

BY-LAWS

For the Government

of the

JOINT PROTECTIVE BOARD

and

MEMBERS

of the

COMMUTER RAILROAD SYSTEM DIVISION

comprising the following railroads:

New Jersey Transit Rail Operations, Inc.

Southeastern Pennsylvania Transportation Authority

and any other railroad which becomes

affiliated with the

COMMUTER RAILROAD SYSTEM DIVISION

of the

BROTHERHOOD OF MAINTENANCE OF

WAY EMPLOYES DIVISION

Revised and Amended at the  
2005 CRSD Quadrennial Convention

held August 13, 2005

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## PREAMBLE

The objects of the Commuter Railroad System Division are:

1. To exalt the character and increase the ability of its members.
2. To insure greater safety to the traveling public and effect economy in the departments in which our members are employed by interchanging ideas and adopting the best methods of performing our duties.
3. To benefit the general public by raising the standard of efficiency of our membership.
4. To alleviate distress and suffering caused by sickness or disability among our members.
5. To assist the widows and orphans of deceased members.
6. To inspire all members of the Brotherhood to live a sober, moral and honest life.
7. To encourage all members to faithfully and honestly perform their duties to the best of their ability for the Brotherhood and their employers.
8. To use all honorable means to secure the passage of laws beneficial to our membership and to improve labor conditions generally.
9. To stimulate the civic education of the members in their political rights; and to use the ballot intelligently to the end that the Government may not be perverted to the interest of the favored few, but that it may be a "Government of the people, by the people and for the people" in the fullest sense.

## ORDER OF BUSINESS

1. Call to Order.
2. Appointment of Chaplain and Opening Prayer.
3. Report of Credentials Committee.
4. Roll Call of Officers and Delegates.
5. Appointment of Committees.
6. Disposal of Records of Previous Meetings.
7. Communications.
8. Reports of System Division Officers.
9. Reports of Committees.
10. Good and Welfare of the Brotherhood.
11. Nomination and Election of Officers.
12. Unfinished Business.
13. New Business.
14. Installation of Officers.
15. Closing.

NOTE: All questions arising on rules or Order for the government of meetings of the Commuter Railroad System Division not provided for in these By-Laws shall be decided in accordance with Robert's Rules of Order.

### ARTICLE I

### ORGANIZATION

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Section 1. This body shall be known as the Commuter Railroad System Division of the Brotherhood of Maintenance of Way Employees Division and shall have jurisdiction over all Maintenance of Way employees of the New Jersey Transit Rail Operations, Inc. and Southeastern Pennsylvania Transportation Authority, or of any other railroads that may hereafter become affiliated with the Commuter Railroad System Division in accordance with the provisions of Section 2 of this Article I.

Section 2. (a) Any System Division, Federation or Maintenance of Way employees of any railroad, wishing to affiliate with this System Division will be considered by making written application through its System Division or Federation Officers (or by petition if there is no System Division or Federation organization on such railroad) to the General Chairman of the Commuter Railroad System Division. If the General Chairman feels the affiliation to be advisable, he shall immediately advise the members of the Commuter Railroad System Division Executive Committee of such application for affiliation. The Executive Committee members will immediately advise the General Chairman as to whether or not they deem it advisable to affiliate such a System Division, Federation or Maintenance of Way employees of any railroad with the Commuter Railroad System Division. If a majority of the Executive Committee members approve such affiliation, the General Chairman will proceed to effect such affiliation, providing the conditions of affiliation meet with the approval of the National Division President.

(b) Should the General Chairman fail to effect an affiliation and he deems such affiliation still advisable in the interest of the Commuter Railroad System Division, he may call into session the members of the Executive Committee and/or the members of the Joint Protective Board in order to effect such affiliation.

