

ARTICLE XI
DELEGATES AND REPRESENTATIVES

SECTION 1. Delegates and representatives shall have the same qualifications as regular officers (Article XII, Section 2) and shall be nominated and elected as follows:

(a) Delegates and representatives to the convention of any National Labor Organization shall be nominated and elected in accordance with Article XII. In electing delegates or representatives, a secret ballot election shall be mandatory even when the number of those who have accepted the nomination does not exceed the number which the Union has previously decided to send. Written notice of this election shall be published in the August issue of the Union newspaper.

(b) Delegates to State labor bodies shall be nominated and elected by the regular meetings in the ports located in the respective States.

(c) Delegates to City central labor bodies shall be nominated and elected by the regular meeting in the respective ports in which such central bodies are located.

SECTION 2. The number of delegates to be sent to each convention of the State, Coast or National Labor Bodies with which the Union is affiliated shall be determined by the meeting at Headquarters.

SECTION 3. If any delegate or representative fails to carry out the orders of the membership, he/she may be recalled in the same manner as he/she was elected and a substitute elected in his/her or their place.

ARTICLE XII
NOMINATION, ELECTION AND TERM OF OFFICERS

SECTION 1. The regular officers, except the Chairman, shall be elected every two years and shall hold office for two years, unless the office or position is eliminated, or until relieved by their regularly elected successors in office.

SECTION 2. Nomination of regular officers shall be made at Headquarters and Branches in the regular meetings held in September. Written notice of this fact shall be published in the August issue of the Union newspaper. Any eligible member may place his/her own name in nomination for any regular office or may be nominated by another member. Nominations may be made either in person or by mail; however, any nomination made by mail must be received at the Branch or Headquarters at least one day prior to the meeting at which nominations will be received. The names and membership numbers of nominees, if obtainable at the time, shall be recorded in the minutes. The Balloting Committee shall prepare a

list of names and nominees for each office and forward copies thereof to each Branch. Such lists shall be conspicuously posted in each office or hall. All nominees shall be notified by mail of their nomination and such notice shall be mailed within five working days after the nominating meeting.

SECTION 3. Any member of the Union shall be eligible to be a candidate for and hold any regular office, provided he/she possesses the following qualifications:

- (a) He/she is a member in good standing at the time of nomination;
- (b) He/she achieved B seniority as defined in the S.U.P. Shipping Rules; and
- (c) He/she is not disqualified by law.

SECTION 4. No regularly elected officer, or others employed by the Union shall, while holding office, be employed by any other organization, institution or employer, and shall not receive remuneration from any other employment while being paid by the Union, in a manner inconsistent with the duties of the office or employment in question.

SECTION 5. A committee on election composed of five members in good standing shall be elected at Headquarters whose duty it shall be to prepare the ballot. All nominees who desire to become candidate shall have the necessary qualifications and acceptance in the office of the Committee on Candidates prior to midnight of October 14 of the election year. The acceptance shall be by letter which shall be dated and shall contain the following:

- (a) The name of the candidate;
- (b) His/her home address and mailing address;
- (c) His/her membership number; and
- (d) The title of the office or other position sought, including the name of the Port in the event the position sought is that of Branch Agent or Business Agent.

No one may be a candidate for more than one office with the exception of the position of Trustee of the SUP Building Corporation, and delegate to the SIUNA Convention.

Nominees who shall fail to comply herein with shall be regarded as having declined the nomination.

Ballots shall bear the date of return by mail and shall:

- (1) Bear the name of the Union, the month and year of election and instructions to voters;
- (2) Bear the names of eligible and duly qualified candidates for each office arranged alphabetically, with voting squares to the right of names;

- (3) (a) Have one blank line for each office in which members may write the name of any member whose name does not appear upon the ballot, who must be qualified under the provisions of Section 3 of this Article; and
- (b) A candidate must run on the ballot under his/her name as it appears on the membership certificate or on his/her record at Headquarters.
- (4) The President/Secretary-Treasurer shall allocate funds for printing a sufficient number of ballots. None but official ballots shall be used in any general election.

SECTION 6. The election shall be conducted by mail ballot. The Balloting Committee elected as provided in Section 5 above shall supervise the election and certify that the election was conducted in accordance with this Constitution and the law. Each candidate for office shall be entitled to at least two observers to witness election and balloting procedures, including the collection and counting of ballots. Not later than October 15 of each election year, the President/Secretary-Treasurer shall cause to be prepared a list of all members in good standing with their membership numbers and their address as shown on the Union records. Each member whose name appears on this list shall be mailed a ballot on November 30 or the first business day thereafter.

