

# CONSTITUTION



and

# RULES OF ORDER

of the

## INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO

As amended at the 54th Convention  
held in San Juan, Puerto Rico  
July 20-23, 2015



## **AFFILIATIONS**

American Federation of Labor —  
Congress of Industrial Organizations

Canadian Labour Congress

## **OUR MOTTO:**

**“Sobriety, Truth, Justice  
and Morality”**



## P R E A M B L E



The formation of an Association for practical purposes and for good ends, usages and, indeed, its future welfare, requires that its object should be well understood and faithfully set forth.

In convention assembled at Detroit, Michigan, on the 27th day of August, 1892, delegates from Local Unions at Tonawanda, Buffalo, Cleveland, Toledo, Sandusky, Detroit, Saginaw, deemed it an act of duty which they owed to themselves and their posterity to associate themselves together for an Association of effort and more extended action in behalf of their own rights and interests.

We recognize that ability makes the man, and not wealth or social distinction. We recognize no nationality or creed, and for the good of our Association we pledge ourselves to carry out the principles of correct association.

## ORDER OF BUSINESS



- 1 — Roll call of officers and members.
- 2 — Reading of minutes of previous session.
- 3 — Report of committee on credentials.
- 4 — Report of officers.
- 5 — Report of regular committees.
- 6 — Report of special committees.
- 7 — Unfinished business.
- 8 — New business.
- 9 — Election and installation of officers.
- 10 — Good of the International Longshoremen's Association.
- 11 — Adjournment.

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# CONSTITUTION



## ARTICLE I

### NAME

The name of this Union shall be the INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, herein referred to as the "I.L.A." or "the International." \*

## ARTICLE II

### DURATION

The International Longshoremen's Association shall not be dissolved so long as it is composed of at least five (5) local unions. This Article shall not be subject to amendment.

## ARTICLE III

### JURISDICTION

The jurisdiction of the I.L.A. shall include the work herein enumerated in the United States and its possessions, in Canada, in Central and South America and in the Commonwealth of Puerto Rico and all other territories and countries within the Caribbean or adjacent to any of the foregoing. It shall include all work done directly and indirectly in connection with loading and unloading operations of all floating structures in such territory, including the trades and occupations directly and indirectly associated with such operations, whether they be conducted on docks, piers, marine warehouses, on board vessels, or elsewhere. The I.L.A. shall have

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\* It is understood that references herein to the male gender; such as "he" or "him" are for the purposes of brevity only and shall be understood to include the corresponding terms "she" and "her."

jurisdiction of all workers employed in trades or industries now within the jurisdiction of the I.L.A., and such as may be from time to time organized or added thereto by the Executive Council of the I.L.A. or by its Convention.

## **ARTICLE IV**

### **OBJECTS AND PURPOSES**

The objects and purposes of the I.L.A. shall include the following: to promote the best interests of its members and their families; to organize the unorganized workers and to unite within the I.L.A. all workers within its jurisdiction; to bargain collectively on behalf of all the workers within its jurisdiction; and to negotiate, make and administer collective bargaining agreements; to improve the wages and hours of work and to increase the job security and better the work and living conditions of all the workers employed within its jurisdiction; to secure and promote laws for the benefit of all workers within its jurisdiction and labor generally; to engage in political education and to foster civic interest among its members and labor generally; to engage in educational activities and to further educational opportunities of its members and their families; to promote health, welfare, pension, recreational and civic programs in the interests of its members and their families and the workers within its jurisdiction; to establish, maintain and operate clinics, hospitals, labor union halls and labor temples; to unite with other labor unions and other labor bodies; to assist charitable, religious and educational bodies and institutions; to instill the spirit of patriotism and devotion to country among its members and their families and within the labor movement; to carry out and enforce the provisions of its Constitution; to publish newspapers, periodicals and other literature to aid in the carrying out of the foregoing objects and purposes; and do all things necessary and proper, permitted by law, to carry out the foregoing objects and purposes.

## ARTICLE V

### ORGANIZATION AND POWERS

**Section 1.** This International shall be composed of workers eligible for membership in the I.L.A. and may be divided into local unions and district organizations as hereinafter provided.

**Section 2.** The International shall have supreme legislative, executive and judicial authority over all members and subordinate bodies, and shall be the ultimate tribunal to which all matters affecting the welfare of the membership and the subordinate bodies shall be referred for adjustment and determination.

**Section 3.** All executive, legislative and judiciary powers of the I.L.A. shall be vested in its Convention. When the Convention is not in session, they shall be vested in the Executive Council. When the Executive Council is not in session, they shall be vested in the International Executive Officers.

## ARTICLE VI

### CONVENTION

**Section 1.** The regular Convention of the I.L.A. shall be held every four (4) years in the month of July at such place and commencing on such date as shall be designated by the Executive Council.

**Section 2.** A Special Convention may be called by a majority vote of the Executive Council. It may adopt such motion by mail. Such Special Convention shall be called on written notice which shall set forth the matters to be acted on at such Special Convention and be mailed to the principal office of each local union affiliated with the I.L.A. at least thirty (30) days prior thereto.

**Section 3.** Each local union affiliated with the I.L.A.

shall be entitled to at least one vote regardless of its membership up to a membership of 100 and to an additional vote for each additional 100 members or any fraction thereof.

Each member of the Executive Council and each principal executive officer of each District who has not been elected as a Convention delegate by a local union shall be an ex officio delegate to the Convention but such ex officio delegate shall not be entitled to participate or vote in the nomination and election of International officers.

**Section 4.** Each local union shall determine its voting strength based on whether the local union pays per capita dues or dues based on 9/10 of 1% of each member's straight-time hourly rate for each hour paid. If the local union pays per capita International dues, the local union is entitled to ½ a vote for every 100 members. If the local union pays dues based on 9/10 of 1% of each member's straight-time hourly rate for each hour paid, then the local union is entitled to one (1) vote for every 100 members. For the purpose of determining the representation of each local union entitled to representation at a Convention, the number of its members shall be deemed to be the average number on whom it paid per capita tax/dues to the I.L.A. during the 48 month period ending sixty days immediately preceding such Convention; provided that, in the case of a local union that has not been chartered throughout such 48 month period, the number of its members shall be deemed to be the average number on whom it paid per capita tax/dues to the I.L.A. for the period from the date of receipt by such local of its charter to the first day of the month preceding that in which such Convention is convened. In the case of a local union paying its per capita tax/dues by means of the check-off, the local's membership during any given period shall be determined by the number of paid up members of the local. The representation of the International Organization of Masters, Mates and Pilots and the United Marine Division shall be determined on

the basis provided in this Section, but for each such organization as a whole without regard to the number of members in any particular subdivision or affiliate of such organization, as though each such organization were a single local union.

**Section 5.** Each delegate to a Regular or Special Convention must be elected as such delegate by a secret ballot election in his local union at a regular or special meeting. Reasonable notice of the nomination of delegates shall be given to members of the local unions. Written notice of the election must be given to each member of the local union at least fifteen (15) days prior to such election by mailing such notice to each member at his last known home address. A delegate must bear credentials signed by the President and Secretary of his local union and bearing the seal thereof. A member of two or more local unions can represent only one such local union as a delegate. Each delegate shall be entitled to a vote, but a local union may elect a greater or lesser number of delegates than it is entitled to, in which event the total vote of the local union, in accordance with the entire voting strength of the local union, shall be divided pro rata among its delegates. If the by-laws of the local union so permit, a delegate may represent a local union of which he is not a member provided he is otherwise eligible to serve as a Convention Delegate and he has been duly elected as delegate by such local union in accordance with this Article. A local union, by express provision in its by-laws, may provide that specific officers shall have among their duties the representation of such local union at the Convention as delegates, and such officers may then serve as delegates if elected in accordance with the Constitution and with the applicable provision of the Labor-Management Reporting and Disclosure Act of 1959. The International Organization of Masters, Mates and Pilots and the United Marine Division shall be represented at the Convention by delegates selected in accordance with their own Constitutions and with the applicable provisions of law.

**Section 6.** A member who is ineligible to be an officer of a local union cannot be a delegate to the Convention.

**Section 7.** No local union shall be entitled to representation at a Convention unless all its per capita tax/dues, assessments and delinquent indebtedness to the I.L.A. and to its District, uniformly imposed, are paid one month prior to the Convention. The accounts of the I.L.A. will be closed one month prior to the Convention.

No resolution shall be submitted to the Convention that has not been mailed or delivered to the International's Executive Offices at least thirty (30) days prior to the Convention, except for resolutions referred by District Conventions held within one month prior to the I.L.A. Convention, and except further that the Convention shall have the power unanimously to accept any resolution offered at any time prior to its conclusion.

**Section 8.** The International President will call the Convention to order upon its opening and preside over it. During the Convention, he shall have the power to designate an International officer as a presiding officer pro tempore. He shall be an ex officio member of all Convention Committees.

**Section 9.** No person shall be eligible to serve as a delegate at the Convention unless:

(a) He has been a member in good standing of the I.L.A. for at least one year immediately preceding the date of the Convention; or, in the case of a delegate representing a local union organized or affiliated with the I.L.A. less than one year prior to the date of the Convention, a member in good standing of such local union since the date of organization or affiliation; or

(b) For at least one year preceding the date of the Convention he has been employed by the I.L.A. or any of its subdivisions.

## ARTICLE VII

### EXECUTIVE COUNCIL

**Section 1.** The Executive Council shall be composed of the International President, the President Emeritus, if any, the International Secretary-Treasurer, the International Executive Vice-President, the International Executive Vice-President Emeritus, if any, the International General Vice-President, the International General Organizer, two (2) International Assistant General Organizers and the twenty-three (23) International Vice-Presidents.

**Section 2.** The Executive Council shall meet at least twice a year. The International President shall have power between meetings to submit matters by mail, telephone, or electronic means for a vote of the Executive Council and/or call a special meeting thereof whenever he deems it necessary.

**Section 3.** The President shall cast his vote on a proposition before the Executive Council only in the event of a tie vote. Vacancies occurring in the Executive Council through death or otherwise, shall be filled by the membership thereof.

**Section 4.** A majority of the members of the Executive Council shall constitute a quorum for the transaction of business at any meeting and all decisions of the Executive Council shall be by the concurring vote of a majority of the members present. The Executive Council may take action without meeting, by the written or verbal approval of a majority of its members, after notice to all its members of the question to be decided.

**Section 5.** The Executive Council shall have the power to authorize by resolution the expenditure of the funds or the use of the property of the I.L.A. for the effectuation of any of the objects of the I.L.A. It shall have all powers appropriate to effectuate the powers granted to it by this Constitution.

**Section 6.** The holding of the annual meetings of the

Executive Council may be waived by the consent of a majority of its members, made in writing.

**Section 7.** The Executive Council shall be empowered to establish or participate in retirement, pension and/or insurance plans covering employees of the International.

## ARTICLE VIII

### INTERNATIONAL OFFICERS

**Section 1.** The officers of the I.L.A. shall be: a President, the President Emeritus, if any, a Secretary-Treasurer, an Executive Vice-President, the Executive Vice-President Emeritus, if any, a General Vice-President, a General Organizer, two (2) Assistant General Organizers, and twenty-three (23) Vice-Presidents. The President, the President Emeritus, if any, the Executive Vice-President, the Executive Vice-President Emeritus, if any, the Secretary-Treasurer, the General Vice-President, the General Organizer, and the Assistant General Organizers shall be known as the International Executive Officers. The nine (9) Executive Officers may continue to hold and run for union office in any I.L.A. subordinate body. However, the total amount of the salaries of each such Executive Officer is subject to appropriate downward adjustment. This provision does not apply to ILA Vice Presidents.

The annual salaries of the International officers shall be as follows as of August 1, 2015:

President	\$464,508.00
Secretary-Treasurer	\$404,416.00
Executive Vice-President	\$379,416.00
General Vice-President	\$379,416.00
General Organizer	\$379,416.00
Assistant General Organizers	\$293,856.00
President Emeritus	\$232,254.00
Executive Vice-President Emeritus	\$170,738.00
Vice-Presidents	\$134,076.00



The Executive Council may, by majority vote, increase these salaries. No International officer may participate in the consideration of or vote upon the increases in his own salary. The International Executive Officers shall vote on salary increases for Vice-Presidents and Vice-Presidents shall vote on salary increases for International Executive Officers.

Each officer shall also receive, either by fixed expense allowance, reimbursed expenses, or a combination thereof, the expenses incurred in the performance of his duties. The International President may also authorize that International officers or representatives be provided with automobiles. Such officers or representatives shall be permitted to use the automobiles for private purposes when the automobiles are not required for union business as partial compensation for the discharge of their duties. The Secretary-Treasurer shall have the authority to purchase, sell, exchange or lease such automobiles or arrange for financing for same.

**Section 2.** The International officers shall be elected at Conventions and shall serve until their successors are elected and have qualified.

**Section 3.** The term of office for all officers shall be four (4) years.

**Section 4.** Nominations shall be made for one office at a time. If only one candidate is nominated for an office, the voting may be by acclamation or by motion authorizing the casting of the unanimous vote of the delegates present. If more than one candidate is nominated for an office, then the voting shall take place by a roll call before nominations for any other office are made.

**Section 5.** The International President, the President Emeritus, if any, the International Secretary-Treasurer, the International Executive Vice-President, the International

Executive Vice-President Emeritus, if any, the International General Vice-President, the General Organizer, the Assistant General Organizers, and the twenty-three (23) Vice-Presidents shall assume the duties of their respective offices by August 1, if elected at a regular Convention or otherwise within thirty (30) days after election.

**Section 6.** The twenty-three (23) Vice-Presidents shall be allocated as follows:

(a) The Atlantic Coast District shall be entitled to twelve (12) Vice-Presidents, at least one (1) of whom must be a resident of Canada or Newfoundland and three (3) of whom must be from the Great Lakes area;

(b) The South Atlantic and Gulf Coast District shall be entitled to eight (8) Vice-Presidents;

(c) Puerto Rico shall be entitled to one (1) Vice-President;

(d) The International Organization of Masters, Mates and Pilots shall be entitled to one (1) Vice-President; and

(e) The United Marine Division shall be entitled to one (1) Vice-President.

**Section 7.** In the event that the International President shall die, be removed from office or resign from office within one year of the date of the next regularly scheduled I.L.A. Convention, the Executive Vice President shall succeed to the office of International President for the unexpired time.

