

CONSTITUTION AND BY-LAWS

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HIRING HALL RULES

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WORKING RULES

LOCAL UNION NO. 1351

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

AFL-CIO
Houston, Texas

Approved February 15, 1984

As Amended

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PREAMBLE

In promotion of a fuller life for its members and their families and as an example for peoples of the world, the Steamship Clerks, Timekeepers, Checkers, and Weighers, to be known as I. L. A. Local Union No. 1351 of the International Longshoremen's Association, Port of Houston and Vicinity, is hereby instituted. Its purposes shall be advancement of the welfare of individuals through efficient service and protection of the interest of employers and employees in its jurisdiction.

It is the purpose and intent of I. L. A. Local 1351 and all individuals working through this Local to comply with and conform to all Federal and State Statutes and Laws and with all decisions of the courts and of the National Labor Relations Board and with the Rules, Regulations and Orders of the Secretary of Labor and other governmental agencies.

All individuals working through I. L. A. Local 1351 are fully aware of the difficulty, if not impossibility of correctly construing and interpreting the full effect and scope of such laws, decisions, rules, regulations and orders and the impossibility of correctly anticipating what the future decisions, rules, regulations and orders will be. Therefore, if at some future date or dates any term or provision of this Constitution or Working Rules is held or adjudicated to be violative or in conflict with any such statues, laws, final decisions or valid rules, regulations or orders, or with any provision of the International Constitution as amended, then and in that event such portion and/or portions of this Constitution and of such Working Rules will automatically become null, void and ineffective retroactive to the date upon which this amended Constitution and Working Rules are adopted by Local No. 1351.

CONSTITUTION AND BY-LAWS LOCAL 1351, I.L.A., AFL-CIO

ARTICLE I

Section 1. This organization shall be known as Local 1351 of the International Longshoremen's Association, AFL-CIO.

Section 2. The charter of the Local Union shall not be surrendered so long as a minimum of ten (10) members in good standing desire that the organization continue.

ARTICLE II

Object and Purpose

The object of this Local Union is: To unite within the Local all workers employed in the trades and industries under its jurisdiction; to improve their wages and hours of work; to increase job security and to better the working and living conditions of its members; to establish and maintain collective bargaining; to promote the best interest of its members and their families; to secure and promote laws for the benefit of its members and labor generally; to promote welfare programs; to instill the spirit of patriotism and devotion to the country among its members, their families and within the labor movement.

ARTICLE III

Jurisdiction

This union shall have jurisdiction to organize, admit to membership and represent all classes of persons specified, described or referred to in Article III of the Constitution of the International Longshoremen's Association, as amended at the 44th Convention, July 16-20, 1979, or as said Constitution may be hereafter amended. The geographical jurisdiction of this Union shall be limited to that specified from time to time by the International Union.

ARTICLE IV

Membership

Section 1. Any worker who is employed or seeks employment in a trade, industry or occupation within the jurisdiction of the I.L.A. shall be eligible to apply for membership; provided that person is not a member of a dual organization, or of any organization whose philosophy, principles, teachings or purposes are subversive to the form and principles of our government shall be eligible for membership.

Section 2. All applicants for membership must apply on the standard application form to be

supplied by the International Secretary-Treasurer.

Section 3. All applicants must be approved by the Local before the applicant is admitted to membership.

Section 4. All applications must be accompanied by the initiation fee and dues for the balance of the year.

Section 5. Any applicant gaining membership through false or misleading representation shall be expelled from membership, if proven guilty thereof, and according to and in conformity with the disciplinary procedure.

ARTICLE V **Officers**

Section 1. This local shall elect, by secret ballot among its members in good standing a President, Vice-President, Secretary-Treasurer, Sergeant-at-Arms, an Auditing Committee of three (3) members, two (2) Business Agents, an Executive Board, and three (3) Contract Committee members.

Section 2. The Executive Board shall consist of the President, Vice-President, Secretary-Treasurer, the Business Agents, and five (5) other members elected by the general membership from the general membership.

Section 3. All officers shall be elected for a term of two (2) years.

ARTICLE VI **Duties of Officers**

Section 1. **PRESIDENT**

- A. The President shall be the principal executive officer of the Local.
- B. The President shall preside at all meetings.
- C. He shall countersign all checks which have been signed by the Secretary-Treasurer.
- D. He shall enforce the provisions of the ILA Constitution and of this Constitution and By-Laws.
- E. He shall appoint and be an ex-officio member of all committees; unless otherwise provided for, he shall appoint those committees at the first meeting in January.
- F. He shall have the power to call a special meeting at any time.
- G. He shall have the power to decide all questions of order, subject to an appeal to the membership.
- H. He shall have the power to convene the Executive Board at any time to assist him.
- I. He shall have the power to sign and affix the seal to all official documents.
- J. He shall have such other and further powers as are enumerated in these By-Laws and as are usual to his office.

Section 2. VICE-PRESIDENT

A. The Vice-President shall assist the President in the performance of his duties and shall act for the President in his absence.

B. He shall perform the duties of records officer, being in charge of personnel files, seniority and yearly hours.

C. He shall visit the docks as necessary.

D. He shall countersign all checks which have been signed by the Secretary-Treasurer or President.

E. He shall hold himself in readiness to respond to all emergencies.

F. He shall have such other powers that are usual to his office.

G. He shall succeed to the office of President in the event of its vacancy for its unexpired term.

H. He shall be a Relief Business Agent as needed except when this interferes with his responsibilities of acting for the President in his absence. (Passed 11-8-00)

Section 3. SECRETARY-TREASURER

A. The Secretary-Treasurer shall keep correct minutes of all meetings of the Local.

B. He shall keep a roll call of officers at all meetings.

C. He shall read the minutes of all meetings for approval by the membership at the Regular Meeting.

D. He shall perform all duties required of him by the International Constitution as amended.

E. He shall forward the names and addresses of the officers to the International Secretary-Treasurer as soon as they are elected and installed.

