

**CONSTITUTION AND BY-LAWS  
GENERAL RULES  
MINE, MINERAL AND  
PROCESSING WORKS,  
LOCAL 30 I.L.W.U.**

**PREAMBLE**

Since the beginning of history, mankind has struggled individually and collectively for political, economic and cultural betterment, and has found the greatest ability to make such advancement through democratic organization to achieve common aims.

THEREFORE, we, who have the common objectives to advance the living standards of ourselves and our fellow workers everywhere in the world, to promote the general welfare of our nation and our communities, to banish racial and religious prejudice and discrimination, to strengthen democracy everywhere, and achieve permanent peace in the world, do form ourselves into one, indivisible union, and adopt the following Constitution and By-Laws to guide our conduct and protect our democracy within the union.

**ARTICLE I**

**Name, Headquarters, and Objectives of This Local**

**Section 1 - Name.** This Local shall be known as MINE, MINERAL AND PROCESSING WORKERS, LOCAL 30, INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSE-MEN'S UNION, (hereafter referred to as the Local or ILWU).

**Section 2 - Headquarters.** The headquarters to this Local shall be at BORON, CALIFORNIA.

**Section 3 - Objectives.** It shall be the objective of this Local to protect, maintain and advance the interests of its members, to organize the unorganized in the area of its jurisdiction, and provide for the advancement of the interest of all members. The Local shall be and act as the exclusive representative and bargaining agent to represent the members in the presentation, maintenance, and adjustment and settlement of all grievances, complaints or disputes and any other matters relating to rates, hours, terms and conditions of employment or arising out of the employer-employee relationship of this organization in the history of the American labor movement and in present-day labor problems.

**ARTICLE II**

**Operational Structure and Affiliations**

**Section 1 - Industrial Unit.** This Local shall consist of Borax Mine, Mineral and Processing Industry Workers.

**Section 2- Affiliations.** This Local may affiliate with the ILWU District Council and with whatever labor bodies the membership may decide from time to time, and with any body of organized workers that have for their objectives the improvement of workers' conditions or rates, and whose principles and workings are in accord with Local 30, Mine. Mineral and Processing Workers, ILWU-

**Section 3 - Autonomy.** This Local shall have such officers, meetings and membership dues as are necessary to protect its autonomous rights and to permit its effective functioning.

**Section 4 - By-Laws.** The Local may adopt such By-Laws as it deems necessary and desirable for the conduct of its own affairs, so long as such By-Laws and rules are not in conflict with this Constitution or with the Constitution of the ILWU.

**ARTICLE III**

**Membership**

**Section 1 - Eligibility.** Persons applying for membership in this Local shall be persons covered under the provisions of the contract or collective bargaining agreement with United States Borax and Chemical Corporation, and who have fulfilled their initial probationary period. Applicants who meet the above requirements must also agree to comply with the Local Constitution and By-Laws, its Preamble and Objectives and any supplementary rules and regulations of the Local.

**Section 2 - Job Rights.** No member employed within one Unit shall have any right to a job in any other Unit, except at the discretion of the Unit needing additional employees.

**Section 3 - Retired and Disabled Members.**

(a) Upon retirement, a retired member or member on long term disability, shall have the right to express his opinions at meetings of the Local but he shall have no voting privileges.

(b) Any member with twenty-five (25) years in the industry who retires shall be made a lifetime member of this Local. Such lifetime members shall not be counted in determining the total number of members of the Local.

(c) When a member is compelled to leave the industry upon reaching retirement, or unable to continue working in the industry because of disability, illness or injury, he may continue paying the premium for his Life Insurance, but he shall not be required to pay the Local membership dues or assessments.

**Section 4 - Withdrawals.**

(a) A member who is in good standing shall be presented with a withdrawal card upon his request and upon payment of all dues, assessments, and fines that may be due at the date of his request.

(b) A member with a withdrawal card who desires reinstatement shall present his withdrawal card to the President and/or Secretary-Treasurer of the Local and be voted upon the same as a new member, providing his withdrawal card is dated six (6) months or more. This member shall start paying dues for the first month in which he works more than 15 calendar days.