## ARTICLE II

### GOVERNING BODY: CONVENTIONS JOINT PROTECTIVE BOARD MEETINGS

Section 1. (a) The supreme body of the Commuter Railroad System Division shall be the Joint Protective Board and duly elected delegates assembled at the System Division's Regular Quadrennial Convention. Said Convention shall be the true and legitimate source of all authority pertaining to all matters under the jurisdiction of the Commuter Railroad System Division. It shall enact legislation which is not contrary to, or in conflict with, any of the provisions of the By-Laws of the Brotherhood of Maintenance of Way Division, the merger agreement between BMW and IBT, or with any rules, law or decision of the National Division. Except as provided for in Article XI, Section 1, of these By-Laws, there is no power vested in any Officer, Committee, or

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body of members under its jurisdiction to repeal, alter or change its laws during the interim between Regular Quadrennial Conventions.

The Joint Protective Board will be the governing body during the interim between Regular Quadrennial Conventions and shall be empowered to enact legislation as prescribed in these By-Laws. It shall meet semi-annually in the months of January and July. Any other meeting shall be subject to call by the General Chairman or upon written request by a majority of the Joint Protective Board through the National Division President or by the National Division President. At least ten (10) days' notice of such meetings shall be given in writing and such notice shall specify the date, time, place, and purpose of the meeting. A majority vote of the members of the Joint Protective Board shall be required for the determination of all matters properly before the Board. All enactments shall be approved by the National Division President before becoming operative.

(b) The Joint Protective Board shall consist of a General Chairman, Vice Chairman-Secretary-Treasurer, Vice Chairman and Executive Committee of three (3) members, no two (2) of which may be members of the same local lodge, and one (1) Local Chairman elected from each of the local lodges comprising the Commuter Railroad System Division.

Each local lodge comprising the Commuter Railroad System Division, shall elect by secret ballot vote at its regular triennial elections a Local Chairman/Joint Protective Board member from among the membership of its newly elected Grievance Committee. Local Chairmen shall take office the first day of January following election.

(c) The Joint Protective Board shall be convened as a By-Laws Committee 14 or 15 days prior to the Quadrennial Convention for the purpose of considering any proposed changes in the System Division By-Laws. Proposed changes shall be submitted in writing to the General Chairman not less than twenty (20) days prior thereto.

Section 2. (a) The Commuter Railroad System Division shall convene in regular convention on the second Saturday in August, 1985, and quadrennially thereafter on the second Saturday in August at a place accessible by both Commuter Systems as determined by the Joint Protective Board and notice thereof shall be issued by the General Chairman at least ninety (90) days prior thereto.

(b) Each local lodge in the Commuter Railroad System Division shall be entitled to be represented at System Division Conventions by a delegate or alternate.

(c) Thirty (30) or more days prior to the regular System Division Convention each lodge desiring to be represented shall elect by secret ballot

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vote a delegate and an alternate to attend the Convention. The alternate will take the place of the delegate in case the delegate is unable to serve.

(d) All delegates or alternates must have established at least twelve (12) months' seniority rights on some railroad in departments coming under the jurisdiction of the Commuter Railroad System Division, shall be members in good standing of some lodge within the jurisdiction of the System Division and be in good standing with the National Division, and shall have at least four (4) months' continuous membership at the time of nomination and election and is a member in good standing twenty-five (25) days prior to the date the System Division Convention convenes; provided, however, that the four (4) months' continuous membership qualification will not apply where a new lodge has been established less than four (4) months before the convening of a System Division Convention. In addition, delegates and alternates nominated and/or elected on or after January 1, 2006 must meet the eligibility and continuous good standing requirements of Paragraph 4.9 of the Merger Agreement between BMW and IBT.

(e) Credentials shall be issued to the Secretary-Treasurers of the lodges in the System Division at least sixty (60) days in advance of the Convention. All delegates must hold Credentials to be issued as follows: Joint Protective Board members by the General Chairman; and delegates from local lodges by the lodge they represent. Credentials of delegates from local lodges must be signed by either President or the Secretary-Treasurer of the lodge. All duplicate Credentials shall be forwarded to the General Chairman's office at least twenty (20) days prior to the Convention date.

(f) Joint Protective Board members and delegates or alternates from local lodges must present Credentials to the Credentials Committee before being seated at the Convention. A majority of Joint Protective Board members and delegates shall constitute a quorum at the Regular Quadrennial Convention.