F. He shall advise the International Secretary-Treasurer of the amount of any bonding, the identity of the bonding company and the number or other identification of such bonding.

G. He shall, with the assistance of the Vice-President, keep a complete list of all individuals with their correct addresses.

H. He shall give proper written notice at least fifteen (15) days prior to meetings at which nominations or elections of officers or committee members, or a motion to amend the Constitution and By-Laws, are being made.

I. He shall notify all individuals of special meetings or other important matters which they are eligible to attend, in accordance with Article XIII, Section 2(B).

J. He shall give written notice to all members who are eighty (80) days in arrears in the payment of their dues.

K. He shall attend to such correspondence as the Union and/or President may direct and retain copies of communications subject to inspection by the Executive Board.

L. He shall retain all records and correspondence for a period of at least five (5) years.

M. He shall have charge of the seal which he shall attach to all documents requiring authentication.

N. He shall retain the master copy of this Constitution and By-Laws, and record all amendments or changes, copies of which are to be furnished to the membership.

O. The Secretary-Treasurer shall collect and receive all monies paid to the Local and deposit them in its name in such bank or government securities as the Executive Board may direct.

- P. He shall sign all checks drawn upon this Local.
- Q. He shall keep true and accurate accounts of all his transactions, and shall make reports thereon to the Auditing Committee, the Executive Board, and the Local; he shall retain such records for a period of at least five (5) years.
- R. He shall pay all the regular expenses of the Local and such additional expenses as may be approved by the membership.
- S. He shall replenish the Business Agents' petty cash fund as necessary.
- T. He shall make all payments and expenditures by check upon authorization by the Executive Board and/or the membership.
- U. He shall have the books and accounts of the Local audited at least annually by a Certified Public Accountant to be appointed by the Executive Board.
- V. He shall have such further powers as are usual to his office. (Combine the offices of Recording Secretary and Financial Secretary into one office. Passed 3-13-96)
- W. He shall serve as a third Business Agent and will perform regular scheduled Business Agent duties under the supervision of the Executive Board and/or President.
- X. He shall relieve Business Agents Number 1 and 2 at times of vacation or in the event of emergency.
- Y. He shall serve as "Education Officer" under the supervision of the Executive Board and/or President.
- Z. He shall receive all benefits provided to full time officers.

Section 4. BUSINESS AGENTS

- A. The Business Agent shall receive job orders and dispatch all individuals working through this Local according to seniority on a non-discriminatory basis.
- B. He shall make available job information for regular employment.
- C. He shall report to the Executive Board all violations of hiring hall rules and/or the contract coming to his attention and promptly make a written report thereof to the Secretary-Treasurer.
- D. He shall attend all meetings of the Local.
- E. He shall be under the supervision of the Executive Board and/or the President.
- F. He shall have the authority, and it shall be his duty, to promptly stop any gambling or drinking of intoxicating liquors in the Union Hall.
- G. He shall furnish on request all insurance forms or any other forms available through the Union.
- H. He shall collect dues, hiring hall fees, fines and other monies due the Local.
- I. He shall balance the payroll deposit weekly.
- J. He shall keep all records for a period of at least five (5) years.
- K. He shall be in charge of petty cash, not to exceed One Hundred Dollars (\$100.00).
- L. The Business Agents shall be on duty during office hours and shall split their time equally as approved by the Executive Board.
- M. He shall have such further powers as are usual to his office.

Section 5. AUDITING COMMITTEE

- A. The Auditing Committee shall examine the accounts of the Secretary-Treasurer at least once every six (6) months, and report the condition of same in writing to the Body.
- B. They shall examine all bills referred to them by the Local and report upon same.
- C. They shall examine and audit all accounts, of all committees, and report to the Local on same.
- D. The books and accounts of the Local shall be audited at least annually by a Certified Public Accountant appointed by the Executive Board, where the income of the Local is \$5,000.00 annually.

Section 6. SERGEANT-AT-ARMS

- A. The Sergeant at Arms shall assist the President in maintaining order and shall take charge of the door at regular or special meetings of the membership. He shall admit no member who is not in good standing. He shall be paid no salary.

Section 7. CONTRACT COMMITTEE

- A. The Contract Committee shall consist of the President and three (3) elected members. It shall be their duty to negotiate for the Local with the employers a Contract as to wages, conditions and terms of employment. They shall meet and attend all Contract negotiations within the jurisdiction of the West Gulf Maritime Association. The number of committee members to attend meetings not within the jurisdiction of the West Gulf Maritime Association shall be determined by the membership.
- B. The Contract Committee of Local 1351 shall elect one member from within the committee to serve as Chairman. The Chairman shall act as spokesman at all Contract negotiations.
- C. The Contract Committee shall have at least one (1) written copy signed and/or initialed letter of agreement between the West Gulf Maritime Association and the Local to be read to all individuals attending a ratification vote at a special or regular meeting.

Section 8. EXECUTIVE BOARD

- A. The Executive Board shall be the highest governing authority within the Local between its meetings and shall exercise general supervision over its property and affairs to protect, preserve or advance the interests of the organization.
- B. The Executive Board shall act as a trial board at Regular Executive Board Meetings on any violations of the rules or provisions of the Constitution and By-Laws or Contract Agreement.
- C. The Executive Board shall have the power to recommend the bank and attorney to be used by the Local, subject to the approval of the membership.
- D. The Executive Board shall have the power to appoint a Certified Public Accountant for the Local.
- E. A majority of the members of the Executive Board shall constitute a quorum for the transaction of business, and decisions of the Executive Board shall be by the concurring vote of a majority of all its members present.
- F. The Executive Board shall have powers as are necessary to effectuate the powers granted to it by the International Constitution and the Constitution and By-Laws of this Local.

G. Recommendations by the Executive Board for expenditures in excess of \$100.00, other than the usual expenses, must be voted on by the membership.

