

**CONSTITUTION
INLANDBOATMEN'S UNION OF THE PACIFIC
Adopted August 16, 1971**

As Amended October 5, 2012

**PREAMBLE
INTRODUCTORY**

Policy and History

The Inlandboatmen's Union of the Pacific is the successor to the Bay, Sound and River Division, Pacific District, ISU of A and AF of L, and the Ferryboatmen's Union of California. It has been duly vested with all rights, policies, functions, assets, etc., of the preceding organizations. Therefore, for the purpose of this preamble and throughout the Constitution and statement of policy, when the words "Inlandboatmen's Union of the Pacific" are used; the Union now means and is intended to cover the entire organization under its various titles from its inception on November 20, 1918. The Union was organized in San Francisco November 20, 1918 and is dissimilar in its structure and its method of functioning from any other maritime union in the United States or Canada. From 1918 until December 1931, the activities of the Union were confined to the San Francisco Bay Area. Divisions of the Union were shortly thereafter established in the Columbia River Area and in the Puget Sound Area and have continued to steadily grow until today it represents members working over the entire area of the Pacific Ocean. In 1928 the Union first established an eight hour, six-day week and wages were pegged at \$139.40 for Deckhands, \$146.35 for Firemen and \$120.00 for Watchmen on the basis of eight hours a day, six days per week. The Union was affiliated with the CIO from September 1937 until April 1, 1948, at which time it became affiliated with the Seafarer's International Union of North America as a District Union. By declaration of the Executive Council, which was ratified by the convention of the Union in December, 1979, the Inlandboatmen's Union of the Pacific terminated its affiliation with the Seafarers International Union of North America. By a referendum vote of the membership, the Inlandboatmen's Union of the Pacific affiliated with the International Longshore & Warehouse Union on October 31, 1980. Both the tugboat and the ferry industries have undergone major changes particularly in the 1950's and 1960's. There have been substantial increases in the size and capability of equipment used and the amount of interstate and oceangoing commerce; consequently the need for a more common and united front in the development of the Union is called for, in order to keep pace with the organization of management on the other side and to achieve uniformity in the wages, hours and working conditions of those men employed in the industry. Therefore, the Constitution was adopted in

1971, saving as much of the old as was useful and valuable and changing the Union as needed to meet new conditions. As almost every improvement in the condition of the working people has been accomplished by the efforts of organized labor, and as the welfare of workers can best be protected and advanced by their united action, the Inlandboatmen's Union of the Pacific has been formed for the purpose of securing improvements not only in the wages, hours and working conditions of its members, but also for the purpose of participating in those movements tending to improve the lives of working people. This Constitution is adopted for the Inlandboatmen's Union of the Pacific to further these goals.

ARTICLE 1 NAME, OBJECT AND JURISDICTION

Section A This Union shall be known as the Inlandboatmen's Union of the Pacific. The Union is a single entity, national in scope. The Union's geographical jurisdiction requires that the membership be served and represented in various regions of the United States. These regions are described by geographical boundaries in this Constitution for administrative convenience only. The use of the words "Region" or "Regional" are not to be considered to detract from or impair the national integrity of the Union, or to create autonomous organizations within the national structure. The use of the term "National" or "National Union" as used in this Constitution are descriptive terms only to avoid confusion with those provisions applicable to geographical Regions.

Section B The object of the Union shall be to unite its members in solidarity, to take steps as shall improve their living conditions through such means as fostering legislation favoring working people and opposing that which would do them harm, promote health and welfare and pension programs and plans, and to deal for and represent, as the collective bargaining agency, those employees in the industry over which it has jurisdiction; and when it has jurisdiction, and when it may determine necessary, to render succor to its needy, sick and distressed members. It is also the object of the Union to educate the membership of the organization in the history of the American Labor Movement and in present day labor problems and tactics, and to secure legislation in the interest of labor and to oppose anti-labor legislation. A principal objective of the Union is to promote the unity of all working people against attempts to divide them along lines of nationality, race, language, region, sex, age, and religious or political beliefs.

Section C The Inlandboatmen's Union of the Pacific shall exercise jurisdiction over all such work as now and heretofore has been performed by its members. It shall take particular care to organize all

employees licensed or unlicensed, employed in the towing industry, operation of ferries, tugboats, freight boats, passenger or other craft, and industries related thereto. It shall also take care to organize employees of environmental clean-up industries as well as the general organizing of unorganized workers in all industries who desire to belong to a democratic union.

ARTICLE 2 BILL OF RIGHTS

Section A No member shall be deprived of any of the rights or privileges guaranteed him or her under the Constitution of the Union.

- (1) **Full book**: To be defined as members who have completed the initiation fees as outlined in, Article 7, Section A.

- (2) **Permit**: to be defined as members who have NOT completed the initiation fee as outlined in, Article 7, Section A.

Section B Every qualified member shall have the right to nominate himself or herself or any other qualified member for, and if elected or appointed, to hold office in this Union.

Section C No member shall be deprived of his or her membership without due process of the law of this Union. No member shall be compelled to be a witness against himself or herself in the trial or any proceeding in which he or she may be charged with failure to observe the law of the Union. Every official and employee of the Union shall be bound to uphold and protect the rights of every member in accordance with the principles set forth in the Constitution of the Union.

Section D Every member shall have the right to be confronted by his or her accuser whenever he or she is charged with violating the law of this Union. In all such cases, the accused shall be guaranteed a fair and speedy trial by an impartial committee of his or her brother and sister Union members.

Section E A militant membership being necessary to the security of a free Union, the members shall at all times stand ready to defend this Union and the principles set forth in the Constitution of the Union.

**ARTICLE 3 ELIGIBILITY AND ELECTION TO MEMBERSHIP,
DELEGATION OF COLLECTIVE BARGAINING AUTHORITY**

Section A In order to be eligible for full book and permit membership, an applicant must be employed in work within the claimed jurisdiction of the Inlandboatmen's Union of the Pacific.

Section B Applications may be received in any Region and shall be immediately referred by the Regional Director to the Secretary/Treasurer at the National Office, together with the initiation fee and dues for the first month or explanation as the to payment of such initiation fees and dues. Members who make approved installment payments of their initiation fee shall be considered permit members and shall not be accorded the general privileges of membership until their initiation fee is fully paid. At that time they shall be considered full book members.

Section C When an application is referred to a meeting for vote, such vote may be taken in the usual manner; however, if there are five "no" votes, a secret ballot must be taken not later than the next regular meeting. The reasons for favorable or unfavorable action on the application may be debated prior to taking such a ballot. Such debate must be confined to the previous conduct of the applicant relative to organized labor. A majority vote of those present shall be necessary to elect to membership.

Section D Applicants who are otherwise eligible shall be accepted regardless of sex, race, creed, color, nationality or political affiliation.

Section E Membership in the Union constitutes a delegation on the part of each individual member to the Union exclusive designation and authority to the Union to engage in collective bargaining on behalf of the member and to execute contracts covering such matters in accordance with the provisions of this Constitution.

Section F Application blanks shall, above the signature of the applicant, read as follows:

"Pending my final acceptance as a member, I hereby designate the Inlandboatmen's Union of the Pacific as my exclusive representative for the purpose of collective bargaining."

Accepted members will be issued a union membership book bearing members full name, region and ID number.

Section G All applicants upon their acceptance as members, must take the following obligation at a regular membership meeting if possible or in writing:

Obligation "In the full realization of my duty to my fellow members and to myself, and of the duties, obligations and contracts here assumed, I hereby promise that I will be faithful to this Union; that I will work for its interests and that I will assume and in good faith carry on the duties of a member. I will obey all orders of this Union and will not violate its contracts and agreements. I will abide by its Constitution, By-Laws, Rules and Regulations now in force or hereafter adopted and will pay dues and assessments as provided therein as long as I am employed under the jurisdiction of the Union. To all this, I here and now pledge my sacred honor."

ARTICLE 4 **DUTIES OF MEMBERS**

Section A Members of this Union shall not traduce or slander any member's character, or willfully or maliciously injure him or her in any way. Each member is expected to do all in his or her power to maintain the interest, life and usefulness of this Union.

Section B Any person becoming or remaining a member of this Organization agrees, by so becoming or remaining, to abide by the Constitution of this Organization and to observe and be bound by said Constitution and By-Laws of this organization as now in effect or hereafter amended. Every such person hereby agrees to be bound by any action taken by this organization in accordance with the rules, By-Laws or Constitution.

Section C

- (1) Upon becoming a member of this Union, each person shall leave with the Union, in one of its regions his or her mailing address. Said address shall be deemed the address of the member for all purposes whatever until written notice of the change is left by the member with the Union in one of its regions.
- (2) Any notice or other communication desired to be sent to any member by the Organization, or by any officer or member thereof, may be given to such member by depositing a written copy of such notice or communication in the United States mail addressed to said member at said address; or in lieu thereof, said notice or communication may be made to the member by giving him or her a copy thereof personally, or by causing a copy

thereof to be delivered, addressed to the member, at his or her last address left with the Union Office in a region as above mentioned.

- (3) Any notice or communication given in any of the manners above set forth shall be deemed fully effective upon the deposit thereof in the United States mail, if mailed; or if left at said address, shall be effective as soon as left or deposited at such address, irrespective of whether or not the member actually receives such notice or communication.
- (4) Such notice or communication may be sent, if desired by the organization or officer, by certified mail, return receipt requested and the deposit of the same in the United States Post Office shall be deemed actual delivery to the member.

Section D The members of this Union shall not hold office in or aid and assist any dual or hostile Union.

ARTICLE 5 **HONORARY MEMBERSHIP**

Section A Honorary membership may be granted as follows:

- (1) To charter members of any region who have maintained their membership in good standing for a period of ten (10) years or more, and retire from gainful employment due to physical disability or old age or abolition of the region to which they belonged.
- (2) To members who have maintained their membership for a period of ten (10) years and are physically disabled or voluntarily retired; and
- (3) To any person who may render an outstanding service in behalf of the Union in any emergency and who cannot be otherwise adequately compensated or recognized, as a marked expression of appreciation.

Section B All applications for honorary membership must be approved by the region concerned and shall be issued by National Office under conditions of this Article.

Section C Honorary membership granted under provisions of Section A (1) and (2) of this Article shall entitle the holder to all rights and

privileges of active members in good standing including funeral benefits, with voice but no vote, exempt from all dues and assessments. Said honorary membership shall not entitle the holder thereof to be eligible to run for any office.

ARTICLE 6 STRUCTURE OF THE UNION

Section A National Office: The National Office of the Union shall be maintained in the city where the President of the Union resides or in such other city as may be designated by him or her.

Section B Regions: Although the Union is a single entity, national in scope, its geographical jurisdiction requires that offices of the Union be established in various regions of the United States in order to properly service and represent its members. These regions are described by geographical boundaries for administrative convenience and are not to impair the National integrity of the Union or to create autonomous organizations within the National structure.

- (1) **Puget Sound Region** - The area of the Puget Sound Region shall be all of the State of Washington north of the Columbia River.
- (2) **Alaska Region** - The area of the Alaska Region shall be the State of Alaska. The Alaska region shall have jurisdiction over longshore work.
- (3) **Columbia River Region** - The area of the Columbia River Region shall be the State of Oregon and the Columbia River and its tributaries.
- (4) **Southern California Region** - The area of the Southern California Region shall be all of the State of California south of and including Morrow Bay.
- (5) **San Francisco Region** - The area of the San Francisco Region shall be all of the State of California north of Morrow Bay to the Oregon border.
- (6) **Hawaii Region** - The area of the Hawaii Region shall be the Hawaiian Islands and adjacent islands and waters.
- (7) **Region 37** - The jurisdiction of Region 37 shall be workers employed in the seafood industry and all related workers.

Section C The location of the offices of the Union in each of the regions above shall be determined by the Executive Council.

Section D The Union shall be charged with the responsibility to organize the employees of those companies headquartered within its geographical jurisdiction, as well as vessels operating out of ports within its jurisdiction. All officers shall be charged with the administration of all contracts of the Union on all vessels within its jurisdiction.

Section E The Executive Council shall have the authority to create a new region in which officers of the Union are to be established, and in the event of such action, the Executive Council may appoint such officer or officers as it deems necessary to administer the affairs of the Union within that new region pending the next election. All shall designate, from amongst said officers, those to attend the convention in the numbers to which the Constitution provides. Such officers shall have voice but no vote at the convention unless and until they are duly elected by secret referendum ballot. The Executive Council may, at its option, direct a special election by secret referendum ballot.