(g) Each properly seated Local Lodge delegate at the regular Quadrennial Convention shall be entitled to cast one (1) vote in all matters brought before the Convention.

(h) Each Joint Protective Board member shall be a delegate ex-officio at all regular Quadrennial Conventions with all delegate rights and privileges except the right to vote in the election of System Division/Joint Protective Board Officers unless such Joint Protective Board member has been elected as a Local Lodge delegate by secret ballot vote of the members of a Local Lodge.

Section 3. (a) The Officers of the Joint Protective Board shall consist of a full-time General Chairman, two(2) Vice- Chairman, one whom shall be Vice Chairman-Secretary/Treasurer and three (3)Executive Committee Members, no two (2) of which

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shall be members of the same local lodge. The offices of Vice Chairman-Secretary/Treasurer and Vice Chairman shall not be filled by System Division members employed by the same Commuter Railroad.

The offices of full time General Chairman, Vice Chairman, Vice Chairman-Secretary-Treasurer and Executive Committee shall be filled by direct rank and file election during the first twenty (20) days of June of every Convention year.

A Nomination period shall commence between April 15 and April 30 of the Election year. Any member who is qualified as prescribed in Article II Section 3(b) may declare themselves a candidate for any position by sending a certified letter, return receipt requested to the System Division Office by April 30, of the Convention year. If April 30, of the Convention year falls on a Saturday or Sunday, then all nominations shall be received by the next business day. Any nomination received after such date shall be ruled invalid.

On or before May 31 of the Convention year, the System Division shall mail to each member in good standing, a ballot listing each position to be voted on and the candidates for each position, together with stamped, return address envelopes designed to guarantee that the vote is by secret ballot. Members shall mark the ballots as they choose and mail them back to a postal mail box rented by the System and which shall not be opened until the day of the count. Ballots shall be accepted with a postmark up to and including June 20 and counted on the following business day of the Election Year. If June 20 falls on a Saturday or Sunday, ballots shall be accepted up to and including the first business day following June 20 and counted on the following business day. The General Chairman, together with any and all candidates for the offices up for election wishing to be present shall go to the post office box and collect all ballots. The General Chairman, together with any and all candidates for the office of General Chairman, Vice Chairman and Executive Committee shall bring the ballots directly to the offices of the System where the votes will be counted. The Candidate receiving a plurality of votes from the members returning ballots shall be declared the winner of the election. In the event of a tie for any of the above offices, a run-off election will be held only for the affected positions. On or before June 30 of the Convention year, ballots as per the regular election procedure will be mailed to all members with a postmark of July 15 or in the event July 15 falls on a Saturday or Sunday, the first business date following July 15. The procedure for collecting and counting all ballots will be consistent with the above procedures. The candidate receiving a plurality of votes from the members returning ballots shall be declared the winner. In the event of another tie, the members of the Joint Protective Board along with any and all local lodge delegates will meet prior to the opening of the Convention to elect an officer for the Position or Positions in question from the candidates on said ballots. The winner or winners will be announced at the Convention.

Immediate following the election of Officers, the newly elected Executive

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Committee will retire to elect a Chairman, Vice Chairman and Secretary of such Committee.

The System shall notify the Presidents and Secretary-Treasurers of each Local of the outcome of the Elections. All elected Officers shall be installed at the Convention and assume office September 1 of the election year.

(b) Unless ineligible by virtue of the provisions of these By-Laws, or the National Division By-Laws, or applicable law, any member in good standing of the Commuter Railroad System Division of the Brotherhood of Maintenance of Way Employees Division, having at least twelve (12) months' railroad service based on at least twelve (12) months' seniority rights on some railroad in the departments coming under the jurisdiction of the Commuter Railroad System Division, and who shall have at least twelve (12) months' continuous membership in good standing in the Commuter Railroad System Division at the time of assuming office,

is eligible for election as an Officer of the Joint Protective Board, subject to the terms of the Merger Agreement between BMW and IBT.