Any candidate may request and require the Union to distribute campaign literature at the candidate's expense, provided that the candidate makes such request at least five working days prior to the intended date of mailing and/or distribution and provided that the candidate pay the actual cost of mailing and/or distribution at the time of each request.

Any candidate may request and require the Union to provide a membership list for inspection during working hours, but this right of inspection does not include a right to copy.

SECTION 7. The election shall be conducted by secret mail ballot during the months of December and January of each election year. At least thirty days before the mailing of the ballots, written notice of the election dates shall be published in the Union newspaper together with instructions for voting.

The membership at Headquarters shall select an Impartial Balloting Agent which shall be furnished with the list of eligible voters prepared as provided in Section 6 and the ballots as provided in Section 5. The Impartial Balloting Agent shall mail out the ballots by first-class mail in an envelope which shall contain the ballot, an inner envelope marked "Secret Ballot" and an outer envelope which shall be prestamped and addressed to the Impartial Balloting Agent at a post-office box selected by the Impartial Balloting Agent. The outer envelope shall have the following in the upper left-hand corner: the printed name and address and membership number of the member as shown on the list, and a blank line for the member's signature. Each ballot shall contain separate instructions for voting.

SECTION 8. If for any reason a member in good standing does not receive his/her ballot, he/she may make a written request for a ballot to the Impartial Balloting Agent. The request shall include a statement that the member has neither received a ballot nor voted in the election and the address to which the ballot is to be sent. The Impartial Balloting Agent shall mail a ballot to the member at the address indicated which shall be marked "duplicate" on the outer envelope.

SECTION 9. The Balloting Committee shall prepare a list of those members employed in ships which will not be in a continental U.S. port during the balloting period. The Impartial Balloting Agent shall mail ballots addressed individually to the members in good standing so employed.

SECTION 10. On the first business day after the close of balloting the Impartial Balloting Agent and the Balloting Committee shall pick up the returned mailed ballots from the post-office box. Any ballots received at the post-office box thereafter shall be void and shall not be counted. The Balloting Committee shall rule on challenged ballots. The Impartial Balloting Agent shall verify the names and membership numbers of members on the mailballot envelope and shall then open the envelope and shall place the inner "Secret Ballot" envelope in a ballot box. After all outer envelopes have been so opened, the Impartial Balloting Agent shall open the inner "Secret Ballot" envelopes and count the ballots in the presence of the Balloting Committee. The Impartial Balloting Agent shall prepare a report showing the results of the election, the number of ballots cast, and the number of votes secured by each candidate. The candidate receiving the highest number of votes for any office shall be declared elected and shall assume office within thirty days after notification, unless the election results are challenged as hereafter provided. The report of the Impartial Balloting Agent shall be signed by the Balloting Committee. The report shall be read to the membership at Headquarters and all Branches at the first regular meeting after preparation of their report and shall be spread in full upon the minutes.

Before taking office, any elected or reelected official shall execute a certificate in the following form:

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

"Dated:

Signature of Member

"Membership Certificate No. _____"

If the candidate fails to comply with the foregoing provisions, the office may be declared vacant, and the Union shall proceed to fill the office in accordance with Article XIII, Section 3.

Any member who desires to be present during the canvass shall be admitted upon showing his/her membership certificate in good standing.

SECTION 11. Ballots marked in a manner which prevents a determination of the intent of the voter shall be deemed invalid. Where the choice of any member for any office cannot be determined with certainty, the vote for such office shall not be counted. This also applies where a member has voted for more than the designated number of candidates to be elected to any office. All ballots cast at any time in any place and manner, except as herein provided, shall be deemed invalid. All ballots cast and all other election records shall be retained for one (1) year.

SECTION 12. The Sailors' Union of the Pacific, prior to and during an election, shall allow candidates for office to publish in *West Coast Sailors* (or special election supplement) a photograph of the candidate and a statement by the candidate regarding issues, Union record, or any other relevant material not exceeding 100 words. Such statement shall not contain libelous or defamatory material.

SECTION 13. Any challenge to the conduct of the election shall be made not later than thirty (30) days from the date of the report of the Balloting Committee. Such challenge must be in writing and signed by the complaining member or members and shall be sent by certified mail to the Balloting Committee at Headquarters which shall hold hearings thereon and shall make its decision within thirty (30) days after the conclusion of the hearings. The Balloting Committee's decision shall be in writing and state the reasons therefor and its decision shall be final and binding. The winning candidate shall be so notified and shall assume office within thirty (30) days after notification.

ARTICLE XIII
SUSPENSION, RECALL AND VACANCIES

SECTION 1. Any officer may be suspended by any regular meeting at Headquarters, pending trial on charges of misconduct preferred against him/her, and if found guilty his/her office may be declared vacant.

