

**LOCAL 138, 138A, 138B & 138C
INTERNATIONAL UNION OF OPERATING ENGINEERS
COMBINED NOTICE OF NOMINATIONS AND ELECTION
2019**

NOTICE OF NOMINATIONS

Pursuant to the International Union of Operating Engineers (“IUOE” or “International” or “International Union”) Constitution and Article II, Section 2 of IUOE Local 138, 138A, 138B & 138C (“Local 138”)’s By-Laws, notice is hereby given to all members of Local 138 that nomination and election dates have been established with respect to the following Local 138 offices and positions: Business Manager, President, Vice President, Recording-Corresponding Secretary, Financial Secretary, Treasurer (all of whom, by virtue of their office, shall serve on the Executive Board), seven (7) Executive Board Members, three (3) Trustees, three (3) Auditors, a Conductor, and a Guard. By virtue of their offices, Business Manager, President, and Recording-Corresponding Secretary shall serve as delegates to the International Convention. As Delegates, they will be voting at the convention to elect officers of the International Union.

The Election Committee has chosen Global Election Services, Inc. (“GES”) to supervise the Election, including with respect to the nominating process.

Nominations will take place at Local 138’s General Membership Meeting on June 27, 2019 at 6:00 p.m. at the Local 138 Union Offices, 137 Gazza Blvd, Farmingdale, New York 11735.

Voting has been scheduled for August 22, 2019 at the times and polling place identified below.

The term of each office or position is three (3) years. Installation of those elected will take place at the first Local 138 General Membership Meeting in September unless an earlier installation is otherwise directed by the IUOE General President.

DEFINITION OF “GOOD STANDING”

Only members in good standing may nominate, second, vote or be eligible to run for an office or position. “Good standing” is defined as having paid all dues to Local 138 within thirty (30) days after such become due and payable, as evidenced by the member’s proper dues receipt or other evidence indicative of good standing. No member whose dues have been withheld by the member’s employer for payment to Local 138 pursuant to the member’s voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or a candidate for office by reason of alleged delay or default in the payment of dues.

ELIGIBILITY FOR OFFICE

No member shall be eligible for election, be elected, nor hold office unless he or she has been a member of Local 138 for two years immediately prior to the election. Members of the present Election Committee are likewise not eligible for office.

Officers or Positions other than the Business Manager: No member may be nominated for President, Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, Trustee, Auditor, Conductor, Guard or Executive Board member unless such member has been in continuous good standing in Local 138 for not less than one (1) year immediately preceding the month of nominations – that is, for the time period of June 1, 2018 through May 31, 2019.

Business Manager: No member shall be eligible for nomination or election for the position of Business Manager unless such member has been in continuous good standing in Local 138 for not less than two (2) years immediately preceding the month of nominations – that is, for the time period from June 1, 2017 through May 31, 2018.

Regular Meeting Attendance: All candidates must be in regular attendance at all regularly scheduled Local 138 membership meetings held after the nomination and before the election subject, however, to a reasonable excuse based upon good cause, such as physical incapacity or a death in the family.

INELIGIBILITY OF OWNER/OPERATORS

No member who is an owner/operator of an entity that employs operating engineers is eligible for nomination, election or to nominate another member.

EMPLOYMENT AT THE TRADE

To be nominated or eligible for nomination or election, a member must be, as of June 2019, continuously employed at the trade or have been actively seeking continuous employment at the trade for two (2) years in the case of Business Manager and one (1) year in all other cases. This restriction shall not, however, apply to any member employed by or working for Local 138 or the International Union in any capacity, or any member who has been assigned by Local 138 or the International Union to perform work in furtherance of the interests of organized labor, where, in either case, the employment or assignment is sufficiently time-consuming so as to preclude the member from meeting the requirement for continuous employment or actively seeking continuous employment at the trade. No member retired from work at the trade shall be eligible for nomination or election. This restriction, however, shall not be applicable to any member so retired who, at least for one (1) year and, in the case of one seeking the office of Business Manager, at least for two (2) years immediately prior to the month of nominations, has ceased to accept retirement benefits and returned, or actively and continuously sought to return, to full time work at the trade.