ARTICLE VII **Resignations or Removals From Office**

Section 1. All officers except the President, Vice-President, Secretary-Treasurer, and Business Agents have the privilege of resigning at any time, providing no charges exist against them.

Section 2. The President, Vice-President, Secretary-Treasurer or Business Agent shall present his resignation in writing one (1) regular meeting prior to its being acted upon, and if the Auditing Committee reports that the accounts are correct, resignation may be accepted, providing no charges exist against him.

Section 3. Any officer who misses four (4) regular membership meetings and/or regular Executive Board meetings in a period of one (1) year shall be subject to discipline by the Executive Board, including removal from office. If the office is declared vacant, then a temporary officer is to be appointed by the President or Officer in Charge in the manner provided for in this Constitution and By-Laws.

Section 4. Any elected officer may be impeached for any violation of the Constitution and By-Laws of this Local or of the International Constitution. Charges must be filed against the accused officer and the same procedure followed as in cases of disciplining a member.

Section 5. An impeached officer cannot perform the duties of his office. A temporary appointment must be made by the President or Officer in Charge in accordance with the procedure for succession of officers as set out in these By-Laws. All appeals from a decision of impeachment must be made to the Local's Secretary-Treasurer in writing within thirty (30) days and referred back to the Executive Board for further investigation.

ARTICLE VIII **Bonding of Officers**

Before entering upon his duties, the Secretary-Treasurer and any other officer, representative, or employee of this Local who handles or holds funds or property of this Local shall execute a bond to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others in an amount and in a form as required by law. The premiums on all bonds and insurance shall be paid by this Local.

ARTICLE IX **Eligibility For Office**

No person shall be eligible for office in the Local unless he complies with the requirements specified in Article XIII, Sections 3 and 13 of the International Constitution:

Section 3. *Subject to such other reasonable eligibility requirements as a Local Union may impose, no*

person shall be eligible for office in any Local Union or as a delegate to the District Council or to the governing body of a District unless:

(a) He has been (i) a member in good standing of such Local Union for at least one year preceding the date of his nomination, and (ii) working, or seeking work, at the trade or craft covered by such Local Union for at least one year preceding the date of his nomination or employed by the ILA or any of its subdivisions for such year; except that the Local Union by its By-Laws may provide for longer periods of such eligibility, which longer periods may be up to, but not more than three years, provided, however, that a member of a Local Union which has been chartered by or affiliated with the ILA for less than one year shall be eligible for office if he has been a member in good standing of, and working or seeking work at the trade or craft covered by, such Local Union from the date of its charter or affiliation; and

(b) He is a citizen of the country covered by the jurisdiction of such Local Union.

Section 13. No member who is an officer, director, partner, or principal in, or is employed in a supervisory job by, a business organization with which the ILA or any of its subdivisions, bargains or seeks to bargain collectively, can at the same time hold any office or be a candidate for any office in a Local Union of the ILA."

ARTICLE X

Nomination and Election of Officers

Section 1. Nominations of officers shall take place at the regular meeting in November of election years. Such nomination and meeting shall be held on written notice to be sent at least fifteen (15) days prior to the election. Nominations shall be made for officers in the order in which such officers are set forth in Article V, Section 1 hereof.

Section 2. All elections shall be conducted with respect to the International Constitution and the Landrum-Griffin Act which sets rules and procedures.

Section 3. No member may be nominated for office unless he is present when nomination is made provided absence is riot due to illness or duties of his office as a Union Official.

Section 4 All officers shall be eligible for re-election and/or nomination for any other office. The same individual may hold more than one office in the Local except that the offices of the President and Secretary-Treasurer shall not be held by the same individual.

Section 5. If a nominee is unopposed, there shall be no necessity for an election and he shall be declared duly elected.

Section 6. After accepting a nomination, a candidate may decline his acceptance within ten (10) days by personally signing his affidavit of decline at the Local before 5:00 p.m. on the tenth day; except where as a result of the decline (revocation) the remaining candidate is unopposed.

Section 7. Any candidate for office may after nomination inspect the names and addresses of all members. However, this does not require the Union to furnish a list.

Section 8. The officers and committees shall be voted on and elected the day of the regular

meeting in December. Fifteen (15) days written notice must be given containing a sample ballot showing the names of the individuals nominated for each position, and the time and place of the election. Such notice must be mailed to each member at his last known home address.

Section 9. Any nominee for the office of President, Vice-President, Secretary-Treasurer, Business Agent or Sergeant-at-Arms must receive a majority of votes cast by members-in-good-standing to be declared duly elected. Otherwise, the two nominees receiving the highest number of votes shall have a run-off election at a special or regular meeting after fifteen (15) days notice of such election is mailed to all members-in-good-standing as per Article X, Section 8.

Section 10. There shall be five (5) members on the Executive Board. Nominations shall be made for all positions at one time, and the five (5) nominees receiving the highest number of votes shall be declared elected.

Section 11. There shall be three (3) members elected to the Auditing Committee. Nominations shall be made for all positions at one time, and the three (3) nominees receiving the highest number of votes shall be declared elected, with the fourth being an alternate.

Section 12. There shall be three (3) members elected to the Contract Committee. Nominations shall be made for all positions at one time, and the three (3) nominees receiving the highest number of votes shall be declared elected, with the fourth being an alternate.

Section 13. All voting on candidates must be by secret ballot and there shall be no proxy votes or write-in candidates. Voting will be held at the Union Hall from 5:00 a.m. until 7:00 p.m.; any member who is in line by 7:00 p.m. will not be excluded from voting.

Section 14. Ballots for candidates shall be cast in individual order, such as: President, Vice-President, Secretary-Treasurer, etc., and designated therein as "Officers".

Section 15. Any candidate nominated for the offices of both President and Secretary-Treasurer and receiving the highest number of votes in both positions shall be elected to the higher office.

Section 16. Any candidate may have an observer who is a member of the ILA at the polls and at the counting of the ballots.

Section 17. All records and ballots shall be retained by the Local for at least five (5) years.

