



**BROTHERHOOD OF MAINTENANCE OF WAY  
EMPLOYEES DIVISION NATIONAL HISPANIC CAUCUS  
BYLAWS**

**ARTICLE I NAME**

The name of this Organization shall be the Brotherhood of Maintenance of Way Employes Division National Hispanic Caucus. Hereinafter referred to as the "Caucus."

**ARTICLE II PURPOSE AND OBJECTIVES**

**SECTION A.** To uphold the principles of BMWED' s movement and to foster the opportunity for all BMWED members to serve in leadership capacities, throughout BMWED and its affiliates.

**SECTION B.** To unite Hispanic/Latino Americans, other minorities, and persons of goodwill for education and training about the Trade Union movement and to promote cultural, civic, legislative, political, educational, fraternal, charitable, welfare, social, and other activities that further the interest of minorities.

**SECTION C.** To assist other organizations having purposes and objectives in common with the Caucus financially, morally, or otherwise.

**SECTION D.** To engage in activities that will advance the interest of the Caucus and its members in the community and the nation, directly or indirectly.

**SECTION E.** To assist BMWED members and the Brotherhood.

**SECTION E.** To organize and educate the unorganized.

### **ARTICLE III MEMBERSHIP**

Membership in this Organization is strictly voluntary. The Executive Board of the Caucus may reject an applicant who is engaging in conduct detrimental to the welfare and growth of the Caucus.

### **ARTICLE IV MEMBERSHIP STRUCTURE**

Effective November 1, 2023, there will be three (3) levels of membership within the Caucus: Regular, Associate, and Associate Retired.

**SECTION A.** Regular membership is available to any self-identified Hispanic/Latino BMWED member current in dues payments with the BMWED. Such persons will become members and remain in good standing by paying the annual membership fees set forth below.

**Every regular member in good standing shall have the right to:**

- (a) Vote at meetings of the Caucus where Caucus Officers and Executive Board members are elected.
- (b) To serve on Committees, if chosen.
- (c) Place issues on the agenda of the Executive Board.
- (d) Serve as an Officer, if elected by the Caucus membership.
- (e) Attend the annual meeting of the Caucus and any call meetings set for the membership by the Executive Board or Officers.



- (f) Attend the Executive Board open meetings but will not be allowed to vote on matters brought forth to the Executive Board for a vote. Each member who plans to attend will notify the Caucus Secretary-Treasurer of attendance thirty (30) days before the meeting in writing.
- (g) If serving in an elected position, and the elected Officer/Executive Board member retires before the end of their elected term, the regular member may finish out the term of their office and will maintain full membership privileges until the term ends. The regular member will continue to pay full membership dues during this period. The regular retired member must then resign their position at the next quadrennial meeting of the Caucus and then they can become an Associate Retired member if they choose.

**SECTION B.** Regular membership fees will be fifty (\$50) dollars, due November 1, annually. To remain a member in good standing, members' annual membership dues must be received no later than January 31. If dues are unpaid after April 1, members will be ineligible to vote at any meeting until their dues are made current.

- (a) Payment of Caucus membership fees will not be accepted from funds of Local, BMWED or IBT membership dues.
- (b) A one-time initiation fee of twenty (\$20) dollars will be effective for all new members commencing November 1, 2024, and will be remitted to the Caucus Secretary-Treasurer upon registration.

**SECTION C.** Associate membership may be granted to persons of goodwill regardless of ethnic origin, or BMWED membership, except that management and non-agreement supervisors from a railroad or other company employing railroad workers may not become a member. Associate members may attend general caucus meetings and may serve on committees by appointment of the



Caucus President and Executive Board. The annual fee for associate membership is twenty-five (\$25) dollars.

**SECTION D.** Associate Retiree membership is available to retired and Lifetime BMWED members and will carry the same status and require the same fees as that of an associate member.

**SECTION E.** No member or Officer will permit the membership list to be given, sold, or traded to any person or Organization, except that an updated list will be provided to the BMWED National Division Secretary-Treasurer on January 1 and July 1 of each year or anytime upon his/her request.

## **ARTICLE V ORGANIZATIONAL STRUCTURE**

The Caucus will have four (4) regions (West, Northwest, East, and South) and will follow the same geographic lines as the regions set forth in the BMWED bylaws. Any member serving on the Caucus Executive Board will automatically be seated in his/her region.

- (a) Each Region will have two (2) Executive Board members.

## **ARTICLE VI OFFICERS**

The Officers of the Caucus will consist of a President, Vice President, Secretary-Treasurer, and Recording Secretary who may be from any Region.

The Executive Board will consist of eight (8) members, two (2) from each Region. Immediately following the election meeting, the newly elected Executive Board members will meet to elect a Chairperson, Vice Chairperson, Secretary and Recording Secretary. If there is a tie, the Caucus President will break the tie.

## **ARTICLE VII ELECTION OF OFFICERS**

The inaugural election for Officers and Executive Board

members will be conducted via electronic election in February 2024. The Officers and Executive Board members of the Caucus shall be elected every four (4) years in February at the annual Caucus membership meeting. The Caucus convention and elections may be conducted by virtual meeting or at a scheduled in-person convention. To be eligible to run for an Officer or Executive Board position within the Caucus, a regular member must have 12-months continuous dues payments to the BMWED and must have current Caucus dues payments on file.