SECTION 2. Any officer may be recalled by a general vote of the Union upon proceedings initiated by any Branch or by Headquarters.

Whenever a Supreme Quorum of a regular meeting at Headquarters shall order a recall election to be held, such election shall be by ballot, printed as follows:

Shall (name of officer) be recalled from the office of

which he/she was elected by a _____, 20__? No general vote of the Union, taken

It shall require a majority of all votes cast to recall any officer.

SECTION 3. All vacancies occurring by death, recall, resignation or retirement between elections shall be filled by the regular meeting at Headquarters; provided, however, that upon motion of a member and with approval by majority vote of the membership such office shall continue to remain vacant and the duties of such officer may be assigned to any other officer, or consolidated with the duties of any other officer until the end of the term of the vacant office at which time the ballot for election of officers shall make provision for filling any such office.

ARTICLE XIV
DUTIES OF OFFICERS
Chairman

SECTION 1. The Chairman shall preside over the meetings and shall enforce due observance of the Constitution and By-Laws. He/she shall decide all points of order, subject to appeal to the meeting, and shall, in the case of a tie, have the deciding vote. He/she shall permit no religious subject to be discussed. He/she shall have the monthly financial reports of the President/Secretary-Treasurer, or Branch Agent, read to the meeting.

President/Secretary-Treasurer

SECTION 2. (a) The President/Secretary-Treasurer shall be the Executive Officer of the Union and shall represent the Union on all occasions where representation is required and not otherwise provided by the Constitution or resolution of the Union. He/she shall have power to convene the Emergency Committee, under circumstances described in Article XVH, Section 4, and to call special meetings. He/she shall be a member of the Banking Committee and a member ex-officio of all other committees with the exception of the Balloting Committee.

(b) He/she shall issue all certificates of membership and all official notices and certificates of election; shall attend to all correspondence, taking and preserving copies of all letters written on business of the Union; shall have charge of the records and archives of the Union and shall file and arrange same in a systematic manner; shall keep an accurate record of the proceedings of all regular and special meetings held at Headquarters; shall keep correct account between the Union, its Branches and its members thereof; and shall perform such other duties as are elsewhere prescribed in this Constitution or by the meeting at Headquarters or by a general vote of the Union.

(c) He/she shall have charge of the Headquarters of the Union and the property therein, and shall engage such competent help as he/she considers necessary.

(d) He/she shall bring before the regular and special meetings such grievances as may have been reported to him/her by members, and shall also give a report of the general situation to each regular meeting. He/she shall order and keep on hand all necessary blanks for reports, receipt books consecutively numbered, official stationary and etc., and supply same to the proper officers of the Union.

(e) He/she shall receive all monies due the Union either directly or through its authorized officers, and he/she shall be authorized to pay from the cash on hand any small bills for office expenses.

(f) He/she shall keep in hand sufficient sums for the purpose of paying such bills and orders as are properly ordered, in a sum not to exceed One Thousand Dollars (\$1,000.00), in accordance with Article XXII of the Constitution; shall deposit such sums in, a bank or banks as the Union may from time to time designate; shall carry on a correct account between the Union and such banks; shall also keep the bank books in his/her possession and produce the same when required for the inspection of the members.

(g) He/she shall draw all orders for the payment of bills duly audited and ordered paid by the regular meeting at Headquarters; shall preserve all vouchers and stubs of receipt books and shall submit same to inspection by proper committees or any member in good standing; shall keep his/her accounts in books provided by the Union; shall prepare and present monthly, quarterly, and yearly balance sheets, and forward certified copies thereof to each Branch.

(h) He/she shall furnish a sufficient surety bond in an amount not less than is required by law for the faithful performance of the duties of such office. Such bond shall be deposited in such bank as the Union may designate, and the premium thereof shall be paid by the Union.

(i) The responsibility of the President/ Secretary-Treasurer may not be delegated, but the President/Secretary-Treasurer may delegate to a person or persons the execution of such duties as may be determined, subject to the limitations set forth in this Constitution.

(j) He/she is directed to take any and all measures, and employ such means, which are deemed necessary or advisable, to protect the interests, and further the welfare and financial well-being of the Union and its members.

Vice President/Assistant Secretary-Treasurer

SECTION 3. The Vice President/Assistant Secretary-Treasurer shall retain all responsibilities previously carried out as Business Agent and carry on his activities under the direction of the President/Secretary-Treasurer, and shall assist the latter in performing office work and other duties. He shall be authorized to receive and receipt for money due the Union either from members or other parties. He shall at the end of each day turn over to the President/Secretary-Treasurer the amounts collected. He shall perform

all the duties of the President/Secretary-Treasurer in the absence of that officer.

