

April 24, 2009

TO: ALL DISTRICT DIRECTORS

Greetings:

As a result of preparations for the conduct of the International Election, questions have arisen as to whether certain classes of individuals are members of the Union in good standing and therefore entitled to participate in that election. Pursuant to my authority as President under Article IV, Section 6, I am issuing the following interpretation of our Constitution.

**A. Workplace Shutdowns**

**Article XI, Section 5 provides, in part, that:**

"Any member who retains employee status in a bargaining unit represented by the International Union but who because of layoff has not, for twenty-four (24) continuous months, performed at least five (5) days' work in any month in such bargaining unit shall be deemed not in good standing (but not expelled) and devoid of all membership rights until such time as the member is recalled or obtains employment in a bargaining unit represented by the International Union and resumes payment of current dues, at which time the member shall automatically be restored to good standing."

A question has arisen as to the applicability of this language to employees who become the victims of workplace shutdowns. Employees who have severed their bargaining unit status, such as through the acceptance of a pension or in many cases severance pay, cease being members of the Union whether or not their workplace has shut down. However, any other individual who is no longer working for the company because of a workplace shutdown will continue to be a member of the Union in good standing and entitled to vote in the International Election for up to the 24 months referred to in Article XI, Section 5, provided two conditions are met:

- (1) The individual's Local Union continues to exist – that is, the Local's charter has not been cancelled (in the case of Amalgamated Local Unions, the individual's Unit has not been cancelled); and
- (2) The individual continues to have seniority rights which are recognized by the company or which are asserted by the Union. Such rights include the right to continue to accumulate seniority for purposes of creeping or growing into a pension or the right to be recalled to work by the employer in the event the workplace is reopened (regardless of how remote that possibility may be).

So long as that Local Union exists (in the case of Amalgamated Local Unions, the individual's Unit exists), the individual with seniority rights continues to be a member for up to 24 months. However, Local Union charters (in the case of Amalgamated Local Unions, the Unit) should be continued only so long as is necessary. When the affairs of the Local or Unit have been wound up, a request should be made for the cancellation of the charter, or Unit. Pursuant to Article IX of the International Constitution, the cancellation of the charter, or Unit terminates any lingering membership rights.

**B. Organizing**

A second question has arisen as to the membership status of employees working for companies where organizing campaigns are in progress. It is the Union's policy to exonerate individuals from dues during the organizing period and until the first contract with the company has been negotiated and signed. Accordingly, individuals who have signed cards applying for membership are deemed to be members of the Union in good standing once the unit is chartered or amalgamated with an existing Local Union, even though such individuals may not actually be paying dues.

**C. "Agency Shop," "Rand Formula" and Other Arrangements For Dues Payment Without Membership**

Membership in the Union requires an intention on the part of the individual to be a member. Normally this intent is shown by paying dues. However, some laws and contractual arrangements in Canada and the United States make it possible for individuals to pay the equivalent of dues without actually being members of the Union. Where individuals affirmatively express their desire **not** to be members of the Union (as for example by refusing to sign a checkoff and membership application card but instead signing an agency shop checkoff card), the wishes of such individuals will be respected. They are not members of the Union and are not eligible to vote.

In certain Canadian Provinces, by operation of law, dues are automatically deducted from the pay of all employees in the bargaining unit without the necessity of signing a dues checkoff or membership card. It is permissible in those situations to consider the individuals as **not** being members of the Union and not entitled to vote until they sign a union membership card. In this event, the Local must have membership cards available at the nomination meeting and at the election for individuals who wish to join the Union by signing such cards and paying the applicable initiation fee.

In solidarity,



Leo W. Gerard  
International President

c: International Officers  
Staff Representatives