

## CONSTITUTION

**THE SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA-  
ATLANTIC, GULF, LAKES AND INLAND WATERS**

**AFFILIATED WITH SEAFARERS INTERNATIONAL UNION  
OF NORTH AMERICA,  
AMERICAN FEDERATION OF LABOR-CONGRESS  
OF INDUSTRIAL ORGANIZATIONS**

**As Amended March 15, 2013**

### PREAMBLE

As maritime and allied workers and realizing the value and necessity of a thorough organization, we are dedicated to the forming of one Union for our people, the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters, based upon the following principles:

All members shall be entitled to all the rights, privileges and guarantees as set forth in this Constitution, and such rights, privileges and guarantees shall be preserved in accordance with its terms.

We declare that American seamen are entitled to receive their employment without interference of crimps, shipowners, fink halls or any shipping bureaus maintained by the Government.

We affirm that every worker has the right to receive fair and just remuneration for his labor and gain sufficient leisure for mental cultivation and physical recreation.

We proclaim the right of all seamen to receive healthful and sufficient food and proper forecastles in which to rest.

We defend the right of all seamen to be treated in a decent and respectful manner by those in command, and

We hold that the above rights belong to all workers alike, irrespective of nationality or creed.

Recognizing the foregoing as our inalienable rights, we are conscious of corresponding duties to those in command, our employers, our craft and our country.

We will, therefore, try by all just means to promote harmonious relations with those in command by exercising due care and diligence in the performance of the duties of our profession and by giving all possible assistance to our employers in caring for their gear and property.

Based upon these principles, it is among our objects: To use our influence individually and collectively for the purpose of maintaining and developing skill in seamanship and effecting a change in the maritime law of the United States so as to render it more equitable and to make it an aid instead of a hindrance to the development of a merchant marine and a body of American seamen.

To support a journal which shall voice the sentiments of maritime workers and through its columns seek to maintain their knowledge of, and interest in, maritime affairs.

To assist the seamen of other countries in the work of organization and federation to the end of establishing the Brotherhood of the Sea.

To form and to assist by legal means other bonafide labor organizations whenever possible in the attainment of their just demands.

To regulate our conduct as a Union and as individuals so as to make seamanship what it

rightly is--an honorable and useful calling. And bearing in mind that we are migratory, that our work takes us away in different directions from any place where the majority might otherwise meet to act, that meetings can be attended by only a fraction of the membership, that the absent members who cannot be present must have their interests guarded from what might be the results of excitement and passions aroused by persons or conditions, and that those who are present may act for and in the interest of all, we have adopted this Constitution.

### **Statement of Principles and Declaration of Rights**

In order to form a more perfect Union, we workers in the maritime and allied industries, realizing the value and necessity of uniting in pursuit of our improved economic and social welfare, have determined to bind ourselves together in the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters and hereby dedicate ourselves to the following principles:

In promoting our economic and social welfare, we shall ever be mindful, not only of our rights, but also of our duties and obligations as members of the community, our duties as citizens, and our duty to combat the menace of communism and any other enemies of freedom and the democratic principles to which we seafaring men dedicate ourselves in this Union.

We shall affiliate and work with other free labor organizations; we shall support a journal to give additional voice to our views; we shall assist our brothers of the sea and other workers of all

countries in these obligations to the fullest extent consistent with our duties, obligations and law. We shall seek to exert our individual and collective influence in the fight for the enactment of labor and other legislations and policies which look to the attainment of a free and happy society without distinction based on race, creed or color.

To govern our conduct as a Union and bearing in mind that most of our members are migratory, that their duties carry them all over the world, that their rights must and shall be protected, we hereby declare these rights as members of the Union to be inalienable.

#### **I**

No member shall be deprived of any of the rights or privileges guaranteed him under the Constitution of the Union.

#### **II**

Every qualified member shall have the right to nominate himself for, and, if elected, or appointed, to hold office in this Union.

#### **III**

No member shall be deprived of his membership without due process of the law of this Union. No member shall be compelled to be a witness against himself in the trial of any proceeding in which he may be charged with failure to observe the law of this Union. Every official and jobholder shall be bound to uphold and protect the rights of every member in accordance with the principles set forth in the Constitution of the Union.

#### **IV**

Every member shall have the right to be confronted by his accuser whenever he is charged with violating the law of this Union. In all such cases, the accused shall be guaranteed a fair and speedy trial by an impartial committee of his brother Union members.

#### **V**

No member shall be denied the right to express himself freely on the floor of any Union meeting or in committee.

#### **VI**

A militant membership being necessary to the security of a free union, the members shall at all times stand ready to defend this Union and the principles set forth in the Constitution of the Union.

#### **VII**

The powers not delegated to the officers, job holders, and Executive Board by the Constitution of the Union shall be reserved to the members.

### **CONSTITUTION**

#### **Article I**

#### **Name and General Powers**

This Union shall be known as the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters. Its powers shall be legislative, judicial, and executive, and shall include the formation of, and/or issuance of charters to, subordinate bodies and divisions,

corporate or otherwise, the formation of funds and participation in funds, the establishment of enterprises for the benefit of the Union and similar ventures. This Union shall exercise all of its powers in aid of subordinate bodies and divisions created or chartered by it. For convenience of administration and in furtherance of its policies of aid and assistance, the Union may make its property, facilities and personnel available for the use and on behalf of such subordinate bodies and divisions. A majority vote of the membership shall be authorization for any Union action, unless otherwise specified in the Constitution or by law. This Union shall at all times protect and maintain its jurisdiction.

## **Article II**

### **Affiliation**

**Section 1.** This Union shall be affiliated with the Seafarers International Union of North America and the American Federation of Labor-Congress of Industrial Organizations. All other affiliations by the Union or its subordinate bodies or divisions shall be made or withdrawn as determined by a majority vote of the Executive Board.

**Section 2.** In addition to such other provisions as are contained herein, all subordinate bodies and divisions seeking a charter from and/or affiliation with this Union, shall be required to adopt, within a time period set by the Executive Board, a Constitution containing provisions as set forth in Exhibit A, annexed to this Constitution and made a part hereof. All other provisions adopted by such subordinate bodies and divisions as part of their Constitution shall not be inconsistent therewith.

No such Constitution or amendments thereto shall be deemed to be effective without the approval of the Executive Board of this Union, which shall be executed in writing, on its behalf, by the President or, in his absence, by any other officer designated by it. Such approval shall be deemed to be recognition of compliance herewith by such subordinate body or division.

Where a subordinate body or division violates any of the foregoing, and, in particular, seeks to effectuate any constitutional provision not so authorized and approved, or commits acts in violation of its approved constitution, or fails to act in accordance therewith, this Union, through its Executive Board, may withdraw its charter and/or sever its affiliation forthwith, or on such terms as it may impose not inconsistent with law, in addition to exercising any and all rights it may have pursuant to any applicable agreements or understandings.

**Section 3.** This Union shall also have the power, acting through its Executive Board, and after a fair hearing, to impose a trusteeship upon any subordinate body or divisions chartered by and affiliated with it, for the reasons and to the extent provided by law.

### **Article III**

#### **Membership**

**Section 1.** There shall be three classes of membership: full book members, probationary members and retiree members. Candidates for membership shall be admitted to membership in accordance with such rules as may be adopted from time to time by a majority vote of the membership and which rules

shall not be inconsistent with the provisions of this Constitution. All candidates with two hundred and sixty (260) days or more seatime in a consecutive twenty-four (24) calendar month period commencing from January 1, 1968, in an unlicensed capacity, aboard an American-flag merchant vessel or vessels, covered by contract with this Union, shall be eligible for full membership. All persons with less than the foregoing seatime but at least thirty (30) days of such seatime, shall be eligible for probationary membership. Only full book members shall be entitled to vote and to hold any office or elective job, except as otherwise specified herein. All probationary members shall have a voice in Union proceedings and shall be entitled to vote on Union contracts. Retiree members shall receive the Union's monthly newspaper and will be kept abreast of Union activities, especially those relating to efforts in the legislative and political arenas with potential impact upon retirees. In addition, retiree members may participate in Union social events and grass root activities.

**Section 2.** No candidate shall be granted membership who is a member of any dual organization hostile to the aims, principles and policies of this Union.

The members, by majority vote, shall at all times have the right to determine the membership status of pensioners.

**Section 3.** Members more than one (1) quarter in arrears in dues can be suspended and, if so suspended, shall forfeit all benefits and all other rights and privileges in the Union. They can be dismissed if they are more than two (2) quarters in arrears in dues. An arrearage in dues shall be



computed from the first day of the applicable quarter, but this time shall not run:

(a) While a member is actually participating in a strike or lockout.

(b) While a member is an in-patient in an accredited hospital.

(c) While a member is under an incapacity due to activity in behalf of the Union.

(d) While a member is in the armed services of the United States, provided the member was in good standing at the time of entry into the armed forces, and further provided he applies for reinstatement within ninety (90) days after discharge from the armed forces.

(e) While a member has no opportunity to pay dues because of employment aboard an American-flag merchant vessel. The provision of this Sub-section (e) shall be inapplicable when such merchant vessel is operating upon the Great Lakes or upon the harbors, rivers or territorial waters of the United States.

**Section 4.** A majority vote of the membership shall be sufficient to designate additional circumstances during which the time specified in Section 3 shall not run. It shall be the right of any member to present, in writing, to any Port at any regular meeting any question with regard to the application of Section 3, in accordance with procedures established by a majority vote of the membership. A majority vote of the membership shall be necessary to decide such questions.

**Section 5.** The membership shall be empowered to establish, from time to time, by majority vote, rules under which dues and assessments may be excused where a member has been unable to pay dues

and assessments for the reasons provided in Sections 3 and 4.

**Section 6.** To preserve unity, and to promote the common welfare of the membership, all members of the Union shall uphold and defend this Constitution and shall be governed by the provisions of this Constitution and all policies, rulings, orders and decisions duly made.

**Section 7.** Any member who gives aid to the principles and policies of any hostile or dual organization shall be denied further membership in this Union to the full extent permitted by law. A majority vote of the membership shall decide which organizations are dual or hostile.

**Section 8.** Evidence of membership or other affiliation with the Union shall be in such form or forms as determined by the Executive Board and shall at all times remain the property of the Union. Members may be required to show their evidence of membership in order to be admitted to Union meetings, or into, or on Union property.

#### **Article IV**

##### **Reinstatement**

Members dismissed from the Union may be reinstated in accordance with such rules and under such conditions as are adopted, from time to time, by a majority vote of the membership.

