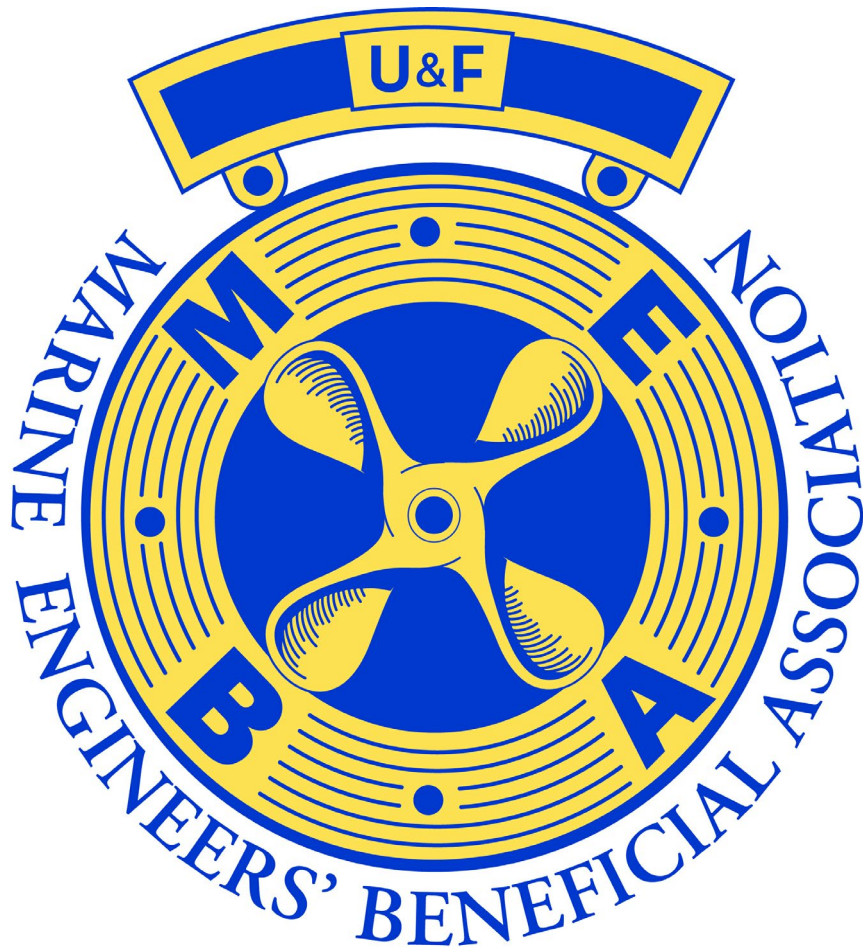


**By-Laws**  
of the  
**District No. 1 – PCD  
Marine Engineers’  
Beneficial Association  
AFL-CIO**



*Last amended in July 2022*

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## BY-LAWS

### ARTICLE ONE

#### *Name and General Powers*

**Section 1.** This organization shall be known as “District No. 1-PCD, M.E.B.A.” chartered by the National Marine Engineers’ Beneficial Association. Its powers shall be legislative, judicial and executive.

**Section 2.** A majority vote of the membership shall be authorization for any union action, unless otherwise specified in the National Constitution or these By-Laws.

### ARTICLE TWO

#### *Membership*

**Section 1.** Candidates for membership shall be admitted to membership subject to and in accordance with the applicable provisions of the National Constitution and such rules as are adopted from time to time by the District Executive Committee, unless otherwise ordered by a majority vote of the membership.

**Section 2.** The members of this District shall be entitled to all the rights and privileges of members and subject to such duties and responsibilities including the payment of dues and other financial obligations, including fines, assessments or other indebtedness as provided in the National Constitution. No member shall be entitled to any benefits of the Union 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 National or this District. Additionally, no member employed by the Union, including Union Officials and Representatives, shall be entitled to any benefits of the Union 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. With respect to the payment of quarterly dues, no member shall be entitled to any benefits of the Union or be considered in good standing unless his dues are also paid for periods of Leave Without Pay (LWOP), if LWOP is permitted under any collective bargaining agreement to which the District is a party or paid within (60) days of the postmark of any invoice sent by the Union to the member by mail with delivery receipt. Further, with respect to vacation dues, no member – including members employed by the Union, Union officials and Representatives – shall be entitled to any benefits of the Union or considered in good standing unless his dues are paid for any vacation period regarding which (1) vacation benefit payments are received from the M.E.B.A. Vacation Plan; or, (2) wages or salary are paid, as in the case of members of bargaining units that do not participate in the M.E.B.A. Vacation Plan, but owe vacation dues. In order for a member to be current on payment of vacation dues, 6% of the gross amount of said vacation benefit payment must either be remitted via any dues checkoff system or by direct payment by the member to the Union no later than the first day of the quarter next following the vacation benefit payment, or paid within sixty (60) days of the postmark of any invoice sent by the Union to the member by mail with delivery receipt.

**Section 3.** No member may accept employment under the authority of their license, or as a Port Engineer or a Port Captain, with a non-District No. 1-PCD, M.E.B.A. contracted company without approval of the District No. 1-PCD, M.E.B.A. It shall be the duty of the member to seek and obtain such approval.

### **ARTICLE THREE**

#### ***System or Organization***

**Section 1.** This District, its officers, representatives and members, in any and all Branches, shall be governed in this order by:

- The National Constitution and these By-Laws,
- District Executive Committee, and
- Majority vote of the membership

**Section 2.** The location of Headquarters of the District shall be determined by the District Executive Committee. Branch offices shall be maintained, unless changed as elsewhere provided in these By-Laws, in the Ports of New York, Norfolk, Tampa, Houston, San Francisco, Seattle, Los Angeles, and such other Ports as may be determined by the District Executive Committee.

**Section 3.** (a) There shall be one Branch Agent for each of the Ports designated in Section 2. The Branch Agent for the Port of San Francisco shall also be designated as the District Executive Vice President. The Branch Agents for the Ports of New York and Houston shall also be designated as District Vice Presidents; the former serving the Atlantic Coast and the latter serving the Gulf Coast. At the election of said Branch Agents, the ballots shall specify that in addition to Branch Agent, their office includes that of District Executive Vice President and District Vice President, as appropriate.

(b) The number of patrolmen, if any, for Headquarters Ports and for any other Port shall be determined as elsewhere provided in these By-Laws.

**Section 4.** The Headquarters and the several Branches shall be manned by such officers and staff personnel as shall be determined by the District Executive Committee, unless otherwise directed by a majority vote of the membership.

**Section 5.** (a) There shall be a District Executive Committee consisting of the District President, the District Executive Vice President-Branch Agent, San Francisco, the District Secretary-Treasurer, the Atlantic Coast Vice President and the Gulf Coast Vice President.

(b) The District President shall designate an alternate to replace any of the aforesaid members unable to attend meetings of the District Executive Committee for any reason.

(c) The District Executive Committee shall have the authority to assign to any of the aforesaid officials, such titles, powers and duties as it may determine for the efficient and effective administration of the affairs of the District.

**Section 6.** A quorum for meetings of the District Executive Committee shall be a majority of those eligible to attend.

**Section 7.** All official meetings in this Union shall be recorded by minutes.

#### **ARTICLE FOUR** *Officers and Representatives*

**Section 1.** The officers of the District shall be elected except as otherwise provided in these By-Laws. These officers shall be the District President, the District Executive Vice President, who shall be the Branch Agent for the Port of San Francisco, the two District Vice-Presidents, one of whom, serving for the Atlantic Coast, shall be the Branch Agent for the Port of New York and the other, serving for the Gulf Coast, shall be the Branch for the Port of Houston, the District Secretary-Treasurer and the Branch Agents.

