

**IEC RESOLUTION TEMPORARILY AMENDING THE
IBEW CONSTITUTION TO CHANGE THE DATE FOR HOLDING THE
40TH IBEW CONVENTION**

WHEREAS, the COVID-19 pandemic is beyond the control of the IBEW and continues to impact significantly the manner in which the IBEW is able to conduct business, and

WHEREAS, the 40th IBEW Constitution was scheduled to commence in Chicago, Illinois on August 30, 2021, and

WHEREAS, due to the COVID-19 pandemic, which continues across the United States and Canada, it is the judgment of the International Executive Council (“IEC”) in consultation with the International President and International Secretary-Treasurer that it will be impracticable, impossible, inadvisable, and/or unsafe to hold the 40th IBEW Convention as scheduled, and

WHEREAS, the IBEW has been able to reschedule the McCormick Place Convention Center, area hotels, and other infrastructure associated with the 40th IBEW Convention such that it is possible for the 40th IBEW Convention to remain in Chicago, Illinois, but be moved to commence on May 9, 2022, and

WHEREAS, the rescheduling of the 40th IBEW Convention will not impact the scheduling of the 41st IBEW Convention, which will return to an original date fixed on the third Monday in September, and be held in 2026, subject to a change by the IEC of no more than ninety (90) days after the original date fixed, and

WHEREAS, the IBEW has consulted with the Department of Labor’s Office of Labor-Management Standards (“DOL”) and has reached an agreement with DOL, which states in pertinent part that due to challenges presented by the COVID-19 pandemic, and because the IBEW has provided a date certain by which elections for International Officers will be held – no later than May 13, 2022 – DOL will not pursue any legal action based on the postponement of the elections for the International Officers, provided such elections are held by May 13 2022, and

WHEREAS, the February 16, 2021 Resolution of the IEC passed 564 to 71 in a vote by IBEW Local Unions and thereby amended the IBEW Constitution to add Article XXVII, Section 1(d), which states in relevant part that, “if circumstances beyond the control of the IBEW would make it impracticable, impossible, inadvisable, or unsafe to conduct the business of the I.B.E.W. in accordance with this Constitution, including the conduct of the I.C., the I.E.C. shall have the authority to suspend and/or amend provisions of this Constitution on a temporary basis, as necessary in the judgment of the I.E.C. and in consultation with the I.P. and the IST, to enable the business of the I.B.E.W. to continue.”

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to its authority under Article XXVII, Section 1(d) of the IBEW Constitution, the IEC, in consultation with the International President and the International Secretary-Treasurer, makes the following temporary amendments to the IBEW Constitution to enable the 40th IBEW Convention to be held starting on May 9, 2022 (Note: All language changes are noted in italics and bold language):

1. Article II, Section 1 is hereby amended temporarily to add language at the end of the section concerning the date of the 40th IBEW Convention, such that Article II, Section 1 is amended temporarily as follows:

Sec. 1. The I.B.E.W. shall meet in regular convention every five (5) years on the third Monday in September, at such place as shall be decided upon by the I.E.C., *except that, due to the COVID-19 pandemic, the 40th IBEW Convention shall meet in regular convention on the second Monday in May of 2022.*

2. Article II, Section 7 is hereby amended temporarily to add language at the end of the section concerning the date by which, to be entitled to representation at the 40th IBEW Convention, Local Unions must have their per capita tax payments paid through so that the date is changed from July to January 2022, such that Article II, Section 7 is amended temporarily as follows:

Sec. 7. No L.U. shall be entitled to representation at an I.C. if it has an indebtedness to the International Union for per capita tax payments and unless its per capita tax to the International Union has been paid on its membership through the month of July prior to the first of the month in which the I.C. is held, *except that, to be entitled to representation at the 40th IBEW Convention, a L.U. may not have an indebtedness to the International Union for per capita tax payments and must be paid on its membership through the month of January 2022.*

3. Article II, Section 8 is hereby amended temporarily to add language to the first portion of that section to change the period used to measure a local union's average monthly number of members in good standing on which per capita tax is paid for purposes of calculating the local union's representation at the 40th IBEW Convention to provide that the period shall be the twelve (12) month period ending on November 30, 2021. The first

two paragraphs of Article II, Section 8 therefore are amended temporarily as follows:

Sec. 8. The basis of representation at the I.C. shall be as follows:

Each L.U. shall be entitled to a per capita vote on “A” and “BA” members based upon the average monthly number of members in good standing on which per capita tax is paid to the International Union during the twelve (12) month period ending on March 31 in the year in which the I.C. is held, *except for the 40th IBEW Convention for which the average monthly number of members in good standing shall be based upon per capita tax that is paid to the International Union during the twelve (12) month period ending on November 30, 2021.* Where the L.U. has been affiliated with the International Union for less than twelve (12) months, the average shall be computed from the month of affiliation.

