



# M.E.B.A. Shipping Rules

## DISTRICT NO. 1 - MARINE ENGINEERS' BENEFICIAL ASSOCIATION (AFL-CIO)

*Effective March 15, 2010*

1. a) A National Shipping List system shall be maintained in each Branch or Port of District No. 1 - M.E.B.A.  
  
b) There shall be in each Branch or Port a separate National Shipping List for each Group and a separate Port Relief List for each Group. In addition, the National Shipping List for each Group shall be posted in a visible location in the union hall and updated at least monthly.  
  
c) However, in all non-constitutional Ports, the District Executive Committee shall have the authority to promulgate all rules for operation of the Port and shipping in the Port.
2. Anyone desiring employment shall register personally with the Dispatcher and prove his good standing both at the time of registering and assignment. No person shall be permitted to register or remain registered who is employed by a shipping company, except for employment under these rules.
3. a) Any person who accepts any position, including observer, without having a clearance from the District, or who violates, in any way, any provision of these Shipping Rules, may be subject to charges and discipline in accordance with the provisions of the National M.E.B.A. Constitution and the By-Laws of the District. Applicants for Membership who fall under this category shall have their status reviewed and evaluated by the District Investigating Committee.  
  
b) This rule shall not be construed as prohibiting an employer from hiring officers per the Collective Bargaining Agreement, but such officers shall be required to clear through the Dispatcher's Office, and upon presenting a letter from the employer, a clearance card shall be issued. They shall also notify any Branch or Port with which they are currently registered of said assignment.
4. a) When a job is called, it may be taken by anyone with the earliest date and time stamped on his National Shipping Card. Anyone who takes a job from the Shipping List, which is believed to be a permanent job, or a temporary job which was to have been for 30 or more days and who through no fault of his

own is laid off in 15 days or less, shall be entitled to have his National Shipping Card returned to him bearing the same date and time as the card that was tendered for the job.

b) When a vessel is transferred or sold, the permanent officers who were last employed by the seller or transferor shall retain their right to employment on said vessel with the buyer or transferee.

c) Where an officer has taken a job from the National Shipping List which is believed to be a permanent job, or a temporary job which was to have been for 30 or more days, is forced to leave the vessel through no fault of his own or for reasons beyond his control, in 30 days or less, the Branch Agent having jurisdiction for that Port shall have the authority to return his National Shipping Card, bearing the same date and time as the card which was tendered for the job, in order to prevent undue hardship on the officer. The decision of the Branch Agent shall be subject to the approval of the membership at the next regularly scheduled membership meeting for that Branch.

5. a) No one shall be dispatched to any job if he is in a disreputable condition, or apparently under the influence of intoxicating beverages.

b) No person shall be dispatched to any job while he is on vacation or receiving a paid vacation benefit except in accordance with any waiver provisions of this Association.

c) Any officer who receives vacation benefits from any source other than the M.E.B.A. Vacation Plan, shall provide written notification to Headquarters of the specific dates for the vacation period prior to registering on any Shipping or Port Relief Lists.

6. Anyone dispatched shall bear a distinguishing mark after his name denoting his Group status and whether the position is off the list or is by Company request.

7. Dispatching hours and the duration of job call are to be set by each Constitutional Branch for that Branch and any Port under its jurisdiction. All jobs are to be posted on the board and filled at regularly scheduled job calls. Any job ordered after the regularly scheduled job call shall not be filled until the next regularly scheduled job call, provided the ship is not scheduled to sail prior to that next regularly scheduled job call. If the call, and the reason for the job being called after job call was caused by the Employer, then it shall be filled until the next Port. If the reason for the job being called after job call was caused by the Union or its members it shall be filled for one complete round trip.

8. Everyone, in order to retain their position on the National Shipping and Port Relief Lists, shall make themselves available for duty when requested by the Association during times of emergency or disputes or when desired by majority vote at membership meetings.

9. When officers are dispatched, in accordance with the Collective Bargaining Agreement, to a Port Relief job, the lowest number or oldest card has the choice of watches and there shall be no subsequent change of watches unless mutually agreed upon between the Dispatcher and men involved so that the office has a record of same. However, in cases where distance or transportation facilities make it impracticable to relieve at midnight, the Dispatcher may, where mutually agreed between parties concerned, dispatch only one officer to the job or may dispatch two men to stand full night or alternate nights as the circumstances may warrant.