A member with a withdrawal card of less than six (6) months may be reinstated upon his payment of all dues and assessments from the date of his withdrawal. And a member who has withdrawn from the Union for six (6) months or more and has been continuously employed by the Company since his withdrawal may be reinstated upon a reinstatement payment of \$200.00 or upon the payment of all back dues and assessments.

(c) Any member in good standing who is laid off, on a military leave or a leave of absence will not be required to pay union dues or initiation fee to be reinstated.

(d) Any member of this local who takes a withdrawal card during a strike of his local and who returns within ninety (90) days of the signing of the Contract, shall be subject to a 10% fine of all wages made during such strike period, and/or all picket duty fines.

**Section 5 - Oath of Obligation.** An applicant whose application the members have voted to accept shall take the following initiation pledge at a meeting of the Local:

"I, (name)...., do most solemnly upon my honor promise that during my connection with the International Longshoremens and Warehousemens Union, I will remain a true and faithful member, that I will abide by the Constitution and By-Laws of Local 30, ILWU and observe its rules and regulations. I will attend the meetings of this Local to the full extent of my ability, and bear true and faithful allegiance to the policies and program adopted by the membership. I will do what I can to adopted by the advance the security and welfare of all members of this union; I will strive to create a brotherly feeling between all members of the ILWU and those organizations which strive to uphold the dignity of labor and support the organized labor movement; and finally I will not deal in any manner with any person who is an enemy of organized labor. TO THIS I PLEDGE MY HONOR."

**ARTICLE IV**

**Meetings**

There shall be regular Local membership meetings at least once a month. Special meetings of this organization may be called by the President, by a majority of the Executive Board, or by a petition signed by twenty percent (20%) of the members in good standing. The notice for calling of a special meeting shall state the purpose for which the meeting is called, and no other business shall be transacted at any special meeting. The notice of a special meeting shall be posted at least 72 hours in advance on all appropriate bulletin boards.

**ARTICLE V**

**Officers, Executive Board Members and Committeemen**

The elective officers of this Local shall consist of: President-Business Agent, Vice President, Secretary-Treasurer, Local Recording Secretary, two (2) Sergeants-at-Arms, Executive Board members, Trustees, and Guide.

**Section 1 - Remuneration.** At the option and approval of this local membership, salaried officers shall be limited to that of the President-Business Agent, Secretary-Treasurer, Vice President, and Recording Secretary.

**Section 2 - Local Executive Board.** The Local Executive Board shall consist of the President-Business Agent, Vice President, Secretary-Treasurer, Local Recording Secretary, Sergeants-at-Arms, Trustees, Guide, and one member from the Truck Shop, Mine, Plt 1, Plt 234, Steam/Co-generation, Supply Warehouse, Millwrights, Electric/Instrument/Utility shops, BAP, Small Plants (Office, Safety, Engineering Dept., Plt 5 & 26), Lab, Pilot Plant, and Plt 9.

**Section 3 - Board of Trustees.** Three (3) Trustees shall be elected from this Local to serve for a period of three (3) years, one to be elected each year.

**Section 4 - Stewards.** As per the contract, each employee group shall elect shop stewards from its ranks.

(a) There shall be four (4) Chief Stewards; one (1) for production, one (1) for the mine, one (1) for maintenance and (1) for the Boric Acid Plant or as provided by the Contract.

(b) The steward is the representative of the Union on the job, and he must know the contract and the Grievance Procedure as written out in the contract. Among some duties of the shop stewards are the following:

1. He shall determine that none but ILWU members are working on the job.

2. He shall endeavor at all times to create better working conditions, take up and try to settle grievances on the job, and enforce the contract.

3. He shall see to it that no member of the Union breaks working rules, safety rules, violates the contract, working conditions or rates on or about his job.

4. He shall keep a written record of all grievances handled and be responsible to his group or department. He shall see that all Local members comply with and carry out the policies and program adopted by the Local membership.