Branch Agents

SECTION 4. (a) The Branch Agent shall be the Executive Officer of the Union in his/her respective locality. He/she shall keep a record of the proceedings of all regular and special meetings of the Branch, and shall forward copies thereof to Headquarters.

(b) He/she shall be empowered to receive money due the Union from members either directly or through any Business Agent assigned to his/her Branch and shall at all times give an official receipt for each amount collected.

(c) He/she shall prepare monthly financial reports showing in detail the income and expense and forward copies thereof to Headquarters together with duplicates of receipts for income and original vouchers for expenditures. He/she shall at the end of each week remit to the President/Secretary-Treasurer any money on hand in excess of One Thousand Dollars (\$1,000.00). Any failure to comply with the two foregoing provisions or to furnish a satisfactory explanation may be considered equivalent to a resignation. He/she shall at all times conform to the rules prescribed in Articles XX and XXII. He/she shall furnish a surety bond in an amount not less than is required by law, premium to be paid by the Union. He/she shall fill all orders for crews in conformity with regulations prescribed by the Branch and approved by Headquarters.

(d) He/she shall carry out the instructions given him/her by the meeting at Headquarters. He/she shall have charge of the office assembly room and shall keep same in proper order, and may, when authorized by Headquarters, engage suitable janitorial help.

Business Agent

SECTION 5. The Business Agent shall be assigned to regular districts around the harbor. He/she shall visit the crews of all vessels in his/her districts to ascertain whether they are members of the Union, and, if so, whether they are in good standing. He/she shall be authorized to collect money due the Union from members, and shall give official receipt for each amount collected. He/she shall turn over to the Executive Officers in their respective ports all money collected within twenty-four hours after receiving same. He/she shall fill orders for crews in conformity with rules prescribed by the Branch or Headquarters, respectively.

He/she shall carry out the instructions given them by the Executive Officer, and shall report to him/her each evening. He/she may appoint from among the crew of each outbound vessel a member to act as Ship's Delegate, and shall instruct him/her in his/her duties. He/she shall, while on duty, carry credentials approved by the Union, and exhibit same when requested. He/she shall act as a Sick Committee, and shall visit members in hospital at least once each week. A Business Agent shall act as sergeant-at-arms

and doorkeeper in each meeting, and assist the Chairman in preserving order and decorum.

He/she shall furnish a surety bond in an amount not less than is required by law, premium to be paid by the Union.

Trustees

SECTION 6. The shares of the capital stock owned by the Union in the corporation known as the Sailors' Union of the Pacific Building Corporation shall be held in trust for the Union by the Trustees.

Each Trustee present at any meeting of stockholders shall have the right to vote an equal portion of the capital stock owned by the Union and issued by the Corporation. Each Trustee shall agree in writing that, without the consent of the Union first obtained, no action shall be voted upon by him/her as a member of the Board of Directors of the Sailors' Union of the Pacific Building Corporation other than in the general management of the Union's property and declaring of dividends.

The certificate of capital stock issued by the Sailors' Union of the Pacific Building Corporation to such Trustees in trust for this Union shall be in one certificate of five thousand shares, and immediately upon its issuance shall be endorsed on the back thereof by each Trustee and deposited in a safe deposit box as designated by the regular meeting at Headquarters, in trust for the Union, only to be withdrawn therefrom by the Banking Committee upon instructions of the Union, and a certified copy of this section of the Constitution shall be handed to the said bank upon the deposit of such certificate of capital stock.

Five Trustees shall be nominated and elected at the time, in the manner, and for the period specified herein for the nomination and election of officers of the Union. The Trustees shall hold for the Union as Trustees shares of the capital stock of any corporation now or hereafter organized by the Union and shall compose the membership of any nonprofit corporation now or hereafter organized by the Union involving the acquisition, holding and disposal of property of the Union. Certificates of shares or membership issued to said Trustees shall be endorsed by them and deposited with the President/ Secretary-Treasurer of the Union. The Trustees shall be subject to the direction and supervision of the Union in all matters.

In the event of the sale of the Headquarters building or any real property or asset of the Sailors' Union of the Pacific, the money received from the sale shall be placed in a Headquarters asset fund and will be administered by the Trustees with each Trustee having an equal vote and with the following conditions. Such asset sale money shall require a two-thirds (2/3) majority of a general vote for any use except the interest that is

generated by this fund can be used when necessary for the regular operation and general maintenance of the Sailors' Union of the Pacific Headquarters and Branches under Article XXII of this Constitution. Such asset sale money shall in no way be used for officials or employees salaries or plans, such as supplemental vacation plans, pension plans, severance plans, medical plans, insurance policies, or auto allowances. The status of this fund once established shall be printed in the Quarterly Finance Report of the Sailors' Union of the Pacific.

