

Constitution

ATLANTIC COAST DISTRICT

of the

**INTERNATIONAL
LONGSHOREMEN'S
ASSOCIATION,
AFL-CIO**



As amended 1999

CONSTITUTION



ATLANTIC COAST DISTRICT

of the

INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION,
AFL-CIO

As amended at the 31st Convention,
held in Orlando, Florida
July 12-25, 1999

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CONSTITUTION

ARTICLE I

NAME

Section 1. This organization shall be known as the Atlantic Coast District (hereinafter referred to as "District") of the International Longshoremen's Association (hereinafter referred to as "ILA"). *

ARTICLE II

JURISDICTION

Section 1. This District shall embrace every Atlantic Port, north of Cape Hatteras, every port on the Great Lakes and its tributary waters including all Canadian and Newfoundland Ports and shall also embrace every Port on the island of Puerto Rico.

Section 2. The jurisdiction of this District shall embrace all the trades and occupations defined as the jurisdiction of the International Longshoremen's Association within the territory of the District.

Section 3. The Secretary-Treasurer shall use ILA membership records to maintain the District membership lists and the District shall cooperate fully in obtaining membership information for the ILA.

ARTICLE III

OBJECTS AND PURPOSES

The objects and purposes of this District shall include the following: to promote the general welfare and the

* It is understood that references herein to the male gender; such as "he" or "him" are for the purposes of brevity only and shall be understood to include the corresponding terms "she" and "her".

best interests of the membership and their families and the local unions and the local district councils of the ILA within the territory of the District; to organize the unorganized workers and to unite within local unions of the ILA all workers within its jurisdiction; to bargain collectively on behalf of all workers within its jurisdiction, and to negotiate, make and administer collective agreements; to improve the wages and hours of work and to increase the job security and better the working and living conditions of all the workers employed within its jurisdiction; to secure and promote laws for the benefit of all workers within its jurisdiction and labor generally; to engage in political education, to foster civic interest among its members and labor generally; to engage in educational activities and to further educational opportunities of its members and their family; to promote health, welfare, pension, recreational and civic programs in the interests of its members and their families and the workers within its jurisdiction; to establish, maintain and operate clinics, hospitals, labor union halls and labor temples; to function as a District organization within the ILA; to deal with matters and conditions in general affecting the members, the locals and the local district councils of the ILA within the territory of the District; to support charitable and religious bodies and institutions; to instill the spirit of patriotism and devotion to country among its members and their families and within the labor movement; to carry out and enforce the provisions of its Constitution and the Constitution of the ILA; to publish newspapers, periodicals and other literature to aid in the carrying out of the foregoing objects and purposes; and to do all things and take any action necessary and proper permitted by law, to carry out the foregoing objects and purposes and the objects and purposes of the ILA within the territory of the District.

ARTICLE IV OFFICERS AND EXECUTIVE BOARD

Section 1. The elected officers of this District shall consist of a President, a Secretary-Treasurer; and eighteen (18) Vice-Presidents from the ports, areas or entities enumerated below as follows:

Ports	Numbers of Vice-Presidents
1. Albany, New York and Vicinity	1
2. Baltimore, Maryland	1
3. New England Area	1
4. Halifax, Nova Scotia	1
5. Hampton Roads, Virginia	1
6. New York	6 ✓
Manhattan	1
Kings	2
Richmond	1
New Jersey Area	2 -
7. Philadelphia, Pa. and Delaware	1
8. St. John, New Brunswick	1
9. Puerto Rico	1
10. International Organization of Masters, Mates & Pilots	1
11. United Marine Division	1
12. Great Lakes ✓	2 ✓

Section 2. All officers of the District, as defined above, shall be elected by the delegates at the Convention of the District. The elected officers shall elect one (1) of their number to hold the position of General Vice-President. All officers shall hold office for a term of four years and until their respective successors are duly elected and installed. The officers of the District shall constitute the Executive Board of the District.

Section 3. The Executive Board shall have all the executive legislative and judicial powers of the District when the District Convention is not in session. The Board shall act by majority vote of its members present and voting except when hereinafter otherwise specified. The Executive Board may take action by a mail or telegram vote, submitted by the President, except when hereinafter otherwise specified. It shall make its own rules for the conduct of its business, which rules shall not be inconsistent with this Constitution and applicable law.

Section 4. The President shall have the power and authority to expend the funds of the Atlantic Coast District and use the property of the District for the effectuation of any of the objects of the District.