Section 18. Members on retirement or withdrawal shall not be permitted to vote or run for office.

Section 19. Newly elected officers shall be installed at the first regular meeting subsequent to the election.

Section 20. When an officer becomes incapacitated for an extensive period and cannot fulfill his duties, or through death, resignation or impeachment his office is vacated, the succession shall be:

A. The Vice-President shall succeed the President.

B. If a vacancy occurs in any other elective office, a replacement will be appointed for the interim by the President with the assistance of the Executive Board. Any such appointment shall be made with an option to call for an election to be made by the Membership at the next regular or special meeting. With a vote by the members present to call for an election, the nominations and election shall be as in all other elections.

Section 21. PROTEST OF ELECTIONS. The procedure to protest the election of officers shall be the same as in Article XXIV of the International Constitution as amended.

ARTICLE XI
Salaries and Expenses

Section 1. The membership shall provide the terms and conditions of salaries and/or compensation. The Union shall provide for full-time officers all benefits that are received by individuals working through ILA Local 1351 from the Maritime Association - ILA Pension, Welfare and Vacation Funds. (Passed 12-12-84)

Section 2. Annual salaries shall be paid weekly to all full-time officers. The salaries shall be based on the equivalent of a clerk-in-charge rate times the appropriate hourly structure to compute the weekly salary. They shall receive appropriate adjustments in salary and other benefits automatically in the same rate of increase and/or decrease as are provided for in the contract between this Local and the West Gulf Maritime Association.

Section 3. Full-time officers shall receive supplemental wage benefits, vacation and other benefits not specifically set out above, equal to what they would receive had they continued working under the terms of the contract.

Section 4. The Executive Board shall receive a monthly salary equal to eight (8) hours clerk-in-charge rate. Any absent Board member will not receive the salary for that month.

Section 5. The Contract Committee shall receive compensation for such time as necessary to attend and negotiate a contract for this Union to be paid at the clerk-in-charge rate.

Section 6. Those members who are not salaried officers shall, upon a decision of a majority of those present and voting at a meeting of the membership, be reimbursed for the time lost from work on account of union business and shall be reimbursed for expenses expended on account of union business.

ARTICLE XII
Delegates

Section 1. **DELEGATES TO THE CONVENTIONS**

A. The President of Local 1351 shall attend all conventions that the membership decides representation is necessary and his expense to conventions will be as provided for in the Constitution and By-Laws of this Local

B. Any other delegate or delegates to the convention must be nominated at a regular meeting at the time the convention call is read and written notice of the intention to elect such delegate or delegates at such regular meeting must be given at least fifteen (15) days prior to such regular meeting by mailing notice to members-in-good-standing at their last known home address as shown in the records of the Local. Delegates nominated must be voted on by secret ballot.

C. Any member-in-good standing and eligible to be an officer shall be eligible to serve as a representative of the Local to the International and subordinate convention.

D. In years where the International Convention is held, the delegates to the District Convention shall also serve as delegates to the International Convention.

E. (1) Each delegate shall receive a travel allowance equal to the cost of coach airfare to and from such function.

(2) He shall receive Fifty (\$50.00) Dollars per day per diem.

(3) He shall receive his room expense at the hotel designated for the meeting.

(4) Each delegate who is not a full-time official of the Union shall receive compensation pay in the amount of ten (10) hours per day straight time at the clerk-in-charge rate for each day he is attending the convention; he shall receive compensation pay in the amount of eight (8) hours per day straight time at the clerk-in-charge rate for one (1) day traveling to and one (1) day traveling from such function.

(5) Delegate(s) who are full-time officials of the Union shall not receive compensation pay for days attending and/or traveling if those days fall on Monday through Friday, but will be compensated at the appropriate rate as set out in the preceding paragraph if the days fall on Saturday or Sunday, when necessary.

(6) Each delegate shall receive other expenses as may be approved by the Executive Board as being bona fide expenses incurred in the interest of the Local. He shall return any excess expense money to the Local.

Section 2. DELEGATES TO CENTRAL DOCK AND MARINE

A. Delegates to the Central Dock and Marine Council shall be appointed by the President with the Executive Board's approval; the number of delegates, not to exceed three (3), shall be set by the Executive Board.

B. Any member of Local 1351 who is appointed to attend a Central Dock and Marine Council meeting within a one hundred (100) mile radius of Houston shall receive compensation pay for one (1) day of eight (8) hours at straight time clerk in charge rate; if over one hundred (100) miles from Houston, he shall receive one (1) day travel pay and one (1) day compensation pay in the amount of eight (8) hours each day at straight time clerk in charge rate. He shall receive other expenses as necessary as set out in Article XII, Section 1(E).

ARTICLE XIII

Meetings

Section 1. REGULAR MEMBERSHIP MEETING

A. The Regular Membership Meeting shall be held on the second Wednesday of each month, convening at 6:30 p.m. (Passed 4-12-89) If such date falls on a holiday, the meeting will be held on the following Wednesday. The meeting may be postponed by the President and/or Executive Board when a conflict of meetings arise. The meeting will not be postponed if the Vice-President is available

B. QUORUM. The presence of Members-in-Good-Standing shall be thirty (30) (Passed 9-10-97) to constitute a quorum for the transaction of business

C. ATTENDANCE. Persons other than Members-in-Good-Standing may attend only by invitation or permission of the President and/or Executive Board. All individuals attending the meeting must respect the Rules of Order.

D. DECORUM. If it should appear to the presiding chairman that any member is so conducting himself to constitute a threat to the orderly conduct of the business of the meeting, he may order him ejected. If he fails to comply, he is to be removed by the Sergeant-at-Arms. He shall be fined Twenty-Five

Dollars (\$25.00) and the chairman of the meeting shall file written charges with the Executive Board to be handled with the same disciplinary procedures as set out in these By-Laws.