(c) A Stewards Council shall be formed consisting of all Stewards which shall meet at least once a month. The stewards Council shall elect a Chairman and Recording Secretary to keep a record of all business transacted and submit same to the Local Recording Secretary. The Stewards shall discuss such business as will improve working conditions, settle grievances, build the Union, enforce the collective bargaining agreements, and such other business as may come before them. Motions and resolutions acted upon and passed by the Stewards Council shall not become effective until submitted to the Executive Board and approved by the Local membership. The Stewards Council shall have the power to call a meeting of its own members, but it shall not usurp the power or authority of the Local Executive Board, or the general membership.

## ARTICLE VI

### Duties of Officers and Committees

#### Section 1 - President-Business Agent.

(a) The President-Business Agent shall be a custodian of all monies, seal, books, files, and all other property belonging to this Local, and shall together with the Secretary-Treasurer and Board of Trustees, take proper steps to safeguard the same.

(b) The President-Business Agent shall be the Executive Officer of the Local, and shall be authorized to sign all collective bargaining agreements after approval of the membership.

(c) He shall preside at all meetings of the Local and conduct the same in accordance with the rules adopted.

(d) He shall preside at all meetings of the Local Executive Board.

(e) He shall enforce due observance of the Local Constitution and By-Laws.

(f) He shall see that all resolutions and motions are enforced.

(g) He shall sign all official papers and documents ordered by the Local.

(h) He shall be bonded in whatever amount the law requires.

(i) He shall be ex officio member of all committees of the Local therein.

(j) He shall automatically receive the same wage increase as the membership as provided by each Contract Agreement.

(k) He shall, at the conclusion of his term, resignation, or recall, turn over to his successor all books, papers, files, keys or key combinations, and all other monies, records and property of the Local that may be in his keeping or possession.

#### Section 2 - Vice President.

(a) He shall assist the President in the performance of his duties and conduct all meetings in his absence.

(b) He shall, in the absence of the President or when called upon to do so, assume the duties of that Office pending the return of the President. He shall receive the same wage rate as the President while assuming the President's duties.

(c) During the President's absence he shall be clothed with all the Constitutional powers of the office.

(d) He shall be bonded in whatever amount the law requires.

(e) He shall receive a monthly salary as determined by the membership.

(f) In the event the office of President becomes vacant at any time during the election year, the Vice President will assume the duties of the President until the next regular election of the Local.

#### Section 3 - Secretary-Treasurer.

(a) The Secretary-Treasurer shall be a custodian of all monies, seal, books, files, collective bargaining agreements, and all other property belonging to this Local, and shall, together with the President, and the Board of Trustees, take proper steps to safeguard the same.

(b) He shall be bonded in the amount required by law.

(c) He shall conduct all correspondence and sign and affix the seal to all official documents.

(d) He shall keep a statute book to record resolutions, extracts of positive proceedings taken from all committees.

(e) He shall keep a true and just account between the members, and all other accounts of the Local.

(f) He shall present to the Local each month a Financial Statement showing the financial condition of the Local. This statement shall be posted monthly on the bulletin board at the Local Hall.

(g) His books shall be audited yearly by a certified public accountant, and presented to the membership.

(h) He shall submit his books and bills to the Board of Trustees, and furnish a report at any time the Local Executive Board may request one.

(i) He shall order no disbursement under the seal of the Local unless authorized by the Local.

(j) He shall retain no more than two-hundred dollars (\$200) in the petty cash box at any time unless specifically authorized by the Local, and he shall deposit all monies received by and for the Local in the bank or banks designated by the Local whenever necessary.

(k) He shall receive a monthly salary as determined by the membership.

(l) He shall at the conclusion of his term, resignation, or recall, turn over to his successor all books, papers, files, seal, keys or key combinations, and all other records, monies and properties of the Local that may be in his keeping or possession.

