

ADOPTED 2017

CONSTITUTION AND BY-LAWS



**Pacific Coast Marine Firemen,
Oilers, Watertenders and Wipers
Association**

(Marine Firemen's Union)

**Affiliated with
Seafarers International Union
of North America, AFL-CIO**

PREAMBLE

WHEREAS: The unlicensed engine-room crews on American flag vessels, when unorganized and without support, assistance or resources, have individually and collectively labored under severe grievances, have found it necessary to unite to obtain the strength to overcome such grievances, and

WHEREAS: An organization wholeheartedly devoted to the best interests of all its members is the only means whereby such grievances may be corrected,

THEREFORE: It has been deemed expedient to form a Union, known as the Pacific Coast Marine Firemen's Union. Its objects shall be to counteract any influence that may be working against its members' interest, to initiate reforms in the shipping industry, to watch over and guard the interests of its members whenever and wherever they may be assailed, to strive by all means to obtain fair and proper remuneration for all labor of its members; to endeavor to improve the ability and workmanship of its members; and to cooperate with other labor organizations.

Since one of the principal reasons for organizations is to eliminate favoritism, it shall be the policy of this organization to grant the same rights and privileges to all members of this Union who are in good standing.

So that this Union may grow and prosper in harmony and concord, we have adopted this Constitution in the name of the **PACIFIC COAST MARINE FIREMEN, OILERS, WATER-TENDERS AND WIPERS ASSOCIATION.**

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ARTICLE I

GENERAL PROVISIONS

SECTION I. Name: This Union shall be known as the PACIFIC COAST MARINE FIREMEN, OILERS, WATERTENDERS AND WIPERS ASSOCIATION. For the purpose of brevity, it shall be legal for the organization to use the short title of the MARINE FIREMEN'S UNION.

SECTION II. Union Insignia: The Union shall have as its insignia a design approved by the membership, embodying the utilization of a torch.

SECTION III. Jurisdiction: The jurisdiction of this Union shall be as determined by the membership from time to time. Until changed by the membership, the jurisdiction shall extend to all employees working in the unlicensed engine department aboard vessels.

It shall also extend to all employees working ashore covered by collective bargaining agreements with this Union. It shall cover all work ashore **pertaining to reefer container maintenance and repair; reefer container monitoring, plugging and unplugging; motor-generator set maintenance and repair; motor-generator set mounting and dismounting; and container chassis maintenance and repair.**

It shall also cover all work performed at sea and ashore by **Engineering Technicians, Maintenance Mechanics, Storekeepers, Electricians, Refrigerating Engineers, Pumpmen, Machinists, Junior Engineers, Oilers, Firemen, Watertenders and Wipers** and such allied work that may be

established pursuant to our agreement with the shipowners or shoreside contractors.

SECTION IV. Objects: The objects of the Union shall be:

A. To increase the wages and other remuneration of its members by all legitimate avenues under its control — by negotiations with shipowners; by strikes, if necessary; by collective bargaining agreements; by conciliation; and by legislation.

B. To improve the working conditions of its members in the same manner.

C. To strive, by every means possible, to better the living conditions of its members, both on board ship and ashore.

D. To shorten the hours of labor of its members.

E. To fight for the adoption of laws that will be directly beneficial to all seamen and to aid in securing legislation beneficial to all workers.

F. To provide an efficient, **well qualified** worker.

G. To inform its membership on problems faced by the Union, the maritime industry and by all labor.

H. To engage in such organizational activities as are necessary to protect the jurisdiction of this Union.

I. To unite with other labor organizations for mutual aid and protection.

J. To promote respect for lawful picket lines.

K. In addition to the foregoing objectives, the Union may from time to time, at its own discretion, adopt other objectives.

SECTION V. Powers: The powers of the Union shall be to represent its members in all matters pertaining to collective bargaining and to carry on all of the objectives of the Union.

Within the limits of this Constitution, the Union shall have the powers to legislate for its members; shall have necessary judicial powers to judge those members who violate rules that have been adopted freely and without coercion by its membership; and the executive authority to carry out the mandates of the membership, given by virtue of this Constitution, by referendum ballot of its membership or by vote of its membership in regular meeting assembled.

No other powers shall be exercised unless specifically granted by the membership.

SECTION VI. Policy on Affiliation: It shall be the policy of the Marine Firemen’s Union to affiliate with the State labor bodies wherein Headquarters or Branches are located, and with the appropriate City labor councils; or any other council or Federated body deemed appropriate to affiliate with for the benefit of the membership.

SECTION VII. Affiliation: The Marine Firemen’s Union shall be affiliated with the Seafarers International Union of North America, AFL-CIO. This Union shall remain so affiliated unless and until such time as the membership sees fit to change this policy.

Such change of policy shall be voted on in accordance with the rules on balloting specified for a secret referendum ballot.

SECTION VIII. Autonomy: The Marine Firemen’s Union shall retain its autonomy and necessary jurisdiction and shall retain its funds and property. Should any national or international body, by any action, attempt to assume ownership or take control of the property or funds belonging to the Marine

Firemen's Union, affiliation with the organization taking such action shall be automatically terminated.

SECTION IX. Union Paper: It shall be the policy of the Union to issue its own paper on a regular basis, keeping the membership acquainted with developments and news affecting the Union. The name of such periodical shall be *The Marine Fireman*. The policy of such periodical shall be to refrain from publishing personal attacks, innuendoes and slanders against any person or group within the Marine Firemen's Union.

SECTION X. Editorial Direction and Policy: The President/Secretary-Treasurer of the Union shall be the editor of the paper and shall be responsible to the membership for its contents.

The President/Secretary-Treasurer, Vice President, **and** Branch Agents shall comprise the Editorial Board.

Their names shall be placed at the head of the Editorial Page in *The Marine Fireman*; and, because of the danger of lawsuits, they shall have the authority to expunge from its pages any matter that may involve the Union in lawsuits, and shall be required to carry out the policy of having the paper issued to give the members the news of the Union.

With the approval of the membership, suitable **graphic design** help may be hired to help produce the paper.

It shall be the duty of the official paper to expose any paper published by a group, clique, faction, individual or other body which pretends in any way to be a **Marine Firemen's Union** paper.

SECTION XI. Gender Neutral: Wherever used herein, a pronoun in the masculine gender will be considered as including the feminine gender unless the context clearly indicates otherwise.

ARTICLE II

SYSTEM OF ORGANIZATION

SECTION I. Offices and Branches: The main office of this Union shall be in **the State of California**. Membership meetings shall be held **at Headquarters** and at Branches which shall be established from time to time as the necessity for such Branches arises.

SECTION II. Names of Branches: The general membership meeting held **at Headquarters** shall be known as the Headquarters Branch meeting. Each other Branch shall bear the name of its respective locality.

SECTION III. Cooperation of Branches: As the Marine Firemen's Union is a national organization, all Branches at all times shall cooperate with the President/Secretary-Treasurer and Headquarters on all matters pertaining to the general welfare of the Union as a whole; but, on matters of a purely local nature, Branches shall have authority to conduct their own affairs.

SECTION IV. Furnishings of Branches: Each Branch shall be provided with the necessary office and hall accommodations where the members shall call to transact the business of the Union, apply for information regarding its affairs and to hold meetings.

SECTION V. Times of Meetings: Regular meetings shall be held at Headquarters and Branches once a month; and such meetings shall, to the extent practicable, be held on the first **Wednesday** of each month at Headquarters, provided, howev-

er, if the first **Wednesday** is a holiday, the meeting shall be held on the succeeding day; and on the second **Wednesday** of each month at each Branch, provided, however, if such is a holiday, it shall be held on the succeeding day.

Members who have differences, troubles or questions they want aired may so do at any regular meeting.

SECTION VI. Quorum: Fifteen (15) members shall form a quorum for the transaction of ordinary business at Headquarters, and eight (8) members at each Branch.

SECTION VII. Special Meetings: Special meetings may be called at any time by the President/Secretary-Treasurer or Port Agent. In case of any member who believes he has reason to call a special meeting, he may so report to the President/Secretary-Treasurer or Port Agent, who may call a special meeting if he deems it necessary.

A special meeting, however, at Headquarters may be called by written application signed by fifteen (15) members eligible to vote, and a special meeting at a Branch may be called by written application signed by eight (8) members eligible to vote.

All action taken at a special meeting shall be ratified or rejected by the first regular meeting.

The purpose for which a special meeting is called shall be announced in the call.

No business other than that for which the meeting is called shall be transacted in any special meeting.

SECTION VIII. Chairman of Meetings: At each meeting, a Chairman shall be elected by voice vote of the members present who shall preside over the meeting for which he has been

elected and shall enforce due observance of the Constitution and By-Laws.

He shall decide all points of order, subject to appeal of the meeting and, in case of tie, shall have the deciding vote.

SECTION IX. Order of Business at Meetings:

1. Call to Order
2. Obligation, if Given
3. Election of Chairman
4. Election of Recording Secretary
5. Reading of Financial Report
6. Presentation of Bills
7. Reading the Minutes of Previous Meeting
8. Reading Minutes of Branches
9. President/Secretary-Treasurer's Report at Headquarters
Branch Agent's Report at Branches
10. Vice President's Report
11. Initiation of New Members
12. Communications and Actions Thereon
13. Special Committees' Reports
14. Auditing Committee Report
15. Good and Welfare
16. Unfinished Business
17. New Business
18. Adjournment

SECTION X. Rules for the Conduct of Meetings:

1. No motion shall be placed before the meeting unless moved and seconded, nor be open for discussion until stated by the Chair. When a motion is before the meeting, the only motion in order shall be as follows, viz:

- a. To adjourn
- b. The previous question
- c. To postpone indefinitely
- d. To postpone — to name substitute
- e. To recommend and refer
- f. To amend
- g. To substitute

And they shall take preference in the order named, the first three to be decided without debate.

2. If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor. No member shall speak twice on any question until all who desire have spoken, without permission of the Chair.

3. No motion shall be entertained while a member has the floor, and members making or seconding a motion shall rise and address the Chair.

4. No member shall be interrupted while speaking except to a point of order.

5. If a member, while speaking, be called to order, he shall at once, at the request of the Chair, take his seat until the question is decided when, if in order, he may again proceed.

6. Unless an appeal be taken, the decision of the Chair shall be final upon all points of order. A majority of valid votes cast shall be necessary to overturn the decision of the Chair on a point of order. No motion or resolution shall be declared adopted unless it obtains a majority of valid votes cast.

7. Any member may call for a division of the question when the subject matter permits; and, when three members call for the ayes and nays, they shall be ordered taken by the Chair.

8. When the ayes and nays shall have been taken, the results

shall be noted in the minutes.

9. No motion to adjourn shall be entertained by the Chairman until such time as the regular order of business has been completed.

10. Rules of order not herein provided shall be decided according to Roberts' Rules of Order, Revised.

The senior elected official, present at any membership meeting, shall call the meeting to order and preside until the election of a Chairman. Such official shall also have the duty, during such meeting, to assure compliance with this Constitution, the maintenance of proper decorum at the meeting. He shall have the duty to claim the privilege of the floor at any time if, in his opinion, the provisions of this Constitution governing the conduct of meeting are not being observed.

SECTION XI. Ships' Meetings: The ship's membership meeting shall be recognized Union authority aboard ships. At least two Union meetings shall be held per trip but not less than one meeting per month. Every man not on watch must attend the meetings. All membership books shall be checked and book numbers and dues standing of each member recorded by the delegate. The purpose shall be to see that the standards of the Union contract are maintained in regards to the working rules, conditions, food and quarters. The meetings should take an active interest in all matters affecting the seamen, the labor movement and the nation.

SECTION XII. Ships' Delegates: The duties of the ships' delegates shall be:

A. Keep record of all dues standings.

B. Keep record of all overtime worked by unlicensed engine

room members.

C. Take up with department heads all matters affecting members.

D. The ship's delegate shall represent the crew in all dealings with consular and other officials in ports where no Union office is located.

E. He shall contact the Union office upon arrival and present a record of dues standings, disputed overtime, a list of improvements requested by the crew and a record of all information pertaining to the trip just completed, including any misconduct during the voyage.

F. In port, if a ship has no delegate, the Union officials shall appoint one, pending selection of a delegate at the first ship's meeting.