At any time when in the judgment of the presiding chairman of the meeting it appears that the meeting has become so disorderly as to prevent proper deliberation on the matters which might properly come before the meeting, the presiding chairman shall have the right to adjourn such meeting forthwith, upon his own motion, and without second, and even though there may be other motions on the floor. There shall be no appeal from such action since it is taken as a result of conditions which would prevent orderly consideration of the appeal by the meeting.

If such action is taken by the presiding chairman, the time and place for a subsequent meeting, if there is to be one, shall be determined by the Executive Board. If no such determination is made, then the next meeting shall be the next regularly scheduled meeting.

E. **GUARD SERVICE.** An officer must be on duty to protect the automobiles and other properties of individuals attending meetings at night.

Section 2. SPECIAL MEETINGS

- A. The President and/or Executive Board may call a special meeting with three (3) days notice.
- B. Any ten (10) members signing a request for a special meeting shall state the business to be transacted with the time and date to be set after posting a three (3) day notice on the board at the hall.
- C. There must be a quorum to transact any business.

Section 3. NON-MEMBERSHIP MEETINGS

At the discretion of the President, there shall be a Non-Membership Meeting on the Thursday following the second Wednesday of each month at 6:15 p.m.

Section 4. EXECUTIVE BOARD MEETINGS

- A. The Executive Board Meeting shall be held on the Wednesday of the Regular Membership Meeting between the hours of 8:30 a.m. and 5:00 p.m., and trials shall be conducted the same day. (Passed, 2-9-94)
- B. Special meeting of the Executive Board may be called by the President or any three (3) members of the Executive Board.

Section 5. PARLIAMENTARY PRACTICE

Rules of Order and Procedure shall be used as per *Robert's Rules of Order. (Passed 11-8-00)*

ARTICLE XIV **Dues, Revenues and Funds**

Section 1. The initiation fee for this Local shall be Sixty (\$60.00) Dollars. (Shall not be less than Fifty (\$50.00) Dollars.)

Section 2. The dues for this Local shall be in compliance with the dues mandated by the International Constitution. The dues shall be waived on retirees (those individuals receiving a pension

earned through the I. L. A.) not currently working through this Local. (Passed, 3-13-96)

Section 3. Any member who is thirty (30) days or more in arrears in the payment of dues shall be automatically, and without notice, suspended from all rights and privileges of membership. Any member who is eighty (80) days or more in arrears in the payment of dues shall be given written notice that failure to pay within ten (10) days shall mean automatic expulsion; and upon his failure to pay within such ten (10) days, he shall be automatically, and without further notice, expelled and dropped from the Local.

Section 4. No assessment shall be levied except by majority vote by secret ballot of the members-in-good-standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by a majority vote of the members-in-good-standing voting in a membership referendum conducted by secret ballot.

Section 5. Any member failing to pay assessments as and when due shall be subject to discipline as hereinafter provided. Nothing in these By-Laws shall limit the right of the ILA or any of its subdivisions, including this Local, to enforce the provisions of any collective bargaining agreement relating to the non-payment of dues or to take disciplinary action for such nonpayment as hereinafter provided.

Section 6. Any member of this Local who has been suspended or expelled for the non-payment of dues or assessments may be reinstated only upon the payment of all monies due at the time of suspension or expulsion, together with his initiation fee, if expelled, and such additional indebtedness for dues and assessments as accrued during the period of his expulsion unless otherwise ordered by the Executive Board of this Local with the approval of the International Secretary-Treasurer.

Section 7. Changes in initiation fees, Local service charge, or dues shall be made by a majority vote by secret ballot of the members-in-good-standing at a regular or special meeting after fifteen (15) days notice of the intention to vote.

ARTICLE XV **Discipline**

Section 1. The term "**discipline**" when used in this section shall include, without limitation, a fine, removal from office or job, disqualification to run for office, or suspension from membership.

Section 2. Any member, officer, or representative of this Local shall be subject to discipline who is found guilty, after notice of an opportunity for hearing upon charges as provided for in this Article, of violating any provision of this Constitution and By-Laws, the Constitution and By-Laws of the International or the District Organization, the Constitution and By-Laws of the District Council, if any, or any decision of this Local, the local Collective Bargaining Agreement, the District Council, the Executive Council or District Organization or of dishonesty, misconduct, or conduct detrimental to the welfare of this Local or the International.

Section 3. Subject to the provisions of this Article the Executive Board shall have the power to discipline any member, officer or representative of this Local whom it finds guilty of any conduct specified in Section 2.

Section 4. Proceedings under this article may be initiated by any member of this Local by filing written charges in duplicate specifying the acts or conduct with which the accused is charged with the Secretary-Treasurer. The Secretary-Treasurer shall promptly transmit a copy thereof to the accused by

having it hand delivered by the President, Vice-President or Business Agents, together with written notice of the time and place of the hearing therein, which shall be held not less than five days after the date of notice. In adverse conditions, the written notice will be transmitted to the last known address of the accused. (Passed, 12-12-84)

Section 5. Hearings on charges shall be held by the Executive Board. The accused shall be afforded a full and fair hearing and shall have the right to appear at such hearing, produce and cross examine witnesses, file statements and be represented by any member of the ILA in good standing designated by him for that purpose. Upon completion of the hearing, a decision shall be rendered by the Executive Board in writing which decision shall be served by the Secretary-Treasurer upon the accused and the accuser. In any case when the accused or the accuser is a member of the Executive Board, the accused or the accuser, as the case may be, shall not sit on the Board and the remaining members of the Board shall have power to act.

Section 6. Hearings may be held on any charge notwithstanding the failure of the accused after being given notice pursuant to the provisions of this Article to appear thereat. Failure of the accused to appear on charges will result in a sentence of one (1) day on the hill for failing to appear, unless he/she gives the Executive Board advance notice of his/her plea of guilty or the hearing is postponed due to an emergency with the mutual consent of the Executive Board. (Passed 9-8-99)

Section 7. The Executive Board of the Local will be fair and impartial with all individuals appearing on charges, but it will strictly enforce the rules, provisions and agreements pertaining to this Local. Persons found guilty of violations will be disciplined as follows:

First time offenders, if the offense is of a minor nature, will be given a verbal or written reprimand.