**Section 2.** The Representatives to the National Convention shall also be elected. The District President, the District Executive Vice President-Branch Agent, San Francisco, the District Secretary-Treasurer and the Branch Agents shall be ex officio delegates to the National Convention. At the election of officials of this District it shall be stated, in addition to the District President, the District Executive Vice President-Branch Agent, San Francisco, the District Secretary-Treasurer and Branch Agents, that they are also delegates to the National Convention and they shall so become. The Union may elect in addition such additional Representatives and alternates as the District Executive Committee may determine, unless otherwise directed by a majority vote of the membership, consistent with the provisions of the National Constitution.

#### **ARTICLE FIVE** *Elective Jobs*

**Section 1.** The following jobs in the District shall be voted upon in the manner prescribed by these By-Laws:

Committee Members of:

- Trial Committee
- Strike Committee
- Credentials Committee
- Constitutional Committee
- Tallying Committee
- Financial Review Committee
- Those specific Patrolmen so designated by the District Executive Committee as provided in the By-Laws.

**Section 2.** Additional Committees may be formed upon recommendation of the District Executive Committee, unless otherwise directed by a majority vote of the membership. Committees may also be appointed as permitted by these By-Laws.

## **ARTICLE SIX**

### ***Duties of Officers, Representatives and Other Elected Personnel***

**Section 1. District President.** (a) The District President shall be the Executive Officer of the District and shall represent and act for and in behalf of the District in all matters except as otherwise specifically provided for in these By-Laws.

(b) He shall be a member of all committees, except as otherwise herein expressly provided.

(c) He shall be in charge of and responsible for all District property and shall be in charge of Headquarters, Branch Offices and all other Ports within the jurisdiction of the District. Whenever there are time restrictions or other considerations affecting District action, he shall take appropriate action to ensure observance thereof.

(d) In order that he may properly execute his responsibilities, he is instructed and authorized to employ any help he deems necessary, be it legal, accounting or otherwise, subject to the approval of the District Executive Committee when the amount of said expenditure exceeds 25,000 USD.

(e) Unless otherwise ordered by a majority vote of the membership, the District President may pay a third party vendor bill for services, contract for, or retain the services of any person, firm, or corporation, not employees of the District, when he deems it necessary in the best interests of the District. The President's decision to pay a third party vendor bill for services, contract for or retain said outside services shall be subject to the authority of the District Executive Committee when the amount of said expenditure exceeds 25,000 USD.

(f) At the regular membership meeting in May of every election year, he shall, subject to the approval of the District Executive Committee, submit to the membership a pre-balloting report. In his report he shall recommend the specific Ports (in addition to Headquarters) for which Branches will be maintained, the Branches for which Patrolmen are to be elected and the number, if any, of Representatives to the National M.E.B.A. Convention and, unless otherwise ordered by a majority vote of the membership, the report shall be deemed accepted, becomes policy and is codified into the By-Laws, if applicable. Should the Pre-Balloting report be rejected by a majority vote at the membership meetings, the previously passed Pre-Balloting report will remain in effect in accordance with the By-Laws. He may also in such report determine, with DEC approval, the depository to which the ballots are to be mailed or delivered as well as an Impartial Administrator to oversee the balloting process. Notice of election information including the depository and the Impartial Administrator shall be made available to the membership in Union communications prior to the mailing of the ballots.

(g) He shall be Chairman of the District Executive Committee and may cast one vote with that body.

(h) He shall be responsible for the signing of new contracts and the contract enforcement.

(i) He shall be responsible, within the limits of his powers, for the enforcement of these By-Laws, the policies of the District and all rules and rulings duly adopted by the District Executive Committee and those duly adopted by a majority vote of the membership. Within these limits, he shall strive to enhance the strength, position and prestige of the District.

(j) The foregoing duties shall be in addition to those other duties lawfully imposed upon him.

(k) The responsibilities of the District President may not be delegated but he may delegate to a person or persons the execution of such of his duties as he may in his discretion decide, subject to the limitations set forth in these By-Laws.

(l) He is directed to take any and all measures and employ such means which he deems necessary or advisable to protect the interests and further the welfare of the District and its members in all matters involving national, state or local legislation issues and public affairs.

(m) He shall have the authority to require any officer or representative of the District to attend any regular or special meeting if in his opinion it is deemed necessary.

(n) The District President, in the event of incapacity on the part of any elected officer, shall, subject to the approval of the District Executive Committee, designate a replacement provided he is qualified under the National Constitution and these By-Laws to fill the job.

(o) The President may appoint a personal representative to attend any meeting of an affiliate organization when he deems in his discretion that such measure is necessary to further the interests of the District.

**Section 2. District Executive Vice President-Branch Agent, San Francisco.** (a) He shall perform any and all duties assigned to him or delegated to him by the District President or the District Executive Committee.

(b) He shall maintain his office in the Port of San Francisco.

(c) He shall be a member of all committees, except as herein otherwise expressly provided.

**Section 3. District Vice Presidents.** (a) They shall perform any and all duties assigned or delegated to each of them by the District President or the District Executive Committee.

(b) They shall be members of all committees, except as herein otherwise expressly provided.

**Section 4. District Secretary-Treasurer.** (a) He shall perform any and all duties assigned him or delegated to him by the District President. He shall be responsible for the organization and maintenance of the correspondence, files and records of the District, setting up and maintenance of sound accounting and bookkeeping systems; the setting up and maintenance of proper office and other administrative procedures; the proper collection, safeguarding and expenditure of all District funds.

(b) He shall submit to the membership for each quarterly period, a detailed review of the entire District's financial operations, a semi-annual review and a year-end audit. The Secretary-Treasurer's semi-annual review and year-end audit shall be prepared by an independent Certified Public Accountant.

(c) He is instructed and authorized to employ any help he deems necessary, be it legal, accounting or otherwise, subject to the approval of the District President and the District Executive Committee.

(d) He shall be a member of all committees except as herein otherwise expressly provided.

**Section 5. Branch Agents.** (a) The Branch Agent shall be in direct charge of the administration of District affairs in the Port or Ports of his jurisdiction.

(b) He shall, within the jurisdiction of his Port or Ports, be responsible for the enforcement and execution of these By-Laws, the policies of the District and the rules adopted by the District Executive Committee and/or a majority vote of the membership.

(c) He shall be prepared to account, financially or otherwise, for the activities of his Port or Ports, whenever demanded by the District President, District Executive Vice President-Branch Agent, San Francisco or Secretary-Treasurer.

(d) In any event, he shall prepare and forward to the Secretary-Treasurer, a weekly financial report showing in detail weekly income and expenses and complying with all other accounting directions issued by the Secretary-Treasurer.

(e) The Branch Agent shall assign each Branch Patrolman to such duties as fall within the jurisdiction of the Branch.

(f) The Branch Agent shall designate which members at that Port may serve as representatives to other organizations, affiliations with which have been properly authorized.

(g) The foregoing is in addition to those other duties presented elsewhere in these By-Laws.

**Section 6. Branch Patrolmen.** Patrolmen shall perform whatever duties are assigned to them by the Branch Agent of the Port to which they are assigned or by the District President and/or the District Executive Committee.

**Section 7. District Executive Committee.** (a) The District Executive Committee shall meet no less frequently than twice each year at such places as may be designated by the District President or the District Executive Committee, and at such other times as the District President or, in his absence, the District Executive Vice President-Branch Agent, San Francisco, may direct. The District President, or in his absence, the District Executive Vice President-Branch Agent, San Francisco, shall be the Chairman of all District Executive Committee meetings.



(b) Each member of the District Executive Committee, except as otherwise provided in these By-Laws, shall be entitled to cast one vote in that body. Its decisions shall be determined by majority vote of those voting, providing a majority of its members are present constituting a quorum.

(c) It shall be the duty of the District Executive Committee to develop policies, strategies and rules which shall advance and protect the interests and welfare of the District and the members. The adoption of any such recommendation by a majority vote of the District Executive Committee shall make the provisions thereof binding District policy, unless modified or otherwise altered by a majority vote of the membership, provided such recommendation is not inconsistent with the provisions of these By-Laws.

