

**2008**

**CONSTITUTION**

**OF THE**

**NATIONAL MARINE ENGINEERS'  
BENEFICIAL ASSOCIATION**

**OF THE**

**UNITED STATES OF AMERICA**

**AFL-CIO**



Including

**CONSTITUTION**

**FOR**

**DISTRICTS**

Acknowledging the Jurisdiction of the National Association

---

National Association Organized February 23, 1875

---

---

## OUR CREED

We, the members of the National Marine Engineers' Beneficial Association believe in the United States as a government of the people and for the people whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states, a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives.

We, therefore, believe it is our duty to our country to love it, to support its Constitution, to obey its laws, to respect its flag and to defend it against all enemies.

**2008**

**CONSTITUTION**

**OF THE**

**NATIONAL MARINE ENGINEERS'  
BENEFICIAL ASSOCIATION**

**OF THE**

**UNITED STATES OF AMERICA**

**AFL-CIO**



Including

**CONSTITUTION**

**FOR**

**DISTRICTS**

Acknowledging the Jurisdiction of the National Association

---

National Association Organized February 23, 1875

---

(BLANK PAGE)

*TABLE OF CONTENTS*

**NATIONAL MEBA CONSTITUTION**

PREAMBLE.....1

ARTICLE ONE  
Name and Composition.....1

ARTICLE TWO  
Objects and Jurisdiction.....1

ARTICLE THREE  
Eligibility for Membership.....1

ARTICLE FOUR  
National Association Officers.....2

ARTICLE FIVE  
Nomination and Election of National Officers.....3

ARTICLE SIX  
The National Association and Duties of National Officers.....5

ARTICLE SEVEN  
National Executive Committee.....8

ARTICLE EIGHT  
Districts.....10

ARTICLE NINE  
National Conventions.....11

ARTICLE TEN  
District Charters and Responsibility.....16

ARTICLE ELEVEN  
Finances.....22

ARTICLE TWELVE  
Impeachment and Removal from Office of National Officers,  
Including National Executive Committee Members.....25

ARTICLE THIRTEEN  
Rights and Duties of Membership.....26

ARTICLE FOURTEEN	
Contracts.....	28
ARTICLE FIFTEEN	
Compact Between National Association and the Several Districts.....	29
ARTICLE SIXTEEN	
Disputes With the Association and Between Affiliates.....	29
ARTICLE SEVENTEEN	
Exhaustion of Remedies.....	30
ARTICLE EIGHTEEN	
Saving Clause.....	30

*APPENDIX I*

**CONSTITUTION FOR DISTRICTS**

Article One.....	33
Article Two	
Object.....	33
Article Three	
Composition.....	34
Article Four	
Membership.....	34
Article Five	
Elections.....	35
Article Six	
Duties of Officers and Job Holders.....	37
Article Seven	
Duties of Members.....	37
Article Eight	
Impeachment and Removal from Office of Elected Officers of Districts.....	38

Article Nine	
Code of Trial by Charges.....	39
Article Ten	
Penalties.....	41
Article Eleven	
Membership Meetings.....	42

*APPENDIX II*

**RULES AND REGULATIONS**

<i>Rules and Regulations No. 1</i>	
Membership for Marine Engineers and Deck Officers	
Working on Government Vessels.....	43
<i>Rules and Regulations No. 2</i>	
Membership for Employees who are not Licensed Officers.....	44
<i>Rules and Regulations No. 3</i>	
Applicants for Membership.....	45

# **NATIONAL MEBA CONSTITUTION**

## **PREAMBLE**

**WE, THE MEMBERS**, of the National Marine Engineers' Beneficial Association, believe in the United States as a government of the people, by the people and for the people whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states, a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives.

**WE, THEREFORE**, believe it is our duty to our country to love it, to support its Constitution, to obey its laws, to respect its flag and to defend it against all enemies.

## **ARTICLE ONE Name and Composition**

This Association shall be known as the National Marine Engineers' Beneficial Association, AFL-CIO, hereinafter referred to as the "National Association."

## **ARTICLE TWO Objects and Jurisdiction**

**Section 1.** The objects and purposes of this Association shall be to elevate and maintain the rights and advance and safeguard the economic and working conditions of its members and otherwise labor for their better protection and advancement. To these ends, the Association encourages and authorizes the support, both by its affiliates and members, financially and otherwise, of social, civic, and charitable, educational and political activities and participants.

**Section 2.** The jurisdictional rights of the National Association shall extend to all enterprises in which its members may be employed.

## **ARTICLE THREE Eligibility for Membership**

**Section 1.** The following marine officers and other individuals in good moral character and known qualifications who are citizens of the United States shall be eligible for membership after having completed the following requirements for applicants:

(a) All marine officers who have been licensed by the U.S. Coast Guard to serve as such on vessels of the United States.

(b) Marine officers regularly serving on commercial motor vessels operating in inland waters where license requirements have not been established by the U.S. Coast Guard.

(c) Any officer, whose United States' marine license is valid, though he engages in another vocation, is eligible for membership.

(d) Other individuals employed in various occupations and who are covered by a collective bargaining agreement between the National Association or any affiliate and an employer.

**Section 2.** Marine officers who are nationals of other countries and working on vessels regardless of flag, owned, operated or controlled by American interests, shall also be eligible for membership.

**Section 3.** For the purpose of determining the character and qualifications of applicants for membership, applicants may be required to assume an applicant status, in accordance with Rules and Regulations for applicants, which Rules and Regulations shall be promulgated by the National Executive Committee.

**Section 4.** The National Executive Committee may promulgate Rules and Regulations with respect to the conditions upon which (a) any applicant for membership who is also a member of an unlicensed seafaring union will be accepted into membership and (b) any member who is a member of an unlicensed seafaring union may continue such membership or be compelled to discontinue the same.

**Section 5.** The National Executive Committee shall have the authority to permit a District to accept into membership, on the basis of such Rules and Regulations as said Committee may issue from time to time, such workers who are not otherwise eligible hereunder. The Rules and Regulations shall include, among other matters, the respective rights, privileges and benefits of such members, provision for the rate of initiation fees, dues to be paid by such members, provision for the rate of initiation fees, dues to be paid by such members and the per capita tax to be paid by the District to the National Association with respect to such members.

## **ARTICLE FOUR**

### **National Association Officers**

**Section 1.** The Officers of the National Association shall consist of a National President, a National Secretary-Treasurer, and one National Vice President from each District.

**Section 2.** Each of the District Presidents shall, by virtue of their position as District Presidents, be deemed elected as a National Vice President and the ballot for election of District President shall so provide.

**ARTICLE FIVE**  
**Nomination and Election of National Officers**

**Section 1.** The National Officers, other than the National Vice Presidents, shall be elected every three (3) years commencing with the election in 2002. The election shall be conducted at the National Convention.

**Section 2.** (a) The National Officers, other than the National Vice Presidents, shall be elected by plurality vote of the Delegates at the National Convention.

(b) In the event the District President of any District is also a National Officer, the District Executive Committee of such District shall designate the individual who shall serve as a member of the National Executive Committee.

**Section 3.** (a) Any member shall be eligible for nomination to and election as a National Officer provided he is (1) at the time of nomination and election a member in good standing; and (2) he has been a member of the National Association for one year immediately preceding the date of the closing of nominations.

(b) No member can accept nomination to or be a candidate for more than one office in any National election.

(c) No member shall be eligible for nomination to or to serve in a paid elective office when receiving a pension under any MEBA Plan or the pension plan of any other affiliated organization.

**Section 4.** (a) Any member may submit his name for nomination for any National Office by delivering in person or sending by registered or certified mail a letter addressed to the National President at the address of the National Headquarters of the National Association. Such letter shall be received at National Headquarters during the month of February preceding the Convention. Letters not received during this time will not be considered as valid nominations.

(b) The letter shall be dated and contain the following information:

- (1) The full name of the candidate and, if he wishes, any special name by which he desires to be known;
- (2) His home address and mailing address;
- (3) The number of his last dues receipt and the name of the Branch or District Headquarters where he last paid his dues;
- (4) The title of the National Office for which he is a candidate;

- (5) Unlicensed union or unions to which nominee belonged and approximate date of joining same;
- (6) Date of joining the MEBA and the District or other affiliated body in which he has been a member; and
- (7) Annexing a certificate in the following form, signed and dated by the proposed nominee:

“I hereby certify that I am not now, nor for the five (5) years last past, have I been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Landrum-Griffin Act, or conspiracy to commit any such crimes.

Signature of Proposed Nominee.”

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

(d) Notice of the opportunity for nominations shall be given to members by January 1, prior to the Convention, which notice may be given through the mailing of the official National and/or District publication to the members.

(e) The meaning and practice under the foregoing provision has been and shall continue to be that any member has the right to nominate either himself or any other member provided that where a member has been nominated by another member, the nominee must, within the time specified above, submit his letter of acceptance in the same form and containing the same information as requested in the case where a member nominated himself.

**Section 5.** The National President, or his designee, shall determine whether the member or members have submitted their nominations in due form and whether they possess the necessary qualifications. When a nominee has been disqualified, he shall be notified immediately by facsimile machine or overnight mail at the address listed by him in his letter of nomination. He shall also be sent a letter containing the reasons for such disqualification by certified or registered mail to the same mailing address. A disqualified nominee shall have the right to take an appeal to the National Executive Committee from such disqualification. Such appeal must be in writing and must be received at National

Headquarters no later than ten (10) days after the date of mailing of the notice of disqualification. The National Executive Committee shall hear the appeal at its meeting immediately preceding the National Convention and make a determination on the eligibility of the nominee. The decision of the National Executive Committee shall be given as quickly as possible and such decision shall be final.

**Section 6.** The election of National Officers shall be conducted at the Convention. The voting need not be conducted by secret ballot. No election shall be necessary where there is only one candidate for an office and such candidate shall be declared elected. The National President shall determine the procedure for voting and the day of the Convention when such voting shall be conducted.

**Section 7.** Delegates to the National Convention shall be elected by each District by secret ballot or otherwise in accordance with all provisions of applicable law.