If the election meeting is conducted via zoom or other video platform, the Caucus will use the National Division electronic platform to conduct Caucus elections for the Officers and Executive Board. To make every effort to notify Caucus regular members of the elections, the regular members will be notified by email, text, and system messenger to the contact information on file with the BMWED database. Notification will also be posted on the BMWED Hispanic Caucus webpage found on the National Division Website ([bmwe.org](http://bmwe.org)).

- (a) Notice of elections must be given at least fifteen (15) days before nomination and election, and no later than forty-five (45) days. Elections must be conducted by secret ballot. The nomination period will be fifteen (15) days. The election period will be thirty (30) days. If the election is conducted electronically, there will be a seven (7) day waiting period between the nomination and election period to verify eligibility and assemble the electronic ballot.
- (b) A list of nominees and interested regular members wanting to fill the Officer and Executive Board positions will be submitted via email to [BMWEDHC@bmwe.org](mailto:BMWEDHC@bmwe.org) and must be received no later than seven (7) days prior to the designated date and time of the election.
- (c) If the elections are conducted at an in-person



convention, any member in good standing with the BMWED and the Caucus may make additional nominations from the floor which must be seconded by a member in good standing. If more nominees are nominated from the floor, the election Chairperson will appoint a three-person committee to conduct a secret ballot election to determine who is elected as the Caucus Officers.

- (d) Vacancies filled for any unexpired term by vote of the Caucus Executive Board will be conducted at the next Caucus Executive Board meeting following the vacancy. If the vacancy is due to death, resignation, removal, disqualification or otherwise, the Executive Board may appoint an individual in good standing to fill the unexpired term of an Officer or Executive Board position.
- (e) Each Region shall have two (2) Executive Board members. These positions will be voted on by the Caucus membership at the election meeting.

### **ARTICLE VIII DUTIES OF THE OFFICERS**

**President:** The President shall be the chief executive officer of the Caucus and along with the Secretary or the persons specifically authorized by the Executive Board, may sign all contracts or other instruments which the Executive Board has authorized.

The President shall appoint Chairpersons to all committees, which shall provide advice and direction to the Executive Board. The President shall preside over all meetings of the Caucus and the Executive Board.

**Vice President:** The Vice President shall assume the duties of the President in the absence of the President or when it is determined by the Executive Board that the President can no longer perform the duties of the office. When acting as President, the Vice President shall have all the powers of and be subject to all the restrictions of the President.

**Secretary-Treasurer:** The Secretary-Treasurer will be the custodian of all funds for the Caucus. A bank account for the Caucus will be established at the BMWED Headquarters office in Novi, Michigan. All funds shall be sent to the National Division office and the Caucus Secretary-Treasurer will maintain accurate records of receipts and disbursements. The Secretary-Treasurer will make quarterly reports of the Caucus bank account to the Executive Board. All disbursements for Caucus lapel pins, stickers, shirts, etc. will be made from the National Division office upon approval of the Executive Board and a showing of the minutes of the meeting where the vote took place. All expenditures for necessary supplies under \$300.00 do not need Executive Board approval. An invoice or receipt(s) will be needed for each expenditure for reimbursement. All other expenditures shall be approved by a majority of the Executive Board.

**Recording Secretary:** The Recording Secretary will attend all meetings and serve as recorder for the Executive Board and membership meetings. He/She will maintain formal records of all official proceedings, keep the minutes of all business in a safe place, and forward to each member of the Caucus Executive Board a copy of the minutes forthwith.

### **ARTICLE IX REMOVAL OF OFFICERS**

Officers and Executive Board members may be removed from office upon just cause by two-thirds vote of the Executive Board whenever the best interests of the Caucus and members would be served. If the removal involves the Caucus President, the removal shall be submitted to the Secretary-Treasurer and Executive Board of the Caucus. No Officer or Executive Board member shall be removed without an investigation in accordance with Article XI of these bylaws.

Officers and Executive Board members may not become involved in political campaigns of any labor organizations on behalf of the Caucus, and any involvement may be



subjected to removal of the Officer and/or Executive Board member.

## **ARTICLE X MEETINGS**

Meetings of the membership shall be conducted either in person, via zoom or other video-based platform, when called by the Caucus President or by a majority of the Caucus Executive Board with no less than ten (10) days prior notice by written or electronic correspondence. The correspondence must be received by the General Caucus Membership no later than five (5) days before the called meeting.

If there is a vacancy on the Executive Board, the vacancy will be filled for any unexpired term by vote of the Caucus Executive Board at the next Caucus Executive Board meeting following the vacancy. If the vacancy is due to death, resignation, removal, disqualification or otherwise, the Executive Board may appoint an individual in good standing to fill the unexpired term of an Officer or Executive Board position.

A list of nominees and interested regular members wanting to fill the vacant Executive Board position(s) will be submitted via email to [BMWEDHC@bmwe.org](mailto:BMWEDHC@bmwe.org) and must be received no less than seven (7) days prior to the posted designated date and time of the election.