In the event of a vacancy in the office of International President at any other time during his term of office, the Secretary-Treasurer shall inform the members of the Executive Council that a vacancy in the office of International President exists and shall convene a meeting of the Executive Council for the purpose of dealing with the vacancy until he can convene a Special Convention. During this time, the Executive Vice President shall assume office and serve as Acting President until the Special Convention is held. At the Special Convention, any member in good standing is eligible

to run for the office of International President for the balance of the unexpired term. The Secretary-Treasurer is authorized to set and fix all dates dealing with and relative to the holding of such Convention and the city in which the Convention shall be held, provided, however, that the Convention must be held within three (3) months from the date of the vacancy of the office of International President. The provisions of Article VI of the I.L.A. Constitution dealing with Convention matters shall apply to Special Conventions insofar as they are applicable. In the event that any other International officer shall die, be removed, or resign before the termination of his term of office, as provided for hereinabove, the Executive Council shall meet and choose a successor to serve out the balance of the terms of such vacant office. Successor Vice-Presidents shall be chosen pursuant to the allocations provided for hereinabove. The Executive Vice-President, when serving as Acting President, shall have all the powers, duties, and functions of International President; and all the successor International officers when chosen to serve the balance of an unexpired term shall have all the powers, duties and functions of the respective offices for which they are chosen.

**Section 8.** The Convention shall have the power to elect as President Emeritus any former International President of the I.L.A. who has served as such for one full term or longer. The compensation of the President Emeritus, if any, shall be equal to 50% of the salary of the President. He shall be a member of the Executive Council, a delegate representing the I.L.A. at the Convention of the AFL-CIO and of the Canadian Labour Congress and shall have such other duties as shall be assigned to him by the Executive Council.

**Section 9.** The Convention shall have the power to elect as Executive Vice-President Emeritus any former International Executive Vice-President who has served as such for one full term or longer. The compensation of the Executive Vice-President

Emeritus, if any, shall be equal to 45% of the salary of the Executive Vice-President. He shall be an International Executive Officer and a member of the Executive Council and shall have such other duties as shall be assigned to him by the International President.

## ARTICLE IX

### POWERS AND DUTIES OF INTERNATIONAL OFFICERS

**Section 1.** The International President shall be the principal executive officer of the I.L.A. He shall preside at Conventions and at meetings of the Executive Council. He shall convene meetings of the Executive Council or submit matters for its decision by mail, telephone or electronically as provided herein; he shall have the power to attend meetings of local unions, district councils and districts. The International President may employ and discharge such representatives (who shall be members in good standing of the I.L.A.), administrative, technical or other employees as may be required. He shall fix the salaries and approve expense allowances of all persons employed by him; he shall appoint all committees not otherwise provided for by this Constitution; he shall designate the duties and direct the performances thereof of District officers, representatives and Vice-Presidents. All bills covering expenses incurred must be approved by him before payment. He shall have power to examine, inspect, or audit personally, or by his designee or designees, all the books, records, papers, and accounts of any local union, district council, or district organization of the I.L.A.. Whenever he may deem it necessary, he may compel the production of such books, records, papers, and accounts at the International's offices, or such other place as he may designate, by service of a written demand therefor by mail, and they shall remain in his possession or in the possession of his designee or designees until the examination and inspection is complete. He shall, upon the direction or consent of

the Executive Council, acting by a majority vote, in session, or through mail, telephone or electronically, call a Special Convention of the I.L.A. He shall sign all papers and documents that require the signature of the President. He shall make a written report of his official acts during his term of office to the Convention. He shall have such other and further powers in addition to those herein enumerated, and shall perform such other and further duties as are usual to his office, and as are performed by the President in accordance with the usages of the I.L.A.

**Section 2.** The International Executive Vice-President shall aid and assist the International President in the carrying out of his duties and functions, and shall act on behalf of the President whenever the International President shall be ill, absent, incapacitated, or unable to serve. The International President in his discretion may delegate such of his duties and functions as he determines to the International Executive Vice-President, and upon such delegation the International Executive Vice-President shall have and may exercise such powers of the International President as are necessary to the proper performance of such delegated duties and functions. Whenever the International Executive Vice-President shall become Acting President or shall act on behalf of the President, he shall have all the duties and functions of the International President and he shall be vested with and may exercise all the powers of such office.

**Section 3.** The International General Vice-President shall aid and assist the International President in carrying out his duties and functions and shall report directly to the International President. The International President in his discretion may delegate such of his duties and functions as he determines to the International General Vice-President in order to represent the I.L.A. in any district and, upon such delegation, the International General Vice-President shall have and may exercise such powers of the International President as are necessary to the proper

performance of such delegated duties and functions. Whenever the International General Vice-President shall act on behalf of the President, he shall have all the duties and functions of the International President and he shall be vested with and may exercise all the powers of such office. The International General Vice-President shall assist the International President during Conventions, Executive Council meetings, Wage Scale Committee meetings and otherwise in the discharge of his duties and functions.

**Section 4.** The Vice-Presidents, the General Organizer and the Assistant General Organizers shall, at the request of the International President, aid and assist him during the session of the Convention and in such other manner and form as the International President may from time to time request or direct, and shall generally represent the interest of the I.L.A. in their areas. The Vice-Presidents shall also have the authority to attend the meetings of all local unions, district councils, port councils, and dock and marine councils in their respective areas. They shall render periodic reports of their activities to the International office.

**Section 5.** The International Secretary-Treasurer shall act as Secretary of Conventions and all meetings of the Executive Council and shall keep a record of their proceedings. He shall have custody of the seal of the I.L.A. and all of its books, records and papers. He shall have the power to sign and affix the seal to all official documents. He shall present to the Convention a complete statement showing the financial and general condition of the I.L.A. and of the workers. He shall conduct all correspondence, keep a record of the numbers and locations of all locals and keep the accounts between the I.L.A. and the locals thereof. He shall have charge of all funds of the I.L.A. He shall print and furnish, if demanded and paid for by locals ordering the same, all books, cards and blank forms necessary to transact the businesses of the I.L.A. in English or foreign languages. He shall

issue semi-annual reports showing receipts and expenditures and an itemized account of all bills rendered to all locals in good standing. He shall collect from the locals and from all other available sources all information showing the condition of the workers. He shall act as legislative agent of the I.L.A. if directed by the President. He shall instruct local unions, district councils and districts as to the manner in which they shall keep accounts of their financial transactions and may require them to submit to him periodic reports containing such information and in such forms as he may prescribe. When requested by the President he shall act as Auditor to audit the books and records of any local or any of the subdivisions of the I.L.A. and shall perform such duties in connection therewith as the President may direct. He shall have such further powers in addition to those herein enumerated as are usual to his office. He shall have power to employ and discharge such employees as may be required to assist him in his work.

The International Secretary-Treasurer shall preserve for at least one (1) year the credentials of the delegates to a Convention of the I.L.A. and all minutes and other records of the Convention pertaining to the election of officers. He shall retain all other books and records of the I.L.A. in his custody, including vouchers, work sheets, receipts and applicable resolutions for a period of not less than five (5) years and ninety (90) days after the close of each fiscal year of the I.L.A. in which such books and records were made. Whenever the International Secretary-Treasurer provides an official form for any matter transacted pursuant to this Constitution and regulations adopted thereunder, such form must be obtained from the International office and must be used by the membership, locals, district council and district organizations.

**Section 6.** The International President and the International Secretary-Treasurer shall each furnish promptly after election a bond to the I.L.A. and deposit the same with the I.L.A., in such amount and in such form as may be required by law. The face

amount of such bond shall be adjusted after the close of each fiscal year to reflect the changed financial condition of the I.L.A. The premium of such bond shall be paid by the I.L.A. and the bonds shall be approved by the Executive Council.

**Section 7.** The International Secretary-Treasurer shall issue no voucher or pay any money out of the Treasury account without the approval of the International President. All checks issued by the International Secretary-Treasurer, with the exception of those issued against the checking account, must be countersigned by the International President. The books and accounts kept by the Secretary-Treasurer shall be audited by a certified public accountant semi-annually. Such auditor shall be appointed by the Executive Council.

**Section 8.** The International Secretary-Treasurer shall print a directory yearly as soon as may be practicable after the first of the year.

**Section 9.** No checking account shall be opened on behalf of the I.L.A. except pursuant to a resolution duly adopted by the Executive Council. Checks on the account of the I.L.A. may be signed by either the President or the Secretary-Treasurer. No promissory notes or negotiable instruments shall be signed, made or issued on behalf of the International except for bona fide obligations of the International and then only upon the signatures of both the President and the Secretary-Treasurer. Any note or series of notes totaling more than \$25,000.00 must be approved by the Executive Council before being made.



# ARTICLE X

## DISTRICTS

**Section 1.** The I.L.A. shall be divided into two (2) districts geographically apportioned as follows:

(a) The Atlantic Coast District, which shall embrace every port north of Cape Hatteras including all Canadian ports along the Atlantic seacoast, and all the ports of Puerto Rico and all ports on the Great Lakes and tributary waters.

(b) The South Atlantic and Gulf Coast District, which shall embrace every port south of Cape Hatteras along the Atlantic, Gulf and Caribbean Sea.

**Section 2.** Each District must be chartered by the International and must adopt a Constitution for its own government but in no event shall it be inconsistent with the Constitution of the I.L.A. and the I.L.A.'s rules and regulations pursuant thereto and with law. Any constitution or by-laws or amendments thereto adopted by a District shall be of no effect without the prior written approval of the International President.

**Section 3.** Each District shall deal with matters and conditions in general affecting the locals and its members included in the territory of the District, and it shall have the power and duty to do all things necessary and desirable to carry out the objects and purposes of the I.L.A. within its territory. All decisions of the district organizations may be reviewed by the Executive Council and upon such review may be modified, repealed or affirmed, provided, however, that failure of the Executive Council to review or to take action upon any decision shall not be construed to be an affirmation or ratification of such decision.

**Section 4.** Each District may elect such officers as its constitution and by-laws provide.

**Section 5.** Every local union must affiliate itself with the

district organization in which it is located and shall be subject to its jurisdiction.

**Section 6.** The powers of the District shall be vested in a Convention, and, when the Convention is not in session, in such representative governing body as the District Constitution shall establish. The Convention shall be composed of delegates selected in accordance with law by the local unions within the district and each such local union shall be entitled to at least one delegate regardless of its membership up to a membership of one hundred (100) and to an additional delegate for each additional one hundred (100) members or any fraction thereof.

**Section 7.** A copy of each report or return filed by a district organization with any governmental agency shall be filed contemporaneously by such district organization with the International Secretary-Treasurer.

## ARTICLE XI

### LOCAL DISTRICT COUNCILS

**Section 1.** (a) Wherever two or more locals exist in any one port or locality adjacent thereto they shall form a District Council for the purpose of dealing with local matters affecting such local unions.

(b) The Local District Council shall be governed by the majority vote of the locals belonging to the District Council with each local being entitled to only one vote regardless of the size of its membership.

**Section 2.** Whenever a District Council is formed in any port or locality, all existing locals of the I.L.A. and all locals thereafter organized must affiliate with said District Council and are subject to its jurisdiction. Failure to make such affiliation shall be punishable, upon the instance of the International President, by a fine of \$10.00 upon failure to act within thirty (30) days after

the first notice has been given; by a fine of \$25.00 for failure to act within thirty (30) days after second notice has been given and by revocation of Charter for failure to act after third notice has been given. Such notice shall be given by the International Secretary-Treasurer who will furnish each District Council with a list of all locals in good standing in their locality each quarter.

**Section 3.** No more than one District Council may be formed in any one port or locality adjacent thereto without the consent of two-thirds (2/3) of the aggregate membership of all the locals in said Port or adjacent locality.

**Section 4.** Any ruling made or decision rendered by a District Council affecting the rights of any local or members thereof may be reviewed by the Executive Board of the District and thereafter by the Executive Council of the I.L.A. and upon such review such decision or ruling may be modified, repealed or affirmed, provided, however, that failure of either the Executive Board of the District or the Executive Council to review or take action upon any decision by a District Council shall not be construed to be an affirmation or ratification of such decision.

**Section 5.** A member of the I.L.A. shall be entitled to apply for work under the jurisdiction of any other local than the one of which he is a member without taking a withdrawal card from the local wherein he holds membership. Whenever a member of one local comes under the jurisdiction of another local he may be required to pay to such local the same dues as are paid by members thereof.

**Section 6.** Each District Council must be chartered by the International and must adopt a constitution or by-laws for its own government, but in no event shall it be inconsistent with the Constitution of the I.L.A. and rules and regulations pursuant thereto, the Constitution and By-Laws of the applicable District organization, or the law. Any constitution or by-laws or amendments thereto

adopted by a District Council shall be of no effect without the prior written approval of the International President.

**Section 7.** The Convention by majority vote, or the Executive Council by two-thirds vote, shall be empowered to establish Councils to coordinate the activities of local unions in the same craft or branch of the industry with such powers and functions as the Convention or Executive Council shall prescribe.

**Section 8.** No District Council shall affiliate with any organization having the power to order it to take action not in accord with this Constitution.

**Section 9.** A copy of each report or return filed by a District Council with any governmental agency shall be filed contemporaneously by the District Council with the International Secretary-Treasurer and with the District Secretary-Treasurer.

## ARTICLE XII

### LOCAL UNIONS

**Section 1.** Every local union must hold a charter from the I.L.A. and shall be designated by a number assigned by the International Secretary-Treasurer.

**Section 2.** Applications for charters shall be made to the International Secretary-Treasurer, upon such forms and containing such information as the International officers shall prescribe. Such applications must specify the class of work to be performed by said local and must be signed by at least ten (10) workers of good moral character in a locality where a sufficient number of persons to maintain a local union are employed. Applications must be accompanied by a charter fee of \$100.00 and one month's per capita tax/dues for each worker.

Before the issuance of a charter, any adjoining local union or

local unions, the local District Council or the appropriate District may file an objection or protest with the International Secretary-Treasurer. The Executive Council shall immediately investigate such objection or protest and shall issue a decision on the protest or objection. Such decision shall not be subject to the appeal provisions of Article XIX of this Constitution.

**Section 3.** No new charter shall be issued in a locality where a charter covering the same class of work has been annulled or revoked within one year of such annulment or revocation without the consent of a majority of the Executive Council.

**Section 4.** Except as provided in Article XVIII, Section 2 and Article XXI of this Constitution, no local union shall withdraw or be dissolved so long as at least ten (10) members in good standing object to its dissolution at a meeting called to consider the question. However, the Executive Officers, with the approval of the District involved, shall have the power to revoke the charter of any local union that is inactive or not functioning as a bona fide trade union. The Executive Officers shall have authority to merge or consolidate two or more locals on such terms and conditions as it deems necessary or appropriate when such action is deemed to be in the best interest of the International and its members.

**Section 5.** Each local union must adopt by-laws for its government, which shall not be inconsistent with the provisions of this Constitution or the Constitution of its District, or with the law. Such by-laws and any amendments thereto shall not be effective until they have been submitted to the International President and approved by him. In the event of a conflict between the by-laws of a local union and the provisions of this Constitution (or of the Constitution or by-laws of the District, duly approved as provided for in Article X, Section 2), then such local by-laws shall be null and void to the extent only of such conflict with the foregoing

documents or the applicable law. Every subdivision of the International shall file with the office of the International its constitution and by-laws and such amendments and changes as they may from time to time make.