(d) The Secretary-Treasurer, or in his absence, an appointee of the District Executive Committee, shall keep accurate minutes of all meetings of the District Executive Committee.

(e) The District Executive Committee shall determine, subject to the National Constitution, the terms and conditions of affiliation for any group of workers desiring affiliation.

(f) The District Executive Committee shall be responsible for all contract negotiations, the formulation of bargaining demands and the submission of proposed collective bargaining agreements to the membership for ratification.

(g) The District Executive Committee shall direct the administration of all District affairs, properties, policies and personnel in any and all areas including those not otherwise specifically provided for in these By-Laws.

(h) The District Executive Committee shall have such other powers, duties and authority conferred upon District Executive Committee by the National Constitution.

(i) Notwithstanding the foregoing, the District Executive Committee may act without holding a formal meeting provided all members of the District Executive Committee are sent 72-hour notice of the proposed action or actions and the decision of each member voting is reflected by a document and the action is approved by a majority of those voting thereon. When all members of the DEC are in unanimous agreement the 72-hour notice period may be waived.

(j) The District Executive Committee shall have the authority, for reasons consistent with the best interests of the District, to assign to the Branch Agents and elected Patrolmen such powers, titles and duties as it may determine including their temporary transfer of assignment among the Branches, for the efficient and effective administration of the affairs of the District Organization, unless otherwise directed by a majority vote of the membership.

(k) The District Executive Committee shall have the authority, whenever it may determine that it is in the best interest of the membership, to submit to a referendum vote among the membership on any issue, policy or action. The vote thereon shall have the same binding effect as a vote by a majority of the membership. Any such District-wide referendum shall be conducted either:

1. In accordance with the procedure outlined in these By-Laws for elections except that the time and duration of the vote and all other pertinent details shall be set by the District Executive Committee, or;

2. By a secure and established online and internet based voting/election company. Such internet voting shall not include officer elections or ratification of Deep sea contracts. A tallying committee shall be formed as outlined in these By-Laws, and shall oversee the final count and determination of eligible voters. No member's ballot shall be counted unless he is in good standing as of 15 days immediately preceding the closing of the balloting.

3. For Online voting, a Tallying Committee of three members and three alternates, shall be elected at a regular or special meeting held in the Vice Presidents' Ports. An alternate will only participate should the elected Tallying Committee member, from the port in which they are elected, be unable to participate.

**Section 8. Meeting Chairman.** (a) The Branch Agent in each Port, including Headquarters, as the officer in charge of the Branch, shall be the presiding officer of all membership meetings. In his absence, any Patrolman of the Branch, when directed by the Branch Agent, shall serve. If the Branch Agent and Patrolman are unable to be the presiding officer, the area Vice President shall designate a chairman to conduct the meeting.

(b) He shall keep order under Rules of Order as provided in the National Constitution.

(c) The Meeting Chairman may cast a vote only in the event of a tie.

(d) The District President and the District Executive Vice President shall have the right to serve as Chairman of any meeting in any Branch. The Atlantic Coast Vice President shall have the right to serve as Chairman of any meeting in any Branch on the Atlantic Coast and the Gulf Coast Vice President shall have the right to serve as Chairman of any meeting in any Branch on the Gulf Coast. In all instances, the right of the District President to serve as Chairman will be supreme to the right of District Vice Presidents. Additionally, the right of the Executive Vice President to serve as Chairman shall be supreme to the right of the other Vice Presidents. Finally, the right of the President or any Vice President to serve as Chairman of any meeting to which they are entitled shall be supreme to the right of any other District official or employee.

**Section 9. Committees.** (a) *Trial Committee.* Trial Committee shall conduct trials of persons charged and shall submit findings and recommendations as prescribed in these By-Laws and the National Constitution. It shall be the special obligation of the Trial Committee to observe all the requirements of these By-Laws and the National Constitution with regard to charges and trials and their findings and recommendations must specifically state whether or not, in the opinion of the Trial Committee, the rights of any accused, under these By-Laws and the National Constitution, were properly safeguarded.

(b) *Appeals Committee.* Appeals Committee shall hear and determine all appeals from trial judgments, in accordance with such procedures as are set forth in these By-Laws and such rules as may be adopted by a majority vote of the membership not inconsistent therewith.

(c) *Strike Committee.* 1. In no event shall a general strike take place unless approved by a majority vote of the membership.

2. In the event a general strike has been approved by the membership, the Branch Agents in all affected Ports shall call a timely special meeting for the purpose of electing a Strike Committee. This committee shall be composed of three (3) members and their duties shall consist of assisting the Branch Agent to effectuate all strike policies and strategies.

3. The District Executive Committee shall decide when any strike shall begin and shall be charged with the preparation, execution and termination of the strike plan which shall be binding on all members of the District.

4. In no event shall any Strike Committee obligate this District or any Branch hereof in any manner without the approval of the District Executive Committee.

(d) *Financial Review Committee.* The Financial Review Committee shall annually review the finances of the Union. This committee shall be composed of five (5) members and one (1) alternate, who are not officers or employees of the Union. Committee members and committee alternate eligibility is as stated in Article 9, Section 2 of the By-Laws. One member shall be elected at each of the March Membership Meetings at the New York Hall, Houston Hall, San Francisco Hall, Norfolk Hall, Tampa Hall, and Seattle Hall. An individual may not be elected in more than one hall. Once elected and after the Union's previous year-end financial reports are prepared and available, the Committee shall promptly meet at Union's Headquarters. Once met, the Committee shall choose by random drawing each year the alternate member and then review the Union's finances, and prepare a report to the membership of its finding. The objective of the Committee is to provide a factual report on the state of the Union's finances for the previous year in review. It should be noted that nothing stated herein precludes the Financial Review Committee from requesting to review Union finances as intended by these By-Laws. The information provided in the Committee's report shall include, at a minimum, the following information:

1. The Committee Members in attendance and their positions on the Committee.
2. Reports, Financial Statements and Audits requested, provided and reviewed by the Committee.
3. Union Revenue for the 5 preceding years to include Total Assets, Total Liabilities and Net Assets.
4. Budget projections for a minimum of the 4 preceding years for which Revenue was reported with Estimated Revenue/Expense projections vs. Actual Revenue/Expense and calculated difference.
5. Budget projections to include estimated Revenues and Expenses for the current year.
6. Notable increases or decreases in expenses and/or revenue.
7. Joint Employment Committee (JEC) funding, to include contributions and expenses.
8. Verification of the data, calculations and straight average used to determine the compensation increase the DEC may elect to take if accepted by the membership.
9. Review of Vendor Transaction packets, including business expenses for Union officials and employees for the year of review.

10. Review and verification of the plan of action taken by the DEC pertaining to the prior year's Financial Review Committee recommendations.
11. The Committee's recommendations, if any, based on its review of the Union's finances.

The report of the Financial Review Committee shall be submitted to the membership for action at the next regularly scheduled membership meetings. The membership may either accept or reject the report and refer it back to the Committee for further action.

## **ARTICLE SEVEN**

### ***Wages, Terms of Office of Officers and Other Elective Job Holders, Employees and Others***

**Section 1.** The following elected offices shall be held for a term of four years: District President, District Executive Vice President-Branch Agent, San Francisco, the District Vice Presidents, District Secretary-Treasurer and Branch Agents.

**Section 2.** The term for Patrolman (when elected) shall be four years. The term of any other elective job, other than those indicated in Section 1, of this Article, shall continue for so long as is necessary to complete the functions thereof, unless sooner terminated by a majority vote of the membership or segment of the District, whichever applies, whose vote was originally necessary to elect the one or ones serving.