Section F **ILWU Local 400, Canadian Area**: shall be considered an associated region. Formal recognition of our mutual interests demands a protocol of cooperation.

- (1) **Convention**: Local 400 shall be allowed two delegates to the IBU National Convention with voice but no vote.
- (2) **Executive Council**: The IBU National shall sponsor two visits by the Local 400 President to report on the activities of the local and to interact with the Executive Council on policy and other matters with voice but no vote.
- (3) **Joint Negotiations**: When approved by the Executive Board of Local 400, the IBU Executive Council, and the Executive Committees of the IBU regions affected, the IBU and Local 400 will coordinate negotiations in an effort to protect the members' welfare in bargaining.
- (4) **Political Coordination**: The IBU and Local 400 will seek to coordinate their political efforts on International issues in a determined effort to protect their collective membership.

ARTICLE 7 INITIATION FEES, DUES AND ASSESSMENTS

Section A Initiation Fee - The initiation fee shall be nine hundred dollars (\$900.00). The President, with the approval of the Executive Council, may waive the dues and/or the initiation fees where organizational work is progressing, for such period of time as deemed necessary by the President. The President may set initiation fees he/she feels is appropriate, with the approval of the Executive Council and with final approval at the next regular National Convention, for a newly organized bargaining unit. The regular initiation fee shall be nine hundred dollars (\$900.00) for all members whose hourly straight time rate of pay is twelve dollars (\$12.00) per hour or more, payable at three hundred dollars (\$300.00) per year. The adjusted initiation fee shall be three hundred dollars \$300.00 for all members whose hourly straight time rate is less than twelve dollars (\$12.00) per hour.

Initiation fees will be collected in installments of a minimum of \$300.00 per year, over three years commencing on the first month of employment. In the event the minimum amount of three hundred \$ 300.00 is not paid on a yearly basis, there will be a one-hundred dollar (\$100.00) reinstatement fee charged. If the full initiation fee is not paid within three years, all payments made shall be forfeited to the Union, except as provided for in Article 7, Section A-1.

All new members will be given a hat and a Union pin, when available, when they complete payment of their initiation fee. However, the member must come into the Union office or membership meeting to receive their hat and pin.

- (1) The regional Executive Committee may provide hardship status to any individual subject to review and/or adjustment by the Executive Council. In hardship cases the maximum amount of initiation fee required to be paid by any individual in any one year shall be two hundred (\$200.00) dollars. In such event, the remaining amount of initiation fee owed shall be paid in the succeeding year(s). The Regional Director of the region shall forward to the Secretary/Treasurer the name, employer and straight time rate of pay for any such individual, and such additional information as may be requested by the Secretary/Treasurer.

Section B Dues

- (1) Effective January 1, 2012 the basic dues shall be Seventy-Three Dollars (\$73.00) with a minimum monthly dues rate of (\$12.00)

for members whose dues are paid on a percentage rate. If you do not work in a month and notify the union within thirty days of not working, the minimum rate will be waived.

- (2) Effective January 1, 2012 the cap will be \$73.00 per month. A flat rate will be charged if the permit members do not sign up for payroll deduction. Members must provide payroll records of earnings to be eligible for percentage dues.
- (3) Except as provided for in Paragraph 1 of this Section, the Regional Executive Committee may provide hardship status to individuals, with regards to the payment of the basic monthly dues, subject to review and/or adjustment by the Executive Council.
- (4) Regions may adopt regional dues increases by a vote of the regional membership or a particular group within the region. Such regional dues shall be considered a financial obligation to the Union in the same manner as the basic dues. Each Region's regional dues assessment shall be kept in a separate interest bearing account with any interest earned remaining in the respective regions account.
- (5) Members unable to work in the jurisdiction of the Union for thirty (30) days or longer, due to injury or illness, may at their own request, and at the approval of the Executive Committee, pay a reduced dues rate of twelve (\$12.00) dollars per month for each month they are unable to work. Upon returning to work in the industry they would pay the appropriate dues rate beginning with the month in which they return to work. If it is determined that they will not be returning to the industry they may request a withdrawal, in accordance with Article 9.
- (6) All casual employees at Northland, Whatcom and Skagit County and Grays Harbor and Red & White Fleet Captains, shall pay three percent of their gross monthly income not to exceed the monthly dues rate. Each member shall be responsible for his or her own payment. These casual employees are responsible for contacting the Union so as to be placed on casual status.
- (7) The President may set the dues rate he/she feels appropriate, with the approval of the Executive Council and with final approval at the next regular National Convention, for a newly organized bargaining unit.

- (8) Full-book members of the Puget Sound Region who work less than 5 days (40 hours) per month may continue to pay the three percent (3%) dues rate for a total of five (5) years from their hire date. Members must provide payroll records of earnings to be eligible for this percentage dues rate.
- (9) All Olympic Cascade and CDX employees whose hourly straight time rate of pay is less than \$12.50 per hour shall pay three (3) percent of their monthly gross income in dues, not to exceed the maximum monthly dues rate.

Section C Any increase in the above initiation fees or dues shall be fixed by a majority vote of full book members in good standing whose dues or initiation fees will (be affected), by voting in a membership referendum conducted by a secret ballot through the mail. The union will have special meetings to inform the membership of why there is a request to increase the initiation or dues.

Section D When any funds are tendered by any member to the Union, unless specifically designated otherwise, such funds shall first be applied to the payment of fines, if any, due to the Union; second to assessments due to the Union; third to initiation fees due to the Union: and fourth to dues due to the Union.

Section E The Executive Council may establish such registration, referral service or Hiring Hall fees, which are reasonably commensurate with the Union's costs.

Section F Members on strike deferral shall not be found in bad standing (with regards to eligibility) to hold union office; or vote on Union matters, as long as said member was in good standing before going on strike deferral.

ARTICLE 7B ALASKA LONGSHORE DUES

Section A Dues

- (1) All registered and casual longshoremen shall pay three (3) percent of their months gross wage in dues, not to exceed \$876.00 per year effective Jan 1, 2012
- (2) Fines and dues assessments shall be paid when due.

Section B Membership

- (1) Registered longshoremen shall be members and entitled to be candidates for any office and vote on their election of officers and National and Regional referendums.
- (2) Casual longshoremen are not members and shall not be entitled to be candidates for office or vote in elections of officers or on National and Regional referendums .
- (3) When a casual longshoreman becomes a registered longshoremen, he or she shall be entitled to be a candidate for any office and vote in the election of officers and on National and Regional referendums.

Section C Miscellaneous

All other Inlandboatmen's Union of the Pacific Constitutional Articles not expressly amended in this Article shall apply. All present and future policies and port work rules of the Union shall also apply.

ARTICLE 7C REGION 37 DUES, INITIATION AND MEMBERSHIP

Section A Initiation Fee

The initiation fee of Region 37 shall be a one-time fee of Twenty-Five dollars (\$25.00). Region 37 members who later may be employed in the towing or ferry industry shall pay an initiation fee commensurate with Article 7, Initiation Fees, Dues and Assessments.

Section B Yearly Dues

- (1) All Region 37 members working in the regular seasons of winter or summer are required to pay the amount of one hundred thirty eight dollars (\$138.00) beginning November 1, 1999 for each season worked. Short season dues of ninety dollars (\$90.00) will apply to Bristol Bay plants, and fall season King Cove employees. Year shall mean October 1 through September 30.
- (2) If Region 37, as a result of organizational efforts or otherwise, shall acquire more than seasonal employment for its members, the affected members shall pay dues commensurate with Article 7, Initiation Fees, Dues and Assessments.

- (3) Members voting on the election of officers and national and regional referendums shall be required to pay the applicable amount of dues during the designated year. Fines and dues assessments shall be paid when due.

Section C Miscellaneous

All other Inlandboatmen's Union of the Pacific Constitutional Articles not expressly amended in this Article shall apply. All present and future policies of the Union shall also apply.

ARTICLE 8 DELINQUENCY AND PAYROLL DEDUCTION

Section A Delinquency

- (1) All dues, fees, assessments or fines which have become due and remain unpaid shall constitute a debt to the Union and are subject to assignment for collection by legal process, in addition to remedies herein provided.
 - (a) Collection Costs. Members shall be responsible to pay all charges and attorney's fees incurred by the union which are necessary for the collection of any amount not paid when due.
- (2) Any member who fails to pay dues, fees assessments and/or other financial obligations on or before the last day of the month shall automatically be in bad standing and shall be suspended from membership.
- (3) A suspended member may be reinstated to good standing by the payment of a reinstatement fee of \$100.00, plus all dues owed the Union at the time of reinstatement. If the suspended member pays his total financial obligation to the Union, on or before the last day of the next month, the reinstatement fee shall be waived. Any member who has been suspended and has not paid his or her reinstatement fee and/or assessments after timely notice by the Union, in accordance with the provisions of Article 4, Section C (4), shall be expelled from Union membership. Any member who has been suspended or expelled from Union membership for failure to pay dues, initiation fees, or reinstatement fees, may be terminated from his/her employment in accordance with the Union Security provisions of the Labor Agreement.

- (4) If a member pays dues, assessments or other financial obligations by check, and the check is returned insufficient funds or otherwise not honored, the payment shall be canceled and treated as a failure to make the payment. Such members shall be charged a \$25.00 fee for each check not honored.
- (5) In the event that it is established by competent evidence that a member has sustained a hardship relating to illness or accident, the Executive Committee of the region of the Union where the member resides may grant such member a delay in the payment of such dues as it deems appropriate. Any such action taken by the Executive Committee, must be non-discriminatory, with notice in writing to be immediately sent to the President The member shall be. required to pay such dues within the period of time established by the Executive Committee and upon such payment these dues will be considered to have been made timely.

Section B Payroll Deduction

- (1) No member shall be considered in bad standing who has in effect a dues check off in favor of the Union with his or her current employer; unless he or she is delinquent for some amount due not covered by the check off (including delinquent dues), or twenty one(21) days have passed since being notified in writing by the Union of any delinquent dues that may have been missed by dues check off. The member shall submit to the Union a dated copy of notice of any request for dues check off within two (2) weeks of being submitted to the employer.

ARTICLE 9 REGIONAL MEMBERSHIP, WITHDRAWALS

Section A For the purpose of voting on Regional matters or Regional Officers, a member shall be eligible to vote in that Region in which he or she pays dues. However, in the event that a member is working in a region other than that of his or her residence, he or she may, by written notice given sixty (60) days prior to election to the Regional Office of the region in which he or she is working, designate his or her intention to be registered and vote in that region. In the event such designation is made, it may not be revoked for a period of twelve (12) months following the effective date of designation, or within the same calendar year in which made, whichever is the greater.

Section B Withdrawals

- (1) Full-book members leaving the jurisdiction of the Union to engage in business or work not under the jurisdiction of the Union, or unemployed members who refuse available employment under the jurisdiction of the Union, may, at their own request or the Union's instance, be issued a withdrawal certificate at a cost of \$30.00. The withdrawal certificate shall automatically be invalidated if a member becomes employed in the maritime industry unless he/she is working under a collective bargaining agreement.
- (2) On the date the member is issued a withdrawal certificate he/she shall be exempt from the payment of dues and assessments for future months and shall not be accorded the privileges of members. Before being issued a withdrawal certificate a member must have paid his/her dues through the current calendar month. Upon returning to the jurisdiction of the Union, withdrawal certificates shall be deposited and payment of dues shall start with the current month. In the event that the member has been on withdrawal less than three (3) calendar months, the withdrawal certificate shall not be honored and all dues and assessments shall be paid. Members who fail to reinstate their membership within thirty-one (31) days after returning to the work jurisdiction of the IBU shall be expelled from membership and shall be required to re-join the Union. The Regional Executive Committee shall be empowered to reinstate such members without payment of an initiation fee. However, the member must submit to the Executive Committee sufficient justification for failure to reinstate his/her membership within the thirty-one-(31) day grace period. In any event, the member shall be required to begin paying dues for the month in which he/she returned to the work jurisdiction of the IBU.
- (3) Any Fullbook member going into the Armed Services of the United States shall be issued a military withdrawal certificate without cost or regard to the foregoing qualifications, and shall not be considered in bad standing regarding qualifications to run for regional office.
- (4) Any Fullbook member retiring from the jurisdiction of the IBU will be issued a retired certificate of membership without cost. On the date the member is issued a retired certificate and pin, he/she shall be exempt from payment of dues and assessments for the future months and shall not be accorded the privileges of members. In the event the retired member returns to work under the jurisdiction of an IBU employer, the retired member must

activate their membership within 30 days and shall be required to begin paying dues for the month in which he/she returned to work.