**Section 6.** The officers and representatives of a newly chartered local union who handle funds or property of the local shall be bonded, such bond not to be less than \$1,000.00 for each such officer or representative in such form as may be required by law.

**Section 7.** No local union shall affiliate with any organization having the power to order it to take action not in accord with this Constitution.

## **ARTICLE XIII**

### **GOVERNMENT OF LOCAL UNIONS**

**Section 1.** (a) Each local union shall elect by secret ballot among its members in good standing, a President, a Vice-President, a Recording Secretary, a Financial Secretary or Treasurer, an Auditing Committee, an Executive Board, and such other officers and committees as it may deem proper for the conduct of its affairs. Unless otherwise provided by the by-laws, a local union's Executive Board shall consist of the President, Vice-President, Recording Secretary, Financial Secretary or Treasurer and five (5) other Executive Board members; and a Local Union's Auditing Committee shall consist of three (3) members. Such officers shall be elected for two (2) year terms. A local union may in its own by-laws provide for terms of office of no less than two (2) years and no greater than three (3) years. Any officer may be elected to succeed himself in office upon the expiration of his term.

(b) Elections shall be held at a stated time of the year, as fixed by the local union for the term of office. Nominations shall

be made at a regular or special meeting held on written notice at least fifteen (15) days prior to the election. The written notice of nominations shall contain the date, time and place for nominations and the offices to be filled. Written notice of the election containing the date, time and place of the election must be given to each member at least fifteen (15) days prior to such election by mailing such notice to each member at his last known home address. Written notice of both nominations and election may be combined in one notice provided such combined notice shall conform to the foregoing provisions for separate notices. Each member in good standing shall have the right to vote in the election. For voting purposes, any member who is delinquent in paying his dues may pay his dues owed on the election day, and that member shall subsequently be permitted to vote in that day's election.

(c) Each bona fide candidate for office has a right, once within 30 days prior to any election in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization. This right of inspection does not include the right to copy the list.

(d) Each candidate is permitted to have an observer at each polling area and at each ballot counting station. An observer must be a member in good standing of the ILA and does not have the right to count the ballots. The candidate has the responsibility to make provisions for the payment of his election observer.

(e) Each local union shall comply with all reasonable requests of any candidate to distribute his campaign literature. All expenses of such distribution are to be borne directly by the candidate. Each candidate must tender in advance the estimated costs of distributing his literature.

(f) The results of the election for each of the positions in the local union shall be published separately and the Recording Secretary shall preserve for one (1) year the ballots and all other records pertaining to the election. Each local union shall forward the names and addresses of its officers to the International

Secretary-Treasurer and to the District Secretary-Treasurer as soon as such officers are elected.

**Section 2.** Salaries of local union officers shall be fixed by the membership.

**Section 3.** Subject to such other reasonable eligibility requirements as a local union may impose, no person shall be eligible for office in any local union or as a delegate to the District Council or to the governing body of a district unless he has been:

(a) a member in good standing of such local union for at least one (1) year preceding the date of his nomination, and

(b) working, or seeking work, at the trade or craft covered by such local unions for at least one (1) year preceding the date of his nomination or employed by the I.L.A. or any of its subdivisions for such year; except that the local union by its by-laws may provide for longer periods of such eligibilities, which longer periods may be up to, but no more than three (3) years, provided, however, that a member of a local union which has been chartered by or affiliated with the I.L.A. for less than one (1) year shall be eligible for office if he has been a member in good standing of, and working or seeking work at the trade or craft covered by, such local union from the date of its charter or affiliation.

**Section 4.** No member who is an officer, director, partner, or principal in, or is employed in a supervisory job by, a business organization with which the I.L.A., or any of its subdivisions, bargains or seeks to bargain collectively, can at the same time hold any office or be a candidate for any office in a local union of the I.L.A.

**Section 5.** Any I.L.A. member who has been convicted of or pleaded guilty to criminal charges involving the sale of, importation of, or trafficking in narcotic drugs shall be ineligible to hold elective office in the I.L.A. for a period of thirteen (13) years after such conviction or after the end of such imprisonment, whichever is later.



**Section 6.** Notwithstanding anything hereinabove contained, or contained in any constitution or by-laws of a local union, the same individual may hold more than one office in a local union except that the offices of President and Treasurer (or Financial Secretary in lieu of Treasurer) shall not be held by the same individual.

A member may hold office in more than one local union. Any member who holds office in a local union and who receives a full-time salary as an officer of that local union may not also receive any salary as an officer of another local union.

**Section 7.** Unless otherwise provided by the by-laws, the President shall preside at all meetings of the local union, and the Executive Board thereof and shall countersign all checks when signed by the Financial Secretary or Treasurer. He shall enforce the provisions of this Constitution and the by-laws of the local union. He shall appoint and be an ex-officio member of all committees not otherwise provided for and have such other powers as are usual to his office.

**Section 8.** Unless otherwise provided by the by-laws, the Vice-President shall assist the President in the performance of his duties, shall act for the President in his absence, and in the event of a vacancy, shall succeed to the office of President for the unexpired term.

**Section 9.** Unless otherwise provided by the by-laws, the Recording Secretary shall keep correct minutes of all meetings of the local union, have charge of its seal, which he shall attach to all documents requiring authentication, and have such further powers as are usual to his office.

**Section 10.** The Financial Secretary or Treasurer shall receive all money paid to the local union and shall deposit it in the local union's name in such bank or banks or shall invest it in such government securities as the Executive Board may direct. Unless

otherwise provided by the by-laws, he shall sign all checks drawn upon the local union. He shall keep true and accurate accounts of all his transactions as Financial Secretary or Treasurer and shall make reports thereon to the Executive Board and the local union, and shall have such further powers as are usual to his office. The Financial Secretary or Treasurer of the local union, or such other officers as the by-laws may designate, shall keep a record of the names and addresses of all members of the local union. The books and accounts of the local union shall be audited at least annually by a certified public accountant appointed by the Executive Board of the local union, except where the income of the local union is less than \$10,000.00 annually, and in such case the audit shall be by the local's Auditing Committee; and the books and records of the local union shall be retained as required by law.

**Section 11.** The Auditing Committee shall meet at least semi-annually and shall make sure the local has a current bond to protect against loss by reason of fraud or dishonesty as required by federal law and that the reporting requirements of federal law are complied with in a timely manner. The Auditing Committee shall review the accounting practices of the local and report its findings to the membership. Any uncorrected deficiencies shall be reported to the local Executive Board and the respective District.

**Section 12.** Before entering upon his duties, the Financial Secretary or Treasurer and every other local union officer, representative, or employee who handles or holds funds or property of the local union shall execute a bond to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others in an amount and in a form as required by law and shall advise the International Secretary-Treasurer of the amount of such bond, the identity of the bonding company and the number or other identification of the bond. The International Secretary-Treasurer may require the

local union to secure such other forms of insurance as may be necessary to safeguard its funds and property. The premiums on all bonds and insurance shall be paid by the local union. Upon a failure of a local union to execute and file such a bond or other insurance, if required to do so, the International Secretary-Treasurer may obtain such bond or other insurance and charge the cost thereof to the local union. Such charge shall be deemed in the nature of an assessment against the local union.

**Section 13.** (a) The Executive Board shall be the highest governing authority within the local union between its meetings and shall exercise general supervision over its property and affairs. It shall have such further powers as are necessary or appropriate to effectuate the powers granted to it by this Constitution and by the by-laws of the local union.

(b) Unless otherwise provided in the by-laws, a majority of the members of the Executive Board shall constitute a quorum for the transaction of business, and decisions of the Executive Board shall be by the concurring vote of a majority of all its members present.

(c) The Executive Board may not delegate its general executive, legislative and judicial powers over the property and affairs of the local union to any other committee, board, group or person; provided, however, that this shall not prevent the delegation of administrative and ministerial functions to duly authorized committees established pursuant to the by-laws of the local union.

**Section 14.** All payments and expenditures of each local union shall be made by check upon authorization by resolution of the Local Executive Board. The financial books and records of each local union shall be maintained in accordance with the requirements prescribed by the I.L.A.

**Section 15.** Membership meetings of local unions shall be held at stated regular intervals upon due notice thereof to the members. Local unions shall attempt to hold a membership meeting at least once per quarter. Minutes shall be kept of membership meetings.

An affiliated local union shall not adopt by-laws or take any action which impair its ability to meet its financial obligations to the International union and its subordinate bodies or interfere with the discharge of its obligations to its members in the negotiation and administration of collective bargaining agreements and in conducting the affairs of the local union as a solvent organization.

In order to conduct official business at meetings required by this Section, the local union must have sufficient members and/or officers in attendance to satisfy the quorum requirement in the local union by-laws; provided, however, that a quorum shall not be necessary for a local union to conduct a meeting for the purpose of accepting nominations for officers.

**Section 16.** A copy of each report or return filed by a local union with any governmental agency shall be filed contemporaneously by such local union, with the International Secretary-Treasurer and with the District Secretary-Treasurer.

# ARTICLE XIV

## MEMBERSHIP

**Section 1.** Member in good standing when used in this Constitution includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership in accordance with the provisions of this Constitution and the applicable local by-laws.

**Section 2.** Except as hereinafter provided, any worker who is employed or seeks employment in a trade, industry or occupation within the jurisdiction of the I.L.A. shall be eligible to apply for membership and shall be admitted to membership without regard to race, age, sex, citizenship, or ethnic origin thirty (30) days after application unless just cause can be shown for rejection of the application. Locals are permitted to establish additional requirements for membership so long as these requests comply with applicable law.

**Section 3.** No local union shall knowingly admit to membership candidates for membership rejected for just cause by a sister local or expelled members of a sister local where such expulsion has been approved by the applicable District Council or, where there is no District Council, by the majority of the I.L.A. locals of such locality or port. If it is found upon a trial, in accordance with the provisions of this Constitution dealing with discipline, that a member has been admitted to membership in violation of this section, then the local union shall immediately expel such member, and upon a refusal to do so the local union shall be subject to discipline.

**Section 4.** Any person who is a member of an organization, labor or otherwise, whose objective, principles and teachings are opposed to those of the I.L.A. or an organization whose philosophy, principles, teachings or purposes are subversive

to the form and principles of government of the country wherein the local is located to which application for membership is made shall not be eligible for membership in the I.L.A. Any member of the I.L.A. cooperating with or joining such organization shall be subject to discipline as hereinafter provided. A local union knowingly continuing in membership a person who violates this section may have its Charter revoked as hereinafter provided.

**Section 5.** Any member who is thirty (30) days or more in arrears in the payment of dues shall be automatically, and without notice, suspended from all rights and privileges of membership. Any member who is eighty (80) days or more in arrears in the payment of dues shall be given written notice that failure to pay within ten (10) days shall mean automatic expulsion; and upon his failure to pay within such ten (10) days, he shall be automatically, and without further notice, expelled and dropped from the local.

The non-payment of assessments as and when due shall be a ground for disciplinary action under Article XVIII hereof. Nothing herein shall be construed to limit the right of the I.L.A. or any of its subdivisions to enforce the provisions of any collective bargaining agreement relating to the non-payment of dues or to take disciplinary action for such non-payment under Article XVIII hereof.

**Section 6.** Any member who has been suspended or expelled for the non-payment of dues or assessments may be reinstated only upon the payment of all money due at the time of his suspension or expulsion, together with his initiation fee if expelled and such additional indebtedness for dues and assessments as accrued during the period of his expulsion unless otherwise ordered by his local union, with the approval of the International Secretary-Treasurer. Nothing herein shall be construed to compel a local to reinstate or readmit an expelled member.

**Section 7.** Where members of locals of the I.L.A. who are members of two or more locals, in one of which they have been suspended for non-payment of dues, fines, etc., and yet are members of other locals of the I.L.A., the local in which they still retain their membership shall take action to compel said members to pay up their dues in the locals in which they are delinquent; and then if the said members desire to no longer work under the locals in which they are delinquent, to take honorable withdrawal cards.

**Section 8.** A local union may issue a withdrawal card on request of a member upon such terms and conditions as it may prescribe.

## ARTICLE XV

### TRANSFER OF MEMBERSHIP

**Section 1.** Any member in good standing may transfer his membership from one local union to another provided he is working at the trade covered by the local, and is eligible for membership in and complies with the provisions respecting transfers of the local union to which he seeks to be transferred.

**Section 2.** The International Secretary-Treasurer is to have on hand official transfer cards and supply locals with same upon request in accordance with the official price list.

**Section 3.** No local union shall accept into membership a member or members transferring from another local union except on presentation of an official I.L.A. transfer card. Any member of the I.L.A. making application for admission into a sister local must show a paid-up card from his local, together with a statement that there are no charges pending against him.

**Section 4.** No local union shall refuse a member in good standing a transfer unless there is good and sufficient reason for so doing. Upon the request of the International President or

International Secretary-Treasurer, a local union refusing a transfer shall be required to furnish in writing the reasons for its actions. After review of the facts and reasons, the International Executive Officers shall have the authority to grant or deny such transfer. The action of the International Executive Officers shall be subject to the appeal provisions of Article XIX of this Constitution.

**Section 5.** No local union shall charge an initiation fee to any member in good standing transferring into the local union.

## ARTICLE XVI

### DUES, REVENUES AND FUNDS

**Section 1.** (a) Each local union shall fix the dues and initiation fees of its members which, however, shall not be inconsistent with any rules promulgated by a District Council or District organization with which such local is affiliated, provided, however, that such initiation fee shall not be less than fifty dollars (\$50.00).

(b) A local union may prescribe in its by-laws a lower scale of dues (but not less than two dollars and fifty cents (\$2.50) per quarter) for retired or permanently disabled members having a minimum specified period of membership in such local union. Such retired or disabled members paying a lower scale of dues shall not be entitled to participate in any contract ratification votes or other election of delegates to any International or District Convention, and shall not be counted in measuring a local's Convention strength, but, if the local by-laws so provide, such members may enjoy all the other privileges of membership.

(c) The requirements for the payment of initiation fees shall not apply to newly organized locals for a period of sixty (60) days after their organization. On an application by a local union, the International Executive Officers shall have the power to permit,



in writing, partial or full waiver of the initiation fee in the case of newly organized shops or establishments.

**Section 2.** (a) Whenever a local union represents members covered by a collective bargaining agreement providing for the check-off of per capita tax/dues owing to the International by means of such check-off (or directly by the member in the event he fails to sign a check-off authorization), the same shall be equal to 9/10 of 1% of the member's straight time hourly rate for each hour paid for, and same shall be paid to the International with a minimum monthly per capita tax/dues from each local union of two dollars and fifty cents (\$2.50) per member per month payable quarterly with fifty cents (50¢) of this amount being paid to the appropriate district. No such local union, or member thereof, shall have the option to pay any other or different sum as per capita tax/dues. All International, district and local union officers shall pay 9/10 of 1% of their gross wages to the International.