Section 5. Should a vacancy occur among the officers of the District through death, resignation or otherwise, the Executive Board shall proceed to fill the same as soon as practicable. An Officer chosen to fill such vacancy shall serve for the unexpired term.

Section 6. Meetings of the Executive Board may be called by the President on notice, to be held at such time and place designated by him. The President shall call a meeting at the request of a majority of the Board at such time and place as it shall designate. No fewer than three meetings shall be called per year.

Section 7. Members of the Executive Board shall receive compensation for their services. As of August 1, 1995, the annual base salaries for the President, the Secretary-Treasurer, the General Vice-President and the Vice-Presidents shall be as follows:

President	\$99,336.00
Secretary-Treasurer	\$93,408.00
General Vice-President	\$88,680.00 ✓
Vice-Presidents	\$73,320.00 ✓

The Executive Board may, by majority vote, increase these salaries. No District officer may participate in the consideration of or vote upon, the increases in his own salary. The President and the Secretary-Treasurer shall vote on salary increases for Vice-Presidents and the Vice-Presidents shall vote on salary increases for the President and the Secretary-Treasurer. The salary of any District Vice President who at same time holds office as an International Vice President shall be reduced by 50%. *

Section 8. Each officer shall also receive, either by fixed expense allowance, reimbursed expenses or a combination thereof, the expenses incurred in the performance of his duties. The President may also authorize that District officers or representatives be provided with automobiles. Such officers or representatives shall be permitted to use the automobiles for private purposes when the autos are not required for union business as partial compensation for the discharge of their duties. The Secretary-Treasurer is empowered to purchase, sell, exchange or lease automobiles or arrange financing for same.

ARTICLE V DUTIES OF OFFICERS

Section 1. The President of the District shall be the principal executive officer of the District. He shall preside at all conventions of the District, all Executive Board meetings and Wage Scale Conference meetings. He shall convene meetings of the Executive Board. He shall have the power to attend meetings of local unions and district councils within this District. He may employ and discharge such District personnel, including administrative, technical or other employees, as may be required, except for those employees who may be employed by the Secretary-Treasurer. He shall fix the

* salaries of all administrative, professional and other personnel employed by him, the compensation of all other District personnel to be fixed by the Executive Board. He shall appoint all committees not otherwise provided for in this Constitution. All bills covering expenses incurred must be approved by him before payment. He shall have power to examine, inspect and audit personally, or by his deputy or deputies, all the books, records, papers and accounts of any local union or district council within this District, whenever he may deem it necessary. He may compel the production of such books, records, papers and accounts at his office or such other place as he may designate, by service of a written demand therefor by mail, and they shall remain in his possession or in the possession of his deputy or deputies, until the examination or inspection is completed. He shall, upon the direction or consent of the Executive Board, call a special convention of this District. He shall sign all documents which require the President's signature. He shall have such other powers and perform such other duties as are prescribed in this Constitution and as are usual to this Office.

Section 2. The Vice-Presidents shall, at the request of the District President, aid and assist him during the session of the convention and in such other manner and form as the District President may from time to time request or direct, and shall generally represent the interest of the I.L.A. in their areas. They shall render periodic reports of their activities to the District office. The General Vice-President shall assist the President during Conventions, Executive Board meetings, and Wage Scale Conference meetings. In the case of death, resignation or removal of the President, the General Vice-President, shall serve as acting President and perform all the duties of the office of

President until the next special or regular meeting of the Executive Board. The Executive Board shall then elect a President to serve for the unexpired term of that office.

Section 3. The Secretary-Treasurer shall keep a correct record of the proceedings of the District Conventions and meetings of the Executive Board and shall furnish a copy of convention proceedings to each local union within the District. He shall attend to all correspondence and keep a record of the names and numbers and location of all local unions in the District. He shall have charge of the funds of the District and deposit same in a bank account or accounts in the name of the District, collect all monies payable to the District from the local union and shall render each local union an itemized statement of all receipts and expenses quarterly. He shall also submit a complete financial statement at each convention in booklet form. He may employ and discharge such office and clerical personnel as may be necessary in the operation of his office and he shall fix the salaries of the persons employed by him. He shall perform such other duties or services as directed by the Board and as may pertain to his office. He shall preserve for at least one (1) year the credentials of the delegates to a convention of the District and all minutes and other records of the Convention pertaining to the election of officers. He shall retain all other books and records of the District in his custody, including vouchers, work sheets, receipts and applicable resolutions for a period of not less than five (5) years and ninety (90) days after the close of each fiscal year of the District in which such books and records were made.

