

BYLAWS

NORTHEASTERN OHIO CONSTRUCTION LABOR AND MANAGEMENT SAFETY INCENTIVE PROGRAM BYLAWS.

ARTICLE I

NAME AND OBJECTIVES

NAME

Section 1. The name of this program shall be The Northeastern Ohio Construction Labor and Management Safety Incentive Program, herein after referred to as "SIP."

OBJECTIVES

Section 2. The objectives of this program shall be:

- a) To sponsor and promote safety in the construction industry, including the establishment of a Safety Incentive Program for the benefit of employees in the industry who are working under the various collective bargaining agreements between the Union and Association Members.
- b) To disseminate information to appropriate parties concerning the Safety Incentive Program and safe construction practices.
- c) To develop advertising and public relations programs and other promotional activities for the Safety Incentive Program.
- d) To promote safety in the construction industry by educational activities within the industry relating to safe construction practices.
- e) To develop additional programs and activities directed at the improvement of safety programs in the construction industry.
- f) To promote improvement of existing construction safety rules and work practices.
- g) To receive or increase funds to accomplish the purposes of the Trust.
- h) To do everything that may be necessary, suitable, proper or legal for the accomplishment of any of the stated purposes of the Trust or to attain any of the objects herein before enumerated, either alone or in association with other trusts, corporations, firms or individuals.

ARTICLE II
MEMBERSHIP

CLASSES

Section 1. The membership of this program shall consist of two (2) classifications:

1. Active Member
2. Associate Member

ACTIVE MEMBERSHIP

Section 1. Active members are participants whom are field construction workers and are members in good standing with any participating building and construction trade union. For the purposes of this Program, field construction workers shall include contractor union shop workers and workers performing trade work at customer or supplier facilities.

Section 2. All other contributing union and association members, association staff, contractor representatives, union business managers, agents, or presidents.

ASSOCIATE MEMBERSHIP

Section 1. Associate members do not meet the criteria of an active member but still contribute to the program (i.e.; State & Federal Agencies, Vendors and/or Suppliers, etc.).

Section 2. Associate members may participate in all Program activities, including assignment or working committees, but may not serve in any office position.

Section 3. Associate members shall attend meetings and/or functions by invitation.

Section 4. Associate members may become Active members if they subsequently meet the requirements of an Active member and make application following the procedure for admission to membership as prescribed in Article II of this Trust.

ARTICLE III

NOMINATIONS AND ELECTIONS OF OFFICERS

NOMINATING COMMITTEE

- Section 1. The Nominating Committee shall be comprised of two (2) trustees (one Management and one Labor), the SIP Director, and four (4) active members (two (2) Management and two (2) Labor). The said named committee should present their nominations to the Executive Committee.
- Section 2. Additional nominations for the elected offices may be made from the floor at election time.
- Section 3. Voting for nominees shall be by secret ballot at a meeting of active members, and the majority of the votes cast by active members present shall constitute election to office.
- Section 4. Newly elected officers of the program shall begin their term within 30 days of acceptance by the general membership or Executive Committee.
- Section 5. Elections shall be held every two (2) years immediately following the Annual SIP Awards Luncheon on even numbered years.

ARTICLE IV
OFFICERS AND MANAGEMENT

OFFICERS AND EXECUTIVE COMMITTEE

- Section 1. The elected officers of this program shall consist of the Co-Chairpersons.
- Section 2. The Co-Chairpersons shall be comprised of one union representative and one contractor/association representative.
- Section 3. The SIP Project Director shall assume the duties of the Secretary and Treasurer, unless otherwise decreed by the Executive Committee.
- Section 4. The Executive Committee shall consist of the elected officers, the most recent Co-Chairpersons, the Secretary, the Treasurer, SIP Project Director and the Board of Trustees.
- Section 5. All meetings of the Executive Committee shall be subject to the call of the Co-Chairpersons and/or SIP Project Director, or upon the written request of twenty (20) Active members in good standing.
- Section 6. A minimum of four (4) meetings per year of the Executive Committee shall occur.
- Section 7. All Executive Committee Meetings shall be open to all Active members wishing to attend and to Associate members by invitation only.
- Section 8. The Executive Committee shall appoint any vacant Co – Chair position.

SUBCOMMITTEES

- Section 1. There shall be subcommittees established to assist the Executive Committee with necessary activities:
- a) Awards Committee (Quarterly, Annual Luncheon, Contractor Safety, and Craftsperson Awards).
 - b) Bylaws Review Committee
 - c) SIP TIP Chairman
 - d) OSHA Partnership Committee
 - e) Marketing Committee
- Section 2. The Subcommittee officers shall consist of the Subcommittee Chairpersons.
- Section 3. The Subcommittee Chairperson shall appoint members to the subcommittees, or ask for members from the Active and Associate members.
- Section 4. All meetings of the Subcommittees shall be subject to the call of the Co-Chairpersons and/or SIP Project Director, or the Subcommittee Chairperson.