The minimum monthly per capita tax/dues (10 members) from each local union shall be twenty-five dollars (\$25.00) per month payable quarterly. Each local union shall be directly responsible for the payment of per capita tax/dues.

The International shall remit 32.5% of all money collected under this Section 2(a) and (d) of this article to the appropriate districts.

(b) Whenever a local union represents members covered by a collective bargaining agreement that does not provide for the check-off of per capita tax/dues, then the per capita tax/dues for each member shall be paid to the local union, which shall forward same on a quarterly basis to the International Secretary-Treasurer. The per capita tax/dues shall be equal to 9/10 of 1% of the member's straight time hourly rate for each hour paid.

The minimum monthly per capita tax/dues shall be two dollars and fifty cents (\$2.50) per member and the minimum monthly per capita tax/dues (10 members) from each local union shall be

twenty-five dollars (\$25.00) per month payable quarterly. Each local union shall be directly responsible for the payment of per capita tax/dues.

(c) Upon written application by any local union, the Executive Council shall have the power to grant a revision of the above figures.

(d) As part of per capita tax/dues, the International shall be paid 10% of any negotiated royalty money distributed to its members. Payment shall be due when such money is distributed to the membership. In any instance when contract or legal restrictions prevent collection of such per capita tax/dues through check-off, the member's local union shall be obligated to collect the sum due from him and promptly transmit it to the International.

(e) Nothing herein contained shall prevent the International, the district or the local unions from making and enforcing a collective bargaining agreement providing for check-off of a union service charge by non-members working under such collective bargaining agreement.

**Section 3.** In addition to the per capita tax/dues provided for in Section 2 hereof, the I.L.A. shall derive the following revenues:

Charter fee for new locals including:

Seal and Premium for bonding Financial	
Officers to the amount of \$1,000.00	\$100.00
Charter for District Councils	\$50.00
Seal for District Councils	\$50.00

Official stationery, forms, supplies and buttons must be obtained from the I.L.A. according to price list.

**Section 4.** (a) Assessments on the membership of the I.L.A. may be levied by majority vote of the members of the Executive Council, present and voting, whenever the Executive Council deems such assessment necessary for the welfare of the

I.L.A., provided, however, that such action on the part of the Executive Council shall be effective only until the next Regular Convention of the I.L.A. Assessments on the membership of the I.L.A. may also be levied by a majority vote of the delegates voting at a Regular Convention of the I.L.A. or at a Special Convention of the I.L.A. called in accordance with provisions of Article VI, Section 2, of this Constitution.

(b) No local union shall levy an assessment upon its members except by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot. Local unions shall be notified by the International Secretary-Treasurer of the amount of such assessments and the same shall be forwarded to the International Secretary-Treasurer within thirty (30) days after such notification. Each district shall have the power to levy an assessment upon those members of the I.L.A. within such district, provided that the Constitution and by-laws of such district empowers the district to levy such assessments and provided further that such assessments are levied in accordance with such District's Constitution and by-laws.

**Section 5.** No local union shall be entitled to the waiver of the remittance of the I.L.A. per capita tax/dues except when the Treasury of such local requesting such waiver of the remittance has been depleted by reason of a strike conducted by it, which strike has been officially sanctioned by the International President and then only upon approval of the Executive Council.

**Section 6.** Money received by the I.L.A. in payment of assessments or per capita tax/dues shall be credited first to the payment of any assessment then due and unpaid, and the balance to the payment of per capita tax/dues.

**Section 7.** A local in arrears in the payment of per capita tax/dues to the I.L.A. for a period of six (6) months or more shall become automatically suspended from the I.L.A., and its charter shall be automatically revoked and cancelled when in arrears for one (1) year or more.

A local that has been suspended from the I.L.A. for failure to meet its financial obligations, such as payment of per capita tax/dues, assessments and other indebtedness, cannot reaffiliate, except by payment of its full indebtedness to the I.L.A., together with a regular charter fee, and then only after the International President has approved such reaffiliation.

No local union shall be entitled to representation or other rights and benefits in the I.L.A. during the period of its suspension.

**Section 8.** All initiation fees, dues, assessments, and other money paid to a local union are the property of the I.L.A. and are received by the local union for the benefit of the I.L.A., and all books, records, funds, property and assets in the possession of and subject to the control of any local union are and shall be and remain the property of the I.L.A., held and retained by such local union for the I.L.A. with full power to use them for its own benefit and for the benefit of its members, in accordance with the provisions of its charter and by-laws and of this Constitution so long as this local union remains affiliated with and part of the I.L.A. In the event that the membership of any local union falls below ten (10) or that a local union is expelled, dissolved, reorganized, consolidated, secedes, or withdraws from the I.L.A., all the books, records, funds, property and assets of such local union shall revert to the I.L.A. and shall be delivered to the International Secretary-Treasurer forthwith, to be held by him until final disposition of same by the Executive Council. Notwithstanding the provisions of this Section, the International Executive Officers, with the approval of the Executive Council, shall have the power to make any special arrangements with any

other established labor organization desiring to affiliate with the I.L.A. with respect to the property and assets of such labor organization upon dissolution, withdrawal, reorganization, consolidation, secession, or expulsion.

**Section 9.** Upon the demand therefor by the International President, or the International Secretary-Treasurer, or the Executive Council, the officers of the local union, district council, or district organization shall produce at a place designated by him or them, all the books, records, and papers of such local union, district council, or district organization before the International President, International Secretary-Treasurer or the Executive Council as the case may be, or such person as he or they may designate, for their examination and audit, with the right to copy. Should a local union, district council or district organization, or the officers thereof, fail to comply with this provision or any provision of this Constitution or regulation issued pursuant thereto, with respect to the maintenance of books of account and the periodic auditing of same, the International President, in addition to all other rights and remedies under this Constitution, shall have the power to bring about full compliance with such provisions or regulations, and charge the cost of same to said local union, district council or district organization, which charge shall be considered as an assessment under this Constitution and an obligation of said local union, district council or district organization. Such costs and expenses shall also be the individual obligation of the non-complying officers of such local union, district council or district organization. The payment of such costs and expenses by such non-complying officers shall be imposed on them upon a finding of guilt in accordance with the provisions of this Constitution dealing with discipline and the trial body shall have power to impose such other and further discipline as it may deem proper. In addition to any other provision made in this Constitution, the International President shall have full authority to examine and

audit the books of any local union either directly or through any member of the Executive Council or any other person designated by him. A local union failing to deliver its books to any person designated by the International President and bearing credentials from him shall be automatically suspended until further action is taken to discipline said local as herein provided. At any such examination, the local, upon request, may have its representative present. A local union, district council, or district organization, or any of its officers in possession of or in control of its books, records, papers, or accounts, failing to deliver the books, records, papers, or accounts of such subordinate body to, or refusing to allow an examination, inspection, or audit by the International President or his designee or designees who bear credentials from him, may be suspended by the International President, and an administrator of the affairs, properties and assets of such subordinate body with full power to act may be appointed by the International President in addition to any other and further action which may be taken to discipline said local union, district council, or district organization, or any of its officers, as herein provided.

## **ARTICLE XVII**

### **FINANCIAL AUDIT**

**Section 1.** The Secretary-Treasurer of each of the districts shall be the members of the Committee on International Audit. Such Committee shall meet in the Convention city four (4) days prior to the opening of the Convention with the International Secretary-Treasurer, who shall present to it all necessary accounts, bills and papers. Such Committee shall audit the accounts of the last five (5) months prior to the opening of the Convention, and shall submit a complete report of all receipts and expenditures for said period, and shall submit a complete report of all receipts and expenditures to the Convention. The I.L.A. shall pay the salaries

of the Auditing Committee while engaged in such work.

**Section 2.** The Executive Council shall appoint or engage a Certified Public Accountant to audit the books of the International Secretary-Treasurer semi-annually between Conventions, except that in addition thereto, financial transactions for the last five (5) months prior to the Convention shall be audited as provided herein. The books of the Secretary-Treasurer shall be closed one (1) month prior to the convening of the Convention.

## **ARTICLE XVIII**

### **DISCIPLINE**

**Section 1.** (a) The term “discipline” when used in this Section shall include, without limitation, a fine, removal from office or job, disqualification to run for office, or suspension or expulsion from membership, or suspension or cancellation of Charter.

(b) Any member, officer, or representative of the I.L.A. or any of its subdivisions, shall be subject to discipline who is found guilty, after notice of and opportunity for hearing upon charges, as provided for in this Article, of violating any provision of this Constitution, or a decision of the Executive Council or of his local union, district council, or district organization, or of dishonesty, misconduct, or conduct detrimental to the welfare of the I.L.A.

(c) Subject to the provisions of paragraph (f) of this Section, the Executive Board of a local union shall have the power to discipline a member or officer of such local union whom it finds guilty of any conduct specified in paragraph (b) of this Section.

(d) A district council or district organization, or (if its by-laws so provide) the Executive Board of such body shall have the power to discipline any member, officer, or paid representative of a local union affiliated with it, as well as any officer or paid representative of or delegate to such district council or district

organization whom it finds guilty of any conduct specified in paragraph (b) of this Section. Decisions of such bodies shall be made by a majority of the delegates present and voting on the question at a meeting thereof.

(e) The Executive Council shall have the power to discipline any member, officer or paid representative of a local union, any officer or paid representative of or delegate to a district council or district organization, and any International officer or paid national representative whom it finds guilty of any conduct specified in paragraph (b) of this Section.

(f) The Recording Secretary of a local union shall promptly transmit to the district council or district organization with which it is affiliated a copy of any charges filed with him against a district council or district organization, officer, delegate or paid representative, and shall promptly transmit to the International Secretary-Treasurer a copy of the charges filed with him against an International Officer, paid national representative or member. The district council or district organization, its Executive Board, or the Executive Council, as the case may be, shall have the right, by notice in writing to the Secretary, to assume jurisdiction of any charges and, in that event, no action upon such charges shall thereafter be taken by the local union with which they were filed, but all further proceedings shall be taken by such district council or district organization, its Executive Board or the Executive Council, as the case may be, in the same manner as though the charges had originally been filed with it.

**Section 2.** The Executive Council shall have the power, after notice of and opportunity for hearing upon charges, to suspend, expel, dissolve, merge, consolidate or otherwise discipline any local union or district council that it finds guilty of violating any provisions of this Constitution or decision of the Executive Council made pursuant thereto.

**Section 3.** Proceedings under this Article may be initiated



by any member of the I.L.A. by filing written charges, within ninety (90) days after the event giving rise to the charges, specifying the acts or conduct with which the accused is charged, with the Recording Secretary of the appropriate local union or district council or district organization, or with the International Secretary-Treasurer, as the case may be. The Secretary with whom such charges are filed shall promptly transmit a copy thereof to the accused at his last known address, together with written notice of the time and place of the hearing thereon, which shall be held not less than five (5) days after the date of the notice. In the case of charges seeking removal of an officer, the Secretary shall also notify all members of the entity of which the party charged is an officer.

**Section 4.** Hearings on charges shall be held within sixty (60) days from the date of receipt of the charges by the Executive Board of the local union, by the district council, by the district organization or its Executive Board, or by the Executive Council, as the case may be, or by a committee appointed by such Board or Council, to hear and report the evidence to it, provided that all decisions shall be made by such Board or Council. The accused shall be afforded a full and fair hearing and shall have the right to appear at such hearing, produce and cross-examine witnesses, file statements, and be represented by any member of the I.L.A. in good standing designated by him for that purpose. The accused shall be entitled to record electronically his hearing at his own expense. Decisions shall be rendered after the close of the hearing and shall be in writing. A copy thereof shall be served by the Secretary of the body involved upon the accused and the accuser. In any case where the accused or the accuser is a member of the local Executive Board, the district council, the district organization or its Executive Board, or the Executive Council, whichever such body may be hearing the case, the accused or the accuser shall not sit on such Board or Council and the remaining members of such Board or Council shall have power to act.

**Section 5.** A hearing may be held on any charge notwithstanding the failure of the accused, after being given notice pursuant to the provisions of this Article, to appear thereat.

**Section 6.** Appeals from decisions rendered pursuant to the provisions of this Article may be taken in the manner provided herein by the accused or by the person filing the charge.

**Section 7.** A member who has been expelled from the I.L.A. pursuant to the provisions of this Article may be reinstated to membership by the body that expelled him. The Executive Council may condition the reinstatement of an expelled member by such limitations or conditions as it may prescribe.

## ARTICLE XIX

### APPEALS

**Section 1.** Appeals may be taken from any decision made under Article XVIII and from any action, failure to act or decision in the exercise of the original or appellate jurisdiction provided for in this Constitution:

(a) Of an officer of a local union, to the Executive Board of such local union;

(b) Of the Executive Board of a local union, to a membership meeting of such local union, whose decision shall be made by a majority of those present and voting on the question;

(c) Of a membership meeting of a local union, to the district council (if any) with which it is affiliated, or (if not affiliated with a district council) to the district organization;

(d) Of any district council, officer or District Council Executive Board, to the district organization, whose decision under this clause and under clause (c) shall be made by a majority of the delegates present and voting on the question of a meeting thereof;

(e) Of any district organization or International Officer, or

the International Executive Officers, to the Executive Council;

(f) Of the Executive Council to the Convention.

**Section 2.** An appellate body specified in Section 1 of this Article may hear and determine an appeal filed with it notwithstanding the fact that such appeal has not first been submitted to or decided by a subordinate appellate body pursuant to the provisions of Section 1 of this Article, in which event the subordinate appellate body shall not act upon the appeal; provided that no appeal shall be taken to the Convention unless it has first been submitted for decision to the Executive Council.

**Section 3.** All appeals shall be in writing, shall contain a brief statement of the facts and the grounds for the appeal and shall be filed with the secretary of the body to which they are addressed within thirty days, or such longer period as such body may permit, after the rendition of the decision from which the appeal is taken. The secretary with whom the appeal is filed shall promptly transmit copies thereof, together with a notice of the date of hearing thereon, which shall be held not less than five (5) days from the date of the notice, to the parties to the appeal. The provisions of Section 4 and 5 of Article XVIII (except the right of the accused to produce and cross examine witnesses) providing for the procedure on hearing on charges shall apply to hearings on appeals taken under this Article.

**Section 4.** An appeal taken under this Article shall not operate to stay the action or decision appealed from unless the body to which the appeal is taken shall so order.

**Section 5.** No member or local union shall institute any civil action, suit, or proceeding in any court against the I.L.A., any of its local unions, or district council or district organization, or any officer or member of the I.L.A. or of any of its local unions or district council or district organization on account of any controversy for which a remedy by trial or appeal is provided for

in this Constitution, unless and until he has first exhausted all such remedies of trial and appeal. The prohibition contained herein shall not extend beyond four (4) months from the date that a member or local union initiates a controversy by filing with the proper individual.