BACKGROUND CHECK

A background check will be conducted for each nominee and, consistent with Section 504 of the LMRDA, 29 U.S.C. § 504, the results of said background check will be a factor in determining eligibility.

NOMINATING PETITIONS

Each nomination must be accompanied by an official Local 138 nominating petition in support of the nominee signed by the lesser of either (a) two hundred (200) other members in good standing or (b) members in good standing equaling two percent (2%) of the entire membership of Local 138. Petitions will be made available by GES under the auspice of the Election Committee at Local 138's headquarters located at 137 Gazza Blvd, Farmingdale, New York 11735 (the "Union Headquarters") beginning on May 24, 2019. A candidate and/or his or her representative must present identification and sign for the petition package received.

Only Local 138 members in good standing may sign nominating petitions. Therefore, in order to receive or sign a petition, a member **must have paid all monies that come due on or before April 1, 2019, by no later than April 30, 2019, the end of a thirty day grace period.**

Petitions must be returned on or before June 24, 2019, 5:00 p.m. Completed petitions can be (1) mailed by registered or certified mail, return receipt requested, addressed to the Recording-Corresponding Secretary at the Union Headquarters, as long as they are received no later than June 24, 2019 at 5:00 p.m., (2) filed in person at the Union Headquarters no later than June 24, 2019 at 5:00 p.m., or (3) filed in person with GES, acting on behalf of the Recording-Corresponding Secretary, at the June 27, 2019 General Membership Meeting before the meeting is called to order. **ONLY OFFICIAL NUMBERED NOMINATION FORMS MAY BE USED. ALL RETURNED PETITIONS MUST HAVE ORIGINAL SIGNATURES. PHOTOCOPIES OF PETITIONS WILL NOT BE ACCEPTED. A PETITION RECEIVED OR FILED LATER THAN AS AFOREMENTIONED SHALL BE NULL AND VOID.**

It is suggested that potential candidates submit more signatures than the minimum required inasmuch as ineligible members and/or unreadable signatures may be challenged and not count towards the requisite number.

PROCEDURE FOR NOMINATIONS MEETING

NOMINATORS AND SECONDEES MUST BE MEMBERS IN GOOD STANDING (HAVING PAID ALL MONIES THAT COME DUE ON OR BEFORE APRIL 1, 2019, BY NO LATER THAN APRIL 30, 2019, THE END OF A THIRTY DAY GRACE PERIOD). THEY MAY NOT BE OWNER/OPERATORS OF AN ENTITY THAT EMPLOYS OPERATING ENGINEERS.

NOMINATIONS WILL BE CALLED IN THE FOLLOWING ORDER:

As directed by the Election Committee, a GES representative will chair the Nominations Meeting. Before being recognized, all nominators and seconders must present acceptable proof of identity, such as a driver's license or membership card. Nominators must submit a written statement (which the Local will provide to nominators and seconders at the time of nomination and seconding) with the registration number of each nominated individual. A nomination must be seconded to be valid. No member can make more than one nomination for each time recognized unless nominating an entire slate. Names of all candidates will be recorded by the Recording-Corresponding Secretary.

Members may run as part of a full slate or as individuals. Partial slates will not be recognized. Full Slate Nominations will be conducted first, followed by Individual Nominations for Business Manager, President, Vice President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, three (3) Trustees, three (3) Auditors, Conductor, Guard, and seven (7) Executive Board Members. In order to nominate a Full Slate, the Nominator must nominate a candidate for each of the twenty-one (21) offices and positions.

All Nominators shall confine their remarks, without campaigning, to nominating the candidates for their Slates or nominating independent candidates. A member can only be nominated for two (2) or less offices. A member who is nominated for more than two (2) offices or positions and accepts all of the nominations will be presumed to have accepted the first two (2) offices or positions he or she was nominated for and to have declined all other nominations. A

member may also not run for or hold the offices of Financial Secretary and Treasurer simultaneously.