G. The delegate shall not have the power to agree to any violation of the collective bargaining agreement or the Constitution. Any decision of the delegate may be reviewed by an elected officer of the Union, and a grievance may be filed against a shipowner for any violation of the collective bargaining agreement notwithstanding any decision to the contrary by the ship's delegate.

H. In performing his duties, the ship's delegate is not authorized to conduct any slow-down, wildcat strike, acts of violence, and should refrain from any physical altercation with any crew member of any department or any company.

SECTION XIII. Convention: It shall be the policy of the Marine Firemen's Union to hold, in the year in which the principal collective bargaining agreement or agreements are to be renegotiated and prior to such negotiations, unless problems arise

which require immediate attention, a Convention comprised of the President/Secretary-Treasurer, Vice President, Branch Port Agents, three elected delegates from Headquarters and one elected delegate from each other Branch. This shall be an open convention and shall be known as the Marine Firemen's Union Convention, and all members in good standing shall be permitted to attend as fraternal delegates and be entitled to a voice, but no vote, in the proceedings. Only the President/Secretary-Treasurer, Vice President, Branch Port Agents and elected delegates to the Convention shall be entitled to vote. The President/Secretary-Treasurer, Vice President and Port Agents shall present reports to the Convention on the situation generally and in the ports, which shall be publicized in the Union paper and made a part of the records of the Union.

The Convention shall consider ways and means of bettering the collective bargaining agreements of the Union, shall make reports pertaining to the good and welfare of the Union and shall take up such matters that might be referred to it by the membership for consideration.

The recommendations of the Convention shall be submitted to a hand-raising vote of the next membership meeting at Branches, unless the Convention shall recommend a referendum ballot or this Constitution or any applicable federal law requires a secret ballot.

SECTION XIV. Powers of Convention: The Convention shall have no powers to make final decisions on policy, but shall consider problems facing the organization and present its recommendations on questions of policy affecting the Union to a vote of the membership.

SECTION XV. General Vote:

A. The supreme authority of the Union shall be the secret referendum ballot of the membership.

B. When any proposition is submitted to a general vote of the Union, the Headquarters Meeting shall arrange the details of printing, fix the time of taking such vote and establish the duration of time for balloting, which shall start in the same week at Headquarters and Branches and continue for a period of not less than thirty nor more than ninety consecutive days. Notice of a secret referendum ballot shall be posted for two weeks on a notice board at Headquarters and Branches. No member shall be entitled to vote more than once upon the same proposition.

C. All matters affecting the general welfare of the Union must be reported in detail to the membership and submitted to a vote at regular meetings at Headquarters and other Branches for their approval unless otherwise specified in this Constitution.

D. All balloting shall be conducted in accordance with the provisions of applicable federal law, and all matters required by law to be conducted by secret ballot shall be conducted by secret ballot.

ARTICLE III OFFICERS, REPRESENTATIVES, DELEGATES AND COMMITTEES

SECTION I. Officers: Subject to the provisions of Article III, Section XV of this Constitution, the Officers of the Union shall be President/Secretary-Treasurer, Vice President, Port Agents, Business Agents and the Board of Trustees.

SECTION II. Duties and Powers of President/Secretary-Treasurer:

The President/Secretary-Treasurer of the Union shall:

A. serve as the chief executive officer of the Union and represent the Union on all occasions where official representation by the chief executive officer of the Union is required or otherwise provided by the Constitution or duly adopted resolution of the Union. He shall be responsible, within the limits of his powers, for the enforcement of this Constitution, the policies of the Union, all rules and rulings 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.

B. act as the Executive Secretary of the Union and cause to have issued all membership books and retiring cards, and also all official notices and certificates of election. He shall keep the seal of the Union in his possession and affix same to important official correspondence. He shall be responsible for the organization and maintenance of the correspondence, files and records of the Union and the setting up and maintenance of proper office and other administrative Union procedures. He shall affix his signature empowering the removal of ballots for official checking and counting.

C. be: Chairman of the National Strike Committee; a trustee on any welfare, pension, supplemental wage benefit or similar trust established pursuant to any collective bargaining agreement; a member of the Banking Committee; a delegate to the Seafarers International Union Convention by virtue of his office; Chairman of the Convention with one vote; Chairman of the Negotiating Committee in charge of all negotiations pro-

vided, however, the President/Secretary-Treasurer shall have the power to delegate this function to other officials in cases of minor negotiations if he deems such delegates advisable; editor of *The Marine Fireman*; Chairman of the editorial board; Chairman of the Board of Trustees; a member ex-officio of all other committees of the Union, provided, however, if the President/Secretary-Treasurer is a candidate for Union office, neither the President/Secretary-Treasurer nor any other candidate for Union office shall be eligible to serve on the Credentials Committee, the Election Committee, the Balloting Committee or any other committee responsible for conducting any portion of an election for Union office. This shall not be construed to limit the powers of the President/Secretary-Treasurer to interpret the provisions of the Constitution and By-Laws pursuant to the provisions of Section II.G and Article III when requested to do so.

D. be in charge of, and responsible for, all Union property and shall be in charge of Headquarters and Port offices. Whenever there are time restrictions or other considerations affecting Union action, the President/Secretary-Treasurer shall take appropriate action to insure observance thereof.

E. bring before the regular and special meetings such grievances as may have been reported to him by members, give a report of the general situation to each regular meeting at Headquarters and send copies of the minutes of Headquarters meetings to the other Branches.

F. have the power to: recommend voluntary assessment by the membership; call special meetings of the membership; pass upon all press and radio releases of the National Strike Committee; take all steps to assure the Union complies with the pro-

visions of applicable federal law; appoint an alternate member of the Banking Committee; act as spokesman in all negotiations in which he is in attendance.

G. interpret the provisions of this Constitution and By-Laws; and such an interpretation shall be final and binding on all parties, subject to an appeal to the membership.

H. perform the duties of the former Treasurer listed in Section IV of this Article.

SECTION III. Duties and Powers of the Vice President:

The Vice President of the Union shall:

A. under the direction of the President/Secretary-Treasurer, assist the President/Secretary-Treasurer in his duties and exercise all of the powers and perform all of the duties of the President/Secretary-Treasurer in the absence of that officer. He shall also succeed the President/Secretary-Treasurer in case the office of President/Secretary-Treasurer becomes vacant, but such succession shall not be for the unexpired term but only until an election can be held to fill the vacancy.

B. be: a member of the Banking Committee; in the absence of the President/Secretary-Treasurer, Vice Chairman of the National Strike Committee; Vice Chairman of the Board of Trustees by virtue of his office; a trustee on all health and welfare, pension or similar trust established by collective bargaining agreements requiring two or more trustees to be designated by the Union; by virtue of his office, a member of the Editorial Board.

C. handle disputes arising under collective bargaining agreements which may be referred to him by the President/Secretary-Treasurer, Port Agents or Business Agents and shall have publicized any agreement, oral or written, arrived at between

any employer and the Union and send a copy of such agreement to each Branch.

SECTION IV. Duties of Former Treasurer: The President/Secretary-Treasurer of the Union shall **also** have the following powers and duties:

A. The President/Secretary-Treasurer shall be responsible to the membership for the safeguarding of all Union funds and observance of the provisions of this Constitution with respect to the handling of financial matters of the Union.

B. He shall keep in his possession:

1. all check books used at Headquarters;
2. the bank books pertaining to the Headquarters' regular checking account and current depositories for other funds;
3. file copies of all financial reports of Branches;
4. a correct account between the Union and each member and each Branch or other institution in which the Union's funds are deposited or invested, and also between Headquarters and each Branch;
5. all vouchers and receipt books for a period of 7 years (after which time they may be destroyed) and submit same to inspection by any proper Committee or Auditors.

C. He shall:

1. receive and receipt for all funds given him by the members or other parties.
2. deposit all money of the Union in such bank or banks as the Union may from time to time designate and effectuate such deposits regularly and promptly.
3. prepare a financial report for the Headquarters' meeting and send a copy of such report to all Branches.

4. prepare and submit quarterly to the membership a financial report showing in detail the finances of the Union.

5. draw all orders on the Union's treasury for the payment of bills duly audited and ordered paid by the membership.

6. keep his accounts in books provided by the Union and send weekly and annual balance sheets to all Branches on the financial standing of the Union.

7. order and keep on hand an adequate stock of receipt forms and all necessary report forms, official stationery, etc., and supply the same to the proper officials.

8. have charge of all receipt books issued to Branch Agents and patrolmen.

9. pay any small bills for office expenses and general expenses.

10. prepare and submit all reports required to be submitted under the provisions of applicable law relating to the financial affairs of the Union and to comply with all provisions of federal law regarding publicity to be given to such reports.

11. order all check books used at Headquarters and see that they are consecutively numbered, in the proper form and used in rotation.

12. perform such duties in connection with the election as specified in Article V, Section XVII, of this Constitution.

SECTION V. Duties of Port Agents: The Port Agent shall have the following powers and duties. He shall:

A. serve as the executive officer of the Union in his respective locality and keep a record of the proceedings of all regular and special meetings of his Branch and forward copies thereof

to Headquarters and Branches.

B. prepare weekly financial reports showing in detail the income and expenses of his Branch and shall forward copies thereof to Headquarters, together with original vouchers for expenditures and completed receipt books.

C. receive money due the Union from members and initiation fees for application of membership either directly or through the Business Agents assigned to his Branch.

D. at the end of each week, remit to the President/Secretary-Treasurer any money on hand in excess of Two Thousand Dollars (\$2,000.00) except in case of strike.

E. deposit promptly in such bank as the Union shall designate, in the name of the organization, all funds of the Union received at his Branch, and shall pay for all bills by checks that have been protected by a check protector.

F. be empowered to sign checks and such other documents that might be necessary for the conduct of the business of the Union, upon approval of the membership meeting.

G. fill all orders for crews, in conformity with the shipping rules.

H. be responsible for coordinating and assisting any temporary or standing committee which the Branch may elect from time to time.

I. have charge of the office and assembly room and shall see that they are kept in proper order.

J. notify members or prospective members who are more than six (6) months delinquent in payment of money due the Union, including initiation fees, that they will lose membership and all the rights of membership in the Union unless they cure the delinquency in accordance with Article VIII of this Constitution.

K. in case of any serious difficulty, immediately notify Headquarters of the nature of the trouble; and, in all cases, the question whether a picket line of another union should be officially supported by this Union shall be referred to Headquarters for decision.

L. cooperate with and carry out all lawful instructions of the President/Secretary-Treasurer, Vice President and the membership of the Union and, in matters of a local nature, carry out the instructions of the membership in the port to the extent such instructions are not in conflict with this Constitution.

SECTION VI. Duties of Business Agents: Headquarters and other Branches shall have sufficient Business Agents to handle the necessary business of the organization. Business Agents shall have the following powers and duties. They shall:

A. at Branches, carry out the instructions given them by the Port Agent; and at Headquarters, shall operate under the direction of the President/Secretary-Treasurer.

B. be assigned to visit vessels in their districts to ascertain whether they are properly manned by members of the Union and, if so, whether the members are in good standing; endeavor to visit all ships that visit their ports; inspect all quarters, mess rooms and pantries to ascertain whether they are being kept in a clean and proper order.

C. see that the provisions of the collective bargaining agreements of the Union are enforced and take the necessary steps to adjust the grievances of the members.

D. settle disputed overtime claims and take up with the proper company officials any and all problems dealing with the good and welfare of the crew.

E. see that the rules of the Union are being lived up to.

F. confer with the ship's delegate or, in his absence, other members of the crew before adjusting any disputes.

G. supply the crews with copies of the Union paper and other literature issued by the Union.

H. be authorized to collect money due the Union from members and must give official receipts for each amount collected.

I. turn over to the President/Secretary-Treasurer or the Port Agent in their respective ports all money collected within twenty-four hours after receiving same.

J. see that the crews are properly filled, in conformance with the shipping rules.

K. see that, from among the crew of each vessel under contract to the Union, an efficient member is selected as ship's delegate and be instructed in the duties required of him.

L. upon request, exhibit credentials indicating the fact that they are acting in a representative capacity for the Union.

SECTION VII. Board of Trustees' Composition: The Board of Trustees of the Union shall be composed of five trustees and shall be elected on the same ballot as that for the election of officers. The President/Secretary-Treasurer and Vice President, by virtue of their office, shall be members of the Board of Trustees. The remaining three members shall be elected. If a Board member is absent for any reason, three members of the Board of Trustees shall constitute a quorum for the performance of the Board of Trustees' duties.