After duly considering the nature of the offense, time between offenses, and all other matters dealing with the offense, the Executive Board will use its discretion in administering discipline, but will be more severe with repeat offenders if they believe it to be necessary. The Executive Board will put forth every effort to explain to violators that they must obey the rules, and point out to them that they can be punished more severely with each offense.

If it seems after a reasonable time and lengthy series of offenses and punishment that an individual has no intention to change and will continue to violate the rules, he may be indefinitely suspended from the Local.

Section 8. Appeals may be taken from any decision rendered pursuant to this Article in accordance with Article XIX of the International Constitution. All appeals shall be in writing, shall contain a brief statement of the facts and the grounds for the appeal and shall be filed with the secretary of the body to which they are addressed within thirty (30) days after the rendition of the decision from which the appeal is taken.

Section 9. The membership has the power to change or nullify as an appeal any disciplinary measures rendered by the Executive Board under the appellate process.

ARTICLE XVI

Adoption and Amendment of By-Laws

Section 1. These By-Laws shall become the official By-Laws of the Local upon approval by a two-thirds vote of the members voting by secret ballot, at a regular or special membership meeting, held upon written notice to all members setting forth the subject of such meeting.

Section 2. An amendment to these By-Laws may be proposed by the Executive Board or any three (3) members-in-good-standing, by submitting same in writing, and signed by said proposers, to the Secretary-Treasurer. The Secretary-Treasurer shall read the proposed amendment at the next regular meeting of the Local and it shall be open for discussion. No action shall be taken on such proposal until the succeeding regular meeting of the Local, or a special meeting called for such purpose, at which time the proposed amendment shall be presented for a vote of the members to be held by written, secret ballot. At least fifteen (15) days notice of the meeting to vote on such amendment, along with a written copy of the proposed amendment, shall be sent to all members prior to said meeting. Approval by a two-thirds vote of the members voting shall be required for adoption.

ARTICLE XVII **Property of the Local**

All officers of the Local at the expiration of their term of office shall surrender to their successors all books, money or other property of the Local that may be in their possession.

ARTICLE XVIII **Order of Business**

<i>First</i>	Calling of meeting to order.
<i>Second</i>	Roll call of officers.
<i>Third</i>	Reading of the last meeting or special meeting.
<i>Fourth</i>	Report of officers.
<i>Fifth</i>	Reading of communications and bills.
<i>Sixth</i>	Report of committees.
<i>Seventh</i>	Balloting for candidates.
<i>Eighth</i>	Initiation.
<i>Ninth</i>	Proposing for membership.
<i>Tenth</i>	Unfinished business.
<i>Eleventh</i>	New Business.
<i>Twelfth</i>	Good and Welfare.
<i>Thirteenth</i>	Adjournment.

ARTICLE XIX
Rules of Order

Section 1. On motion the regular order of business may be suspended by two-thirds vote of the meeting at any time to dispose of any urgent business.

Section 2. All resolutions and resignations shall be submitted in writing if so requested by the Secretary.

Section 3. Any conversation by whispering or otherwise which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed a violation of order.

Section 4. All questions of a parliamentary nature not provided for in these rules shall be decided by **Robert's Rules of Order. (Passed, 11-8-2000)**

Section 5. A motion to be entertained by the Presiding Officer must be seconded and the mover as well as the seconder must rise to be recognized by the chair. It shall be reduced to writing at the request of the Secretary.

Section 6. In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be admitted until the question is stated by the chair.

Section 7. Any member having made a motion can withdraw it by consent of its seconder but a motion once debated cannot be withdrawn except by unanimous consent.

Section 8. A motion to amend an amendment shall be in order but no motion to amend an amendment to an amendment shall be permitted.

Section 9. Any member may call for the division of a question where the sense will admit thereof.

Section 10. A motion shall not be subject to debate until it has been stated by the chair.

Section 11. When a member wishes the floor, he shall rise and respectfully address the chair, and if recognized by the chair, he shall be entitled to the floor.

Section 12. If two or more members rise to speak at the same time, the chair shall decide which is entitled to the floor.

Section 13. Each member, when speaking shall confine himself to the question under debate and avoid all personal and indecorous language.

Section 14. No member shall interrupt another while speaking, except to a point of order, and he shall definitely state the point, and the chair shall decide the same without debate.

Section 15. If a member while speaking be called to order, he shall take his seat until the point of order is decided, when, if decided in order, he may proceed.

Section 16. If any member shall feel himself aggrieved by the decision of the chair, he may appeal to the Local from the decision.

Section 17. When an appeal is made from the decision of the chair, said appeal shall be stated by the chairman to the meeting in these words: "Shall the decision of the chair be sustained as the decision of the meeting?". The member will then have the right to state the grounds of appeal, and the chair will give the reason for his decision; thereupon the Local will proceed to vote on the appeal without further debate.

Section 18. No member shall speak more than once on the same subject until all members

desiring the floor shall have spoken, nor more than twice without consent; nor for more than five minutes without permission from the chair.

Section 19. The Presiding Officer shall not speak on any subject except points of order and appeals from the decision of the chair. He shall have a vote on all questions before the meeting and in case of a tie vote the question at issue shall be declared lost.

Section 20. When a question is before the meeting, no motion shall be in order except:

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone to a given time.
- (5) To refer or to recommit.
- (6) To amend.

and these several motions shall have precedence in order herein arranged.

Section 21. The following are not debatable:

- (1) To adjourn.
- (2) To lay on the table.
- (3) To read a document or paper.

Section 22. When a previous question is moved and seconded, it shall be put in this form: "Shall the main question now be put?". If this is carried, all further motions, amendments, and debates shall be excluded and the question put without delay.

Section 23. If a motion has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall be put as follows:

- (1) Amendment to the amendment.
- (2) Amendment.
- (3) Original proposition.

