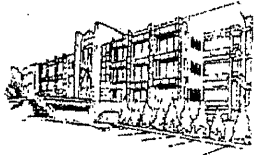


**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS**



**OFFICIAL CIRCULAR NO. 813
Strike Sanctions and Benefits
ISSUED: June 1, 2002**

9000 Machinists Place, Upper Marlboro, MD 20772

TO THE MEMBERSHIP EVERYWHERE, GREETINGS:

→ **PURPOSE** To update Official Circular 789 and previous circulars concerning the contract expiration notice requirements of the National Labor Relations Act (NLRA); to clarify IAM Constitutional procedures and policies concerning contract ratification and strike votes for all IAM lodges in the U.S. and Canada; to clarify entitlement to strike benefits; to reiterate the procedures to be followed when strikes are terminated.

→ **INFORMATION/INSTRUCTIONS** In order for the IAM to sanction a strike and provide strike benefits to striking members, it is essential that all IAM Constitutional and legal requirements be strictly followed. This not only protects our Union from damage claims that might arise out of an unsanctioned strike, but it also assures that our striking members receive the maximum legal protection. Accordingly, the following procedures must be followed.

A. NLRA Notice Requirements

1. All lodges having contracts governed by the NLRA must comply with the Section 8(d) notice requirements of that law, and the Investigation of Grievance Blank submitted in connection with an NLRA-covered dispute must contain the following information and include copies of the notices indicated:
 - a. Proof that a notice of intention to terminate or modify an existing agreement was filed with the employer at least sixty (60) days before the expiration date of the agreement or evidence that a notice of intention to terminate or modify was first filed by the employer
 - b. In those cases where the union initiates the termination or modification of the agreement, proof that at least thirty (30) days prior to the contract expiration date, notice was filed with the Federal Mediation and Conciliation Service (FMCS). Similar notices must be sent to the appropriate state agencies

- c. Information regarding any oral or written stipulation to continue the present agreement beyond the expiration date

B. Contract Ratification and Strike Votes

1. It continues to be the policy of the IAM to explore every possible means for securing a fair and equitable contract for our membership, short of a strike. When, however, it becomes necessary to consider withholding services, IAM Constitutional policies and procedures must be strictly followed.
2. The IAM Constitution provides, in Article XVI, Section 2, that a secret ballot vote by the membership present and voting must carry by a two-thirds (2/3) majority in order to declare a strike. IAM policy further provides that thirty (30) percent of the eligible bargaining unit must participate in the strike vote.
3. In the event that a strike vote fails to carry by the required two-thirds (2/3) majority vote, the collective bargaining agreement at issue will be accepted. This is because without the necessary membership support for a strike, our negotiators have no strength from which to insist on our bargaining demands.
4. All strike sanctions approved by the Executive Council will be released to the General Vice President of the territory in which the lodge is located. Prior to releasing strike sanction to the lodge, the General Vice President will make an investigation and ascertain the following:
 - a. That the directing business representative or grand lodge representative, as the case may be, has participated directly in the negotiations and has made a full report to the General Vice President with a request to release strike sanctions
 - b. That the last results of negotiations have been presented to the membership involved and have been rejected by a secret ballot vote of a majority of those in attendance at a called meeting after due notice to the membership.
 - c. That the original strike vote, taken at the outset of negotiations, has been reaffirmed by a two-thirds (2/3) majority vote. Again, lodges are reminded that if the strike vote fails to carry, no strike sanction will be granted, and the contract will be accepted

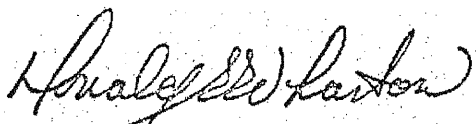
C. Receipt of Strike Benefits

1. The IAM Constitution provides, in Article XVI, Section 8, that benefits shall not be paid to members who fail to meet the requirements for the receipt of strike benefits.
2. As a general rule, only IAM members are entitled to receive strike benefits. However, as a result of unfavorable U.S. legal rulings, nonmembers and nonmember dues objectors, who meet the lodge's requirements for the receipt of strike benefits, are entitled to receive strike benefits.

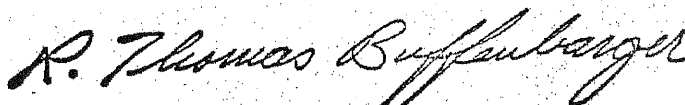
D. Termination of Strikes

1. Members on strike are entitled to receive their strike benefit checks promptly, and it is our practice to expedite the handling of strike rolls and to issue benefit checks when due.
2. On occasion, lodges involved in strikes have failed to notify the International President's office immediately upon the termination of the strike and, as a result, strike benefit checks have continued to be mailed to our members. This has required the IAM to recall benefit checks, which may cause a hardship on everyone.
3. In order to avoid this situation, lodges are reminded that they must **immediately** notify the International President's office when a strike is terminated.

Fraternally yours,



Donald E. Wharton
GENERAL SECRETARY-TREASURER



R. Thomas Buffenbarger
INTERNATIONAL PRESIDENT