SECTION VIII. Duties of Board of Trustees: The Board of Trustees shall have the following powers and duties:

A. The trustees shall be entrusted with the safekeeping of securities, bank books, real estate title deeds and documents and other tangible assets of the Union, including the Strike Fund of the Union. Except pursuant to the written agreement of authority given to the investment manager, no securities owned by the Union, or in its various funds, shall be cashed or traded unless recommended by the Board of Trustees and approved by the membership voting at simultaneous meetings at all Branches. Five trustees must be present to withdraw any of the Union's assets.

B. The trustees shall act as a Financial Committee and shall be empowered to examine into all phases of the financial structure of the Union, to employ or retain the services of a Controller, to make recommendations as deemed necessary and to report in writing annually to the membership on the financial structure of the Union.

C. The Board of Trustees shall also be empowered to make the necessary moves to construct or purchase buildings for the Union, subject to the provisions of Article VII, Section XIII.

D. The Board of Trustees shall issue such regulations for the conduct of elections as may be required to comply with any federal law not otherwise provided for in any lawful provision of this Constitution and By-Laws.

E. The Board of Trustees shall investigate any charges made against any officer of the Union and shall have the power, pending action by the membership, to suspend any officer from office and to halt his salary pending trial on charges.

F. The Board of Trustees shall rent a suitable safe deposit box for the purpose of safeguarding any legal documents,

bonds, securities, etc., that they may see fit to deposit in same, which access shall be denied unless five trustees are present. Securities that have been entrusted to an investment manager for investment purposes shall be maintained in a bank for custodial purposes, and the bank must agree to provide, upon demand of the trustees at any time, a record of the securities so held by it on behalf of the Board of Trustees.

G. Regular meetings of the Board of Trustees shall be held once every year at Headquarters and on call of the President/Secretary-Treasurer or any four members.

SECTION IX. Delegates and Representatives to Labor Bodies: To be eligible to serve as a delegate or representative to any labor body, a member must have been in good standing continuously one year immediately preceding the nomination, and shall be nominated and elected as follows:

A. Delegates to state and city central labor bodies shall be nominated at a regular meeting in the port in the respective states and cities where such labor bodies and central bodies are located. The nomination and elections shall be by secret ballot and pursuant to such regulations as the port may adopt; provided, however, such regulations shall be in conformity with applicable federal law.

B. The delegates to the convention of the Seafarers International Union of North America shall be elected on the regular election ballot and shall have the same qualifications as are required for officers. The President/Secretary-Treasurer shall be delegate to the convention of the Seafarers International Union of North America by virtue of his office, and any member holding office in the Seafarers International Union of North Ameri-

ca shall be ex-officio a delegate to the convention.

C. Such other delegates and representatives may be selected by the membership pursuant to resolution duly adopted by the membership and pursuant to such regulations as may from time to time be adopted by the membership. Delegates to labor bodies shall report regularly to the membership and shall always try to represent the views of the membership in voting on all questions before such labor bodies.

SECTION X. Committees of the Union: The regular committees of the Union are:

A. **Credentials Committee.** The Credentials Committee shall consist of five members. Their duties shall consist of checking acceptances in connection with the regular election of officers and shall report to the membership on the eligibility of the candidates. They shall also prepare the ballot, listing all names for office in alphabetical order. Because of the necessity of checking acceptances at Headquarters, they shall be elected at a regular meeting immediately preceding the checking of acceptances. No nominee for office shall be eligible to serve on the Credentials Committee.

B. **Balloting Committee.** The Balloting Committee shall consist of one elected member from each Branch on the Pacific Coast. Their duties shall be to check and count ballots in connection with any referendum conducted in the Union. Balloting Committee members from Branches outside of **Headquarters** will receive transportation to and from the port from which they were elected, plus expenses. No nominee shall be eligible to serve on the Balloting Committee.

C. **Auditing Committee.** There shall be elected at each reg-

ular meeting at all Branches an Auditing Committee of three or five members who shall examine the office books, financial reports and bills, and report thereon to the same meeting.

D. Banking Committee. A Banking Committee shall be constituted at Headquarters composed of the President/Secretary-Treasurer, Vice President and Controller, together with an alternate appointed by the President/Secretary-Treasurer. The duties of the Banking Committee shall be to select a bank and to see that all funds of the Union remitted from all Branches or collected at Headquarters are promptly and regularly deposited in such bank. No funds may be withdrawn from such bank without three of the four designated signatures of the Banking Committee being signed to the check.

E. National Strike Committee. In the event of a national strike, a National Strike Committee shall be immediately established. It shall be composed of one member elected from each Branch and the President/Secretary-Treasurer and Vice President. It shall be the duty of the National Strike Committee to supervise the conduct of the strike, and they shall have the power to:

1. issue clearance cards at the conclusion of the strike to all men who have performed their proper picket duty; provided, however, such clearance cards shall be uniform for all ports and shall have the signature of the President/Secretary-Treasurer and the name of the Union on them.

2. establish a uniform fine system for members found guilty of missing picket duty and to recommend assessments to the membership to be levied on men working ashore or on "fair" ships to the extent such assessments are not otherwise

provided for in this Constitution and By-Laws.

3. keep each Branch informed on the progress of the strike, recommendations and decisions of the Committee and to otherwise carry out the instructions of the membership.

4. issue press or radio releases which shall come through the office of the President/Secretary-Treasurer.

F. Special Banking Committee. A Special Banking Committee shall be established in the event of a strike or lockout. The Special Banking Committee shall consist of one elected representative from each Branch on the Pacific Coast. The duties of such Special Banking Committee shall be to pass upon and permit, with the concurrence of the Board of Trustees, the release of strike funds or the cashing or negotiating of securities held in the name of the strike fund.

G. Editorial Committee. The President/Secretary-Treasurer, Vice President **and** Branch Agents will comprise the Editorial Board. The duties of the Editorial Board shall be to review the contents of *The Marine Fireman*. They shall endeavor to expunge from its pages any matter that may involve the Union in lawsuits and to carry out the policies governing the Union paper set forth in this Constitution and By-Laws.

H. Classification Committee. Representatives of the Union serving on any Classification Committee with Employers pursuant to the provisions of shipping rules shall consist of the President/Secretary-Treasurer, Vice President and one Business Agent at Headquarters.

I. Other Committees. Other Committees may be established from time to time by Resolution of the membership to

fulfill purposes not otherwise provided for in this Constitution and By-Laws.

J. Method of Electing Committees. Unless otherwise specifically provided in this Constitution and By-Laws, the membership of any Committee shall be elected by voice vote at any regular or special meeting and no advance notice of nominations need be made.

SECTION XI. Oath of Office, Privilege of Office Holding, and Bonding:

A. All officers of this Union, when installed after election, shall be required to take the following oath of office:

“I do hereby solemnly pledge my most sacred honor that I will faithfully fulfill the duties of my office as _____ of this Union during the term for which I have been elected and installed, that I will support the Constitution and By-Laws of this Union and perform the duties thereof to the best of my ability and bear true allegiance to this Union. I do further pledge that I will deliver to my successor in office all books, papers and other property of the Union that may be in my possession or under my control at the close of my term of office or upon my resignation, whichever first occurs, and that during my term in office I will not knowingly aid or support the activities of any organization seeking to undermine this Union, so help me God.”

B. The right to assume office or hold office or position in the Union shall never be deemed a property right, but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under the Constitution shall not be the basis for any personal

liability against such officer.

C. All officers of the Union must, as a condition of holding office, execute all necessary forms required by law in order to be filed with any federal or state agency either for and in behalf of the Union or as an officer or employee thereof, but accidental default shall not be considered a violation of the duty imposed by this section.

D. **Bonding.** Every officer, agent, employee or other representative of this Union who handles funds or other property of this Union, to an extent requiring him to be bonded in accordance with the provisions of applicable law, shall be so bonded. The amount of bond required of each person shall be ascertained by the President/Secretary-Treasurer, and the premium charges shall be paid out of the general funds of this Union.

If the Board of Trustees ascertains that it would be to the advantage of this Union to join with the Seafarers International Union or any or all of its subordinate bodies or affiliated unions in obtaining a bond or bonds covering persons in this Union and such other organizations under a bond or bonds issued to the Seafarers International Union or other subordinate body, then, in such event, the President/Secretary-Treasurer is authorized and empowered to enter into such arrangements and pay from the general funds of this Union the cost for bonding these persons in this Union, but such coverage shall conform to the requirements set forth in the first paragraph of this section.

Should the bond of any person required to be bonded be canceled after surety coverage has been afforded, then, such person may be allowed thirty (30) days within which to arrange either for reinstatement of his coverage or the substitution of another

bond meeting the requirements set forth in the first paragraph of this section to take the place of the canceled bond. However, during the period such person is not covered by such surety bond, such person shall not handle any money or property of the Union. If, after the expiration of thirty (30) days, a surety bond required is not obtained by an officer, that officer shall automatically be deprived of holding any office for which a bond is required.

SECTION XII. Limitation on Powers of Officials: The following limitations and policies shall be observed by all officials in the exercise of their powers and duties:

A. At all times, officials shall treat the members with courtesy and respect.

B. None of the powers and duties granted shall be interpreted in such a manner as to preclude regularly elected committees properly authorized by the membership in conformance with the Constitution from carrying out the specific lawful duties delegated to them by the membership.

C. All Officers and Agents shall conduct their affairs and exercise their powers in a spirit of cooperation with other officers and the membership and shall not in any way attempt to obstruct other officers or agents from the performance of their constitutional duties.

D. All officers shall maintain their records in such a manner as will render them readily accessible for the inspection of members pursuant to the provisions of this Constitution and applicable federal law.

E. No officer shall have the authority to waive any of the benefits of any member expressly set forth in any collective bar-

gaining agreement; and before any agreement, plan or program which legally binds the Union may be signed, such agreement, plan or program must be submitted in detail to the membership for their approval in a manner specified by this Constitution. No officer shall make any oral agreement or commitment with any representative of any employer relating to wages, hours or working conditions of the membership unless: (a) the matter is of an emergency nature and not in conflict with the express terms of any collective bargaining agreement; (b) the duration of the oral agreement or commitment shall not extend beyond the period of thirty days or the duration of one voyage, whichever is longer.

F. All officers shall be guided by the principle that matters affecting the general welfare of the Union must be reported in detail to the membership and submitted to a vote at regular meetings at Headquarters and Branches for their approval unless otherwise specified in this Constitution and By-Laws.

G. Officers shall not, while holding any office, be gainfully employed in any other business or activity or accept payment for employment from any other organization or business without the advance approval of the membership. Nor shall any officer hold an interest in any liquor business, either wholesale or retail, or in any boarding house if either is within a radius of 60 miles from the Union office in any port. In the event the membership has granted approval for an officer to accept compensation from any other organization or business, any money received in excess of actual expenses shall be paid into the Union treasury.

H. All officers shall refrain from any activity which will bring them into a conflict of interest with the Union and shall

refrain from any activity which will bring the Union into disrepute.

I. Before any agreement, plan or program which legally binds the Union may be signed, such agreement, plan or program must be submitted in detail to the membership for their approval in a manner specified by this Constitution.

J. No official shall distribute slates or printed propaganda during working hours for or against any candidate during an election.

K. Securities owned by the Union, or in its various funds, may be invested or reinvested by an appointed investment manager or by the Board of Trustees, subject to report to the membership.

L. Although officials of the Union or delegates may discuss informally with members and express opinions on the interpretation of benefits to which the member may be entitled, under the Pension, Health-Welfare or Supplemental Wage Plan, each member must realize that the only official interpretation that can be given is by the Trustees of the Plan meeting collectively. Claims for benefits must be reviewed by the Administrator, records must be checked against all of the provisions of the Plan and any opinion of an official is not binding on the Trust of any Plan; and the member desiring an official opinion upon which he can rely should direct his inquiry, in writing, to the Administrator of the particular Plan for follow-up and report to the member.

SECTION XIII. Salaries, Working Conditions and Benefit Provisions for Officers:

A. **Salaries:** The salaries in effect at the time of the adoption

of this Constitution shall remain in effect provided, however, whenever the membership gets a general increase in wages in negotiations or vacation and similar provisions, the Board of Trustees may recommend a similar increase or less, subject to membership approval, to be applied to the officials' wages, vacations or similar privileges to be effective on the same date as the membership receives their increase. No officer shall receive overtime pay.