Section C The Secretary/Treasurer shall maintain an accurate record of all full-book members who have been issued withdrawal certificates. A roster containing the names of the withdrawn members and the date of their withdrawal shall be maintained in each of the offices of the IBU. Such records shall be updated no less than each six months and shall be available for review by those individuals who believe they to be validly holding a withdrawal certificate from the Inlandboatmen's Union of the Pacific. The Secretary Treasurer, by action of the Convention, shall require a payment of a thirty dollars (\$30.00) per withdrawal fee and shall issue a withdrawal card or certificate there upon. Presentation of such card or certificate upon reapplication for active membership, shall accord the member all rights, privileges, and responsibilities of Full Book Member without the payment of additional initiation fee.

Section D Any Puget Sound passenger industry member who accepts a position with their employer which is not specifically classified or defined in the current bargaining agreement, or in any legal and binding addendum to the contract, or any valid letter of agreement with the employer shall be considered as having accepted a managerial position, and accordingly must place themselves on immediate withdrawal status with the union.

ARTICLE 10 NATIONAL AND INTERNATIONAL CONVENTIONS

Section A Delegates

- (1) Delegates to International, Regular and Special Inlandboatmen's Union Conventions shall be elected by secret referendum ballot of the regional membership. Notices of nominations, election and voting procedures shall be in full compliance with the intent of Article 14, Nomination and Election of Officers of the Inlandboatmen's Union of the Pacific Constitution. The total number of delegates elected shall be as provided for in Section (C) (2) of this Article. If the total number of delegates were increased, decreased or are unable to serve as delegates, the delegates receiving the highest number of votes in descending order shall be elected. Delegates shall be allowed to be nominated and elected in addition to being nominated and elected as officers or employee of the Union. Each region may have an alternate delegate for the first four (4) delegates and

regions exceeding four (4) delegates may have additional alternates based on one-half of the full amount due.

- (2) Upon receipt of the Convention Call and after the designation or election of delegates or alternates, the Regional Director of each region shall forward the names of the delegates and alternates to the Secretary/Treasurer. Each delegate shall present his or her credentials properly signed by the President or Secretary/Treasurer, as well as his or her receipt establishing that he/she is a member in good standing. Good standing, as defined in this section, shall mean a delegate elected under Article 14 and 15 of this Constitution shall meet the same requirements specified in Articles 14 and 15, Section E(1), and that he or she is entitled to a seat in the Convention. The Secretary/Treasurer shall publish a list of delegates at such time as it is practical to do so.
- (3) When less than the full complement of delegates attends the International Convention or the IBU Convention, the delegates who are authorized to attend by the Executive Council shall cast all votes allowed to the Inlandboatmen's Union by pro-rating the votes among the members who are allowed to attend.
- (4) All secret ballot elections required by this Section shall be in compliance with applicable law relating to the nomination and election of Union Officers.

Section B International Conventions

- (1) Prior to the call of International Conventions, the Executive Council shall review the finances of the Inlandboatmen's Union to certify the number of additional delegates to send to the Convention at Union expense. Any Convention delegate elected by secret referendum ballot as provided in Section A (1) and Section C (2) shall be entitled to attend International Conventions with full voice and vote.
- (2) The National will send the elected Executive Council to the International Convention at Union expense. In the event the Finance Committee determines that a financial emergency exists that prohibits the sending of all delegates at union expense then at least one delegate from each region or major industrial group shall attend. In this event the delegate with the highest vote count will be designated as representative.

Section C National Conventions

- (1)** The Regular and/or Special Convention shall be the supreme governing authority of the Union and shall have the plenary power to regulate and direct the policies, affairs and organizations of the Union. The Regular Convention of the Inlandboatmen's Union of the Pacific shall be held every three years at such time and place as may be designated by the Executive Council. The President shall issue a Call for the Regular Convention not less than ninety (90) calendar days prior to the date of the meeting, unless otherwise directed by the Executive Council. A Special Convention of the Inlandboatmen's Union of the Pacific may be called for by the Executive Council at such time and place as the Executive Council may designate. The President shall issue a Call for a Special Convention and specify the purpose for which said Special Convention is called, without limiting the power and authority of said Convention to regulate and direct the policies, affairs and organizations of the Union.
- (2)** Each region shall be entitled to a minimum of four (4) delegates, one of whom shall be the elected Regional Director and one of whom shall be the elected Chairman. Each Region shall be entitled to one delegate for each one hundred (100) members or major fraction thereof, based upon its paid membership average from one convention to another. Regions with over one thousand (1000) members shall be entitled to separate delegate representation for the passenger carrying and freight towing industries. Delegate's numbers for large region subdivisions will be determined as outlined previously in this Section. No one region shall be able to impede the passage of constitutional amendments, resolutions or recommendations presented to the delegates of the convention for their consideration. Such delegate representation shall be to the International, Regular and Special Inlandboatmen's Union of the Pacific Conventions. The National President and Secretary/Treasurer shall be delegates to all International Conventions and shall be delegates to all Regular or Special Inlandboatmen's Union of the Pacific Conventions.
- (3)** Prior to the Call of the National Convention, the Executive Council shall review the finances of the Inlandboatmen's Union to certify the number of delegates to send to the Convention. The number of delegates to be allowed to be sent from each region shall be proportionate to the total number of delegates to which

the Union is entitled and, in any event, shall include at least four (4) delegates from each region. In addition, the President and Secretary/Treasurer shall be delegates to any such convention.

- (4) The President shall, preceding each Convention, appoint from the delegates-elect a committee of not less than one from each region, which together with himself or herself and the Secretary/Treasurer, shall constitute the Credentials Committee. To this committee shall be referred all credentials. All objections to the qualifications of any delegate shall be made no later than five days before the opening day of the convention. It shall be the duty of the Credentials Committee to examine the credentials and to make the initial decision on challenges. It shall be presumed that all delegates who have submitted credentials in the form required to the Secretary/Treasurer or to the Credentials Committee have been properly selected as delegates from their region, and such delegates may vote upon the acceptance or rejection of the Credentials Committee's report, in whole or in part, and on other matters which come before the Convention unless and until any such delegates shall have been rejected by the Convention. Only those delegates who are present and seated at the time the report of the Credential Committee is submitted may vote upon the acceptance or rejection of such report. The appointed members of the Credentials Committee shall receive as compensation for their extra services such expenses and remuneration as the Executive Council may determine.
- (5) Each delegate or alternate must meet the same eligibility requirements as are imposed for election to Union Office. This, however, shall not be construed so as to bar the eligibility of salaried officers of regions or of the National Union.

Section D Expense Of Delegates

- (1) Expenses of the delegates to the National Convention in such amounts as fixed by the Convention Finance Committee shall be paid by the National Union. Delegates who are not salaried officials of the Union and who lose work to attend the Convention shall be paid a delegates fee in an amount of \$150.00 a day. In addition, the delegate shall receive such expenses as set forth in Article 12, Section H.

Section E National Convention Budget

All Regular and Special Conventions of the IBU shall adopt a budget for the Union. The budget of the Union shall provide for the expenditures of each region and the National Union between conventions. The adopted budget shall be approved for each year between Conventions, commencing on January 1, 1992 through December 31, 1992, and every calendar year thereafter.

- (1)** The budget of the Union may be adjusted between conventions only by the Convention Finance Committee. Requests for budget adjustments by the National or any region shall be in writing and submitted to the Secretary/Treasurer of the Union. The Secretary/Treasurer, in a timely manner, shall submit to the Convention Finance Committee any such written request along with any written arguments pro or con, and a current financial report. The Secretary/Treasurer shall convene a telephone conference or a telephone poll of the Convention Finance Committee within twenty days of the mailing of the request to the Finance Committee. The Convention Finance Committee may approve, reject, or modify any request submitted to it.
- (2)** In the event a budget request is disapproved by the Convention Finance Committee, then the requesting party may, at its discretion, submit the matter to the membership involved. In such an event, the membership voting shall be required to pay such additional dues as are necessary to fund the requested program. The requesting region or the National Union shall be required to pay the necessary expenses for the conducting of any such election.
- (3)** The Convention Finance Committee shall meet twice each year to monitor the budget. This meeting will take place by May 15th and November 15th each calendar year or no later than thirty (30) days after the Secretary Treasurer receives the audit for the previous year. During Convention years, the Finance Committee will not meet in November but will meet with the Regional Directors just prior to Convention.
- (4)** Upon the adoption of the budget by the convention delegates, the monies appropriated to each region shall be the responsibility of the Executive Committee of that region and shall be spent as instructed by the Convention.

- (5) The Executive Committee of the region may reallocate expenditures within the regional budget. Such re-allocations of the regional budget must be consistent with the intent of the convention delegates. In any event, all expenditures of the Union shall be in compliance with the Constitution of the IBU.
- (6) The Executive Council of the Union may reallocate expenditures within the National budget. Such re-allocations of the National budget must be consistent with the intent of the convention delegates. In any event, all expenditures of the Union shall be in compliance with the Constitution of the IBU.

ARTICLE 11 EXECUTIVE COUNCIL

Section A The Executive Council shall be comprised of the President, Secretary/Treasurer, and the Regional Director from each region. Each shall be entitled to only one vote.

Section B The Executive Council shall constitute the ruling body of the Union between Conventions, and save for such powers as are expressly delegated to the officers of the Union, shall exercise control and regulation of the affairs of the Union. The Executive Council shall have the authority to interpret and apply the Constitution and By- Laws of the Union. Where no specific provision has been incorporated in this Constitution covering a situation arising and affecting the policy of the Union, the Executive Council shall have the authority to declare such policy, all such decisions being subject to appeal to the next convention. All office policies will be sent to all Regional Executive Committees. Any changes to these policies between conventions will be forwarded immediately to all Regional Executive Committees. The Executive Council shall have governing authority over the Union to the end of upholding the law and policies of the Union consistent with the provisions of this Constitution and the decisions of the Convention. The members of the Executive Council shall meet at least once every calendar quarter. Prior to the close of each session the date of the next meeting will be set. The President, or five (5) or more members of the Executive Council shall be empowered to call together the members of the Council for a special session. Upon receipt of the written requests for a session to the Secretary/Treasurer, the Executive Council shall convene within fifteen (15) days. The location, time, date and agenda of the session shall be set forth by the President in a written directive to all members. The President shall preside at all sessions of the Executive Council. The Council shall, by majority vote of a quorum of six (6), have full power and authority to transact any business before it. Any member of the IBU in

good standing may attend Executive Council meetings with no voice or vote.

Following the installation of new officers, the President shall issue all officers copies of the IBU Policy and review the policies and procedures of the Union at the first Executive Council meeting.

Section C The Executive Council shall direct the investment and expenditure of the funds of the Union, and shall determine the number of signatures and the officers or alternatives whose signature may be required on disbursements. When members lose work to perform services on committees or otherwise for the Union, they shall be paid a per diem fee in the amount of one hundred and twenty (\$120.00) for the loss of an eight (8) hour day or less, and one hundred and eighty (\$180.00) for the loss of between eight (8) and twelve (12) hour day, plus expenses as authorized by the Executive Council. In addition, such health and welfare and pension contributions shall be made where appropriate to provide continuity of benefits, provided however, such per diem will not be paid during a strike. Such members shall not be deemed to be employees of the Union. The amount of this per diem allowance may be revised after July 1, 1985 by a Finance Committee consisting of the Regional Directors and Regional Chairman. The Union, however, shall make every effort to negotiate with the employer for the payment of lost wages.

Section D The Executive Council may transact any business before it without holding a session, and record the votes of members taken by mail, electronic mail, or telephone. A majority vote of all Executive Council members shall be required when transacting business by any one of the aforementioned methods. The Executive Council shall have full power and authority to negotiate regarding agreements and arrangements with other labor organizations on behalf of the Union for the purpose of effecting the absorption, amalgamation, merger, affiliation of or correlation with other labor organizations with the Union. The Executive Council shall not enter into any binding Agreement or take any final action thereon, unless and until it has been approved by a majority of those voting by secret referendum ballot of the entire membership of the Union.

Section E

- (1) In the event that the Inlandboatmen's Union of the Pacific shall be affiliated with any international body or any other organization, and such body or organization should by any action attempt to assume ownership or the control of the property or

funds belonging to the Inlandboatmen's Union of the Pacific, or to take away and give to any other organization, territories, jurisdiction or jobs which have, by tradition, custom or practice belonged to the Inlandboatmen's Union of the Pacific, affiliation of the body or organization taking such action shall immediately and automatically terminate without any further action on the part of the Inlandboatmen's Union of the Pacific.