Section 24. When a question is postponed indefinitely, it shall not come up again except by unanimous consent.

Section 25. A motion to adjourn shall always be in order except:

- (1) When a motion is before the house.
- (2) When a member has the floor.
- (3) When the members are voting.
- (4) When it has been decided to take the previous question.
- (5) When the delegates from affiliated Unions desire to make a report.

Section 26. Before putting a question to vote, the presiding Officer shall ask: "Is the Local ready for the question?". Then it shall be opened for debate. If no member rises to speak, the Presiding Officer shall then put the question, and after the vote is taken he shall immediately announce the results.

Section 27. When the Presiding Officer has commenced taking a vote, no further debate or remarks shall be allowed, unless a mistake has been made in which case the mistake shall be rectified, and the Presiding Officer shall recommence taking the vote

Section 28. Before the Presiding Officer declares the vote on a question, any member may ask for a division of the house, and the chair is duty bound to comply with the request and a standing vote shall be taken.

Section 29. Every member present shall vote on all questions before the Local unless personally interested or excused by the Local.

Section 30. When a question has been decided, it can be reconsidered only at the same meeting night or on the next regular meeting night.

Section 31. A motion to reconsider must be made and seconded by two members who voted with the majority.

Section 32. Roll call shall be granted upon the request of fifteen (15) members.

AMENDMENTS TO THE CONSTITUTION & BY-LAWS, HIRING HALL
RULES AND WORK RULES OF I.L.A. LOCAL 1351

ARTICLE V, SECTION 2, VICE-PRESIDENT. H. He shall be a Relief Business Agent as needed except when this interferes with his responsibilities of acting for the President in his absence. (Passed, 11-8-00)

ARTICLE XI, SECTION 1. The Union shall provide for full-time officers all benefits that are received by individuals working through ILA Local 1351 from the Maritime Association - ILA Pension, Welfare & Vacation Funds. (Passed, 12-12-84)

ARTICLE XIII, SECTION 1, A. The Regular Membership Meeting...convening at 6:30 p.m....(Passed, 4-12-89)

ARTICLE, XIII, SECTION 2. Delete Subsection D which reads "Special meetings shall be held at 6:15 p.m." (Passed 4-12-89)

ARTICLE XIII, SECTION 4, A. The Regular Executive Board Meeting shall be held on the Wednesday of the Regular Executive Board Meeting between the hours of 8:30 a.m. and 5:00 p.m., and trials shall be conducted the same day. (Passed, 2-9-94)

ARTICLE XIII, SECTION 5. Rules of order and procedures shall be used as per *Robert's Rules of Order*. (Passed, 11-8-00)

ARTICLE XIV, SECTION 2, Sentence 2. Dues shall be waived on retirees (Those individuals receiving a pension earned through the I.L.A.). (Passed, 2-19-86)

ARTICLE XV, SECTION 4, Replace second sentence. The Recording Secretary shall promptly transmit a copy thereof to the accused by having it hand delivered by the President, Vice-President, or Business Agent, together with written notice of the time and place of the hearing therein, which shall be held not less than five days after the date of notice. In adverse conditions, the written notice will be transmitted to the last known address of the accused. (Passed, 12-12-84)

ARTICLE XV, SECTION 6, 2ND SENTENCE. Failure of the accused to appear on charges will result in a sentence of one (1) day on the hill for failing to appear, unless he/she gives the Executive Board advance notice of his/her plea of guilty or the hearing is postponed due to an emergency with the mutual consent of the Executive Board. (Passed, 9-8-99)

ARTICLE XIX, SECTION 4. All questions of a parliamentary nature not provided for in these rules shall be decided by Robert's Rules of Order. (Passed, 11-8-00)

HIRING HALL RULE 3. SENIORITY. Replace first and third paragraphs. Hours.

Qualifying hours for advancement in seniority will be figured on fifty percent (50%) of the average of the total number of hours actually worked by persons working off the board in each class. Those who worked in a regular job any portion of the year and those with zero (0) hours will not be used to calculate the average. Qualifying hours to maintain position in seniority will be twenty-five percent (25%) of the average of the total number of hours actually worked by persons working off the board in each class, calculated as above. These hours not to exceed the hours required in the original Hiring Hall Rule 3. (Passed, 4-12-89)

Any individuals who have qualified to move to the next higher classification will be allowed a complete contract year in that class to earn their qualifying hours for advancement or maintaining their position in that classification. (Passed, 11-13-85)

HIRING HALL RULE 3. SENIORITY. Requirements. Add (e). Any individual who does not work by his own choice through this Local for a period of two (2) consecutive years shall be dropped from the roster. (Passed, 4-12-89)

HIRING HALL RULE 3. SENIORITY. Advancement. Paragraph #4.

An inactive file (will be created) for injured and ill individuals not working for over a year and advancements made to fill the vacancies. (Passed, 6-12-85)

HIRING HALL RULE 3. SENIORITY. Illness and/or Injury Time. Replace all.

Individuals who are hospitalized and/or unable to work while under the care of a licensed physician, shall receive credit toward requirements for maintaining or advancing in seniority only, to be determined as follows:

All classifications shall be credited, for seniority purposes only, a number of hours per week, calculated each year by multiplying the average of a given class, as stated in the Constitution and By-Laws for seniority average hours, by one-half of one percent per week of qualified time. All individuals must furnish both satisfactory proof from the doctor and a sick time form furnished by the local. This will be made available to the Executive Board prior to January 1st of the year following the close of the contract year in question. This will be necessary in order to be eligible to receive sick time hours. Sick time submitted after January 1st will not be eligible for consideration. An individual cannot receive working hours and sick time hours within the same work week.