**Section 3.** (a) The compensation to be paid all officers and other personnel shall be determined, from time to time, by the District Executive Committee, unless otherwise directed by a majority vote of the membership. The compensation levels of the District Executive Committee shall be determined by taking the straight average of only the negotiated annual wage increases of 0% or more that have been implemented from the preceding calendar year's M.E.B.A. deep sea collective bargaining agreements. This shall not include the first year of first (new) contracts or contracts that are in or were subject to interest arbitration. The contract data and the calculation method used to determine the straight line average shall be subject to verification from the Financial Review Committee and the final average is to be included in their report. It is the responsibility of the membership to either accept or reject the report and refer it back to the Committee for further action.

(b) M.E.B.A. shall pay monthly contributions to the M.E.B.A. Defined Benefit Pension Plan on behalf of all of its officials, including members of the DEC. The amount of the contribution shall be the straight average of the percentages paid by the identical deep-sea employers considered in the wage calculation described in subsection 3(a), above. Any non-pension participating employer shall be counted as a 0% contribution by the employer. The contract data and calculation method used to determine the straight pension average shall be subject to verification by the Financial Review Committee, and the final average shall be included in its report. It is the responsibility of the membership to either accept, or reject the report and refer it back to the Committee for further action;

**Section 4.** Paid officials of the District shall devote their full time to their official duties.

## **ARTICLE EIGHT**

### ***Vacancies in Office or Job***

**Section 1.** In the event the District President shall be unable to carry out his duties by reason of death, resignation or removal from office, or for any other reason, the District Executive Vice President-Branch Agent, San Francisco, shall assume the office of District President until the next general election, provided, however, that the District Executive Committee may, by a unanimous vote, name any elected District Executive Committee member to assume the office of District President until the next general election.

**Section 2.** In the event a vacancy shall occur simultaneously in the office of District President and District Executive Vice President-Branch Agent, San Francisco, or in the office of District Executive Vice President-Branch Agent, San Francisco, and District Secretary-Treasurer, the District Executive Committee by majority vote shall name successors from its own membership, who shall fill those vacancies until the next general election.

**Section 3.** In the event the District Executive Vice President-Branch Agent, San Francisco, has duly assumed the office of the District President and a vacancy thereafter occurs in his office, the District Executive Committee shall elect a successor from its own membership to fill the vacancy until the next general election.

**Section 4.** If a vacancy occurs in the office of any other elected officer or in the job of any elected job holder of the District, the District Executive Committee shall designate a successor, who must otherwise be qualified to fill said office or job, until the next general election.

## **ARTICLE NINE**

### ***Qualifications for Officers and All Elective Jobs***

**Section 1.** Eligibility requirements for all elective offices of this District requiring a District-wide vote of the membership shall be as provided in the National Constitution.

**Section 2.** Eligibility requirements for other elective jobs not covered by the foregoing Section shall be membership in good standing.

**Section 3.** All candidates for and holders of elective offices and jobs, whether elected or appointed in accordance with these By-Laws, shall maintain membership in good standing. Failure to do so shall result in ineligibility to hold such office or job and shall constitute an incapacity with regard to such office or job.

## **ARTICLE TEN**

### ***Elections for District-Wide Offices and Jobs***

**Section 1. Nominations.** (a) Any member may submit his name for nomination for the offices of District President, District Executive Vice President-Branch Agent, San Francisco, District Secretary-Treasurer, Branch Agent, or for the job of Patrolman (where being elected) or any Representative of the National Convention by delivery in person, courier or any such service,

including email, that provides a certified time of receipt to both parties, of the communication addressed to the Credentials Committee in care of the District President at the address of Headquarters in Washington, D.C.

(b) The District President or his designee is charged with the safekeeping of these communications and shall turn them over to the Credentials Committee upon the Committee's request.

(c) The communication shall be dated and contain the following:

1. The full name of the candidate and, if he wishes, any special name to appear on the ballot.
2. His home address and mailing address.
3. A copy of his last dues receipt or proof of dues check-off.
4. The title of the office or other job for which he is a candidate, including the name of the Branch in the event the position sought is that of Branch Agent or Patrolman.
5. Evidence of employment time in the form of copies of Coast Guard discharges, vacation vouchers for appropriate years, pay vouchers, employment history from Plans, or communications from employers. Attendance at the Calhoun M.E.B.A. Engineering School or any other school or educational program as a student is not qualifying employment for nomination.
6. 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 either 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 Member: \_\_\_\_\_

Dated: \_\_\_\_\_

(d) Printed forms of the certificate shall be made available to nominees. Where a nominee cannot truthfully execute such a certificate, but in fact, is legally eligible for an office or job 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.

(e) The communication must reach Headquarters in Washington, D.C., but not prior to the June meeting and no later than the July meeting of the election year.

**Section 2. Credentials Committee.** (a) A Credentials Committee of three members and two alternates who are in attendance shall be elected at the regular July meeting held in the following Ports: One member shall be elected at each of the meetings at the New York Branch, Houston Branch and San Francisco Branch and one alternate shall be elected at each of the meetings at the Norfolk Branch and Tampa Branch.

No officer or candidate for office or job shall be eligible for election to this Committee. The Committee's results shall be by majority vote with any tie vote being resolved by a majority vote of the membership at a special meeting called for the purpose at all Branches and Ports.

(b) After its election, the Committee shall go into session within five (5) days of the last July meeting. It shall determine whether the person has submitted his nomination correctly and possesses the necessary qualifications. The Committee shall prepare a report listing each nominee under the office or job he is seeking. Each nominee shall be marked "qualified" or "disqualified" according to the findings of the Committee. Where a nominee has been marked "disqualified" the reason therefore must be stated in the report. Where a tie vote has been resolved by a special meeting of the membership, that fact shall also be noted, with sufficient detail. The report shall be signed by all of the Committee members, and be completed and submitted to the Branches and Ports in time for the next regular meeting following the election of the Credentials Committee. At this regular meeting, the report shall be read and incorporated in the minutes, and then posted on the bulletin board in each Branch and Port.

(c) When a nominee has been disqualified by the Credentials Committee, he shall be notified immediately by e-mail (with read/delivery receipt) or overnight delivery service at the address listed by him in his nomination communication. He shall also be sent a communication containing the reasons for such disqualification by e-mail (with read/delivery receipt) or by overnight delivery service to the same mailing address. A disqualified nominee shall have the right to take an appeal to the membership from the decision of the Committee. The basis for said appeal must be limited to the assertion that the Credentials Committee misapplied the facts of the nomination to the qualifications for office, as set forth in the National Constitution, the Constitution for Districts or these By-Laws, or misinterpreted the qualifications for office, as set forth in the National Constitution, the Constitution for Districts or these By-Laws.

He shall forward copies of such appeal to each Branch and Port where the appeal shall be presented and voted upon at a regular meeting not later than the first regular meeting after the Committee's election. It is the responsibility of the nominee to ensure timely delivery of his appeal. In any event, without prejudice to his written appeal, the nominee may appear in person or by telephone before the Committee within two days after the day on which the e-mail or notice is sent, to correct his nomination or argue for his qualifications.

In the case of a late or untimely nomination, such notification shall merely advise the reason for disqualification with no reference to appearing before the Committee.

The Committee's report shall be prepared early enough to allow the nominee to appear before it within the time set forth in these By-Laws and still reach the Branches and Ports in time for the first regular meeting after its election.

(d) A majority vote of the membership shall, in case of such appeals, be sufficient to overrule any disqualification classification by the Credentials Committee, in which event the one so previously disqualified shall then be deemed qualified.

(e) Each member of the Committee shall be paid at the rate of pay and reimbursed for legitimate out-of-pocket expenses as determined by the District Executive Committee unless otherwise ordered by a majority vote of the membership.