- (2) Affiliation of the Union with state or local Councils or Federations shall be at the discretion of the Executive Council.

Section F Licensed Division of the IBU

The Executive Council shall establish rules and regulations to govern the Licensed Division of the IBU. Licensed or specialized units may petition the Executive Council for regional status if their membership group exceeds 400 members.

ARTICLE 12 NATIONAL OFFICERS' DUTIES AND POWERS, QUALIFICATIONS: TERM OF OFFICE; VACANCIES; SALARIES AND EXPENSES

Section A The National Officers of the Union shall be a President and a Secretary/Treasurer. These officers shall all be elected from the membership at large.

Section B The President

The President shall be the Chief Executive Officer of the Union charged with the administration and supervision of the affairs of the Union between meetings of the Executive Council. The President shall call together the Executive Council of the Union and the Convention of the Union as elsewhere set forth in this Constitution and shall preside at such meetings.

- (1) By virtue of his or her election to office, the President shall be a delegate to the Convention of any International with which the Union may be affiliated, or any federation of international unions or any departments thereof. The President may also, at his or her discretion attend, at the expense of the Union, trade meetings, training schools or areas, contemplated or prospective future areas of operation and organization, or such other places and/or activities as would tend to assist him or her in the planning for and the general operation of the Union.

- (2)** The President will be apprised of and shall, as nearly as possible, attend all negotiations conducted by the Union or any part thereof. He/she shall sign all collective bargaining agreements of this Union and these bargaining agreements (except pre-hire agreements in the construction industry), shall not be valid and enforceable until ratified by the members directly involved and signed by the President or his or her designated agent. Collective bargaining agreements that go to binding arbitration shall not be subject to ratification. All collective bargaining agreements shall be in the name of the Inlandboatmen's Union of the Pacific; and any request for certification to the National Labor Relations Board or State Agency shall be in the name of the Inlandboatmen's Union of the Pacific, and only such name shall be permitted to appear on the ballot for any election conducted by the National Labor Relations Board or State Agency. The President must seek the approval of the Executive Council on any and all questions of defining or redefining the Union's existing or any new jurisdiction before any action is taken.
- (3)** The President shall establish and maintain an office of the National Union and may designate a separate location for the office of Secretary/Treasurer. The President is authorized, subject to the approval of the Executive Council, to employ such personnel as he or she deems necessary for each region and the office of the National Union. The addition of new personnel; that falls outside the appropriations adopted at the National Convention, must be approved by the Convention Finance Committee. At the office of the National Union, the President shall maintain all the records and files of the Union which shall include, but not be limited to:
- (a)** Copies of all collective bargaining agreements;
 - (b)** Correspondence with all regions;
 - (c)** All legal opinions and records of all legal proceedings involving the Union;
 - (d)** All correspondence relating to affairs of the Union;
 - (e)** All membership and financial records of the Union.

- (4) The President shall be authorized to attend all meetings of any component of the Union including any region, any committee or any other subsidiary body and have full voice and vote.
- (5) The President shall hear and decide all questions involving interpretation or application of the Constitution or Regional By-Laws and all such decisions shall be binding unless and until reversed or modified by the Executive Council.
- (6) The President shall hear, investigate and determine all grievances and disputes arising under this Constitution or the operations of the Union; his or her decisions thereon shall be binding until reviewed by the Executive Council.
- (7) The President may order a referendum of the Union as a whole, or with the approval of the Executive Council of any region, for the purpose of obtaining the views of the membership when he or she believes that the welfare of the membership will be protected or enhanced by such action.
- (8) The President shall not hold any other job or employment that would in any way restrict availability to the membership during normal business hours or be in conflict with their duties of representing the membership of the union, other than as a member of a board, commission or committee of any public or private organization or of a civic or fraternal organization; under such circumstances he/she may accept no remuneration other than per diem, expenses, an honorarium fee, and in such case, receipt of such per diem, expenses and/or fees shall be reported to the Executive Council. Nothing contained in this section shall prevent the President from serving as a member of the International Executive Board, if elected, and in such event he/she shall be entitled to receive any per diem, expenses and remuneration that are provided by the International to Executive Board members.
- (9) The President shall designate an attorney as General Counsel for the Union. The General Counsel shall serve as the chief legal advisor to the President and Executive Council of the Union, and be required by the President to render written opinions on any matter submitted to him or her by the President or Executive Council. The employment of all attorneys in any of the regions shall be with the approval of the President and shall be employed only on the condition that the attorneys report on all matters directly to the General Counsel. The General Counsel

shall forward to the President copies of all pertinent and important documents relating to legal proceedings with the Union. These shall be maintained in the President's Office. The General Counsel shall submit reports periodically to the Executive Council -- reviewing the legal affairs and proceedings of the Union.

- (10) The President may assign duties to others to aid and assist him or her in carrying out his or her duties of office; said assignee shall not be considered (by reason of the assignment) to be performing the functions of an officer; the President may not, under any circumstances, assign or delegate the responsibility for carrying out of his or her other duties.
- (11) The President shall provide a monthly report to each region, which shall be read at the up-coming General Membership meetings.
- (12) The President shall inform the Regional Director of any region before intervening in any negotiations, writing of letters of understanding or other regional business. The President shall keep the Regional Directors informed of the status of any involvement he/she has in regional affairs.

Section C Secretary/Treasurer

The Secretary/Treasurer shall be the fiscal officer of the Union. The Secretary/Treasurer shall be responsible for the setting up and maintenance of sound accounting and bookkeeping systems, proper collection, their safeguarding and expenditures of all Union funds.

- (1) The Secretary/Treasurer shall supervise the dues collection system and shall provide up to date reports when requested by officers of the Union or the Convention Finance Committee.
- (2) The Secretary/Treasurer shall keep records and monitor income and expenditures for funds that fall outside the Convention Budget.
- (3) The Secretary/Treasurer shall provide for the recording of the minutes of the meetings of the Executive Council, and cause the minutes of the Convention to be recorded. The fiscal books and records of the Union shall be kept in said office and the Secretary/Treasurer shall be responsible for the custody of such books and records. The financial records of the Union shall be

audited annually by a certified public accountant; a copy of such report shall be given to the officers and members of the Executive Council of the Union and Executive Committees of the regions.

- (4) The Secretary/Treasurer shall provide an up-to date report showing all the expenditures(check number, date, amount of check, to whom the check was written) on the twenty-fifth (25th) day of each month to be presented to the Officers of the Union and the Executive Committee. Annual and quarterly financial reports shall be available to the general membership at the respective regional offices; the contents of these reports shall not be copied or removed from the regional offices.
- (5) The Secretary/Treasurer shall be authorized to attend all meetings of the Union in any of its regions and any committee meetings and have full voice, but no vote, except at the Executive Council or at conventions.
- (6) The Secretary/Treasurer shall provide a monthly report to each region of the union, which shall be read at the upcoming General Membership Meetings.
- (7) The Secretary/Treasurer shall not hold any other job or employment that would in any way restrict availability to the membership during normal business hours or be in conflict with their duties of representing the membership of the union, other than as a member of a board, commission, or committee of any public or private or commission or of a civic or fraternal organization; under such circumstances he/she may accept no remuneration other than per diem, expenses, an honorarium fee, and in such case, receipt of such per diem, expenses and/or fees shall be reported to the Executive Council. Nothing contained in this section shall prevent the Secretary/Treasurer from serving as a member of the International Executive Board, if elected, and in such event he/she shall be entitled to receive any per diem, expenses and remuneration that are provided by the International to Executive Board members.

Section D National Officers: Qualification of Officers

No member shall be qualified to become a national officer of the Union unless:

- (1) He or she shall have been a full-book member of the Union in continuous good standing for three (3) years at the time of his or her nomination thereto;
- (2) He or she shall not be, at the time of nomination, in arrears for an amount equal to one (1) month's dues for any fines, dues or assessments;
- (3) He or she shall not be an officer or candidate for office of any other Union at the time of his or her nomination, election or service as an officer of this Union;
- (4) He or she must not be disqualified by any applicable law from holding office to which he or she is nominated specifically, including the requirements of the Labor-Management Reporting and Disclosure Act of 1959.
- (5) He or she shall not be, at the time of nomination, a member of a Union deemed hostile to the IBU.
- (6) In determining eligibility to run for national or regional office, the payment of death benefit assessments is not to be considered a requirement for continuous good standing.

Section E Term of Office of National Officers

The President and the Secretary/Treasurer shall hold office for three (3) years and until their successors are duly elected and qualified. The national officers shall be sworn into office by the ranking representative of the Union present, immediately upon certification of the election by the judges of the election.

Section F Oath of Office

The following obligation shall be taken by all incoming officials before assuming their duties:

"Realizing the duties and responsibilities entrusted in my care by the membership of this Union and with full knowledge of the necessity of all officers to be constantly on the alert, to improve and advance the interests of the Union and its membership, I hereby solemnly promise to do all in my power to fulfill the duties and obligations of my office in every respect; to carry out the lawful mandates of the membership; to observe and protect the Laws, Rules and General

Policy of the Union, and, at all times, to maintain the dignity and standing of the Union in the performance of my representative duties."

Section G Vacancies in National or Regional Office

- (1) National Offices In the event of a vacancy in the office of the President or Secretary/Treasurer, the vacancy shall be filled temporarily by the Executive Council until the next Convention, at which time an officer shall be elected for the unexpired term. Nominations for such replacement, after timely notice in accordance with Article 14, shall be made in each Region at a special meeting of the delegates to the Convention. Provided, however, if at least one-half (1/2) of the term of office is yet to run, nominations and elections for such replacement shall be conducted promptly in accordance with Article 14 of the entire membership.
- (2) Candidates must accept nomination in person at the time made or, if absent, by written acceptance filed with the President at the time the nomination is made. A candidate may only be nominated by a delegate to the Convention.
- (3) Election at convention shall be for the purpose of filling a vacancy for the remainder of the normal term and shall be by secret ballot of the delegates present. No vote will be necessary where there is only one candidate for an office, and that candidate shall be declared elected. The candidate shall be elected who receives the greater number of votes cast, provided he or she receives forty percent (40%) or more of the votes cast.
- (4) In the event no candidate receives forty percent (40%) or more of the votes cast, or in the event of a tie, there shall be a run off between the two candidates receiving the greatest number of votes.
- (5) Each vacancy shall be filled by a separate nomination and election procedure.
- (6) An officer elected at Convention to fill a vacancy shall be installed on the last day of the Convention and assume the official duties immediately following the adjournment of the Convention.

- (7) Regional Director, Patrolman/woman/Business Agent, and Executive Committee members. In the event of a vacancy in the office of Regional Director or Patrolman/woman/Business Agent, the vacancy for the unexpired term shall be filled temporarily by the Regional Executive Committee, and nominations and elections for such replacement shall be conducted promptly in accordance with Article 14 -- if at least one-half (1/2) of the term of office of the Regional Director or Patrolman/woman/Business Agent is yet to run. In the event of a vacancy in any other Regional Office, the vacancy for the unexpired term shall be filled by the Executive Committee.

Section H Salaries and Expenses

- (1) **Salaries:** The salaries of the officers of the National Union and the regulations governing their expenses shall be determined by the convention. Provided, however, that the Executive Council may reduce the salaries of the officers of the National Union between Conventions if it determines that such reduction is in the best interests of the Union. The compensation of all other personnel for each region and the National Union shall be determined by the convention. Wages, health, long and short term disability insurance and pension benefits for all personnel and officers, showing increases for the next three years, will be established at convention and will be set on Attachment A. The President, subject to the approval of the Executive Council, shall set compensation on all new positions.
- (2) **Expenses:** National and Regional Officers, Executive Committee members, employees of the Union and delegates to National and International Conventions, when traveling on official Union business, shall receive reasonable hotel expenses. Reasonable shall be defined as prevailing local rates, and Fifty-five (\$55) dollars per day for three meals in all regions except Alaska where it shall be Sixty (\$60.00) dollars per day. The meal allowance shall be prorated in the event of partial days.