**Section 8.** Any challenge to the conduct of the election (other than an appeal by a disqualified nominee for candidacy to office), must be received by the National Executive Committee at National Headquarters within thirty (30) days from the date of the closing of the Convention. Such appeal must be in writing, setting forth the specific conduct challenged, and signed by the complaining member or members. The National Executive Committee shall hold a hearing on the challenge and shall make a final decision on the challenge within thirty (30) days after the conclusion of the hearing.

**Section 9.** The elected officers of the National Association shall be installed in their respective offices immediately following their election by any Member of the National Executive Committee prior to the conclusion of the National Convention. They should assume the duties of their offices immediately thereafter. Incumbent officers shall continue to hold office until their successors are elected, qualified and installed.

## **ARTICLE SIX**

### **The National Association and Duties of National Officers**

#### **Section 1. National President.**

(a) National President shall be the Chief Executive Officer of the National Association and shall devote his entire time to the work and interests of the National Association. Provided, however, that he may hold office in organizations affiliated with the Association and render advice, counsel and services thereto. He shall, subject to the authority of the National Executive Committee, direct, manage and supervise the affairs of the National Association between Conventions and between sessions of the National Executive Committee. The National President shall preside and have a full voice and vote at all National Conventions. He shall also be a member of, preside over, and have a full voice and vote at all meetings of the National Executive Committee.

(b) The National President shall furnish a fidelity bond at the expense of the National Association, which bond shall be executed by a reliable Surety Company in

such amount as may be prescribed by the National Executive Committee. Said bond, as to amount and content must, however, fulfill the requirements of any applicable law.

(c) The National President's salary shall be set and adjusted by the National Executive Committee in its discretion. Said compensation shall be paid in semi-monthly installments effective upon being installed in office. He shall receive all legitimate expenses incurred in the performance of his duties of office, and shall be entitled to an annual vacation to be fixed by the National Executive Committee within the framework of the prevailing collective bargaining agreements pertaining to members of the National Association covering vessels in the offshore trade.

## **Section 2. National Secretary-Treasurer.**

(a) The National Secretary-Treasurer, subject to the supervision of the National President and the National Executive Committee, shall be charged with the responsibility of keeping the minutes of all National Executive Committee meetings and with the maintenance and protection of all records, books, papers and contracts, including financial reports, of the National Association. He shall receive, hold and keep a proper account of all monies of the National Association and pay all legitimate bills.

(b) He shall render a semi-annual statement of the accounts to the National Executive Committee, which shall consist of a review by an independent, certified public accountant. Such semi-annual statement shall include a report of the financial standing in the National Association of each District.

(c) He shall make an annual report to the National Convention, certified by an independent certified public accountant, indicating all receipts and disbursements made during the preceding year. The books shall be closed on December 31<sup>st</sup> of each year for the purpose of rendering said annual audited report.

(d) He shall issue a monthly report to the Districts giving changes of membership that have been reported to him officially and shall receive and answer all correspondence pertaining to his office.

(e) He shall furnish a Fidelity Bond at the expense of the National Association, which bond shall be executed by a reliable Surety Company in such amount as may be prescribed by the National Executive Committee. Said bond, as to amount and content must, however, fulfill the requirements of any applicable law.

(f) Subject to his responsibility to discharge his specific duties as contained herein, he shall perform such other duties as may be directed by the National Executive Committee.

(g) The National Secretary-Treasurer's salary shall be set and adjusted by the National Executive Committee in its discretion. Said compensation shall be paid in semi-monthly installments effective upon being installed in office. He shall receive all

legitimate expenses incurred in the performance of the duties of his office and shall be entitled to an annual vacation to be fixed by the National Executive Committee within the framework of the prevailing collective bargaining agreements pertaining to members of the National Association covering vessels in the offshore trade.

(h) The National Secretary-Treasurer shall serve as a member of the National Executive Committee with a full voice and vote.

(i) The National Secretary-Treasurer, in the absence of the National President, shall preside at the National Conventions or at any meeting of the National Executive Committee.

### **Section 3. National Vice Presidents.**

(a) It shall be the duty of the National Vice Presidents to assist the President in the discharge of his duties and to discharge all other legitimate duties when ordered by the National Convention or National Executive Committee. The National Vice Presidents shall have a full voice and vote in meetings and deliberations of the National Executive Committee. The National Vice Presidents shall receive no salary, but shall be reimbursed for legitimate expenses incurred in performance of their duties.

(b) In the case of a vacancy in the office of a National Vice President for any reason whatsoever, said office shall be filled for the unexpired term by the District Executive Committee of the National Vice President's District.

(c) The National Executive Committee is authorized to appoint additional National Vice Presidents at any time between Conventions when deemed necessary for the proper and efficient functioning of the National Association or for the proper representation of additional Districts or affiliates. Such additional National Vice Presidents shall be members of the National Executive Committee and shall serve in such office until the next Convention at which an election of National Officers is to be conducted.

### **Section 4. Signature on Checks.**

All checks issued by the National Secretary-Treasurer on the funds of the National Association shall bear the signature of the National President and shall be countersigned by the National Secretary-Treasurer; and, in the absence of either, the second signature may be that of any member of the National Executive Committee authorized by the National Executive Committee to countersign checks.

### **Section 5. Welfare, Pension, Vacation and Training Plans and Funds.**

(a) It shall be the responsibility of the National Executive Committee to keep fully apprised of the operation and administration of the several Plans and Funds covering the membership of the organization.

(b) It shall be the national policy of the National Association:

(1) To assure full and equal rights among the membership within such Plans and Funds; and

(2) Wherever it may be practical to do so, achieve the integration of similar Plans among the several Districts.

**Section 6. National Headquarters.**

(a) The location of Headquarters of the National Association shall be determined by the National Executive Committee.

(b) The National Executive Committee may, at its discretion, relocate or reassign any of the full-time National Officers to any location deemed to serve the best interests of the membership. All legitimate expenses incurred by any of the full-time National Officers while away from the city where assigned in the performance of the duties of his office shall be paid.

**Section 7. Matters of National Policy.**

Full and effective enforcement of collective bargaining agreements executed by a District and Shipping Rules duly promulgated by any District in accordance with the provisions of this Constitution shall be deemed to be a matter of national policy.

**Section 8. Vacancy in Office.**

In the case of a vacancy in the office of the National President or in the office of the National Secretary-Treasurer, for any reason whatsoever, including death, resignation or removal, the National Executive Committee shall then elect a successor who will serve for the unexpired term. Any such successor must meet the qualifications for said office.

**Section 9. Referenda.**

All referenda emanating from the Convention shall be handled by the Impartial Administrator under the direction of the National Executive Committee and in conformity with this Constitution or the instructions of the National Convention.

**ARTICLE SEVEN  
National Executive Committee**

**Section 1. National Executive Committee.**

(a) Every three (3) years, commencing with the election in 2002, the National Convention Delegates from District No. 1-PCD shall, by majority vote, elect two

National Executive Committee Members from District No. 1-PCD. The eligibility requirements and nomination procedures for said election shall be the same as provided herein above for National Officers. Together with the National Officers, the two persons so elected shall comprise the five (5) person National Executive Committee.

(b) Each of the District Presidents, by virtue of their position as District Presidents and National Vice Presidents, shall be deemed elected as a member of the National Executive Committee. In the case of a vacancy, the District Executive Committee of the applicable District shall appoint a replacement.

(c) In the case of a vacancy in the office of a National Executive Committee Member other than a National Officer, said office shall be filled in the same manner as vacancies in the Office of National Vice Presidents.

### **Section 2. Duties of National Executive Committee.**

(a) The National Executive Committee shall enforce this Constitution and carry out the instructions of the Conventions, and between Conventions shall have the power to direct the policy and business of the National Association, and shall have the authority between Conventions to interpret this Constitution and such interpretation shall continue in effect subject to the action of the next ensuing National Convention. It shall direct the National Officers in the performance of their respective duties. It shall also consider and take appropriate action on any appeals, with the exception of appeals involving internal District affairs and election issues, made by any District from any action of a District or the National Association and shall have authority to promulgate rules and regulations concerning such appeals. Its decision may be appealed to the following National Convention, but it shall remain in effect unless reversed by the National Convention.

(b) Meetings of the National Executive Committee shall be held not less than twice each year at a place and time designated by the National President. Meetings may be held at other times subject to the call of three (3) National Executive Committee members, provided that at least ten (10) days advance written notice is given to each National Executive Committee member, unless such notice is waived by the Presidents of each District. Such emergency meetings if called shall be at a place designated by the National President. All meetings of the National Executive Committee shall be presided over by the National President.

### **Section 3. Voting Power in National Executive Committee.**

(a) Each member of the National Executive Committee shall have one vote. In the event of a tie, the President shall cast the deciding vote.

(b) With respect to any reference contained in this Constitution to a minimum required vote of the members of the National Executive Committee, it shall be understood that such required percentage vote shall be based upon the number of members of the National Executive Committee who actually vote on the specific

question. Members of the National Executive Committee who may not be present or refrain from voting shall not be included in the computation for the purpose of determining whether the minimum required percentage vote has been obtained. Any member of the National Executive Committee may attend by telephonic conference and be deemed present.

**Section 4. Quorums.**

A quorum shall consist of not less than three (3) members.

**Section 5. Expenses.**

All expenses incurred in connection with the functioning of the National Executive Committee shall be paid by the National Association.

**Section 6. Submission of Documents.**

In the submission of all documents for the attention of the National Executive Committee, two copies shall be forwarded to the National President.

**Section 7. Action by National Executive Committee.**

The National Executive Committee may take any action, which it is authorized to take under this Constitution, either at a duly convened meeting or by written authorization.

**ARTICLE EIGHT**  
**Districts**

**Section 1.** (a) On the date of this Constitution, the National Association consists of District No. 1-Pacific Coast District, MEBA.

(b) Any other District or Division may be accepted as an affiliate by the National Executive Committee, subject to such rules, conditions and representation rights as may be determined by the National Executive Committee.

**Section 2.** Each District shall possess and exercise all powers and duties of the previously chartered Subordinate Associations within the District conferred by this Constitution.

**Section 3.** Each District shall have the authority to promulgate and amend from time to time its By-Laws and Shipping Rules for the administration of its affairs and activities which shall not be in conflict or be inconsistent with the provisions of the National Constitution. Such By-Laws shall set forth the specific offices, which shall be filled by election on a District-wide basis, the manner in which said elections shall be

conducted and the respective duties of such offices. All amendments to the By-Laws and Shipping Rules shall be furnished to the National President.