Each L.U. shall be entitled to the following:

(a) One (1) delegate for the first 250 members, one (1) delegate for each additional 250 members or majority fraction thereof:

<i>Membership</i>	<i>Number of Delegates</i>
Up to 375	1
376 to 625	2
626 to 875	3
876 to 1,125	4
1,126 to 1,375	5
1,376 to 1,625	6

(b) One more delegate for each additional 500 members:

<i>Membership</i>	<i>Number of Delegates</i>
1,626 to 2,125	7
2,126 to 2,625	8
2,626 to 3,100	9

(c) One more delegate for each additional 3,000 members—maximum 15 delegates:

<i>Membership</i>	<i>Number of Delegates</i>
3,101 to 6,000	10
6,001 to 9,000	11
9,001 to 12,000	12
12,001 to 15,000	13
15,001 to 18,000	14
18,001 and over	15

Delegates representing only “BA” membership shall not be entitled to discuss, or vote on, matters affecting Article XI.

4. Article II, Section 10 is hereby amended temporarily to provide specification with respect to dates in the event that a vacancy occurs in an elected office that is also a delegate to the 40th IBEW Convention by virtue of that office, such that Article II, Section 10 is amended temporarily as follows:

Sec. 10. No member shall be nominated as a delegate or alternate unless he is present or signifies his willingness in writing, nor shall he be eligible to be a delegate or an alternate unless in continuous good standing in his L.U. at least twenty-four (24) months immediately prior to nomination, provided his L.U. has been in existence that long. However, no such member shall be disqualified because his L.U. has been merged or amalgamated with another L.U. or L.U.’s. When it is impracticable or impossible for a L.U. to elect a delegate or alternate with the required standing, the I.P. may grant special dispensation.

The two (2) year membership requirement shall not be applicable to members of L.U.’s affiliated with System Councils who are employed by a single employer and who transfer between L.U.’s within a System Council, provided, however, that any such member must have been a member in continuous good standing for two (2) years in at least one of the L.U.’s affiliated with the System Council involved.

Where the L.U. bylaws specify, prior to election to a particular elective office, that one of the functions of said elective office shall include

service as a delegate to the I.C. or other body, a special election of the officer holding such office to be a delegate is not necessary. In the event a vacancy should occur in the said elective office and it is filled pursuant to Article XVI, Section 16, prior to May in the convention year, ***but specifically for the 40th IBEW Convention, prior to January 2022***, the L.U. shall elect a replacement delegate. The person appointed to fill the particular elective office shall be a candidate for election as a delegate. If, however, the vacancy is filled between May in the convention year and the holding of the I.C., ***but specifically for the 40th IBEW Convention, between January 2022 and the holding of the 40th IBEW Convention***, the person appointed to the vacancy in the elective office shall serve as a delegate, except that, as provided by law, such delegate may not vote in any election for International Officers.

Delegates and alternates shall be elected by secret ballot. Members in good standing in the L.U. shall be given at least fifteen (15) days notice of the time, place, and manner of making nominations and of the election, and may participate therein, except for those who may be expressly prohibited by approved provision of the L.U. bylaws. The election of delegates and alternates shall be decided by those receiving the most votes and ballots, and records of the election shall be retained for one (1) year.

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.