#### **Article V**

##### **Dues and Initiation Fee**

**Section 1.** All members' dues shall consist of:

(a) Dues annually in the sum of five hundred dollars (\$500.00) which shall be paid in equal

amounts on a calendar year basis, no later than the first business day of each calendar quarter, and;

(b) A sum equal to five percent (5%) of the gross amount received for vacation benefits for days worked for contracted employers. Dues payable under this Sub-section (b) shall be payable on the days that the member receives payment for the earned vacation benefits and shall become effective as to members in the manner designated and determined by a majority vote of the membership by secret ballot. When so determined by the membership, members in the employ of the Union, its subdivisions and its affiliated organizations, or in any employment at the Union's direction as provided for in Article XII, Section 1 (a) and (c), shall pay in addition to that provided for in paragraph (a) immediately above the sum of one hundred dollars (\$100.00) quarterly on a calendar year basis, no later than the first business day of each quarter while so employed.

**Section 2.** No candidate for full book membership shall be admitted into such membership without having paid an initiation fee of one thousand dollars (\$1,000.00), except as otherwise provided in this Constitution. In addition, the candidate shall pay a ten dollar (\$10.00) "service fee" for the issuance of his full book.

Each candidate for probationary membership and each probationary member shall, with the payment of each of his first quarterly dues, as required by Section 1, pay at each such time the sum of two hundred and fifty dollars (\$250.00) as partial initiation fee. The total of such initiation monies so paid shall be credited to his above required initiation fee for a full book member upon

completion of the required seatime as provided for in Article III, Section 1.

**Section 3.** Payment of dues and initiation fee may be waived for organizational purposes in accordance with such rules as are adopted by a majority vote of the Executive Board.

**Section 4.** All members shall be and remain in good standing.

**Section 5.** Notwithstanding the above, the annual dues amount for retiree members shall be five dollars (\$5.00).

## **Article VI**

### **Retirement from Membership**

**Section 1.** Members may retire from membership by surrendering their Union books or other evidence of affiliation and paying all unpaid dues for the quarter in which they retire, assessments, fines and other monies due and owing the Union. When the member surrenders his book or other evidence of affiliation in connection with his application for retirement he shall be given a receipt therefore. An official retirement card shall be issued by Headquarters, upon request, dated as of the day that such member accomplishes these payments and shall be given to the member upon presenting the aforesaid receipt.

**Section 2.** All the rights, privileges, duties and obligations of membership shall be suspended during the period of retirement, except that a retired member shall not be disloyal to the Union nor join or remain in any dual or hostile organization, upon penalty or forfeiture of his right to reinstatement.

**Section 3.** Any person in retirement for a period of two (2) quarters or more shall be restored to membership, except as herein indicated, by paying dues for the current quarter, as well as all assessment accruing and newly levied during the period of retirement. If the period of retirement is less than two (2) quarters, the required payment shall consist of all dues accruing during the said period of retirement, including those levied during that period. Upon such payment, the person in retirement shall be restored to membership, and his membership book, appropriately stamped, shall be returned to him.

**Section 4.** A member in retirement may be restored to membership after a one (1) year period of retirement consisting of four (4) full quarters only by a majority vote of the membership.

**Section 5.** The period of retirement shall be computed from the first day of the quarter following the one in which the retirement card was issued.

**Section 6.** No member may retire his membership during the period of a strike or lockout.

## **Article VII**

### **Systems of Organization**

**Section 1.** This Union and all officers, Assistant Vice-Presidents, Port Agents, and members shall be governed in this order by:

- (a) The Constitution
- (b) The Executive Board
- (c) Majority vote of the membership

**Section 2.** The Headquarters of the Union shall be located in Camp Springs, Maryland and Piney Point, Maryland or at such places as the Executive

Board may determine from time to time. The Headquarters officers shall consist of a President, an Executive Vice-President, one (1) Vice-President in Charge of Contracts and Contract Enforcement, a Secretary-Treasurer, one (1) Vice-President in Charge of the Atlantic Coast, one (1) Vice-President in Charge of the Gulf Coast, one (1) Vice-President in Charge of the West Coast, one (1) Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters and one (1) Vice-President in Charge of Government Services and Fishing Industries.

**Section 3.** The staff of each Port shall consist of such personnel as is provided for herein and the Port shall bear the name of the city in which the Union's Port Offices are located.

## **Article VIII**

### **Officers, Assistant Vice-Presidents, and Port Agents**

**Section 1.** The officers of the Union shall be elected as otherwise provided in this Constitution. These officers shall be the President, an Executive Vice-President, one (1) Vice-President in Charge of Contracts and Contract Enforcement, a Secretary-Treasurer, one (1) Vice-President in Charge of the Atlantic Coast, one (1) Vice-President in Charge of the Gulf Coast, one (1) Vice-President in Charge of the West Coast, one (1) Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters, and one (1) Vice-President in Charge of Government Services and Fishing Industries.

**Section 2.** Assistant Vice-Presidents and Port Agents shall be elected, except as otherwise provided in this Constitution.

**Article IX**  
**Other Elective Jobs**

**Section 1.** In addition to the elective jobs provided for in Article VIII, the following jobs in the Union shall be voted upon in the manner prescribed by this Constitution:

Committee members of:

- (1) Trial Committees
- (2) Annual Financial Committees
- (3) Appeals Committees
- (4) Strike Committees
- (5) Credentials Committees
- (6) Union Tallying Committees
- (7) Constitutional Committees

**Section 2.** Additional committees may be formed as provided by a majority vote of the membership. Committees may also be appointed as permitted by this Constitution.

**Article X**

**Duties of Officers, Assistant Vice-Presidents,  
Port Agents, Other Elected Jobholders  
and Miscellaneous Personnel**

**Section 1.** (a) The President shall be the executive officer of the Union and shall represent, and act for and in behalf of the Union in all matters except as otherwise specifically provided for in the Constitution.

(b) He shall be a member ex-officio of all committees, except as otherwise herein expressly provided.

(c) The President shall be in charge of, and responsible for, all Union property, and shall be in

charge of Headquarters and Port offices. Wherever there are time restrictions or other considerations affecting Union action, the President shall take appropriate action to insure observance thereof.

(d) In order that he may properly execute his responsibilities, he is hereby instructed and authorized to employ any help he deems necessary, be it legal, accounting or otherwise.

(e) Subject to approval by a majority vote of the membership and the Executive Board, the President shall designate the number and location of all Ports, the jurisdiction, status and activities thereof, and may reduce and/or relocate such Ports, and may reassign Vice-Presidents, Assistant Vice-Presidents and the Secretary-Treasurer without reduction in wages. He may also reassign Port Agents to other duties without reduction in wages.

Where Ports are opened between elections, the President shall designate the Union personnel thereof.

The President may designate, in the event of the incapacity of any Port Agent, or any officer other than the President, a replacement to act as such during the period of incapacity, provided such replacement is qualified under Article XII of the Constitution to fill such job.

At the regular meeting in May of every election year, the President shall submit to the membership a pre-balloting report. In his report he shall recommend the number and location of Ports and the number of Port Agents who are to be elected. He shall also recommend a bank, a bonded warehouse, a regular office thereof, or any similar depository, to which the ballots are to be mailed, except that the President may, in his discretion, postpone the



recommendations as to the depository until no later than the first regular meeting in October.

The report shall be subject to approval or modification by a majority vote of the membership.

(f) The President shall be chairman of the Executive Board and may cast one (1) vote in that body.

(g) He shall be responsible, within the limits of his powers, for the enforcement of this Constitution, the policies of the Union, and all rules and rulings adopted by the Executive Board, and those duly adopted by a majority vote of the membership. Within these limits, he shall strive to enhance the strength, position, and prestige of the Union.

(h) The foregoing duties shall be in addition to those other duties lawfully imposed upon him.

(i) The responsibility of the President may not be delegated, but the President may delegate to a person or persons the execution of such of his duties as he may in his discretion decide, subject to the limitations set forth in this Constitution.

(j) Any vacancy in any office or the job of Assistant Vice-President or Port Agent shall be filled by the President by temporary appointment of a member qualified for the office or job under Article XII of this Constitution except in those cases where the filling of such vacancy is otherwise provided for by this Constitution

(k) The President is directed to take any and all measures and employ such means which he deems necessary or advisable to protect the interests and further the welfare of the Union and its members in all matters involving national, state or local legislation issues and public affairs.

(l) The President shall have the authority to require any officer or Union representative to attend

any regular or special meeting if, in his opinion, it is deemed necessary.

**Section 2. Executive Vice-President.**

The Executive Vice-President shall perform any and all duties assigned him or delegated to him by the President. The Executive Vice-President shall be a member of the Executive Board and may cast one (1) vote in that body.

**Section 3. Vice-President in Charge of Contracts and Contract Enforcement.**

The Vice-President in Charge of Contracts and Contract Enforcement shall perform any and all duties assigned him or delegated to him by the President. In addition, he shall be responsible for all contract negotiations, the formulation of bargaining demands, and the submission of proposed collective bargaining agreements to the membership for ratification. He shall also be responsible, except as otherwise provided in Article X, Section 14(d) (1), for strike authorization, signing of new contracts and contract enforcement. He shall also act for Headquarters in executing the administrative functions assigned to Headquarters by this Constitution with respect to trials and appeals except if he is a witness or party thereto, in which event the Secretary-Treasurer shall act in his place. In order that he may properly execute these responsibilities he is hereby instructed and authorized to employ such help as he deems necessary, be it legal, or otherwise, subject to approval of the Executive Board.

The Vice-President in Charge of Contracts and Contract Enforcement shall be a member of the Executive Board and may cast one (1) vote in that body.

#### **Section 4. Secretary-Treasurer.**

The Secretary-Treasurer shall perform any and all duties assigned him or delegated to him by the President. He shall be responsible for the organization and maintenance of the correspondence, files, and records of the Union; setting up, and maintenance of, sound accounting and bookkeeping systems; the setting up, and maintenance of, proper office and other administrative Union procedures; the proper collection, safeguarding, and expenditure of all Union funds, Part or otherwise. He shall submit to the membership, for each annual period, a detailed report of the entire Union's financial operations and shall submit the Annual Financial Committee report for the same period. The Secretary-Treasurer's report shall be prepared by an independent certified public accountant. He shall also work with all duly elected finance committees. The Secretary-Treasurer shall be responsible for the timely filing of any and all reports on the operations of the Union, financial or otherwise, that may be required by any Federal or state laws. The Secretary-Treasurer with the approval of the President shall employ a person who by profession and/or employment shall qualify to perform the functions and duties of a Comptroller. Such person shall be responsible for the maintenance, safeguard and verification of the Union's financial affairs and records under the supervision and direction of the Secretary-Treasurer. The responsibility for such functions shall be that of the Secretary-Treasurer notwithstanding the delegation to such Comptroller. In order that he may properly execute his responsibilities, he is hereby instructed and authorized to employ any help he deems necessary, be it legal, accounting, or otherwise, subject to approval of the Executive Board.

The Secretary-Treasurer shall be a member of the Executive Board and may cast one (1) vote in that body.

The Secretary-Treasurer shall be a member ex-officio of the Credentials and Union Tallying Committees. In addition, he shall make himself and the records of his office available to the Annual Financial Committee.