**Section 6.** Whenever a decision is initially made, other than by the Executive Council or the Convention, an appellant, seeking to exhaust his remedies in accordance with the provisions of Section 5 of this Article, shall, notwithstanding the pendency of any intermediate appeals, file an appeal with the Executive Council within ninety (90) days after having been served with a copy of the decision appealed from. If no Regular or Special Convention of the I.L.A. is held before the expiration of four (4) months of the date of the decision appealed from, the decision of the Executive Council on appeal shall be final and binding. If a Regular or Special Convention of the I.L.A. is held before the expiration of four (4) months of the date of the decision appealed from, then the final appeal must be taken to such Regular or Special Convention and its decision shall be final and binding, provided, however, that in all such cases appeals must first be taken to the membership of a local union and then to the Executive Council. If such Convention is held so close to the date of the decision appealed from as to preclude intermediate appeals, such appeal must be taken to the Executive Council and finally to the Convention.

## **ARTICLE XX**

### **PROTEST OF ELECTION OF OFFICERS**

**Section 1.** The procedure to protest the election of local officers shall be as follows:

- (a) Any member of the local wishing to object to the

election of any local officer may file a protest to the election. The protest must be filed within ten (10) days after the conclusion of the election and must be filed with the Secretary-Treasurer of the local. The protest must be in writing and specify the reasons for the protest.

(b) The Executive Board of the local shall hear the protest, giving all parties the opportunity to be heard and present evidence, and the Executive Board shall make the determination.

(c) The party against whom the protest is resolved shall have the right to appeal to the Executive Board of the District. A written notice of appeal must be filed within ten (10) days after the notice of the decision of the local's Executive Board. The appeal must be filed with the Secretary-Treasurer of the District. The losing party at the district level shall have a further right to appeal to the International Executive Council. He must file a written appeal with the International Secretary-Treasurer within ten (10) days of notice of the decision of the Executive Board of the District. The decision of the Executive Council shall be final and binding.

**Section 2.** The procedure to protest the election of district officers shall be as follows:

(a) Any member may protest the election of any district officer. The protest must be filed within ten (10) days after the conclusion of the election of the district officers and it must be filed with the District Secretary-Treasurer who held office at the time of the elections. The protest must be in writing and state the reasons for the protest.

(b) The Executive Board of the District shall hear the protest, giving all parties the opportunity to be heard and present evidence, and the Executive Board shall make the determination.

(c) The party against whom the protest is resolved shall have the right to appeal to the International Executive Council. A

written notice of appeal must be filed with the International Secretary-Treasurer within ten (10) days after the notice of the decision of the Executive Board of the District. The decision of the Executive Council shall be final and binding.

**Section 3.** The procedure to protest the election of International Officers shall be as follows:

(a) Any member shall have the right to protest the election of any International Officer. The protest shall be to the International Executive Council and must be filed within ten (10) days after the conclusion of the election of officers with the International Secretary-Treasurer who held office at the time of the election. The protest must be in writing and state the reasons for the protest.

(b) All parties involved shall have the opportunity to be heard and present evidence. The Executive Council may appoint a subcommittee to hear, take evidence and report, but the decision must be rendered by the Executive Council. The decision of the Executive Council shall be final and binding.

**Section 4.** The procedure to protest the election of delegates to a Convention shall be as follows:

(a) Any member of the local wishing to object to the election of any Convention delegate may file a protest to the election. The protest must be filed within ten (10) days after the conclusion of the election and must be filed with the Secretary-Treasurer of the local. The protest must be in writing and specify the reasons for the protest.

(b) The Executive Board of the local shall hear the protest, giving all parties the opportunity to be heard and present evidence, and the Executive Board shall make the determination.

(c) The party against whom the protest is resolved shall have the right to appeal to the Credentials Committee, which shall convene at the Convention. The decision of the Credentials Committee shall be final and binding.

**Section 5.** Regarding the protest of elections, a member, delegate or local may pursue civil remedies if an intraunion final decision is not rendered within three (3) months of the filing of the protest.

## **ARTICLE XXI**

### **TRUSTEESHIPS**

**Section 1.** Trusteeships over local unions, district councils, or district organizations shall be established and administered in accordance with this Article and for one or more of the following purposes: (1) to correct corruption, (2) to correct financial malpractice, (3) to assure the performance of collective bargaining agreements, (4) to assure the performance of the duties of a collective bargaining representative, (5) to restore democratic procedures, or (6) otherwise to carry out the objects and purposes of the I.L.A.

**Section 2.** Whenever in the judgment of the International President it shall be necessary to act to effectuate one or more of the purposes set forth in Section 1 of this Article, then the International President, with or without a hearing but after an investigation, shall have the power, with the approval of the Executive Council, to suspend the officers of a local union, district council or district organization and to appoint a trustee or trustees to take charge and control of the books, records, property, assets, funds and affairs of such subordinate body. In each case where a trustee is appointed under this Section, charges, as provided for in Article XVIII of this Constitution, against the local union, district council or district organization, and/or its officers, shall be made and filed with the International Secretary-Treasurer within fifteen (15) days after this Section is invoked and shall be heard and determined by the Executive Council, or the Executive Council may appoint a committee to hear and report to it but in such event

the Executive Council alone shall have the power to make a final decision. Such decision of the Executive Council may be the exoneration of the officers and/or body on charges, or, on a finding of guilt, the Executive Council shall have power among other things to continue the trusteeship for a specified time, order new elections, consolidate two or more local unions, and to reorganize, dissolve, or amend the charter or jurisdiction of any local union, district council or district organization. The Executive Council shall render its decision with reasonable dispatch.

**Section 3.** Whenever charges that allege a violation by a local union, district council or district organization, and/or its officers, within the meaning of Section 1 of this Article, have been filed with the Executive Council, or whenever it has assumed jurisdiction over such charges filed with a local union, district council, or district organization, the Executive Council shall have the following powers, which it may exercise prior to a hearing or decision on such charges:

(a) Summarily to suspend from office the accused officer or officers;

(b) To appoint a temporary officer or temporary officers who shall have all the powers of the officer or officers so suspended, and who shall serve pending the decision of the Executive Council upon the charges against the accused, and if the Executive Council finds the accused guilty for such period as it may prescribe in its decision;

(c) To appoint a trustee or trustees, who shall serve pending the decision of the Executive Council upon the charges against the accused, and, if the Executive Council finds the accused guilty, for such periods as it may prescribe in its decision. In the event that the Executive Council exercises any of the powers provided for in this Section, it shall have all the powers and duties with respect to hearing and determining charges as is granted to it under Section 2 of this Article.



**Section 4.** All trustees shall be appointed in writing setting forth their powers and duties. The trustee shall promptly assume his duties as such trustee. The officers under charges or investigation, as the case may be, shall cooperate fully with the trustee in the discharge of his duties. The trustee shall act under the supervision of and shall report to the International President. A trustee, however appointed, may be replaced by the International President. The trustee shall take all steps necessary and proper to carry out the purposes of the trusteeship. He shall continue to act as such trustee until the trusteeship shall be terminated by the provisions of the decision of the Executive Council on the charges before it.

**Section 5.** During the trusteeship of a local union, if delegates are to be chosen for a Convention, they shall be elected by secret ballot and all members in good standing of the local union shall be eligible to vote in such election.

**Section 6.** Funds and assets of a local union, district council, or district organization shall not be transferred to the I.L.A., except that the trustee shall be authorized and empowered to pay the regular per capita tax/dues and assessments to the I.L.A. and to the appropriate district and district council, as the case may be, and except further, that the funds and assets of a local union, district council or district organization may be distributed as may be directed by the Executive Council if it shall order a merger, consolidation, or reorganization of the subordinate body under trusteeship. In case a local union is ordered dissolved or expelled, or its charter revoked, the funds, property, and assets of such local union shall revert to the I.L.A. in accordance with Article XVI, Section 9.

**Section 7.** During any trusteeship, the affairs of the local union shall be administered under the existing by-laws of the local

union to the extent those provisions are consistent with the International Constitution and do not prevent the trustee from accomplishing the objectives of the trusteeship.

The International President shall have the authority to approve a recommendation of the trustee that a provision of the local union by-laws or the International Constitution be suspended in order to assist the trustee in the performance of his duties.

During the term of a trusteeship, the trustee, with the written approval of the International Executive Officers, shall have power to enter into or make such modifications to a collective bargaining agreement as may, in his judgment, be called for without the requirement of a ratification vote.

## ARTICLE XXII

### STRIKES AND STRIKE BENEFITS

**Section 1.** No strike shall be ordered, except by the International President. In addition thereto, whenever conditions arise wherein it becomes necessary for the protection of the rights of the members of a local union or unions to call a strike, such local union or local unions shall refer the question to all directly affected locals for consideration, and if a majority of the membership of the directly affected locals votes in favor of a strike, the calling of such a strike shall be requested of the International President. No local shall go out on strike without first obtaining the consent thereto of the International President. Upon such consent, the International President shall be empowered to order the said locals to quit work.

**Section 2.** A local union entering upon a sympathy strike without the consent of the International President shall be deemed to be conducting an unauthorized strike, and shall not be supported therein by the I.L.A. Refusal of the International President to consent to a sympathy strike is subject to an appeal to the Executive Council.

**Section 3.** In the event of a dispute between a local union or unions and an employer or employers with respect to wages, hours of labor or any other condition of employment, an honorable effort at an amicable adjustment shall be made. If such adjustment cannot be obtained and an authorized strike is called or a lockout ensues, the Executive Council may, upon proper application of such local or locals bearing the seal of same, appropriate such amount of money out of the general funds of this association as in their judgment may be necessary to assist the members of such local or locals during the duration of such a strike or lock-out. All funds appropriated by the Executive Council for such purposes shall be forwarded to the bonded officers of such local or locals, who shall distribute such funds among the members of same in accordance with their needs. The International Secretary-Treasurer may demand an accounting of the expenditure of such funds.

**Section 4.** If the general funds of the I.L.A. are insufficient to render the necessary assistance to striking members or to members who have been locked out, the Executive Council is empowered to authorize the International Secretary-Treasurer to issue an appeal for financial aid, or may levy an assessment on the entire membership of the I.L.A. in accordance with the provisions of Article XVI, Section 5 of this Constitution for the purpose of rendering the necessary assistance to striking members or to the members who have been locked out. No financial assistance shall be granted to members of a local that has gone out on strike without the approval or consent of the International President.

**Section 5.** No local union shall be entitled to benefits under this Article unless its charter has been in existence for three (3) months and all per capita tax/dues of such local have been paid to the International. No local union in arrears for per capita tax/dues shall be entitled to such benefits until three months have elapsed after the payment of such arrears.

## ARTICLE XXIII

### WORKING CONDITIONS AND AGREEMENTS

**Section 1.** No collective bargaining agreement shall be entered into by a local union with an employer which is in conflict with the provisions of this Constitution.

**Section 2.** (a) Any agreement governing a particular line of the industry or craft on a port-wide or area-wide basis, and covering more than one local union, must receive the prior written approval of the International Executive Officers before being executed and consummated by the I.L.A. subdivisions involved.

(b) The International President, in person or through a representative duly designated by him, may, if in all the circumstances he deems it necessary and proper, attend and participate in collective bargaining negotiations of any local union or unions.

**Section 3.** Every local union, district council, and district entering into a collective bargaining agreement shall immediately upon the making thereof file a copy of such collective bargaining agreement with the office of the International. The officers of the local or locals, the district council, or the district, as the case may be, involved in the negotiation and making of the collective bargaining agreements, shall be obliged to see to it that this provision is carried out promptly.

**Section 4.** A local union may fix its own wage scale, unless such scale adversely affects other locals or branches in the trade. Where there is more than one local of the same craft in the same port or vicinity, such local shall cooperate in the establishment of a uniform wage scale and working conditions. In the event of a dispute between such locals, the same shall be referred to the International Executive Officers, and their decision, with the approval of the Executive Council in such dispute, must be accepted by the members of the locals directly affected before it goes into effect.

**Section 5.** If an agreement is made by a local union representing any particular line of the industry covering more than one port in a locality or in a single port where there is more than one local engaged in such work, and if circumstances require it, an International officer or a representative shall meet with the Conference Committee with a view of seeing to it that no provision of such an agreement is in conflict with the interests of sister locals.

**Section 6.** No local union or unions may enter into an agreement affecting the interests of sister locals without giving due notice of such proposed agreement to said locals, and permitting such locals to raise objection thereto.

**Section 7.** Wage Scale Committees of districts or district councils shall have the power to negotiate and enter into agreements with employers covering the locals or comprising the port or district on whose behalf such Wage Scale Committees act; except that such locals as have heretofore customarily negotiated and entered into their own agreements with employers, covering the members of their locals, may continue to do so. Such agreements shall be subject to the approval of the local or locals covered by the agreement at meetings called in the usual and customary manner of calling special meetings dealing with the business of the union, upon the usual and customary business of the union, upon the usual and customary notice. If more than one local is covered by such agreement, then the aggregate vote cast by the membership of all the locals shall determine whether such agreement has been approved or disapproved by the membership, except that the International Executive Officers, upon the recommendation of the Wage Scale Committee, shall have the power to call for a contract ratification vote on such notice as they may determine and through means reasonably calculated to reach the members affected by such agreement.

A union member shall only be eligible to cast a ballot in any

contract ratification vote if that member's craft is covered by the collective bargaining agreement being ratified.

**Section 8.** Local unions failing or refusing to fulfill the terms and conditions of an agreement properly entered into shall be subject to discipline as herein defined.

**Section 9.** All local unions shall do everything in their power to have the collective bargaining agreements with employers contain a provision to the effect that members thereof shall be justified in refusing to work on jobs or ships on which a legal strike has been recognized and approved by the International President.

**Section 10.** (a) During the term of a collective bargaining agreement covering more than one local union, the International Vice-Presidents of the districts involved, with the written approval of the International Executive Officers, shall have the power to make such modifications to a collective bargaining agreement as may, in their judgment, be called for by the then prevailing conditions.

(b) During the term of a collective bargaining agreement covering one local union only, the Executive Board of the local, with the written approval of the International Executive Officers, shall have the power to make such modifications to a collective bargaining agreement as may, in its judgment, be called for by the then prevailing conditions.

(c) During the term of a collective bargaining agreement covering one or more local unions, the International President shall have the power to make such modifications to a collective bargaining agreement as may, in his judgment, be called for by the then prevailing conditions.

**Section 11.** No member of a local union shall be permitted to enter into any private agreement with his employer without the consent of his local union, or any local union affected thereby.

**Section 12.** No local shall permit any member to receive pay from any company unless he performs services for said pay, except as may be provided by collective bargaining agreement.