(c) Except as provided for in Section 3(d) of this Article II, any member who leaves the service of the railway or who transfers to or becomes employed in a department not under the jurisdiction of this System Division, or who is employed in an official capacity by the railways, shall not be eligible to hold office or to participate in the transaction of any business of this System Division.

(d) Beginning January 1, 2006, members who upon retirement, or upon the receipt of an annuity, continue without interruption to pay full dues and assessments or who have received life memberships shall be entitled to attend Local Lodge meetings. Members serving as BMWED Officers or representatives at the time of retirement, or at the time annuity is granted, may serve out the balance of the term for which elected subject to the terms of the Merger Agreement between BMW and IBT. They shall not be eligible for election or re-election or to participate in the transaction of Brotherhood business except to the extent herein provided and in the case of Local Lodge Secretary-Treasurers who shall be eligible for re-election as Local Lodge Secretary-Treasurers subject to the terms of the Merger Agreement between BMW and IBT.

(e) Any member of the System Division, including an incumbent System Division Officer, who is seventy (70) years of age or over at the time the election is held shall not be eligible for election or re-election as a System Division

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Officer or Joint Protective Board member.

### ARTICLE III

#### DUTIES, AUTHORITY AND RESPONSIBILITY OF OFFICERS

Section 1. The General Chairman shall, in addition to the provisions herein provided, discharge on behalf of the System Division, such duties as may be imposed upon him by applicable law, including the execution and filing of any reports to Federal or State authorities and he shall cause to be maintained by the System Division such records as the law requires to be kept for a period of not less than five (5) years in support of such reports.

He shall devote such time as may be required to promote the best interests of the Brotherhood in accordance with the provisions incorporated in these By-Laws. He shall devote as much time as administrative duties will permit in going over the lines of the System Division doing general work, visiting lodges, and instructing the Officers thereof in their duties. When grievances are referred to him he shall exert every honorable means in conformity with the provisions of the agreement in effect under the laws of the Brotherhood toward obtaining satisfactory adjustments, and in a general way work for the upbuilding of the Brotherhood. He shall have the authority to request the assistance of any System Division member in handling grievances or other matters.

There shall be established in a national bank a working account in the amount of \$3,000.00. All checks drawn on this account shall be signed by either the General Chairman, or in his absence, the Vice Chairman-Secretary-Treasurer, subject to the terms of the Merger Agreement between BMW and IBT, and the IBT letter of interpretation dated March 3, 2005. The balance of System Division funds shall be maintained by the National Division. All salary and personal expense bills and other legitimate expenditures of the System Division must be approved by the General Chairman before payment is made. Any funds from the System working fund in excess of \$10.00 shall be documented with a receipt.

He shall make annual reports of his activities for the preceding year, furnishing copies of same to the Secretary of each local lodge in the System Division, members of the Executive Committee and Joint Protective Board, the President of National Division and the Vice President of the Region. He shall make a comprehensive report to the Quadrennial Convention covering his stewardship during the preceding term of office.

The General Chairman may, when in his judgment conditions warrant, submit by mail subject matters requiring the approval of the Joint Protective Board. A question so submitted shall be clearly and distinctly set out and a space provided for the yea or nay vote of the members of the Joint Protective Board. If the majority of the Joint Protective

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Board votes in favor of such a measure, it will be declared approved and enacted subject to the approval by the National Division President.

Section 2. (a) It shall be the duty of the Vice Chairman-Secretary-Treasurer to assist the General Chairman in the discharge of his duties and he shall be subject to his instructions when called upon. He shall, in addition to the provisions herein provided, discharge on behalf of the System Division, such duties as may be imposed upon him by applicable law, including the execution and filing of any reports to Federal or State authorities, and he shall maintain such records as the law requires to be kept for a period of not less than five (5) years in support of such reports. He shall record the proceedings of the Executive Committee and Joint Protective Board meetings, and furnish each member thereof a copy of such minutes. He shall preserve all books, records and other documents pertaining to the business and history of the System Division and the Brotherhood which may in any manner come into his possession, and turn same over to his successor. In case of a vacancy in the office of General Chairman, the Vice Chairman-Secretary-Treasurer shall assume the duties thereof during the unexpired term unless, within thirty (30) days of the date of such vacancy, a meeting of the Joint Protective Board is called by the National Division President or majority of the Joint Protective Board members through the National Division President for the purpose of electing a General Chairman to fill the unexpired term.