**Section 5. Vice-President in Charge of the Atlantic Coast.**

The Vice-President in Charge of the Atlantic Coast shall be a member of the Executive Board and shall be entitled to cast one (1) vote in that body.

He shall supervise and be responsible for the activities of all the Ports and the personnel thereof on the Atlantic Coast including their organizing activities. The Atlantic Coast area is deemed to mean that area from and including Georgia through Maine and shall also include the Islands in the Caribbean. In order that he may properly execute his responsibilities he is empowered and authorized to retain any technical or professional assistance he deems necessary, subject to approval of the Executive Board.

**Section 6. Vice-President in Charge of the Gulf Coast.**

The Vice-President in Charge of the Gulf Coast shall be a member of the Executive Board and shall be entitled to cast one (1) vote in that body.

He shall supervise and be responsible for the activities of all the Ports and the personnel thereof on the Gulf Coast including their organizing activities. The Gulf Coast area is deemed to mean the State of Florida, all through the Gulf, including Texas.

In order that he may properly execute his responsibilities he is empowered and authorized to retain any technical or professional assistance he deems necessary, subject to approval of the Executive Board.

**Section 7. Vice-President in Charge of the West Coast.**

The Vice-President in Charge of the West Coast shall be a member of the Executive Board and shall be entitled to cast one (1) vote in that body.

He shall supervise and be responsible for the activities of all the Ports and the personnel thereof on the West Coast including their organizing activities. The West Coast area is deemed to mean the States of California, Oregon, Washington, Alaska, and Hawaii.

In order that he may properly execute his responsibilities, he is empowered and authorized to retain any technical or professional assistance he deems necessary, subject to the approval of the Executive Board.

**Section 8. Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters.**

The Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters shall be a member of the Executive Board and shall be entitled to cast one (1) vote in that body.

He shall supervise and be responsible for the activities of all the Ports and the personnel thereof in the Southern Region, Great Lakes and Inland Waters including their organizing activities.

In order that he may properly execute his responsibilities, he is empowered and authorized to retain any technical or professional assistance he deems necessary, subject to approval of the Executive Board.

**Section 9. Vice-President in Charge of Government Services and Fishing Industries.**

The Vice-President in Charge of Government Services and Fishing Industries shall be a member of the Executive Board and shall be entitled to cast one (1) vote in that body.

He shall supervise and be responsible for the activities of the Union in the representation of individuals employed in fishing industries and civilian seamen employed by the federal government including but not limited to the negotiation of the collective bargaining agreements, processing grievances and the administration of collective bargaining agreements and shall direct the activities of the Union personnel assigned to him by the President and carry out such other functions as the President may assign to him from time to time.

**Section 10. Assistant Vice-Presidents.**

There shall be six (6) Assistant Vice-Presidents as follows: Assistant Vice-President in Charge of Contracts and Contract Enforcement; Assistant Vice-President in Charge of the Atlantic Coast; Assistant Vice President in Charge of the Gulf Coast; Assistant Vice-President in Charge of the West Coast; Assistant Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters; and Assistant Vice-President in Charge of Government Services and Fishing Industries. Each Assistant Vice-President shall work with and under the direction of the appropriate Vice-President. He shall assist, as directed, in all activities of the appropriate Vice-President and shall be responsible to such Vice-President.

**Section 11. Port Agents.**

(a) The Port Agent shall be in direct charge of the administration of Union affairs in the Port of

his jurisdiction subject to the direction of the Area Vice-President.

(b) He shall, within the jurisdiction of his Port, be responsible for the enforcement and execution of the Constitution, the policies of the Union, and the rules adopted by the Executive Board, and by a majority vote of the membership. Wherever there are time restrictions or other considerations affecting Port action, the Port Agent shall take appropriate action to insure observance thereof.

(c) He shall be prepared to account, financially or otherwise for the activities of his Port, whenever demanded by the President, the Vice-President of the area in which his Port is located, or by the Secretary-Treasurer.

(d) In any event, he shall prepare and forward to the Secretary-Treasurer a weekly financial report showing, in detail, weekly income and expenses and complying with all other accounting directions issued by the Secretary-Treasurer.

(e) The Port Agent shall designate which members at the Port may serve as representatives to other organizations, affiliation with which has been properly authorized.

#### **Section 12. Executive Board.**

The Executive Board shall consist of the President, the Executive Vice-President, the Vice-President in Charge of Contracts and Contract Enforcement, the Secretary-Treasurer, the Vice-President in Charge of the Atlantic Coast Area, the Vice-President in Charge of the Gulf Coast Area, the Vice-President in Charge of the West Coast Area, the Vice-President in Charge of the Southern Region, Great Lakes and Inland Waters, the Vice-President in Charge of Government Services and Fishing Industries, and the National Director (or chief executive

officer) of each subordinate body or division created or chartered by the Union whenever such subordinate body or division has attained a membership of 3,200 members and has maintained that membership for not less than three (3) months. Such National Director (or chief executive officer) shall be a member of the respective subordinate body or division and must be qualified to hold office under the terms of the Constitution of such division or subordinate body.

The Executive Board shall meet no less than twice each year and at such times as the President and/or a majority of the Executive Board may direct. The President shall be chairman of all Executive Board meetings unless absent, in which case the Executive Board shall designate the chairman. Each member of the Executive Board shall be entitled to cast one (1) vote in that body. Its decision shall be determined by majority vote of those voting, providing a quorum of three (3) is present. It shall be the duty of the Executive Board to develop policies, strategies and rules which will advance and protect the interests and welfare of the Union and the members. It shall be the duty of the Secretary-Treasurer or in his absence, an appointee of the Executive Board, to keep accurate minutes of all Executive Board meetings. The Executive Board shall determine per capita tax to be levied and other terms and conditions of affiliation for any group of workers desiring affiliation. The Executive Board may direct the administration of all Union affairs, properties, policies and personnel in any and all areas not otherwise specifically provided for in this Constitution. Notwithstanding the foregoing, the Executive Board may act without holding a formal meeting provided all members are sent notice of the proposed action or actions and the



decision thereon is reduced to writing and signed by a majority of the Executive Board.

In the event that death, resignation or removal from office for any reason should occur to the President, the Executive Board by majority vote shall name a successor from its own membership who shall fill that vacancy until the next general election.

In the event the President is incapacitated for a period of more than thirty (30) days, and the Executive Board by majority vote thereafter determines that such incapacity prevents the President from carrying out his duties, the Executive Board by majority vote may appoint from among its own membership the officer to fill the office of President. This appointment shall terminate upon the President's recovery from such incapacity or upon the expiration of the President's term of office, whichever occurs first.

The Executive Board by majority vote may grant requests for leaves of absence with or without pay to officers. In the event that a leave is granted to the President, the Executive Board by a majority vote shall designate from among its own membership who shall exercise the duties of the President during such period of leave.

Notwithstanding the provision of Section 1(j) of this Article X, the Executive Board, by majority vote, may determine not to fill any vacancy in any office or job for any part of an unexpired term.

### **Section 13. Delegates.**

(a) The term "delegates" shall mean those members of the Union and its subordinate bodies or divisions who are elected in accordance with the provisions of this Constitution to attend the Convention of the Seafarers International Union of North America. The following officers and jobholders, upon their

election to office or job shall, during the term of their office or job be delegates to all Conventions of the Seafarers International Union of North America in the following order of priority: President, Executive Vice-President; Vice-President in Charge of Contracts and Contract Enforcement; Secretary-Treasurer; Vice-President in Charge of the Atlantic Coast; Vice-President in Charge of the Gulf Coast; Vice-President in Charge of the West Coast; Vice President in Charge of the Southern Region, Great Lakes and Inland Waters; Vice-President in Charge of Government Services and Fishing Industries; Assistant Vice-Presidents, with priority to those most senior in full book Union membership; and Port Agents, with priority to those most senior in full book Union membership.

(b) Each delegate shall, by his vote and otherwise, support those policies agreed upon by the majority of the delegates to the Convention.

(c) The President shall assign to each subordinate body or division that number of delegates to which this Union would have been entitled, if its membership had been increased by the number of members of the subordinate body or division, in accordance with the formula set forth in the Constitution of the Seafarers International Union of North America, except that this provision shall not be applied so as to reduce the number of delegates to which this Union would otherwise have been entitled.

#### **Section 14. Committees.**

##### **(a) Trial Committee.**

The Trial Committee shall conduct the trials of a person charged and shall submit findings and recommendations as prescribed in this Constitution. It shall be the special obligation of the Trial Committee to observe all the requirements of this

Constitution with regard to charges and trials and their findings and recommendations must specifically state whether or not, in the opinion of the Trial Committee, the rights of any accused, under this Constitution, were properly safeguarded.

**(b) Appeals Committee.**

1. The Appeals Committee shall hear all appeals from trial judgments, in accordance with such procedures as are set forth in this Constitution and such rules as may be adopted by a majority vote of the membership not inconsistent therewith.

2. The Appeals Committee shall, within not later than one (1) week after the close of the said hearing, make and submit findings and recommendations in accordance with the provisions of this Constitution and such rules as may be adopted by a majority vote of the membership not inconsistent therewith.

**(c) Annual Financial Committee.**

1. The Annual Financial Committee shall make an examination for each annual period of the finances of the Union and shall report fully on their findings and recommendations. Members of this Committee may make dissenting reports, separate recommendations and separate findings.

2. The findings and recommendations of this Committee shall be completed within a reasonable time and after the election of the members thereof, and shall be submitted to the Secretary-Treasurer who shall cause the same to be read in all Ports, as set forth herein.

3. All officers, Union personnel and members are responsible for complying with all demands made for records, bills, vouchers, receipts, etc., by the said Annual Financial Committee. The Committee shall also

have available to it the services of the independent certified public accountants retained by the Union.

4. Any action on the said report shall be as determined by a majority vote of the membership.

5. The Annual Financial Committee shall consist of seven (7) full book members in good standing to be elected at Headquarters. No Officer or Port Agent shall be eligible for election to this Committee. Committee members shall be elected at the regular Headquarters' meeting designated by the Secretary-Treasurer. In the event such regular meeting cannot be held for lack of a quorum, Headquarters' Port Agent shall call a special meeting as early as possible for the election of Committee members to serve on the Annual Financial Committee. Committee members shall receive a per diem in an amount determined by the Secretary-Treasurer but in no event shall they receive an amount less than the AB Green hourly rate as specified in the current union industry wide contract for eight hours for each day of service commencing with the day subsequent to their election and ending on the day they complete their service or, if applicable, return to the Port from which they were elected. They shall be furnished room and board during the period they are performing their duties.

In the event a Committee member ceases to act, no replacement need to be elected unless there are less than three (3) Committee members, in which event they shall suspend their work until a special election for Committee members shall be held as provided above for such number of Committee members as shall be necessary to constitute a Committee of not less than three (3) members in good standing.

**(d) Strike Committee.**

1. In no event shall a general strike take place unless approved by a majority vote of the membership or segment of the Union, whichever applies.