Nominees must indicate their acceptance on an Acceptance Form which GES, under the auspices of the Recording-Corresponding Secretary, will mail to each Nominee at the Nominee's last known home address within five (5) days after the nominations have been concluded. Acceptance forms will also be made available at the June 27, 2019 General Membership Meeting for Nominees who are in attendance. The Recording-Corresponding Secretary must receive the completed Acceptance Form within ten (10) days of the date that Local 138 provides written notification of the Nomination. Written acceptance can be (1) filed in person or (2) mailed by registered or certified mail, return receipt requested, addressed to Recording-Corresponding Secretary at the Union Headquarters. The Acceptance Form must include the candidate's name as he or she wishes it to be placed on the ballot, home address, home phone number, Registration Number and, for candidates who use email, an email address. **A written acceptance of nomination received or filed with the Recording Corresponding-Secretary after the aforementioned ten (10) day period shall be null and void.** An eligible candidate must also complete a Slate Affiliation Form, if applicable. In addition, there will be a form for any candidate to decline the nomination.

The eligibility of each Nominee will be reviewed by the Election Committee; and each Nominee will be advised by letter of the Nominee's eligibility or lack thereof. Any candidate who has been declared ineligible may submit evidence to GES, as designee of the Election Committee, to support his/her claim of eligibility within ten (10) days of receiving notice that s/he is ineligible. The Election Committee upon the recommendation of GES will make a decision as to eligibility within forty-eight (48) hours of reviewing the evidence. Such Nominee may also appeal such decision as described at the bottom of this Notice. Any appeal regarding eligibility shall not be cause to delay the election.

Where all candidates duly nominated to elective office or positions are unopposed for election, the Election Committee shall dispense with a secret ballot vote and, at the end of Nominations at the June 27, 2019 General Membership Meeting, shall direct the Recording-Corresponding Secretary to cast one ballot for the unopposed nominees who shall then be declared duly elected. Where any single candidate is duly nominated to an elective office or position, and s/he is unopposed for election to that office or position, the Election Committee shall dispense with a secret ballot vote for that office or position and at the end of Nominations at the June 27, 2019 General Membership Meeting, shall direct the Recording-Corresponding Secretary to cast one ballot for the unopposed nominee who shall then be declared duly elected to their office. In such case, the Election Committee shall direct GES to place the name of the unopposed candidate to that office on the regular ballot with “UNOPPOSED” printed on the box next to the candidate’s name, signifying the election of the candidate.

CAMPAIGN FUNDRAISING

No candidate or prospective candidate for Local 138 office or position, and no supporter thereof, may solicit or accept any direct or indirect financial support from any non-member of the International Union, from any other labor organization, or from any employer, corporation, other business entity or foundation.

DISTRIBUTION OF CAMPAIGN LITERATURE

Local 138 will comply with any reasonable request by a candidate to distribute campaign literature. Distribution will be at the candidate’s expense. Any candidate who wishes to mail campaign literature to Local 138’s membership must bring such literature to the Union Headquarters in sealed, stamped envelopes. Local 138 will, at the candidate’s expense, address each envelope containing the candidate’s campaign literature. All expenses related to a mailing must be paid in advance of the mailing.

To avoid delays, all campaign literature must be delivered to the Union Headquarters no later than 4:30 PM, two (2) business days prior to the requested mailing date. All forms for requesting mailing dates by members seeking nomination or election must be submitted in writing and mailed or hand delivered to the Union Headquarters.

INSPECTION OF MEMBERSHIP LIST

Each candidate may inspect a list containing the names and last known address of all Local 138 members one time within thirty (30) days of the election. No candidate is entitled to a copy of the list.

The membership list will be made available for inspection at the Union Headquarters, weekdays, excluding holidays, beginning from July 25, 2019 until August 24, 2019 between the hours of 9:00 a.m. to 5:00 p.m. Any candidate who wishes to inspect the list should notify GES at least twenty-four (24) hours prior to the requested inspection date and time by calling either 1-800-864-1263 or 516-474-1032 or by fax to 516-243-7738.