Section 5. The Subcommittee Chairperson shall be responsible for ensuring that all records of the Subcommittee activity are reported to the Secretary, Treasurer and SIP Project Director.

CO-CHAIRPERSONS

Section 1. It shall be the duties of the Co-Chairperson to see that the provisions of the Constitution are duly observed and executed.

Section 2. The Co-Chairpersons shall make every reasonable effort to preside at all meetings of the Executive Committee.

Section 3. The Co-Chairpersons shall appoint, subject to approval of the Executive Committee, any vacancy; except Co – Chair. The appointee shall serve until the next annual election of the Program.

THE SECRETARY/ TREASURER

Section 1. It shall be the duty of the Secretary to keep an accurate record of all the proceedings of the Program and Executive Committee and to maintain the official membership register. The Secretary shall issue all notices to the membership and shall prepare official correspondence as requested by the Co-Chairs. The Secretary shall receive all papers, literature and correspondence pertaining to the Program and read same at next meeting of the Program after receipt. The Secretary shall publish the minutes of all membership meetings to each member before the next meeting.

Section 2. The Treasurer shall accurately maintain a record of all accounts, receipts and expenditures and shall keep such records as needed to report the financial condition of the Program in writing to each member at each Executive Committee meeting and at each general meeting of the Program. At the close of the calendar year, an annual review of the treasury's records will be completed by the executive committee.

Section 3. An independent audit shall be completed as deemed necessary by the trustees, or every three (3) years.

Section 4. Any expenditure from the Treasury over \$1000 shall require notification of the Executive Committee. All checks shall be signed by a member of the Executive Committee and the Project Director. Expenditures may be presented at General Membership Committee meetings for approval.

Section 5. The Executive Committee shall assure retention of Program records by adhering to the following retention periods. Officers having charge of these records are authorized to dispose of the records at the end of the required retention period. An archive file of all records shall be maintained indefinitely electronically.

- a) Minutes of Meetings - Five (5) years following completion of the Program year.
- b) Correspondence - Two (2) years following completion of the Program year.
- c) Financial Records - Seven (7) Years following the completion of the Program year.
- d) Membership Records - Three (3) years following the completion of the Program year.
- e) The maximum retention for any records not falling into a listed category shall be three (3) years.

ARTICLE V
CONTRIBUTIONS

ANNUAL CONTRIBUTIONS

- Section 1. The annual contributions of members of this Program shall be fixed by the Executive Committee from time to time and approved by the general membership. The Executive Committee shall have the power to levy an assessment upon the individual members in order to clear out a deficit or to provide operating funds if needed.
- Section 2. Invoicing for the annual contributions to fund the SIP shall be completed on an annual basis. Invoices will be submitted the fourth quarter of the previous year. All funding is expected to be received no later than the first week of the first quarter of the New Year.
- Section 3. To participate in the SIP, each union is required to pay \$1.00 per active union member (minimum of \$500.00 and a maximum of \$1,200.00 for any single union).
- Section 4. Trade Associations working in conjunction with local unions will match monies provided by such unions. If no association is present to assist in the funding, the local union shall accept the responsibility of providing the additional monies.

QUARTERLY CONTRIBUTIONS

- Section 1. Quarterly contributions shall come from the corresponding trade association. If no association is present, the union shall accept responsibility of providing the additional monies.
- Section 2. Invoicing shall be done the quarter prior to the award period.
- Section 3. Quarterly contributions will be in the amount of \$250.00.

ARTICLE VI
CONTEST PROCEDURES

PROCEDURES

- Section 1. All members shall submit a complete list (index cards, labels, etc.), to the SIP Project Director. These lists (index cards, labels, etc.), shall have each individual's name that is signatory to their union. The SIP Project Director shall receive these at the beginning of each year. In the event the union does not submit an up-to-date list (index cards, labels, etc.), the SIP Project Director will continue to select from the remaining names previously submitted.
- Section 2. As received, the names shall be placed in a container identifying that particular union. Quarterly as well as annually, name(s) shall be selected from each container per union. These names will be submitted for verification. The Union or in some instances trade association shall be responsible for verifying the status of the prospective winner(s) and eligibility under the Contest Rules, Article VII, of these Bylaws. Associations will contact the respective unions for an initial verification, and then the employers that the individual worked for, for a second verification, during the period in question.
- Section 3. After obtaining the winner from each union or trade, a combined list will be submitted to the SIP Project Director for prize distribution.