2. In the event a general strike has been approved by the membership the Port Agents in all affected Ports shall call a timely special meeting for the purpose of electing a Strike Committee. This Committee shall be composed of three (3) full book members and their duties shall consist of assisting the Port Agent to effectuate all strike policies and strategies.

**Article XI**

**Wages and Terms of Office of Officers and  
Other Elective Jobholders, Union  
Employees, and Others**

**Section 1.** The following elected officers and jobs shall be held for a term of four (4) years; except the term of officers and jobs elected in balloting conducted in 1975 shall be for five (5) years:

President  
Executive Vice-President  
Secretary-Treasurer  
Vice-Presidents  
Assistant Vice-Presidents  
Port Agents

The term of years set forth here is expressly subject to the provisions for assumption of office as contained in Article XIII, Section 6(b) of this Constitution.

**Section 2.** The term of any elective jobs other than those indicated in Section 1 of this Article shall continue for so long as is necessary to complete the functions thereof, unless sooner

terminated by a majority vote of the membership or segment of the Union, whichever applies, whose vote was originally necessary to elect the one or ones serving.

**Section 3.** All elected individuals shall receive automatic wage increases in the same percentage amount and at the same time that the Union's membership receives increases through the standard tanker and freight ship agreements.

**Section 4.** The foregoing provisions of this Article do not apply to any corporation, business, or other venture in which this Union participates, or which it organizes or creates. In such situations, instructions conveyed by the Executive Board shall be followed.

## **Article XII**

### **Qualifications for Officers, Assistant Vice-Presidents, Port Agents, and Other Elective Jobs**

**Section 1.** Any member of the Union is eligible to be a candidate for, and hold, any office or the job of Assistant Vice-President or Port Agent provided:

(a) He has at least three (3) years of seetime in an unlicensed capacity aboard an American-flag merchant vessel or vessels. In computing time, time spent in the employ of the Union, its subsidiaries and its affiliates, or in any employment at the Union's direction, shall count the same as seetime. Union records, Welfare Plan records and/or company records can be used to determine eligibility; and

(b) He has been a full book member in continuous good standing in the Union for at least three (3) years immediately prior to his nomination; and

(c) He has at least one hundred (100) days of seetime, in an unlicensed capacity, aboard an

American-flag vessel or vessels covered by contract with this Union or one hundred (100) days of employment with, or in any office or job of, the Union, its subsidiaries and its affiliates, or in any employment at the Union's direction or a combination of these, between January 1 and the time of nomination in the election year, except if such seetime is wholly aboard such merchant vessels operating solely upon the Great Lakes or, if such seetime is wholly aboard tugboats, towboats or dredges and contractual employment thereon is for fixed days with equal amount of days off, he shall have at least sixty five (65) days of such seetime instead of the foregoing one hundred (100) days; and

(d) He is a citizen of the United States of America; and

(e) He is not disqualified by law. He is not receiving a pension from this Union's Pension Fund, if any, or from a Union-Management Fund, to which fund this Union is a party or from a company under contract with this Union; unless such individual commenced receiving a pension benefit from any such fund by virtue of having reached the age of 70 ½.

(f) He has not sailed in a licensed capacity aboard an American flag merchant vessel or vessels within twenty four (24) consecutive months immediately prior to the opening of nominations.

**Section 2.** All candidates for, and holders of, other elective jobs not specified in the preceding sections shall be full book members of the Union.

**Section 3.** All candidates for, and holders of elective offices and jobs, whether elected or appointed in accordance with this Constitution, shall maintain full book memberships in good standing.

## **Article XIII**

### **Elections for Officers, Assistant Vice-Presidents and Port Agents**

#### **Section 1. Nominations.**

Except as provided in Section 2(b) of this Article, any full book member may submit his name for nomination for any office, or the job of Assistant Vice-President, or Port Agent, by delivering or causing to be delivered in person, to the office of the Secretary-Treasurer at Headquarters, or sending a letter addressed to the Credentials Committee, in care of the Secretary-Treasurer at the address of Headquarters. This letter shall be dated and shall contain the following:

- (a) The name of the candidate.
- (b) His home address and mailing address.
- (c) His book number.
- (d) The title of the office or other job for which he is a candidate, including the name of the Port in the event the position sought is that of Port Agent.
- (e) Proof of citizenship.
- (f) Proof of seetime and/or employment as required for candidates.
- (g) In the event the member is on a vessel, he shall notify the Credentials Committee what vessel he is on. This shall be done also if he ships subsequent to forwarding his credentials.
- (h) Annexing a certificate in the following form, signed and dated by the proposed nominee:

"I hereby certify that the during the past thirteen (13) years I have not been convicted of, or served any part of a prison term resulting from



a conviction for robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Landrum Griffin Act, or conspiracy to commit such crimes. In addition, I certify that I support the Constitution of the United States of America, its institutions and form of government."

Dated \_\_\_\_\_  
Book No. \_\_\_\_\_ " \_\_\_\_\_  
Signature of Member

Printed forms of the certificate shall be made available to nominees. Where a nominee cannot truthfully execute such a certificate, but is, in fact, legally eligible for an office or job by reason of the restoration of civil rights originally revoked by such conviction or a favorable determination by the Board of Parole of the United States Department of Justice, he shall, in lieu of the foregoing certificate, furnish a complete signed statement of the facts of his case together with true copies of the documents supporting his statement.

Any full book member may nominate any other full book member in which event such full book member so nominated shall comply with the provisions of this Article as they are set forth herein relating to the submission of credentials. By reason of the above self nomination provision the responsibility, if any, for notifying a nominee of his nomination to office shall be that of the nominator.

All documents required herein must reach Headquarters no earlier than July 15 and no later than August 15 of the election year.

The Secretary-Treasurer is charged with safekeeping of these letters and shall turn them over to the Credentials Committee upon the latter's request.

## **Section 2. Credentials Committee**

(a) A Credentials Committee shall be elected at either the regular meeting in August of the election year or at a special meeting convened in August of the election year at the Port where Headquarters is located. It shall consist of six (6) full book members in attendance at the meeting with two (2) members to be elected from each of the Deck, Engine and Steward Departments. No officer, Assistant Vice-President, or Port Agent, or candidate for office of the job of Assistant Vice-President, or Port Agent, shall be eligible for election to this Committee except as provided for in Article X, Section 4. In the event any Committee member is unable to serve, the Committee shall suspend until the President or Executive Vice-President or the Secretary-Treasurer, in that order, calls a special meeting at the Port where Headquarters is located in order to elect a replacement. The Committee's results shall be by majority vote with any tie vote being resolved by a majority of the membership at a special meeting called for that purpose at that Port.

(b) After its election, the Committee shall immediately go into session. It shall determine whether the person has submitted his application correctly and possesses the necessary qualifications. The Committee shall prepare a report listing each applicant and his book number

under the office or job he is seeking. Each applicant shall be marked "qualified" or "disqualified" according to the findings of the Committee. Where an applicant has been marked "disqualified," the reason therefore must be stated in the report. Where a tie vote has been resolved by a special meeting of the membership, that fact shall also be noted with sufficient detail. The report shall be signed by all of the Committee members and be completed and submitted to the Ports in time for the next regular meeting after their election. At this meeting, it shall be read and incorporated in the minutes and then posted on the bulletin board in each Port.

On the last day of nominations, one (1) member of the Committee shall stand by in Headquarters to accept delivery of credentials. All credentials must be in Headquarters by midnight of closing day.

(c) When an applicant has been disqualified by the Committee, he shall be notified immediately by telegram, overnight mail, air mail, special delivery, or an equivalent mail service at the address listed by him pursuant to Section 1 of this Article. He shall also be sent a letter containing their reasons for such disqualification by airmail, special delivery, registered or certified, to the mailing address designated pursuant to Section 1(b) of this Article. A disqualified applicant shall have the right to take an appeal to the membership from the decision of the Committee. He shall forward copies of such appeal to each Port where the appeal shall be presented and voted upon at a regular meeting no later than the second meeting after the Committee's election. It is the responsibility of the applicant to insure timely delivery of his appeal. In any event, without

prejudice to his written appeal, the applicant may appear in person before the Committee within two (2) days after the day on which the telegram, overnight mail, air mail, special delivery or an equivalent mail service is sent to correct his application or argue for his qualification.

The Committee's report shall be prepared early enough to allow the applicant to appear before it within the time set forth in this Constitution and still reach the Ports in time for the first regular meeting after its election.

(d) A majority vote of the membership shall, in the case of such appeals, be sufficient to overrule any disqualification by the Credentials Committee in which event the one so previously classified shall then be deemed qualified.

(e) The Credentials Committee, in passing upon the qualifications of candidates, shall have the right to conclusively presume that anyone nominated and qualified in previous elections for candidacy for any office, or the job of Assistant Vice-President or Port Agent has met all the requirements of Section 1(a) of Article XII.

(f) Committee members shall receive a per diem in an amount determined by the Secretary-Treasurer but in no event shall they receive an amount less than the AB Green hourly rate as specified in the current union industry wide contract for eight hours for each day of service commencing with the day subsequent to their election and ending on the day they complete their service or, if applicable, return to the Port from which they were elected.

### **Section 3. Balloting Procedures.**

(a) Balloting in the manner hereafter provided shall commence on November 1<sup>st</sup> of the election year and shall continue through December 31<sup>st</sup>, exclusive

of Sundays and (for each individual Port) holidays legally recognized in the City of which the Port affected is located. If November 1<sup>st</sup> and December 31<sup>st</sup> falls on a holiday legally recognized in a Port in the City in which that Port is located, the balloting period in such Port shall commence or terminate, as the case may be, on the next succeeding business day. Subject to the foregoing, for the purpose of full book members securing their ballots, the Ports shall be open from 9:00 A.M. to 12 Noon, Monday through Saturday, excluding holidays.

(b) Balloting shall be by mail. The Secretary-Treasurer shall insure the proper and timely preparation of ballots without partiality as to candidates or Ports. The ballots may contain general information and instructive comments not inconsistent with the provisions of this Constitution. All qualified candidates shall be listed thereon alphabetically within each category with book number and job seniority classification status.

The listing of the Ports shall first set forth Headquarters and then shall follow a geographical pattern commencing with the most northerly Port of the Atlantic Coast, following the Atlantic Coast down to the most southerly Port on that coast, then westerly along the Gulf of Mexico and so on, until the list of Ports is exhausted. Any Port outside the Continental United States shall then be added. There shall be no write-in voting and no provisions for the same shall appear on the ballot. Each ballot shall be so prepared as to have the number thereon place at the top thereof and shall be so perforated as to enable that portion containing the said number to be easily removed to insure secrecy

of the ballot. On this removable portion shall also be placed a short statement indicating the nature of the ballot and the voting date thereof.