(b) It shall be the duty of the Vice Chairman to assist the General Chairman in the discharge of his duties when called upon by that Officer and he shall be subject to his instructions.

Section 3. The Executive Committee shall meet with the General Chairman, the Vice Chairman/Secretary-Treasurer and Vice Chairman semi-annually, in the months of April and October, to examine and audit the accounts of the System Division, subject to the terms of the Merger Agreement between BMW and IBT. The fiscal year at System Division Headquarters shall end on March 31, of each year.

Section 4. Each of the Officers of the System Division as are required by applicable law to execute and file reports as aforesaid shall be personally responsible for the filing of such reports and for any statement contained therein which he knows to be false.

Section 5. Each elected System Division Officer shall remit to the National Division Secretary-Treasurer all collections received by him, including initiation fees, at least once each month.

Section 6. In the event of a vacancy in any System Division office set forth in Article II, Section 3(a) of these By-Laws, except as provided in Article III, Section 2(a), the General Chairman will within 15 days of such vacancy, call a meeting of the Joint

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Protective Board to elect, by majority vote, a member in good standing, as per Article II Section 3 (b) of these By-Laws, to fill the remainder of the vacancy.

Section 7. (a) The salaries of System Division/Joint Protective Board Officers and Joint Protective Board members as set forth in Section 1(b) and Section 3(a) of Article II of these By-Laws, shall be as provided for in the resolution adopted at the Regular Quadrennial Convention for the ensuing term; however, the Joint Protective Board may adjust salaries of Officers and Joint Protective Board members as conditions permit.

(b) Full-time elected System Division Officers will be allowed necessary expenses in connection with the duties of their offices; PROVIDED, however, that no personal expenses will be allowed at the point where the System Division general office is located, or the place of their respective residences.

(c) In the event the General Chairman is required to be absent from his duties on account of sickness or as a result of injuries, his salary will continue for a period not to exceed thirty (30) days, subject to extension by approval of a majority of the Joint Protective Board.

(d) In the event the Vice Chairman-Secretary-Treasurer is called upon to perform the duties of the General Chairman in excess of the time specified in paragraph (c) hereof, he shall receive the rate of pay of that office.

(e) Members of the Executive Committee and the Joint Protective Board (except full-time System Division Officers) shall receive a daily rate of pay and necessary expenses while attending their respective meetings or when summoned by the General Chairman and such expense will be borne by the System Division. Such daily rates shall be set pursuant to the provisions of Section 7(a) of this Article III. Pursuant to the provisions of this paragraph, local lodge delegates or alternates attending the System Division's Quadrennial Convention shall be entitled to receive a salary and necessary expenses in connection therewith.

(f) The salaries of employees other than Officers who are otherwise provided for herein shall be set by the General Chairman, subject to the written approval of the Executive Committee.

(g) When any full-time elected System Division Officer is appointed or instructed by the National Division President to serve on National Division Committees, he will receive, in addition to any per diem or expenses allowed by the National Division, the salary which is afforded him under a resolution referred to in this Section 7 of Article III.

(h) All salaries and personal expenses in connection with local Officers handling grievances will be paid for by the local lodge or lodges. If in

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handling such grievances, members of more than one lodge are involved, such salaries and expenses will be paid jointly by the lodges of which the employees involved are members on percentage basis of the membership in each of the lodges involved in the dispute.

Section 8. When personal automobiles are used by System Division Officers, members, or employees under the instructions of the General Chairman, they will be allowed to cover all expenses of operation, as governed by the current IRS Code for mileage made in connection with their assigned duties. This allowance will also apply to the General Chairman when necessary to use his car in connection with his duties as General Chairman. This mileage will not be allowed when automobiles are used voluntarily where reasonable transportation is available. All System Division Officers, members, and employees using their cars in performing Brotherhood duties will be required to carry liability insurance to protect the interest of the Brotherhood on such cars.