ARTICLE VII
CONTEST RULES

COMMUNICATION

Section 1. The Program must be effectively communicated to all participants. They should have a full understanding of the Program concept and exactly how the incentive program works. This communication is needed frequently and fully as the year progresses.

MODIFICATION, AMENDMENT OR TERMINATION

Section 1. The Trustees of the SIP reserve the right to modify amend or cancel the SIP, as it deems necessary.

CONTEST RULES

General

Section 1. Eligible participants are Active Members as defined in Article II.

Section 2. For purposes of this contest, days away from work accidents or illnesses due to a work-related incident shall mean any injuries or illnesses which meets the recording requirements of the OSHA Form No. 300 and 29 CFR Part 104, regardless of the requirement for the contractor to record the injury or illness.

Section 3. Eligible participants must have all required hours of work in covered employment with an employer signatory to an applicable collective bargaining agreement of a union participating in this program. All such hours must have been worked in the geographical and work jurisdiction of the participating union or, if applicable, the participating district of an affiliated union.

Section 4. The Executive Committee of the SIP shall select all awards following the recommendation by the SIP Awards Committee. The awards shall be approved by the Board of Trustees of the SIP. Their decision shall be final.

Section 5. Benefit fund administrators will verify if a selected award recipient has the required hours of work in covered employment and for which contractor the recipient has worked. The contractors shall be contacted for verification of any days away from work accidents or illnesses. If a recipient does not qualify, because of either low hours or OSHA recordable injury or illness resulting in days away from work, another selection will be made and so verified. If a recipient of a quarterly or annual award cannot be verified within two (2) weeks of selection, that recipient will forfeit the award and another selection will be made and verified.

Section 6. All award recipients will be responsible for the payment of all required taxes.

Section 7. The Safety Incentive Program does not discriminate against any person because of race, color, religion, sex, national origin, disability, ancestry or age.

Quarterly Awards

- Section 1. Eligible participants must not have any days away from work accidents or illnesses and obtain at least **250 hours** of work in covered employment per quarter to be eligible for a quarterly award.
- Section 2. Quarterly awards shall be selected by a random drawing of all eligible participants.
- Section 3. Quarterly Awards: Each participating union will receive one quarterly award for one eligible individual in that trade if it has 1,000 or fewer active members. For each additional 1,000 members (or any portion thereof), a participating trade and association shall receive the option for an additional quarterly award to be awarded to another eligible individual from that trade, up to a maximum of three quarterly awards for each trade.
- Section 4. Quarterly awards will be a \$200.00 check and a shirt (or comparable item), to a total value of \$250.00 as recommended by the Awards Subcommittee and approved by the Executive Committee. Their decision shall be final.

ANNUAL AWARDS

- Section 1. Eligible participants for the annual grand prize must not have any days away from work accidents or illnesses and obtain at least **1,000 hours** of work in covered employment from January 1 to December 31 to be eligible for the annual grand prize.
- Section 2. Proof of state minimum Auto Insurance and verification of a valid Drivers License shall be provided before the eligible individual will be considered for the grand prize. If this is not provided within two (2) weeks, another candidate will be selected for the verification process.
- Section 3. For the purpose of this program, a valid driver's license shall be a license without any restrictions or limitations resulting from driving under the influence (DUI), driving while intoxicated (DWI) and/or traffic violations resulting in suspension.
- Section 4. One annual prize will be awarded to one individual out of all eligible participants from all of the participating unions and trades through a random selection process approved by the Executive Committee.
- Section 5. Finalists who do not win the grand prize shall receive \$250.00 and a jacket.
- Section 6. The annual grand prize will be in the category of a new pick-up truck. If sufficient funds are unavailable for a new pick-up truck, the Executive Committee shall make a recommendation to the Board of Trustees as to a replacement grand prize.
- Section 7. The annual grand prize candidates shall receive a copy of the contest rules upon notification of eligibility.

Section 8. As a condition of acceptance of the grand prize, the recipient agrees to maintain possession and present and/or drive the grand prize at the annual Labor Day Parade.

Section 9. All potential grand prize winners shall sign a release form for contest verification (see Appendix A).