(c) The ballots so prepared at the direction of the Secretary-Treasurer shall be the only official ballots. No others may be used. Each ballot shall be numbered as indicated in the preceding paragraphs and shall be numbered consecutively, commencing with number 1. A sufficient amount shall be printed and distributed to each Port. A record of the ballots, both by serial numbers and amount, sent thereto, shall be maintained by the Secretary-Treasurer who shall also send each Port Agent a verification list indicating the amount and serial numbers of the ballots sent. The Secretary-Treasurer shall also send to each Port Agent a sufficient amount of blank opaque envelopes containing the word, "Ballot" on the face of the envelope, as well as a sufficient amount of opaque mailing envelopes, first class postage prepaid and printed on the face thereon as the addressee shall be the name and address of the depository for the receipt of such ballots as designated by the President in the manner provided by Article X, Section 1, of this Constitution. In the upper left-hand corner of such mailing envelope, there shall be printed thereon, as a top line, provision for the voter's signature and on another line immediately thereunder, provision for the printing of the voter's name and book number. In addition, the Secretary-Treasurer shall also send a sufficient amount of mailing envelopes identical with the mailing envelopes mentioned above, except that they shall be of different color, and shall contain on the face of such envelope, in bold letters, the word, "Challenge." The Secretary-

Treasurer shall further furnish a sufficient amount of "Roster Sheets" which shall have printed thereon, at the top thereof, the year of the election, and immediately thereunder, five (5) vertical columns designated date, ballot number, signature full book member's name, book number and comments, and such roster sheets shall contain horizontal lines immediately under the captions of each of the above five (5) columns. The Secretary-Treasurer shall also send a sufficient amount of envelopes with the printed name and address of the depository on the face thereof, and in the upper left-hand corner, the name of the Port and address, and on the face of such envelope, should be printed the words, "Roster Sheets and Ballot Stubs". Each Port Agent shall maintain separate records of the ballots sent him and shall inspect and count the ballots when received to insure that the amount sent, as well as the number thereon, conform to the amount and numbers listed by the Secretary-Treasurer as having been sent to that Port. The Port Agent shall immediately execute and return to the Secretary-Treasurer a receipt acknowledging the correctness of the amount and the numbers of the ballots sent, or shall notify the Secretary-Treasurer of any discrepancy. Discrepancies shall be corrected as soon as possible prior to the voting period. In any event, receipts shall be forwarded for all the aforementioned election material actually received. The Secretary-Treasurer shall prepare a file in which shall be kept memoranda and correspondence dealing with the election. This file shall at all times be available to any member asking for inspection of the same at the office of the Secretary-Treasurer and shall be turned over to the Union Tallying Committee.

(d) Balloting shall be secret. Only full book members in good standing may vote. Each full book member may secure his ballot at Port offices from the Port Agent or his duly designated representative at such Port. Each Port Agent shall designate an area at the Port office over which should be posted the legend "Voting Ballots Secured Here." When a full book member appears to vote he shall present his book to the Port Agent or his aforementioned duly designated representative. The Port Agent or his duly designated representative shall insert on the roster sheet under the appropriate column the date, the number of the ballot given to such member and his full book number, and the member shall then sign his name on such roster sheet under the appropriate column. Such member shall have his book stamped with the word, "Voted" and the date, and shall be given a ballot, and simultaneously the perforation on the top of the ballot shall be removed. At the same time the member shall be given the envelope marked "Ballot" together with the prepaid postage-mailing envelope addressed to the depository. The member shall take such ballot and envelopes and in secret thereafter, mark his ballot, fold the same, insert it in the blank envelope marked "Ballot", seal the same, then insert such "Ballot" envelope into the mailing envelope, seal such mailing envelope, sign his name on the upper left-hand corner on the first line of such mailing envelope and on the second line in the upper left-hand corner print his name and book number, after which he shall mail or cause the same to be mailed. In the event a full book member appears to vote and is not in good standing or does not have his membership book with him or it appears for other valid reasons he is not eligible



to vote, the same procedure as provided above shall apply to him, except that on the roster sheet under the column "Comments", notation should be made that the member voted a challenged ballot and the reason for his challenge. Such member's membership book shall be stamped "Voted Challenge", and the date, and such member instead of the above-mentioned mailing envelope, shall be given the mailing envelope of a different color marked on the face thereof with the word, "Challenge". At the end of each day, the Port Agent or his duly designated representative shall enclose in the envelope addressed to the depository and marked "Roster Sheets and Ballots Stubs", the roster sheet or sheets executed by the members that day together with the numbered perforated slips removed from the ballots which had been given to the members, and then mail the same to such depository. To insure that an adequate supply of all balloting material is maintained in all Ports at all times, the Port Agent or his duly designated representative, simultaneously with mailing of the roster sheets and ballot stubs to the depository at the end of each day, shall also make a copy of the roster sheet for that day and mail the same to the Secretary-Treasurer at Headquarters. The Port Agent shall be responsible for the proper safeguarding of all election material and shall not release any of it until duly called for and shall insure that no one tampers with the material placed in his custody.

(e) Full book members may request and vote an absentee ballot under the following circumstances: while such member is employed on a Union contracted vessel and which vessel's schedule does not provide for it to be at a Port in which a ballot can be

secured during the time and period provided for in Section 3(a) of this Article or is in an accredited hospital any time during the first ten (10) days of the month of November of the election year. The member shall make a request for an absentee ballot by registered or certified mail or the equivalent mailing device at the location from which such request is made, if such be the case. Such request shall contain a designation as to the address to which such member wishes his absentee ballot returned. The request shall be postmarked no later than 12:00 P.M. on the 15<sup>th</sup> day of November of the election year, shall be directed to the Secretary-Treasurer at Headquarters and must be delivered no later than the 25<sup>th</sup> of such November. The Secretary-Treasurer shall determine whether such member is eligible to vote such absentee ballot. The Secretary-Treasurer, if he determines that such member is so eligible, shall by the 30<sup>th</sup> of such November, send by registered mail, return receipt requested or an equivalent mail service, to the address so designated by such member, a "Ballot", after removing the perforated numbered stub, together with the hereinbefore mentioned "Ballot" envelope, and mailing envelope addressed to the depository, except that printed on the face of such mailing envelope shall be the words "Absentee Ballot" and appropriate voting instructions shall accompany such mailing to the member. If the Secretary-Treasurer determines that such member is ineligible to receive such absentee ballot, he shall nevertheless send such member the aforementioned ballot with accompanying material except that the mailing envelope addressed to the depository shall have printed on the face thereof the words "Challenged Absentee Ballot." The

Secretary-Treasurer shall keep records of all of the foregoing, including the reasons for determining such member's ineligibility, which records shall be open for inspection by full book members and upon the convening of the Union Tallying Committee, presented to them. The Secretary-Treasurer shall send to all Ports the names and book numbers of the members to whom absentee ballots were sent.

(f) All ballots to be counted must be received by the depository no later than the January 5<sup>th</sup> immediately subsequent to the election year and must be postmarked no later than 12 midnight December 31<sup>st</sup> of the election year.

**Section 4.** (a) At the close of the last day of the period for securing ballots, the Port Agent in each Port, in addition to his duties set forth above, shall deliver or mail to Headquarters by registered or certified mail, attention Union Tallying Committee, all unused ballots and shall specifically set forth by serial number and amount the unused ballots so forwarded.

(b) The Union Tallying Committee shall consist of twenty (20) full book members. Two (2) shall be elected from each of the ten (10) Ports of New York, Philadelphia, Baltimore, Mobile, New Orleans, Houston, Detroit-Algonac, San Francisco, St. Louis and Piney Point. The election shall be held at the regular meeting in December of the election year or, if the Executive Board otherwise determines prior thereto, at a special meeting held in the aforesaid Ports, on the first business day of the last week of said month. No officer, Assistant Vice-President, Port Agent, or candidate for office, or the job of Assistant Vice-President, or Port Agent shall be eligible for election to this

Committee except as provided for in Article X, Section 4. In addition to the duties herein set forth, the Union Tallying Committee shall be charged with the tallying of all the ballots and the preparation of a closing report setting forth, in complete detail, the results of the election, including a complete accounting of all ballots and stubs, and reconciliation of the same with the rosters and receipts of the Port Agents, all with detailed reference to serial numbers and amount and with each total broken down into Port totals. The Union Tallying Committee shall have access to all election records and files for their inspection, examination and verification. The report shall clearly detail all discrepancies discovered and shall contain recommendations for the treatment of these discrepancies. All members of the Committee shall sign the report, without prejudice, however, to the right of any member thereof to submit a dissenting report as to the accuracy of the count and the validity of the ballots, with pertinent details.

In connection with the tally of ballots there shall be no counting of ballots until all mailing envelopes containing valid ballots have first been opened, the ballot envelopes removed intact and then all of such ballot envelopes mixed together, after which such ballot envelopes shall be opened and counted in such multiples as the Committee may deem expedient and manageable. The Committee shall resolve all issues on challenged ballots and then tally those found valid utilizing the same procedure as provided in the preceding sentence either jointly or separately.

(c) The members of the Union Tallying Committee shall, after their election, proceed to the Port in

which Headquarters is located, to arrive at that Port no later than January 5<sup>th</sup> of the year immediately after the election year. Each member of the Committee not elected from the Port in which Headquarters is located shall be reimbursed for transportation, meals, and lodging expenses occasioned by their traveling to and returning from that Port. Committee members elected from the Port in which Headquarters is located shall be similarly reimbursed, except for transportation. Committee members shall receive a per diem in an amount determined by the Secretary-Treasurer but in no event shall they receive an amount less than the AB Green hourly rate as specified in the current union industry wide contract for eight hours for each day of service commencing with the day subsequent to their election and ending on the day they complete their service or, if applicable, return to the Port from which they were elected.

The Union Tallying Committee shall elect a chairman from among themselves and, subject to the express terms of this Constitution, adopt its own procedures. All decisions of such Committee and the contents of their report shall be valid if made by a majority vote, provided there be a quorum in attendance, which quorum is hereby fixed at ten (10). The Committee, but not less than a quorum thereof, shall have the sole right and duty to obtain all mailed ballots and the other mailed election material from the depository and to insure their safe custody during the course of the Committee's proceedings. The proceedings of the Committee, except for their organizational meeting and their actual preparation of the closing report and dissent therefrom, if any, shall be open to any member provided he observes decorum. Any candidate

may act as an observer and/or designate another member to act as his observer at the counting of the ballots. In no event shall issuance of the above referred to closing report of the Committee be delayed beyond January 31<sup>st</sup> immediately subsequent to the close of the election year. In the discharge of its duties, the Committee may call upon and utilize the services of clerical employees of the Union. The Committee shall be discharged upon the completion of the issuance and dispatch of its report as required in this Article. In the event a recheck and recount is ordered pursuant to this Article, the Committee shall be reconstituted, except that if any member thereof is not available, a substitute therefore shall be elected from the appropriate Port at a special meeting held for that purpose as soon as possible.