Officials' salaries shall cease when the Union cannot reach an agreement and is forced to strike or is locked out by Employers. In the event our members are put out of work due to strike action by other unions, officials shall be off payroll when soup kitchens are set up.

B. Vacation: Each officer shall receive a vacation allowance and pro-rated vacations on that granted members under the collective bargaining agreements. In no event shall vacation or pro-rated vacation exceed that approved by the Board of Trustees. Such officers shall not be entitled to any vacation until they have worked a minimum of three months for the organization. It shall not be the policy of the Union to grant cash allowances — or double pay — in lieu of vacations, except for vacation pay due officials in excess of the number of weeks the Board of Trustees recommend any official can be off job on vacation.

C. Sick Leave: It shall be the policy of the Union to allow its officers, when sick or injured, a reasonable amount of sick leave; and the Union shall supplement any amount to which an officer is entitled by virtue of State Disability Insurance, Workers' Compensation Insurance or personal injury awards for lost time to bring the total amount received by the sick or injured of-

ficer to the amount of the regular pay after reduction for amounts received from other sources for injury or sickness. The amount of time and sick leave to which an officer is entitled shall be a reasonable amount and shall, in each case, be that recommended by the Board of Trustees and concurred in by the membership.

D. Hospitalization: It shall be the policy of the Union to allow its officers the same health and welfare benefits as those granted members under collective bargaining agreements. This shall include a dental plan similar to that provided to the rank and file membership.

E. Pension: It shall be the policy of the Union to allow its officers the same pension benefits as that granted members under collective bargaining agreements. Such pension may be afforded through membership in any pension plan established by collective bargaining agreements or by establishing a separate pension plan. An officer entitled to pension benefits under a plan established by a collective bargaining agreement shall not be entitled to additional pension from the Union.

F. Travel Expenses: When traveling on Union business, representatives shall be allowed airplane transportation, with reasonable expenses to cover incidentals such as taxi fares.

G. Travel Allowance: When called away from his regular port on Union business, a representative of the Union shall be entitled to a reasonable daily allowance to cover hotel bills and such incidentals occasioned by his absence from his usual residence.

H. Burial Benefits: If an official of the Union dies while in office, the **other** Branches and Headquarters shall approve the expenditure of wreaths from each Branch.

SECTION XIV. Additional Duties of Officers: All of the officers of the Union, in addition to the duties enumerated in this Constitution and By-Laws, shall perform such other duties as may, from time to time, be assigned to them by the Union.

SECTION XV. Elimination or Consolidation of Duties and Jobs: Notwithstanding any other provision of this Constitution, if shipping conditions fall off, any officer, trustee or other position may be abolished by a majority vote of the membership meeting at Headquarters and Branches, so long as the duties of the President/Secretary-Treasurer and Board of Trustees are consolidated with the duties of other officers or trustees.

If feasible, a man whose job is abolished shall be transferred to another port where a man is needed.

The duties performed by a man whose job has been abolished may be assigned to any other officer, trustee or employee of the Union.

ARTICLE IV MEMBERSHIP

SECTION I. Class of Membership: There are two classes of membership in the Marine Firemen's Union:

- (a) Full book membership.
- (b) Junior membership.

SECTION II. Qualifications for Membership: To be eligible for membership in the Marine Firemen's Union, a person must be of good character, attached to the principles of this Constitution and must be an experienced worker in the unlicensed Engine Department aboard ships as provided herein.

A candidate for membership must have sufficient knowledge of the English language to enable him to thoroughly understand all orders and instructions necessary for the performance of his duties aboard ship. No person shall be admitted to the membership in the Marine Firemen's Union who is a member of a dual organization. A dual organization is defined as one claiming jurisdiction over unlicensed engine room personnel on American-flag vessels.

SECTION III. Qualifications for Full Book Membership: Candidates for book membership in the Marine Firemen's Union must be examined by a committee of not less than three members in good standing, preferably men who have sailed with the applicant for at least one voyage.

To be eligible for book membership, such committee must certify that, in its unbiased and well considered opinion, the applicant would be a desirable member to belong to the Marine Firemen's Union. Applicants for full membership shall submit to the committee, in advance of the date of the meeting:

- (a) two letters of recommendation attesting the applicant's seagoing ability;
- (b) the requisite initiation fee and dues;
- (c) documentary proof that the applicant has **met the conditions for "A" seniority under the Shipping Rules.**

For purposes of this section, employment under a shoreside agreement shall be limited to days of employment for which manday contributions to the MFOW Money Purchase Plan are required.

In the event the committee, in its sole discretion, shall decide the applicant should submit additional proof of his ability,

or in order to allow additional time to check documents submitted, the committee may issue book membership on probation for a period of time not to exceed one (1) year and may require the applicant to agree that the book will be surrendered in the event, during the period of probation, he does not establish his competency or his willingness to observe the principles of trade unionism, or the documents submitted to the committee shall be determined to be false in any respect.

The committee shall have the authority to refuse to grant book membership in the event the applicant does not submit the required material or does not demonstrate his competency. Once an applicant has been denied a book, no new application shall be considered for a period of six (6) months.

SECTION IV. Qualifications for Junior Membership:

Junior membership books shall be issued **to applicants who meet the requirements for “C” seniority under the Shipping Rules.**

Junior members are expected to study during the period of their Junior membership and obtain proficiency in the trade by obtaining proficiency in various ratings. All members are encouraged to assist Junior members to complete their apprenticeship period as rapidly as possible.

SECTION V. Organizing Campaigns: Notwithstanding other provisions of this Article, membership books may be issued in the course of organizing campaigns, national emergencies or the fulfillment of the Union’s obligations under any collective bargaining agreement under such rules and procedures as may be determined by the membership at a regular business

meeting at Headquarters and all Branches.

SECTION VI. Honorary Membership: The Union may grant honorary membership by vote of any Branch regular meeting to any person who has made an outstanding contribution or sacrifice to the cause of organized labor.

SECTION VII. Superannuated and Pensioned Members: Men sixty-five years of age and older, or men receiving pensions under the terms of any collective bargaining agreement with the Union, who are unable to go to sea and who have been members ten years or longer shall be granted all privileges of the Union, other than the right to vote, and shall be exempt from the payment of dues.

SECTION VIII. Retired Members: Headquarters may issue retiring cards upon proper application either at Headquarters or Branches to members intending to remain ashore for a period in excess of one year, but not to exceed five years, provided all dues are paid through the current month.

Retired members, provided they remain so for more than one year, shall be exempt from payment of dues but shall have no privileges and benefits of membership during the period of their retirement. Retired members wishing to sail before one year has passed must pay dues for the time during which they held retiring cards but may reinstate only in accordance with shipping conditions and shipping rules approved by the membership on payment of the current month's dues. Under no conditions shall retiring cards be issued during any strike or lockout. Any member who takes out a retiring card and sails on an unorganized ship shall be subject to expulsion. No member who has held a

retiring card for a period of six months or over shall be entitled to hold any office in the Union until twelve months have elapsed from the date of reinstatement.

SECTION IX. Voting Qualifications: The following members are eligible to vote:

Each Full Book dues paying member in good standing;

Each Junior member who is a dues paying member in good standing, and:

(a) had **180** or more days of **Covered Employment** and

(b) holds **the ratings of Oiler and Rating Forming Part of an Engineering Watch** and

(c) had 90 days of Covered Employment within the preceding 12 months.

SECTION X. Duties of Members: It shall be the duty of each member:

A. To be true and loyal to the Marine Firemen's Union and the labor cause and to endeavor to put into practice the principles set forth in this Constitution.

B. To treat officers of the Union and ship's delegates with due respect, consideration and cooperation and to give strict obedience to such lawful rules as the Union may adopt.

C. To uphold and endorse the objectives of bona fide labor organizations, to patronize all union-made goods and to shun all places or institutions where non-union labor is employed.

D. To cooperate in maintaining the Union as a powerful champion of its own interests, to participate actively by attending Union meetings ashore and at sea, to serve on committees of the Union and do his utmost to insure that the Union maintains

a position of prestige in the community.

E. To familiarize himself with the collective bargaining agreements entered into between the Union and employers, to keep himself informed of the Union affairs by reading the Union paper and other literature produced by the Union.

F. To accept the responsibility and honor of representing his crew as a ship's delegate if so designated or elected.

G. To conform to the schedule of wages, working hours, shipping rules and such other rules and regulations that may be adopted or approved.

H. To maintain his membership by paying dues, assessments and fines promptly and in accordance with the requirements of this Constitution.

I. To maintain a good moral character and avoid the uses of narcotics, frequent intoxication on the job, any acts of sexual degeneracy, larceny or similar acts which would render the member a disreputable person.

J. To bring his Union book to each Union meeting and to exhibit the same when called upon by the Chairman or the Master-at-Arms. Each active member should attend one meeting during the life of his current shipping card unless it is impossible for him to do so.

K. To refrain from being a party to any activity to secure the disestablishment of the Union as the collective bargaining agent for any employee.

L. To refrain from belonging to or holding membership in any group or organization which holds goals or objectives hostile to the fundamental principles of the United States or this Union and advocates and practices the attainment of these goals

by force and violence.

M. To refrain from instituting any action in any court or administrative agency, state or federal, against this Union or any of its officers, members or agents, unless the member has first exhausted the internal appeal procedure hereinafter set forth or has diligently pursued the internal appeal procedure for three (3) calendar months without obtaining relief, whichever first occurs.

Any member having a complaint against this Union or any of its officers, members or agents shall set forth such complaint in writing specifying the relief requested and submit the same to the President/Secretary-Treasurer by registered mail.

The President/Secretary-Treasurer shall read the complaint to the next Headquarters regular meeting, which shall then refer the matter to an Investigating Committee appointed by the President/Secretary-Treasurer and approved by the membership, which shall have the power and authority to investigate the grievance for a period of thirty (30) days and shall report their findings and recommendations to the next regular meeting following the completion of their investigation.

The Headquarters meeting shall vote on the recommendation of the Investigating Committee. The complaint, findings and recommendations of the Investigating Committee and the vote of the Headquarters Branch meeting shall be recorded in the minutes. Thereafter, all other Branches shall vote on the Committee's recommendation.

The President/Secretary-Treasurer shall promptly communicate to the aggrieved member the results of the vote so taken.

SECTION XI. Authority of Union to Represent Member:

Every member, by virtue of his membership in this Union, authorizes this Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer covering terms and conditions of employment and to act for him and have final authority in instituting lawsuits or presenting, processing or adjusting any grievance, complaint, difficulty or dispute arising under any collective bargaining agreement or out of his employment with such employer in such manner as the Union deems to be in the best interests of the Union. The Union may decline to process any grievance, complaint, difficulty or dispute if in its sole discretion and judgment such grievance, complaint, difficulty or dispute lacks merit or for any other good and sufficient reason believes it would not be in the best interests of the Union to process the grievance, complaint or dispute.

SECTION XII. Membership Pledge and Application:

Members and applicants for membership shall take such pledge and sign such application or other forms as may from time to time be determined by the membership.

It shall be the policy of the Marine Firemen's Union, at Headquarters and Branches, to have all members, newly initiated and otherwise, rise and take the pledge at least once each quarter at regular business meetings.

Membership Pledge — I pledge my word of honor that I will be faithful to the Marine Firemen's Union; that I will work for its best interests and look upon every member as my brother.

That I will not work for less than Union wages, nor upon any vessel with non-union unlicensed engine room

personnel, unless I get permission from the Union.

I also pledge that I will never reveal the proceedings of the Union to its injury or to people who have no right to know the same; and if I break my pledge, I forfeit all rights and privileges of the Union.

SECTION XIII. Burial Benefits: Members of the Union, if in good standing at the time of death, shall be buried or cremated by the Union.

The method of funeral, whether burial or cremation, shall be left to the discretion of the President/Secretary-Treasurer, Vice President, or Branch Agent unless the Union has been notified of a preference previously expressed by the deceased or his immediate relatives.

No benefits shall be paid by the Marine Firemen's Union unless the member is ineligible for burial or funeral benefits under the Welfare Fund.

The funeral benefit shall in no case be paid unless the undertaker's bill is rendered to the President/Secretary-Treasurer or Branch Agent and shall in no case exceed the sum of One Thousand Dollars (\$1,000.00).