**Section 4.** Each District shall be governed by a District Executive Committee, which shall be composed of the District-wide elected officials so designated in the By-Laws of the District to serve as members of the District Executive Committee.

**Section 5.** Within each District one port shall be designated as the District Headquarters. The District shall have the power to determine, in its discretion, in what other ports within its jurisdiction it desires to maintain offices which shall be known as Branches.

**Section 6.** Each District shall, in addition to such other powers and duties which it may exercise under and pursuant to the Constitution have the authority to work out uniform policies in the matter of contract enforcement to negotiate and consummate, enforce and administer all collective bargaining agreements covering the District or any portion thereof, to designate the Union Trustees for any Pension, Welfare, Vacation or Training Plan or Fund established pursuant to any such collective bargaining agreement.

## **ARTICLE NINE**

### **National Conventions**

#### **Section 1. Time and Place.**

The regular Convention of the National Association shall be held on the third Monday in March beginning in the year 2002 and on the same date every three years thereafter. The National Executive Committee at its regular meeting preceding the date of the Convention shall determine the place of the Convention.

#### **Section 2. Duties.**

The National Convention shall be the governing body of this National Association and shall have the power, subject to Section 8 of this Article, to amend or repeal any Article or Section of this Constitution.

#### **Section 3. Representation.**

(a) The duly elected Delegate(s) for the National Convention, for each District which is in good standing as of the opening date of the National Convention, shall be entitled to one vote for the first 50 members or less, one vote for the next 150 members or less, and one vote for each additional 100 members or less. A Delegate of a District, which sends only one Delegate, shall cast the entire vote of the District. Any District which sends more than one Delegate to the National Convention may empower one Delegate to cast the entire vote of the District or divide the votes among its Delegates.

(b) Whenever a vacancy occurs in the position of Delegate to the National Convention, and there is more than one Delegate from any District, the remaining Delegates of that District shall have the right to cast the votes of the Delegates whose positions have become vacant. The remaining Delegates shall each cast a proportionate share of the total vote of that District.

(c) A vacancy shall exist in the position of Delegate to the National Convention whenever a duly elected Delegate is absent without cause from the Convention, dies, is incapacitated, resigns, receives a pension under any MEBA Pension Plan, is in arrears in his dues, is dropped from membership or is expelled from the Union with no further right to appeal in accordance with the provisions of the National Constitution and Constitution or By-Laws of the District of which he is a member.

#### **Section 4. Eligibility of Delegates.**

All members eligible for election to office in the District shall be eligible for election as Delegates to a National Convention. Qualified Delegates to any Convention must be elected in the same manner as prescribed in the Constitution and By-Laws of their Districts. Failure to qualify under the above conditions shall be sufficient reason for denial of such member to be seated at any National Convention.

#### **Section 5. Quorums.**

Two-thirds of the Delegates present at a National Convention shall constitute a quorum.

#### **Section 6. Visitors.**

All members in good standing shall be entitled to seats at a National Convention as visitors, but shall have no voice or vote in the proceedings.

**Section 7.** All proceedings of Conventions of the National Association and all documents relative thereto shall be published in an unabridged form, when so ordered by the National Convention.

#### **Section 8. Amendments to this Constitution and Referendums.**

(a) This Constitution may be amended by a two-thirds vote in any Convention of the National Association. Proposed Amendments must be submitted by resolution in accordance with the rules governing the proceedings of the Convention.

(b) Resolutions properly submitted to a National Convention which propose amendments to the National Constitution may specify therein that the subject matter shall be submitted to a referendum vote among the members. In such case, if the resolution is approved by a 60% vote at the National Convention, it shall be submitted to a referendum vote and if approved by 60% of the members shall go into effect.

(c) A referendum among the membership on any matter which does not amend this Constitution may be authorized by a majority vote at a National Convention or a majority vote of the National Executive Committee. The matter submitted shall go into effect if approved by a majority vote of the members voting.

(d) Any amendment to the National Constitution adopted by a referendum among the membership may not be deleted, altered or amended in any way whatsoever other than through another referendum vote authorized and conducted in accordance with the foregoing provisions.

### **Section 9. Rules of Order.**

**Rule 1.** The President will state plainly every question coming before the National Association, and before putting it to a vote, shall ask, "Are you ready for the question?" and should no Delegate rise to speak on the question, the Chair shall rise and take the vote, and after he has risen, no member shall be allowed to speak on it unless by consent of the President, who shall announce his decision on all votes and all subjects. His decision on questions of order shall be without debate, unless entertaining doubts upon the point, when his decision may be appealed to the Delegates of the Convention and decided by a two-thirds vote.

**Rule 2.** When a Delegate speaks, he shall rise and address the President, confining himself strictly to the merits of the question at issue. He shall not be interrupted while speaking, except to explain, without permission of the Delegates present. When two or more Delegates arise at once, the presiding officer shall decide who is entitled to the floor.

**Rule 3.** All resolutions shall be presented in writing to the National Headquarters ten days prior to the convening of the Convention. Additional resolutions may be presented at the Convention if permitted by a two-thirds vote of the Delegates. A copy of each resolution shall be available for the members of the appropriate Committee at its initial meeting.

**Rule 4.** A motion to reconsider any former resolution or vote can only be made and seconded by Delegates who voted in the majority. All motions and resolutions relating to a reconsideration of any subject must be made by giving notice when said reconsideration shall take place.

**Rule 5.** No business shall be taken up, except in the order prescribed, unless upon motion that the regular order of business be suspended for the transaction of the business set forth, and such motion shall be sanctioned by a majority vote.

**Rule 6.** All National Officers and Delegates shall keep their respective seats during the continuance of the meeting, except by the permission of the President.

**Rule 7.** No National Officer or Delegate to the Convention shall read any report that takes more than thirty (30) minutes in the reading thereof except with the approval of the Convention.

All reports of National Officers and Delegates to the Convention must be printed, and if their oral reading will take more than thirty minutes they shall be referred to the Committee on Distribution.

**Rule 8.** *Robert's Rules of Order* shall govern the Conventions of this National Association unless otherwise provided.

**Rule 9.** The National President is authorized to order the removal, from sessions of the National Convention, of persons or Delegates who are disorderly or disruptive or who prevent the normal conduct of the business of the National Convention.

### **Section 10. Order of Business.**

1. Calling the National Association to order.
2. Appointing Committee on Credentials.
3. Report of the Committee on Credentials.
4. Appointing Officers to fill vacancies and for the session.
5. Opening the National Association in ritualistic form.
6. Election of National Officers.
7. Swearing in of newly elected National Officers.
8. Motion or resolution covering session and proceedings, address and welcoming, etc.
9. Appointing of standing Special Committees.
10. Report of National Officers.
11. Report of Districts.
12. Roll Call for the introduction of new business.
13. Reports of Committees in order named.
14. Report of Special Committees.
15. Vote on all Constitutional amendments and resolutions.
16. Adjournment.

### **Section 11. Appointed Committees.**

(a) The appointed Committees of this National Association shall be as follows:

**On Credentials**, which shall be appointed by the National Executive Committee. It shall be the duty of the Credentials Committee to examine the credentials of all Delegates.

**On Auditing**, which shall audit the books and accounts of the National Headquarters, and examine and report upon all matters of finance of this National

Association referred to it by the same, and shall analyze and report upon the expense account of each National Officer.

**On Constitution**, to which shall be referred all resolutions which contain proposed amendments to the Constitution.

**On Charters**, to which shall be referred for investigation all applications or propositions for the issuance or revocation of charters submitted to it by the National Convention.

**On Distribution**, to which shall be referred the Report of the President and such other papers or reports as the National Convention shall direct; and it shall be their duty to analyze the same and distribute all recommendations and suggestions in such papers or reports to the Committee or other departments or officials of the National Association to which they may belong.

**On Legislation**, to which shall be referred all resolutions regarding proposed legislation. The Committee may consider resolutions from the Legislative Policy and Coordinating Committee which will consist of individuals designated by the National Executive Committee and shall consider and recommend proposals designed to foster and promote a cohesive legislative agenda for the National Association, its Districts, and District affiliates concerning matters of joint and mutual concern.

**On Good of the Order.**

**On Dues and Revenues.**

**On Grievances**, which shall examine and report on all matters of grievances or appeals referred to it by the National Convention.

**On Resolutions.**

(b) These Committees shall consist of five (5) members each. All Committees shall be selected in the same manner as the Credentials Committee, subject to the approval of the Convention.

(c) When deemed necessary by the Convention, Special Committees may be appointed under the above provisions.

**Section 12.** With respect to any reference contained in the Constitution to any minimum required vote of the Delegates to a National Convention, it shall be understood that such required percentage vote shall be based upon the per capita vote of the number of Delegates who actually vote on the specific question. The Delegates to the National Convention who may not be present or refrain from voting shall not be included in the computation for the purpose of determining whether the minimum required percentage vote has been obtained.

### **Section 13. Special Conventions.**

The National Executive Committee may, in its discretion, whenever it shall deem it necessary in the interest of the organization, convene a Special National Convention. At least thirty (30) days advance written notice of such Special Convention must be received by all Districts, unless all Districts waive such notice. Any such Special National Convention shall have all the powers of the regular National Convention and be governed by the rules and regulations applicable to regular National Conventions except as modified or altered by the National Executive Committee in its call for the Special National Convention. The Delegates to such Special National Convention shall have the same voting power as the Delegates from the same District had in the immediately preceding regular National Convention.

## **ARTICLE TEN District Charters and Responsibility**

### **Section 1. Eligibility for Charter.**

Any fifteen (15) or more persons eligible for membership in the National Association may constitute a District on receipt of a Charter from the National Association in the manner herein set forth, if they have either (a) regularly and honorably severed their membership in any District and/or (b) have never been a member of the National Association or any District.

### **Section 2. Application for Charter.**

Applications for Charter shall be made to the National President and must be accompanied by a fee of \$1,000.

### **Section 3. Issuance of Charter.**

In the case of any application received between Conventions, the National President shall refer the application to the National Executive Committee. The National Executive Committee may approve or disapprove the issuance of the Charter, subject to confirmation by the next National Convention. In the case of any application received while the National Convention is in session, the same shall be referred directly to the Convention, which may deny the application or order the National President to issue the Charter.