ARTICLE XV
SALARIES OF OFFICERS

SECTION 1. Effective March 1, 1990, no other salaries, vacation, expenses and benefits shall be provided to the regular officers of the Sailors' Union of the Pacific except:

(1) The regular officers, but not the Trustees, shall be provided:

(a) With salaries and supplemental vacation pay at the following monthly and yearly rate (effective July 1, 2000):

Yearly Twelve Salary Supplemental Months

Officer	Per Month	Vacation	Total
President/ Sec.-Treas.	\$5,620.56	\$5,620.56	\$73,067.28
Vice Pres./ Asst. Sec. Treas.	4,318.76	4,318.76	56,143.88
Branch Agent Business Agent	4,318.76 4,242.32	4,318.76 4,242.32	56,143.88 55,150.16

The salaries and supplemental pay shall be adjusted automatically on the same percentage basis whenever the membership has a percentage adjustment in wage and vacation pay from the offshore agreements.

(b) With thirty (30) days of vacation each year.

(c) With individual and family medical and dental insurance,

(d) With the SUP Membership Pension through SIU-Pacific District Pension Plan payment after SIU-Pacific District Pension Plan trustee approval,

(e) With the SUP401(k) plan.

(f) And with reasonable individual business expenses as stated in the SUP Constitution.

(2) The Trustees, not included in 1 above, shall be provided with reasonable individual Union business expenses as stated in the SUP Constitution.

SECTION 2. No member shall be entitled to receive any salary or compensation from the Union for services performed during a general strike or lockout.

SECTION 3. Every time the new wage scale is printed in the West Coast Sailors showing the seagoing members and standby gang wage scale, the benefits and wage scale of the Union officials and members of the Union who are working for the Union shall be printed right along with and in the same issue of *West Coast Sailors*.

ARTICLE XVI
BRANCHES

SECTION 1. All Branches shall be under the immediate jurisdiction of Headquarters,
and no rule adopted or any action taken by any Branch shall be considered valid or binding upon the members or upon the Union until endorsed by the meeting at Headquarters.

SECTION 2. Branches shall in no instance have the right to declare a strike, but in case of any serious difficulty, and especially one which is liable to bring about a strike or lockout, the Agent shall immediately notify Headquarters by telegram of the nature of the trouble.

SECTION 3. Whenever a Trial Committee has been elected by a Branch, the Branch Agent and such committee shall proceed as provided in Article XVIII. The main testimony taken, the findings, and judgment are to be reduced to writing and submitted to the Branch meeting, whose duty it shall be to forward the same, together with its action thereon, to a meeting at Headquarters, where such report is to be acted upon as a report from a Trial Committee, giving, however, such weight to the action of the Branch as shall seem just.

SECTION 4. Each Branch shall be provided with office and hall accommodations, where members must apply for information regarding the affairs of the Union, and where meetings shall be held.

ARTICLE XVII
COMMITTEES

Banking Committee

SECTION 1. There shall be elected at Headquarters at the first meeting following the completion of the election of officers a Banking Committee of five members whose duty it shall be to receive and receipt for any money ordered withdrawn from any savings account of the Union. The

President/Secretary Treasurer shall be a member of the Banking Committee. The Banking Committee, whenever necessary, may transfer funds of the Union from any savings account to a commercial account in the name of the Union for payment of authorized current bills. No money shall be withdrawn from any savings account of the Union for any purpose other than payment of authorized current bills except upon resolution passed at a regular meeting at Headquarters, of whom two-thirds must vote in the affirmative to make the resolution valid. Such resolution shall be recorded in full in the minutes of said meeting and shall specify the name of the bank and the amount and the purpose for which the money is ordered withdrawn. The signatures of the Chairman and the President/Secretary Treasurer and the seal of the Union shall be attached to said resolution in the meeting at which it is passed. The resolution shall then be given to the Banking Committee, which shall present the same to the bank from which the money is ordered withdrawn, and said resolution shall be the evidence of their authority to withdraw such sum of money as specified therein. At least three members of the Banking Committee must be present and sign the bank withdrawal slip whenever money is withdrawn pursuant to each membership resolution. The regular meeting at Headquarters and the Branches shall have power by a majority vote of the membership to fill vacancies occurring in the Banking Committee, and the banks shall at once be notified of such change. A copy of this section shall be filed in all the banks where the Union has funds deposited on savings account.