Section I Trusteeship

- (1) If the President has or receives information which leads him or her to believe that any of the officers of the Union within a region are dishonest or incompetent, or the Union within a region is not being conducted in accordance with the Constitution and By-Laws of this Union or for the benefit of the membership, is being conducted in such a manner as to jeopardize the interests of this

Union, or if the President believes that such action is necessary for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or preventing any action which is disruptive of or interferes with the performance or obligations of other members under collective bargaining agreements or otherwise carrying out legitimate objects of this Union, he or she may appoint a temporary Trustee to take charge and control the affairs of the Union within said region. However, before the appointment of such temporary Trustee, the President shall set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed, and further provided that, where in the judgment of the President, an emergency situation exists, the temporary Trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days, and a decision made within thirty (30) days after the furnishing of the transcript of testimony; further provided that, in all cases, the Executive Committee of said Region of the Union shall be advised of the reason for the appointment. Adequate notice of at least ten (10) days prior to the date of hearing shall be given to the Executive Committee of said Region of the Union involved. In the case of all hearings conducted prior to or after the establishment of a Trusteeship, the President shall designate a panel composed of at least one disinterested member from the Region of the Union involved. Such representatives shall make their recommendation to the President orally or in writing within sixty (60) days after the furnishing of the transcript of testimony, and the decision in the case shall be made by the President himself or herself. Such decision shall be made within fifteen (15) days after such recommendations are received by him or her, and the decision shall be promptly transmitted to the Executive Committee of said Region of the Union. Appeals, if any, from determinations following such hearing shall be taken directly to the Executive Council. Appeals, if any, from a decision of the Executive Council shall be taken to the Convention. The Executive Council may modify or add to the procedures established herein for the purpose of assuring compliance with any applicable law. The time requirements set forth in this Section shall not be mandatory, but are only directory.

- (2) The Trustee shall be authorized and empowered to take full charge of the affairs of the Union within said region, remove any or all officers, appoint temporary officers at any time during his or her trusteeship and to take such other action as, in his or her

judgment, is necessary for the preservation of the Union and its interests. The terms of officers so removed shall terminate as of the date of removal unless otherwise absolved. The Trustee shall report, from time to time, on the affairs and transaction of the region to the President. The acts of the Trustee shall be subject to the supervision of the President. The President may remove Trustees at any time and may appoint successor Trustees.

- (3)** The removed officers shall turn over all monies, books and properties of the Union within said region to the Trustee who must receipt for same.
- (4)** The said region of the Union, at regular or special membership meeting, by a majority vote, may petition the President for the termination of the Trusteeship, provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of decision following the first hearing on the appointment of the Trustee.
- (5)** When the members of the Union within said region have petitioned for the termination of the Trusteeship, they shall be accorded a hearing, which shall be commenced within thirty (30) days. A decision shall be made within sixty (60) days after receipt of the transcript.
- (6)** The hearing, relative to hearings on initial appointment of a Trustee, shall be held in the same manner as provided in this Article.
- (7)** When it is determined by the President or the Executive Council that the Trustee be terminated, the Trustee shall direct an election at such time he or she may designate, and any other provision of this Constitution to the contrary notwithstanding. The Trustee shall not install officers selected at such election until directed to do so by the President. Upon such installation the Trustee position shall terminate, and the Trustee shall return all remaining funds, property, books and papers of the Union within said region to the appropriate officers of the Union within said region. The term of the office of the newly elected officers shall be for not more than three years, and the next election for officers shall take place in compliance with the provisions of this Constitution closest to and preceding the expiration of the three year period following the initial election.

**ARTICLE 13 SUPREMACY CLAUSE: REGIONAL BY-LAWS,
PREVIOUS CUSTOMS AND PRACTICES OF THE DIVISION**

Section A Constitution Supreme Law

This Constitution shall constitute the supreme law of the Union and all rules, practices and customs, heretofore existing or heretofore adopted or practiced which are in conflict therewith, shall be invalid. All authority not herein delegated to the officers, councils or committees of the Union are reserved to the membership and may be exercised through their duly elected delegates to the convention or by referendum.

Section B Regional By-Laws

The members of the Union in each region shall adopt by-laws, which shall be consistent with this Constitution and subject to the approval of the Executive Council. A copy, certified by the Chairman as a true copy of any By-Laws so adopted, shall be forwarded to the President and thereafter a similarly certified copy of any amendments, which may be adopted.

- (1) Such By-Laws shall provide for the election of a Regional Director, Chairman, Vice Chairman and Executive Committee not to exceed fourteen (14) members, including the Regional Director, Chairman and Vice Chairman and such other officers or committees as may be determined. All such elections shall be by secret referendum mail ballot. Except for the offices of Regional Director, Chairman and Vice Chairman the By-Laws should, if possible, provide for the widest possible representation of the various segments of the industry in that region on the Executive Committee.
- (2) If any Region is unable or fails to adopt By-Laws within six (6) months after the effective date of this Constitution, and if absence of such By-Laws would tend to prevent or impair the holding of any election or referendum to which the membership of the region would be entitled under this Constitution; or if the absence of such By-Laws would otherwise tend to impair the validity of any actions of the region, or deprive the membership of any other rights, then the Executive Council is authorized by a majority vote to adopt a temporary and interim set of By-Laws for any such region, to remain in effect only until such region adopts its own By-Laws.

ARTICLE 14 NOMINATIONS AND ELECTION OF OFFICERS

Section A Nominations

- (1) Nominations for President and Secretary/Treasurer shall be made in each region at the regular or special meeting held during the first fifteen (15) days in September of every election year. The current term of office shall expire on December 15. Election years shall be 1987 and every third year thereafter.
- (2) Nominations for regional officers, including Regional Director, Chairman, Vice Chairman and Executive Committeemen shall be held during the first 15 days of September of every election year. Election years shall be 1987 and every third year thereafter.
- (3) Notices of nominations shall be distributed to the membership through the Union's newspaper or a direct mailer, printed and mailed via first class mail. Copies will be sent to all union stewards and shall be posted in each Regional Office at least sixty (60) days prior to the nomination meeting.
- (4) Nominations may be made verbally or in writing and shall be accompanied by the written consent of the nominee. In the absence of such consent, no such nomination shall be accepted or be valid. Nominations shall be automatically closed at the adjournment of the September meeting.
- (5) The Regional Director shall, in writing, notify each nominee of this nomination and the office for which he has been nominated and whether the nominee is eligible or not eligible to be a nominee for said office. Copies of the nominee's dues records and written consent are to be forwarded to the office of the President.
- (6) Under the head of unfinished business at the regular or special meeting in October, the Regional Director shall read the names of all candidates and the office for which they have been nominated.
- (7) No candidate shall be allowed to be nominated for more than one (1) office, except that a Patrolman/woman/Business Agent may be nominated for and hold the office of Chairman, Vice Chairman, or Executive Committeeman, while serving as a Patrolman/woman/Business Agent.

Section B Elections

- (1)** The election of the President, Secretary/Treasurer, Regional Directors, Chairman, Vice Chairman, and Executive Committee shall be by secret referendum mail ballot, in full compliance with all applicable federal and state laws.
- (2)** In the light of technological advances being made in record keeping and ballot counting, specific provisions regarding the form, nature and mailing of the ballot are not herein provided for as they were under former provisions of the Constitution of the Union.
- (3)** The Executive Council of the Union shall, from time to time, promulgate the rules and regulations for the conduct of the National Elections, which, in an up-to-date form, shall be kept in the President's office, in each of the regional offices and posted on the bulletin boards of all regional offices. Such regulations shall establish the form of the ballot, the method of mailing, the method of returning, counting tabulation and publication of the results. The Executive Council shall review the election procedures and regulations during the Executive Council meeting prior to the general election.
- (4)** Such regulation shall include the method of selecting a ballot committee of full book members who are not candidates for any office that shall supervise the making up of the ballot, the mailing list and the sending out of the ballot.
- (5)** Such rules and regulations shall also provide for the selection of one judge from each region who shall be a full book member who is not a candidate for any office, who shall supervise the counting of the ballots, decide the eligibility of any challenged ballot and certify the results of the election to the President.
- (6)** Such regulations shall also give any candidate the opportunity to appear, at his or her own expense (in person or by a person designated by him or her) before either the ballot committee or judges to be heard on any point such candidate may desire to raise regarding the matters appropriate to the respective committees. Furthermore, such candidate or person designated by them shall be permitted to name at least one (1) observer, at the candidate's own expense, to be present at the preparation and mailing of the ballots, their receipt by the counting agency and at the opening and counting of the ballots.

- (7) Such regulations shall be designed to provide the greatest practical and possible opportunity for members to vote. Such regulations shall also provide the cut-off date at which time the eligibility to vote shall be determined (that is, the date on which the members must be in good standing to be eligible to vote), provided that no member whose dues have been withheld by an employer for payment, pursuant to check-off provided for in the collective bargaining agreement, shall be deprived the right to vote on account of nonpayment of dues. However, members must be "FULLBOOK" to be eligible to vote.
- (8) Any members desiring to challenge the election upon any ground whatsoever shall file a written statement of his or her challenge with the President--stating the facts which he or she believes sustain the challenge and naming the witnesses or identifying the documents which he/she believes would support such facts; identifying the provisions of this Constitution or of any applicable law allegedly being violated. Upon the receipt of any such challenge, the President shall order a hearing before the Executive Council of the Union not less than fifteen (15) days nor more than thirty (30) days after receipt of such challenge. A decision by the Executive Council shall be rendered in writing within two (2) weeks after such hearing. The decision rendered by the Executive Council shall be final. No member of the Council, whose election is challenged, shall participate in the decision unless the challenge is of such general nature as to go to the entire election and hence challenge the election of all of the members of the Council, in which case, the hearing shall be heard by the Council that was in office prior to the election.
- (9) To be valid, any such challenge must be received by the President of the Union within fifteen (15) days after the certification of the results of the election.
- (10) All campaign literature that is to be mailed out, using the Union mailing list, shall be sent to the National office. The campaign literature must be sealed and have postage affixed. All literature must be mailed through a mailing bureau. The candidates will reimburse the Union for all applicable costs for mailing, and processing of the literature.

Section C Counting of Ballots

Notwithstanding the foregoing provisions of this Article, the President shall have the authority, with the approval of the Executive Council, to

direct that the counting of any ballots, whether for an elective office or otherwise, be counted by a certified public accountant and/or other election services. The certified public accountant, and or other election service, upon counting the ballots, shall certify the results to the National Office and the results shall be forwarded immediately to each Regional Office.

Section D The candidate for each salaried office who receives a plurality of the votes cast (provided that said plurality is not less than forty percent (40%) of the votes cast for the office), shall be elected thereto. In the event that no candidate receives at least forty percent (40%) of the votes cast for the office, there shall be a run-off election between the two candidates receiving the greatest number of votes cast. The run-off election shall, as nearly as possible, be conducted in the same manner and circumstances as the regular election. Candidates for non-salaried offices shall be declared elected if they receive a plurality of the votes cast. No run-off election will be required for any office, which is a non-salaried position.

Section E Separate Ballots

There shall be separate ballots, one for the election of the President and Secretary/Treasurer and the other for the election of the Regional Director, Chair, Vice Chair, Convention Delegates to the National and International Conventions and Executive Committee Positions and all other positions to be elected within the region.

Section F Determination of Eligibility of candidates for the offices of President and Secretary/Treasurer

Candidates for National Office shall have their eligibility determined by the Ballot Committee of the region of which they are a member. If there is a question of the candidate's eligibility, the Regional Ballot Committee Judge and the National Secretary/Treasurer shall meet or confer by telephone and decide whether or not to approve the candidate's eligibility within the first week after nominations.

Section G Regional Ballot Judges And Regional Ballot Committees

A Regional Ballot Judge shall be elected from each region who shall be a full book member and not a candidate for any office or convention delegation. The judge shall supervise the counting of the ballots, decide the eligibility of any challenged ballots and certify the result of the election to the President. A Ballot committee of three (3) or more and three (3) or more alternates who shall be current dues paying full book

members in good standing and not a candidate for any office or convention delegation. The duties of the ballot committee shall be:

- (1) Determine eligibility of all regional candidates for all offices within the first week after nominations are closed and forward all candidates eligibility records, position for which they were nominated and nomination acceptance letters to the office of the Secretary- Treasurer for confirmation.
- (2) Record, on both the original and duplicate computer member-voting lists provided by the Secretary-Treasurer, the identification number assigned to each member.
- (3) Forward to the office of the Secretary-Treasurer the duplicate computer voting list designation the identification numbers assigned to each member.
- (4) Cause the National and Regional ballots to be mailed on the date designated by these election regulations.
- (5) On Election Day the duties of the Ballot Committee shall be to tabulate the ballots and identify any challenged or void ballots.