**Section 13.** Any member who broaches cargo or appropriates anything of value from on board a vessel or dock shall, when proven guilty to the satisfaction of his local, be expelled therefrom.

**Section 14.** Members of the union shall refrain from working on ships diverted from a port where a labor dispute exists between the I.L.A. and any of its subdivisions in connection with such ship, provided such dispute has been approved as provided herein.

**Section 15.** Any member or officer of a local union of the I.L.A. who participates in, or, if an officer, intentionally condones within the local union subject to his jurisdiction, any kickbacks of wages shall be subject to discipline.

**Section 16.** No local of the I.L.A. shall, directly or indirectly, work any cargo or commodity for a rate that is lower than that fixed by any other local of the I.L.A. in such port for the same work. A violation of this section shall be sufficient grounds for subjecting such local to discipline.

**Section 17.** No local union or any officer or agent thereof shall have the power to make any contract binding upon or incur any liability on behalf of the I.L.A. without the written authority of the Executive Council. The I.L.A. shall not be liable under any contract, or for any acts or conduct of a local union or a district council or a district organization, or their officers or agents unless such contracts, acts, or conduct have been duly authorized by the I.L.A. No officer, representative, or organizer of a local union or any subdivision of the I.L.A. shall be, or be deemed to be, an agent of the I.L.A. and to the extent that their acts or conduct are acts of

agency under the law of agency, they shall be agents only of such local union or such subdivision. Nothing in this Section shall be construed to mean that officers, representatives and organizers of a local union may not also hold office in a district council, a district organization, or the International.

**Section 18.** Every local union shall have a seniority system requiring a minimum of 700 work hours or credited hours to establish a year of service. Such seniority system based on years of service shall be used to determine priority of employment for hiring purposes. If available work in a local union's geographic jurisdiction is insufficient to make a 700-hour seniority system feasible, then the local union shall reduce the hourly requirement in proportion to the total number of manhours of available work.

## **ARTICLE XXIV**

### **ORGANIZERS**

**Section 1.** The International President may appoint special organizers as he deems necessary or proper for the welfare of the I.L.A. Such organizers shall hold their positions at the will of the International President.

**Section 2.** The compensation for special organizers shall be fixed by the International President. The compensation for the General Organizer shall be fixed in accordance with the provisions of Article VIII, Section 1 of this Constitution.

**Section 3.** Bills for reimbursed expenses by organizers shall be dated and itemized with respect to the expenses incurred.

**Section 4.** No officer or organizer of the I.L.A., while employed by the I.L.A. as a full-time employee, shall hold any salaried position with any employer of labor with which the I.L.A. or any of its subdivisions bargains, or seeks to bargain, collectively.



## ARTICLE XXV

### AUXILIARIES

**Section 1.** The I.L.A., acting through its officers, may issue charters to auxiliaries. Members of such auxiliaries shall have no voice or vote in the affairs of the I.L.A. Such charters shall be issued under terms and conditions specified by the I.L.A. acting through its officers. In passing on applications for charters for auxiliaries, the I.L.A. officers shall consult the district or the locals where such auxiliaries are sought to be established.

## ARTICLE XXVI

### REPRESENTATION TO CONVENTION OF A.F.L.-C.I.O. AND CANADIAN LABOUR CONGRESS

**Section 1.** The I.L.A. shall select delegates to represent it at the Convention of the A.F.L.-C.I.O. and the Canadian Labour Congress. For each delegate so selected there shall be an alternate selected to act in the event the delegate is unable to serve.

**Section 2.** The International President, the President Emeritus, if any, and the Secretary-Treasurer shall, by virtue of their offices, be delegates to all such Conventions. The President or the I.L.A. Convention may designate any other delegates or alternates to such Conventions.

## ARTICLE XXVII

### ILLEGAL USE OF NAME

**Section 1.** No member or group of members may use the name "International Longshoremen's Association" or its abbreviation, "I.L.A.," or its emblem or trademark, or a name,

abbreviation, emblem or trademark calculated to simulate the name, abbreviation, emblem or trademark of the I.L.A. for the purpose of endorsing or supporting a cause, candidate, person, product, organization or business entity without the express written consent of the Executive Council.

Nothing in this section shall be construed to prohibit a member or officer from using the I.L.A. name merely to identify himself as an I.L.A. member or officer, or to prohibit a member or officer from referencing the I.L.A. name incidental to a discussion concerning the organization.

**Section 2.** Any violation of the provision of this Article shall subject the offender to discipline as herein defined.

## **ARTICLE XXVIII**

### **I.L.A. MARINE DIVISION**

The I.L.A. Marine Division shall consist of the International Organization of Masters, Mates and Pilots, its affiliates, if any; the United Marine Division, its local unions and other subdivisions; United States Merchant Marine Officers for Great Lakes & River District Masters, Mates & Pilots; and such local unions and other labor organizations as shall be chartered by the I.L.A. as part of the I.L.A. Marine Division.

The organizations within the I.L.A. Marine Division shall have their own officers and self-government and shall be entitled to have their own sub-divisions. The I.L.A. Marine Division may have its own officers and self-government. Notwithstanding anything contained in Article XXX, Section 1, the Executive Council of the I.L.A. shall have power to adopt further amendments to this Constitution, defining the relationship of the I.L.A. Marine Division and its constituent organizations to the I.L.A. consistent with the agreements of affiliation between the I.L.A. and such organizations.

## ARTICLE XXIX

### COMMITTEE ON POLITICAL EDUCATION

**Section 1.** This Committee shall be known as the International Longshoremen's Association, AFL-CIO, Committee on Political Education (ILA-COPE). The purposes and objects of this Committee shall be to receive and solicit from union members and their families contributions of money or other things of value for use in the direct and indirect support of political education, of general education, and of candidates for political and party office, legislative, executive and judicial.

**Section 2.** The Committee must adopt by-laws for its government which shall not be inconsistent with the provisions of federal law; and such by-laws shall not be effective until they have been submitted to the Committee and approved by it. In the event of a conflict between the by-laws of the Committee and the provisions of federal law, those sections of the by-laws that conflict shall be null and void.

**Section 3.** The members of the Committee shall consist of the President, Executive Vice-President, General Vice-President, Secretary-Treasurer, General Organizer and Assistant General Organizers of the International Longshoremen's Association, AFL-CIO.

**Section 4.** The officers of the Committee shall consist of a Chairman and a Treasurer who shall be the President and the Secretary-Treasurer, respectively, of the International Longshoremen's Association, AFL-CIO. The Treasurer shall also, among his other duties, be responsible for the day-to-day administration of all contributions.

**Section 5.** No salary shall be paid to any member of the Committee, except that each member may be reimbursed for expenses or time lost incurred in the performance of the duties for the Committee.

**Section 6.** The Committee shall hold such meetings at such times and places as the Chairman may designate upon due notice thereof to the members of the Committee.

**Section 7.** All actions of the Committee shall be by majority vote of the members attending the meeting at which a quorum shall be present. A quorum shall be three (3) members. A two-thirds majority shall be required to designate additional members of the Committee or to terminate the activities of the Committee and dispose of its assets.

**Section 8.** Except as otherwise directed by the Committee, the Chairman shall have sole discretion to make any and all decisions concerning the operations of the Committee without the necessity of setting forth any reason for such action.

**Section 9.** No expenditure shall be made for or on behalf of the Committee without the authorization of its Treasurer or an agent authorized orally or in writing by the Treasurer. The Treasurer or his authorized agent shall fulfill all recordkeeping duties.

**Section 10.** The Committee shall designate one or more state banks, federally chartered depository institutions, or depository institutions, the depositor accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. The Committee shall maintain at least one checking account or transaction account at one of its depositories.

**Section 11.** All receipts by the Committee shall be deposited in accounts. The Treasurer of the Committee shall be responsible for making such deposits.

**Section 12.** The Committee shall maintain a petty cash fund for disbursements not in excess of one hundred dollars

(\$100.00) to any person in connection with a single purchase or transaction.

**Section 13.** All disbursements by the Committee except for disbursements from the petty cash fund shall be made by check or similar draft drawn on accounts established at the Committee campaign depository.

**Section 14.** The Treasurer of the Committee shall file reports of receipts and disbursements in accordance with the provisions of the federal law.

**Section 15.** In accordance with federal law, the Committee is authorized to solicit and receive contributions from union members and their families provided that all accounts with respect to funds received from any members shall be segregated from all of the funds of the Committee and the contributions and expenditures of such segregated money shall be maintained in a separately designated account.

**Section 16.** In connection with the solicitation of contributions from union members and the expenditures of such money, the Committee may adopt such rules and regulations as may be appropriate.

**Section 17.** The Committee is established and administered at its headquarters in the township of North Bergen, state of New Jersey.

**Section 18.** The by-laws of the Committee may be amended at any time by a majority vote of the members of the Committee present at any meeting.

**Section 19.** The Committee may be terminated by a vote of two-thirds of its members present at any meeting of the Committee. In the event of such termination, the Committee shall dispose of the assets in accordance with applicable law and with the objects and purposes of the Committee.

## **ARTICLE XXX**

### AMENDMENTS

**Section 1.** This Constitution may be altered, revised or amended only at a Regular Convention or at a Special Convention called for such purpose.

**Section 2.** When there is a difference of opinion in any local union as to the meaning and intent of any section of this Constitution, the question shall be referred to the International President, and his decision shall be binding, unless reversed by the Executive Council or by the Convention.

**Section 3.** In the event that any provision of this Constitution is, in the opinion of legal counsel to the International, in violation of, or insufficient under any applicable law, then the Executive Council by a two-thirds vote of its members may adopt any amendment necessary to comply with such law.

## **ARTICLE XXXI**

### CODE OF ETHICS

#### **PREAMBLE**

WHEREAS, fair and ethical practices are fundamental to the proper functioning of the International Longshoremen's Association, AFL-CIO (hereinafter referred to as "ILA"), and that appropriate operation can only be achieved and sustained if all officers, members, employees, and agents of the ILA, its Districts, its constituent locals and other entities observe the highest standards of ethical conduct, and

WHEREAS, by the imposition of certain trusteeships, internal union discipline, and other techniques, the ILA President and the ILA Executive Officers are committed to eliminating corrupting

influences from the ILA, its Districts, its constituent locals and other entities within the union, and

WHEREAS, for the benefit of the ILA, its Districts, its locals, other entities, and members, a Code of Ethics including a system of investigatory and disciplinary procedures designed to rid the union of corrupting influences and guide the future conduct of the union is deemed beneficial, the ILA Executive Officers hereby adopt the following Code of Ethics.

## **CODE OF ETHICS**

The Code is a set of fundamental values to guide the officers, representatives, and rank-and-file members in their day-to-day decision-making and conduct. It is intended to express the ILA's fundamental values and guiding principles. The Code supplements the obligations already imposed on the ILA, its Districts, and constituent locals, officers, and rank-and-file members by the ILA Constitution, federal and state law, and applicable regulations.

The Code and its enforcement provisions shall apply prospectively to guide the future conduct of the ILA, Districts, locals, officers, members, and union trustees of any political action committee.

The Code is meant to complement the ILA Constitution, local by-laws, and other required rules of conduct, not to substitute for them. The Code cannot and does not supersede governing laws, including the Labor Management Reporting and Disclosure Act ("LMRDA") and the laws of Canada.

### **I. Democratic Practices**

1. The ILA's traditions, its Constitution and federal law

protect the democratic rights of ILA members to participate fully, without fear, abuse, or intimidation, in all union affairs. To that end, the following principles shall be respected.

2. Each member in good standing shall be entitled to full participation in union self-government. Each member in good standing shall enjoy full freedom of speech and the right to participate in the democratic decisions of the ILA and his local union. Subject to reasonable rules, regulations, and qualifications, each eligible member shall have the right to run for office, to nominate through duly established constitutional procedures, and to vote in free, fair and honest elections. In a democratic union, as in a democratic society, every member has certain rights, but he also must accept certain corresponding obligations. Each member shall have the right to freely criticize the policies and personalities of union officials; however, this does not include the right to undermine the ILA, its Districts or its constituent local unions as institutions; or to carry on activities with complete disregard for the rights of other members and the interests of the ILA or its locals; or to subvert union goals in collective bargaining or to advocate or engage in dual unionism.

3. Local union membership meetings shall be held regularly, with proper notice of time and place and shall be conducted in an atmosphere of fairness and democracy, and in accordance with Articles XII and XIII of the ILA Constitution.

4. All ILA and local union rules and laws must be fairly and uniformly applied, and disciplinary procedures shall be fair and afford due process to each member as required by the LMRDA, the ILA Constitution and this Code of Ethics.

5. The ILA and local unions shall ensure that their operations are conducted in a democratic and fair manner. Regularly scheduled local union elections shall be conducted by secret ballot. Corruption, discrimination or anti-democratic practices shall not be tolerated.



## **II. Fiduciary Duties**

1. The officers of the ILA and its local unions have a duty to exercise their authority solely on behalf of and for the benefit of the union and its members. These officers must set aside their personal interests and act in the best interests of the union and its members.

2. Officers shall avoid conflicts of interest between the needs of the union and their own personal interests.

3. Officers should report any real or potential conflicts of interest to the Executive Council of the ILA or the Executive Board of the local union as applicable.

4. The fiduciary duty to act on behalf of the union lies at the heart of ethical practices required by the ILA. This is a high calling and one that is seen in action every day, as those working for the union put in countless hours and tireless effort to improve the union, assist its members and advance the cause of workers everywhere. The fiduciary duty owed to the union has many components as set forth in more detail below.

## **III. Financial Practices**

1. Union funds are held in trust for the benefit of the membership. The membership is entitled to assurance that their funds are not dissipated and are spent for proper purposes. The membership is also entitled to be reasonably informed as to how union funds are invested or used.

2. The union should not permit any of its funds to be invested or expended in a manner that results in the personal profit or advantage of any officer or representative of the union.

3. Neither the ILA, Districts nor any local union shall make loans to its officers, representatives, employees, members, or members of their families, for the purpose of financing the private business of such persons.

4. Officers and representatives are prohibited from accepting money or other things of value from any employer or any agent of an employer in violation of applicable law.

5. The solicitation or receipt of a bribe, kickback or tip in connection with union business or a union benefit plan is prohibited.

#### **IV. Union Benefit Plans**

1. No official, representative or employee of the ILA, a District or a local union, or any union trustee of a benefit fund, shall receive fees or salaries of any kind from a fund established for the provision of health, welfare or retirement benefits, except for reasonable reimbursement of expenses provided for in a collective bargaining agreement or trust agreement covering ILA represented employees and expressly approved by the appropriate Board of Trustees, or, in the case of an employee of the Fund, where it has been authorized; except that any person who already receives full-time pay from the ILA, or an ILA affiliate shall not receive compensation from any ILA or ILA local affiliate plan except for reimbursement of expenses properly and actually incurred.