ARTICLE VIII
CONTRACTOR SAFETY AWARDS

ELIGIBILITY

- Section 1. All participating contractors shall be required to submit information to the Director of the Safety Incentive Program. The said named information shall be compared to the most currently available Bureau of Labor Statistics (BLS) industry average. Contractors with their incident rate 25% or more below the industry average are eligible.
- Section 2. Eligible participants are union constructors that pay into their respective industry funds and employ crafts persons from the trades involved with the Safety Incentive Program.
- Section 3. Eligible participants must complete an application which must be submitted by the date predetermined by the Awards Committee. Late applications will not be accepted.
- Section 4. All applications must be accompanied by the company's Occupational Injury Reporting forms 300 and 300A. This information will be viewed by the Safety Incentive Program Project Director to gather data for statistics.
- Section 5. Applications must be signed by the President /CEO of the constructor firm.
- Section 6. Reporting is based on employment from January 1 to December 31 of the previous year to be considered for the contractor safety awards.
- Section 7. Employers reporting a fatality will not be considered for an award.
- Section 8. For the purpose of this contest there will be three categories in which constructors may apply.
1. General Building Construction SIC: 15
 2. Heavy and Highway Construction SIC: 16
 3. Special Trade Construction SIC: 17
- Section 9. Contractors with one Federal ID Number may apply for more than one category but shall receive one award identifying which categories the contractor is awarded. Contractors with more than one Federal ID Number may apply for and receive awards for more than one category.
- Section 10. Awards will be selected by the Awards Committee, their decision shall be final.
- Section 11. Awards will be presented at the Annual SIP Awards Luncheon, and winners must be present to receive the award.

ARTICLE IX

Craftsperson Award

PURPOSE

This award is to recognize the building trades' craft worker and their unique ability to recognize the vision of a project, and then construct that vision from blueprint to building. The SIP Craftsman Award is an impressive symbol of our industry's most significant resource – labor and management working together.

ELIGIBILITY

Eligible participants are Active Members as defined in Article II.

Individuals are nominated by the contractors with emphasis on safety, scope of project, completion time, and budgeting.

All Nomination Forms (see Appendix B) must be submitted with 5 copies of all supporting material, including photographs, diagrams, news releases, articles, etc. All Nomination Forms and all supporting materials must be received by January 1st at:

Construction Employers Association
950 Keynote Cir. Suite 10
Cleveland, Ohio 44131

The winner of this award will be nominated for the NEA Annual Craftsman Award for Ingenuity & Innovations in Construction. The NEA is The Association of Union Constructors.

The winner will be selected by the Awards Committee through application review with the craftsperson's name being withheld until a winner has been selected.

The Craftsperson Award will be recommended by the Awards Subcommittee and approved by the Executive Committee. Their decision shall be final.

The annual award will be in the category of a SIP Craftsperson of the Year coat or equivalent and sponsorship of the winner and one guest to the NEA Annual meeting, if the local winner is a finalist for the NEA Annual Craftsman Award. If sufficient funds are unavailable, the Executive Committee shall make a recommendation to the Board of Trustees as to a replacement prize.

APPENDIX A
Safety Incentive Program
Grand Prize Finalist Questionnaire
PLEASE PRINT

Name: _____

Guest's Name/Relationship: _____

Trade/Local: _____ Years in Trade /Local: _____

Status in trade (i.e. e. Apprentice, Journeyman, Foreman, etc.):

Current Employer (Contractor): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone #: _____

Contractors you have worked for: _____

Please list any projects you have worked on that you were especially proud to be a part of (i.e. Brown's Stadium, Jacobs Field, etc.): _____

What projects are you currently working on?

What do you plan to do with the truck should you win?

Please provide a copy of your **Valid driver's license and proof of insurance** and a recent photo of your self to the Safety Incentive Program, a self addressed stamped envelope is enclosed. This must be received within ten (10) working day's of receiving.

I acknowledge that I have received a copy of the Safety Incentive Program's contest rules. I have read the rules and agree to abide by the terms and conditions contained therein. Furthermore, I understand that a refusal to provide the required information will constitute a voluntary withdrawal from the contest. I understand that decision(s) of the Safety Incentive Program are final. I understand that information may need to be obtained from my present and/or past employer(s) for the purpose of verification for the contest.

Signature

Date

APPENDIX B
Safety Incentive Program
Annual Craftsman Award Nomination Form Instructions

NOMINATION FORM INSTRUCTIONS

The SIP Craftsman Award Nomination Form consists of eight sections which are:

1. Project Description
2. Project Information
3. Nominee Information
4. Ingenuity & Innovation Guidelines
5. Safety
6. Photographs and/or Diagrams
7. Project Recognition
8. Nominator Certification

All sections of the Nomination Form must be completed in their entirety in order to be eligible for this year's award.

Please type or clearly print all information. If you need additional space, please clearly label each additional sheet with the appropriate section information.