(Friday/Thursday) (Passed, 1-13-93)

HIRING HALL RULE 3. SENIORITY. Classification. Remove numbers and make F-1, C-1 and C-2 open classes. (Pass 4-12-95)

HIRING HALL RULE 3. SENIORITY. Illness and/or Injury Time, Paragraph 2, Sentences 3 and 5. This will be made available to the Executive Board Prior to October 1st following the close of the contract year in question. Sick-time submitted after September 30th will not be eligible for consideration. (Passed 9-8-99)

HIRING HALL RULE 3. SENIORITY. Requirements, Sections (d) and (e).

(d) Any individual in seniority classes A through E who does not work by their own choice or actions through this Local for one (1) year shall be considered to have retired. Any individual below seniority class of E who does not work by their own choice or actions through this Local for 365 consecutive days (1 year) shall be considered to have retired. (e) Any individual in seniority classes A through E who has not worked twenty (20) consecutive years through this Local and does not work by their own choice or actions through this Local for two (2) contract years shall be dropped from the roster. Any individual below seniority class of E who has not worked twenty (20) consecutive years through this Local and who does not work by their own choice or actions through this Local for 730 consecutive days (2 years) shall be dropped from the roster. (Passed 9-8-99)

HIRING HALL RULE 4. ORDERING TIMES. (c) All jobs for 1:00 p.m. will be filled starting at 11:10 a.m. that morning. (Passed, 8-13-86)

HIRING HALL RULE 4. ORDERING TIMES. (d) All jobs for 7:00 p.m. and 1:00 a.m. will be filled starting at 4:30 p.m. that evening. No person will be allowed to take both a 7:00 p.m. and 1:00 a.m. job. (Passed, 4-30-86)

HIRING HALL RULE 6. COMPLETING A JOB OR ASSIGNMENT. Add to first paragraph second and third sentences. Anyone whose job is cancelled in the morning will be placed back on the board in the same position he held prior to taking the job. If any jobs become available due to replacement or late orders for 7:00 a.m. and 8:00 a.m. starting times on that day, those jobs will be offered to these individuals first. (Passed, 8-1-89)

HIRING HALL RULE 6. COMPLETING A JOB OR ASSIGNMENT. Add **fourth sentence** to paragraph one. Any individual who is working and will be off at 12:00 noon will be allowed to call in at 11:00 a.m. to place their name on the Board. (Passed, 8-13-86)

HIRING HALL RULE 6. 4TH PARAGRAPH. Any individual giving the Business Agent false information concerning availability will be sentenced to three (3) days on the hill. (Passed 9-8-99)

HIRING HALL RULE 7. REPLACEMENTS. Add to paragraph three. This does not apply, however, to any individual who has to leave the job for union duties which have been sanctioned by the Local. (Passed, 7-11-90)

HIRING HALL RULE 7. REPLACEMENTS. Add **paragraph six.** In taking order backs for 7:00 p.m. work, the clerk shall offer the overtime work to those checkers working the vessel that day. (Passed, 6-12-85)

HIRING HALL RULE 8. REGULAR EMPLOYEES GETTING ON BOARD.

Replace paragraph one. No regular employee can get on the board. (Passed, 4-30-86)

HIRING HALL RULE 8. REGULAR EMPLOYEES GETTING ON BOARD.

Replace paragraph two. This rule applies to anyone who works for the same company Monday through Friday, and receives paid holidays. (Passed, 4-11-84)

HIRING HALL RULE 12. TECHNICAL SKILLS. Add paragraph 3.

Clerk Working Ship and Clerk Working Ship/Timekeeper. All individuals seeking employment through this Local as a Clerk Working Ship (CWS) or Clerk Working Ship/Timekeeper (CWS/TK), inbound and/or outbound, must be certified as qualified by this Local. All CWS and CWS/TK will be dispatched with respect to seniority. (Passed, 1-9-91)

HIRING HALL RULE 17. HIRING HALL FEES. Sentence two. The service charge shall be five percent (5%)... (Passed, 10-12-89)

HIRING HALL RULE 17. HIRING HALL FEES. Last sentence. At any time that the Local's total savings shall reach \$350,000 or over, the service charge shall automatically be reduced to two percent (2%), and shall remain at 2% until the total savings falls to \$250,000 or below, at which time the service charge shall automatically be increased to five percent (5%), as provided for in the above paragraph. (Passed, 8-11-93)

HIRING HALL RULE 18. INSURANCE. Add to second sentence.

...have twenty (20) years or more service, or retired through the ILA. (Passed, 4-11-84)

HIRING HALL RULE 21. VACATIONS AS PER THE CONTRACT. Replace all.

No regular employee may get on the extra board while on paid vacation. (Passed, 8-14-85)

HIRING HALL RULE 30. ADOPTION OF AMENDMENTS TO HIRING HALL RULES. New Rule.

An amendment to these Hiring Hall Rules may be proposed by the Executive Board or any three (3) members in good standing, by submitting same in writing, and signed by said proposers, to the Recording Secretary. The Recording Secretary shall read the proposed amendment at the next regular meeting of the Local and it shall be open for discussion. No action shall be taken on such proposal until the succeeding regular meeting of the Local, or a special meeting called for such purpose, at which time the proposed amendment shall be presented for a vote of the members to be held by written, secret ballot. At least fifteen (15) days notice of the meeting to vote on such amendment, along with a written copy of the proposed amendment, shall be sent to all members prior to said meeting. Approval by two-thirds (2/3) vote of the members voting shall be required for adoption. (Passed, 6-11-86)

HIRING HALL RULE 31. SMOKING. New Rule. No smoking will be allowed in

the meeting hall during Union meetings. (Passed, 3-13-85)

WORK RULE 10. New Rule. No ship clerk will go to work before his starting time such as giving out jobs or cargo, and if found guilty of such charge, a Fifty Dollar (\$50.00) fine will be imposed. This does not include cotton gangs. (Passed, 2-15-84)

WORK RULE 11. New Rule. If an individual takes a job, and his job from the previous hiring period runs past the starting time of the new job, he shall call the hall for a replacement. When this occurs, that person shall be allowed to get on the board at that time. (Passed, 9-10-86)