**Section 3. Balloting Procedure.** (a) The District President, subject to the approval of the District Executive Committee shall designate an Impartial Administrator to supervise the conduct of the election. The Duties of such Impartial Administrator shall include: the mailing of the ballots, overseeing a system that ensures the secrecy of and non-accessibility to the depository during the election, a secure ballot collection and tallying procedure with the Tallying Committee and to take such other measures as he may deem necessary to ensure a fair and impartial election. The impartial administrator shall also be responsible for the mailing of duplicate ballots on written requests from members. Written requests for duplicate ballots made to the M.E.B.A. shall be referred to the Impartial Administrator who shall retain records of all such requests.

(b) The District President shall ensure the proper and timely preparation of ballots without partiality as to candidates or Branches. The names of the candidates for each separate office or job shall appear in alphabetical order commencing with the first name under the first office and ending with the last named candidate under the last office. In the case of Branch Agents and Patrolmen, the Branches shall be listed in the following order: New York, Houston, San Francisco and the remaining Branches in alphabetical order.

The ballots may contain voting instructive comments not inconsistent with the provisions of these By-Laws.

(c) The ballots so prepared at the direction of the District President shall be the only official ballots. No others may be used. A sufficient amount shall be printed and distributed. A record of the ballots distributed shall be maintained by the District President.

(d) Ballots for District-wide elections must be cast by mail to a predetermined depository as provided in ARTICLE SIX, Section 1, secured and paid for by the District. Secrecy of the ballots must be ensured. No signature of any voter or other distinguishing mark shall appear on the ballot.

(e) No member's ballot shall be counted unless he is in good standing as of 15 days immediately preceding the closing of the balloting.



(f) Ballots shall be mailed to the membership on September 1st of the election year and must be returned to the depository and received therein at the time ballots are collected as provided in Section 4. If September 1st falls on a holiday, or on a Sunday, ballots shall be mailed on the next succeeding business day. Ballots should be returned to the depository by November 30 and ballots not received in the depository when the ballots are collected, as provided in Section 4 hereof, shall be disqualified and not counted.

(g) A member shall be entitled to make a written request of the Impartial Administrator for a duplicate ballot and receive the same provided he states in his letter that he has not received his ballot or that his ballot has been lost or mutilated so that it cannot be used. Duplicate ballots shall be counted unless the original and duplicate ballot mailed to a member are both cast, in which event neither ballot shall be counted.

#### **Section 4. Ballot Collection, Tallying Procedure, Protests and Special Votes.**

(a) A Tallying Committee of five members and one alternate who are in attendance shall be elected at a special meeting held in the Ports of New York, Tampa, Houston, Norfolk, Seattle and San Francisco one week prior to the December meeting of the election year. One member shall be elected at each of the meetings at the New York Branch, Norfolk Branch, Seattle Branch, Houston Branch and Tampa Branch and one alternate shall be elected at the meeting at the San Francisco Branch. No officer or candidate for office or job shall be eligible for election to this Committee.

The elected Tallying Committee of five members and the Impartial Administrator shall, on the morning of the regular December meeting, proceed to the depository and obtain all the ballots which shall be retained in the custody of the Tallying Committee and/or the Impartial Administrator until such time as the ballots are checked and counted.

(b) The Impartial Administrator and the Tallying Committee are charged with the tally of all the ballots and the preparation of a report setting forth in complete detail the results of the election, including a complete accounting of all ballots, and reconciliation of the same with rosters and verification lists of membership. The report shall clearly detail all discrepancies discovered and shall contain recommendations for the treatment of these discrepancies. The Impartial Administrator and all members of the Committee shall sign the report, without prejudice, however, to the right of any member thereof to submit a dissenting report as to the accuracy of count and the validity of the ballots, with pertinent details.

Each candidate, as well as the other members of the District, shall be entitled to be present as an observer at the tally of the ballots, provided that such observer must be a member of the District in good standing. Permitted non-members shall be limited to the Administrator and requisite staff members assisting the process.

(c) The Impartial Administrator and the Tallying Committee are also charged with the receipt and evaluation of written protests by any member who claims an illegal denial of the right to vote. If they find the protest invalid, they shall dismiss the protest and so inform the protesting member by email (with read/delivery receipt) or overnight delivery service on the day of dismissal. If they find the protest valid, the Impartial Administrator and the Committee shall

permit such member on such terms as may be practical to cast his vote. The reports of the Impartial Administrator and this Committee shall include a brief summary of each protest received, the name of the protesting member, and a summary of the disposition of the said protest.

(d) The Impartial Administrator and the Tallying Committee shall commence their work on the day that the ballots are collected and shall complete their work as quickly as possible. The reports of the Impartial Administrator and the Tallying Committee shall be filed no later than 24 hours following the completion of the count.

Each member of the Committee and the Impartial Administrator shall be paid at the rate of pay and reimbursed for legitimate out-of-pocket expenses as determined by the District Executive Committee, unless otherwise ordered by a majority vote of the membership. The proceedings of the Committee, except for the actual preparation of the Report and dissents therefrom, if any, shall be open to any member in good standing.

(e) A majority of the membership, at the election report meeting, may order a recheck and recount where a dissenting report has been issued by one or more members of the Tallying Committee.

(f) In the event of a tie vote for the office of District President, the District President shall, within 10 days, direct a run-off election among the candidates receiving the tie vote; and in the event of a tie vote for any other office, the membership at the next regular meeting shall, by secret ballot, vote on the candidates who received the tie vote. The candidate receiving the highest vote shall be deemed elected.

(g) All reports of the Impartial Administrator, the Tallying Committee and the District President under this Article shall be entered in the minutes of all Branches.

**Section 5. Installation.** (a) The person elected shall be that person having the largest number of votes cast for the particular office or job involved. Where more than one person is to be elected for a particular office or job, the proper number of candidates receiving the successively highest number of votes shall be declared elected. It shall be the duty of the District President to notify each individual elected.

(b) The duly elected District President, District Executive Vice President-Branch Agent, San Francisco, District Vice Presidents, District Secretary-Treasurer, Branch Agents, Patrolmen, and Representatives to the National Convention shall take over their respective offices and jobs, and assume the duties thereof at midnight December 31<sup>st</sup>. At that time, the terms of their predecessors shall expire. This shall not apply where the successful candidate cannot assume his office or job in all cases because he is at sea, or any other reason which the District Executive Committee shall determine as just cause, in which event the incumbent shall remain in office or job in all cases until the successful candidate assumes office or job in all cases. If he does not assume office or job in all cases within 90 days, unless such period is extended by the District Executive Committee for just cause, the line of succession shall apply until the expiration of the

term. All other cases of failure to assume office or job in all causes shall be dealt with as decided by a majority vote of the membership.

(c) Before assuming office, every officer shall take the following oath: "I, \_\_\_\_, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the National Constitution and the By-Laws of this organization, and to uphold these Constitutions to the best of my ability. I will deliver to my successor in office all books, papers and other property of this District that may be in my possession at the close of my official term. Further, I do solemnly swear (or affirm) that I am not a member of any organization which advocates the overthrow of the Government of the United States by force, violence or other subversive or unconstitutional methods, and during my term of office, I will not knowingly aid or support the activities of any such party or organization.

All this I solemnly promise with the full knowledge that to violate this pledge, is to stamp me as a person devoid of principle and destitute of honor."

(d) The District President is specifically charged with the preservation and retention of all election records, including the ballots, as required by law and is directed and authorized to issue such other and further directions as to the election procedures as are required by law, which directives shall be part of the election procedures of this District.

**Section 6.** Notice to the membership for nominations and elections to be held must be given in accordance with provisions of the National Constitution.

## **ARTICLE ELEVEN**

### ***Other Elections***

**Section 1. Trial Committee.** A Trial Committee shall be elected at a regular meeting of the Branch where the trial is to take place. It shall consist of three members, of which two shall constitute a quorum. No officer or employee may be elected to serve on a Trial Committee. No member who intends to be a witness in the pending trial may serve. It shall be the duty of every member to decline nomination if he knows, or has reason to believe, the foregoing disqualification applies to him. The members of this Committee shall be elected under such generally applicable rules as are adopted by a majority vote of the membership.