### **Section 4. Suspension and Revocation of Charters.**

(a) The Charter of a District may be suspended or revoked for failure of a District to meet its financial obligations to the National Association or for the purpose of correcting corruption or financial malpractice or violation by the District of its duties or obligations to the membership.

(b) Suspension or revocation of a charter may be accomplished only after (1) the subject matter of the charge has first been brought to the attention of the District President by the National President, (2) in the absence of a correction of a violation, the matter shall next be submitted to the District Executive Committee, and (3) a reasonable period of time which shall not be less than thirty (30) days from the date the matter was first submitted to the District President and the District President has failed to correct the charge, charges may then be filed by a National full-time elective officer or any three members of the National Executive Committee. Such charges shall be filed with the National President who shall within thirty (30) days of its receipt mail a copy to each member of the National Executive Committee and to the District so charged. The District shall file a written answer to the charges no later than thirty (30) days following the mailing of the charges by the National Headquarters.

(c) Upon filing of the aforesaid charges, the National Executive Committee shall designate a Trial Committee consisting of three (3) members who must be full-time paid elected officials of a District, one of whom shall be from a District different from the other two members, if applicable. Said Trial Committee shall conduct a hearing at a place and time which it shall designate; provided however, that the date of the hearing may not be set earlier than forty (40) days following the mailing of the charges by the National President.

(d) A written record of the hearing shall be made. There shall be a full opportunity for examination and cross-examination of all witnesses. The District may be represented by counsel if permission is granted by the Trial Committee.

The Trial Committee shall have full authority to determine the rules of procedure, which shall govern all parties.

The Trial Committee shall have full authority to direct the District to produce or make available to the Trial Committee, or its designated agent, any books, records or other documents in the possession of or under the direction or control of the District and to direct any officer or agent or member of the District to appear for examination.

(e) After a full hearing, the Trial Committee shall render a written decision which shall be filed with the National President who shall distribute copies of the same to the charged District, the parties who filed the charges and to each member of the National Executive Committee. Said decision shall either recommend a dismissal of the charges in whole or in part, or a suspension or revocation of the Charter or such other course of action, which it deems necessary to obtain compliance with the National Constitution or National policy.

The full record of the proceeding shall be deposited at the National Headquarters of the National Association.

(f) In the event either the District, which has been charged, or the charging parties, desire to appeal to the National Executive Committee, notice of the same together with a memorandum setting forth the exceptions taken and brief comment thereon shall be filed with the National President within twenty (20) days from the mailing by the National President of the Trial Committee's decision.

If no such appeal is taken within the prescribed time, the decision of the Trial Committee, if it is based on a majority vote, shall be deemed to be final.

(g) The National Executive Committee, on the basis of the entire record, shall render its decision in the event an appeal has been taken. Such decision may call for a dismissal of the charges in whole or in part, for the suspension/revocation of the Charter and/or for such other courses of action which may be necessary to obtain compliance with the National Constitution or National policy. A copy of such decision shall be forwarded to the District and to the charging parties.

Any member of the National Executive Committee or any National elected officer who may have filed the charges, may attend any meeting of the National Executive Committee at which time the matter is under consideration, but he shall not participate in the discussion or in the vote taken thereon; provided however, that the National President, though he may have filed the charges, shall nevertheless preside over any meeting of the National Executive Committee considering the matter but be subject to the above indicated restrictions.

The decision of the National Executive Committee shall be final until amended or reversed by the National Convention.

(h) An appeal may be taken by either the District or the charging parties from the action of the National Executive Committee to the next regular Convention or to a Panel of three neutral public persons who shall be designated by the National Executive Committee. The person taking the appeal shall, when requesting the appeal, indicate which alternative is desired. Notice of such appeal must be filed with the National President no later than thirty (30) days from the mailing of the decision of the National Executive Committee and all briefs in support of the appeal must be submitted simultaneously with the filing of the notices of appeal. The decision of the National Convention or the National Panel, as the case may be, shall be final and conclusive. The National Convention and the National Panel shall have the authority to determine their respective procedures applicable to such appeals.

(i) A suspension or revocation shall require, in the case of the National Executive Committee, a two-thirds vote, and in the case of the National Convention, a majority vote of the Delegates.

(j) In the event the Charter of a District that affiliates with the National Association after the date of this Constitution is suspended or revoked, as provided in this National Constitution, the property, assets and all books and documents of the District

shall be turned over to an Administrator appointed by the National Executive Committee or the National Convention, as the case may be, to be held and administered for the benefit of the members of the District.

### **Section 5. Funds and Property of Districts.**

All money, property and other assets and interests acquired by a District, shall be held by such District in its own name and right or by the appropriate officers of such District, for its benefit, and in the event its charter is eliminated entirely because of change in structure of the National Association, or revoked for any reason whatever, such money, property and other assets and interests shall be retained by the District for the benefit of its members. Indebtedness to the National Association shall be a prior claim on the holdings of any District.

### **Section 6. Disbanding and Voluntary Mergers of Districts.**

(a) Any District affiliated with the National Association on the date of this Constitution shall have the absolute right to disaffiliate from the National Association at any time. Such disaffiliation shall be effective immediately upon transmittal of written notice from the President of the District to the President of the National Association. This paragraph shall not be subject to Article 16, Section 2.

(b) No District shall disband as long as seven (7) members in good standing object to such action. Notice of a proposal to disband shall be sent by such District to every member and a reasonable opportunity be given for expression of objection before any action is taken on such proposal. Any such District disbanding shall have its funds, property and assets administered as provided in Article Ten, Section 4(j).

(c) Any two or more chartered Districts may merge and a new Charter shall be issued to the merged organization, which shall have the same territorial jurisdiction as the merged Districts. Such merger shall result when approved either by a two-thirds vote of the Delegates at a National Convention or by the majority vote of the respective voting membership of the Districts seeking to merge.

### **Section 7. Jurisdiction of Districts.**

Each District shall have exclusive jurisdiction over all of its members who shall be governed by the Laws, rules and regulations of such Districts.

### **Section 8. Eligibility for Office in Districts.**

(a) Any member shall be eligible for nomination to and election as a full time and paid elective official of a District, provided he is at the time of nomination and election a member in good standing and (1) has been a member of the National Association or of an organization which has duly affiliated with the National Association and the District for one year immediately preceding the date of closing of nominations; (2) has either 180

days of employment, including days of vacation, employed with a company in a job covered by a collective bargaining agreement with the Union during each of any two full calendar years of the three (3) calendar years immediately preceding the closing date of nomination or equal time served as a full-time and paid elected or appointed official of the National Association or of a District or of any organization which has duly affiliated with the National Association or equal time served in the employ or on behalf of one or more of any District's Plans.

(b) A member may not be a candidate for, or serve in, more than one full-time District-wide office.

(c) A member may be nominated for, and if elected, fill and serve simultaneously as a National elected officer and as a District elected officer.

(d) No member may hold an elective or appointive office in any District who is a member of, or who supports an organization, which advocates the overthrow of the Government of the United States by force or violence or is disqualified by law.

(e) Any incumbent officer of a District shall continue to hold office until his successor is elected, qualified and installed.

(f) No member shall be eligible for nomination to or serve in a paid elective office when receiving a pension under any MEBA Pension Plan.

(g) Every bona fide candidate for election to office in the District shall have the right, once within thirty (30) days prior to an election for which he is a candidate, to inspect a list containing the names and last known addresses of all members of the District, who are subject to a collective bargaining agreement requiring membership therein as a condition of employment.

## **Section 9. Reports to National Association.**

(a) All Districts shall, upon written request, provide the National Association with copies of their annual disclosure reports to the Department of Labor and Internal Revenue Service, along with other documents necessary for the calculation of per capita taxes and other administrative functions. In addition, all Districts that have more than 250 members in a calendar year shall comply with the reporting provisions set forth in subsections (b) – (h).

(b) Each District shall, on or before March 1<sup>st</sup> of each year, submit to the National Headquarters, on forms provided for the purpose, a report giving a synopsis of its proceedings for the preceding calendar year, a list of its current officers and the number of members in good standing as of December 31<sup>st</sup>. Districts failing to submit their annual report by or before March 31<sup>st</sup> shall have their dues payments to the National Association determined by the last annual report submitted by each District.

(c) Each District shall file with its annual report a financial report showing income, disbursements and financial balance for the preceding year.

(d) The annual financial reports shall be prepared by a legitimate firm of recognized accountants, who shall prepare such reports on the basis of information obtained from the firms and banks in whose custody the assets of the individual Districts are placed. In the case of securities and bonds, such financial reports must indicate that the securities contained in the report have been personally viewed by the accountant submitting the financial statement.

(e) In the event that a District fails to submit its annual financial report on or before the required date and any other reports deemed necessary under this Constitution, failure to conform to this provision shall be grounds for not being seated at any Convention or other meetings of an official nature until such reports have been submitted.

(f) In the event that such reports are not made available to the National Headquarters by June 15<sup>th</sup> of each year, the National Headquarters shall immediately obtain a Certified Public Accountant for the purpose of examining the books and assets of the delinquent District, and upon completion of said audit, the accountant shall submit a detailed report to the National Headquarters which shall forthwith make a report available to the National Executive Committee. The expense of said audit shall be borne by the National Association, subject to reimbursement by the District involved.

(g) Any District which fails to open its books for such audit by the National Association shall be subject to having charges filed for the suspension of its Charter, and such suspension, if decreed, shall continue until all records have been made available to the certified public accountant dispatched from the National Headquarters.

(h) Changes in officers subsequent to the Annual Report shall be promptly reported to the National Secretary-Treasurer.

**Section 10.** The year as herein referred to shall be a calendar year beginning January 1<sup>st</sup>. The first quarter as herein referred to shall commence January 1<sup>st</sup>. Any District which fails to pay its dues to the National Association for the second, third and last quarters before the last day of the preceding quarter, and for the first quarter, before the first of March, together with any other amounts due the National Association on that day, shall not be in good standing with the National Association until such dues and other amounts have been paid.