Section 9. The Officers of the System Division shall be bonded as prescribed in the National Division By-Laws. The premium of said bonds shall be paid from the System Division funds, and the bonds shall be held in custody by the Secretary-Treasurer of the National Division.

Section 10. This System Division shall not contract, agree, or be obligated in any way to pay salaries and/or expenses or to incur any obligations of any kind with any person whatsoever beyond the extent of the funds and current income of the System Division, without the approval of the National Division President. Any obligation incurred contrary to the foregoing shall not create a claim or lien against the System Division or the National Division beyond the extent of available funds in the System Division.

Section 11. The System Division fiscal year shall end March 31<sup>st</sup> of each year.

ARTICLE IV  
CHARGE AND TRIAL PROCEDURE  
SYSTEM DIVISION OFFICERS AND JOINT PROTECTIVE BOARD MEMBERS

All charges against any System Division or Joint Protective Board member, which may be preferred by any member in good standing, must be made in writing and endorsed by 25 percent or more of the lodges of the System Division. Such charges shall contain a statement of the facts out of which the charges originated, and make specific reference to the provisions of the System Division By-Laws or the National Division By-Laws or the established policies, decisions or rules of the Brotherhood alleged to have been violated.

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Charges against any System Division Officer, other than the General Chairman, shall be sent to the General Chairman by registered mail, and at the same time a copy similarly mailed to the accused. Should the General Chairman be the Officer against whom charges are preferred, such charges shall be sent to the Chairman of the System Division Executive Committee by registered mail, and at the same time a copy similarly mailed to the accused. Upon receipt of such charges, the General Chairman or the Chairman of the Executive Committee, as the case may be, shall within fifteen (15) calendar days convene the Executive Committee, notifying the accused of the time and place of such meeting.

At the meeting, the Executive Committee shall resolve itself into a Trial Board. The Trial Board may formulate its own set of rules for conducting the hearing. At the hearing both parties will be given a full opportunity to present all relevant evidence which they consider as necessary to a proper presentation of their case, and may, if they so desire, select another member of the Brotherhood to assist them in the proceedings.

If the charges are sustained, the accused Officer or Joint Protective Board member will be immediately notified in writing of such discipline assessed. The accused will have the right for a period of fifteen (15) calendar days to appeal to the Joint Protective Board, which shall be convened within thirty (30) calendar days from the date of receipt of appeal to review the evidence and affirm or reverse the decision of the Trial Board. Appeals filed with the Joint Protective Board shall be sent to the Officer who received the original charges.

If the charges are not sustained, those preferring charges will have a like right to appeal to the Joint Protective Board.

In instances where the Trial Board sustains the charges against the accused and the findings of the Trial Board are reversed by the Joint Protective Board, the accused shall be reinstated and paid for all time lost as a result of the charges and proceedings pertinent thereto. The accused, or those preferring charges, will have the right for a period of thirty (30) calendar days to appeal the decision of the Joint Protective Board to the President of the National Division in compliance with Article III, Section 2, of the National Division By-Laws. Officers or Joint Protective Board members against whom charges are filed, and members preferring charges, will not have the right to vote on the question to be decided at either the Trial Board or the Joint Protective Board level. If a member of the Executive Committee is the one against whom charges are filed, the General Chairman will act in his behalf as a member of the Trial Board.

Any expense incurred in connection with the hearing of charges against an Officer or Member of the Joint Protective Board, conducted as prescribed in this Article, will be paid from System Division funds.

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Vacancies created by sustained charges will be filled as provided in these By-Laws.

## ARTICLE V

### CHARGE AND TRIAL PROCEDURES OF MEMBERS

(a) Except in cases where the National Division or Local Lodge may have jurisdiction, charges against a member of this Brotherhood may be preferred by any member in good standing and must be made in writing and endorsed by at least three (3) members of the Brotherhood in good standing who must appear as witnesses upon the day appointed for trial. Such charges shall contain a statement of facts, and make specific reference to the provisions of the System Division By-Laws and/or the National Division By-Laws alleged to have been violated.