**Section 4 - Local Recording Secretary.**

- (a) The Recording Secretary of the Local shall take the minutes of all regular and special meetings of the Local.
- (b) One copy of these minutes shall be given to the President, and one to the Secretary-Treasurer. A copy shall be posted on the bulletin board at the Local hall no later than forty-eight (48) hours after said meetings are adjourned.
- (c) The Recording Secretary of the Local shall maintain a file in which he will keep an up-to-date record of all minutes of Local, Executive Board, and Special meetings.
- (d) He shall receive a monthly salary as determined by the membership.
- (e) He shall be the Recording Secretary of the Local Executive Board and shall keep accurate minutes of their meetings. He shall post the minutes of said meeting on the bulletin board in the Local hall no later than forty-eight (48) hours after said meeting is adjourned, and submit a copy of these minutes to the President and to the Secretary-Treasurer.

**Section 5 - Local Executive Board.**

- (a) The Local Executive Board shall be the advisory board of the Local. It shall have the power to adopt such measures as are deemed necessary for the good and welfare of the Local, subject to the approval of the membership.
- (b) The Board shall attend to all important matters pertaining to the Local occurring between meetings, if not otherwise provided for by the Constitution and By-Laws.
- (c) The Board shall have the authority to call special meetings whenever it is necessary to make recommendations pertaining to collective bargaining agreements, and strike action, subject to approval of the Local membership.
- (d) A majority shall constitute a quorum.

**Section 6 - Sergeants-at-Arms.**

- (a) It shall be the duties of the Sergeants-at-Arms to take charge of the door to the meeting room and to examine the membership card of members seeking admittance. They shall keep a correct attendance record.
- (b) They will not admit anyone under the influence of alcohol, and will assist the presiding officer in the maintaining of order and will remove, upon the order of the presiding officer, any member who is creating a disturbance.
- (c) He shall act as the guide in the absence of the regular guide.

**Section 7 - Guide.**

The Guide shall introduce all new members and visitors and will assist the presiding officer and Sergeants-at-Arms in preserving order when called upon to do so. He shall also take charge of all property of this Local not otherwise provided for, and will perform such other duties as may be assigned to him by the Local from time to time.

**Section 8 - Board of Trustees.**

- (a) The Board shall audit all Local funds quarterly during the months of January, April, July and October. They shall submit a written Financial Statement of the Local's funds to the President, Secretary-Treasurer and Local Executive Board. A copy of this statement shall be posted on the Union bulletin board at the Local hall, and they shall give this report orally at the next monthly meeting of the Local.
- (b) No elective salaried officer shall be a member of the Board of Trustees.

**ARTICLE VII**

**Other Officers, Committeemen and Employees**

**Section 1 - Local Balloting Committee.**

- (a) There shall be four (4) Local Balloting Committeemen elected or appointed to supervise all elections. As of May 1995 one (1) shall be elected for a period of four (4) years, and one (1) shall be elected for a period of two (2) years. As of May 1996, the two (2) junior Balloting Committeemen shall be elected, one (1) for a period of four (4) years, and one (1) for a period of two (2) years. All subsequent elections for Balloting Committeemen shall be for a four (4) year term.
- (b) The duties of the Local Balloting Committee shall be to have full and complete charge of the elections of the Local in accordance with the rules of the Local.
- (c) They shall have charge of the ballot box and ballots and machines (if voting machines are used) and keys to the ballot box until the completion of their tally, and after the ballots have been tallied, they shall be returned to the ballot box, sealed, and placed in the care of the President and/or Secretary-Treasurer.
- (d) The Committee shall submit the results of their tally to the President and/or Secretary Treasurer, who shall post the results immediately on the bulletin board in the Local hall. Thereafter, the seal of the ballot box may be broken and any member desirous of inspecting the ballots as cast shall have the right to do so but only in the presence of the Local Balloting Committee, and only when authorized by the Executive Board.
- (e) The Committee shall allow no one to vote unless the member is in good standing. Any disagreement on eligibility of members to vote shall be determined by the Balloting Committee.
- (f) When a member wishes to vote, he shall present his membership card at the polling place, and,

1. Sign the register;
2. Secure a ballot;
3. Mark his ballot in the privacy of the voting booth, and personally deposit it in the ballot box. One of the Committeemen will then mark the member's card as having "Voted."