**Section 11.** When any District completely ceases to function, its Charter shall be considered as forfeited.

**Section 12.** Each District shall, upon request in writing, furnish the National Headquarters with a list of all changes in membership and the number of membership meetings held each month. This shall include the names of all initiated, together with the

date of initiation, all suspended and dropped from the rolls, together with the reasons for the same, rejections, reinstatements, transfer cards granted or received and all deaths.

**Section 13.** (a) Districts shall not print or publish any mailing list of their members and shall not give any names and addresses of their members to anyone except the National Association, except for Pension, Welfare, Training or Vacation Plans or Funds purposes, provided, however, that Districts may furnish other Districts with names, addresses and other pertinent data concerning members, when an official request is made for such information under the seal of a District.

(b) No District or member of the National Association, shall use the name of said District as authorizing the publication of any book, pamphlet, circular or other printed matter, containing any advertisement whatsoever, nor shall it authorize any person or persons to do so, unless approved by the National Executive Committee.

## **ARTICLE ELEVEN**

### **Finances**

#### **Section 1. Dues and Revenues to National Association.**

For each member in good standing on December 31<sup>st</sup>, and for each member not more than one year in arrears as per Section 3 of Article Thirteen, each District shall pay to the National Association at the beginning of each calendar quarter, such sum for each member thereof at the time of its annual return to the National Headquarters, as may be fixed by the National Executive Committee. No change in such sum shall be effective prior to the next calendar quarter following its adoption.

#### **Section 2. Per Capita Tax to the National Association.**

(a) The monthly per capita tax shall be fixed by the National Executive Committee and may be increased by action of the National Executive Committee when deemed necessary.

(b) The National Executive Committee may, in its discretion for cause shown by any District, waive or decrease the monthly per capita tax for any group of members for any fixed period.

#### **Section 3. Revisions of Dues, Fines and Assessments by National Convention.**

(a) The National Convention shall have the power by majority vote to regulate, modify and otherwise control the initiation fees, dues, fines and assessments levied by the Districts, or any of them whenever in the judgment of the Convention such action is necessary in the best interests of the National or District.

(b) When the Convention by majority vote authorizes a change in the dues structure, or where the Convention by majority vote levies an assessment, such dues

change and/or assessment, before becoming effective, must be immediately submitted to the membership in the form of a 90-day referendum ballot. If the referendum ballot, by simple majority, confirms the action of the Convention, such dues change or assessments shall be considered effective upon the date provided for in the enabling resolution. If the referendum vote does not carry in favor of the Convention action with regard to the dues change and/or assessment, then such dues change and/or assessment shall not be placed in effect.

#### **Section 4. Assessments and Fines.**

(a) The Districts acting in accordance with their Constitution and By-Laws shall have power to levy such assessments as may be necessary for extraordinary purposes and impose fines not to exceed \$10,000 for violation of membership obligations. Provided, however, that as a minimum requirement, any such assessments may be approved only (1) by majority vote in a secret ballot of the members in good standing, voting at a regular or special membership meeting, after reasonable notice of the intention to vote upon such question, or (2) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

(b) No fine may be imposed unless the member has been (1) given written specific charges; (2) given a reasonable time to prepare his defense, and; (3) afforded a full and fair hearing; and that such fine be approved only if passed by a two-thirds majority vote of the members in good standing voting at a regular or special membership meeting.

#### **Section 5. Initiation Fees.**

(a) The initiation fee for any new applicant shall be in an amount and be payable over such period as may be determined by the respective Districts.

(b) The National Executive Committee shall have the authority to provide for a lower fee or to waive the initiation fee, with the consent of the affected District's National Executive Committee members.

(c) In the event the initiation fee is increased by action taken by a District, such change may be made effective only if approved (1) by majority vote by secret ballot of the members in good standing voting at a regular or special membership meeting, after reasonable notice of the intention to vote upon such question; or (2) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

#### **Section 6. Membership Dues.**

(a) Subject to the provisions of Section 3 of this Article, the monthly dues to be paid by the members shall be prescribed by the Constitution and By-Laws of the respective Districts, and shall not be less than \$10 per month, except where a different

amount has heretofore been approved, payable quarterly in advance or by dues checkoff under any collective bargaining agreement maintained by the National or Districts. Such dues shall be paid into the treasury of the District to which the member belongs. The monthly dues of all members of Districts shall be paid not less than quarterly in advance, i.e., previous to January 1<sup>st</sup> to be in good standing for the first quarter; previous to April 1<sup>st</sup> for the second quarter; previous to July 1<sup>st</sup> for the third quarter, and previous to October 1<sup>st</sup> for the last quarter of the year. In order for a member to be in good standing, any other dues authorized by the respective Districts shall be paid directly by the member on the date prescribed in the Constitution or By-Laws of the respective Districts. Members of Districts, who pay dues by the checkoff system under any collective bargaining agreement maintained by the National or Districts, shall be in good standing provided dues are checked off and received each time as provided in the collective bargaining agreement. It shall be the duty of each individual member to assume all responsibility for maintaining his membership in good standing.

(b) The District shall issue an official receipt for all monies received from members. No member of any District shall be entitled to any benefits of the District or be considered in good standing unless his dues are paid up for the full current calendar quarter or paid in accordance with any dues checkoff system under any collective bargaining agreement maintained by the District.

#### **Section 7. Transfer of Dues, etc.**

(a) When any official or agent of a District collects dues, assessments and other monies from members of other Districts, such monies shall be deposited in the fund of the District, the official or agent of which has made the collection and such District shall be obligated to forward the amount with an itemized account to the proper District no later than thirty days after collection.

(b) Should a District have a grievance in this matter, the case shall be referred to the National Secretary-Treasurer in writing by the aggrieved District. The National Secretary-Treasurer shall investigate the circumstances and if the grievance is sustained, he shall bill the delinquent District for the amount owed plus a ten percent fine and declare the delinquent District in bad standing with the National Association until such amount of dues plus National fine is received by the National Secretary-Treasurer. Upon receipt of the proper amounts, the National Secretary-Treasurer shall immediately forward the amount requested in the letter of grievance to the aggrieved District and notify the delinquent District of its return to good standing with the National Association.

**Section 8.** No monies shall be appropriated from the treasury of the National Association or of any District for political purposes to any Communist or Communist front organization or to any totalitarian group or any Committees in defense of such groups.

**ARTICLE TWELVE**  
**Impeachment and Removal from Office of**  
**National Officers, including National**  
**Executive Committee Members**

**Section 1. Charges.**

Charges of misdemeanors in office, malfeasance, misfeasance, nonfeasance, corruption, favoritism, extortion, oppression in office, gross misconduct or habitual drunkenness may be filed by any one or more Districts against any National Officer, including the members of the National Executive Committee.

**Section 2. Suspension from Office.**

The filing of charges shall not operate as a suspension from office except that the National Executive Committee may, by majority vote, suspend the National Officer or National Executive Committee Member against whom charges have been filed for a period not to extend beyond the final decision on such charges.

**Section 3. Answer of Accused.**

Any charges filed as herein provided shall be submitted by the National Executive Committee to the accused individual who shall be given thirty (30) days to prepare the defense to submit his answer to the National Executive Committee.

**Section 4. Trial of Accused.**

A hearing shall be held before the National Executive Committee at which time the accusing Districts and the accused individual shall be given a full opportunity to submit their respective cases. Testimony may be presented through witnesses or documents and the parties interested shall have the benefit of counsel if they desire, provided said counsel shall be a member of a District in good standing. A written record shall be made of all testimony and documents submitted at the hearing. The National Executive Committee may dismiss the charges or, by a two-thirds vote, suspend or dismiss the accused from office. Failure to obtain a two-thirds vote shall be deemed to be a dismissal of the charges against the accused.

**Section 5. Referendum.**

In the event the National Executive Committee shall, by a two-thirds vote, suspend or dismiss the accused, the National Executive Committee shall promptly cause the charges, answer and the record of the hearing to be submitted to the entire membership of the National Association for referendum vote on the question of whether the decision of the National Executive Committee shall be sustained or reversed. A period of at least ninety (90) days shall be allowed for the return of ballots in any such referendum. A majority of the votes cast shall determine the final decision.

## **Section 6. Decision.**

If the final decision shall be in favor of the accused, he shall be reimbursed, by the Districts which filed the charge, for the legitimate costs incurred by him in his defense. If the final decision shall be against the accused, he shall be deemed automatically suspended or removed from his office or position in accordance with the decision of the National Executive Committee and in the case of dismissal shall be barred from holding any office, position or employment in the National Association.

## **Section 7. Criminal or Civil Liability Not Affected.**

A decision rendered in favor of or against any accused under the provision of this Article shall not in any way affect his criminal liability or his civil liability under the law to the National Association or District.

# **ARTICLE THIRTEEN**

## **Rights and Duties of Membership**

### **Section 1. General Rights.**

(a) All members in good standing are entitled to all the rights, benefits and privileges of membership set forth in this and other Articles of this Constitution and in the Constitution and By-Laws of the respective Districts including the right to nominate candidates, to vote in elections or referendums, to attend membership meetings and to participate in the deliberations and voting on the business of such meetings subject to reasonable rules and regulations in the appropriate Constitution and By-Laws, to meet and assemble freely with other members to express any views, arguments and opinions and to express, at meetings, their views upon candidates in any election, or upon any business properly before the meeting, subject to the Organization's established and reasonable rules pertaining to the conduct of meetings; provided that nothing herein set forth shall be constituted to impair the right of the National Association to adopt and enforce reasonable rules as to the responsibility of every member toward the Organization as an institution, and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations. The voice and vote of members may be limited to such questions in which they are directly affected.

(b) All members visiting Districts shall satisfy the District which they visit that they are in good standing. Visiting members granted such courtesy are advised that a District meeting in executive session has the inherent right to exclude anyone other than officers and members in good standing of said District during such meeting. Visiting members shall be granted voice, but no vote, at membership meetings.

(c) Members shall, however, be bound by the Shipping Rules of the District in which they seek employment and such Shipping Rules may establish an order of priorities for filling jobs.