(b) Charges against any member(s) must be made within 30 days of the alleged violation and shall be sent to the General Chairman by Certified Mail and at the same time a copy similarly mailed to the accused. Upon receipt of such charges, the General Chairman shall within 30 days convene the Trial Board, which shall consist of three (3) members of the Executive Committee appointed by the General Chairman and notify the accused of the time and place of such trial.

(c) At least fifteen (15) days advance written notice of the trial shall be given the member, in order that the member may prepare for his defense, the notice must specify the specific charges for which trial is being held. Trial shall be held as far as practicable, at a location convenient to the accused and the charging parties. The date for holding the hearing may be postponed if mutually agreed to by both parties.

(d) The Trial Board may formulate its own set of rules for conducting the trial. At the Trial both parties will be given a full opportunity to present all relevant evidence which they consider as necessary to a proper presentation of their case, and may, if they so desire, select another member of the Brotherhood to assist them in the proceedings.

(e) The Trial Board shall render a decision based on the evidence produced at the trial within 30 days following the trial and written notice thereof shall be given the accused and those preferring the charges along with the transcript of the trial. If charges are sustained, this notice will contain the penalty assessed in compliance with the National Division By-Laws and/or the System Division By-Laws.

(f) The accused, or those preferring charges, shall have the right for a period of thirty (30) calendar days to appeal the decision of the Trial Board to the President of the Brotherhood in compliance with Article III, Section 2, of the National Division By-

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(g) If a member of the Executive Committee is the one against whom charges are filed, or the one filing the charges, the General Chairman will act on his behalf as a member of the Trial Board.

(h) Any expenses incurred with the hearing of charges against a member, conducted as prescribed in this Article, will be paid from System Division funds, except as provided for below:

If the accused is acquitted and the Trial Board finds, after a hearing at which the charging parties shall have the right to appear and present evidence, that the charges were filed in bad faith the Trial Committee may assess the charging parties with the costs of conducting the trial, including the costs of the transcript and the witness fees if any.

## ARTICLE VI

### MEMBERSHIP

Any Maintenance of Way employee or any individual for whom the Brotherhood is seeking representation rights for, covered by such agreements on the railroads within the jurisdiction of the Commuter Railroad System Division, is eligible for membership in the Brotherhood.

Anyone who has gained admission to the Brotherhood under false pretenses shall be subject to expulsion from membership after written charges and a trial as provided for in the System Division and National Division By-Laws.

## ARTICLE VII

### REVENUE, FEES, DUES AND ASSESSMENTS

Section 1. Revenue shall be derived from initiation fees, dues and assessments, as are levied by properly constituted authority in accordance with these By-Laws, plus amount earned through investments and other miscellaneous receipts. Aside from such sums as these By-Laws provide shall be allocated to and placed in other funds, all revenue of the System Division shall be placed in a fund known as the General Fund and shall be in the possession of the National Division Secretary-Treasurer for the purpose of defraying expenses of the System Division when approved

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by the duly constituted Officer as herein provided.

Section 2. (a) Effective with the payment of dues for the month of January, 2006, and thereafter, each member shall, in addition to National Division dues and assessments, as set forth in Article XV, Section 3, of the National Division By-Laws, pay monthly in advance, or on the first day of each month, Commuter Railroad System Division dues. System Division dues will reflect one point six (1.6) times the average straight time hourly rate of pay rounded to the nearest twenty-five cents (\$.25), based on information reflected in Interstate Commerce Statement No. A-300 for Maintenance of Way employees for the most current published year. Said amount will be adjusted in January of each succeeding year to reflect the most current Interstate Commerce Statement No. A-300.

In the event that the Interstate Commerce Commission ceases to publish Statement No. A-300 on an annual basis, or alters it materially, the annual statement published by the National Railway Labor Conference will be used as an alternative equivalent formula. In the event that the National Railway Labor Conference ceases to publish the annual statement or alters it materially, an alternative equivalent formula shall be adopted so as to accurately reflect increase in rates-of-pay provided for under the National Agreements during the appropriate measurement period.

