

# INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS



**OFFICIAL CIRCULAR NO. 865**  
**Eligibility and Voting Rights of Retired,**  
**Terminated, Laid Off or Exempt Members**  
**ISSUED: June 19, 2017**

9000 Machinists Place, Upper Marlboro, MD 20772

## **TO THE MEMBERSHIP EVERYWHERE, GREETINGS:**

➔ **PURPOSE** To replace Official Circular 859 concerning the eligibility of certain members to run for office, to vote for lodge officers, and to participate in contract ratification and strike votes.

➔ **INFORMATION/INSTRUCTIONS** IAM policy concerning the rights of certain members to participate in union activities is set forth below.

### **A. Retired or Exempt Members**

1. Members who are no longer working at the trade are not eligible to run for office.
2. Members who are retired and chose to pay full dues continuously for one year prior to the date of nomination are eligible to run for lodge office, so long as they continue to pay full dues.
3. Retired or exempt members may vote in local and district lodge elections for constitutional offices, business representatives, general chairpersons, or delegates.
4. Retired or exempt members may not vote for any position that has a direct impact on the collective bargaining agreement, such as stewards or committee persons.

### **B. Unemployed Members**

1. Members on indefinite layoff – who are not notified on the day they are laid off when to return to work – may participate in the affairs of the local lodge and vote for delegates, business representatives, general chairpersons, and constitutional officers so long as they retain recall (or similar rights) under an existing collective bargaining agreement between the IAM and their employer. Such members may not participate in contract or strike votes or in any other matters having a direct impact on a collective bargaining agreement.

2. Members who have been on indefinite layoff, but who have received a recall notice to return to work on a specific day, are eligible to participate in votes affecting contract demands and other business concerning the collective bargaining agreement.
3. Members on temporary layoff – who are notified on the day of their layoff the date of their return to work – are eligible to participate in votes affecting contract demands and other business concerning the collective bargaining agreement.
4. Members on temporary layoff are eligible to run for lodge office, consistent with Article II, Section 4, of the IAM Constitution, which deals with the qualification “working at the trade.”
  - a. A member who experiences a layoff during the six (6) month period prior to the date of nominations is exempted from the qualification “working at the trade” and, therefore, may run for office.
  - b. A member who experiences a layoff beyond the six (6) month period prior to the date of nominations is not exempted from the “working at the trade” qualification and, therefore, is ineligible to run for office.
5. A member whose employment has been terminated by his/her employer may run for office if s/he is challenging the termination through a collectively bargained grievance-arbitration procedure, administrative agency action, such as an NLRB unfair labor practice (ULP) charge, or in state or federal court. A terminated member’s eligibility ends, however, when the challenge is exhausted and unsuccessful.

A member who has been installed into a constitutional office and who, thereafter, is laid off has the right to continue in the office until his/her term expires, so long as s/he is issued an unemployment stamp in accordance with Art. G.
6. A member who is elected to an office which holds “superseniority” under the terms of a collective bargaining agreement, may not use this “superseniority” to bump back into the shop prior to his/her scheduled recall. The procedures for filling the position set forth in the lodge bylaws should be followed, and if they are silent, it is the responsibility of the president to make a pro-tem appointment until the member returns to work.

7. A member who is laid off from an IAM plant, but who continues working at the trade in a non-IAM plant, is eligible to continue to hold a constitutional office for the remainder of his/her term so long as he/she remains current in the payment of regular IAM dues.

Fraternally yours,



Dora Cervantes  
GENERAL SECRETARY-TREASURER



Robert Martinez, Jr.  
INTERNATIONAL PRESIDENT