**Section 2. Other Committees.** Unless otherwise specified herein, all Committees shall be elected when and as required.

**Section 3. Other Elections.** In the event an election shall be held for an elective office other than the regular election, the same procedures and time requirements provided for the regular election shall be adopted.

**ARTICLE TWELVE**  
***Code of Trial by Charges***

**Section 1.** The filing of any charges against a member and the holding of a trial thereon shall be governed by the applicable provisions of the National Constitution.

**Section 2.** The written charges shall be presented to the Branch Agent of the Port nearest the place of the offense or the Port of payoff if the offense took place aboard the vessel. The Branch Agent shall cause the charges to be read at the meeting of the Branch.

**Section 3.** If the charges are rejected by a majority vote of the Branch, no further action may be taken thereon unless ruled otherwise by a majority vote of the membership of the Union within 90 days thereafter.

In the event a majority of the membership of the Union shall vote to accept charges after the rejection by a Branch, the trial shall take place in either the Ports of New York, San Francisco or Houston, whichever is closest to the Port where the original vote was taken.

**Section 4.** (a) The Trial Committee after the hearing shall forward its full report to the Branch Agent of the Port where the trial has taken place.

(b) The Branch Agent shall cause such report to be presented and entered into the minutes at the next regular meeting. In addition, he shall send the record of the entire proceedings to Washington, D.C. Headquarters which shall cause a fair summary to be made. Such summary and the report of the Trial Committee shall be sent to each Branch in time for the next regular scheduled meeting.

**Section 5.** (a) A majority vote of the membership shall determine the disposition of the case and the penalty to be imposed if the charged person is held guilty.

(b) In the event a new trial is ordered by a majority vote of the membership, it shall be held at the Ports of New York, San Francisco or Houston, whichever is closer to the Port where the original trial was held.

**Section 6.** An accused member who has been found guilty, or is under effective punishment, may appeal in the following manner:

He may send or deliver a notice of appeal to Headquarters within thirty (30) days after the date of the mailing of the decision of the membership.

**Section 7.** The Appeals Committee shall consist of three elected officials of the District serving in the Headquarters, in the Port of New York or in the Port of San Francisco. The composition of the Appeals Committee and the place wherein the Appeals Committee shall hear the appeal shall be determined by the District President. The Appeals Committee shall consider all available documents used as evidence at trial, as well as any written statement or argument submitted by the accused. The accused may argue his appeal in person, if he so desires.

**Section 8.** The Appeals Committee shall decide the appeal as soon as possible, consistent with fair consideration of the evidence and arguments before it. It may grant adjournments and may request the accused or accusers to present arguments whenever necessary for such fair consideration.

**Section 9.** The decision of the Appeals Committee shall be by majority vote, and shall be in the form of findings and recommendations. Dissents will be allowed. Decisions and dissents shall be in writing and signed by those participating in such decision or dissent. In making its findings and recommendations, the Appeals Committee shall be governed by the following:

(a) No finding of guilt shall be reversed if there is substantial evidence to support such a finding and, in such case, the Appeals Committee shall not make its own findings as to weight of evidence.

(b) In no event shall increased punishment be recommended.

(c) A new trial shall be recommended if the Appeals Committee finds that any member of the Trial Committee should have been disqualified, or that the accused was not adequately informed of the details of the charged offense, which resulted in his not having been given a fair trial, or that for any other reason, the accused was not given a fair trial.

(d) If there is not substantial evidence to support a finding of guilt, the Appeals Committee shall recommend that the charge on which the finding was based be dismissed.

(e) The Appeals Committee may recommend lesser punishment.

**Section 10.** The Appeals Committee shall deliver its decision and dissent, if any, to the Washington, D.C. Headquarters, which shall cause sufficient copies to be published and shall have them sent to each port in time for the next regular scheduled meeting. The Washington, D.C. Headquarters shall send a copy to each accused member and accuser at their last known address or notify them in person.

**Section 11.** (a) The decision of the Appeals Committee shall be read at the regular scheduled meeting. If there is no dissent in the decision, such decision shall stand and no vote is required. If there is a dissent, then the membership, by a majority vote, shall accept or reject the decision.

(b) If a new trial is ordered, it shall be held at the Port of New York, San Francisco or Houston, whichever is closer to the Port where the original trial was held. Any decision so providing for a new trial shall contain such directions as will ensure a fair hearing to the accused.

**Section 12.** A further appeal may be taken as provided in the National Constitution.

**Section 13.** Every accused shall receive a written copy of the charges preferred against him and shall be given a reasonable time to prepare his defense but he may plead guilty and waive any or

all of the other rights and privileges granted to him under the National Constitution and accept such penalty as may be imposed by the Trial Committee.

## **ARTICLE THIRTEEN**

### ***Bonds***

Officers and job holders, whether elected or appointed, as well as all other employees handling monies of the District, shall be bonded as required by law.

## **ARTICLE FOURTEEN**

### ***Expenditures***

**Section 1.** In the event no contrary policies or instructions are in existence, the District President may authorize, make or incur such expenditures or expenses as are normally encompassed within the authority conferred upon him by these By-Laws, unless otherwise determined by a majority vote of the membership.

**Section 2.** Checks drawn on bank accounts of the District must be signed by two elected officers, one of whom must be either the District President or the Secretary-Treasurer.

## **ARTICLE FIFTEEN**

### ***Income***

**Section 1.** (a) The income of this District shall include dues, service charges, initiation fees, fines, assessments, loans, interest, dividends as well as income derived from any other legitimate business operation or other legitimate source.

(b) The dues rate shall be \$150.00 per quarter (\$600.00/year), effective July 1, 2016. Effective January 1, 1971, in addition to the current dues rate, each member shall pay dues to District No. 1 - PCD, M.E.B.A. an amount equal to 6% of the gross amount of each vacation benefit payment he shall receive from any jointly-administered M.E.B.A. Plan, or from the Union. Effective June 1, 1995, any vacation benefit received as a result of conversion of overtime into vacation benefit shall not be subject to the 6% vacation dues rate. Such payment shall be due and payable on the date he receives said vacation benefit payment, by the Plan for payment to the Union, or by direct payment by the member to the Union no later than the first day of the quarter next following the vacation benefit payment. For night relief engineers/mates and port relief engineers/mates, the additional dues payment shall be 6% of the vacation factor which is included in their basic wage rate for all work as night or port relief engineer/mate.

Effective July 1, 1973, all of the foregoing language of this Section shall apply to vacation benefits paid to members receiving paid vacations under terms of any District No. 1 - PCD, M.E.B.A. contract covering Port Engineers.

In lieu of the above, the dues rates for all other M.E.B.A bargaining units shall be stated in the publications made available to employees in said bargaining units.

**Section 2.** An official District receipt, properly filled out, shall be given to anyone paying money to the District or to any person authorized by the District to receive money. It shall be the duty of every person affiliated with the District who makes such payments to demand such receipts.

**Section 3.** No assessments shall be levied except after a membership referendum ballot conducted under such general rules as may be decided upon by the District Executive Committee unless otherwise directed by a majority vote of the membership, provided that:

(a) The ballot must be secret.

(b) The assessment must be approved by a majority of the valid ballots cast.

**Section 4.** Except as otherwise provided by law, all payments by members or other affiliates of this District shall be applied successively to the monetary obligations owed to the District commencing with the oldest in point of time, as measured from the date of accrual of such obligation. The period of arrears shall be calculated accordingly.