Quarterly Finance Committee

SECTION 2. There shall be elected at Headquarters at the close of each quarter (but not later than the regular meeting in March, June, September, and December), or at any other time when deemed expedient, a Finance Committee of five full members whose duty it shall be to examine the finances of the Union for the previous quarter, to see that the books are kept correctly, and that the respective officers and banks have on hand amounts corresponding to the balances shown by the books; that no warrants have been drawn or paid, except in conformity with provisions of Article XXII. They shall further see that the bonds of the bonded officers of the Union are in due form, and that the signatures of the members of the Banking Committee are properly filed with the banks. If they shall find that any officer's accounts are incorrect, or that he/she cannot show the proper balance, they shall have the power to call a special meeting and make a report to said meeting, and take such other steps as they may deem absolutely necessary. The report and recommendations of this Committee shall be completed within a reasonable time after the election of the members thereof, and shall be submitted to the President/Secretary-Treasurer who shall cause the same to read in all Branches, at the regular meetings subsequent to the submission of the said report and recommendations.

Auditing Committee

SECTION 3. There shall be elected at each regular meeting at Headquarters

and each Branch an Auditing Committee of three members, who shall examine the officers' books, financial reports and the bills and report thereon to the same meeting. In any month in which no meeting is held the financial report shall be presented by the Branch Agent or President/Secretary-Treasurer to a committee taken off the floor at Headquarters or Branches. No officer, Branch Agent, Business Agent or employee shall be eligible to serve on this Committee. The Auditing Committee in each Branch and the Executive Officer shall sign the Branch Agent's monthly financial report, to certify that it has been properly audited. The report of the committee shall not be final, but shall be subject to revision by the Finance Committee at Headquarters.

Emergency Committee

SECTION 4. In case a difficulty of an urgent nature arises which requires to be acted upon immediately, or before a meeting can be held, the officers at Headquarters and such members as may be available shall constitute an Emergency Committee. This committee shall have power to take such nonexecutive actions as may be necessary, but such actions may be reviewed or changed by any subsequent regular or special meeting at Headquarters. The members of the Emergency Committee must have the same qualifications as provided for the regularly elected officers. Provided, whenever a quorum cannot be obtained for a regular meeting at Headquarters, the Emergency Committee shall have power to act upon such routine business as may be transacted in such meetings. The proceedings of such Emergency Committee shall be made part of the minutes of the next regular meeting.

Further provided, whenever there is an urgent necessity for action by the Union, the President/Secretary-Treasurer and Chairman shall give notice of such necessity at least forty-eight hours before the regular meeting in order that a Supreme Quorum may be obtained. If a Supreme Quorum is unobtainable at such meeting, then such officers, such members of the Banking Committee, such members of the Board of Trustees, and such members of the Union as are available, may sit as an Executive Board to deal solely with questions for which the committee was organized. The rules of the Supreme Quorum shall apply to such committee and it shall exercise all powers granted to the Supreme Quorum. The proceedings of the committee, including the fact that the effort to obtain a Supreme Quorum had failed, and any other records of the committee transactions, shall be made part of the minutes of the next regular meeting.

Negotiating Committee

SECTION 5. All Negotiating Committees dealing with any contract with any company under the jurisdiction of the Sailors' Union of the Pacific shall consist of at least five members from the rank and file who are affected by the contract being negotiated. Notice of nominations shall be published in West Coast Sailors one month previous to nomination. Two on-call alternates will be elected at this time to replace any members relinquishing his/her position.

SECTION 6. There shall be no paid committees of the Sailors' Union of the Pacific. However, the current per them rate shall be paid to members serving on the quarterly finance, negotiating, balloting and constitution committees. Members elected from the Branches who are required to travel to Headquarters shall, in addition to per diem, be reimbursed for all reasonable travel and lodging expenses.

ARTICLE XVIII
TRIALS

SECTION 1. Any member may bring charges against any other member for any offense set forth in Article XIX of this Constitution. These charges shall be in writing and signed by the accuser, who shall also include his/her membership number. The accuser shall deliver these charges to the Executive Officer (that is, the President/ Secretary-Treasurer at Headquarters or Branch Agent in Branches) of the Port nearest the place of the offense, or at the Port of pay off, if the offense took place aboard ship.

SECTION 2. After presentation of the charges to the Executive Officer, he/she shall cause the charges to be read at the next regular meeting. The accuser may withdraw his/her charges before the meeting takes place. If the accused is present, he/she shall be served with a written copy of the charges and notified that a trial will be conducted on the charges fourteen (14) days later. A Trial Committee of five full book members shall be elected to which said charges shall be referred without discussion.