## **Section 2. General Duties.**

(a) All members are expected to do all in their power to maintain the interest, the life and usefulness of the Association. Every member shall comply with and observe all provisions of all outstanding collective bargaining agreements of the National Association, or of any District, under which they may be employed. Every member shall be obligated to perform picket duty when requested by an appropriate Union official or to perform such other duties or obligations when the Union or any District thereof is engaged in a dispute of any kind. Members are expected to do everything within their power to support the National Association and its Districts and perform such duties and engage in such activity as may be assigned to them by an appropriate official. No member shall traduce, slander, or willfully or maliciously injure the National Association, any District, or any member thereof in any way.

(b) Members charged with violations of this section shall be tried by the District where the offense has been committed in accordance with the procedures provided in its Constitution and By-Laws.

## **Section 3. Good Standing. Payment of Dues.**

No member shall be deemed in good standing unless his regular dues are fully paid up to and through the current quarter. Any member who shall be in arrears on his regular dues for a period of one year from the date due, as set forth in this Constitution or the Constitution or By-Laws of the respective Districts, shall be dropped from membership unless otherwise ordered by the District, but in no case may such a member be retained on the membership rolls if he is in arrears for over two years' dues.

## **Section 4. Membership Status. Fines, Assessments or Other Indebtedness.**

Any member who is in arrears for fines, assessments or other indebtedness to the National or District, and who does not pay same within one month, shall automatically be dropped from the roll of membership without notice.

## **Section 5. Reinstatement.**

Any member of a District who has been dropped, or resigned his membership, or has been expelled from membership in accordance with any provision of the Constitution, can only apply for reinstatement to the District in which he was dropped, resigned or expelled. Any member falsifying his application in this respect shall be subject to charges, and, after due hearing as provided in this Constitution, such fact is proven, he shall forfeit all monies paid on the falsified application and be expelled from membership and the National Headquarters shall be notified of such fact. The reinstatement fee for members dropped, resigned or expelled shall be the full initiation fee as determined by the District, plus three months dues in advance and any outstanding fines except otherwise provided herein. Any application for reinstatement shall be

deemed to have the same status as any application for original membership and shall be handled in the same manner as provided in this Constitution for such original application unless otherwise provided for herein. The District Executive Committee of the concerned District may establish less stringent rules and conditions for reinstatement for individuals who withdrew or voluntarily terminated their membership while in good standing in conjunction with a disability retirement and the individual so retiring is no longer disabled at the time of his/her request for reinstatement.

### **Section 6. Withdrawal.**

(a) Members who have paid all of their indebtedness and apply in writing for a withdrawal may be granted the same.

(b) Any subsequent application for reinstatement shall be deemed to have the same status as any application for original membership and shall be handled in the same manner as provided in this Constitution for such original application.

(c) Any MEBA member who is drafted for the Armed Services of the United States of America, or otherwise serves in a war or National Emergency for not more than four (4) years, shall, except as otherwise provided by law, automatically be issued a Withdrawal Document at the time of entering the Armed Services, if in good standing at that time; or a Withdrawal Document shall automatically be issued before the time of expiration of good standing (if such good standing is in excess of three months) following date of entry into the Armed Forces and such member shall be entitled to deposit said Withdrawal Document without cost, providing the Withdrawal Document is deposited within ninety (90) days after the individual's formal separation from the Armed Services.

### **Section 7. Transfers.**

(a) Any member, who wishes to transfer his membership from one District to another, must first apply for such transfer to the District in which he is a member and, if approval is granted, his application shall then be submitted to the District to which he seeks transfer. The transfer shall be completed only if the second District grants its approval.

(b) In the event an application for transfer is approved by the two Districts, the initial District shall transmit to the second District a legible duplicate of the full membership record of the member so transferred.

## **ARTICLE FOURTEEN**

### **Contracts**

Collective bargaining agreements shall be held by the respective District executing the same. Collective bargaining agreements of any District may be made a subject for discussion within the National Executive Committee.

**ARTICLE FIFTEEN**  
**Compact Between National Association and the Several Districts**

(a) The National Constitution of the National Marine Engineers' Beneficial Association guarantees to each of its chartered affiliates full protection for their autonomy under their own By-Laws and their established jurisdiction, ownership of their contracts, funds and property and their several Plans. Said Constitution also imposes specific obligations upon said affiliates including the payment of the presently fixed per capita tax to the National MEBA.

(b) The National MEBA does hereby agree with each of its chartered affiliates that the National Constitution as presently constituted does constitute the firm contract between the National MEBA and each of its chartered affiliates.

(c) There shall be no amendment to said Constitution nor any action taken by the National MEBA which adversely affects or prejudices any of the rights of any of the chartered affiliates as described above and each of said affiliates shall fully comply with its obligations to the National MEBA as provided in the presently constituted National Constitution. This mutual obligation on the part of the National MEBA and the chartered affiliates shall be deemed to be of the essence of the firm contract between the National MEBA and each of said chartered affiliates.

(d) The National Association recognizes the autonomy of the Districts in carrying out their internal affairs. The National Association will not interfere in the internal affairs of a District or in the election of District officers, or consider or take any action with respect to appeals involving internal District affairs and election issues.

**ARTICLE SIXTEEN**  
**Disputes With the Association and Between Affiliates**

**Section 1.** If any member or District of the National Association is aggrieved by any action taken, or ruling, decision or opinion rendered by the Association (other than those already provided for herein), the specific facts and circumstances giving rise to said grievance shall be reduced to writing and forwarded within thirty (30) calendar days of the occurrence thereof, to the President of the Association, who shall decide the dispute.

The decision of the President shall be final and binding unless appealed to the National Executive Committee within thirty (30) days of its issuance. In the event of a timely appeal to the National Executive Committee, the Committee shall decide the dispute, which decision shall be final and binding, unless, within thirty (30) days of its issuance, an appeal is taken to the National Convention. The decision of the National Convention shall be conclusive and binding in all respects and there shall be no further proceedings or appeals in the matter.

Nothing contained herein shall prohibit the President, the National Executive Committee or the National Convention from designating an appointee for the purpose of investigating and/or recommending a decision on any grievance or appeal.

**Section 2.** All disputes or controversies between or among Districts which cannot be resolved by agreement shall be submitted for final and binding resolution to a neutral arbitrator, who shall be selected by the parties or, failing agreement on said selection, shall be appointed by the Federal Mediation and Conciliation Service.

## **ARTICLE SEVENTEEN**

### **Exhaustion of Remedies**

Before resorting to any court, tribunal or agency, every member, District, affiliate or other subordinate body of the National Association who is aggrieved by any action taken on ruling, decision or opinion rendered by the National Association, its Districts, affiliates or other subordinate bodies, or the officers or Delegates thereof, shall be obligated to exhaust all procedures and remedies provided for in this Constitution or in the Constitution, By-Laws or Rules of any subordinate body or affiliate, as appropriate.

## **ARTICLE EIGHTEEN**

### **Saving Clause**

**Section 1.** The provisions of this Constitution shall be interpreted and applied in accordance with all applicable laws. If, nonetheless, any provision of this Constitution shall be declared invalid or inoperative by any competent authority of the executive, judicial or administrative branch of a state, provincial or federal government, the National Executive Committee shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

**Section 2.** Where used in this Constitution, words in the masculine also shall be read and construed as in the feminine in all cases where such construction would so apply.

### **Minimum Requirements for the Constitution and By-Laws of a District of the National Association**

There is attached as an Appendix the minimum requirements for the Constitution and By-Laws of a District. No provision in any Constitution or By-Laws of a District may be in conflict with any of the provisions set forth in the Appendices. In the event of a conflict in any provision between the Appendices and the Constitution or By-Laws of a

District, the Appendices shall govern. No provision in the Appendices, any Constitution or By-Laws of a District may be in conflict with any of the provisions set forth in the National Constitution. In the event of a conflict in any provision between the National Constitution and the Appendices, or the Constitution or By-Laws of a District, the National Constitution shall govern.

(BLANK PAGE)

*APPENDIX I*

**CONSTITUTION FOR DISTRICTS**

**Article One**

This District shall be known by the name and title of District No.\_\_\_\_, National Marine Engineers' Beneficial Association, AFL-CIO.

**Article Two**

**Object**

**Section 1.** The object of this District shall be to unite its members fraternally, to improve, maintain, promote and protect the standard of the craft, to regulate the business matters of members of the National Marine Engineers' Beneficial Association within its jurisdiction, pertaining to affairs of the District, and when it may determine, to render succor to its needy, sick and distressed members and to bury its dead. This District acknowledges the jurisdiction of the National Marine Engineers' Beneficial Association, AFL-CIO.

**Section 2.** (a) This District shall be the exclusive representative for each and all of its members for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and for negotiation and execution of contracts requiring members to continue membership in the District as a condition of employment and contracts requiring the employer to deduct, collect or assist in collecting from the members' wages, any dues, fees, assessments, fines, or other contributions payable to the District.

(b) This District is irrevocably authorized and empowered exclusively to appear and act for each and all of its members and on their behalf before any Board, Court, Committee or other tribunal in any matter affecting his or their status, as employees, or as members of the District, and exclusively to act as agent of all members and bind each and all of them in the presentation, prosecution, adjustment of any kind or character arising out of the employer-employee relationship as fully and to all intents and purpose as the member might or could do if personally present, said power to include but not to be limited to the prosecution, adjustment and settlement of grievances, complaints or disputes arising under any collective bargaining agreement to which the District is a party.

**Section 3.** (a) All members of the National Marine Engineers' Beneficial Association shall receive from all Districts the right to pay dues in any District for transmittal to the respective District of which he is a member and the right to full aid and cooperation from the officers of all Districts in the settlement of any and all disputes under our contracts, and such other aid and cooperation as might be necessary and reasonable; provided however, that all members shall recognize the jurisdictional

requirements as per Section 7 of Article Ten of the National Constitution captioned “Jurisdiction of Districts.”

(b) Districts collecting funds for members of other Districts shall deposit the same in their own funds and then remit the amount collected to the Districts to which the paying member belongs. Such funds shall be remitted to the proper District no later than thirty (30) days after collection. Failure to remit funds collected to the paying members’ District within the time specified shall constitute a flagrant violation of this Constitution, and shall subject the local official of the non-remitting District having the responsibility to make such remittances to charges of nonfeasance and misfeasance in office.

### **Article Three Composition**

Membership of District shall be in accordance with the provisions of Article Three of the National Constitution.