10.a) Officers who are incapable of performing their duties for any reason whatsoever, in an officer-like manner and who are dismissed by the employer, shall be replaced immediately and shall be subject to charges in accordance with the National M.E.B.A. Constitution and the By-Laws of the District. Applicants for Membership who fall under this category shall have their status reviewed and evaluated by the District Investigating Committee.

b) Anyone who takes a job and during the course of his employment on that job prior to the termination of his employment on that job, registers for further employment, shall be subject to charges in accordance with the National M.E.B.A. Constitution and the By-Laws of the District. Applicants for Membership who fall under this category shall have their status reviewed and evaluated by the District Investigating Committee.

11.a) Anyone on a Port Relief job shall have the right to compete for a Shipping job and if he gets one shall immediately notify the Dispatcher who shall at the same time dispatch a replacement.

b) Anyone who has cleared for a Shipping job shall not be eligible for a Port Relief job regardless of the starting date of the Shipping job.

c) It shall be the duty of the individual Port Relief Officer to notify the Dispatcher that their maximum number of hours will be reached, including weekends and holidays, before the scheduled job call so that a replacement relief officer can be obtained. It is understood that the individual's regularly scheduled watches shall cause the said maximum hours to be reached.

12.No one shall be registered on the Port Relief List in more than one port at the same time.

13.a) Anyone terminating his position aboard a vessel, or going on Leave of Absence for any reason or transferring to any position other than temporary promotions aboard a vessel, must immediately notify in writing the Branch having jurisdiction over Port in which such change of employment occurs. Such notification shall be presented in person. M.E.B.A. will provide forms for recording changes.

b) However, in circumstances where reporting in person would work a hardship on the individual, he may telephone at the earliest opportunity but not later than the following business day. Anyone failing to give such notice as required by this

rule shall be subject to charges in accordance with the National M.E.B.A. Constitution and the By-Laws of the District. Applicants for Membership who fall under this category shall have their status reviewed and evaluated by the District Investigating Committee.

c) A member registered in a Port who accepts employment in any Port must immediately notify the Port in which he is registered so as to clear the registry.

14.a) Commencing ten months after the effective date of these Shipping Rules, no one shall be registered on the Port Relief List for more than 60 days or on the National Shipping List for more than nine months. Anyone failing to use their cards within the above specified time shall automatically have their cards revoked and shall be required to re-register. However, the District Executive Committee shall have the authority, notwithstanding any provision to the contrary herein, to adjust such time limits in accordance with shipping conditions.

b) No one shall be permitted to be registered on the Port Relief List for a period in excess of six months from the date of his original registration on the Port Relief List, unless he has sailed for a minimum period of 70 days prior to such registration.

c) Individuals in Group I who fail to meet the above 70 day requirement may be permitted to register on the Port Relief List for Group II without being subject to the 70 day requirement.

d) Individuals in Group II who fail to meet the above 70 day requirement may be permitted to register on the Port Relief List for Group III without being subject to the 70 day requirement.

15.a) The maximum time limit for any temporary assignment shall be the time posted on the board at the time the job is dispatched and shall be taken off the National Shipping List. Under no circumstances can a temporary assignment be turned into a permanent assignment. All temporary assignment dispatch slips shall designate the name of the permanently assigned officer who is to be relieved and the approximate date he is expected to return.

b) Any licensed officer who takes a temporary assignment and fails to complete such assignment (except for personal illness or family emergency) shall be subject to charges in accordance with the National M.E.B.A. Constitution and By-Laws of the District. Applicants for Membership who fall under this category shall have their status reviewed and evaluated by the District Investigating Committee.

16 a) Any licensed officer, accepting employment, must under any and all circumstances, first obtain clearance from the office of the M.E.B.A. having jurisdiction over the Port in which the officer is to join a vessel before reporting for work on any vessel. This includes return to work at the termination of a Leave of Absence and it shall be the responsibility of the returning officer to supply the Dispatcher with the documentation necessary to confirm the officer's right to return to employment.

b) When a Company employs a licensed officer, he must be obtained from the office of the Association, provided that it is consistent with the applicable Collective Bargaining Agreement.

c) Any officer who, in the course of continuous employment, is assigned by the Company to another vessel of the same Company, or accepts a change in permanent rating aboard the same vessel, must first obtain clearance from the Branch office having jurisdiction over the Port in which the change aboard the vessel occurs.

d) While an officer is on a Leave of Absence, he may without thereby breaking his continuous employment, register for and accept Port Relief jobs, provided however that no employment may be accepted by such officer on any day for which he receives unearned wages or paid vacation. If the officer registers for or accepts employment other than Port Relief work with any Company during the period of the Leave of Absence, his continuous employment with the Company where he has his Leave of Absence shall be broken.