ARTICLE V NOMINATION AND ELECTION OF OFFICERS

SECTION I. Qualifications for Officers: Any candidate must have the following qualifications to be eligible to be a candidate or to serve as an officer of the Marine Firemen's Union:

A. Any member of the Marine Firemen's Union, to be entitled to hold office, must have been a member in good standing continuously for one year immediately preceding his nomination. Any member desiring to run for office, unless an incumbent, must produce proof he has worked 90 days in covered employment in the twelve (12) months preceding his nomination.

B. Any member who meets the other qualifications for nomination who is eligible to vote in the election may be a candidate for election to any office of the Union.

C. Any member who has not been working in covered employment or as an officer of the Marine Firemen's Union or in the employment of directly associated organizations on behalf of the Marine Firemen's Union must have worked in covered employment for at least 90 days in the 12 months immediately preceding the final date for nomination.

D. It shall not be necessary for a candidate, once certified, to resubmit discharges as evidence of his eligibility to appear on the ballot.

E. In computing time of officials, time spent in the service of the Union shall count the same as sea time.

F. Any nominee desiring to run shall submit, with his written acceptance, a statement, witnessed by the signature of two members in good standing:

(1) affirming the fact that he is able to read and write the English language to the extent necessary to read the Constitution and By-Laws of the Union, the collective bargaining agreement, the shipping rules, general correspondence and to write grievances in the English language for submittal to employers, and

(2) is not a pensioner, and

(3) has been a member in good standing for one year immediately preceding his nomination, and

(4) is not engaged in the liquor business, wholesale or retail, or holds an interest in any boarding house if either is within a radius of 60 miles from the Union office in any port, and

(5) has not been interested in either such a liquor business or boarding house during the 24 months preceding the date of his acceptance, and

(6) is not prohibited from holding office by the provisions of any federal or state law and, in particular, that he has not had a criminal conviction which would render him unable to hold office within the meaning of the Labor-Management Reporting and Disclosure Act and has read such law.

A form for this statement shall be made available at all Branches for execution by candidates.

SECTION II. Disqualification: A member shall be disqualified to be a candidate or to serve as an officer if:

(a) he is unable to read or write the English language to the extent necessary to read the Constitution and By-Laws of the Union;

(b) he is ineligible to serve as an officer of the Union because of any provision of applicable federal law;

(c) he is engaged in the liquor business, wholesale or retail, or holds an interest in any boarding house if either is within a radius of 60 miles from the Union office in any port or has been engaged in either such a liquor business or boarding house during the 24 months preceding the date of his acceptance;

(d) while running for office, he accepts a ballot for “Posting” or votes any ballot other than his own;

(e) he is a pensioner;

(f) he has previously been removed from office after a proper trial;

(g) he fails to meet any of the requirements for qualification for office;

(h) he is found guilty of theft, embezzlement or similar acts in any other organization;

(i) he has accepted severance pay;

(j) he has been on disability and has drawn disability from the Welfare Fund, until he is found to be fit for duty by the United States Public Health Service or a competent physician designated by the Union.

SECTION III. Enforcement of Qualifying and Disqualifying Provisions: Prior to the commencement of an election, the Credentials Committee shall determine all questions of qualification or disqualification subject to an appeal to the membership at all Branches at a regular meeting. After an election has been completed, any question of the propriety of an officer taking office or continuing to serve shall be determined by charges and trial pursuant to the provisions of Article VI, Section XIII.

SECTION IV. Notice of Nomination Procedure: For at least 30 days in the 90 days preceding the month of September of each election year, a notice shall be posted in each port office setting forth the procedures of this Constitution for effecting nominations; and such notice shall also be set forth in the Union

newspaper at least 60 days prior to the date of nomination.

SECTION V. Time of Nomination: Nomination of officers shall be open at all regular meetings at Headquarters and other Branches in September of each election year starting with the 2010 ballot for the 2011-2013 term of officers, and election of officers shall then be held at three-year intervals.

SECTION VI. Method of Nominating by Mail: Any member may nominate another member by mail, and such nomination shall be accepted if it is duly seconded and received at Headquarters during the month of September preceding the election of officers. There shall be no “blanket” nominations for “all jobs.” A member may be nominated for more than one office, providing such nominations are submitted on an individual basis.

SECTION VII. Nominations Requirements: All candidates must be nominated and duly seconded. The names and book numbers of persons doing the nominating and seconding must be clearly written or printed. Any nominations not submitted in this manner shall be null and void.

SECTION VIII. Written Acceptances: Any nominee desiring to run must send in a written acceptance. All such acceptances shall be mailed to a neutral address as specified by the Union and must be received at the neutral address by 10 a.m. on the 10th day of October, provided, however, if the 10th day of October is a Saturday, Sunday or holiday, the following Monday shall be the deadline for receipt of a written acceptance. Any acceptances not submitted in this manner or by the time

specified shall be null and void. All acceptances shall be directed to the Credentials Committee unopened.

SECTION IX. Re-Election: All officers, otherwise eligible, shall be eligible for re-election.

SECTION X. Posting of Nominees: A list of nominees shall be prepared and copies thereof forwarded to each Branch. Such list shall be conspicuously posted in each office or hall.

SECTION XI. Checking Acceptances and Eligibility: The Credentials Committee shall remove and check all acceptances on the 10th day of October of the election year. Any acceptances not at the neutral address at 10 a.m. on the 10th day of October for checking shall not be counted and shall be null and void. The Credentials Committee shall report to the membership its determination of the eligibility of the candidates and shall prepare a ballot in which all names for an office shall be listed in alphabetical order.

In the event there is no qualified nominee for any particular office, the Credentials Committee shall announce the fact to the membership and a further period of ten days shall be allowed for nominations and acceptances for such office.

SECTION XII. Issuance of Ballots: Immediately after the close of nominations, ballots, which shall be stamped or printed with the seal of the Union, shall be distributed to all Branches to be available to the membership. Any member desiring a ballot shall present his membership book and, upon verification of the fact that the member is in good standing, a ballot shall be issued to the member and his book shall be stamped to evidence

the fact that a ballot has been issued. Upon written request to Headquarters or at any Branch, a member may have a ballot forwarded to his home or other address. Such request must be accompanied by submission of the membership book of the member to verify the fact that the member is in good standing and to permit stamping of his membership book to evidence the fact that a ballot has been issued to him. Ballots must be returned in time to reach the address specified on the exterior ballot envelope prior to the counting of the ballots. The address shall be a neutral address such as a bank, safety deposit vault, company or post office box or drawer as the Board of Trustees may determine. Such depository shall be notified by the President/Secretary-Treasurer that ballots are to be released only to the Balloting Committee.

In the event a member is at sea during the balloting period and does not anticipate returning to port during the remaining balloting period, he may request the Ship Delegate to ask the Union to mail an absentee ballot to the ship. The Ship Delegate, upon receipt of any such absentee ballot addressed to a member, shall make entry in the member's membership book to evidence the fact that a ballot has been issued to him.

SECTION XIII. Form of Ballot Submission: Names of members and their numbers shall be written on each envelope and mailed to the address on the ballot envelope. There shall be a second envelope inside the ballot envelope in which the member shall insert his ballot, and such interior envelope shall bear no identifying mark or sign.

SECTION XIV. Time of Election: The balloting shall commence 31 days after the first Headquarters regular meeting

in November, and balloting shall continue for two (2) calendar months from the date on which ballots are first issued.

One member from each Branch on the Pacific Coast shall be elected at a regular meeting of Headquarters and Branches so as to commence their duties as Balloting Committee on the first Monday of February following the conclusion of balloting. In addition to the foregoing requirements for the conduct of an election, the Board of Trustees shall issue such further regulations for the conduct of elections as may be required to comply with any federal law, including the mailing of notices to members at their last known address, the determination of eligibility to vote and similar questions.

SECTION XV. Balloting Committee: The function of the Balloting Committee shall be to check and count ballots and to announce the results at the first regular business meeting after the conclusion of the count. The members of the Balloting Committee shall receive the regular standby rate provided under the Union's collective bargaining contract for day men. Balloting Committee members will also receive transportation to and from their home port plus expenses. Candidates may attend the count on their own behalf or notify the Committee of any other member authorized to act for them.

All ballots received by the neutral depository up to and including the time the Balloting Committee first goes to the neutral depository to receive ballots shall be counted by the Balloting Committee. All ballots, except those being counted daily by the Committee, shall remain at the neutral address specified on the envelope; and orders shall be issued that no one shall remove ballots except on conclusion of balloting, when the Bal-

loting Committee, with proper credentials attested with the seal of the Union and the signatures of the President/Secretary-Treasurer and Vice President, shall be empowered to remove the ballots for official checking and accounting at Headquarters. The Balloting Committee shall check the eligibility of the member casting the ballot and, after determining the eligibility, shall remove the exterior envelope and place the interior envelope in a ballot box. This procedure shall be followed until all eligibility questions have been resolved. After completion of the removal of exterior envelopes, the Balloting Committee shall then shuffle the interior envelopes, assuring secrecy of the election, and then remove one by one for official count. The Balloting Committee shall have the power to pass on all questions of eligibility, and any member of the Balloting Committee may challenge any ballot and such challenged ballot and the reasons for the challenge shall be duly recorded in the minutes of the Balloting Committee for report in connection with the official count. To speed the count, two members shall be elected off the floor at **the** Headquarters Branch meeting as a subcommittee of the Balloting Committee to be under the direction, order and supervision of the Balloting Committee. Upon the completion of all balloting and the certification of results from the Balloting Committee, the Balloting Committee shall turn over all ballots to the Executive Secretary of the Union who shall preserve the ballots and the records for the period required by law.

SECTION XVI. Assumption of Duties by Elected Candidates: Elected candidates shall take office the day following the meeting at which the results of the ballot are announced. If the elected candidate is at sea when the results of the election are

announced, he shall be allowed a reasonable time to take over his duties when his vessel arrives in a United States mainland port and he is paid off the vessel.

SECTION XVII. Maintenance of Election Records and Protests on Elections: The President/Secretary-Treasurer shall retain copies of all requests for distribution of campaign literature and copies thereof, make a record of the date the literature was distributed, the cost thereof and the amount received for such work and postage, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the Balloting Committee and such other records including election rules as shall relate to the conduct of the election. In the event there shall be any protest or charges made concerning the election by any member prior to the holding of the election, such protest or charge shall be made in writing by such member within 72 hours of knowledge of the event complained of or 10 days, whichever first occurs, and shall specify the exact nature of the protest. In the event there shall be any protest or charge concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by a member within 72 hours of the date of knowledge of the basis of any protest or 15 days, whichever first occurs, setting forth the exact nature of the protest and how it has affected the outcome of the election. Such protest shall be made to the President/Secretary-Treasurer who shall refer the protest to the membership for disposition. Failure to file protest or charges within the time limits above specified shall constitute a waiver by the member of the right to complain against the matter forming his grievance.

SECTION XVIII. Vacancies and Elections to Fill Vacancies: If the office of President/Secretary-Treasurer becomes vacant, the Vice President shall succeed to the office and a new election shall be held, in the manner set forth in this Section, as expeditiously as possible to elect a successor; provided, however, if the office of President/Secretary-Treasurer should become vacant during a period after September of any election year, the Vice President shall fill the office until a President/Secretary-Treasurer is elected on the triennial ballot for officers. Upon the succession of the Vice President to the office of President/Secretary-Treasurer, in order that the duties of the Vice President and the Port may be effectively handled, he may request assistance from Business Agents in Headquarters and may recommend to the membership the temporary election of an additional Business Agent pending an election to fill the vacancy.

In the event of a vacancy in the position of Port Agent, the Business Agent in the Port shall fill the vacancy pending an election. In any one man port, the President/Secretary-Treasurer shall appoint a man temporarily to fill the vacancy pending an election.

In view of the fact that officers are elected triennially, any vacancy arising during an unexpired term or resulting from a newly created position shall be filled in the following manner: At the first regular meeting following the vacancy, nominations shall be held at Headquarters and Branches. Acceptances must be in Headquarters before the next regular meeting. Nominees must have the same qualifications as required for the regular election of officials. Immediately following this meeting, the Credentials Committee, elected at Headquarters, shall check all

acceptances and ballots shall be printed at Headquarters and sent to all Branches.

Election by secret ballot shall take place at the next regular business meeting, and tally of all votes taken by balloting committees elected in each port shall be sent to Headquarters.