The time, schedule, and agenda of each meeting shall be established by the Executive Board and the Caucus President for all meetings. The agenda shall include:

- (a) Call to order
- (b) Roll call
- (c) Reading of the minutes of the previous meeting and the approval of such
- (d) Treasurer's report
- (e) Committee reports
- (f) Unfinished business
- (g) New business
- (h) Good of the Brotherhood



The Parliamentary Rules prescribed by "Roberts Rules of Order" in the most recent available edition, shall govern the conduct of all meetings of the Caucus, unless a contrary procedure is established by these Bylaws or by Resolution of the Caucus Executive Board.

The Executive Board shall meet once a year to apprise the membership of the work in progress and the status of activities of the Caucus, for the election of Officers/Executive Board, and for other such business as may be decided by the Executive Board. Failure to hold an annual meeting shall not affect the Acts of the Caucus, Officers, or Executive Board.

A quorum of the Executive Board shall mean five (5) or more of the Executive Board members are present to conduct business.

A quorum of the Officers and Executive Board members in meetings other than closed Executive Board meetings shall mean seven (7) or more members are present to conduct business.

An Executive Board member who fails to attend two (2) meetings in a calendar year will be considered as having vacated the position unless sufficient reasoning for their absence is approved by the President of the Caucus.

Except as may be otherwise stated, the Executive Board is authorized and empowered to manage the Caucus' affairs in the pursuit and accomplishment of the purposes of the Caucus.

## **ARTICLE XI CAUCUS INVESTIGATIVE COMMITTEE**

**SECTION A:** An Investigation Committee, consisting of five (5) members of the Caucus will have the responsibility for objectively and fully investigating, reviewing, and hearing charges or allegations involving the Officers, Executive Board and/or individual members when such have been alleged to be participating or involved in activities in direct conflict with the purpose and objectives



of the Caucus and these bylaws. All allegations must be submitted to all Caucus Officers and Executive Board members in writing. If allegations involve actions contrary to the BMW/IBT Merger Agreement, BMWED or IBT Bylaws, separate trials will be conducted in accordance with Article XIX of the IBT Constitution subject to the terms of the Merger Agreement. It is fully understood that the Caucus shall have no authority to affect any BMWED member's terms and conditions of employment under a collective bargaining agreement, or affect the right of any member to be represented by BMWED, vote in BMWED elections, or diminish rights guaranteed by the BMW/IBT Merger Agreement, BMWED Bylaws, System Bylaws, IBT Constitution, or by any statute covering rights and obligations of members of labor organizations.

**SECTION B:** The Investigation Committee will have the authority to order immediate suspension, or expulsion from the Caucus, pending a full investigation, of officers or member(s) who are engaging in conduct detrimental to the welfare and growth of the Caucus. In any such situation, the Investigation Committee will notify the Executive Board and President of any action(s) taken and such action(s) in effect pending action by the full Executive Board. Final decision of the Caucus Executive Board can be appealed to the BMWED National Division Appeals Board for final adjudication, provided that the decision is presented to the National Division Secretary-Treasurer within 15 days of an adverse decision.

## **ARTICLE XII AMENDMENTS AND ADDITIONS**

These Bylaws may be amended by two-thirds (2/3) vote of the delegates present at the Caucus annual membership meeting. Amendments must be submitted to the Caucus email address [BMWEDHC@bmwe.org](mailto:BMWEDHC@bmwe.org) at least sixty (60) days prior to the annual meeting. Regular Caucus members will be notified via the BMWED Journal and/or BMWED News Alerts notifying them of the timeline for submission of amendments at least ninety (90) days prior to the convention to allow for proper submission of amendments.



become null and void immediately after the vote is taken.

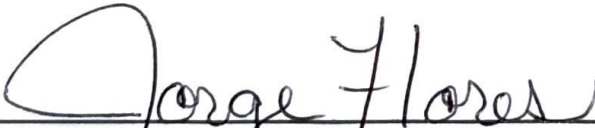
All Bylaw changes and amendments must be approved by the BMWED National Division President and cannot be in conflict with the BMW/IBT Merger Agreement, BMWED National Division Bylaws, System Division Bylaws where applicable, or the October 12, 2023, Resolution creating the Caucus. The BMWED President will determine if a conflict exists in any unforeseen circumstances.

The Caucus is not the exclusive bargaining representative for any BMWED member for purposes of bargaining wages, hours, and terms and conditions of employment and does not act in that capacity in any manner whatsoever, nor does the Caucus have the ability to dilute the rights of any BMWED member from membership in the BMWED Labor Union.

### **SECRETARY'S CERTIFICATION**

The undersigned Officer of the Brotherhood of Maintenance of Way Employees Division Hispanic Caucus hereby certifies that the foregoing Bylaws have been duly adopted by the Executive Board at a meeting conducted on \_\_\_\_\_, at \_\_\_\_\_.

Dated this 14th day of January, 2024.

  
\_\_\_\_\_  
Jorge Flores, Caucus President

  
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Tony Cardwell, BMWED President