(d) The report of the committee shall be made up in sufficient copies to comply with the following requirements: two (2) copies shall be mailed by the Committee to each Port Agent and the Secretary-Treasurer no later than January 31<sup>st</sup> immediately subsequent to the close of the election year. As soon as these copies are received, each Port Agent shall post one (1) copy of the report on the bulletin board in a conspicuous manner and notify the Secretary-Treasurer, in writing, as to the date of such posting. This copy shall be kept posted until after the Election Report Meeting which shall be the March regular membership meeting immediately following the close of the election year. At the Election Report Meeting, the other copy of the report shall be read verbatim.

(e) Any full book member claiming a violation of the election and balloting procedure or the conduct of the same, shall within seventy two (72)

hours of the occurrence of the claimed violation notify the Secretary-Treasurer at Headquarters, in writing by certified mail, of the same, setting forth his name, book number and the details so that appropriate corrective action, if warranted, may be taken. The Secretary-Treasurer shall expeditiously investigate the facts concerning the claimed violation, take such action as may be necessary, if any, and make a report and recommendation, if necessary, a copy of which shall be sent to the member and the original shall be filed for the Union Tallying Committee for their appropriate action, report and recommendation, if any. The foregoing shall not be applicable to matters involving the Credentials Committee's action or report, the provisions of Article XIII, Sections 1 and 2 being the pertinent provisions applicable to such matters.

All protests as to any and all aspects of the election and balloting procedures or the conduct of the same not passed upon by the Union Tallying Committee in its report, excluding therefrom matters involving the Credentials Committee's action or report as provided in the last sentence of the immediately preceding paragraph, but including the procedure and report of the Union Tallying Committee, shall be filed in writing by certified mail with the Secretary-Treasurer at Headquarters to be received no later than the February 25<sup>th</sup> immediately subsequent to the close of the election year. It shall be the responsibility of the member to insure that his written protest is received by the Secretary-Treasurer no later than such February 25<sup>th</sup>. The Secretary-Treasurer shall forward copies of such written protest to all Ports in sufficient time to be read at the Election

Report Meeting. The written protest shall contain the full book member's name, book number, and all details constituting the protest.

(f) At the Election Report Meeting the report and recommendation of the Union Tallying Committee, including but not limited to discrepancies, protests passed upon by them, as well as protests filed with the Secretary-Treasurer as provided for in Section (e) immediately above shall be acted upon by the meeting. A majority vote of the membership shall decide what action, if any, in accordance with the Constitution shall be taken thereon, which action, however, shall not include the ordering of a special vote, unless reported discrepancies or protested procedure or conduct found to have occurred and to be violative of the Constitution affected the results of the vote for any office or job, in which event the special vote shall be restricted to such office, offices and/or job or jobs, as the case may be. A majority of the membership at the Election Report Meetings may order a recheck and recount when a dissent to the closing report has been issued by three (3) or more members of the Union Tallying Committee. Except for the contingencies provided for in this Section 4(f), the closing report shall be accepted as final. There shall be no further protest or appeal from the action of the majority of the membership at the Election Report Meetings.

(g) Any special vote ordered pursuant to Section 4(f) shall be commenced within ninety (90) days after the first day of the month immediately subsequent to the Election Report Meetings mentioned above. The depository shall be the same as designated for the election from which the special vote is ordered. And the procedures shall



be the same as provided for in Section 3, except where specific dates are provided for, the days shall be the dates applicable which provide for the identical time and days originally provided for in Section 3. The Election Report Meeting for the aforesaid special vote shall be that meeting immediately subsequent to the report of the Union Tallying Committee separated by one (1) calendar month.

**Section 5. Elected Officers and Jobholders.**

A candidate unopposed for any office or job shall be deemed elected to such office or job notwithstanding that his name may appear on the ballot. The Union Tallying Committee shall not be required to tally completely the results of the voting for such unopposed candidate but shall certify in their report that such unopposed candidate has been elected to such office or job. The Election Report Meeting shall accept the above certification of the Union Tallying Committee without change.

**Section 6. Installation into Office and the Job of Assistant Vice-President or Port Agent.**

(a) The person elected shall be that person having the largest number of votes cast for the particular office or job involved. Where more than one (1) person is to be elected for a particular office or job, the proper number of candidates receiving the successively highest number of votes shall be declared elected. These determinations shall be made only from the results deemed final and accepted as provided in this Article. It shall be the duty of the President to notify each individual elected.

(b) The duly elected officers and other job holders shall take over their respective offices

and jobs and assume the duties thereof at midnight of the night of the Election Report Meeting, or the next regular meeting, depending upon which meeting the results as to each of the foregoing are deemed final and accepted, as provided in this Article. The term of their predecessors shall continue up to, and expire at that time, not withstanding anything to the contrary contained in Article XI, Section 1. This shall not apply where the successful candidate cannot assume his office because he is at sea.

In such event, a majority vote of the membership may grant additional time for the assumption of the office or job. In the event of the failure of the newly-elected President to assume office the provisions of Article X, Section 12 shall apply until the expiration of the term. All other cases of failure to assume office shall be dealt with as decided by a majority vote of the membership.

**Section 7.** The Secretary-Treasurer is specifically charged with the preservation and retention of all election records, including the ballots, as required by law, and is directed and authorized to issue such other and further directives as to the election procedures as are required by law, which directives shall be part of the election procedures of this Union.

#### **Article XIV**

#### **Other Elections**

##### **Section 1. Trial Committee**

A Trial Committee shall be elected at a special meeting, held at 10:00 A.M. the next business day following the regular meeting of the Port where the

trial is to take place. It shall consist of five (5) full book members, three (3) of which shall constitute a quorum. No officer, Assistant Vice-President, Port Agent or other Union personnel may be elected to serve on a Trial Committee. No member who intends to be a witness in the pending trial may serve, nor may any member who cannot for any reason, render an honest decision. It shall be the duty of every member to decline nomination if he knows, or has reason to believe, any of the foregoing disqualifications apply to him. The members of this Committee shall be elected under such generally applicable rules as are adopted by a majority vote of the membership.

**Section 2. Appeals Committee.**

The Appeals Committee shall consist of seven (7) full book members, five (5) of whom shall constitute a quorum, elected at the Port where Headquarters is located. The same disqualifications and duties of members shall apply with regard to this Committee as apply to the Trial Committee. In addition, no member may serve on an Appeals Committee in the hearing of an appeal from a Trial Committee decision if the said member was a member of the Trial Committee.

**Article XV**

**Trials and Appeals**

**Section 1.** Any member may bring charges against any other member for the commission of an offense as set forth in this Constitution. These charges shall be in writing and signed by the accuser who shall also include his book number. The accuser shall deliver these charges to the Port Agent of the Port nearest the place of the offense, or the

Port of pay-off, if the offense took place aboard ship. He shall also request the Port Agent to present these charges at the next regular meeting. The accuser may withdraw his charges before the meeting takes place.

**Section 2.** After presentation of the charges and the request to the Port Agent, the Port Agent shall cause those charges to be read at the said meeting.

If the charges are rejected by a majority vote of the Port, no further action may be taken thereon, unless ruled otherwise by a majority vote of the membership of the Union within ninety (90) days thereafter. If the charges are accepted, and the accused is present, he shall be automatically on notice that he will be tried the following morning. At his request, the trial shall be postponed until the morning following the next regular meeting at which time the Trial Committee will then be elected. He shall also be handed a written copy of the charges made against him.

If the accused is not present, the Port Agent shall immediately cause to be sent to him, by registered mail addressed to his last known mailing address on file with the Union, a copy of the charges, the names and book numbers of the accusers, and a notification that he must appear with his witnesses ready for trial the morning after the next regular meeting, at which meeting the Trial Committee will be elected.

In the event a majority of the membership of the Union shall vote to accept charges after their rejection by a Port, the trial shall take place in the Port where Headquarters is located. Due notice thereof shall be given to the accused who shall be informed of the name of his accusers and who shall

receive a written statement of the charges. At the request of the accused, transportation and subsistence shall be provided the accused and his witnesses.

**Section 3.** The Trial Committee shall hear all pertinent evidence and shall not be bound by the rules of evidence required by courts of law but may receive all relevant testimony. The Trial Committee may grant adjournments, at the request of the accused, to enable him to make a proper defense. In the event the Trial Committee falls beneath the quorum, it shall adjourn until a quorum does exist.

**Section 4.** No trial shall be conducted unless all the accusers are present. The Trial Committee shall conduct the trial except that the accused shall have the right to cross-examine the accuser, or accusers and the witnesses, as well as to conduct his own defense. The accused may select any member to assist him in his defense at the trial, provided (a) the said member is available at the time of the trial, and (b) the said member agrees to render such assistance. If the accused challenges the qualifications of the members of the Trial Committee, or states that the charges do not adequately inform him of what wrong he allegedly committed, or the time and place of such commission, such matters shall be ruled upon and disposed of prior to proceeding on the merits of their defense. The guilt of an accused shall be found only if proven by the weight of the evidence, and the burden of such proof shall be upon the accuser. Every finding shall be based on the quality of the evidence and not solely on the number of witnesses produced.

**Section 5.** The Trial Committee shall make findings as to guilt or innocence, and recommendations as to punishment and/or other Union action deemed desirable in the light of the proceedings. These findings and recommendations shall be those of a majority of the Committee, and shall be in writing, as shall be any dissent. The Committee shall forward its findings and recommendations, along with any dissent to the Port Agent of the Port where the trial took place, while a copy thereof shall be forwarded to the accused and the accuser, either in person or by mail addressed to their last known addresses. The findings shall include a statement that the rights of the accused under this Constitution were properly safeguarded. The findings also must contain the charges made, the date of the trial, the name and address of the accused, the accuser, and each witness; shall describe each document used at the trial; shall contain a fair summary of the proceedings; and shall state the findings as to guilt or innocence. If possible, all documents used at the trial shall be kept. All findings and recommendations shall be made a part of the regular files.

**Section 6.** The Port Agent of the Port of Trial shall, upon receipt of the findings and recommendations of the Trial Committee, cause the findings and recommendations to be presented and entered into the minutes at the next regular meeting.

**Section 7.** The Port Agent shall send the record of the entire proceedings to Headquarters, which shall cause sufficient copies thereof to be made and sent to each port in time for the next regularly scheduled meeting.

**Section 8.** At the latter meeting, the proceedings shall be discussed. The meeting shall then vote. A majority vote of the membership of the Union shall:

(a) Accept the findings and recommendations, or  
(b) Reject the findings and recommendations, or  
(c) Accept the findings but modify the recommendations, or

(d) Order a new trial after finding that substantial justice has not been done with regard to the charges. In this event, a new trial shall take place at the Port where Headquarters is located and upon application, the accused, the accusers, and their witnesses shall be furnished transportation and subsistence.

**Section 9.** After the vote set forth in Section 8, any punishment so decided upon shall become effective. Headquarters shall cause notice of the results thereof to be sent to each accused and accuser.