Section H Ballots

- (1) The National Office shall be responsible for the printing of all ballots and envelopes. Candidates shall be listed in alphabetical order.
- (2) The ballots shall be on paper of contrasting colors and be returnable in envelopes of color comparable to the respective ballots.
- (3) The ballot, itself, shall contain only the candidate names, and the position(s) for which they are nominated. Other than precautionary instructions on how to mark the ballot and return it, nothing else is to appear on the ballot, except issues, which are to be voted on in the same election. In regions where more than one patrolman is authorized by the Executive Council, the Council shall be empowered to designate which members shall vote on a patrolman position representing a specified segment of the industry.

- (4) There shall be enclosed a return envelope which shall contain places for the member's name and address and members identification number. The front of the envelope shall contain the words "Official Ballot" and the ballot number.
- (5) There shall be another envelope to contain the ballots. This envelope shall be blank except it may have printed on it "Ballot, Inlandboatmen's Union of the Pacific" and precautionary instructions for its use.
- (6) The ballots for the national and regional elections shall have the return address of a depository designated by the Regional Directors in the city where each regional headquarters is located.

Section I Distribution Of Ballots

- (1) Ballots and envelopes shall be bulk mailed to each region for distribution.
- (2) The National Office shall provide an address mailing list of members to the regional ballot committee in sufficient time to allow for mailing of the ballots by the date specified below.
- (3) All persons, who are full-book members at the time of mailing or become full-book members October 5th, shall receive a ballot.
- (4) The Ballot Committee under the supervision of the Regional Directors on The 16th of October of each election year shall perform the mailing of the ballots unless the 16th of October shall fall on Saturday or Sunday. Then the ballots will be mailed on the following Monday.
- (5) A specified number of ballots and envelopes shall be delivered to each Regional Director to provide duplicate ballots to any member who shall, upon making application in writing or in person, claim not to have received a ballot by mail. Each member shall be entitled to receive not more than one (1) duplicate ballot.

Section J Counting Of The Ballots

- (1) All ballots shall be tallied on the 15th of December each election year unless the 15th of December shall fall on Saturday or Sunday, in which event they shall be tallied the following

Monday. The tally of ballots shall begin at 9:00 a.m., if possible and continue uninterrupted until the Regional Judge certifies the results. The Ballot Committee members shall be in direct attendance with the ballots at all times until the election is certified.

- (2)** The Union shall furnish to each region a list on or before November 30th, which shall identify all members in good standing as of the close of business on September 30th. In order for a member to have his or her ballot counted, the member must have paid his or her dues through the Third Quarter of the election year before the close of business on September 30th.
- (3)** In tabulating the ballots, the following sequential steps shall be adhered to:

 - (a)** All returned ballot envelopes will be counted before opening. This count must reconcile with the figures at the end of the tally process.
 - (b)** Upon completion of the count of returned ballot envelopes, the envelopes shall be arranged in alphabetical order.
 - (c)** After the ballot envelopes have been arranged in alphabetical order, they shall be checked against the voters, eligibility list furnished by the National Office of the Inlandboatmen's Union of the Pacific.

 - (i)** If the member's dues are delinquent said ballot envelope should be set aside as a challenged ballot and so noted. In all cases a red pencil check mark opposite the member's identification shall signify the return of the ballot.
 - (ii)** The voter's name, appearing on the return envelope, shall be sufficiently clear or legible so that the Ballot Committee Members can check the name on the voting list. The member's identification number on the return ballot envelope may also be used to confirm the member's name. If confirmation of the member is not possible said facts shall be noted on the envelope and set aside as a challenged ballot.
 - (iii)** A list of duplicate ballots mailed shall be Regional Ballot Committee and, in the event two envelopes shall be

received from any on member, only the envelope bearing the earliest postmark shall be used. The other envelope shall be noted as a challenged ballot.

- (iv) If the name and identification number on the envelope does not appear on the voting list, the ballot shall be set aside as a challenged ballot.
- (v) If the ballot is challenged by either a member of the ballot committee or any candidate's observer, then such ballot shall be set to one side as a challenged ballot and the reason for such challenge noted thereon.
- (vi) Upon completion of the examination by the ballot committee, all of the challenged ballots will be put in a separate group and shall not be opened.
- (4) After setting aside the challenged ballots, the remaining envelopes shall be opened and the envelopes containing the ballots removed. If, upon opening an envelope, it is found that the ballot is not contained in an inner envelope, the ballot's secrecy has been destroyed and it shall be set aside as a void ballot and not counted.
- (5) When all of the envelopes containing the ballots have been removed, the empty return envelopes shall be set aside.
- (6) The envelopes containing the ballots shall then be opened and the ballots removed. The National and Regional ballots shall be segregated and placed in separate piles.
- (7) When all of the ballots have been removed from the envelopes, the Ballot Committee shall tally and recount the votes.

 - (a) In order to assure that all candidates for office meet the eligibility requirements, WRITE IN VOTES SHALL NOT BE PERMITTED.
 - (b) Void and improperly marked ballots are defined as follows:
 - (i) Contains the name of the voter or any written material other than an appropriate check mark "X" indicating his or her preference.

- (ii) Is torn or mutilated or otherwise defaced so that it cannot be identified as being a sheet of paper with the voter's preference clearly marked.
 - (iii) Any ballot in which the voter's preference for any one position is not clear. Including where the voter vote's for more candidates than to which is entitled, and yet the preference is clear as to one or more other positions, shall be void as to the positions for which voters preference is unclear and shall be counted for such positions as voters preference is clear.
- (c) If the tally indicates that the number of ballots challenged upon the original examination and set aside unopened is not enough to affect the outcome of the election of any candidate or issue, then none of the challenged ballots shall be opened but they shall be separately maintained with the balance of the election records. If the number of challenged ballots are sufficient to affect the outcome of the election for any office or issue, then the Ballot Committee shall proceed to rule on all of the challenged ballots one at a time. On the challenges that are sustained, the return envelope shall be placed to one side unopened. For the challenges that are overruled, the envelope shall be opened, face down away from its return envelope. The return envelopes containing ballots to which challenges are overruled shall be saved separate from all other envelopes. After the challenges to all of the challenged ballots have been ruled upon by the Ballot Committee, then those to which challenges have been overruled shall be counted and the tally added to the previous tally .
- (d) After the votes have been tallied, the Ballot Judge shall certify the election results and forward then to the President.

Section K Preservation of Ballots

After all tallies have been made and proper certification issued and no recounts are demanded, the Regional Directors shall cause the ballots and all other records pertaining to the election to be forwarded to the Secretary-Treasurer of the Union for safekeeping for a period of one year as required by the Landrum Griffin Act.

Section L Candidates Appearances and Observation

- (1) Any candidate may appear at his or her own expense in person, or by any person designated in writing beforehand, before the Ballot Judge to be heard on any point such candidate may desire to raise regarding the matters appropriate to the mailing or the counting of ballots.
- (2) Such regulations shall also give any candidate the opportunity to appear, at his or her own expense, in person or by a person designated by them, before the Ballot Judge to be heard on any point such candidate may desire regarding the matters appropriate to the mailing or counting of the ballots. Furthermore, such candidate or person designated by them shall be permitted to name at least one observer at the candidate's own expense to be present at the preparation and mailing of the ballots. However, said observer shall not be allowed to touch or handle any ballots or envelopes, or in any way interfere with the work of the committee. If the observer persists, after a warning, her or she shall be required to leave the premises in order to let the committee continue its work.

Section M Duties of the Regional Director It shall be the duty of the Regional Director to insure that the ballot committee members and judges fully perform their duly assigned function in accordance with these rules, and it shall also be his or her responsibility to see that order and decorum is maintained so that these ballot committee members and judges may function undisturbed and in a proper manner.

Section N Recounts

- (1) **National Recount:** If any candidate for National Office request a recount, he or she shall then submit such a request in writing to the President not later than seven (7) days following the certification of the results of the national election. He or she shall state their reason(s) for requesting the recount. The President will arrange for a conference call of the Ballot Committee Judges from all regions. The Ballot Committee Judges shall decide whether or not to approve the request for the recount. If the request for the recount is granted, it shall be conducted in the same manner as the original count within the shortest time possible, consistent with these rules.
- (2) In the event an election is decided by less than 25 votes, there shall be an automatic recount wherein the Secretary/Treasurer

shall not be required to be present. However, each candidate shall be entitled to an observer.

- (3) **Regional Recount**: If any candidate for a Regional Office requests a recount, he or she shall then submit a request in writing to the Judge of the Regional Ballot Committee not later than seven (7) days following the certification of the results of the regional election. He or she shall state their reason(s) for requesting the recount. The Ballot Committee Judge and the remaining committee members shall meet or confer by telephone and decide whether or not to approve the request for the recount. If the request is granted, the recount shall be conducted in the same manner as the original count within the shortest time possible, consistent with these rules.

Section O Duties Of The Secretary-Treasurer

- (1) **Recounts**: In the event of a recount(s) the Secretary-Treasurer shall travel to the region where the recount is being held and shall supervise said recount(s). In the event the Secretary-Treasurer is a "Party in Interest", then the President shall oversee the recount(s). In the event that both the President and the Secretary- Treasurer are "Parties-in-Interest", the Executive Council shall designate a person who is not a "Parties-in-Interest, to oversee the recount(s).

Section P National and Regional Referendums: Article 20 of the Constitution

The method of conducting said referendums shall be so conducted that a reasonable opportunity to vote shall be afforded all who are affected by the issues(s) of the ballot. All such secret written referendum ballots shall follow the same format as the Inlanboatmen's Union of the Pacific Election Regulations if possible, thereby complying with and fulfilling the intent of the referendum.

Section Q Compensation for Ballot Judges and Committee Members

All Ballot Committee Members and Judges shall be entitled to reasonable auto and meal expenses. The Regional Ballot Committee and Judges shall be entitled to be paid the applicable per diem fee in lieu of lost wages in accordance with Article 11, Section C, of the IBU Constitution. The Executive Council may authorize additional members if

the Council deems that such additional members are necessary to carry out the functions of the balloting process.

ARTICLE 15 REGIONAL OFFICERS AND MEETINGS

Section A Regional Officers

The officers of the Union in each region shall be a Regional Director, Chairman, Vice Chairman and an Executive Committee of not to exceed fourteen (14) members, including a Regional Director, Chairman and Vice Chairman. These officers shall be elected by members within the region and adequate provision should, if possible, be made in the By-Laws of the region of the Union for the widest representation of the various segments of the industry on the Executive Committee in that region.

Section B Puget Sound Region

The Puget Sound Region shall have an Executive Committee not to exceed 20 members including the Regional Director and Chairman

Section C Regional Membership Meetings

Regional membership meetings shall be held in each region of the Union during the first two weeks following each quarter (every three (3) months) of a calendar year. Regional Executive Committee meetings shall be held in each region once a month, except in the months of July and August which shall remain dark. Special meetings of the Executive Committee and/or the membership may be called for by the Executive Council or the Regional Director of the region. Executive Committee meetings and other regional Committee meetings as the Regional Director, subject to approval by the Executive Committee, may deem necessary, may be attended by real time video-conferencing in order to conduct formal business and/or to allow for discussion so as to afford members of the committee an informed vote. Voting shall be allowed by all those in physical attendance or via live video. Furthermore, an Executive Committee may transact any business before it without holding a session, and record the votes of members taken by mail, electronic mail, telephone or electronically, A majority vote of all Executive Committee members shall be required when transacting business by any one of the aforementioned methods

Seven (7) members shall constitute a quorum for the purpose of transacting any business at a regular or special meeting of the membership except that there shall be no quorum requirements for any

regular or special regional membership meetings during which nominations shall take place. The minutes of all regional meetings shall be reviewed by the Executive Council. The Executive Council shall have the authority to approve, reject or modify any action taken, or submit it to a general referendum, or refer the matter to the next convention. Any such action taken by the Executive Council may be appealed to the next convention by any person affected.

The Puget Sound region will hold six (six) out port meetings per year. The out port meetings will be scheduled and sufficient notice will be given to the Puget Sound membership.

Section D Regional Directors

There shall be a Regional Director for each of the regions described in Section B of Article 6. The Regional Director shall be the Chief Executive Officer of the region and shall be in direct charge of the administration and Union affairs within the region to which he or she has been elected, subject to the direction and control of the Executive Council. The Regional Director shall be responsible for all external business communication. The Regional Director shall have direct supervision of all employees of the Union working within the region. The Regional Director shall be responsible to keep a record of the proceedings of all regular and special meetings of the Union within the region, and forward copies thereof to the President. He or she shall, within the jurisdiction of the region of the Union be responsible for the enforcement and execution of the Constitution, the policies of the Union and the rules adopted by the Executive Council. The Regional Directors should submit copies of minutes of the Executive Council meeting (and give a full report on the activities of the Executive Council) to his/her own Regional Executive Committee at each regularly scheduled meeting of the Executive Committee. He or she shall prepare receipts and vouchers and forward copies thereof to the Secretary/Treasurer. The term of office of Regional Director shall be three (3) years. The Regional Director shall not hold any other job or employment that would in any way restrict availability to the membership during normal business hours or be in conflict with their duties of representing the membership of the union, other than as a member of a board, commission, or committee of any public or private organization or of a civic or fraternal organization; under such circumstances he/she may accept no remuneration other than per diem, expenses, an honorarium fee, and in such case, receipt of such per diem, expenses and/or fees shall be reported to the Executive Council. Nothing contained in this section shall prevent the Regional Director from serving as a member of the International Executive Board, if elected, and in such event he/she shall be entitled to receive any per diem, expenses

and remuneration that are provided by the International to Executive Board members.

Section E Patrolman/woman/Business Agent

Employment of a Patrolman/woman/Business Agent within any of the regions shall be authorized only by the Executive Council. When so authorized, the position will be filled in a manner determined by the Regional Executive Committee and approved by the Executive Council.

- (1) In order to be nominated and elected to the position of Patrolman/woman/Business Agent, a member must meet the qualifications set out in Section F of Article 15. The Patrolman/woman/Business Agent shall perform such duties as are assigned by the Regional Director.
- (2) The Patrolman/woman/Business Agent shall neither be considered an officer of the region nor a member of the Executive Committee, but may attend Executive Committee meetings and furnish such reports as the Executive Committee determines unless said Patrolman/woman/Business Agent has been elected as an officer also under the provisions of Article 14, Section A, Paragraph 7.
- (3) The position of Patrolman/woman/Business Agent may be eliminated by action of the Executive Council, if it determines that such action is necessary for the best interests of the Union. The Patrolman/woman/Business Agent's normal term of office shall be three (3) years and coincide with the terms of office of the National and Regional Officers. The terms of office of all Patrolmen shall terminate on December 15, 1987. Nominations and elections shall be conducted in 1987 and every third (3rd) year thereafter in accordance with Article 14, Section A (2).
- (4) In filling the vacancy for an unexpired term where that vacancy resulted from elimination of the position by the Executive Council, the Executive Committee shall appoint to the vacancy that individual who was unable to complete his or her term, due to Executive Council action. If that individual rejects the appointment, the vacancy for the unexpired term shall be filled by the Executive Committee.
- (5) The Regional Executive Committee or the Executive Council may suspend or terminate a Patrolman/woman/Business Agent for failure to perform his or her duties or for other just cause,

provided, however, that the Patrolman/woman/Business Agent shall be furnished with a statement of the cause of his or her suspension or termination. He or she shall have a right to a hearing before a trial committee selected in accordance with Article 19, and the right of appeal to the Executive Council.

- (6) Each region will be provided one Patrolman/woman or Secretary. Each region with over 650 dues paying members, based on the previous 12-month period, will be entitled to one additional Patrolman/woman or Secretary.
- (7) Necessary office facilities for representation shall be provided within each region. The only exception will be Alaska, where as a minimum, the National shall provide an office facility in the cities of Ketchikan and Juneau. The above staffing positions can be adjusted by the Executive Council(upward or downward) based on the financial condition of the union.

Section F Qualifications for Regional Officers

No member shall be eligible to be a candidate for any regional office unless he or she shall at least meet the following qualifications:

- (1) He or she must have been a member of the Inlandboatmen's Union in continuous good standing for two (2) years immediately preceding his or her nomination. Convention delegates must remain in continuous good standing for two (2) years prior to the opening day of convention;
- (2) He or she shall not be, at the time of nomination, in arrears for an amount equal to one (1) months dues for any fines, dues or assessments due;
- (3) He or she shall not be an officer or candidate for office of any other Union at the time of his or her nomination, election or service as an officer of this Union;
- (4) He or she must not be disqualified by any applicable law from holding office to which he or she is nominated specifically, including the requirements of the Labor Management Reporting and Disclosure Act of 1959;
- (5) To be eligible to be nominated for any position in any region, such nominee must be an eligible voter in that region as set forth in Article 9 Section A herein.

- (6) He or she shall not be, at the time of nomination, a member of a Union deemed hostile to the IBU.

ARTICLE 16 BONDING AND AUDITING

Section A All officers and other persons shall be bonded as required by any applicable federal or state law.

Section B The books and records of the National Union shall be audited by a certified public accountant not less frequently than every year.

Section C The National Finance Committee shall be composed of an elected delegate of each region who is a member of the Executive Committee of that region. This committee shall meet one day prior to the Convention at the place of the Convention. There it will receive the reports of the National Officers, together with that of the accountants and review the same for report to the convention. Appropriate provisions shall be made by the Executive Council for payment of the expenses and time of the members of this committee.

ARTICLE 17 TRUSTEES: HEALTH BENEFITS & PENSION

Section A In order to maintain the highest degree of protection to the benefits of the membership provided in the IBU National Pension and Health Benefit Trusts, the Trustees of these Trusts shall be elected or selected as provided for in this article.

Section B

- (1) Six (6) trustees shall serve (6) year terms as trustees, or until replaced or reelected by the delegates of the Convention. Elections shall alternate with three (3) trustees being elected at one convention and the remaining three (3) being elected at the next convention. All trustees elected by the delegates of the Convention shall serve as trustees to the IBU National Health Benefit Trust and the IBU National Pension Trust. In the event of a vacancy of a trustee the Executive Council of the Union shall appoint a replacement until the next Convention where the Convention delegates shall elect a trustee to fill the position.
- (2) All other trustees of the IBU National Health Benefit Trust and the IBU National Pension Trust shall be appointed by the Executive Council of the Union. Each region that participates in

the IBU National Pension and/or the Health Benefit Trust may have at least one Trustee.

Section C Union Trustees who lose wages because of attending Trust meetings, shall be reimbursed wages for the days of the trust meetings when they are in attendance.

ARTICLE 18 OFFENSES AND PENALTIES

Section A The Grounds for Charges Against Members or Officers

The basis for charges against members or officers shall consist of, but not be limited to, the following:

- (1) Proof of membership in any organization advocating the overthrow of the Government of the United States by force;
- (2) Acting as an informer against the interest of the Union or the membership in any organizational campaign;
- (3) Acting as an informer for, or agent of, the company against the interests of the membership or the Union;
- (4) The commission of any act as part of a conspiracy to injure or destroy the Union;
- (5) Willfully misappropriating or misusing Union property;
- (6) Unauthorized use of Union property, records, stamps, seals, etc. for the purpose of personal gain;
- (7) Willful misuse of any office or job, elective or not, within the Union for the purpose of personal gain, financial or otherwise, or the willful refusal or failure to execute the duties or functions of the said office or job, or gross neglect or abuse in executing such duties or functions or other serious misconduct or breach of trust;
- (8) Unauthorized voting, or unauthorized handling of ballots, stubs, rosters, verification lists, ballot boxes, or election files, or election material of any sort;
- (9) Preferring charges with knowledge that such charges are false;

- (10)** Making or transmitting, with intent to deceive, false reports or communications which fall within the scope of Union business;
- (11)** Deliberate failure or refusal to report for a job to which dispatched, or misconduct or neglect of duty, to the detriment of the Union or its agreements;
- (12)** Deliberate and unauthorized interference, or deliberate and malicious vilification, with regard to the execution of the duties of any office or job;
- (13)** Paying for, or receiving money for employment, exclusive of proper earnings and Union payments;
- (14)** Willful refusal to submit evidence of affiliation for the purpose of avoiding or delaying money payments to the Union, or unauthorized transferring or receiving evidence of Union affiliation, with intent to deceive;
- (15)** Willful failure or refusal to carry out orders of those duly authorized to make such orders during time of strike;
- (16)** Crossing or working behind a picket line sanctioned by the National President.
- (17)** Performing services for an employer against which the Union has called a strike, unless specifically authorized by an officer of the Union;
- (18)** Failure or refusal to pay a fine or assessment within the time limit set therefore either by Constitution or by action taken in accordance with the Constitution;
- (19)** Failure to stand picket duty or other duty assigned during time of strike;
- (20)** Assuming any office or job, whether elective or not, with knowledge of the lack of possession of the qualifications required therefore, as described in Section E, Article 15;
- (21)** Misconduct during any meeting or other official Union proceeding, or bringing the Union into disrepute by conduct not provided for elsewhere in this Article;

- (22) Refusal or negligent failure to carry out orders of those duly authorized to make such orders at any time;
- (23) Engaging in any activity or course of conduct contrary or detrimental to the welfare or business interest of the Union or any Region thereof;
- (24) Working for an employer having a contract with the Union under conditions where the member knowingly receives wages, hours or conditions less favorable than those contained in the applicable collective bargaining agreement;
- (25) Refusal to cooperate with Union representatives in discharging their duties;
- (26) Disorderly conduct in the Union hall;
- (27) Violation of any provision of the Constitution;
- (28) Violation of the member's obligation;
- (29) Any member having participated in a union bargaining team and/or negotiating committee shall not within two (2) years participate in a management bargaining team and/or negotiating team.

Section B Penalties

Penalties may be imposed upon members or officers found guilty of charges consisting of fines, not to exceed one thousand dollars (\$1,000) per offense, and/or suspensions or expulsions from the Union.

Section C This Union and its members shall not be deemed to waive any claim of personal or property rights to which it or its members are entitled by bringing the member to trial or enforcing a penalty as provided in this Constitution.

ARTICLE 19 TRIALS AND APPEALS

Section A

- (1) Any member may bring charges against any other member for the commission of an offense as set forth in this Constitution. These charges shall be in writing and signed by the accuser,

who shall also include his or her book or I.D. number. The accuser shall deliver these charges to the Regional Director of the region of the accused, or, if the charges are against that officer, then to the Chairman. Alternatively, charges may be filed with the President of the Union by delivery to the National Office.

- (2) The Regional Director shall refer the charges to the Regional Executive Committee, excluding the Chairman. If the Executive Committee decides that the charges have merit, it shall appoint a trial committee. The Trial Committee shall be composed of the Chairman of the region involved and two other regional members appointed by the Executive Committee. If any member of the trial committee is unable or unwilling to serve or has a conflict of interest, another name will be drawn by lot. In the event that three regional members are unavailable to act as trial committee members, then the National Executive Council shall be empowered to appoint a trial committee of three members and as many alternates as necessary from the region involved. If charges are filed with the President, he shall refer the charges to the National Executive Council. If the National Executive Council decides that the charges state a claim under the Constitution, it shall appoint a trial committee consisting of three Regional Chairmen.
- (3) In the event that the Executive Committee finds insufficient merit to the charges which have been presented to it, the charging party shall have the right to appeal that decision to the National Executive Council. If the National Executive Council finds merit to the charges, then it shall remand the matter back to the Regional Executive Committee with instructions to select a trial committee in the manner prescribed above.
- (4) The Trial Committee shall meet or confer by telephone and set a time and date for a trial with due regard to the rights of the accused to have time to prepare his or her defense. Written notice by certified mail with return receipt requested shall be sent to the accused of the time and place of trial, together with a copy of the charges placed against him or her.

Section B The trial committee shall hear all pertinent evidence and shall not be bound by the rules of evidence required by courts of law, but may receive all relevant testimony. Signed statements of witnesses may be received only if the opposing party is given an opportunity to see the statement, and thereafter submit written questions to the person signing such statement, and to have received answers to his or her questions

which can be submitted. If the signer of the statement fails or refuses to answer the questions fully, the statement shall not be used.

Section C No trial shall be conducted unless all the accusers who have signed the charge are present and subject to cross examination by the accused or his or her counsel. Any party may be represented by any other member of the Union or by legal counsel.

Section D

- (1) After all parties have had an opportunity to present their evidence and present their arguments, the trial committee shall make written findings of fact setting forth the issues involved in the controversy, and make its decision in relation thereto in writing. Said findings and decisions shall be filed with the Regional Director of the region. The Regional Director shall cause a copy of the findings of fact and the decision to be sent to all parties by certified mail (with return receipt requested within fifteen (15) days) to such address as each party may have directed it to be sent or, in the absence of such direction, to the last known mailing address at the Union's office. If the trial committee has been appointed by the National Executive Council, the findings and decision shall be filed with the National Secretary-Treasurer who shall distribute them in accordance with the procedures of this section.
- (2) These findings and decisions as filed with the Regional Director or the National Secretary-Treasurer shall be final and binding upon all parties and shall constitute an arbitration award subject to all the rules of law pertaining to such awards, except that any appeal there from shall be made only as herein provided.

Section E Any person adversely affected by the decision of the trial committee may file a notice of appeal to the Executive Council of the National Union, and file a copy of the notice of appeal with the Regional Director of the region in which the trial was held within fifteen (15) days after the decision is rendered. No particular form of notice shall be required except a simple statement that the person appeals from the particular decision by which he or she was adversely affected. Upon the filing of such a notice of appeal, the Regional Director of the region, or in the event the decision is by a committee appointed by the National Executive Council, the National Secretary-Treasurer shall cause to be sent to the Executive Council at the Office of the President, a copy of the charges, findings and decisions of the trial committee, together with any documentary evidence which may have been offered by either side. The

person adversely affected shall, within thirty (30) days of the filing of the notice of appeal, file with the President of the National Union, for the use of the Executive Council, any written documents or materials in support of his or her appeal, a copy of which shall be likewise filed with the Regional Director of the region in which the trial was held. The opposing party or parties shall have a right to examine such documents and within ten (10) days thereafter file with the President of the National Union, (as he or she deems necessary an answer to the documents submitted by the opposite party) for the use of the Executive Council.

Section F Upon receipt of such materials or the passing of time for the filing of such materials, the President shall notify all parties that the matter will be heard at the next meeting of the Executive Council, stating the date and place of such meeting and that all parties may have an opportunity to be heard before the Executive Council. The time to be allotted for such argument shall be fixed by the Executive Council. No further documentary material shall be submitted at that time.

Section G The decision of the trial committee may be reversed, affirmed or modified by a majority vote of the Executive Council. Its decision shall be in writing and mailed to all interested parties within thirty (30) days from the date of the hearing before the Executive Council.

Section H The decision of the Executive Council shall be final and binding upon all parties, provided that any member aggrieved may appeal to the next scheduled Convention of the Inlandboatmen's Union by making written request to either the President or Secretary Treasurer within sixty (60) days from the date of the decision of the Executive Council. Decisions by the Executive Council, concerning the fines and or assessments owed to the Union, will be reimbursed to the aggrieved member within thirty (30) days after the convention--if such fines and or assessments have been reversed or modified by the Convention.

Section I If, at the time of the convention, the period of time for insulation of the Union from legal proceedings (provided under the Labor Management Reporting and Disclosure Act of 1959, or any similar applicable law) shall have expired and if, at the instance of the appealing party, either party is involved in any proceedings before any court, or any federal or state agency, relating to the subject matter under consideration, the appeal shall be denied.

ARTICLE 20 REFERENDUM BALLOTS

Section A Whenever a referendum by secret written ballot is required or called under the Constitution, the following procedures shall be observed:

Section B Only **Full-Book** members in good standing at the time the referendum is ordered shall be eligible to vote.

Section C Method of Conducting:

- (1) **Regional Referendum:** The method of conducting any such referendum shall be fixed by the region to fit the circumstances of the particular vote but in any event shall be so conducted that a reasonable opportunity to vote shall be afforded all who are affected by the issues of the ballot.
- (2) **Strike Vote:** When a bargaining unit votes to accept or reject a tentative agreement, a simple majority shall govern unless regional By-Laws provide for a different method of acceptance by its region's membership. Should a bargaining unit vote to strike, that unit must receive a two-thirds (2/3) majority of the bargaining unit's members voting to strike.
- (3) **National Referendum:** The method of conducting any such referendum shall be fixed by the Executive Council to fit the circumstances of the particular vote, but in any event shall be so conducted that a reasonable opportunity to vote shall be afforded all who are affected by the issues of the ballot. All referendum ballots for dues or initiation fee increases will be in accordance with Article 7 Section C of the constitution.
- (4) **Regional and National Referendums:** Any and all such secret written referendum ballots, including referendums on proposed Constitution amendments, shall be prepared and itemized in a plain and understandable form and fashion--each item or proposed amendment, to be listed and voted upon separately, in order to afford all of the eligible member voting on the ballots the freedom of choice to accept or reject each item individually; but, in any event, the referendum shall be so conducted that a reasonable opportunity to vote shall be afforded all who are affected by the issues of the ballot.

Section D How Called

- (1) **Regional Referendum**: Whenever the Regional Director or the Executive Committee of a region deems a matter of such importance to the whole membership of the Region, it may order a referendum ballot to be held amongst the entire membership of the region or that portion thereof affected by the issue.
- (2) **National Referendum**: A national referendum shall be held upon the demand of any three or more regions, A demand shall be defined as a petition containing the names and book numbers of at least twenty percent (20%) of the members of any Region, or by any petition containing the names and book numbers of twenty percent(20%) of the membership of the entire Union.

ARTICLE 21 EXHAUSTION OF REMEDIES

Section A No officer, representative or member of the Inlandboatmen's Union of the Pacific or any region thereof, shall resort to court proceedings of any description in any matter pertaining to this organization or its regions, or its membership, or its officers until all remedies provided for within this Constitution have been fully exhausted.

Section B Violation of this Section shall be sufficient cause for expulsion from membership in the Inlandboatmen's Union of the Pacific.

ARTICLE 22 SAVING CLAUSE

Section A If any provision of this Constitution shall be declared invalid or inoperative by any competent authority of the executive, judicial or administrative branch of federal or state government, the Executive Council shall have the authority to suspend the operation of such provision during the period of its invalidity, and to substitute in its place and stead a provision which will meet the objectives to its validity and which will be in accord with the intent and purpose of the invalid provision. If any section of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

ARTICLE 23 MISCELLANEOUS

Section A This being a labor Union, formed for the purpose of servicing the membership and not for profit, no person shall, by reason of

membership herein, acquire any divisible or assignable interest in the assets or property of this organization and, upon the termination of his membership by death or otherwise, all his or her interest therein shall cease.

Section B Cumulative or proxy voting shall not be permitted in any election or voting in any part of this Union, except as provided for in Article 10 Section A paragraph (3).

Section C The Executive Council or any Executive Committee may appoint such sub-committee or sub-committees, as they deem necessary to conduct such functions and duties as may be assigned to them by the Executive Council, or such Executive Committee.

Section D Whenever under this Constitution any person, committee, council or group is charged with the responsibility of doing an act and under this Constitution it is authorized to delegate the doing of that act to some other person or group, it nevertheless may not delegate its responsibility.

Section E Unless otherwise controlled by this Constitution or By-Laws lawfully adopted hereunder, Robert's Rules of Order shall govern proceedings of this Organization.

Section F The Executive Council of the Union may make contributions to Health and Welfare and Pension Funds on behalf of employees of the Union. By authorization of the Executive Council the Union is also authorized to institute, promulgate, participate in or contribute to such other funds, as it deems fit for the benefit of its employees.

Section G The names and addresses of members of the Union shall be maintained by the President and shall not be revealed, given to any person, or made available for inspection (except as may be provided by law) without the approval and consent of the President.

Section H The name of the Union shall not be used for commercial purposes or advertising by any person or organization without the permission of the Executive Council.

Section I **Political Action Committees**

- (1) Each region may adopt a PAC

- (2) All assessments and support for PAC will be collected by the region.
- (3) Each Regional PAC will draft by-laws governing their committee.
- (4) Each Regional PAC will elect a Chairperson and Secretary to furnish monthly reports to their Executive Committee.
- (5) Each Regional PAC shall be responsible for disbursements of funds.

Section J Pensioner Club

- (1) The Executive Council may establish pensioner organizations based on a request of a region.
- (2) The Regional Director, with the approval of the Regional Executive Committee, will establish the By Laws of regional pensioners club and shall arrange for a location to hold Pensioner Club meetings at the union offices.
- (3) Once established, Regional Pensioner Clubs shall be self-governing, shall elect their own officers and shall have voice but no vote at IBU Conventions they choose to attend.

ARTICLE 24 AMENDMENTS TO THIS CONSTITUTION

Section A Amendments to this Constitution shall be effected as follows: Any amendment passed by a majority vote of the Executive Council shall be submitted to a secret written ballot of the membership of the entire Union, majority vote to control, or

Section B Upon the demand of any three regions, any suggested amendment shall be submitted to a written secret referendum ballot of the membership of the entire Union, majority vote to control.

Section C If any proposed amendment is signed by twenty-five (25) or more members in good standing and is submitted to a Regional Director, such Regional Director shall cause a copy thereof to be made and sent to the President for presentation to the Executive Council. The Executive Council shall decide by majority vote whether to submit such proposed amendments to the entire membership for a secret referendum ballot or to the next convention of the Union. If so submitted to the membership, majority vote shall control.

Section D By a two-thirds (2/3) majority of those delegates present and voting at any Convention.

Section E Unless a date is otherwise specified in the amendment submitted, any amendment so passed shall take effect immediately.

ARTICLE 25 FILING OF GRIEVANCES

Section A Any member having a grievance against an employer which is not resolved promptly on the job shall, within the specified time limits of the member's particular collective bargaining agreement, submit the same in writing and signed by him or her, to any delegate or official of the Region of the Union where the grievance occurred. The grievance need not be in any particular form, but it must state sufficient information to enable the Union to act, such as:

- (1) The name of the employer.
- (2) Briefly, the nature of the grievance and where and when it occurred.
- (3) The name of the job title of the representative of the employer believed to be responsible for the grievance.
- (4) Relief requested.
- (5) Signature of the member.

Section B In the event the member has any complaint or grievance about the handling of his or her grievance by the Union or any representative of the Union, or the failure or refusal of the Union or its representatives to act, he or she shall then so notify the Regional Director in writing and the matter shall be placed on the agenda for the next meeting of the Regional Executive Committee, and he or she shall have the right to attend such meeting and present his or her grievance.

- (1) If the grievant fails or refuses to appear before the Executive Committee, then his or her grievance or complaint shall be deemed dropped.
- (2) Any person aggrieved by the action of the Executive Committee or the region may appeal such to the Executive Council of the Union by a simple letter in writing to the President advising him or her of the desire to appeal such action. The matter shall than

automatically be placed on the agenda for the next meeting of the Executive Council, and the President shall notify the grievant of the date and place of such meeting. He or she shall have the right to appear in person at his or her own expense and present his or her appeal.

- (3) This Article is intended to provide assurance of good faith representation by representatives of the Union in any grievance against the employer by providing a forum within the Union wherein any member may have his or her complaint heard. However, nothing herein contained shall affect the validity of any settlement reached, or the result of any grievance processed, in good faith, by and between the officials of the Union and the employers in accordance with any collective bargaining agreement or the customs or practices by and between the Union and any employer or group of employers with whom the Union has a contract.

ARTICLE 26 DEATH BENEFITS - HEALTH AND WELFARE- PENSION AND CONTRACTS

Section A Death Benefits

- (1) The Columbia River Region shall maintain and administer the Death Benefit Trust and shall provide in its Regional By- Laws for the administration of said trust and the funds generated therein. Nothing in this Constitution shall prevent the Columbia River Region from amending the terms and conditions of or the purchase of insurance, so long as such actions are consistent with this Constitution and the law. The expenses of the Death Benefit Trust such as postage, audit fees and legal expenses shall be the responsibility of the Death Benefit Trust.

Section B Health, Welfare, Pension and Contracts

- (1) Many contracts with employers have been in the name of a particular division of the Union, and many of the Health, Welfare and Pension plans have likewise been organized in the name of a particular division, and the right of appointment of Trustees to some of the plans has been provided for by the divisions. In order that no member shall be deprived of any rights under any such contracts or agreements and, in order that no employer may take any advantage of the change in the structure of the Union by the adoption of this amended Constitution, the adoption of this amended Constitution shall be deemed to be a power of

attorney executed by the respective divisions to the National Union. If necessary, Regional Officers shall be required to execute such documents to carry out this intent and, in order to make sure of the enforceability of collective bargaining agreements and/or any of the Trust plans. The integrity of all such plans shall be maintained unless and until merged by agreement of the Trustees.

Section C As adopted by the membership of the Inlandboatmen's Union of the Pacific on August 16, 1971, and amended thereafter at the National Conventions in 1972 through 2009 and by referendum ballot on October 9, 1979 and April 1, 1980.

ARTICLE 27 **CONTINGENCY FUND**

Section A The National Union, Regions and/or bargaining units, may develop a contingency fund to provide strike or other benefits to members of the Union who participate.

Section B These funds shall not be part of the Unions general funds and separate accounts shall be maintained for the receipt, disbursement and investment of these funds.

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