LOCAL 138, 138A, 138B & 138C INTERNATIONAL UNION OF OPERATING ENGINEERS NOTICE OF ELECTION

The election of officers and positions of Local 138 referenced above in this notice will take place on **August 22, 2019, from 6:00 a.m. until 6:00 p.m.** at the polling site located at:

**Local 138 Union Offices
137 Gazza Blvd
Farmingdale, New York**

Voting will be conducted in person by secret ballot.

Campaigning inside or within two hundred (200) feet of any of the designated polling location is strictly prohibited.

Except as noted above, all members in good standing have the right to vote. **Therefore, to be eligible to vote, a member must have paid all monies that come due on or before July 1, 2019, by no later than July 31, 2019, the end of a thirty day grace period.**

The ballot will be designed to enable a member to have the option of either voting for a full slate of 21 candidates or voting for individual candidates. Full Slates of 21 candidates will appear on the ballot first, followed by individual candidates. In the case of individual candidates, the incumbent for the office or position will be listed first, and the other nominees for the same office or position in alphabetical order by last name. Full Slates will receive a “slate box” allowing a member to place one “X” mark in favor of all 21 candidates. In compliance with federal labor law, however, the ballot will also clearly indicate that members may vote for fewer than all of a Slate’s candidates.

MEMBERS MUST PROVIDE VALID IDENTIFICATION (DRIVER’S LICENSE, UNION CARD, GOVERNMENT PHOTO I.D.) IN ORDER TO VOTE. IF A MEMBER DOES NOT HAVE PROPER IDENTIFICATION OR IF THE MEMBER REGISTERS AT A LOCATION NOT ASSIGNED TO HIM OR HER AS LISTED ABOVE, THE MEMBER WILL VOTE A CHALLENGED BALLOT.

ANY MEMBER ON LINE AT 6:00 PM WILL BE PERMITTED TO VOTE, BUT A MEMBER CANNOT JOIN THE LINE AT 6:01 PM OR LATER. AFTER CASTING HIS OR HER BALLOT EACH MEMBER MUST IMMEDIATELY LEAVE THE POLLING AREA.

Each candidate is entitled to have one (1) election observer present at each polling site to observe the casting of ballots. Each candidate shall also be entitled to one (1) observer per table at which ballots are being tallied. An observer must be a member in good standing of Local 138. No candidate may serve as his/her own observer. Observers will be required to present identification and to sign in on an observer register. Written observer rules will be provided to all candidates at a meeting to be scheduled and chaired by GES prior to the election. Candidates unable to be present at such meeting may phone GES at 1-800-864-1263 or 516-474-1032. Candidates must submit the names of their observers in writing to GES, c/o Local 138, 137 Gazza Blvd, Farmingdale, New York 11735 by **Monday, August 1, 2019, 5:00 p.m.**

The tally of ballots will be conducted at the Union Headquarters. At the close of balloting, the ballot boxes will be sealed by GES and the seal will be signed by the candidates' designated observers. Ballot boxes will be unsealed and tallying will begin only after all observers have arrived at the tallying place.

Officers shall be elected by a plurality of the vote cast, except that the three (3) candidates receiving the highest number of votes for the offices of Trustee and the positions of Auditor shall be elected and the seven (7) candidates receiving the highest number of votes for the positions of Executive Board Members shall be elected. In the event of a tie, a runoff election shall be conducted in the same manner as the regular election at such time as the Election Committee deems appropriate, but not less than thirty (30) days following the date of original election, with notice of election to be sent no less than fifteen (15) days preceding such election. Only candidates in an actual, numerical tie will participate in runoff elections.

PROTESTS AND APPEALS

Any protest relating to the conduct of the nominations and/or the election must be made in writing to the Election Committee at the Union Headquarters within thirty (30) days after the election. Such protest must set forth the specific reasons for its filing. Any member in good standing may file such a protest. Decisions of the Local Union may be appealed to the International Union General Executive Board and to the General Convention in accordance with the International Union Constitution.

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