5. Article II, Section 13 is hereby amended to provide for different terms for the delegates to various conventions at which the IBEW is entitled to

representation, such that Article II, Section 13 is amended temporarily 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 the business manager or principal officer of his L.U. If the delegate's status as business manager or principal officer changes, he shall resign and the I.P. shall appoint a replacement delegate. ***Due to the COVID-19 pandemic, and the inability to hold the 40th IBEW Convention as originally scheduled, for clarity purposes, delegates elected at the 39th IBEW Convention, or who have since filled vacancies as delegates, even though such term may exceed five (5) years, shall continue to serve until their successors are elected and qualified at the 40th IBEW Convention. Likewise, delegates elected at the 40th IBEW Convention shall serve until their successors are elected and qualified at the 41st IBEW Convention, even though such term may be less than five (5) years.***

The I.P. shall appoint all other delegates to any conventions at which the I.B.E.W. is entitled to representation. He may appoint a substitute for any delegate who does not desire, or is unable, to attend any convention to which he is elected. All such delegates shall serve a term of five (5) years and be compensated at fifty dollars (\$50.00) a day for time spent in attending, and traveling to and from the convention, and be reimbursed for actual expenses.

6. Article III, Section 1 is hereby amended temporarily to provide for the different terms of office for the International Officers that will result because of the need to postpone the 40th IBEW Convention, such that Article III, Section 1 is amended temporarily as follows:

Sec. 1. The officers of the I.B.E.W. shall be the International President, International Secretary-Treasurer, eleven (11) International Vice Presidents, International Executive Council Chairman and eight (8) International Executive Council members. The officers shall be nominated and elected, by duly elected delegates, at the International Convention. They shall assume office thirty (30) days after their election, and shall serve for five (5) years or until their successors are elected and qualified. ***Due to the COVID-19 pandemic, and the inability to hold the 40th IBEW Convention as originally scheduled, for clarity purposes, officers elected at the 39th IBEW Convention, or who have since filled vacancies in such office(s), even though such term may exceed five (5) years, shall continue to serve in office until their successors are elected and qualified at the 40th IBEW Convention and assume office thirty (30) days after such election. Likewise, officers elected at the 40th IBEW Convention shall serve until their successors are elected and qualified at the 41st IBEW Convention and assume office thirty (30) days after such election, even though such term may be less than five (5) years.***

7. Article XXVII, Section 1(a) is hereby amended temporarily to change the date by which a petition for a referendum must be received prior to the 40th IBEW Convention, such that Article XXVII, Section 1(a) is amended temporarily as follows:

- (a) By referendum, on petition of fifteen (15) L.U.'s of which no two (2) L.U.'s may be from the same state or province. Petitions may be submitted at any time; however, in convention years, all petitions for referendum must be received prior to March 1st, ***except for the 40th IBEW Convention, in which case, such petitions must be received prior to November 1, 2021.*** All petitions must be submitted to the I.S.T. Proposed amendments, before being submitted by the I.S.T. for vote, must have the approval of the I.E.C. A vote on any proposal taken by referendum shall be returned to the I.S.T. by each L.U. voting, within sixty (60) days from the date submitted. A majority of those voting shall be necessary to sustain any proposal. (L.U.'s may cast the vote of their members, if they so decide.) After receiving from the L.U.'s a record of votes cast for or against any proposal, the I.S.T. shall prepare for publication in the next issue of the I.B.E.W.'s official monthly publication a report of the exact

votes for and against the proposed amendment. Amendments adopted by referendum shall become effective thirty (30) days after adoption.

8. All of the foregoing temporary amendments shall expire at the conclusion of the 40th IBEW Convention and shall not appear in the next printed edition of the IBEW Constitution, as amended at the 40th IBEW Convention, with the exception of the amendments to Article II, Section 13 and Article III, Section 1, which shall expire at the conclusion of the 41st IBEW Convention and shall appear in the next printed edition of the IBEW Constitution. For clarity, the previously ratified amendment to XXVII, adding Article XXVII, Section 1(d) shall also appear in the next printed edition of the IBEW Constitution.

NOW, THEREFORE, BE IT FINALLY RESOLVED THAT, because of the rescheduling of the 40th IBEW Convention, the IEC recognizes and emphasizes that, pursuant to his authority under Article XV, Section 6 and Article XVI, Section 9 of the IBEW Constitution, the International President may grant special dispensation to any local union scheduled to hold nominations for local union elections in the month of May 2022 and allow those local unions to move the date of their nomination meeting (but not the date of their election) to April of 2022, or a date earlier in May 2022.

FOR THE INTERNATIONAL EXECUTIVE COUNCIL

 , Secretary

International Executive Council

April 20, 2021