### **Article Four Membership**

**Section 1.** Any person duly qualified as prescribed in Article Three may become a member of this District upon payment of the required initiation or reinstatement fee and penalties, if any, and three (3) months’ dues for the period covering the quarter in which the member signs his application, into the treasury of the District and being duly elected according to the provisions of this Constitution and the By-Laws of the District.

**Section 2.** An application for membership shall be referred to an Investigating Committee, which shall report thereon to the membership.

**Section 3.** The membership shall vote at membership meetings on the report of the Committee.

**Section 4.** When the applicants are voted on, a majority for or against of the total vote cast, shall determine their election or rejection. If any applicant is rejected, he cannot be balloted for again until two months have elapsed, and he is not eligible for membership in any other District of the National Marine Engineers’ Beneficial Association without the consent of the District where rejected.

**Section 5.** (a) Applicants shall pay with their application such sum of money as the By-Laws shall specify, and in case they are affirmatively denied admission by the District for any reason whatsoever, the fee shall be returned. If an applicant is rejected, all other Districts shall be notified of the rejection through the National Headquarters.

(b) Where an applicant is permitted to deposit less than the full amount required for admission into membership with the obligation to complete payment thereafter, the

payment he has made towards his initiation fee shall not be returned to him, unless he has been affirmatively denied admission by the District for any reason whatsoever.

(c) This provision shall apply to cases of application for reinstatement by members who have previously been dropped or expelled and application for reinstatement on the basis of withdrawal documents which, under the National Constitution, are to be handled in the same manner as original applications for membership.

**Section 6.** At the time of initiation, members shall be required to acquaint themselves with the Constitution and By-Laws of the National Association and of their District and with their duties to the National Association, their District and fellow members.

**Section 7.** No person shall be a member of more than one District at the same time, and a person who has been a member of a District cannot again be admitted as a member of any other District under this jurisdiction without first producing a regular withdrawal document from such District with a certificate of his good standing and that all his indebtedness has been paid, except as provided for in case of disbanded Districts.

**Section 8.** Members of the National Marine Engineers' Beneficial Association shall not be permitted to accept a position upon any vessel until they have reported to and cleared from the District having jurisdiction over the port where such vacancy occurs.

**Section 9.** Districts may provide for associate or contributing members, to be elected from citizens who desire to aid in our objects.

**Section 10.** (a) Districts have the right to suspend or drop from membership chronic drunks or chronic performers who are inimical to the best interests of the membership. Whenever two members of the District prefer charges against a member for either of these offenses and the member has ample opportunity to appear before a membership meeting, the membership may, by a three-fourths majority vote of the members voting, impose either of the above penalties or any other legal penalty. If any member refuses to appear after notice has been given, the membership may proceed ex parte in his absence.

(b) The specific charges must be written and the accused must be given a reasonable time to prepare his defense and afforded a full and fair hearing.

## **Article Five Elections**

**Section 1.** (a) The balloting period and the time of counting of ballots shall be as provided in District By-Laws. Only members who are in good standing, as provided in District By-Laws, shall be entitled to have their ballots tabulated for the election of officers. Elections shall be held at regular three (3) year intervals. Such elections shall

be held by referendum and all balloting shall be done by use of a secret ballot. Write-in votes are not permitted and any such vote for any office shall be void. Notwithstanding any provision to the contrary in any District By-Laws, the ballot envelope shall have on its face an official number assigned to each member. List of the names of the membership, together with the corresponding official numbers, shall be made available to the balloting or tallying committee of the District for the purpose of checking, at the time of the count, the voting eligibility of the members whose ballots have been received. Notwithstanding any provision to the contrary in any By-Laws of the Districts, all ballots shall be returned to the depository predetermined by the District President, with the approval of the District Executive Committee of the District, to ensure the secrecy of the ballot, and held there until the time designated by the District By-Laws for the counting of such ballots. A reasonable notice shall be given as to the time for nominations for a candidate for each election.

(b) Any challenge to the conduct of an election of District Officers (other than appeals by disqualified applicants for candidacy governed by the provisions of District By-Laws) shall be made not later than thirty (30) days from the date of the count of the ballots; such challenge must be in writing, setting forth the specific conduct challenged and signed by the complaining member or members and shall be sent by certified or registered mail to the District Executive Committee, which shall hold hearings thereon and shall make its decision within thirty (30) days after the conclusion of the hearings. If a recount is held pursuant to applicable provisions of the District By-Laws and a challenge to the conduct of the original election shall have been made prior to the decision to hold such recount, the challenge shall be considered mooted and no action taken thereon by the District Executive Committee; and for any such challenge or any other challenge to be considered by the District Executive Committee, it must be submitted, in accordance with the foregoing provisions, by the member or members after the recount has been completed.

(c) The decision of the District Executive Committee may be appealed to the District Membership at the first regular membership meeting which next follows receipt by the District President of written notice of appeal. The written notice of appeal must be received within twenty (20) days after the date of mailing of notification of the decision of the District Executive Committee to the challenging member. If the notice of appeal is received by the District President less than five (5) business days before the first such regular membership meeting, then the appeal shall be presented to the next regularly scheduled membership meeting. A majority of the members voting at such meeting shall control.

(d) Any District desiring outside supervision of any election of its local officers shall request the National Association, and the National Executive Committee shall have the authority, when so requested, to perfect arrangements for the supervision of the election of Officers of such District.

**Section 2.** Should the election or installation night fall on any legal holiday, the District may name any night succeeding the regular night on which the election installation will be in order.

**Section 3.** The By-Laws of a District shall provide for the manner of filling vacancies in any elective office.

**Section 4.** The By-Laws of a District shall provide for the elective offices and jobs and appointive offices and jobs and committees.

**Section 5.** In the case of any election for any officer or job of the District, it has been and shall continue to be the meaning of any applicable provision and the practice thereunder that any member has the right to nominate himself or any other member provided that where a member has been nominated by another member, the nominee must within the time prescribed, submit his letter of acceptance in the same form and containing the same information as requested in the case where a member has nominated himself.

#### **Article Six Duties of Officers and Job Holders**

The By-Laws of a District shall provide for the duties and responsibilities of each of the elected officials or job holders and provide for the necessary bonding of the appropriate officials as required by law.

#### **Article Seven Duties of Members**

**Section 1.** Members of Districts shall hold themselves duty bound to recognize every other member in good standing and shall not traduce or slander their character or willfully or maliciously injure them in any way on penalty of being fined, suspended or dropped from the District. Members are expected to do all in their power to maintain the interest, the life and the usefulness of the District. They shall comply with and observe all provisions of all outstanding collective bargaining agreements of the District under which they may be employed.

**Section 2.** Members about to leave their positions shall report the same to the District, which shall furnish, if possible, a competent member to fill the vacancy. Any member in want of a position shall report the same to the District.

**Section 3.** Members shall not be employed with others who do not comply with the appropriate provisions of an applicable collective bargaining agreement or who do not comply with the Union security provisions of such collective bargaining agreement. A District may grant a member permission to sail on a vessel not covered by a collective bargaining agreement.

**Section 4.** No member of a District shall succeed another member in any employment without first learning the causes leading to the change.

**Section 5.** Members losing their positions, the reasons for which are unknown and being supplanted by another member, without due inquiry being made, may make complaint to and be given a hearing by the officers of any District, in an emergency, by the Chief Executive Officer of a District, and two members in good standing.

**Article Eight**  
**Impeachment and Removal from Office of**  
**Elected Officers of Districts**

**Section 1. Charges and Answer.**

Charges of misdemeanors in office, malfeasance, misfeasance, nonfeasance, corruption, favoritism, extortion, oppression in office or gross misconduct may be filed against an elected official of a District by an officer or a 10% vote of the members in good standing of said District. Such charges shall be filed with the District Headquarters, which shall, within thirty (30) days of receipt, mail a copy to each member of the District Executive Committee and to the Officer so charged. The Officer charged shall file a written answer to the charges not later than thirty (30) days following the mailing of the charges by the District Headquarters.

**Section 2. Trial.**

Upon the filing of the aforesaid charges, the District Executive Committee shall designate a Trial Committee consisting of three (3) members. The Trial Committee shall conduct a hearing at a place and time which it shall designate; providing, however, that the date of the hearing may not be set earlier than forty (40) days following the mailing of the charges by the District Executive Committee.

**Section 3. Trial of the Accused.**

(a) A written record of the hearing shall be made. There shall be full opportunity for examination and cross-examination of all witnesses. The charged Officer may be represented by counsel if permission is granted by the Trial Committee.

(b) The Trial Committee shall have full authority to determine the rules of procedure, which shall govern all parties. The Trial Committee shall have full authority to direct the charged Officer to produce or make available to the Trial Committee or its designated agent, any books, records, or other documents in the possession or under the possession or under the direction or control of the charged Officer to submit to examination.

#### **Section 4. Decision of the Trial Committee.**

(a) After a full hearing, the Trial Committee shall render a written decision which shall be filed with the responsible official of the District. Such official shall distribute copies of the same to each member of the District Executive Committee. Said decision shall either recommend a dismissal of the charges in whole or in part, or a suspension or dismissal from office of the charged Officer, or such other course of action which it deems necessary and appropriate.

(b) Any decision which calls for suspension or dismissal from office of the charged Officer shall also contain a provision relating to the membership of said charged Officer. In the case of the suspension or dismissal of the charged Officer from the office, his membership can be suspended, or in the case of dismissal, he may be expelled from membership. Also, in case of dismissal, the Officer shall be barred from holding any office, position or employment in the District.

(c) The full record of the proceeding shall be deposited at the Headquarters Office of the District.

(d) The members of such District may decide by vote upon the guilt or innocence of the accused, a two-thirds vote of the members voting being necessary to convict; such vote being taken on each specification separately, and upon the charge, if convicted, the District shall then by a two-thirds vote declare a degree of punishment.

(e) When the accused is found guilty of the charges by the Trial Committee, it may recommend the degree of punishment, including expulsion from the Union. However, the final acceptance of the Trial Committee's recommendation must be accepted at a subsequent or regular membership meeting by a simple majority vote.

### **Article Nine Code of Trial by Charges**

**Section 1.** All violations of the contract, laws, rules or regulations of the Districts shall be tried by the District within whose jurisdiction the offense has been committed and if charges are proven the penalties imposed shall be enforced by the District of which the offender is a member.

