new Section 5 be added to Article XXI (with the present Section 5 renumbered as Section 6) to read as follows:

Sec. 5. A member who has been assessed by a L.U. trial board, who is appealing the assessment and making the required monthly payments in accordance with Article XXV, Section 13 retains his good standing status until the appeal process in Article XXV has been exhausted; and

BE IT FURTHER RESOLVED that Article XXV, Section 13 be amended to read as follows:

Sec. 13. No appeal for revocation of an assessment shall be recognized unless the member has first paid the assessment, which he can do under protest. When the assessment exceeds fifty dollars (\$50.00), payments of not less than forty dollars (\$40.00) in monthly installments must be made until the assessment is paid or until a final decision on the appeal is made, whichever occurs first. The first monthly installment must be made within fifteen (15) days from the date of the decision rendered and monthly installments continued thereafter or the appeal will not be considered. A member who has been assessed by a L.U. trial board, who is appealing the assessment and making the required monthly payments in accordance with this section, retains his good standing status until the appeal process in this Article has been exhausted.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee, acting on the advice of general counsel, recognizes the need to clarify an existing conflict between Article XXI and Article XXV, Section 13. We believe it was never intended that a member lose good standing status while appealing the decision of a local union trial board.

This resolution ensures that while following the proper appeal process, making the proper monthly installments of the assessment, and provided his or her dues remain current, the member is deemed to retain good standing status within the local union.

Therefore, your Committee **CONCURS**.

ARTICLE XXV, SECTION 8 CHARGES AGAINST STEWARDS

WHEREAS, Article XXV, Section 8 provides that charges against a local union officer or representative must be filed with the International Vice President in whose district the local union is located; and

WHEREAS, stewards are not local union officers and Article XXV, Section 8 does not clearly state whether charges against stewards should be filed with the International Vice President; and

WHEREAS, any charges against a steward for his or her conduct as a steward should be filed with the

International Vice President, because, in processing grievances and communicating with an employer, the steward is frequently acting as a representative of the local union; and

WHEREAS, amending Article XXV, Section 8 to specifically state that any charges against a local union steward must be filed with the International Vice President will clarify the meaning of that section and avoid unnecessary confusion;

THEREFORE, BE IT RESOLVED that the first paragraph of Article XXV, Section 8 be amended to read as follows:

Example Board
Sec. 8. All charges against an officer, steward or representative of a L.U. must be presented in writing, signed by the charging party, and specify the section or sections of this Constitution, the bylaws, rules or working agreement violated. The charges must state the act or acts considered to be in violation, including approximate relevant dates and places; and must be made within sixty (60) days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes that stewards are not officers of the local union. However, in processing grievances and communicating with an employer, stewards are frequently acting as representatives of the local union.

To clarify the meaning of Article XXV, Section 8 this proposal specifies that charges against stewards must be filed with the International Vice President in whose district the local union is located.

Therefore, your Committee **CONCURS**.

ARTICLE XXV, SECTIONS 12 AND 17 APPEALS FROM TRIAL BOARD DECISIONS

WHEREAS, Article XXV, Section 12 was amended by the 37th Convention to delete certain language in order to make it clear that appeals under Article XXV could be taken only from the action of a local union trial board; and

WHEREAS, it was never intended, either by Section 12 or Section 17, that anyone other than a member penalized or otherwise disciplined by a local union trial board could appeal; and

WHEREAS, since the last International Convention, several charging parties have claimed that they, too, could appeal, despite the express language of Section 17 to the contrary; and

WHEREAS, it is therefore necessary to make clear beyond any possible doubt that only a member who is penalized or otherwise disciplined by a local union trial board may appeal and that a charging party may not do so;

THEREFORE, BE IT RESOLVED that Article XXV, Section 12 be amended to read as follows:

Sec. 12. Any member penalized or otherwise disciplined by any L.U. trial board may appeal to the I.V.P. any time within forty-five (45) days after the date of the action of the L.U. trial board. A charging party may not appeal a L.U. trial board decision.

A copy of any appeal must be filed with the L.U.; and

BE IT FURTHER RESOLVED that Article XXV, Section 17 be deleted, as it is now contained in Section 12; and

BE IT FURTHER RESOLVED that current Section 18 be renumbered as Section 17.

SUBMITTED BY:

Edwin D. Hill, International President
Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes it was never intended that anyone other than a member penalized or otherwise disciplined by a local union trial board could appeal a trial board decision. To eliminate any confusion, the Committee agrees that Article XXV, Section 17 should be deleted and a revised Article XXV, Section 12 be adopted as proposed.

Therefore, your Committee **CONCURS**.