**Section 10.** An accused who has been found guilty or who is under effective punishment may appeal in the following manner:

He may send or deliver a notice of appeal to Headquarters within thirty (30) days after receipt of the notice of the decision of the membership.

**Section 11.** At the next regular meeting of the Port where Headquarters is located, after receipt of the notice of appeal, the notice shall be presented and shall then become part of the minutes. An Appeals Committee shall then be elected. The Vice-President in Charge of Contracts and Contract Enforcement is charged with the duty of presenting the before-mentioned proceedings and all available documents used as evidence at the trial to the Appeals Committee, as well as any

written statement or argument submitted by the accused. The accused may argue his appeal in person, if he so desires. The appeal shall be heard at Union Headquarters on the night the committee is elected. It shall be the responsibility of the accused to insure that his written statement or argument arrives at Headquarters in time for such presentation.

**Section 12.** The Appeals Committee shall decide the appeal as soon as possible, consistent with fair consideration of the evidence and arguments before it. It may grant adjournments and may request the accused or accusers to present arguments whenever necessary for such fair consideration.

**Section 13.** The decision of the Appeals Committee shall be by majority vote and shall be in the form of findings and recommendations. Dissents will be allowed. Decisions and dissents shall be in writing and signed by those participating in such decision or dissent. In making its findings and recommendations, the Committee shall be governed by the following:

(a) No finding of guilt shall be reversed if there is substantial evidence to support such a finding and, in such case, the Appeals Committee shall not make its own findings as to the weight of evidence.

(b) In no event shall increased punishment be recommended.

(c) A new trial shall be recommended if the Appeals Committee finds: (a) that any member of the Trial Committee should have been disqualified, or (b) that the accused was not adequately informed of the details of the charged offense, which resulted in his not having been given a fair trial, or (c)



that for any other reason, the accused was not given a fair trial.

(d) If there is not substantial evidence to support a finding of guilt, the Appeals Committee shall recommend that the charge on which the finding was based be dismissed.

(e) The Appeals Committee may recommend lesser punishment.

**Section 14.** The Appeals Committee shall deliver its decision and dissent, if any, to Headquarters, which shall cause sufficient copies to be published and shall have them sent to each Port in time to reach there before the next regular scheduled meeting. Headquarters shall also send a copy to each accused and accuser at their last known address, or notify them in person.

**Section 15.** At the meeting indicated in Section 14 of this Article, the membership, by a majority vote, shall accept the decision of the Appeals Committee, or the dissent therein. If there is no dissent, the decision of the Appeals Committee shall stand.

If a new trial is ordered, that trial shall be held in the Port where Headquarters is located in the manner provided for in Section 2 of this Article. Any decision so providing for a new trial shall contain such directions as will insure a fair hearing to the accused.

**Section 16.** Headquarters shall notify the accused and each accuser, either in person or in writing addressed to their last known address, of the results of the appeal. A further appeal shall be allowed as set forth in Section 17 of this Article.

**Section 17.** Each member is charged with knowledge of the provisions of the Constitution of

the Seafarers International Union of North America, and the rights of, and procedure as to, further appeal as provided for therein. Decisions reached thereunder shall be binding on all members of the Union.

**Section 18.** It shall be the duty of all members of the Union to take all steps within their constitutional power to carry out the terms of any effective decisions.

**Section 19.** Every accused shall receive a written copy of the charges preferred against him and shall be given a reasonable time to prepare his defense, but he may thereafter plead guilty and waive any or all of the other rights and privileges granted to him by this Article. If an accused has been properly notified of his trial and fails to attend without properly requesting a postponement, the Trial Committee may hold its trial without his presence.

## **Article XVI**

### **Offenses and Penalties**

**Section 1.** Upon proof of the commission of the following offenses, the member shall be expelled from membership:

(a) Proof of membership in any organization advocating the overthrow of the Government of the United States by force;

(b) Acting as an informer against the interest of the Union or the membership in any organizational campaign;

(c) Acting as an informer for, or agent of, the company against the interest of the membership or the Union;

(d) The commission of any act as part of a conspiracy to destroy the Union.

**Section 2.** Upon proof of the commission of any of the following offenses, the member shall be penalized up to and including a penalty of expulsion from the Union. In the event the penalty of expulsion is not invoked or recommended, the penalty shall not exceed suspension from the rights and privileges of membership for more than two (2) years, or a fine of fifty dollars (\$50.00) or both:

(a) Willfully misappropriating or misusing Union property of the value in excess of fifty dollars (\$50.00).

(b) Unauthorized use of Union property, records, stamps, seals, etc., for the purpose of personal gain;

(c) Willful misuse of any office or job, elective or not, within the Union for the purpose of personal gain, financial or otherwise, or the willful refusal or failure to execute the duties or functions of the said office or job, or gross neglect or abuse in executing such duties or functions or other serious misconduct or breach of trust. The President may, during the pendency of disciplinary proceedings under this subsection, suspend the officer or jobholder from exercising the functions of the office or job, with or without pay, and designate his temporary replacement;

(d) Unauthorized voting, or unauthorized handling of ballots, stubs, rosters, verification lists, ballot boxes, or election files, or election material of any sort;

(e) Preferring charges with knowledge that such charges are false;

(f) Making or transmitting, with intent to deceive, false reports or communications which fall within the scope of Union business;

(g) Deliberate failure or refusal to join one's ship or misconduct or neglect of duty aboard ship, to the detriment of the Union or its agreements;

(h) Deliberate and unauthorized interference, or deliberate and malicious vilification, with regard to the execution of the duties of any office or job;

(i) Paying for, or receiving money for, employment aboard a vessel, exclusive of proper earnings and Union payments;

(j) Willful refusal to submit evidence of affiliation for the purpose of avoiding or delaying money payments to the Union, or unauthorized transferring or receiving evidence of Union affiliation, with intent to deceive;

(k) Willful failure or refusal to carry out the order of those duly authorized to make such orders during time of strike;

(l) Failure or refusal to pay a fine or assessment within the time limit set therefore either by the Constitution or by action taken in accordance with the Constitution.

**Section 3.** Upon proof of the commission of any of the following offenses, members shall be penalized up to and including a suspension from the rights and privileges of membership for two (2) years, or a fine of fifty dollars (\$50.00) or both:

(a) Willfully misappropriating or misusing Union property of the value under fifty dollars (\$50.00);

(b) Assuming any office or job, whether elective or not with knowledge of the lack of

possession of the qualifications required therefore;

(c) Misconduct during any meeting or other official Union proceeding, or bringing the Union into disrepute by conduct not provided for elsewhere in this Article;

(d) Refusal or negligent failure to carry out orders of those duly authorized to make such orders at any time.

**Section 4.** Upon proof of the commission of any of the following offenses, members shall be penalized up to and including suspension from the rights and privileges of membership for one (1) year or a fine of three hundred dollars (\$300.00) or both:

(a) Crossing a picket line sanctioned by the Union;

(b) Failure to perform picket duty in strikes.

**Section 5.** Upon proof of the commission of any of the following offenses, members shall be penalized up to and including a fine of fifty dollars (\$50.00):

(a) Refusal or willful failure to be present at sign-ons or payoffs;

(b) Willful failure to submit his Union book to Union representatives at pay-off;

(c) Disorderly conduct at pay-off or sign-on;

(d) Refusal to cooperate with Union representatives in discharging their duties;

(e) Disorderly conduct in the Union hall;

(f) Gambling in the Union hall;

(g) Negligent failure to join ship.

**Section 6.** Any member who has committed an offense penalized by no more than a fine of three hundred dollars (\$300.00) may elect to waive his rights under this Constitution subject to the

provision of Article XV, Section 19 and to pay the maximum fine of three hundred dollars (\$300.00) to the duly authorized representative of the Union.

**Section 7.** This Union, and its members, shall not be deemed to waive any claim of personal or property rights to which it or its members are entitled by bringing the member to trial or enforcing a penalty as provided in this Constitution.

**Section 8.** Any member under suspension for an offense under this Article shall continue to pay all dues and assessments and must observe his duties to the Union, members, officials, and jobholders.

## **Article XVII**

### **Publications**

This Union may publish such pamphlets, journals, newspapers, magazines, periodicals and general literature, in such manner as may be determined, from time to time, by the Executive Board.

## **Article XVIII**

### **Bonds**

Officers and jobholders, whether elected or appointed as well as all other employees handling monies of the Union shall be bonded as required by law.

## **Article XIX**

### **Expenditures**

**Section 1.** In the event no contrary policies or instructions are in existence, the President may authorize, make, or incur such expenditures and expenses as are normally encompassed within the authority conferred upon him by Article X of this Constitution.

**Section 2.** The provisions of Section 1 shall similarly apply to the routine accounting and administrative procedures of the Union except those primarily concerned with trials, appeals, negotiations, strikes, and elections.

**Section 3.** The provisions of this Article shall supersede to the extent applicable, the provisions of Article X of this Constitution.

## **Article XX**

### **Income**

**Section 1.** The income of this Union shall include dues, initiation fees, fines, assessments, contributions, loans, interest, dividends as well as income derived from any other legitimate business operation or other legitimate source.

**Section 2.** An official Union receipt, properly filled out, shall be given to anyone paying money to the Union or to any person authorized by the Union to receive money. It shall be the duty of every person affiliated with the Union who makes such payments to demand such receipt.

**Section 3.** No assessments shall be levied except after a ballot conducted under such general rules as may be decided upon by a majority vote of the membership, provided that:

(a) The ballot must be secret.

(b) The assessment must be approved by a majority of the valid ballots cast.

**Section 4.** Except as otherwise provided by law, all payments by members or other affiliates of this Union shall be applied successively to the monetary obligations owed the Union commencing with the oldest in point of time, as measured from the date of accrual of such obligation. The period of arrears shall be calculated accordingly.

**Section 5.** To the extent deemed appropriate by the majority of the Executive Board, funds and assets of the Union may be kept in an account or accounts without separation as to purpose and expended for all Union purposes and objects.

## **Article XXI**

### **Other Types of Union Affiliation**

To the extent permitted by law, this Union, by majority vote of the membership, may provide for affiliation with it by individuals in a lesser capacity than membership, or in a capacity other than membership. By majority vote of the membership the Union may provide for the rights and obligations incident to such capacities or affiliations. These rights and obligations may include, but are not limited to (a) the applicability or non-applicability of all or any part of the Constitution; (b) the terms of such affiliation; (c) the right of the Union to peremptory termination of such affiliation and, (d) the fees required for such affiliation. In no event may anyone not a member receive evidence of affiliation equivalent to that of members, receive priority or rights over members, or be termed a member.



## **Article XXII**

### **Quorums**

**Section 1.** Unless elsewhere herein otherwise specifically provided, the quorum for a special meeting of a Port shall be six (6) full book members.