ARTICLE VI
FUNDS OF THE DISTRICT

Section 1. The Funds of this District shall be derived from per capita tax/dues of fifty (50¢) cents per member per month and such funds as may be allocated to the District pursuant to the IIA Constitution. The Funds and property of the District shall be used to defray its expenses and in furtherance and effectuation of its objects and purposes. All receipts shall be deposited in the District's bank accounts. All disbursements shall be made by check.

Section 2. Assessments on the membership of the District may be levied by a majority vote of the members of the Executive Board present and voting, whenever the Executive Board deems such assessment necessary for the welfare of the District, provided, however, that such action on the part of the Executive Board shall be effective only until the next Regular convention of the District. Assessments on the membership of the District may also be levied by a majority vote of the delegates voting at a Regular Convention of the District or at a Special Convention of the District, called in accordance with provisions of Article VII, of this Constitution. The President and Secretary-Treasurer may waive such portion of the assessment on the member of any local union in financial difficulty as they, in their discretion, determine to be appropriate. In determining financial difficulty they may take into account peculiar geographic problems.

Section 3. By a two-thirds vote of all the members of the Executive Board, acting in session, the enforcement of Sections 1 or 2 of this Article may be modified as to certain areas within the District where good and sufficient reasons exist for such modification.

Section 4. The books and accounts of the District shall be audited at least annually by a Certified Public Accountant appointed by the Executive Board of the District.

Section 5. Checks on the regular account of the District shall be signed by the Secretary-Treasurer. No promissory notes or other negotiable instruments shall be signed, made or issued on behalf of the District except for bona fide obligations of the District, and then only upon the signatures of both the President and the Secretary-Treasurer. Any notes or series of notes totaling more than \$25,000.00 must be approved by the Executive Board before being made.

Section 6. The Secretary-Treasurer of the District, and every other officer, representative and employee of the District handling funds and property of the District, shall each furnish promptly after election a bond to the District, and deposit the same with the District Office, in such amount and in such form as may be required by law. The face amount of such bond shall be adjusted after the close of each fiscal year to reflect the changed financial condition of the District. The premium of such bond shall be paid by the District and the bonds shall be approved by the Executive Board.

ARTICLE VII
CONVENTIONS

Section 1. Regular Conventions of this District shall be held every four (4) years during the week preceding the Convention of the International Longshoremen's Association and at such place as shall be decided upon by the Executive Board.

Section 2. A Special Convention may be called by a majority vote of the Executive Board. A Special

Convention shall be called on written notice which shall set forth the matters to be acted on at such Special Convention and be mailed to the principal office of each local union within the District at least thirty (30) days prior thereto.

Section 3. For the purpose of representation at the Convention:

(a) The accounts of the District shall be closed thirty (30) days prior to the Convention.

(b) All local unions must have their per capita tax/dues paid up to the date specified in the Convention call, to entitle them to a seat in the Convention.

Section 4. Each local union within the District shall be entitled to one vote regardless of its membership, up to one hundred (100), and one (1) additional vote for each additional one hundred (100) members or fraction thereof. In the case of local unions paying their per capita tax/dues by means of the check-off, the local membership during any given period shall be determined by the number of paid up members of the local union.

* **Section 5.** Each local union may elect any number of delegates. The vote of each local union shall be cast in accordance with the provisions of its by-laws which may provide that all the local union's votes be cast as a unit or permit each delegate to cast a pro-rata share of the votes to which the local union is entitled. If the local union by-laws are silent, then each delegate shall cast a pro-rata share of the votes to which the local union is entitled.

Section 6. Each delegate to a Regular or Special Convention must be elected as such delegate by a secret ballot in his local union at a regular or special meeting. Nomination for delegates shall be made at a regular or

a special meeting held on written notice at least fifteen (15) days prior to the election. Written notice of the election must be given to each member of the local union in good standing at least fifteen (15) days prior to such election by mailing such notice to each member at his last known home address. A delegate must bear credential assigned by the President and Secretary of his local union and bearing the seal thereof. A member of two (2) or more local unions can represent only one (1) such local union as a delegate.

Each delegate shall be entitled to a vote, but a local union may elect a greater or lesser number of delegates than it is entitled to, in which event the total vote of the local union, in accordance with the entire voting strength of the local union, shall be divided pro rata among its delegates. If the by-laws of the local union so permit, a delegate may represent a local union of which he is not a member provided he is otherwise eligible to serve as a Convention Delegate and he has been duly elected as a delegate by such local union in accordance with the Article. A local union, by express provision in its By-Laws, may provide that specific officers shall have among their duties the representation of such local union at the convention as delegates, and such officers may then serve as delegates if elected in accordance with the Constitution and with the applicable provision of the Labor-Management Reporting and Disclosure Act of 1959. The International Organization of Masters, Mates and Pilots and the United Marine Division shall be represented at the convention by delegates selected in accordance with their own Constitutions and with the applicable provisions of law.

Section 7. No person shall be eligible to serve as a delegate at the Convention unless:

(a) He has been a member in good standing of the local union which he seeks to represent for at least one (1) year immediately preceding the date of the nomination; or, in the case of a delegate representing a local union organized or affiliated with the District less than one (1) year prior to the date of the nomination, a member in good standing since the date of organization or affiliation; or

(b) For at least one (1) year preceding the date of the nomination he has been employed by the ILA or any of its subdivisions.

Section 8. No person shall be eligible to be a delegate at the District Convention who is engaged in a business, as a principal, supervisor or executive, with which the ILA or any of its subdivisions bargains or seeks to bargain collectively.

Section 9. Each member of the Executive Board who has not been elected as a Convention delegate by a local union shall be an ex officio delegate to the convention, but such ex officio delegate shall not be entitled to participate or vote in the nomination and election of Atlantic Coast District officers.

Section 10. The District President shall conduct the proceedings of the District Convention. He shall appoint all the necessary Committees to carry on the work of the Convention. He shall preside until his successor is duly elected and installed.

* **Section 11.** No resolution shall be submitted to the Convention that has not been mailed or delivered to the District's Executive Offices at least thirty (30) days prior to the convention, except that the Convention shall have power unanimously to accept any resolution offered at any time prior to its conclusion.

ARTICLE VIII

DISTRICT WAGE SCALE CONFERENCE

Section 1. The meeting of the District Wage Scale Conference shall be held in New York City, not later than the month of September of each year for the purpose of considering and taking action on matters pertaining to wages, working conditions and agreements for the District and in the various ports and for the purpose of the collective bargaining.

Section 2. The expenses of delegates of the Wage Scale Conferences shall be borne by the local union sending such delegates.

Section 3. The District Executive Board shall have the duty of working out the manner in which the various agreements are reached and signed within each port thereof. The Board shall have the power to enforce this Section and the decisions made by it thereunder. No agreement entered into by any local union or group of local unions or district councils shall be valid or enforceable unless it is made in conformity with this Section. The Board may designate a Vice-President to carry out its mandates under this section.

ARTICLE IX

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, suspension or expulsion from membership.

Section 2. The Executive Board shall have the power to discipline any member, officer or paid representative of a local union or district council in the District whom it finds guilty, after notice of and opportunity for a hearing upon charges, of violating any

provision of the Constitution of the ILA or this Constitution or a decision of the ILA Executive Council, the District Executive Board, or his local union or district council, or dishonesty, misconduct, or conduct detrimental to the welfare of the ILA.

Section 3. Actions and procedures under this Article, including appeals, shall be in accordance with the procedures for discipline and appeals set forth in the Constitution of the ILA.

Section 4. Whenever the ILA Executive Council shall assume jurisdiction over any disciplinary case pending before the District Executive Board pursuant to the provisions of the ILA Constitution authorizing such assumption, the District Executive Board shall cease acting in such matter and shall surrender jurisdiction to the ILA Executive Council.

Section 5. Upon the demand therefore by the District President or the Executive Board, the officers of any local union or district council shall produce at a place designated by him or them, all the books, records, and papers of such local union or district council, before him or them, or such person as he or they may designate, for examination or audit with the right to copy. Should a local union or district council, or the officers thereof, fail to comply with this provision, such local union or district council, or officers thereof may be suspended by the District President or the Executive Board, and an administrator of the affairs, properties, and assets of such body with full power to act may be appointed by the District President or the Executive Board, in addition to any other and further action which may be taken to discipline said local union or district council or any of its officers, as provided in this Constitution and the Constitution of the ILA.

ARTICLE X AMENDMENTS

This Constitution shall not be altered or amended except at a stated meeting of the District in Convention assembled, or by two-thirds vote of the members of the Executive Board at a duly constituted meeting, which amendment shall be subject to ratification at the next regular Convention.

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