In the event of any vacancy in the position of Business Agent, a temporary successor must be elected to fill the vacancy pending the election specified in this Section at the next regular meeting after the vacancy occurs.

SECTION XIX. All Officers to be Elected: All full time jobs in the organization (excepting **office administrative** help, clerks, janitors' jobs and joint janitors or dispatching jobs mutually arranged with other unions or organizations) shall be placed on the annual referendum ballot for officials.

ARTICLE VI OFFENSES AND TRIALS

SECTION I. Major Offenses of Members: Any member who, after charges, notice and trial pursuant to the Constitution, has been found guilty of any of the following offenses shall be subject to such disciplinary action including expulsion, fine or other discipline as the Union may determine:

A. Fraudulently obtaining or illegally using or detaining any property of the Union.

B. Obtaining benefits from the Union under false representation.

C. Misrepresenting the returns of any election or altering, mutilating, substituting or improperly destroying ballots.

D. Paying for employment on board a vessel.

E. Violation of the pledge of membership.

F. Acting as an informer against the interest of the Union or the membership.

G. Willful violation of the Constitution and By-Laws of the Union, in which case the Section of the Constitution shall be specified in the charges.

H. Conducting himself in such a manner as to result in being screened off a ship as a security risk by any agency of the United States Government.

I. Issuing alone or with others, a newspaper pretending in any way to be an official paper of this organization.

J. Willfully evading picket duty.

K. Maintaining or obtaining membership in a dual organization claiming jurisdiction over unlicensed engine room personnel on American-flag vessels.

L. Use of narcotics, thievery, sexual perversion; acting as a strike breaker in any industry; theft of funds; going through an authorized and lawful picket line.

M. Making a false representation in an application for membership.

N. Failure to pay fines within the allotted period.

SECTION II. Secondary Offenses by Members: Members shall be subject to fines or discipline, not including expulsion, on any of the following grounds:

A. Violation of shipping rules.

B. Frequent drunkenness.

C. Assault upon or menace toward a fellow member on the ship or in the hall of the Union.

D. Creating a disturbance at a Union meeting or refusing to abide by lawful orders of the Chairman with respect to parliamentary matters.

E. Willful misrepresentation of seniority or book status.

F. Missing picket duty.

G. Demanding numerous checkups of the financial accounts of the Union pursuant to the provisions of Section XII of Article VII to such a degree that the financial routine of the Headquarters or the Branch is disrupted, in which case a fine of not less than \$25.00 shall be imposed.

SECTION III. Penalties for Missing Ships: Any member, after charges, notice and trial pursuant to this Constitution, who is found guilty of missing ship shall be fined as follows:

A. First offense for man missing ship shall not be less than \$200.00 fine and no suspension.

B. Second offense shall be not less than \$400.00 fine and no suspension.

C. Third offense shall be six (6) months' suspension and such fine as the Trial Committee shall determine.

D. It shall be the responsibility of the delegate to notify Headquarters and Branches of man missing ship. Time of suspension will start immediately upon adjudication by the Trial Committee.

E. Any member charged with missing ship shall be charged with missing ship first offense only, provided he has not missed a ship during the preceding three years.

F. The provisions of this section shall also apply to registrants dispatched to standby jobs.

SECTION IV. Trial Procedure for Members:

A. Any charges of violating the laws of the Union made against any member must be signed by the accuser or accusers who shall give their book numbers. Said charges shall be submitted to the regular business meeting in writing.

B. Any charges as a result of alleged offenses committed during the course of a voyage must be written in triplicate, one copy to be handed to the member involved, the original turned in at the first port where the Union maintains an office.

C. No charges may be preferred against a member after he has left ship for an alleged offense committed during the voyage unless it was impossible to prefer charges while he was still aboard the ship.

D. If the accused member is present, he shall be given a copy of the charges to prepare his defense. If the accused is not present, the Port Agent shall deliver to him in person or 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 at a specified time and place for trial.

E. Any accused member shall stand trial in the port that has jurisdiction over the port of payoff if the offense occurred aboard ship or the port where the charges were submitted. Either of the foregoing ports have jurisdiction to conduct the trial.

F. No one shall be eligible to serve on a Trial Committee who is a witness for or against the accused member, is related to the accused member or a person filing the charges or has openly expressed an opinion as to the guilt or innocence of the accused.

G. A Trial Committee shall be composed of five (5) members to be selected from a group of eight (8) or more who have been chosen in the hereinafter defined manner.

H. The highest constitutional officer present in the port shall call, in order of seniority, from the shipping list names until a group of at least eight (8) have been selected from the members present or available in the port to serve on a Trial Committee.

I. After a group of eight (8) have been selected, each member of a Trial Committee shall sign a form indicating he has not formed an opinion on the guilt or innocence of the accused member and is not related to either the accuser or accused.

J. If the accuser or an accused member wishes to challenge any member of the group for bias and prejudice, he shall state his grounds in writing before five (5) men are selected from the eight (8) to serve as a Trial Committee. The Trial Committee of any accused member shall consist of the five (5) highest members on the shipping list that have not been disqualified as above set forth. In the event, from the list of eight (8) members selected, more than three (3) are disqualified, the constitutional officer shall select additional names from the shipping list until a Trial Committee of five (5) is established.

K. Any member may plead guilty and waive any or all of the other rights and privileges granted to him by this Article.

Any member who has committed an offense may elect to waive his rights under this Constitution and authorize the Trial Committee to assess a fine or impose discipline without his presence.

If the accused has been notified of the date of his trial and requests a postponement, the request must be received by the

Union office in which the trial is to be held not less than two days before the scheduled date of trial. A postponement shall be granted only for good cause such as an illness or serious emergency preventing him or his witness from attending the scheduled trial. If the President/Secretary-Treasurer of the Union determines that good cause does exist, a later trial date shall be set. In the event of an unusual case in which this time limit cannot be met and a Trial Committee has been assembled, the Trial Committee shall determine whether good cause exists for a postponement if the accused was unable to reasonably anticipate that a postponement would be necessary and it was not possible for him to comply with the requirement for advance notice of a request for postponement. In the event the accused wishes to submit testimony of a witness who is unable to be present for a reasonable cause, the Trial Committee may proceed and make arrangements for one or more of its members to receive the statement of any unavailable witness in written or oral form and circulate the information obtained to other members of the Trial Committee prior to reaching a decision to be submitted to the membership. If the accused is absent and no postponement has been granted, the Trial Committee shall proceed to consider the charges and evidence as if he were there.

SECTION V. Delays and Continuances: The Trial Committee shall proceed with the trial without unnecessary delay. In case the accused member refuses or neglects to appear, the trial shall proceed as if he were there; but a postponement of the trial may be effected by mutual written agreement of the convening constitutional officer and the accused.

SECTION VI. Trial Procedure: 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. In the event the Trial Committee falls beneath a quorum, it shall adjourn until a quorum does exist. In the event the accused member desires a verbatim transcript of the proceeding, the Trial Committee shall arrange for competent stenographic help at the accused member's expense. The accused member shall deposit, in advance, with the Trial Committee an estimated amount to cover the expense of the transcript. If the accused member is subsequently found to be innocent of the charges, the expense of the transcript will be borne by the Union. Any accused member desiring to be represented by legal counsel shall notify the port agent or constitutional officer within 48 hours after receipt of charges of this desire. In such an event, the Trial Committee is empowered to similarly obtain legal counsel to advise it during the course of the proceedings. In any case in which legal issues are presented, the Trial Committee is empowered to consult legal counsel for rulings on such legal matters if, in its discretion, it desires to do so.

In the event a member fails to give written notice to the port agent or the constitutional officer making the selection of the Trial Committee of his desire to be represented by legal counsel, the Trial Committee may exclude legal counsel from the proceedings; but the accused member shall have the right to be represented by any member in good standing of his choice present in the court at the time the trial occurs.

SECTION VII. Method of Decision and Findings: A majority of the Trial Committee shall constitute a quorum and it

shall require at least three (3) members of the Committee to decide. The Trial Committee shall designate one of their members to serve as a secretary. The secretary shall maintain a summation of the evidence presented by the accused and by the accuser and shall reduce its findings and sentence to written form. Upon completion, the written summation, the findings and the sentence shall be turned over to the constitutional officer in the port of trial, who shall submit the summation, findings and sentence to the next regular meeting for approval or rejection.

SECTION VIII. Appeal: Whenever a member has been found guilty and sentenced and he believes that the Committee has acted too harshly or that the Committee through his absence or other cause has brought in a much more severe sentence than would normally be the case, he shall have the right to appeal to all Branches within 90 days. The meeting shall consider the appeal and shall either sustain or reverse the action taken, or it may reduce the penalty. Action at the meeting of the Branches shall be final. If no appeal is received at the Branches within ninety (90) days, the action taken shall be final. All Branches shall be notified of any discipline of a member and the nature of the offense committed.

SECTION IX. Method of Appeal: Any member who has been found guilty and sentenced shall file his appeal in writing to Headquarters and shall set forth therein the nature of the grounds in which he feels the judgment was not in accordance with justice. Upon receiving this written appeal, Headquarters shall request the port agent at the port where the trial was held or the President/Secretary-Treasurer, if the trial was held at

Headquarters, to forward a summation of the evidence and the written findings of the Trial Committee to Headquarters. Headquarters will reproduce this material and promptly forward it to all Branches. The appeal shall be considered by all Branches at the next regular business meeting following receipt of the material from Headquarters. Each Branch shall promptly notify Headquarters of the vote on the appeal. Headquarters, in turn, will notify the port agent where the trial was held, the accuser and the accused, of the results of the appeal.

SECTION X. Effect of Findings: Any discipline imposed upon any member shall remain in force unless and until the judgment is reversed by the procedure herein set forth.

SECTION XI. Preservation of Records: The summation, finding and sentence shall be kept on file by the President/Secretary-Treasurer in Headquarters.

SECTION XII. Offenses by Officers: Officers shall be subject to such discipline, suspension, fine, expulsion or removal from office as may be determined by the Union for any of the grounds that would result in discipline, suspension or expulsion of a member.

Any elected official who is found guilty of any of the following offenses shall, in addition to such discipline as may be imposed by the Union, be removed from office:

(a) 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 of his office, or gross neglect or abuse in executing such duties or functions or other serious misconduct or breach of trust.

(b) Soliciting or accepting kickbacks.

(c) Illegal using or detaining any property of the Union.

(d) Misrepresenting the returns of any vote or altering, mutilating, substituting or destroying ballots legally deposited.

Any agent who fails to forward his weekly financial report, with all money due thereunder, within four (4) days after the close of the week shall:

First Offense: Have his attention called to it by the President/Secretary-Treasurer.

Second Offense: Be reprimanded by a committee of three or five members elected by the regular business meeting at Headquarters.

Third Offense: Shall be brought up on charges and, if found guilty, shall have his office declared vacant. Pending trial, such officer may be suspended pursuant to the provisions of Section XIII of this Article.

The only exceptions shall be a doctor's certificate or definite proof of valid reason making it impossible to get necessary reports away.

SECTION XIII. Trial Procedure for Officers: Charges against any officer shall be submitted in writing and signed by the member or members preferring the charges and shall be referred to the membership at Headquarters Branch or the Branch where the accused officer is located. The charges shall be read to the membership at the Branch where presented at its next regular meeting; and, if the Branch membership votes to entertain the charges, the charges shall be forwarded to the Board of Trustees for immediate investigation and a recommendation to the membership. The Board of Trustees shall meet as promptly

as possible and in any event within five days after receipt of the charges and shall, after investigation or review of the charges, have the power to suspend the accused officer with or without pay, or to circumscribe the duties of the accused officer pending action by the membership. The Board of Trustees, within ten days after receipt of the charges, shall make a recommendation to the entire membership. The membership shall vote whether the charges shall be referred to a Trial Committee or dismissed. The recommendation of the Board of Trustees shall be read to the membership before the vote is taken. If the membership votes to submit the charges to a Trial Committee, the Board of Trustees shall designate the port or place where the trial shall be held and the time of the trial. The trial shall be held as expeditiously as possible. A Trial Committee shall be selected in the closest port to the place of trial in the same manner as a Trial Committee is selected for the trial of members. The selection of the Trial Committee from the shipping list shall be effected on the day preceding the date for the commencement of the trial. The trial procedure and appeal procedure provided for the trial of members shall be applicable in the trial of officers. Charges against officers must be filed individually. Blanket charges against more than one officer shall not be permitted nor shall charges against more than one officer be consolidated for the purpose of hearing or presentation. In the event a member of the Board of Trustees is charged, he shall be disqualified from passing upon his own case and the remainder of the Board of Trustees who are available shall constitute a quorum to fulfill the functions set forth in this Section.