**Section 2.** The quorum for a regular meeting of a Port shall be twenty-five (25) members.

**Section 3.** Unless otherwise specifically set forth herein, the decisions, reports, recommendations, or other functions of any segment of the Union requiring a quorum to act officially, shall be a majority of those voting, and shall not be official or effective unless the quorum requirements are met.

**Section 4.** Unless otherwise indicated herein, where the requirements for a quorum are not specifically set forth, a quorum shall be deemed to be a majority of those composing the applicable segment of the Union.

## **Article XXIII**

### **Meetings**

**Section 1.** Regular membership meetings shall be held monthly only in the following constitutional Ports at the following times:

During the week following the first Sunday of every month a meeting shall be held on Monday - at Piney Point; on Tuesday - at New York; on Wednesday - at Philadelphia; on Thursday - at Baltimore; and

on Friday - at Detroit-Algonac. During the next week, meetings shall be held on Monday - at Houston; on Tuesday - at New Orleans; on Wednesday - at Mobile; on Thursday - at San Francisco area; and on Friday - at St. Louis. All regular membership meetings shall commence at 10:30 A.M. local time. Where a meeting day falls on a Holiday officially designated as such by the authorities of the state or municipality in which a Port is located, the Port meeting shall take place on the following business day. Saturday and Sunday shall not be deemed business days.

The Area Vice-Presidents shall be the chairmen of all regular meetings in Ports in their respective areas. In the event the Area Vice-Presidents are unable to attend a regular meeting of a Port, they shall instruct the Port Agents, or other elected jobholders, to act as chairmen of the meetings.

In the event a quorum is not present at 10:30 A.M. the chairman of the meeting at the pertinent Port shall postpone the opening of the meeting but in no event later than 11:00 A.M.

**Section 2.** A special meeting at a Port may be called only at the direction of the Area Vice-President, Area Assistant Vice-President or Port Agent. No special meeting may be held, except between the hours of 9:00 A.M. and 5:00 P.M. Notice of such meeting shall be posted at least two (2) hours in advance on the Port bulletin board.

The Area Vice-Presidents shall be the chairmen of all special meetings in Ports in their respective areas. In the event the Area Vice-Presidents are unable to attend a special meeting of a Port, they shall instruct the Area Assistant

Vice-Presidents, Port Agents, or other elected jobholders, to act as chairmen of the meetings.

**Section 3.** Notwithstanding anything to the contrary, all regular meetings shall be governed by the following:

1. The Union Constitution.
2. Majority vote of the members assembled.

## **Article XXIV**

### **Definitions and Miscellaneous Provisions Relating Thereto**

**Section 1.** Incapacity. Unless otherwise set forth or dealt with herein, the term "incapacity," shall mean any illness or situation preventing the affected person from carrying out his duties for more than thirty (30) days, provided that this does not result in a vacancy. However, nothing contained in this Article shall be deemed to prohibit the execution of the functions of more than one (1) job and/or office in which event no incapacity shall be deemed to exist with regard to the regular job or office of the one taking over the duties and functions of the one incapacitated. The period of incapacity shall be the time during which the circumstances exist.

**Section 2.** Unless otherwise set forth or dealt with herein the term "vacancy" shall include failure to perform the functions of any office or job by reason of death, or resignation, or suspension from membership or expulsion from the Union with no further right to appeal in accordance with the provisions of Article XV of this Constitution.

**Section 3.** When applicable to the Union as a whole, the term "majority vote of the membership" shall mean the majority of all the valid votes cast

by full book members at an official meeting of those Ports holding meetings. This definition shall prevail notwithstanding that one (1) or more Ports cannot hold meetings because of no quorum. For the purpose of this Section, the term "meeting" shall refer to those meetings to be held during the time period within which a vote must be taken in accordance with the Constitution and the custom and usage of the Union in the indicated priority.

**Section 4.** When applicable solely to Port action and not concerned with or related to the Union as a whole, and not forming part of a Union-wide vote, the term "majority vote of the membership" shall refer to the majority of the valid votes cast by the full book members at any meeting of the Port, regular or special.

**Section 5.** The term "membership action", or reference thereto, shall mean the same as the term "majority vote of the membership."

**Section 6.** Where the title of any officer or job, or the holder thereof, is set forth in this Constitution, all references thereto and the provisions concerned therewith shall be deemed to be equally applicable to whomever is duly acting in such office or job.

**Section 7.** The term "election year" shall be deemed to mean that calendar year prior to the calendar year in which elected officials and other elected jobholders are required to assume office.

**Section 8.** The terms "this Constitution" and "this amended Constitution" shall be deemed to have the same meaning and shall refer to the most recent version of the Constitution.

**Section 9.** The term "member in good standing" shall mean a member whose monetary obligations to the Union are not in arrears for thirty (30) days

or more, or who is not under suspension or expulsion effective in accordance with this Constitution. Unless otherwise expressly indicated, the term "member" shall mean a member in good standing.

**Section 10.** Unless plainly otherwise required by the context of their use, the terms "Union book," "membership book" and "book," shall mean official evidence of Union membership.

**Section 11.** The term "full book" or "full Union book" shall mean only an official certificate issued as evidence of Union membership which carries with it complete rights and privileges of membership except as may be specifically constitutionally otherwise provided.

**Section 12.** The term "full book member" shall mean a member to whom a full book has been duly issued and who is entitled to retain it in accordance with the provisions of this Constitution.

**Section 13.** The term "seatetime" shall include employment upon any navigable waters, days of employment in a contracted employer unit represented by the Union or time spent in the employ of the Union or one of the Union's direct affiliates as an elected or appointed representative.

**Section 14.** The term "in an unlicensed capacity aboard an American-flag merchant vessel or vessels" shall include persons employed in an unlicensed or licensed capacity aboard dredges, tugboats, towboats and similar vessels used to tow, propel, or push barges or other conveyances or assist merchant vessels in docking or undocking, or persons otherwise employed in a contracted employer unit represented by the Union.

## **Article XXV**

### **Amendments**

This Constitution shall be amended in the following manner:

**Section 1.** Any full book member may submit at any regular meeting of any Port proposed amendments to this Constitution in resolution form. If a majority vote of the membership of the Port approves it, the proposed amendment shall be forwarded to all Ports for further action.

**Section 2.** When a proposed amendment is accepted by a majority vote of the membership, it shall be referred to a Constitutional Committee in the Port where Headquarters is located. This Committee shall be composed of six (6) full book members, two (2) from each department and shall be elected in accordance with such rules as are established by a majority vote of that Port. The Committee will act on all proposed amendments referred to it. The Committee may receive whatever advice and assistance, legal or otherwise, it deems necessary. It shall prepare a report on the amendment together with any proposed changes or substitutions or recommendations and the reasons for such recommendations. The latter shall then be submitted to the membership. If a majority vote of the membership approves the amendment as recommended, it shall then be voted upon in a yes or no vote by the membership of the Union by secret ballot in accordance with the procedure directed by the majority vote of the membership at the time it gives the approval necessary to put the referendum to a vote. The Union Tallying Committee shall

consist of six (6) full book members two (2) from each of the three (3) departments of the Union, elected from Headquarters Port. The amendment shall either be printed on the ballot, or if too lengthy, shall be referred to on the ballot. Copies of the amendment shall be posted on the bulletin boards of all Ports and made available at the voting site in all Ports.

**Section 3.** If approved by a majority of the valid ballots cast, the amendment shall become effective immediately upon notification by the aforesaid Union Tallying Committee to the Secretary-Treasurer that the amendment has been so approved, unless otherwise specified in the amendment. The Secretary-Treasurer shall immediately notify all Ports of the results of the vote on the amendment.

**Section 4.** Committee members shall receive a per diem in an amount determined by the Secretary-Treasurer but in no event shall they receive an amount less than the AB Green hourly rate as specified in the current union industry wide contract for eight hours for each day of service commencing with the day subsequent to their election and ending on the day they complete their service or, if applicable, return to the Port from which they were elected.

When a Constitutional Amendment is being considered at the same time that an election for officers is taking place, there shall be only one tallying committee used for both tallies and that Committee will be the one elected to serve as per Article XIII Section 4.

## **EXHIBIT A**

**Minimal requirements to be contained in Constitution of subordinate bodies and divisions chartered by or affiliated with the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters.**

#### **I**

All members shall have equal rights and privileges, subject to reasonable rules and regulations, contained in this Constitution, including secret election, freedom of speech, the right to hold office and the right of secret votes on assessment and dues increases, all in accordance with the law.

#### **II**

No member may be automatically suspended from membership except for non-payment of dues, and all members shall be afforded a fair hearing upon written charges, with a reasonable time to prepare defense, when accused of an offense under the Constitution.

#### **III**

This Union is chartered by (and/or affiliated with), the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters, and this Constitution and any amendments thereto, shall not take effect unless and until approved as set forth in the Constitution of that Union.

#### **IV**

An object of this Union is, within its reasonable capacity, to promote the welfare of, and assist, the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters.



## **V**

The charter (and/or affiliation) relationship between this Union and the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters shall not be dissolved so long as at least ten (10) members of this Union, and the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters acting through its Executive Board wish to continue such relationship.

## **VI**

No amendment to this Constitution shall be effective unless and until approved by at least two-thirds vote of the membership in a secret referendum conducted for that purpose. In any event, the adoption of this Constitution and any amendments thereto, will not be effective unless and until compliance with Article II of the Constitution of the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters is first made.

## **VII**

The Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters shall have the right to check, inspect and make copies of all the books and records of this Union upon demand.

## **VIII**

This Union shall not take any action which will have the effect of reducing its net assets, calculated through recognized accounting procedures, below the amount of its indebtedness to

the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters unless approved by that Union through its Executive Board.

#### **IX**

So long as there exists any indebtedness by this Union to the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters, that Union shall have the right to appoint a representative or representatives to this Union who shall have the power to attend all meetings of this Union or its sub-divisions, or governing boards, if any, and who shall have access to all books and records of this Union on demand. This representative, or these representatives, shall be charged with the duty of assisting this Union and its membership, and acting as a liaison between the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters and this Union.

#### **X**

So long as any unpaid per capita tax, or any other indebtedness of any sort is owed by this Union to the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters, such indebtedness shall constitute a first lien on the assets of this Union, which lien shall not be impaired without the written approval of the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters acting through its Executive Board.

#### **XI**

The per capita tax payable by this Union to the Seafarers International Union of North America-

Atlantic, Gulf, Lakes and Inland Waters shall be that which is fixed in accordance with the terms of the Constitution of that Union.

### **XII**

This Constitution and actions by this Union pursuant thereto are subject to those provisions of the Constitution of the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters pertaining to affiliation, disaffiliation, trusteeships, and the granting and removal of charters.

### **XIII**

This Union shall be affiliated with the Seafarers International Union of North America through the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters. It shall share in, and participate as part of the delegation of that District to the Convention of the Seafarers International Union of North America in accordance with the provisions of the Constitution of the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters.