
FOREMEN'S UNION

Local 94, I.L.W.U.



CONSTITUTION BY-LAWS GENERAL RULES

This Printed Version includes the following Amendments:

Gender Neutral Document LanguageAmended March 10, 2006

Constitution

Name and Object (Article I)Amended March 10, 2006

Elective Offices (Article II)

District Council RepresentativesAmended March 12, 1993

Sergeant-at-ArmsAmended March 10, 2006

Sergeant-at-Arms (Article III, 4b.).....Amended March 10, 2006

Death and Burial Assessment

(Article IX, 1h.-1l.).....Amended March 10, 2006

By-Laws

Meetings (Article I)Amended March 2, 2006

Dues, Assessments and Disbursements

(Article II, 1d.)Amended March 12, 1993

Death and Burial Fund (Article III, 1a., 1f.).....Amended March 2, 2006

General Rules

Voting Fine Increase (Rule 1)Amended March 2, 2006

Meeting Attendance and Fine Increase (Rule 2)Amended March 2, 2006

Meeting Ejection Fine Increase (Rule 6b.).....Amended March 2, 2006

Delinquent List Fine Increase (Rule 6c.).....Amended March 2, 2006

I.L.W.U. Local 94 CONSTITUTION AS REVISED

ARTICLE I

Name and Object

Section 1. This organization shall be known as the Foremen's Union, Local 94, I.L.W.U.

Section 2. The object of this union shall be to unite all foremen of stevedoring operations; ship, barges, dock, rail, warehouse, car, general and marine work of Los Angeles and Long Beach Harbors and such additional ports as the charter covers for the purpose of securing unity of action.

Section 3. This Local shall not dissolve, disperse its funds in any manner or change its affiliations, except by two-thirds (2/3) majority vote at a referendum election.

ARTICLE II

Section 1. The list of officers and committees to read as follows:

The elective officers of the Local shall be:

President

Vice-President

Secretary-Treasurer

Three (3) Trustees

Sergeant-at-Arms

District Council Representatives

The Local shall have the following committees:

Executive Board, fifteen (15) members, plus the President, Vice-President, and Secretary-Treasurer.

Labor Relations Committee, three (3) members, plus the President and Secretary-Treasurer.

Section 2. COMPENSATION.

The compensation for each elective salaried officer and committeeman shall be designated by the wages set forth in the Foremen's Coast Contract, and the International Constitution.

ARTICLE III

Section 1. PRESIDENT.

The President shall:

- a. Be the Executive Officer and Business Manager of this Union.
- b. Preside at all meetings of the Local and Executive Board and conduct same in accordance with rules adopted.
- c. Allow only members in the meetings while conducting the business of the Local.
- d. Enforce due observance of the Constitution and By-Laws.
- e. See that all resolutions and motions are enforced.
- f. Sign all checks jointly with the Secretary-Treasurer for the withdrawal of necessary monies from the bank.
- g. Sign all official papers and documents ordered by the Local.
- h. Be a member of the Labor Relations Committee.
- i. Act as business agent and perform such other duties as the Local assigns him/her.
- j. Appoint the majority of all committees not otherwise provided for.
- k. Be bonded in the sum designated by the Local.
- l. Be a delegate to all caucuses and conventions. When there is more than one (1) delegate, the President will be the only paid official eligible to be a delegate.
- m. Be ex-officio member of all committees.
- n. At the expiration of his/her term, recall, removal or resignation, turn over to the Local all properties in his/her possession that belong to this Local.

Section 2. VICE-PRESIDENT.

The Vice-President shall:

- a. Act as the President and presiding officer in the absence of the President.
- b. Exercise all powers and privileges belonging to the President, in his/her absence.
- c. Appoint the minority of all committees not otherwise provided for.
- d. Perform such other duties as the Local may assign to him/her, and at the expiration of his/her term, recall, removal or resignation, turn over to the Local, all property in his/her possession belonging to the Local.

Section 3. SECRETARY-TREASURER.

The Secretary-Treasurer shall:

- a. Be the custodian of all monies, seal, books, files and all other property belonging to this Local, and shall together with the Trustees, take proper steps to safeguard same.
- b. Sign all checks jointly with the President for withdrawal of necessary monies from the bank.
- c. Be the Office Manager, and be bonded in the sum designated by the Local.
- d. Be the Recording Secretary and shall keep a correct report of all meetings of the Local, Executive Board and Labor Relations Committees.
- e. Post the minutes of the Executive Board, Labor Relations Committee and Regular Business meetings on the bulletin boards not later than thirty-six (36) hours after meetings are adjourned.
- f. Conduct all correspondence and sign and affix the seal to all official documents.
- g. Keep a statute book to record resolutions, extracts of positive proceedings taken from all committees. (Constitution and Working Rules).
- h. Keep a true and just account between the members, and all other accounts of the Local.
- i. Present to the Local at the end of each month a financial statement showing the financial and general condition of the Local.

- j. Present to the Local a list of the members delinquent in dues according to the rules adopted by the Local.
- k. Have his/her books audited every three (3) months by a Certified Public Accountant.
- l. Submit his/her books and bills to the Trustees, and furnish a report at any time the Local may request one.
- m. Order no disbursements under the Seal of the Local unless authorized by the Local.
- n. Not retain more than one thousand dollars (\$1,000.00) in the cash drawer at any time unless authorized by the Local and shall deposit all money received for the Local in the bank or banks designated by the Local at least once a month.
- o. Keep his/her office open from time to time as designated by the Local.
- p. Perform such other duties as the Local may assign to him/her, and at the expiration of his/her term, recall, removal or resignation, shall turn over to the Local all monies, books, records, seal and other property belonging to the Local.

Section 4. SERGEANT-AT-ARMS.

The Sergeant-at-Arms shall:

- a. Take charge of the door to the meeting room, and examine identification cards of the members seeking admittance and keep a correct attendance record.
- b. Not admit anyone under the influence, and will assist the Presiding Officer in maintaining order and will remove upon the order of the Presiding Officer any member disturbing the meeting.
- c. Maintain order in the meeting hall, especially during the business periods.

Section 5. TRUSTEES.

- a. The Board of Trustees shall consist of three (3) members in good standing.
- b. They shall, together with the Secretary-Treasurer, be the custodians of all monies, seal, books, files and all other property belonging to the Local and shall take proper steps to safeguard same.

- c. The Board of Trustees may attend and participate in the discussions of all committees.
- d. At least one (1) Trustee shall attend all Executive Board meetings.
- e. They shall be paid as designated by the Local when working with the auditor.
- f. No elective salaried officer or elective salaried employee shall be a member of the Board of Trustees.
- g. The Trustees shall hold no official position, or act as a delegate to conventions or caucuses.
- h. They shall be bonded in the sum designated by the Local.

Section 6. THE EXECUTIVE BOARD.

- a. The Executive Board shall consist of the President, Vice-President, Secretary-Treasurer, and fifteen (15) rank and file members.
- b. The Executive Board shall be the advisory board of the Local. They shall have the power to adopt such measures as are deemed necessary, from time to time for the good and welfare of the Local, subject to the approval of the membership.
- c. The Executive Board shall attend to all important matters pertaining to the Local, occurring between meetings if not otherwise provided by the Constitution and By-Laws.
- d. The Executive Board shall have the authority to call Special meetings when they deem it necessary.
- e. The Executive Board shall be the Grievance and Rules Committees.
- f. A majority shall constitute a quorum (ten members).

Section 7. LABOR RELATIONS COMMITTEE.

- a. The Labor Relations Committee shall consist of the President, Secretary-Treasurer, and three (3) rank and file members.
- b. The Labor Relations Committee shall execute their duties as set forth in Section 17 of the Foremen's Coast Contract.
- c. The Labor Relations Committee shall negotiate the Local Port Supplement.
- d. The Labor Relations Committee shall perform such other duties as the Local may assign to them.

Section 8. ELECTION BOARD.

- a. The Election Board shall consist of members of the I.L.W.U. Pension Group.
- b. The duties of the Election Board shall be to have full and complete charge of the elections in the Local in accordance with the rules of the Local.
- c. They shall have charge of the Ballot Box and Ballots, machines (if voting machines are used), until completion of their tally, and after the ballots have been tallied, they shall be returned to the ballot box, sealed, and placed in the care of the Secretary-Treasurer.
- d. The Board shall submit the results of their tally to the Secretary-Treasurer, who shall announce the results at the next regular meeting of the Local following the election. Thereafter, the seal of the ballot box may be broken and any member desirous of inspecting the ballots as cast shall have the privilege of doing so in the presence of the Election Board.
- e. The Election Board shall allow no one to vote unless said member is in good standing.
- f. When a member wishes to vote he/she shall sign the register, secure the ballot, after voting (marking it out) return the ballot to one of the committee, and see that it is deposited in the ballot box.
- g. On Election Days, the polls shall be open continuously from 7 a.m. to 7 p.m.
- h. The Election Board shall be paid as designated by the Local.
- i. No candidate for an elective salaried position shall serve on the Election Board.

Section 9. PUBLICITY COMMITTEE.

- a. This Committee shall be elected at a regular or special meeting when needed.

ARTICLE IV

Section 1. NOMINATIONS OF OFFICERS.

- a. Nominations for President, Vice-President, Secretary-Treasurer,

Executive Board, Trustees, Sergeant-at-Arms, Standing Committees and all other elective positions as the Local designates, shall be open from the regular meeting of the Local in January to thirty-six (36) hours after the regular meeting in March of each year.

- b. A member desiring to have his/her name placed on the ballot must secure nominating papers from the Secretary-Treasurer.
- c. In order to have his/her name placed on the ballot and to hold any paid office, each candidate must have been in good standing and an active foreman in the industry, or working for Local 94 for the previous twelve (12) months. This is not applicable to members injured in the industry during the previous twelve (12) months.

ARTICLE V

Section 1. ELECTION OF OFFICERS.

- a. The yearly Election of Officers, Employees and Committees shall take place between the fifth (5th) and tenth (10th) day after the official close of nominations.
- b. The following shall be elected by a majority of all votes cast for that position: President, Vice-President, Secretary-Treasurer, and Sergeant-at-Arms.
- c. In the event that no candidate receives a majority of the votes cast, a "run off" election shall be held within one (1) week and the candidate receiving the highest number of votes shall be elected.
- d. The candidates for all committees shall be elected by those receiving the highest number of votes cast for them.

ARTICLE VI

Section 1. ABSENTEE BALLOT.

- a. Sick and injured members, and those members away who wish to vote in an election, can do so by applying to the Secretary-

Treasurer for an absentee ballot, and instruction for returning same in time to be tabulated.

ARTICLE VII

Section 1. INSTALLATION OF OFFICERS.

- a. The Installation of Officers, Committeemen and Employees shall take place at the next regular meeting following the election.
- b. Oath of Office: I (name) do solemnly promise, on my honor, that I will perform the duties of my office faithfully and impartially to the best of my ability until my successor is duly elected and installed.

ARTICLE VIII

Section 1. VACANCY OF SALARIED OFFICE.

- a. When a vacancy in office is caused through death, recall, resignation, or any other cause, nominations for the office vacant shall be opened at the next regular meeting of the Local and a referendum election shall be held within ten (10) days, unless otherwise determined by the membership.

Section 2.

- a. Any elective salaried officer, employee, or committee member who absents himself/herself three (3) consecutive times without sufficient cause from duties and meetings assigned to him/her or whose conduct is detrimental to the organization, shall have his/her position declared vacant by the Presiding Officer and shall not hold any position in the Local for one (1) year.
- b. Upon a signed petition of twenty percent (20%) of the members in good standing, any elective salaried position shall be subject to a recall election.

ARTICLE IX

Section 1. DUES, FINES, AND ASSESSMENTS.

- a. All fines, assessments or other indebtedness must be paid before dues will be accepted.
- b. Dues are due and payable before the first (1st) day of each month. A member is in good standing only when his/her dues, assessments or other indebtedness are paid on or before the delinquent date, or as determined by the Local.
- c. Members six (6) months or more in arrears shall have their names read and be expelled from the Local at the first (1st) regular meeting following their delinquency, They shall only be readmitted as members of this Local in the same manner as other applicants who desire to join this Local, applications not to be considered for twelve (12) months.
- d. A member one (1) month in arrears is subject to a fine, in accordance with the rules of the Local.
- e. Any member who has permitted his/her dues, fines, assessments or any other indebtedness to run for more than one (1) month, but less than six (6) months, can be re-instated upon payment of all back dues, fines, assessments or other indebtedness.
- f. All members using the dues check off system shall never be delinquent in their dues.
- g. All members fifteen (15) days delinquent in any fine or assessment, shall be cited before the Executive Board.
- h. Death Assessments will be payable at the same time that dues are paid, and shall be paid out of the current dues base. Upon the death of a member in good standing, the beneficiary, as designated by the late member, will receive five thousand dollars (\$5,000.00) which will be paid out of the Death and Burial Fund. No member is exempt from paying the Death Assessment due to sickness, accident or injury.
- i. Each active member shall be required to pay into the Death and Burial Fund two dollars (\$2.00) per month.

- j. Upon the retirement of a member, they shall not be required to pay the Death Assessment.
- k. The Death and Burial payment shall only be made upon the Death of the member.
- l. In order to be eligible for payment, the member must be an active member or retiring as of April, 2006.

ARTICLE X

Section 1. REINSTATING MEMBERS AND WITHDRAWALS.

- a. Members wishing a withdrawal card must be paid up to date with their dues, fines, assessments, or other indebtedness for the current month and must intend to quit all work under our jurisdiction.
- b. Those holding withdrawal cards who do any work under the jurisdiction of Local No. 94, shall be liable to all dues and fines, and assessments from the date of issue of withdrawal card.
- c. Those holding withdrawal cards, less than one (1) year old, and wishing to resume membership again in the Local, may do so by paying all back dues, fines and assessments that may have occurred during the time that said withdrawal card had been issued, if conditions in the industry warrant reinstatement.
- d. Those holding withdrawal cards and wishing again to resume membership in the Local may do so by paying six (6) months back dues and assessments, provided, however, that the withdrawal has been out twelve (12) months or more, and during the twelve (12) months or more, the holder has not performed any work under the jurisdiction of Local No. 94.
- e. All withdrawal cards for re-instatement must be submitted to the Executive Board in accordance with the rules of the Local.
- f. No member shall be given a withdrawal card unless he has been an active member in the Local for the past twelve (12) months.
- g. Withdrawals shall not be issued three (3) months prior to date for termination of the Foremen's Agreement.

- h. Withdrawals shall not be honored until six (6) months after termination of any strike or lockout.
- i. Leave of absence not exceeding thirty (30) days may be granted by the Secretary-Treasurer. For longer period of time, must be approved by the Labor Relations Committee.

ARTICLE XI

Section 1. CHARGES AND PENALTIES.

- a. Charges against a member must be filed in writing with the President or Secretary-Treasurer who shall read same at the next regular meeting of the Local, and there a Trial Committee will be elected.
- b. The Trial Committee shall announce the date at which a hearing will be held.
- c. If an accusation is brought by one (1) member against another member, the Trial Committee shall investigate the charges and after due trial, present their findings to the Local with a recommendation for the punishment for the offense.
- d. The accused member shall have a copy of the charges, so he/she can prepare his/her defense.
- e. Charges against members must be limited to offense against the Local or Unionism in general.
- f. Any member who destroys any property belonging to the Local, which may be in the Local's care shall be subject to punishment as the Local may direct.

ARTICLE XII

Section 1. METHOD OF AMENDING CONSTITUTION.

- a. In order to amend the Constitution in any manner said amendment shall be read at two (2) regular meetings of the Local. The

amendment shall be incorporated in the Constitution only after receiving a majority vote at referendum election conducted in accordance with the rules laid down for elections.

ARTICLE XIII

Section 1. CLARIFICATION.

- a. Anything in this Constitution not specifically mentioned shall be governed by the Constitution of the International.

BY-LAWS

ARTICLE I

MEETINGS

Section 1.

- a. The regular meetings (Business) of this local shall be held the first (1st) Wednesday of the month, or as designated by the Membership.

Section 2.

- a. Twenty-five (25) percent of the total members in good standing shall constitute a quorum at the regular meeting.

Section 3.

- a. One-half (1/2) of the total members in good standing shall constitute a quorum at a special meeting. Special meetings shall consider only such matters as they are specifically called for, and any action taken at this meeting shall be concurred in by the membership at the next regular meeting.

ARTICLE II

DUES, ASSESSMENTS AND DISBURSEMENTS

Section 1.

- a. The monthly dues of the Local shall be regulated by a referendum vote to the membership.
- b. Whenever a change is to be made in the payment of monthly dues or assessments, the same shall be presented in writing and posted in the hall, to be read at two (2) regular meetings before any action can be taken.
- c. Any change must be carried by a majority vote cast at a referendum election and at no time shall the suspension of by-laws be used to regulate the monthly dues.

- d. The net costs to the Local of the I.L.W.U. Convention and/or Caucus, and any costs to the Local for contract administration purposes, as they occur from year to year, shall be assessed to the membership of the Local as they occur on a pro-rata basis. These assessments shall be determined by the President, Secretary-Treasurer and the Board of Trustees.

Section 2.

- a. The monthly dues shall be placed in the General Fund.

Section 3.

- a. Any member who retires after twenty-five (25) years in the industry, whether or not he/she is retiring under the provisions of the I.L.W.U./P.M.A. Pension Agreement, shall be made a lifetime member of the Local.
- b. Any member who has to retire because of disabling injuries, or illness, shall be made a lifetime member of the Local.

Section 4.

- a. Disbursements from the General Fund shall be for assessments levied against the Local by the I.L.W.U., provided that the members of the Local shall previously have been given the privilege of a representative or referendum vote of the assessments so levied. Upon receipt of official notification that an assessment is due and payable, this notice shall be submitted at the next regular meeting. A majority vote in favor of such an assessment shall constitute an order by the Local for the withdrawal and payment of the required sum.

ARTICLE III

LOCAL FUNDS

Section 1.

- a. This Local shall have the following named funds, administered by the President, Secretary-Treasurer and the Board of Trustees: (1) General Fund; (2) Welfare Fund; (3) Death and Burial Fund.

- b. The amount of money in the General Fund shall not be above one hundred thousand dollars (\$100,000.00).
- c. No transfers of monies from any fund unless designated in the Constitution or By-Laws shall be made until the membership of this Local at two (2) consecutive regular meetings cast a majority vote in favor of the request.
- d. No withdrawals or transfers of monies from any fund shall be made except on the signatures of the President and Secretary-Treasurer upon orders of the membership of this Local.
- e. The amount of money in the Welfare Fund, shall be contributed by each member being assessed \$3.00 per year.
- f. The amount of money in the Death and Burial Fund shall not be above one hundred thousand dollars (\$100,000.00).

ARTICLE IV

RESIGNATIONS

Section 1.

- a. All resignations must be submitted to the Secretary-Treasurer or President who shall present them to the next regular meeting for final action.

ARTICLE V

CONSTITUTION AND BY-LAWS

Section 1.

- a. Every member of the Local shall receive a printed copy of the Constitution and By-Laws, and the Dispatch and Working Rules at the time of his/her initiation. He/she shall carefully read them over, so that he/she will be prepared to perform the duties that may be passed on to him/her.

ARTICLE VI

IDENTIFICATION CARDS

Section 1.

- a. Each member upon being initiated shall receive an identification card from the Secretary-Treasurer, so that at all times upon request from a fellow member, he/she shall show his/her standing in the Local.

ARTICLE VII

SUSPENSION OF THE BY-LAWS

Section 1.

- a. No article or section of the By-Laws shall be suspended unless one half (1/2) of the members in good standing are in attendance, and it shall require a two-thirds (2/3) vote of those present to carry the suspension of the same except Article 2 and Article 3 of the By-Laws.

ARTICLE VIII

AMENDING THE BY-LAWS

Section 1.

- a. No article or section of the By-Laws shall be amended unless a written statement of such amendment be posted in the Dispatch Hall and Business Office for a period of five (5) days prior to a regular meeting, and read before two (2) regular meetings of the Local. To carry such an amendment at a meeting, one half (1/2) of the members in good standing shall be present and two-thirds (2/3) of those voting shall be in favor of the proposed changes.

ARTICLE IX

STRIKE FUND

Section 1.

- a. Local No. 94 may maintain a strike fund in the amounts designated by the membership. This fund shall be maintained for the purposes of carrying on the business of the Local during times of strike or lockout.
- b. In event of strikes or lockout, all monies available in any fund of the Local, shall be the strike fund, with the exception of the Welfare Fund.

Section 2.

- a. The Board of Trustees, President, Vice-President, and Secretary-Treasurer shall have their signatures recorded for the purpose of withdrawing money from the strike fund.

Section 3.

- a. Money can only be withdrawn from the strike fund on the vote of a specially called meeting with two-thirds (2/3) of the membership present, called for that purpose only, which in turn shall authorize by two-thirds (2/3) vote of those present, the Board of Trustees and the Officers to withdraw a designated amount of money.

Section 4.

- a. Strike Funds shall not under any circumstances be used for any purpose except those ordered by the specially called meeting.

Section 5.

- a. No access to our strike fund shall be granted except upon presentation of a letter signed by the Secretary-Treasurer under the seal of the Local, and counter signed by one (1) other bonded official and three (3) members of the Board of Trustees.

ARTICLE X

ORDER OF BUSINESS

Section 1.

- a. Meeting called to order.
- b. Salute to the Flag.
- c. Moment of silence for members, active or retired, who have passed away.
- d. Reading of the minutes of the previous meeting.
- e. Reading of the minutes of the Executive Board meeting.
- f. Initiation of new members.
- g. Sick report.
- h. Report of officers.
- i. Report of special committees.
- j. Unfinished business.
- k. New business.
- l. Financial report.
- m. Good and welfare of the Union.
- n. Adjournment.

Section 2.

- a. On motion, the regular order of business may be suspended by a two-thirds (2/3) majority vote of the members present at any time, to dispose of any urgent business.

Section 3.

- a. All resolutions shall be submitted in writing and must be sponsored by three (3) members in good standing.

Section 4.

- a. Any conversation by whispering or boisterous language, which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.

Section 5.

- a. In all parliamentary procedures of the Local, Roberts Rules of Order shall prevail.

ARTICLE XI

CLARIFICATION

Section 1.

- a. Anything not specifically covered by these By-Laws shall be governed by the Constitution of the International Longshoremen's and Warehousemen's Union.

GENERAL RULES

1. All active members are required to vote at all elections, regular or special, where voting is for one (1) day or more, or be fined fifty dollars (\$50.00) for failure to do so except sick or injured members, or members on vacation and vacation is on file with the Secretary-Treasurer.
2. All active members are required to attend at least one (1) meeting every two (2) months or be fined fifty dollars (\$50.00). This rule does not apply to members who are sick, injured or working. No member can be excused from meetings two (2) consecutive months for any reason, except as stated above, or is on vacation. Any active member missing three (3) consecutive meetings shall be cited before the Executive Board.
3. Sick or injured members who wish to vote in an election can do so by applying to the Secretary-Treasurer for an absentee ballot, and instructions for returning same in time to be tabulated.
4. Any member accepting nomination and election on any committee and who does not act, is subject to penalty by the body.
5. That all campaigning shall be conducted on or off the job and docks, and not be conducted during elections in the vicinity of the Union Office.
6. Penalties for infraction of the rules:
 - (a) Chiseling – Ten (10) days off.
 - (b) Ejection from a meeting for being under the influence or creating a disturbance – Two hundred fifty dollar (\$250.00) fine.
 - (c) Name appearing on delinquent list – Fifty dollar (\$50.00) fine.

NOTES

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