SECTION XIV. Recall of Officers: Any officer may be re-

called by a referendum vote of the Union.

When a majority at regular meetings held the same day at all Branches shall order a recall election to be held, such election shall be by ballot printed as follows:

ARE YOU IN FAVOR OF RECALLING
_____ FROM THE OFFICE OF
_____ AT _____, TO
WHICH HE WAS ELECTED BY A GENERAL VOTE OF
THE UNION TAKEN _____ 20 ____.

The distribution, counting and reporting of ballots cast shall be conducted in the same manner as in the case of an election of an officer. It shall require a majority of eligible votes cast to recall any officer.

No officer shall be recalled because he carried out the provisions of this Constitution and By-Laws.

ARTICLE VII

GENERAL FINANCIAL PROVISIONS

SECTION I. Property of the Union: All funds, papers, documents, property both personal and real, acquired by the Union shall remain the property of the Union and may not be encumbered, wasted or disposed of except in strict accordance with the provisions of this Constitution. Any portion of the membership which secedes shall not be entitled to retain any of the funds, property or assets of this Union but the same shall remain the property of the Union and the remaining officers of the Union are directed to take any and all necessary steps to take possession of and to preserve the property of the Union from any party claiming the same. Any officer or member resigning

or withdrawing from this organization shall promptly turn over all of the property of the Union in his possession. It shall require a three-fourths vote of the membership voting by secret ballot at a referendum election to authorize any departing members or officer to take any portion of the property of the Union with them upon such departure or to amend the Constitution to permit such action.

SECTION II. Income: The income of the Union shall be from initiation fees, dues, miscellaneous sources, such as from fines, interest on deposits in banks, interest on securities and assessments levied in accordance with this Constitution.

The Union shall be empowered to accept proper gifts, bequests by testaments and otherwise, provided such gifts or bequests are accepted by the regular business meeting at Headquarters on presentation of proper motion or resolution.

SECTION III. Disbursements: All bills and claims against the Union shall be presented at regular meetings and shall be examined and reported on by the Auditing Committee before being approved by the meeting.

No money shall be expended unless the bills are regularly audited and ordered paid by the meeting, except in an emergency.

SECTION IV. Payment of Routine Bills: Any ordinary quorum at Branches may authorize payments of bills incurred on the following accounts: federal and state payroll taxes and unemployment insurance; Compensation Insurance; per capita tax to any labor body with which the Union is affiliated; books, stationery, printing bills; salaries of officers; wages of stenog-

raphers and similar office help; janitors' wages; legal expenses; necessary office expenses and traveling expenses of officers or delegates traveling on Union business; committee wages and committee expenses; hospital benefits and cost of burials of indigent members; and such normal expenses incidental to sound and sensible operation of the organization.

SECTION V. Payment of Bills when Quorum Lacking:

In case any Branch does not hold a regular meeting for lack of a quorum, the agent shall appoint an Auditing Committee and may, with the approval of said Committee, pay the bills for expenses enumerated in Section IV of this Article.

SECTION VI. Specific Limitations on Disbursements:

The following specific limitations preclude expenditures except in accordance with the limitations hereinafter set forth:

A. Prohibition against Incurring Unusual Expenses. No unusual expenses shall be incurred unless authorized by a referendum ballot of the membership or by vote of the regular business meeting of Branches.

B. Donations. No more than Fifty Dollars (\$50.00) shall be donated by any one meeting at any Branch and there shall not be more than one donation per annum from each Branch for any given object or cause.

When a donation in excess of such amount is deemed desirable, any such proposed donation may be made only upon a majority vote at a regular business meeting at all Branches.

Notwithstanding the above provisions in the event of a strike or lockout in which the Marine Firemen's Union is involved, the Board of Trustees of the Union and the Union Strike Commit-

tee may make a joint recommendation and, upon approval at a regular or special meeting at all Branches, additional donations may be made to other unions, as well as financing joint soup kitchens or other enterprises necessary for the successful conduct of the strike or defeat of the lockout.

C. Prohibition on Loans. No loans from the Union treasury shall be made to either officials or members.

SECTION VII. Investments: The Trustees of the Union shall be entrusted with the safekeeping of defense bonds, war bonds, bank books, real estate title deeds, and documents and other securities and funds of the Union. As provided in Article III, Section XII.K., securities may be entrusted to a custodial account of a bank to the extent such securities are subject to the direction of an investment manager; securities not so entrusted, securities owned by the Union or in its various funds shall not be cashed without the approval of the membership. Such proposal shall be presented in the form of a resolution and voted on at simultaneous meetings at all Branches. Five trustees, or their alternates, must be present to withdraw and negotiate such securities after the membership approval has been given.

SECTION VIII. Handling of Funds and Property: All officials of the Union shall be extremely circumspect in the handling of the funds and property of the Union and see that such funds and property are handled in accordance with the provisions of this Constitution. Proper receipts shall be given for all funds received; all funds received shall be deposited promptly in such bank or banks as the Union may from time to time designate; and all vouchers and receipts shall be maintained for

checking. All checkbooks shall be consecutively numbered and used in proper rotation. All port agents and business agents shall deposit all funds promptly and shall at the end of each week remit to the President/Secretary-Treasurer any money on hand in excess of Two Thousand Dollars (\$2,000.00) except in case of strike. All money shall be deposited in banks in the name of the organization. All funds of the Union collected at Headquarters and remitted from Branches must be promptly and regularly deposited in a bank designated by the Union. No funds shall be withdrawn from such bank without three of the four designated signatures of the Banking Committee being signed to the check.

SECTION IX. Reporting on Finances: The President/Secretary-Treasurer shall prepare a weekly financial report and send a copy of such report to all Branches. The port agent shall prepare weekly financial reports showing in detail the income and expenses of his Branch and forward copies thereof to Headquarters together with duplicates of receipts of income and original vouchers for expenditures. A copy of the annual auditor's report shall be furnished to each Branch and shall be read to the regular membership meeting.

SECTION X. Auditing: The books of the Union shall be audited and checked annually by a responsible, established regional audit firm whose duties shall be to examine the financial standing of the Union and see that the books have been completed correctly and honestly. Their report shall be furnished to all Branches.

SECTION XI. Auditing Committee: In addition to the

annual audit, there shall be elected at each regular meeting at each Branch an Auditing Committee of not less than three nor more than five full book members who shall examine the books, financial report and bills and report thereon to the same meeting. The Auditing Committee in each Branch shall sign the agent's weekly financial report to certify that it has been checked by the Auditing Committee. The report of the Auditing Committee shall not be final but shall be subject to revision by the Banking Committee at Headquarters or the annual auditors. On any week when no meeting is held, the financial report shall be presented by the agent or President/Secretary-Treasurer to a committee taken off the floor at Branches.

SECTION XII. Membership's Audit: The members of the Union, at any time, shall have the right to check on the amount of money on hand at any Branch. When any member or group of members desire to check the financial records of the Union, the member or members have the right to call for a committee of five book members, including the member desiring the check, to check on the financial reports of log books, the actual money produced by the agent or the money in the bank as attested by a bank statement. This shall then be reconciled with the President/Secretary-Treasurer's financial report.

No advance notice need be given of the desire for such a checkup.

SECTION XIII. Leasing, Purchasing or Constructing Building: The Board of Trustees shall be empowered to make the necessary recommendations to construct or purchase buildings for the Union at all Branches. They shall be empowered

to see that such buildings are properly equipped and furnished for the use of members of the Union and shall recommend the appropriation of such funds that may be necessary for such purposes. Before implementation, all such recommendations must have the approval of a majority vote at a regular membership meeting at all Branches.

SECTION XIV. Limitation on Sale or Encumbrances: No real property of the Union shall be sold, mortgaged or transferred unless recommended by the Trustees of the Union and approved by secret referendum ballot of the regular membership.

SECTION XV. Safekeeping of Securities: Except for securities held by a bank as custodian as provided in Article III, Section VIII.F., defense bonds, war bonds, real estate title deeds, and documents and other securities of the Union shall be maintained in a suitable safe deposit box to which access shall be denied unless five members of the Board of Trustees are present.

ARTICLE VIII INITIATION FEE, DUES AND ASSESSMENTS

SECTION I. Initiation Fee: The initiation Full Book membership fee shall be one thousand one hundred dollars (\$1,100.00), and this amount shall be payable at the time of application for Full Book membership. The junior membership initiation fee shall be two hundred and fifty dollars (\$250.00).

This amount or such other amount as the Junior member shall have paid for his Junior membership initiation fee shall be credited to the Full Book initiation fee in effect at the time the Junior member is accepted for Full Book membership.

SECTION II. Dues: Effective March 1, 1977, dues shall be twenty-five dollars (\$25.00) per month. Up to ten dollars (\$10.00) per year of such dues shall be allocated to maintain the balance of the Strike Fund at \$1,500,000.00.

SECTION III. Dues Receipts: The original and duplicate of each receipt shall bear the name of the Union and be signed by the officer issuing same. No money shall be collected unless an official receipt in the form prescribed by this Section is issued to the payee and signed and dated by the officer receiving the money.

SECTION IV. Delinquency in Dues: Members more than three months in arrears in dues, assessments or unpaid fines (except during strikes or lockouts) shall be deemed in bad standing and shall be denied any of the privileges of membership in the Union. Members more than twelve months in arrears in dues, assessments or unpaid fines shall be automatically terminated from membership. Notice of the provisions of this Section shall be sent to any member who is more than six months in arrears in dues, assessments or unpaid fines.

The provisions of this Section shall not be deemed applicable to members who are in good standing at the time of their vessel's departure from the last port in the United States where an office of the Union is located or where an official is available to receive payment of dues. Such members shall be deemed in good

standing until the vessel returns to the first port where the Union maintains a Branch or an official is available to receive dues.

SECTION V. Obligation to Maintain Dues: All members, while working on ships, shall keep their dues paid up through the current month.

SECTION VI. Exemption of Dues: Members shall be exempt from payment of dues in case of sickness for the time they are in the hospital, provided they show hospital discharges to prove that they were actually prevented from going to sea for a period of six months or over, and in case of retirement as provided in Article IV, Section VIII.

Members who are unable to work because they are inpatients and/or outpatients for a period of six months or over shall be exempt from payment of dues during such period. The initial application for exemption from dues must be made within eight (8) months after a member has attained outpatient status. A member must make application every three months to renew his exemption. Members shall not be eligible for benefits of the provision if they are receiving or entitled to receive unearned wages, State Disability Insurance benefits, Workers' Compensation Insurance benefits or working ashore at substantially full-time occupation. In Headquarters and Branches, such cases shall be approved by a five (5) man committee at the time of initial application and each renewal. After initial approval, no Committee may grant an exemption from the payment of dues for more than three months at a time.

Members obtaining any settlement or judgment or any pay-

ments of five thousand dollars (\$5,000.00) or more from any employer based upon a claim or suit with respect to the unfit for duty time based for Exemption of Dues shall reimburse the General Treasury the full amount of dues exemption benefits received under Article VIII, Section VI.

Superannuated and pensioned members who are exempt from dues under the provisions of Article IV, Section VII, and any member who received a disability income benefit prior to January 1, 1972 and has continuously received such disability income benefit under the MFOW-PMA Welfare Plan prior to January 1, 1972 and for the period thereafter he continues to receive such disability income benefit.

Members serving in the armed forces shall be exempt from payment of all dues while in such service, and such honorary exemptions shall be clearly stamped in their membership books.

Members who have been interned by the enemy during war time shall be exempt from payment of all dues for the entire period of their internment and repatriation.

SECTION VII. Change in Dues or Initiation Fee: The amount of dues or initiation fee may be changed by a majority vote of the membership voting in a secret referendum ballot.

SECTION VIII. Assessments: Assessments may be levied upon all members except that members exempt from the payment of dues are exempt from the payment of assessments during the period of exemption from the payment of dues.