2. Persons who serve as fiduciaries of a benefit plan covering members or employees of the union shall faithfully serve the best interests of the beneficiaries of the plan in accordance with the requirements of applicable law.

3. Persons who serve as fiduciaries of a benefit plan covering members or employees of the union shall exercise their duties with respect to the plan with the care, skill, prudence and diligence under the circumstances that a prudent person familiar with such matters would use acting under similar circumstances.

4. Neither persons who serve as fiduciaries nor any member of the fiduciary's family shall profit personally from his

or her position in the plan, other than through benefits payable under the generally applicable rules of the plan or reasonable compensation payable by the plan for services rendered by the plan, which services are necessary for the establishment or operation of the plan.

## **V. Business and Financial Activities of Union Officials**

1. No officer or representative of the ILA, the Districts or local unions shall have a personal financial interest that conflicts with his union duties.

2. Except through stock purchase plans, profit-sharing or retirement plans, no officer or representative shall have any substantial interest in a business with which the ILA bargains collectively, as provided by applicable law.

3. No officer or representative shall accept bribes, kickbacks, under-the-table payments, tips, gifts, entertainment or any personal payment of any kind, other than regular pay and benefits for work performed as an employee, from an employer with which the union bargains collectively or from a business or professional enterprise with which the union does business.

4. Federal law requires the retention of certain records for specific minimum periods of time. Officers of the union should familiarize themselves and comply with all applicable law regarding retention of records.

5. Destruction of union records, except in accordance with established law and union procedures, is prohibited.

6. Vendors should be selected solely on the basis of cost, quality, timeliness, location, convenience, and whether the vendor is unionized. Knowingly paying excessive amounts for goods or services is a breach of fiduciary duty. In selecting a vendor, comparison shopping may be necessary; cost is not the sole criterion. It is not necessary always to select the least expensive

provider of goods or services if other factors such as experience and dependability of the vendor and/or quality of the product outweigh cost.

7. The principal or a designated officer of each local union is responsible for documenting the reasons for selecting vendors.

## **VI. Prohibited Conduct**

1. No officer or representative, and no union trustee of any benefit fund, shall engage in “prohibited conduct.” The following conduct is prohibited:

(a) committing any act of racketeering, as defined in 18 U.S.C. Section 1961(1) (a complete list of these crimes is set forth in Appendix A, which is appended to this Code);

(b) knowingly associating with any member or associate of an organized crime family or syndicate (a definition of “knowingly associating” and the exceptions to that definition are described in Appendix B);

(c) knowingly allowing any organized crime member or associate to influence the affairs of the union;

(d) knowingly associating with individuals barred from union activity, as set forth in Appendix B;

(e) soliciting or accepting payments for jobs or other employment preferences from any member, employee, or prospective employee or member; and

(f) interfering in any way with the operation of this Code of Ethics or with the persons responsible for its administration.

2. No officer or representative shall knowingly aid, abet or assist any “barred person,” as that term is defined in Appendix B, in participating in the affairs of the ILA, a District, the local unions or any trust or benefit funds. The Ethical Practices Officer shall prepare a list of barred persons, which list shall be periodically updated. Each local shall maintain and make available the list.

## **VII. Compliance and Enforcement System**

1. To ensure compliance with the Code of Ethics, the ILA will provide education and training on a continuing basis for all officers, representatives, and members. Officers will receive further education regarding these matters through the ILA's General Counsel's office and/or attendance at established programs geared to union officials.

2. The ILA hereby creates the permanent position of Ethical Practices Officer for purposes of dealing with organized crime influences, corruption, and enforcing the provisions of Part VI of this Code. The ILA President, with the approval of the Executive Officers, shall appoint an Ethical Practices Officer from a list of recommended candidates submitted to the President. The Ethical Practices Officer shall have an unimpeachable reputation for integrity, have law enforcement experience including experience in conducting investigations and preparing investigative reports, and be familiar with the structure and purposes of labor unions. As a condition of the appointment, the Ethical Practices Officer shall resign any employment or membership he may have with any ILA affiliate and shall sign an agreement not to seek or accept any office or other employment with any ILA affiliate or with a company that employs ILA members for two (2) years from the termination of his position as Ethical Practices Officer. The Ethical Practices Officer shall be retained for three (3) year terms and can be reappointed. He shall not be removed except for good cause as found by the ILA President, and concurred in by the ILA Executive Council. The Ethical Practices Officer shall receive compensation in an amount set by the ILA Executive Council.

3. The Ethical Practices Officer shall investigate allegations of organized crime influence, corruption, or engaging in prohibited conduct under Part VI. The Ethical Practices Officer shall be sensitive to the danger of unresolved allegations during

political campaigns because of the irreparable harm that can be caused to a person wrongly accused of a violation. The Ethical Practices Officer's role does not include the investigation of routine complaints or grievances by members, or of alleged violations of the ILA Constitution, unless the matter also involves an allegation of organized crime influence, corruption or prohibited conduct under Part VI above. To avoid the possibility of interference with other investigations and/or to avoid a duplication of efforts, the Ethical Practices Officer shall have the discretion to defer to law enforcement agencies or other agencies or individuals charged with the obligation of investigating organized crime influence, corruption or conduct otherwise prohibited by the union under Part VI above. Should a situation so merit, and in the Ethical Practices Officer's sole discretion, the Ethical Practices Officer may refer a matter to any appropriate law enforcement agency for further investigation, and, if appropriate, may do so without notice to the ILA.

4. The ILA hereby further creates the permanent position of Independent Appellate Officer for purposes of hearing any appeals from decisions of the ILA Executive Council on disciplinary matters brought before the Executive Council by the Ethical Practices Officer. The Independent Appellate Officer shall be a former judge, or otherwise highly qualified individual, shall have an unimpeachable reputation for integrity, and shall be familiar with the structure and purposes of labor unions. As a condition of the appointment, the Independent Appellate Officer shall resign any employment or membership he may have with any ILA affiliate and shall sign an agreement not to seek or accept any office or other employment with any ILA affiliate or with a company that employs ILA members for two (2) years from the termination of his position as Independent Appellate Officer. The Independent Appellate Officer shall be retained for the same period as the Ethical Practices Officer, and can be reappointed.

He shall not be removed except for good cause as found by the ILA President, and concurred in by the ILA Executive Council. The Independent Appellate Officer shall receive compensation in an amount set by the ILA Executive Council.

5. The Independent Appellate Officer shall hear appeals on disciplinary matters brought before the ILA Executive Council by the ILA Ethical Practices Officer. The procedure for any appeal to the Independent Appellate Officer from a decision of the ILA Executive Council is set forth in Appendix C. The Independent Appellate Officer shall conduct a de novo review of the record evidence submitted to the ILA Executive Council by the Ethical Practices Officer and by the party charged. In his discretion, the Independent Appellate Officer may receive and consider evidence that was not submitted to the ILA Executive Council. Any additional evidence shall be received by the Independent Appellate Officer under oath. The Independent Appellate Officer may require any officer, agent, representative or member of the ILA to produce any book, paper, document, record, or other tangible object, for use in any appeal.

6. An appeal shall not have the effect of staying the final decision of the ILA Executive Council. However, the Independent Appellate Officer may, on the motion of any party, stay any decision pending the outcome of the appeal. The decision of the Independent Appellate Officer shall be the final decision of the ILA and shall be binding on the parties.

7. The ILA shall purchase a policy of insurance and/or bonds, in an appropriate amount, to protect the persons holding the positions of Ethical Practices Officer and Independent Appellate Officer, and any persons hired by or acting on his behalf, from personal liability for any of their actions under this Code. If such insurance is not available, or if the ILA Executive Council so elects, to the extent permissible by law, the ILA may indemnify the Ethical Practices Officer and Independent Appellate Officer,

and any persons hired by or acting on their behalf, from personal liability (and costs incurred to defend against any claim of liability) for any of their actions under this Code.

8. The Ethical Practices Officer shall have the authority and duty to investigate and file charges against any officer, representative or member of the ILA.

9. If the investigation by the Ethical Practices Officer indicates that a charge or charges should be filed, the Ethical Practices Officer shall prepare a complete report of the investigation supporting the charge or charges. Any charges filed by the Ethical Practices Officer must be filed within a reasonable time after completion of the Ethical Practices Officer's report of his investigation, and, except for good cause shown, this time period should not exceed three months following completion of the required report. The Ethical Practices Officer shall then file the charge with the ILA Executive Council in accordance with Article XVIII of the ILA Constitution. The procedures for those hearings and for any subsequent appeal to the Independent Appellate Officer are set forth in Appendix C.

10. In all proceedings before the Ethical Practices Officer or Independent Appellate Officer, a member is entitled to be represented by legal counsel or by a member in good standing of the ILA. Failure to cooperate timely with the Ethical Practices Officer or the Independent Appellate Officer by refusing to respond to a request to answer questions or provide documents, or by knowingly providing false or fraudulent answers or documents, is a violation of this Code. Assertion of the Fifth Amendment privilege against self-incrimination shall constitute a failure to cooperate.

11. The ILA General Counsel, in conjunction with the Ethical Practices Officer, shall study the operations of the union and recommend changes to the Executive Council to improve those operations in order to prevent and eliminate corruption and



racketeering activity. The operations that the ILA General Counsel's Office and ILA Ethical Practices Officer shall study include, but are not limited to, the following:

(a) the procedures used by the union to investigate and discipline misconduct by the officers, representatives, and members;

(b) the procedures used to fill vacancies in union positions;

(c) the procedures used to select service providers;

(d) the employment procedures;

(e) the practices relating to the imposition of trusteeships and other sanctions against subordinate organizations; and

(f) the administration of the Code and the need for modification, if any.

12. Within twelve months from the appointment of the Ethical Practices Officer, the ILA General Counsel and the Ethical Practices Officer will submit a report, making recommendations to the ILA Executive Council based upon their study.

13. The ILA will provide the Ethical Practices Officer and Independent Appellate Officer with sufficient resources to fulfill their mandate. The Ethical Practices Officer and Independent Appellate Officer shall have complete and unfettered access to, and the right to make copies of all books, records, accounts, correspondence, files, and other documents of any individual or entity.

14. The Ethical Practices Officer and Independent Appellate Officer shall have the right to take and require the sworn statement, or sworn oral deposition, or sworn testimony of any officer, representative, or member of the Union. If any person refuses to testify or to provide evidence before the Ethical Practices Officer or the Independent Appellate Officer, including a refusal on the basis of the privilege against self-incrimination, discipline may be imposed on such person for that reason alone.

15. The names of any persons to be employed by the ILA, a

District, or any local union, must be submitted to the Ethical Practices Officer for review, except for positions exempted by the Ethical Practices Officer. If the Ethical Practices Officer concludes that the appointment is inconsistent with the objectives and purposes of the Code of Ethics, he may disapprove the appointment.

### **VIII. Duty to Report Felony Arrests, Indictment or Criminal Charges, and Suspension of Criminally Charged Officers**

1. Any officer of the ILA, a District, or local union, and all members serving as trustees of any employee benefit plan, fund, or trust must notify the Ethical Practices Officer in writing within five (5) days whenever they learn that any officer, representative, employee, or labor trustee of the ILA, a District or local union has been arrested, indicted, or otherwise criminally charged with any felony or with violation of any law relating to the affairs of a labor organization or employee benefit plan.

2. A member in good standing, who has been criminally charged or indicted with any felony violation, but has not been convicted, is not barred from being a candidate to hold union office. Upon receipt of notice that an officer, representative, or labor trustee of the I.L.A., a district organization, or a local union has been criminally charged with any felony violation of a federal or state law, or for any violation of a federal or state law relating to the conduct of the affairs of a labor organization or employee benefit plan, the I.L.A. President shall request the Ethical Practices Officer to institute promptly an investigation regarding the allegations and how best both to protect the membership and to comply with the principle that a person is considered innocent until proven guilty.

3. The information gathered by the Ethical Practices Officer shall be confidential until charges are brought.

4. The provisions of this Section are intended to be in addition to, and not in lieu of, any other rules that may be imposed by federal or state law, or by regulatory bodies like the Waterfront Commission.

## **IX. Hotline**

1. A toll-free telephone number will be created to serve as a Hotline for members to report any incidents or allegations of organized crime influence, corruption and/or prohibited conduct under Part VI above. The number for the hotline is 1-800-367-9011.

2. The Hotline will allow members to provide information to the Ethical Practices Officer while maintaining their anonymity. The ILA waives its right to obtain information learned in confidence by the Ethical Practices Officer.

3. The Hotline is not intended to be used for routine complaints about employers, union officers, or ILA policy unless the matter involves an allegation of organized crime influence, corruption or prohibited conduct under Part VI above.

## **X. Hiring Hall Guidelines**

1. Many local unions operate referral lists. An employer contacts the local union office to state that it needs workers, and the office then refers workers to the employer. Such referral systems should be operated with scrupulous fairness for all members as the members' livelihoods are at stake. There should be no discrimination in making a referral.

2. A local union operating a referral system shall base referrals only on objective standards. Work assignments must be based only on these standards and the standards shall not be applied in an arbitrary or discriminatory fashion.

3. The procedure by which the referral list is operated must be in writing and available upon request to any member. The

procedure must include a system for contemporaneously recording how each referral is placed. The record-keeping provisions of the referral system must be adequate to make it possible to check whether the system has been operating fairly and impartially.

4. Any officer, representative or member of the ILA, a District or local union who offers, solicits or accepts money or anything of value in return for a job assignment or membership in the union will be subject to discipline.

## **XI. Duty to Read and Apply This Code of Ethics**

1. It is the duty and obligation of every officer, representative, and member to read, and follow this Code of Ethics. Each officer, representative, and member shall verify to the Ethical Practices Officer that he has read and understands the Code of Ethics.

### **Appendix A**

“Racketeering activity” means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices),

section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery and trafficking in persons), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords,

computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic), sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B).

## **Appendix B**

A “barred person” is (1) any member or associate of any La Cosa Nostra crime family or any other organized criminal group, i.e., a racketeer, or (2) any person who has been prohibited from participating in union affairs. An officer, representative, employee or member of the ILA, a District or a local union is prohibited from knowingly aiding, abetting or assisting a barred person from participating in union affairs. An officer, representative, employee or member is also prohibited from knowingly associating with a barred person.

A person “knowingly associates” with a barred person if the person makes a calculated choice to associate with the barred person despite knowing of that person’s status as a barred person. A person can knowingly associate with a barred person only if that person knows that the individual is a barred person. Knowledge need not be absolute certainty. Public media sources may be an adequate source of knowledge that an individual is a barred person. Members in doubt regarding whether an individual is a barred person should make a confidential inquiry of the Ethical Practices Officer’s Office via the toll-free hotline described in Article IX of the Code of Ethics.