If the accused is not present, the Executive Officer shall immediately cause to be posted on the Bulletin Board at Headquarters or the Branch, as the case may be, and sent to him/her, by certified mail addressed to his/her last known mailing address on file with the Union, a copy of the charges, the names and membership numbers of the accusers, and a notification that he/she must appear with his/her witnesses, ready for trial without unnecessary delay. After the accused has received notice of the charges against him/her, the Executive Officer shall advise the accused in writing of the time and place of trial, which time shall not be set less than fourteen (14) days from the date of the receipt of the charges by the accused. If the accused member refuses or neglects to appear after notice, the trial shall proceed as though he/she were present. A Trial Committee shall be elected in the Port of Trial at the regular meeting immediately preceding the date of trial.

SECTION 3. The Trial Committee shall hear all pertinent evidence and shall not be bound by the rules of evidence required by courts of law but may receive all relevant testimony. The Trial Committee may grant adjournments, at the request of the accused, to enable him/her to make a proper defense. In the event the Trial Committee falls beneath a quorum, it shall adjourn until a quorum does exist.

SECTION 4. The Trial Committee shall conduct the trial except that the

accused shall have the right to cross-examine the accuser, or accusers, and the witnesses, as well as to conduct his/her own defense. If the accused challenges the qualifications of the members of the Trial Committee, such matter shall be ruled upon and disposed of prior to proceeding on the merits of the defense. The guilt of an accused shall be found only if proven by the weight of the evidence, and the burden of such proof shall be upon the accuser. Every finding shall be based on the quality of the evidence and not solely on the number of witnesses produced.

SECTION 5. The Trial Committee shall make findings as to guilt or innocence, and recommendations as to punishment or other Union action deemed desirable in the light of the proceedings. These findings and recommendations shall be those of a majority of the Committee, and shall be in writing, as shall be any dissent. If possible, all documents used at the trial shall be kept.

SECTION 6. The Executive Officer of the Port of Trial shall, upon receipt of the findings and recommendations of the Trial Committee, cause the findings and recommendations to be presented, and entered into the minutes, at the next regular meeting. The meeting at the Port of Trial shall consider the proceedings and vote thereon, and the results of this vote shall be entered into the minutes at the Port of Trial.

At the next succeeding regular meeting, the proceedings shall be considered in the meetings in all Branches and the membership shall then vote. A majority vote of the membership of the Union shall:

- (a) Accept the findings or recommendations, or
- (b) Reject the findings and recommendations, or
- (c) Accept the findings, but modify the recommendations, or
- (d) Order a new trial after finding that substantial justice has not been done with regard to the charges.

SECTION 7. After the vote set forth in Section 6, any punishment so decided upon shall become effective. The accused shall be notified of the results thereof.

SECTION 8. An accused who has been found guilty, or who is under effective punishment, may appeal in the following manner:

He/she may send or deliver a notice of appeal to the President/Secretary-Treasurer within thirty (30) days after receipt of the notice of the decision of the membership.

At the next regular meeting, after receipt of the notice of appeal, the notice shall be presented and shall become part of the minutes. An Appeals Committee shall then be elected. An officer of the Union shall be charged

with the duty of presenting the before mentioned proceedings and all available documents used as evidence at the trial to the Appeals Committee, as well as any written statement or argument submitted by the accused. He/she may argue the appeal in person, if the accused so desires. The appeal shall be heard at Union Headquarters at such time as the Appeals Committee shall designate. It shall be the responsibility of the accused to insure that any written statement or argument arrives at Headquarters in time for such presentation. While the appeal is pending, a member otherwise in good standing remains in good standing.

SECTION 9. 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 considerations.

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 finding and recommendations, the 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 the weight of evidence.

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

(c) A new trial shall be recommended if the Appeals Committee finds: (1) that any member of the Trial Committee should have been disqualified, or (2) that the accused was not adequately informed of the details of the charged offense, which resulted in his/her not having been given a fair trial, or (3) that for any 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 President/Secretary-Treasurer who shall present it at the next regularly scheduled meeting. The membership, by a majority vote, shall accept the decision of the Appeals Committee, or the dissent therein. If there is no dissent, the decision of the Appeals Committee shall stand.

If a new trial is ordered, that trial shall be held in the Port designated by Headquarters, in the manner provided for in Section 2 of this Article.

Any decision so providing for a new trial shall contain such directions as will insure a fair hearing to the accused.

SECTION 11. Headquarters shall notify the accused and each accuser, either in person or in writing addressed to their last known address, of the results of the appeal.

SECTION 12. It shall be the duty of all members of the Union to take all steps within their constitutional power to carry out the terms of any effective decisions.

SECTION 13. Every accused shall receive a written copy of the charges preferred against the accused and shall be given a reasonable time to prepare his/her defense, but he/she may thereafter plead guilty and waive any or all of the other rights and privileges granted to him/her by this Article. If an accused has been properly notified of his/her trial and fails to attend without properly requesting a postponement, the Trial Committee may hold its trial without his/her presence.