#### 17. Leaves of Absence:

a) An officer, who notifies the M.E.B.A. of a Leave of Absence in accordance with Rule 13, shall obtain, for the M.E.B.A., written confirmation from the Company as to the category and approximate duration of such Leave of Absence.

b) In the case of a Leave of Absence for Illness or a Sickness in the family, such Leave of Absence must be supported by medical documentation supplied by the officer to the Branch within 15 days of the commencement of the Leave of Absence and at 30-day intervals thereafter.

c) Leave of Absence-for Personal Reasons may not be extended except for stated reasons or without mutual consent of the Company and M.E.B.A. No aggregate of Leaves of Absence for Personal Reasons shall exceed 120 days (or the length of a voyage, if greater) within a twelve-month period without the consent of the District Executive Committee. In the event an officer takes a Leave of Absence for vacation and fails to file for vacation benefits either initially or retroactively, the Leave of Absence shall be considered to have been taken for personal reasons and shall be subject to the aggregate as above.

d) When a vessel is to be temporarily withdrawn from service for a period not to exceed 120 days, the permanently employed officers on the vessel may elect to take a Leave of Absence pending the return of the vessel.

e) When a vessel is to be withdrawn from service in excess of 120 days, the permanently employed officers may elect to take a Leave of Absence pending reassignment, subject to the provisions of Rule 18 (d).

f) No officer shall be eligible for a transfer from one Company vessel to another unless he has been employed by the Company for at least one round-trip voyage or 30 days, whichever is greater.

g) No officer shall be eligible for a transfer from one Company vessel to another while on a Leave of Absence except as provided for in Rule 18(d).

h) No officer may be eligible for a transfer from one Company vessel to another in a rating lower than the position in which he was originally employed in the Company's fleet without the permission of the District Executive Committee.

18. Re-employment Rights Following Leaves of Absence: An officer on Leave of Absence must promptly report his availability for work to the M.E.B.A. upon termination of his Leave of Absence.

a) When an officer has completed his Leave of Absence for Vacation, Illness or Sickness in the Family, he shall have the right:

(1) To await return to port of his original vessel and be reassigned to his original job.

(2) To be assigned by the Company to a job on another vessel of the same Company, provided such assignment is not more than 30 days following the termination of the Leave of Absence.

b) When an officer has completed his Leave of Absence for Personal Reasons, the officer shall have the right to return to his original job on his original vessel upon completion of the Leave of Absence within a maximum of 120 days from the commencement of the Leave of Absence or one voyage of his vessel, whichever period is greater, unless such Leave of Absence is extended by action of the District Executive Committee.

c) When an officer has completed his Leave of Absence resulting from Temporary Vessel Withdrawal from service, he shall have the right to return to his original job on his original vessel upon the date of return of the vessel to service.

d) When an officer has elected to take a Leave of Absence, from a vessel which was permanently withdrawn from service, (or to be laid up in excess of 120 days) for the purpose of awaiting reemployment on the same or another vessel of the same Company, the officer shall not be entitled to register for nor accept any Shipping assignment until he either terminates his Leave of Absence or is reassigned to the Company to a permanent vacancy in a rating not lower than the position in which he was originally employed in the Company's fleet.

19. All Constitutional Branch Offices of the District shall be open for the conduct of business Monday through Friday from 9:00 A.M. to 5:00 P.M. in the Eastern Time Zone and 8:00 A.M. to 4:00 P.M. in the Pacific and Central Time

Zones; except that they shall be closed on all holidays observed in the Port in which the office is located.

20. All of the foregoing provisions of the Shipping Rules shall be subject to the following:

a) All members and applicants for membership in the District shall be classified into Group I, Group II or Group III.

b) A person in Group I shall lose such status and be placed in Group II if he fails to have at least 150 days of sailing time on District No. 1 - M.E.B.A., contracted vessels during the three preceding calendar years.

The number of persons classified in Group I by the District Executive Committee shall not be less than the number of regular permanent jobs covered by District contracts nor greater than 2 ½ times the number of jobs covered by District contracts. Such quota may be revised from time to time by the District Executive Committee to meet changing economic conditions, unless otherwise directed by a majority vote of the membership.

Vacancies in Group I shall be filled in the following order of preference:

1) by those persons who had been dropped from Group I and had 150 days of sailing time on District No. 1 - M.E.B.A. contracted vessels subsequent to having been so dropped;

2) by all others in Group II, who have the greatest number of accumulated days of sailing time as a licensed officer on District No. 1 - M.E.B.A., contracted vessels. Attendance at the M.E.B.A. School or employment with the Union or M.E.B.A. Plans shall constitute days of sailing time as a licensed officer on District No. 1 - M.E.B.A., contracted vessels for all requirements of this Rule 20.

c) Any person in Group II who has never attained Group I status shall lose his Group II status and be classified in Group III if in the immediate two preceding calendar years he fails to have 150 days of sailing time on District No. 1 - M.E.B.A., contracted vessels.