ARTICLE XXVII, SECTION 1 SELECT COMMITTEE ON THE FUTURE OF THE BROTHERHOOD

WHEREAS, in the late 1990s the International President appointed the Select Committee on the Future of the Brotherhood; and

WHEREAS, that Committee made recommendations that were submitted to local unions for a referendum vote in 1998; and

WHEREAS, many significant changes to our two nations' economies have occurred since 1998; and

WHEREAS, these changes have had a detrimental effect on all of organized labor, including our own Brotherhood; and

WHEREAS, the current structure of organized labor, including the IBEW, makes it difficult to respond to these changes in an efficient manner; and

WHEREAS, the IBEW Constitution has undergone only modest change over the last 65 or more years; and

WHEREAS, our structure may no longer be sufficient to serve the IBEW membership to its fullest potential; and

WHEREAS, the IBEW Constitution and our organizational structure require a complete review in order to evaluate and consider necessary changes; and

WHEREAS, the task of reviewing and making recommendations will be too time consuming and cumbersome were it attempted during an International Convention;

THEREFORE, BE IT RESOLVED that the 38th International Convention direct the International President to appoint a new committee to study our structure and the IBEW Constitution and recommend changes that will allow our Brotherhood to prosper in the 21st century; and

BE IT FURTHER RESOLVED that this committee shall be known as the 2011 Select Committee on the Future of the Brotherhood and shall be composed of 11 IBEW local union members; one from each district, with representation from each branch of the Brotherhood in direct proportion (or as close as pos-

sible) to the applicable percentage of the membership represented by each branch, plus one International Vice President who will serve as Chairman, one International Executive Council member, and two members of the staff; the International President and International Secretary shall serve as ex-officio members; and

BE IT FURTHER RESOLVED that the International President shall convene the first meeting of this Committee no later than 12 months following adjournment of the 38th International Convention; and

BE IT FURTHER RESOLVED, that this Committee be directed to complete its work in the form of recommended changes no later than 12 months after its initial meeting; and

BE IT FURTHER RESOLVED, that the Committee's recommendations be prepared for a referendum vote by the International Secretary and submitted for said vote no later than 30 months following adjournment of the 38th International Convention; and

BE IT FURTHER RESOLVED that the referendum shall include the effective dates of all actions taken through this referendum, but in no event shall any action be delayed beyond the 39th International Convention of our Brotherhood; and

BE IT FINALLY RESOLVED that Article XXVIII, Section 1 be amended as follows:

Sec. 1. This Constitution and the rules herein can be amended in four ways:

And add new Subsection (d):

(d) The recommendations of the 2011 Select Committee on the Future of the Brotherhood, as directed by the delegates to the 38th International Convention, shall be prepared for referendum vote in accordance with Section 1(1) of this article at a time no later than thirty (30) months following the adjournment of the 38th I.C. Any constitutional changes accepted through referendum vote shall become effective at such times as designated in the document submitted for referendum.

SUBMITTED BY:

Local Union 58 - Detroit, Michigan
Local Union 58 withdrew

Statement of the Committee: Your Committee believes that no need has been shown to establish a new Select Committee, only 13 years after the comple-

tion of the work of the Select Committee established by the 35th International Convention in 1996. It is important to note that the work of a Select Committee is a huge undertaking, both in terms of the actual dollar cost of its operation and the substantial expenditure of time by the Committee members, and the international officers and staff. The 35th International Convention, recognizing that a number of structural changes might be necessary within the IBEW, and acknowledging that a 5-day Convention would not provide adequate time to study and consider the full range of issues that might arise, established the Select Committee on the Future of the Brotherhood. There had been no similar Committees for at least 40 years prior to that time.

The 1998 Select Committee made a series of recommendations, which were submitted to the local unions in a referendum vote in 1998. The result of the referendum vote was the adoption of the Select Committee's recommendations. This resolution repeats many of the terms of the 1996 resolution (all seven of the resolved clauses are identical in substance to those in 1996). It makes no showing of a need for a new Select Committee only 13 years after the adoption of the recommendations of the last Select Committee in 1998.

Moreover, the operation of a new Select Committee in a time of belt-tightening would be an additional burden on the finances of the Brotherhood. In terms of actual expense, the 1997-1998 operating cost of the Select Committee was \$60,000.00. In today's dollars, the operating cost of a new Select Committee is likely to exceed \$100,000.00. And, since the IBEW is likely to be in a deficit-spending posture by the time of the 39th International Convention, even with the per capita increases proposed at this Convention, the expenditure of an additional \$100,000.00 or more cannot be justified.

For all of these reasons, your Committee does not believe that the establishment and operation of a new Select Committee, only 13 years after the work of the previous Select Committee, is warranted.

Therefore, your Committee **NONCONCURS**.

REFERENCES TO "JOURNAL" IN THE IBEW CONSTITUTION

WHEREAS, there are a number of references to the IBEW "JOURNAL" in the IBEW Constitution; and

WHEREAS, the IBEW "JOURNAL" has been discontinued; and

WHEREAS, it is therefore necessary to substitute new words in the IBEW Constitution wherever the word "JOURNAL" appears;

THEREFORE, BE IT RESOLVED that in the following sections of the Constitution, the word "JOURNAL" shall be deleted and in its place the words "monthly publication" shall be inserted:

Article II, Section 3

Article IV, Section 3(n)

Article V, Section 1

Article VI, Section 1, fifth and sixth paragraphs

Article VIII, Section 10

Article XXVII, Section 1(a)

SUBMITTED BY:

Edwin D. Hill, International President

Salvatore J. Chilia, International Secretary-Treasurer

Statement of the Committee: Your Committee recognizes that the *IBEW Journal* has been discontinued, and any references to the *Journal* in the IBEW Constitution are now obsolete.

Furthermore, with the advent of new technology and the opportunities to realize financial savings for the IBEW, the Committee encourages all IBEW members to receive the monthly publication electronically if possible.

Therefore, your Committee **CONCURS**.