SECTION 14. A member whose conviction has been affirmed, or has otherwise become final, shall surrender his/her certificate of membership when demanded by an officer of the Union.

ARTICLE XIX
OFFENSES AND PUNISHMENT

SECTION 1. Any officer or member found guilty of fraudulently obtaining or illegally using or detaining any property of the Union, shall be dealt with according to State and Federal laws and shall be subject to expulsion, to be determined by the Union.

SECTION 2. Any member found guilty of obtaining benefits from this Union or from any fund established by agreement of the Union under false representation shall be punished as in Section 1 of this Article.

SECTION 3. Any member found guilty of misrepresenting the returns of any election or wilfully altering, mutilating, substituting or unlawfully destroying ballots legally deposited or used, shall be punished as in Section 1 of this Article.

SECTION 4. Any member found guilty of paying for employment aboard a vessel shall be expelled and shall be denied further membership in the Union.

SECTION 5. Any member who is found guilty through drunkenness or bad conduct on board ship bringing the Union into ill repute or causing the delay of a vessel may be fined not less than Fifty Dollars (\$50.00), and for any subsequent offense shall be punished as the Trial Committee shall recommend and the Union determine.

SECTION 6. Any member found guilty of failure to treat any officer of the

Union while discharging his/her duties with due respect and consideration shall be subject to such penalty as the Trial Committee shall recommend and the Union determine.

SECTION 7. Any member found guilty of violating the working rules shall forfeit his/her job. Any member found guilty of violating the shipping rules shall forfeit his/her shipping card and shall not have another issued prior to the expiration of thirty (30) days.

SECTION 8. Any member who prefers charges against any other member and fails to appear before the Trial Committee shall be subject to Section 12 of this Article.

SECTION 9. No disorderly conduct or gambling of any kind shall be permitted in the Union halls. Anyone found guilty of violating this rule shall be fined not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00).

SECTION 10. Any member found guilty of illegal possession or of transporting, peddling or using narcotics, shall be subject to expulsion to be determined by the Union.

SECTION 11. Any officer found guilty of any of the following offenses shall be subject to expulsion to be determined by the Union:

(1) Advocating or giving aid to the principals or policies of any organization determined by the membership to be hostile or dual; or

(2) Membership in or assistance to any organization determined by the membership to be dual and hostile to the aims and principles of this Union.

SECTION 12. Any member found guilty of any wilful violation of this Constitution or the rules of the Union not covered by any penalties herein described shall be subject to such penalty as the Trial Committee shall recommend and the Union determine.

SECTION 13. Any member found guilty of missing ship shall be fined and disciplined as follows:

First Offense - \$200.00 fine.

Second Offense - \$400.00 fine.

Third Offense - Such reasonable penalty as a Trial Committee shall recommend and the Union determine. After a period of five (5) years with no offense, a member's record shall be cleared.

It shall be the responsibility of the ship's delegate to notify Headquarters and the Branches of those missing ships.

SECTION: 14. When members are dispatched to standby jobs and fail to report or finish the job without a reasonable excuse, they shall be fined and disciplined as follows:

First Offense: Fined in the dollar amount equal to the wages paid for the standby job.

Second Offense: As a Trial Committee may recommend.

ARTICLE XX
INCOME

SECTION 1. The income of the Union shall be from initiation fees, quarterly dues, fines, assessments, contributions, loans, interest, dividends, as well as income derived from any other legitimate business operation or other legitimate source.

SECTION 2. The President/Secretary-Treasurer shall cause to be printed and constantly keep on hand an ample stock of books containing receipts to be issued for the respective forms of income. The receipts to be used by officers at Headquarters shall consist of an original and duplicate; the original to be given to the payee, and duplicate to be retained in the book. Receipts to be used by officers at Branches shall be printed in triplicate; the original to be delivered to the payee, the duplicate to be forwarded to Headquarters with the Branch Agent's monthly financial report, and the triplicate to be retained in the book. Receipts including corresponding duplicates and triplicates shall be numbered consecutively and shall be issued in the order of their number.

SECTION 3. The original, duplicate and triplicate of each receipt shall bear the name of the Union, shall be signed by the proper authorized representative using it and shall specify the form of income receipted for.

SECTION 4. No money shall be collected unless a receipt in the form prescribed by this Article is issued to the payee, signed and dated by the officer receiving the money. It shall be the duty of each member to demand such receipt.

ARTICLE XXI
ASSESSMENT

SECTION 1. No assessments shall be levied except after a ballot conducted under such general rules as may be decided upon by a majority vote of the membership, provided that:

- (a) The ballot must be secret;
- (b) The assessment must be approved by a two-thirds majority vote of the valid ballots cast; and