The proposal to levy such assessment or assessments shall be presented to the regular business meeting in the form of a

resolution, proper motion or recommendation by the President/Secretary-Treasurer or the Board of Trustees or Convention.

The proposal shall be recorded in the minutes, together with the reasons therefor, and the membership given a reasonable length of time, not less than fourteen days, to study the proposal.

Thereafter, ballots shall be issued and a secret referendum ballot taken in the same manner as the general election of officials. Such balloting shall be for a period of not less than sixty days.

A Ballot Committee elected by and from the membership shall count the ballots at the conclusion of the balloting period and sign the official report for the meeting.

In the event of a crisis, the President/Secretary-Treasurer may recommend a voluntary assessment, pending the results of such balloting.

SECTION IX. Time of Paying Assessment: The assessment shall be paid at the same time as dues are paid.

SECTION X. Fair Ship Assessment: By the approval of this Constitution and By-Laws by secret referendum ballot, in the event of a major strike, the membership gives advance approval to an assessment of 20 percent of each month's wages upon all members working in the unlicensed engine room on "fair" vessels permitted to operate by the National Strike Committee, unless the National Strike Committee specifies a lesser amount than 20 percent. Overtime earnings in such cases shall not be assessed.

ARTICLE IX STRIKES

SECTION I. Classification of Strikes: Strikes shall be classified as: (a) minor strikes; (b) general or national strikes. A minor strike is a strike which, at its outset, does not tie up more than 20 percent of the vessels under contract with the Union. A minor strike may be called after a vote of the membership in meetings approving the recommendation of the President/Secretary-Treasurer or the spokesman of the Negotiating Committee and need not be by secret ballot vote. In an emergency situation, the Board of Trustees may call a minor strike and schedule a special meeting of the membership not less than twenty-four hours after the commencement of such minor strike. A general or national maritime strike is a strike which, at its outset, ties up more than 20 percent of the vessels under contract with the Union and requires a secret ballot referendum of the membership.

SECTION II. Procedure for National Maritime Strike Secret Ballot Vote at General or Membership Meetings: The membership may authorize a strike vote in advance of or during negotiations.

In the event that negotiations with shipowners prove unsatisfactory and no previous strike vote has been taken, the President/Secretary-Treasurer of the Union or the spokesman for the Negotiating Committee shall report on the deadlock to the membership committee at Headquarters and acquaint the Branches regarding the status of negotiations and may include a recommendation for a strike vote, together with the reasons in support of the recommendation, and request a secret ballot

vote of the membership at meetings of Headquarters and all Branches.

Membership meetings at all Branches shall vote on the recommendations of the Negotiating Committee.

SECTION III. Strike Procedures: If all efforts for settlement do not avail, a deadline shall be set and, to the extent deemed advisable and necessary, the following procedures may be put into effect:

(a) Men on struck ships shall leave the vessel at the time and place designated by the Union and shall report immediately for picket duty.

(b) Each affected port shall elect a Strike Committee, which shall have the jurisdiction of conducting the strike in its port area. The Committees shall consist of not more than ten members, all of whom shall be elected from the floor at the meetings.

(c) Men who quit ships in one port shall be cleared to go to their home ports when desired. However, such men shall only be excused from picket duty for a reasonable amount of transportation time.

(d) Any men deliberately evading picket duty shall be subject to such penalty as the membership may determine.

(e) Picket lines shall be conducted strictly in conformity with applicable federal law, and all picket captains shall be given written instructions on the manner of performing their duties. No person is authorized to commit or cause to be committed any act of violence or unlawful act in the course of performance of picket duties. Any man evading picket duty shall be subject to such penalty as the membership may determine.

(f) A uniform fine system for missing picket duty shall be

recommended by Headquarters, and a uniform policy on assessment on men working ashore shall be presented to the membership at all Branches for adoption.

SECTION IV. Strike Committees: To the extent necessary and desirable, the Union may, in the event of any strike, establish the following committees and such other committees as it may deem advisable:

(a) **Finance Committee:** Finance Committee elected at Headquarters and each Branch shall have jurisdiction on local matters of finance. Whenever the Union votes to set up soup kitchens, the Committee shall make arrangements to have a soup kitchen in operation approximately fifteen days after picketing starts.

(b) **Records Committee:** Records Committee shall keep a record of picket watches stood by all men registered for duty.

(c) **Publicity Committee:** The Publicity Committee shall publicize to the membership matters of interest pertaining to the strike and keep the membership informed by bulletins of the progress of the strike. In the Branches, press or radio releases shall come through the Port Agent.

To preserve maximum flexibility in strike situations, the Union may assign such other or different duties to the above Committees or establish other Committees to perform other duties.

SECTION V. Labor Dispute Procedures: In the event of any lockout or a labor dispute between shipowners and any other Union which results in a ship or ships being tied up, the Union may establish such Committees, soup kitchens, provide

relief for members or take such other actions as its membership may deem necessary or advisable.

SECTION VI. National Strike Committee:

A. Immediately after a general or National Maritime strike or lockout starts, a National Strike Committee shall be set up. This Committee shall be composed of one member from each Branch, including Headquarters and Honolulu, in addition to the President/Secretary-Treasurer and Vice President. The Branch and Headquarters representatives designated shall be elected by regular meetings or special strike meetings held at their branch.

B. The Branch and Headquarters representatives shall also act as the Special Banking Committee designated in the Constitution in Article III, Section X (paragraph F); to release the strike funds from restricted bank accounts when removal of such restriction is voted by the membership.

C. It shall be the duty of the Branch representatives on the National Strike Committee to keep their Branch informed on the progress of the strike and recommendations and decisions of the Committee and carry out the instructions of their Branch.

D. The President/Secretary-Treasurer shall be Chairman of the National Strike Committee. In his absence, the Vice President shall be Deputy Chairman.

E. A uniform fine system for missing picket duty shall be established by the National Strike Committee.

F. The provisions of Article VIII, Section X shall be implemented and the collection of the fair ship assessment effected.

G. The National Strike Committee shall be empowered to have issued proper clearance cards, at the conclusion of the

strike, to all men who have performed their proper picket duty. Such clearance cards shall be uniform for all ports and shall have the signature of the President/Secretary-Treasurer and the name of the Union on them.

SECTION VII. Termination of Strikes: Minor strikes may be terminated by action at any regular or special membership meeting.

Strikes instituted by a secret referendum ballot shall be terminated after a secret ballot has been taken at a simultaneous, regular or special meeting at Headquarters and Branches voting on the recommendation of the President/Secretary-Treasurer of the Union or the Negotiating Committee that the strike should be called off.

The recommendation to terminate the strike must receive the majority of valid votes cast.

SECTION VIII. Strike Fund:

A. The Union shall maintain a policy of continually building up its strike fund, limited to \$1,500,000. The strike fund of the Union shall be inviolate and shall be used for no other purpose at any time, other than financing the expenses incurred during a general maritime strike or lockout.

B. Strike funds shall be deposited in banks designated by the Union or in securities issued by the United States Government. Such deposits or investments in United States Government securities shall be in the name of the strike fund of the Union. Alternatively, the Board of Trustees may engage a high-rated investment manager approved by the membership to prudently and conservatively invest the strike fund. The investment

manager is to be instructed by the trustees to use the following guidelines:

1. Obligation guaranteed directly or indirectly by the United States Government or one of its agencies.

2. Debt instruments issued by the United States Government or one of its agencies, including government backed mortgage pools.

3. Certificates of Deposit issued by a bank whose long term debt is rated AA by Moody's or equivalent and whose commercial paper, if issued, is rated A-1 by Moody's or P-1 by Standard and Poor's. Such investments shall be in the name of the strike fund of the Union.

4. The Board of Trustees may enter into a guaranteed investment contract issued by an insurance company rated A or better by Best subject to review and approval by the investment manager.

C. At no time shall any such investments be cashed or transferred from the strike fund of the Union except in case of lock-out or strike. All investments may be reinvested under the established guidelines as provided for under Article IX, Section VIII.B., subject to a report to the membership. The Board of Trustees shall have the authority to act on recommendations by the investment manager to reinvest such securities.

D. The Board of Trustees of the Union shall be responsible for the safekeeping of the bank books of the strike fund and for the United States Government securities purchased on account of the strike fund. They shall report at regular intervals to the membership on their custody of such funds.

E. Before any of said funds can be withdrawn from the

banks in which they are deposited, or Government securities held in the name of the strike fund be cashed or negotiated, one man from each Branch along the Coast shall be elected to a Special Banking Committee.

Such Special Banking Committee shall be issued credentials by the Agent of the Branch, certifying to his election; and the delegate from Headquarters, and by the President/Secretary-Treasurer; and such Special Banking Committee, with the concurrence of the Board of Trustees, shall release any strike funds if and when a strike is called or lockout takes place.

In the event a National Strike Committee has been elected, pursuant to the provisions of this Article, it shall function as a Special Banking Committee.

ARTICLE X INDEMNIFICATION AND PROPRIETY OF EXPENDITURES

It is realized that the officers and members of this Union operate under restrictive labor laws and actions by the Union may subsequently lead to lawsuits against officers or members. Any officer or member shall have the right to rely upon the actions of the membership in the authorization of expenditures, the propriety of any economic action or the propriety of any disciplinary action against any member or officer; and all officers as members shall be indemnified to the fullest extent permitted by law; and the Union may pay for the member or officer's defense in any litigation and reimburse or pay any judgment that may be rendered against any such officer or member. The foregoing

provision or indemnification does not extend to protecting an officer against willfully dishonest acts or the specific breaches of trust mentioned in Title V of the Labor-Management Reporting and Disclosure Act of 1959. This Article is inserted because of the desire of the Union to preserve the fullest freedom of the officers and the members in the conduct of their affairs, the uncertainty in the law as to the propriety of any economic action by unions, the possibility of new legal concepts being developed by the courts to vitiate or render unlawful that which the Union, in its opinion, at the time of the action, believed to be proper. The Union shall also have discretion to make expenditures to defend members against any oppressive act by courts, police, employers or others. It is recognized that one of the functions of this labor union is to test, in court, principles of law relating to the internal affairs of labor unions or the propriety of economic action by the Union; and expenditures for any such purpose shall be deemed lawful and proper if approved by the membership.

ARTICLE XI

DEFINITIONS AND MISCELLANEOUS PROVISIONS

SECTION I. Vacancies: Unless otherwise set forth, the term “vacancies” shall include failure to perform the function of any officer or job by reason of death, prolonged illness requiring absence from the job, resignation or suspension from membership or expulsion from the Union with no further right to appeal in accordance with the provisions of

this Constitution.

SECTION II. Vote of the Membership: The term “majority vote of the membership,” “vote of the membership of all Branches,” “vote of the membership” shall mean the majority of all the valid votes cast by members at a meeting of those ports holding a meeting. This definition shall prevail notwithstanding that one 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 customs and usage of the Union.

SECTION III. Constitution: The term “Constitution” shall refer to this Constitution, as it may from time to time be amended.

SECTION IV. Member in Good Standing: The term “member in good standing” shall mean a member whose monetary standing of the Union is not in arrears for more than three (3) months or who is not under suspension or expulsion in accordance with this Constitution. Unless otherwise expressly indicated, the term “member” shall mean a member in good standing.

SECTION V. Standards of Interpretation: This Constitution shall be liberally construed to effectuate its purposes and, unless specifically and unequivocally set forth herein to the contrary, any action of the membership shall be deemed to be valid and any procedural defect may be cured by ratification of the membership at any subsequent meeting.

ARTICLE XII AMENDMENTS

This Constitution may be amended in the following manner:

Any proposed amendment shall be submitted in writing by any member to a regular meeting at Headquarters or any Branch.

If approved at any Branch, it shall be forwarded to Headquarters for further action.

When any proposed amendment has been submitted to Headquarters, it shall be read and recorded in full in the minutes.

A proper motion, duly seconded, shall be placed before the meetings at Headquarters and Branches to concur with the proposal to place the proposed amendment on the ballot. A hand vote shall be taken and the result recorded in the minutes.

If the vote to concur carries, the matter shall be referred to a referendum ballot of the Union in the same manner, and preferably on the same ballot as the election of officers.

Excepting matters subject to the provisions of Article VII, Section I, if, upon such a vote, it shall receive a majority of the votes cast, it shall be declared adopted.

It shall go into effect the day following the meeting at which such balloting results have been announced and the amendment declared adopted.

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MARINE FIREMEN'S UNION

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