NOTE: The report used by the National Division in determining the appropriate dues structure, will be the report used in determining the Commuter Railroad System Division dues structure.

NOTE: Members who on August 13, 2005 have paid dues beyond January 1, 2006 will be considered in good standing without the payment of additional dues.

(b) System Division dues, together with any and all assessments levied in accordance with the National Division By-Laws and System Division By-Laws, shall be used to defray expenses of the System Division.

(c) Members shall pay, in addition to the above, Local Lodge dues. Local Lodge dues on the Commuter Railroad System Division shall be \$3.00.

(d) The Joint Protective Board may, pursuant to the provisions of Section 1 of Article XI of these By-Laws, make adjustments in System Division dues during the interim between Regular Quadrennial Conventions when deemed necessary to protect the interest of the Commuter Railroad System Division.

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## ARTICLE VIII

### HEADQUARTERS

The headquarters of the Commuter Railroad System Division shall be located at a point accessible by both Commuter Systems as determined by the Joint Protective Board.

The System Division's general office shall not be moved from such point without the approval of a majority of the Joint Protective Board members in writing.

## ARTICLE IX

### GRIEVANCES

It shall be the duty of a Local Chairman to review grievance matters referred to him by any member of his local lodge or member of the System Division working on the territory he represents and to handle those grievances involving violations of the working agreement with the appropriate Officers of the Carrier, as directed by the General Chairman. Failing to obtain a satisfactory settlement on a claim or grievance submitted to a Carrier Officer, the Local Chairman shall promptly refer the unsettled claim or grievance to the General Chairman, together with all pertinent facts relating thereto.

The General Chairman shall carefully and impartially examine all grievances and other matters referred to him and proceed to adjust the same upon the basis of equity and justice, and every honorable means shall be exhausted in trying to effect an amicable settlement of the matter in dispute. A settlement effected between the appropriate officer of the railway and the General Chairman will definitely dispose of the matter at issue.

The General Chairman, Vice Chairman-Secretary-Treasurer, Vice Chairman, or the Local Chairmen, in the handling of grievances, may request the assistance of any member of the Commuter Railroad System Division within their respective areas of jurisdiction. The aggrieved member will be notified of the final decision rendered.

## ARTICLE X

### NEGOTIATIONS

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A general negotiating committee composed of the General Chairman and the Vice Chairman and one (1) Local Chairman from the railroad(s) involved, as determined by the General Chairman, is hereby authorized to meet the managements of the railroads on any general revision in working conditions or rates of pay that may be necessary or appropriate from time to time. When necessary, the General Chairman may request the services of National Division Officers or any member of the System Division to assist the committee. Any such general revisions shall be approved by the National Division President or his designated representative in accordance with Article XIX, Section 9, of the National Division By-Laws prior to becoming effective.

Upon tentative acceptance of any general revisions of working conditions and rates of pay and/or health and welfare benefits, the General Chairman shall submit a summary of such revisions to all affected, active members of the Commuter Railroad System Division for its ratification or rejection by a majority of those voting.

## ARTICLE XI

### DISCRIMINATION

Section 1. It is the intention of this System Division that any reference to race, religion or gender of members of the Commuter Railroad System Division is made in a nondiscriminatory manner. It is the intention of the Commuter Railroad System Division to consider all members equally, and all referral in the body of the By-Laws to gender of its membership is done so without prejudice.

## ARTICLE XII

### BY-LAWS

Section 1. These By-Laws may be repealed, altered or amended by the majority of delegates at the Regular Quadrennial Convention; provided, that in cases where it is necessary to protect the best interests of the Commuter Railroad System Division during the interim between Regular Quadrennial Conventions, any part thereof may be altered, amended, or suspended by a majority vote of the members of the Joint Protective Board, assembled in a meeting of the Joint Protective Board called for the specific purpose pursuant to Article II, Section 1(a) of these By-Laws or by majority referendum vote. These By-Laws, when approved by the National Division President, shall supersede all other By-Laws governing systems under the jurisdiction of the

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Commuter Railroad.

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General Chairman

APPROVED:

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National Division President

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Date

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