The number of persons classified in Group II shall not be less than 25% nor greater than 50% of the number established for Group I. Such quota may be revised from time to time by the District Executive Committee to meet changing economic conditions, unless otherwise directed by a majority vote of the membership.

Vacancies in Group II shall be available to those persons classified in Group III who meet the requirements for Group II and shall be filled in the order of the date of their respective applications for membership.

A person who loses his Group II status and is classified in Group III may reapply for Group II status if he has 150 days of sailing time on District No. 1 - M.E.B.A., contracted vessels within a two year period subsequent to the date of

his being dropped to Group III status. Upon approval of his application for Group II status, he shall be classified in Group II.

All applicants for membership in the District who present proof of 150 days of sailing time on US flag vessels with their original applications for a Group II status shall be classified in Group II, conditioned upon payment of the customary service fees and provided that vacancies in Group II exist. Such Group II classification shall be effective for a period of not less than two years from the date of his original application for Group II status.

d) All other applicants shall be classified in Group III which shall also include those persons who have been dropped from Group II.

e) The respective shipping rights and privileges for those classified in the several Groups shall be as follows:

(1) Persons in Group I shall have priority over all others in bidding for jobs except as provided in Rule 14 and shall be eligible for Leaves of Absence, transfers, promotions and changes in rating in accordance with and as provided in the Shipping Rules.

(2) All persons in Group II shall have the next preference in bidding for jobs and shall be eligible for Leaves of Absence, promotions and changes in rating, as provided in the Shipping Rules, but shall not be eligible for transfers nor be permitted to remain in sailing employment aboard the same vessel for more than 12 calendar months, including any Leaves of Absence, except that a person in Group II shall be permitted to make a voyage in which his 12<sup>th</sup> calendar month occurs. This provision shall be enforced on all persons in Group II who obtain a permanent position subsequent to the effective date of these shipping rules. In the event a Group II officer obtains a permanent position in accordance with this rule, and subsequent to obtaining said position obtains Group I status, he shall still be limited to the 12 calendar months.

(3) All persons in Group III shall be permitted to bid for employment in accordance with the Shipping Rules only after bidding has been closed for those in Groups I and II. They shall not be eligible for any Leave of Absence, transfer, promotion or change in rating. They may not, while in Group III, remain in continuous employment on any vessel in excess of 30 days\* or one complete voyage whichever period is longer, provided a Group I or Group II replacement is available.

***\* Adjusted to 120 days by DEC resolution ratified by the membership at the October 1996 membership meetings.***

f) The District Executive Committee shall have the authority, notwithstanding any provision to the contrary herein, to waive the application of these Rules and to provide exceptions to the Group I or Group II quota in order to encourage and effectuate the organization of new fleets or vessels. Such authority may be exercised in order to fulfill commitments undertaken in organizing programs or to make more effective such organizing programs leading to the acceptance of



new members into the District. The Membership of the Union recognizes the necessity of obtaining new employment opportunities and authorizes the District Executive Committee to take such action as necessary, regardless of the provisions of these Shipping Rules, to effect increased employment opportunities for all persons affected or governed by these Rules.

21. The District Executive Committee shall promulgate the necessary rules and regulations to govern the application and interpretation of these Rules and the procedures for the filing and disposition of grievances hereunder. The disposition of any grievances by the District Executive Committee on these Rules, which result in the waiver of a Rule, shall be subject to the vote of the membership.

22. The District Executive Committee shall also have the authority, notwithstanding anything to the contrary herein, to waive or adjust any term or provision of these Shipping Rules, unless otherwise directed by a majority vote of the membership.

23. Should any Rule, or subdivision of any Rule, be questioned or found by any court, regulatory body, or other appropriate authority to be defective, illegal, or non-binding on the membership, the remaining unaffected Rules shall remain legal and binding. In such case, said Rule, or subdivision of such Rule can be appropriately modified by a District Executive Committee Resolution subject to a majority vote of the membership.

24. These Shipping Rules shall supersede all previous Rules and be the only Rules for the Branches and Ports comprising the District. Where used in these Shipping Rules, words in the masculine also shall be read and construed as in the feminine in all cases where such construction would so apply.

25. EFFECTIVE DATE:

March 15, 2010.