## **ARTICLE SIXTEEN**

### ***Other Types of District Affiliation***

**Section 1. Affiliates.** To the extent permitted by law and the National Constitution, this District, by decision of the District Executive Committee unless otherwise directed by a majority vote of the membership, may provide for affiliation with it by individuals in a lesser capacity than membership, or in a capacity other than membership. The District Executive Committee, unless otherwise directed by a majority vote of the membership, may provide for the rights and obligations incident of such capacities or affiliations. These rights and obligations may include, but are not limited to (a) the applicability or nonapplicability of all or any part of these By-Laws; (b) the terms of such affiliation; (c) the right of the District to preemptory termination of such affiliation and, (d) the fees required for such affiliation. In no event may anyone not a member receive evidence of affiliation equivalent to that of members, receive priority of rights over members, or be termed a member.

**Section 2. Disaffiliation by Affiliates.** No affiliate of the District may secede or disaffiliate from the District without the approval of the District Executive Committee while there are seven (7) dissenting members of the affiliate.

To ascertain whether or not seven (7) members desire to retain their affiliate's status with the District, there shall be subtracted from the affiliate's complete membership list for the current month, the name of each member of the affiliate in good standing who has, during the current month, submitted to the District Secretary-Treasurer a personally signed, notarized, individual affidavit attesting to his or her desire to sever his affiliate's status with the District. Such affidavit shall be forwarded to the District Secretary-Treasurer in the month in which it was signed. It shall be conclusively presumed that all who have not executed such individual affidavits still desire to retain their affiliate's status with the District.

In the event of dissolution or disaffiliation, all properties, funds, and assets, both real and personal, of such affiliate acquired after the date of original affiliation with the District shall become the property of the District.

**Section 3. Suspension of Affiliate's Autonomy.** (a) *Suspension.* The District Executive Committee may suspend the autonomy of an affiliate if it finds after a hearing that such action is necessary for any of the following reasons:

(1) to prevent or correct corruption or financial malpractice; or

(2) to prevent any action which is disruptive of, or interferes with the performance of obligations of the District or other District affiliates.

(b) *Proceedings.* Proceedings under this Article may be instituted by the President or any member of the District Executive Committee, either on their own or at the request of officers or members of the District or a District Affiliate. Notice of the reasons for instituting the proceedings shall be sent to each of the officers of the affected District affiliate by certified mail, return receipt requested, at least ten (10) days prior to the date of the hearing.

(c) *Hearings.* The President, with the approval of the District Executive Committee, shall designate a panel of three (3) individuals, at least one of whom shall be a member of the affected affiliate, to conduct a hearing and report its findings to the District Executive Committee. The affiliate involved shall be given an opportunity to appear and shall be afforded a full and fair hearing including the right to call witnesses and to confront and cross examine adverse witnesses. The panel shall make a written report of its findings. Copies of that report shall be given to all parties to the proceedings and any party shall have ten (10) days from the receipt of that report to submit a written response to the District Executive Board.

(d) *Decision by District Executive Committee.* The District Executive Committee, on the basis of the hearing and any responses which may be filed, shall make a decision. The District Executive Committee may dismiss the proceedings, appoint an Administrator to supervise or assume the functions of any of the offices or committees of the affiliate involved, take control of its assets, administer all of its activities and affairs, or take such other action as may be necessary to achieve the purposes set forth in Section 3(a) of this Article. The District Executive Committee shall prescribe the extent and limits of the Administrator's authority over the activities of the affiliate and shall not give the Administrator any broader authority suspending or limiting the affiliate's autonomy than is necessary to achieve the above purposes.

(e) *Duration.* No appointment of an Administrator or other suspension or limitation of an affiliate's autonomy shall be effective for more than 180 days, provided, however, that the District Executive Committee may, after a new hearing, make a new order to be effective for a new period of 180 days. The new hearing and the new order shall be governed by Sections 3(b) and 3(c) above.



(f) *Elections.* If the appointment of an Administrator or other suspension or limitation of an affiliate's autonomy prevents the affiliate from conducting a regularly scheduled election, an election shall be held prior to the return to full autonomy. The election shall be conducted under the supervision of the District Executive Committee or its representative, following as nearly as practicable the affiliate's procedures for a regular election.

(g) *Emergency Appointments.* In the case of an emergency, where the President finds that the purposes set forth in Section 3(a) of this Article require immediate intervention before a hearing can be held and a decision by the District Executive Committee can be made, the President may appoint a temporary Administrator with such authority as may be necessary, until a hearing can be held and a decision made, but such an appointment shall not be effective for more than thirty (30) days. Action taken by the President may be appealed to the District Executive Committee on the grounds that it is unwarranted and is a clear abuse of power. Such an appeal shall be heard and decided by the District Executive Committee within ten (10) calendar days after the appeal has been filed.

## **ARTICLE SEVENTEEN**

### ***Shipping Rules***

**Section 1.** The formulation of shipping rules shall not be deemed part of any routine administrative task. Shipping rules, governing the details of the assignment of jobs and governing conduct and procedure connected therewith, shall be approved by a referendum vote of the membership. Shipping rules duly issued shall be deemed to be District policy.

**Section 2.** The District Executive Committee, unless otherwise directed by a majority vote of the membership, may make special exceptions or rules for any company or vessel, for organizational purposes.

**Section 3.** In the event the District Executive Committee, due to its acting upon the Savings Clause of the Shipping Rules, puts forward a resolution to the membership to amend a given Rule, or subdivision of a Rule, and said resolution is adopted by a majority vote of the membership, said amendment shall be incorporated in the Shipping Rules.

## **ARTICLE EIGHTEEN**

### ***Quorums***

**Section 1.** Unless elsewhere herein otherwise specifically provided, the quorum for a special meeting of a Branch shall be five (5) members.

**Section 2.** The quorum for a regular meeting of a Branch shall be seven (7) members.

**Section 3.** The quorum for the District Executive Committee shall be a majority of those eligible to attend.

**Section 4.** Unless otherwise specifically set forth herein, the quorum for any committee shall be the majority of those duly elected or appointed thereto.

**Section 5.** Unless otherwise specifically set forth herein, the decisions, reports, recommendations or other functions of any segment of the District requiring a quorum to act officially, shall be that of the majority of the quorum, and shall not be official or effective unless the quorum requirements are met.

## **ARTICLE NINETEEN**

### ***Meetings***

**Section 1.** Regular membership meetings shall be held in the Branches at the following times:

During the week following the first Sunday of every month, a meeting shall be held on Monday - at Seattle; on Tuesday - at Houston and San Francisco; on Thursday - at New York, Norfolk, Los Angeles and Tampa.

**Section 2.** All regular membership meetings in the several ports shall commence between 1 p.m. and 2:30 p.m. Local Time, as initially fixed by each Branch, which shall be subject to change by the District Executive Committee. If such meeting day falls on a Holiday, the meeting shall take place at the same time, the following weekday.

In the event no quorum is present at the designated time, the Chairman shall postpone the opening of the meeting until a quorum is present but in no event more than one-half hour later.

**Section 3.** A special meeting of a Branch or Port Office may be called only at the direction of the District President or the appropriate District Vice President or the Branch Agent of said Port. No special meeting may be held except between the hours of 9 a.m. and 5 p.m., local time. Notice of any special meeting shall be posted not less than forty-eight (48) hours in advance of the special meeting on the Branch or Port bulletin board. In addition, notice of the special meeting shall be provided to all members that use the Branch or Port Office where the special meeting will be held at least forty-eight hours in advance according to the electronic address on file in the hall where the special meeting will be held. The notice of the special meeting will also be prominently posted on the Union website at least 48 hours in advance of the special meeting.

**Section 4.** Notwithstanding anything to the contrary, all regular and special meetings shall be governed by the following: The National Constitution, these By-Laws and Robert's Rules of Order where applicable.

**Section 5. Order of Business.** The District Executive Committee shall determine the order of business for the meetings.