**Section 2.** When members of Districts are accused of an offense which, if proven, would subject them to a penalty, the proceedings in the premises shall be conducted in accordance with the following rules:

(a) The accusation shall be reduced to writing, specifying first, the charges; and second, the circumstances and acts upon which the charges are based, together with the time and place, as nearly as can be ascertained.

(b) The charges and specifications shall be presented to the membership at a regular or special meeting, signed by two or more members in good standing, and if received by a vote of the District, the District shall forthwith notify the accused brother that charges have been regularly preferred against him and shall serve or cause to be served upon the accused personally if practicable, otherwise by registered or certified mail directed to the last known address, with the postage prepaid thereon, a copy of the charges and specifications together with a notice directing the accused to be present at a regular or special meeting of the District, or of a Committee, duly elected at a regular or special meeting of the District when such charges will be heard, which notice in the case of personal service shall not be less than ten (10) days and in the case of service by mail, not less than twenty (20) days thereafter. Should the accused reside beyond this jurisdiction, thirty (30) days shall be allowed to appear and answer such charges, or should the accused be employed in any service whereby he cannot personally be brought to trial, such time shall be granted as may be necessary in such case not exceeding sixty (60) days. In case the residence of the accused cannot be ascertained, the regular or special meeting of the District or Committee may proceed ex parte.

(c) If the investigation is held before a Committee, no person shall be present except the members of said Committee, the accuser, the accused, their counsel, and the summoned witnesses, without the consent of the Committee.

(d) Each witness shall be examined separately and apart, if desired by the accused, and all testimony shall be reduced to writing by the Committee and reported to the District.

(e) At the same or subsequent regular or special meeting thereafter as the District shall designate, the District shall give the accused, the accuser, or their counsel, an opportunity to discuss the guilt or innocence of the accused, as set forth in the charges and specifications.

(f) The parties interested shall have the benefit of counsel if they desire, provided such counsel shall be a member of the District in good standing.

(g) The Committee shall have the power to send for persons and papers on behalf of the parties interested and to procure from the District office such summons thereof in due form as may be necessary for that purpose, and may adjourn the hearing from time to time in its discretion.

(h) The Committee may employ a stenographer at the request of either or both parties, the party or parties making such request paying all the expenses thereof.

(i) After the parties and their counsel have been heard before the District or Committee, they shall retire therefrom, when the guilt or innocence of the accused shall be open to discussion by the members of the District or Committee.

(j) The members of such District may decide by vote upon the guilt or innocence of the accused, a two-thirds vote of the members voting being necessary to convict; such vote being taken on each specification separately, and upon the charge, if convicted, the District shall then by a two-thirds vote declare a degree of punishment.

(k) When the accused is found guilty of the charges by the Trial Committee, it may recommend a degree of punishment, including expulsion from the Union. However, the final acceptance of the Trial Committee's recommendation must be accepted at a subsequent or regular membership meeting by a two-thirds majority vote.

## **Article Ten Penalties**

**Section 1.** Any member of a District who shall be found guilty, in accordance with provisions of this Constitution, of having violated any of the provisions of the Constitution or By-Laws of the District or any provisions of any collective bargaining agreement covering the members of the District, shall be subject to punishment as herein provided.

### **Section 2. Degree of Punishment.**

- a. Public reprimand.
- b. Fined for a proven offense.
- c. Fined for each proved repetition of offenses.
- d. Suspended pending reinstatement by the District.
- e. Suspended for a stated period.
- f. Suspended pending payment of dues, fines or assessments, according to By-Laws of Districts.
- g. Dropped from the roll of membership.
- h. Dropped from the roll of membership with fine or fines charged to their account.

**Section 3.** Districts may impose upon guilty members any one or more of the above defined degrees of punishment upon any one charge, but in no case shall the total of fines for any several charges exceed \$10,000, or the term of suspension exceed two years. Suspended members who are not reinstated before the expiration of such period shall then be dropped from the roll of membership. In cases where members are fined, such fine must be paid within one month. If payment is not made, the member shall automatically be dropped from the roll of membership without notice. Provided that for contempt of the Rules of Order or for other disruptive or obstructive conduct, or for an attempt to interfere with the orderly process of a meeting, an offending member may be ordered from the meeting by the Chairman.

**Section 4.** If members are dropped from membership for any reason, and such persons desire to re-enter the District, they must pay all their indebtedness as provided for in Article Thirteen, Section 5, of the National Constitution.

**Section 5.** Members who may lose their license on complaint of a Captain or owner or other person shall not be suspended or dropped from the roll of membership until their conduct shall have been investigated by the District of which they are members, which shall decide whether or not they shall retain their membership. Any disciplinary action taken against a member hereunder must be in compliance with the procedures set forth in Article Nine hereof.

**Section 6.** The Shipping Rules of the Districts shall not be deemed to be in conflict with the trial procedure in Article Nine, provided that accused violators of such shipping rules must, before being disciplined, be served with specific written charges, be given a reasonable time to prepare their defense and afforded a full and fair hearing, in accordance with orderly procedure as set forth in said Shipping Rules.

### **Article Eleven Membership Meetings**

**Section 1.** Each District shall hold meetings on the dates set forth in its By-Laws.

**Section 2.** Each District shall provide in its By-Laws for the Order of Business for its meetings.

**Section 3.** Each District shall provide in its By-Laws for the Rules of Order to govern the conduct of its meetings.

## *APPENDIX II*

### **RULES AND REGULATIONS**

#### ***Rules and Regulations No. 1*** **Membership for Marine Engineers and Deck Officers** **Working on Government Vessels**

Under the authority vested in the National Executive Committee by virtue of Article Three, Section 3, of the National Constitution, the National Executive Committee does herewith promulgate the following Rules and Regulations:

Any marine officer who applies for membership in the National MEBA and who is otherwise qualified for membership but working under his license as a marine officer on a government vessel, shall have the following status and be entitled to the following benefits:

(1) The applicant shall be deemed to be in an applicant status until his application is approved in accordance with the procedures set forth in the National Constitution and applicable By-Laws of the District in which the application has been filed.

(2) If given the necessary authorization by the applicant, the MEBA shall represent the applicant for the purpose of collective bargaining with the appropriate government agency by which he is employed.

(3) The application for membership shall be passed on by the appropriate body of the MEBA, as provided above, when the applicant shall have served two full years of employment, subsequent to the date of application, as a marine officer with a marine government operation under contract with the MEBA.

(4) The applicant while in applicant status shall pay to the District, where the application has been filed, a monthly amount equal to the regular monthly dues of members. The District shall pay no per capita tax to the National Association with respect to such applicants.

(5) The applicant while in an applicant status shall not be entitled to any of the rights, privileges and benefits of members other than being represented by the MEBA for purposes of collective bargaining as provided above.

(6) When the application is approved for membership, as provided above, the applicant shall not be obligated to pay any initiation fee. The applicant, when thus accepted as a member, shall as of such acceptance, be entitled to all of the rights, privileges and benefits of membership in the MEBA.

(7) The MEBA reserves the absolute right in its own discretion, for any reason whatsoever, at any time prior to acceptance into membership, to terminate the applicant status of any applicant and upon the return by the applicant of all official documents issued by the MEBA evidencing the status of the applicant in the Union, the MEBA shall reimburse the applicant of all monthly payments made by the applicant to the MEBA during said applicant status.

(8) The National MEBA reserves the absolute right in its own discretion, notwithstanding the foregoing provisions, and in connection with organizing efforts or other special situations, to accept into immediate membership without the payment of initiation fees, applicants who are working under their marine licenses on a government vessel.

***Rules and Regulations No. 2***  
**Membership for Employees who are not Licensed Officers**

Under the authority vested in the National Executive Committee by virtue of Article Three, Section 5 of the National Constitution, the National Executive Committee does herewith promulgate the following Rules and Regulations:

(1) Each District is hereby authorized to accept into membership under the procedures provided in the By-Laws of said District, employees who are not otherwise eligible under Article Three of the National Constitution.

(2) The initiation fee for any such employee accepted into membership shall be not less than \$10, provided, however, the District is herewith given the authority, if in its discretion it deems it to be in the best interest of the organization to do so in the case of any specific situation, to waive such requirement of initiation fee.

(3) Any employee so accepted into membership shall be obligated to pay monthly dues as fixed by the District, but the minimum shall be \$5 per month. The National Executive Committee shall set the per capita tax, if any.

(4) The District shall make the necessary arrangements, insofar as it may be practical to do so, to provide regular membership meetings for such group of employees. Such employees when admitted to membership shall have such rights, privileges and benefits as members within the District as may be prescribed by the By-Laws of the District. Their rights, privileges and benefits in the National Association shall be prescribed by the National Executive Committee.

***Rules and Regulations No. 3***  
**Applicants for Membership in the National MEBA**

Under the authority vested in the National Executive Committee by virtue of Article Three, Section 3, of the National Constitution, the National Executive Committee does herewith promulgate the following Rules and Regulations:

Any licensed marine officer who applies for membership in the National MEBA and who is otherwise qualified for membership shall have the following status and be entitled to the following benefits:

(1) The application for membership shall be processed by the appropriate body of the MEBA, as provided above, when the applicant has completed 200 days of sailing time with respect to employment under the jurisdiction of the MEBA and on vessels covered by collective bargaining agreement with MEBA.

(2) The applicant shall be obligated to pay to the District, where he has filed his application for membership, all the payments required from its full members under the By-Laws of the District and the National Constitution and his full initiation fee.

(3) Applicants shall be entitled to rights and privileges with respect to shipping in their respective District in accordance with the Shipping Rules of each District.

(4) The MEBA reserves the absolute right in its own discretion, for any reason whatsoever (a) at any time prior to acceptance into membership to terminate any applicant's status as such, or (b) to reject the application for membership and in either event to require the applicant to return all official documents issued by MEBA evidencing the status of the applicant in MEBA. Upon such compliance, and only in the case of either of the foregoing events, the MEBA shall make reimbursement to the applicant of the payment made by him in respect to his initiation fee.

(5) The National MEBA reserves the absolute right in its discretion, notwithstanding the foregoing provisions, in connection with organizing efforts or other special situations, to accept into immediate membership with or without the payment of initiation fees, applicants who are working under their marine licenses.