The prohibition is against associating with barred persons, not the purpose or end result of the association. No criminal or improper purpose for the contact is required. The prohibition is aimed at the perception of others that barred persons have influence over union affairs. For example, childhood friendships that extend into adulthood are prohibited even if they are limited to socializing at parties, weddings, and funerals, etc., if the contacts with the barred person are ongoing and deliberate.

The contact with the barred person must be a conscious, calculated choice. It must be more than a fleeting or casual

encounter, such as an unplanned, isolated instance of being at the same social event. On the other hand, a prohibited association may be just one planned contact with a barred person, such as a prison visit or a dinner meeting.

Knowingly permitting barred persons access to a union hall or a union event is prohibited. Seeking or utilizing the assistance of a barred person to obtain union membership or to obtain employment with the union is also prohibited, as is hiring, admitting to the union, or assigning union work to an individual at the request or suggestion of, or to curry favor with, a barred person.

Likewise, knowingly conducting non-union business with a barred person, even if the business is lawful, is prohibited. For example, installing a new floor and cabinets for barred persons or preparing their income tax returns is prohibited, as is using barred persons to perform non-union business.

There are only two exceptions to the prohibition against knowing association with barred persons: (1) necessary, legitimate union business and (2) purely social relations with immediate family members. The first exception would apply if a barred person owned, represented, or was employed by a company whose employees were represented by the union. Contacts that occur only as the necessary result of the ordinary, lawful conduct of union business are permissible, but such contacts should extend no further than necessary. The business contact should not extend to a social contact because of the possible perception of others that the barred person has impermissible influence. A member must refuse a social invitation from a barred person even if the member conducts union-related business with the barred person. Moreover, a member who has contacts with a barred person as permitted by this exception is encouraged to confidentially inform



the Ethical Practices Officer's Office about the contact. Even though the contact is permitted, the contact poses dangers to the union and the member; if the Ethical Practices Officer is alerted to the contact, the Officer can provide a measure of protection.

The prohibition against “knowingly associating” with a barred person does not include (a) a union officer, representative, employee or member meeting or communicating with a barred person who is an employer to discuss the negotiation, execution or management of a collective bargaining agreement, or a labor dispute, when the union officer, representative, employee or member represents, or seeks to represent, or would admit to membership the employees of that employer; (b) a union officer, representative, employee or member meeting or communicating with a barred person who is a representative or member of a labor organization to discuss Union matters; (c) a union officer, representative, employee or member meeting or communicating with a relative by blood or marriage solely for social purposes.

The second exception, for contacts for purely social relations with a relative by blood or marriage, is very limited. Maintaining a relationship with a barred person who is a relative is permissible if it is limited to lawful, social interactions. As used in this Code, the term “relative” shall mean a lineal descendent, stepchild, ancestor, sibling, spouse, or child of a lineal descendent, stepchild, ancestor or sibling.

## **Appendix C**

### **RULES OF PROCEDURE FOR HEARINGS INVOLVING INVESTIGATIONS AND DISCIPLINARY MATTERS ON CHARGES BROUGHT BY THE ILA ETHICAL PRACTICES OFFICER**

#### **A. GENERAL**

1. Pursuant to the ILA Code of Ethics adopted in January, 2004, the following rules of procedure are hereby adopted, to take effect on January 1, 2006. These rules shall apply to:

All proceedings based on charges filed by the Ethical Practices Officer on or after January 1, 2006 under Article VII of the ILA Code of Ethics;

All proceedings based on investigations undertaken by the Ethical Practices Officer under Article VIII of the ILA Code of Ethics; and

All appeals to the Independent Appellate Officer from final decisions of the Executive Council in proceedings brought under subparagraphs a and b, above.

2. For each proceeding commenced by the Ethical Practices Officer under Article VII or Article VIII of the ILA Code of Ethics, the Secretary-Treasurer of the ILA shall establish a formal docket to be kept at a secure location within the headquarters of the ILA. The docket shall contain all charges, notices, pleadings, and other papers filed with the ILA Executive Council, the Ethical Practices Officer, or the Independent Appellate Officer in the proceeding. A separate docket shall be maintained for each matter, with a separate number. The details of the numbering system will be formulated at a future date.

3. The Secretary-Treasurer shall maintain a separate document-summary sheet for each matter similar to those maintained by Federal Courts. The summary sheet shall indicate the matter number, the title of the matter, the date each document is filed and entered on the docket, with a brief description of the

document. The documents filed in the docket shall constitute the original record of the proceeding.

**B. DISCIPLINARY CHARGES BROUGHT BY THE ETHICAL PRACTICES OFFICER UNDER ARTICLE VII OF THE ILA CODE OF ETHICS**

1. All charges by the Ethical Practices Officer shall be in writing, and shall be filed with the Executive Council by delivery to the office of the ILA's Secretary-Treasurer at 5000 West Side Avenue, North Bergen, New Jersey 07047. A copy must be served on the charged party. The ILA's Secretary-Treasurer must hold the charges and all other pleadings and filed documents confidential and permit no one, except the parties, their authorized representatives, the ILA General Counsel, and the members of the Executive Council, to examine them during the pre-hearing and hearing stages of the proceedings.

2. Article XVIII, Section 3 of the ILA Constitution and Paragraph 29 USC, Section 411(a)(5) requires fair notice of charges in sufficient time to enable the member to defend himself. The charges should be specific enough to inform the member of the offense(s) with which he has been charged, but need not be as specific as a criminal indictment. The standards of particularity of Title 29 USC, Section 411(a)(5), as construed by the courts, shall be followed.

3. Within 15 business days of the filing and service of charges, the Ethical Practices Officer shall identify to the member served with the charges, the documents which the Ethical Practices Officer intends to offer into evidence at the hearing. Upon request of the member, or his authorized representative, the Ethical Practices Officer shall make the documents available to the member, or his representative, by providing copies, or in the event the documents are too voluminous, the Ethical Practices Officer shall make the documents available for inspection by the member or his representative. In the event the Ethical Practices Officer

determines that additional documents may be offered in evidence, the Ethical Practices Officer shall promptly notify the opposing party or his representative of their identity to permit examination and inspection.

4. No later than seven business days before the date scheduled for the hearing, the Ethical Practices Officer shall provide the member or his authorized representative with a list of the names of the witnesses that the Ethical Practices Officer intends to call at the hearing. In the event that additional witnesses are needed or become available, the Ethical Practices Officer shall promptly notify the charged party or his representative of their identities.

5. The hearing shall be conducted by the Executive Council, or by a committee appointed by the Executive Council, and shall be conducted in accordance with Article XVIII, Section 4 of the ILA Constitution.

6. The member charged is entitled to be represented at all stages of the proceedings by another ILA member in good standing or by counsel, at his own expense. Once counsel or an authorized representative has appeared on behalf of a charged member, all subsequent papers shall be served on the counsel or representative.

7. The hearing shall be conducted in a courtroom-like manner, although strict evidentiary rules need not be applied. As is the custom and practice in labor arbitrations, hearsay may be admitted provided there is a demonstration of reliability. Documents admitted in evidence shall be suitably marked and made part of the record. All witnesses shall be sworn, and testimony shall be transcribed by an accredited court reporter.

8. The hearing shall be conducted at a location designated by the ILA Executive Council or by the committee established to hear the charges. An attempt shall be made to hold the hearing at a location convenient to all parties. Attendance at the hearing shall be limited to the parties and their attorneys or representatives.

9. The ILA Executive Council shall render a decision in writing, serve it on the parties, and promptly transmit it to the Secretary-Treasurer for entry on the docket, together with all papers and documents presented at the hearing.

**C. INVESTIGATIONS BY THE ETHICAL PRACTICES OFFICER UNDER ARTICLE VIII OF THE ILA CODE OF ETHICS**

1. Upon receipt of notice that the ILA President has placed an officer, representative, employee, or labor trustee of the ILA, District, or local union on a temporary leave of absence with pay, because the individual has been criminally charged as described in Article VII, section 2 of the ILA Code of Ethics, the Ethical Practices Officer shall promptly institute an investigation regarding the allegations. by filing with the Secretary Treasurer a Notice of the investigation and serving a copy of the Notice on the accused party.

2. The Ethical Practices Officer shall conduct the investigation in whatever manner, in his discretion, seems appropriate to the circumstances.

3. At the conclusion of the investigation, the Ethical Practices Officer shall provide a written report and recommendation to the ILA Executive Council, with copies to the ILA General Counsel's Office and to the accused party.

4. The final decision of the ILA Executive Council shall be in writing, filed with the Secretary-Treasurer, and served on the Ethical Practices Officer and the accused party.

**D. APPEALS TO THE INDEPENDENT APPELLATE OFFICER**

1. An appeal to the Independent Appellate Officer may be taken by either the Ethical Practices Officer or the charged party, or both, from the final, written decision of the ILA Executive Council.

2. A party seeking to appeal must, within 30 days of receiving the final decision by the ILA Executive Council, file a Notice of Appeal with the Secretary-Treasurer, send a copy to the Independent Appellate Officer, and serve the other party with a copy.

3. The Notice of Appeal shall indicate the name and docket number of the proceeding, the party or parties taking the appeal, the date of the final decision by the ILA Executive Council that is being appealed, and the names of counsel or authorized representatives for each party.

4. The party charged may be represented by counsel, or by an ILA member in good standing.

5. The parties shall have at least thirty days to prepare for the appellate hearing.

6. The Independent Appellate Officer, in his discretion and after consultation with the parties, shall adopt whatever procedures for briefing and for the hearing as are appropriate to the case.

7. The Independent Appellate Officer shall conduct a de novo review of the record evidence submitted to the ILA Executive Council by the Ethical Practices Officer and by the charged party. The appellant shall provide a copy of that evidence to the Independent Appellate Officer.

8. In his discretion, the Independent Appellate Officer may receive and consider evidence that was not submitted to the ILA Executive Council. Any additional evidence shall be received by the Independent Appellate Officer under oath.

9. The Independent Appellate Officer may require any officer, agent, representative, member, or employee of, or entity within, the ILA to produce any book, paper, document, record, or other tangible object, for use in any appeal.

10. In order to maintain confidentiality, all papers on an appeal before the Independent Appellate Officer shall be filed only with the Secretary-Treasurer, the Independent Appellate Officer,

and the parties or their counsel or authorized representative.

11. Any hearing on the appeal shall be conducted at a location selected by the Independent Appellate Officer with an effort to make the place convenient to all parties.

12. An appeal shall not have the effect of staying the final decision of the ILA Executive Council; however, the Independent Appellate Officer may, on motion of any party, stay any decision pending the outcome of the appeal.

13. The decision of the Independent Appellate Officer shall be the final decision of the ILA and shall be binding on the parties. After issuing the final written decision on appeal and serving copies on the parties or their counsel or authorized representatives, the Independent Appellate Officer shall transmit the decision, along with the original record and any additional papers filed on the appeal, to the Secretary-Treasurer for entry on the docket.

## RULES OF ORDER



**Section 1.** On motion, the regular order of business may be suspended by a two-thirds vote of the meeting at any time to dispose of any urgent business.

**Section 2.** All resolutions and resignations shall be submitted in writing, if so requested by the Secretary.

**Section 3.** Any conversation by whispering, or by otherwise, which is calculated to disturb a member while speaking or hinder the transaction of business, shall be deemed a violation of order.

**Section 4.** All questions of a parliamentary nature not provided for in these rules shall be decided by Robert's Rules of Order.

**Section 5.** A motion to be entertained by the presiding officer must be seconded, and the mover as well as the seconder must rise, and be recognized by the Chair. The motion shall be reduced to writing at the request of the Secretary.

**Section 6.** In presenting a motion, a brief statement of its object may be made; but no discussion of its merits shall be admitted until the question is stated by the Chair.

**Section 7.** Any member, having made a motion, can withdraw it by consent of his seconder, but a motion once debated cannot be withdrawn except by unanimous consent.

**Section 8.** A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

**Section 9.** Any member may call for the division of a question where the sense will admit thereof.



**Section 10.** A motion shall not be subject to debate until it has been stated from the Chair.

**Section 11.** When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair, he shall be entitled to the floor.

**Section 12.** If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

**Section 13.** Each member, when speaking, shall confine himself to the question under debate and avoid all personal and indecorous language.

**Section 14.** No member shall interrupt another while speaking, except to a point of order, and he shall definitely state the point, and the Chair shall decide the same without debate.

**Section 15.** If a member, while speaking, is called to order, he shall take his seat until the point of order is decided, when, if decided in order, he may proceed.

**Section 16.** If any member shall feel himself aggrieved by a decision of the Chair, he may appeal to the local union from the decision.

**Section 17.** When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of the meeting?" The member will then have the right to state the grounds of his appeal, and the Chair will give the reason for his decision. Thereupon, the local union will proceed to vote on the appeal without further debate.

**Section 18.** No member shall speak more than once on the same subject until all members desiring the floor shall have spoken, nor more than twice without consent, nor for more than five (5) minutes.

**Section 19.** The presiding officer shall not speak on any subject except points of order and appeals from the decision of the Chair. He shall have a vote on the question before the meeting only in the event of a tie vote.

**Section 20.** When a question is before the meeting, no motion shall be in order except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a given time.
5. To refer or to recommit.
6. To amend.

And these several motions have precedence in order herein arranged.

**Section 21.** The following are not debatable:

1. To adjourn.
2. To lay on the table.
3. To read a document or paper.

**Section 22.** When the previous question is moved and seconded, it shall be put in this form: "Shall the main question now be put?" If this is carried, all further motions, amendments and debate shall be excluded and the question put without delay.

**Section 23.** If a motion has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall be put as follows

1. Amendment to the amendment.
2. Amendment.
3. Original proposition.

**Section 24.** When a question is postponed indefinitely, it shall not come up again except by unanimous consent.

**Section 25.** A motion to adjourn shall always be in order, except:

1. When a motion is before the house.
2. When a member has the floor.
3. When the members are voting.
4. When it has been decided to take the previous question.
5. When the delegates from affiliated unions desire to make a report.

**Section 26.** Before putting a question to vote, the presiding officer shall ask: "Is the local ready for the question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall then put the question, and after the vote is taken he shall immediately announce the result.

**Section 27.** When the presiding officer has commenced taking vote, no further debate or remarks shall be allowed, unless a mistake has been made, in which case the mistake shall be rectified, and the presiding officer shall recommence taking the vote.

**Section 28.** Before the presiding officer declares the vote on a question, any member may ask for a division of the house, when the Chair is duty bound to comply with the request, and a standing vote shall be taken.

**Section 29.** Every member present shall vote on all questions before the local union, unless personally interested or excused by the local union.

**Section 30.** When a question has been decided, it can be reconsidered only at the same meeting or on the next regular night.

**Section 31.** A motion to reconsider must be made and seconded by two members who voted with the majority.

**Section 32.** Roll call shall be granted upon the request of fifteen (15) members.

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