**Section 6.** Members attending informational meetings held in the Ports of Boston, MA; New Orleans, LA; Jacksonville, FL; Honolulu, HI; the Calhoun M.E.B.A. Engineering School; and Charleston, SC, provided that a quorum is present at such meetings, shall be permitted to introduce resolutions and vote on resolutions presented at the regular membership meetings in the Branches on all issues requiring a majority vote of the membership.

**Section 7.** All resolutions that fit within the framework of the Constitution and By-Laws submitted to the membership and passed by a majority of the membership in that Branch or Port be forwarded, read into the minutes and acted upon accordingly in all of the Branches and Ports no later than the next month's regular membership meeting.

## **ARTICLE TWENTY**

### ***Definitions***

**Section 1.** Unless otherwise set forth or dealt with herein, the term "incapacity" shall mean any illness or situation preventing the affected person from carrying out his duties for more than 30 days, provided that this does not result in a vacancy. However, nothing contained in this Article shall be deemed to prohibit the execution of the functions of more than one job and/or office in which event no incapacity shall be deemed to exist with regard to the regular job or office of the one taking over the duties and functions of the one incapacitated. The period of incapacity shall be the time during which the circumstances exist.

**Section 2.** Unless otherwise set forth or dealt with herein, the term "vacancy" and the term "vacancy not caused by an incapacity" shall be deemed to be the same, and shall include failure to perform the functions of any office or job by reason of death, or resignation, or expulsion from the Union, with no further right to appeal, in accordance with the provisions of the National Constitution and these By-Laws.

**Section 3.** When applicable to the District as a whole, the term "majority vote of the membership" shall mean the majority of all the valid votes cast by members at an official meeting of those Branches and the Ports of Boston, MA; New Orleans, LA; Jacksonville, FL; Honolulu, HI; the Calhoun M.E.B.A. Engineering School; and Charleston, SC, holding a meeting. This definition shall prevail, notwithstanding that one or more Branches and/or the Ports of Boston, MA; New Orleans, LA; Jacksonville, FL; Honolulu, HI; the Calhoun M.E.B.A. Engineering School; and Charleston, SC, cannot hold a meeting because of a lack of a quorum; the term "meeting" shall refer to a meeting or meetings during the time period within which a vote must be taken, in accordance with:

- (a) The Constitution and By-Laws;
- (b) District Policy; and
- (c) Custom and Usage of the District, in the indicated priority.

**Section 4.** When applicable solely to Branch action and not concerned with, or related to District action as a whole, and not forming part of a District-wide vote, the term "majority vote of the membership" shall refer to the majority of the valid votes cast by the members at any meeting of the Branch, regular or special.

When applicable to the Executive Committee, "majority vote" or "majority vote of the Executive Committee" shall mean a majority of the votes actually cast.

**Section 5.** The term "membership action" shall mean the same as the term "majority vote of the membership."

**Section 6.** Where the title of any office or job, or the holder thereof, is set forth in these By-Laws, all references thereto and the provisions concerned therewith shall be deemed to be equally applicable to whomever is duly acting in such office or job.

**Section 7.** The "Election Year" shall be deemed to mean that calendar year prior to the calendar year in which elected officials and other elected job holders are required to assume office.

**Section 8.** The term "member in good standing" shall mean a member not in arrears or under suspension or sentence of expulsion. Unless otherwise expressly indicated, the term "member" shall mean a member in good standing.

**Section 9.** The term "membership book" shall mean the official membership book issued by the District as evidence of Union membership.

**Section 10.** The term "Headquarters", unless otherwise indicated, shall mean the office in Washington, D.C.

**Section 11.** The term "National Constitution" shall mean the National Constitution of the National M.E.B.A.

**Section 12.** The term "By-Laws" shall mean the By-Laws of this District.

**Section 13.** The "Impartial Administrator" shall be a professional person or entity that specializes in the administration of all methods of union elections and must be unaffiliated and independent of the M.E.B.A.

## **ARTICLE TWENTY-ONE**

### ***Amendments***

**Section 1.** (a) These By-Laws may be amended by a unanimous vote of all five District Executive Committee members to submit to the membership proposed amendments which, if approved by a majority vote of the membership, shall be deemed adopted.

(b) When a proposed By-Law amendment is accepted by a simple majority vote of all five DEC members but not unanimously, the decision of each member voting shall be reflected by a document and any dissenting opinion shall be included for presentation to the membership. When a proposed amendment is accepted by a majority vote of the membership, it shall be referred to Washington, D.C. Headquarters. A Constitutional Committee composed of five members shall be elected in accordance with such rules as are established by the District Executive Committee. The Committee will act on all proposed amendments to it. The Committee may receive whatever advice and assistance, legal or otherwise, it deems necessary. It shall prepare a report on the amendment, together with any proposed changes, substitutions, or recommendations and the reasons for such recommendations. Said changes, substitutions or recommendations shall not however, contravene the spirit and intent of the resolution. The latter shall then be submitted to the membership by the District President. If a majority vote of the membership approves the amendment as recommended, it shall then be voted upon, in a yes or

no vote, by the membership of the District by secret ballot in accordance with the procedure outlined for elections or the methods outlined by online balloting for referendums, except that the time and duration of the vote shall be set by a majority vote of the membership. The amendment shall either be included with the ballot or, if too lengthy, shall be referred to on the ballot. Copies of the amendment shall be posted on the bulletin boards of all Branches and Ports.

(c) If approved by a majority of the valid ballots cast, the amendment shall become effective immediately upon notification, by the Tallying Committee, to the District President, that the amendment has been so approved, unless otherwise specified in the amendment. The District President shall immediately notify all Branches and Ports of the results of the vote on the amendment.

**Section 2.** These By-Laws may also be amended in the following manner:

(a) Any member may submit, at any meeting of any Branch or Port, proposed amendments to these By-Laws in resolution form. If a majority vote of the membership of the Branch or Port approves, the proposed amendments shall be forwarded to all Branches and Ports for further action.

(b) When a proposed amendment is accepted by a majority vote of the membership, it shall be referred to Washington, D.C. Headquarters. A Constitutional Committee composed of five members shall be elected in accordance with such rules as are established by the District Executive Committee. The Committee will act on all proposed amendments referred to it. The Committee may receive whatever advice and assistance, legal or otherwise, it deems necessary. It shall prepare a report on the amendment, together with any proposed changes, substitutions or recommendations and the reasons for such recommendations. Said changes, substitutions or recommendations shall not however, contravene the spirit and intent of the resolution. The latter shall then be submitted to the membership by the District President. If a majority vote of the membership approves the amendment as recommended, it shall then be voted upon, in a yes or no vote, by the membership of the District by secret ballot in accordance with the procedure outlined for elections or online balloting for referendums, except that the time and duration of the vote shall be set by a majority vote of the membership. The amendment shall either be included with the ballot or, if too lengthy, shall be referred to on the ballot. Copies of the amendment shall be posted on the bulletin boards of all Branches and Ports.

(c) If approved by a majority of the valid ballots cast, the amendment shall become effective immediately upon notification, by the Tallying Committee, to the District President, that the amendment has been so approved, unless otherwise specified in the amendment. The District President shall immediately notify all Branches and Ports of the results of the vote on the amendment.

d) Any Amendments to the By-Laws and/or Shipping Rules, approved by the membership, shall be memorialized in a new comprehensive document and made available to the membership as soon as practicable.

**ARTICLE TWENTY-TWO**

***Effective Date***

The effective date of this organization shall be April 1, 1968, and the effective date of these amended By-Laws shall be January 1, 1979, and as amended through July 8, 2022.

**NOTE** - *Whenever the masculine gender is used in the District No. 1-PCD, M.E.B.A. By-Laws it shall also mean the feminine gender where appropriate and the plural shall mean the singular, and vice versa, where appropriate.*

## *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 national of many sovereign states, a perfect Union, one and inseparable, established upon these 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.*