(g) On election days, or voting days, when secret ballots are required, the polls shall be open from 6:00 A.M. to 7:00 P.M. unless directed otherwise by the Local Executive Board.

(h) No candidate for an elective or salaried office, or whose name appears on a ballot as a candidate can serve on the Balloting Committee.

#### **Section 2 - Delegates.**

(a) ILWU Convention delegates may be elected every two (2) years by secret ballot in accordance with ILWU Constitution and By-Laws. Election of delegates shall take place during the regular election, or not less than two (2) months prior to the start of the ILWU Convention

(b) Delegates to the ILWU District Council may be elected every two (2) years at the regular Local election, or at any subsequent election.

(c) Any member in good standing may run as delegates to the IL-VVIJ Convention or District Council.

#### **Section 3 - Entertainment Committee.**

An Entertainment Committee consisting of three (3) members shall be elected or appointed by the membership to arrange entertainment and refreshments on occasions calling for the same.

#### **Section 4 - Public Relations Committee.**

(a) The Public Relations Committee shall consist of three (3) members in good standing appointed or elected by the membership.

(b) They shall compile and forward all news of interest to the members and news of the progress of the Local to the "Dispatcher."

(c) They shall compile news for the Press.

(d) They shall present to the public the Local's problems whenever necessary.

(e) All publicity material compiled for the Dispatcher or other publications must be submitted to the President and/or Secretary-Treasurer for editing and approval.

#### **Section 5 - Legislative Committee.**

There will be three (3) members in good standing appointed or elected to inform members on Local politics and make reports and recommendations concerning local and state elections, including the Water District, Sewer District, School Boards, Planning Commission, etc.

#### **Section 6 - Recreation Committee.**

There will be three (3) members in good standing appointed or elected to arrange recreation programs for members and their families. These arrangements can be made in conjunction with the Ladies Auxiliary of the Local.

#### **Section 7 - Contract Improvement Committee.**

There will be three (3) members in good standing appointed or elected to study and investigate collective bargaining agreements. The Committee may make its reports and recommendations to the Local membership on contract improvements.

#### **Section 8 - Other Officials.**

(a) The membership may from time to time select and designate other officers, committees, and delegates, including special convention delegates, and employ such other persons as it deems necessary to carry on the business of this Local. The duties to be performed by such officers, committees, delegates, or employees; the method of their selection; the duration of their terms of office; the compensation (if any) paid them; and all related matters, shall be determined by the Executive Board and approved by the membership of the Local.

(b) No committee shall have less than three (3) members in good standing.

(c) All appointed committee members shall be subject to the approval of the membership.

(d) Any committee member neglecting to fulfill his duties shall be subject to removal from his committee. Any committee member who absents himself from three (3) successive meetings of a committee without a satisfactory excuse shall be dropped from that committee. The committees shall be empowered to propose additional members for action by the membership. This shall not preclude direct nominations and election of additional members at regular membership meetings.

#### **Section 9 - Terms of Office.**

(a) All elective officers, Executive Board members, and committees of this Local shall serve for a period of two (2) years from June 1 to June 1 of the third year, except Trustees (3 years) and Balloting Committee (4 years).

(b) There shall be no limitation as to the number of times a member can succeed himself in office.

#### **Section 10 - Eligibility for Salaried Offices.**

A member to be eligible for candidacy for a salaried office in this Local, shall be a member of Local 30 presently employed or on a Union Leave of Absence and in good standing for a period of not less than one (1) year.

**Section 11 - Business Agent.**

This Local may hire a Business Agent at its option to assist the President in his duties.

**ARTICLE VIII**

**Collective Bargaining**

**Section 1 - Bargaining Officials.**

Bargaining officials for contract negotiations for this Local shall include:

- (a) The President and Vice President of this Local.
- (b) Members in good standing are to be nominated from the floor at the January membership meeting prior to the expiration of the Contract Agreement. These nominees will come from the following groups: Mine, Maintenance, Small Plants (Warehouse, Labor Pool, Janitors, Engineering Department, Pilot Plant, Safety Department, Accounting & Office) Production, Plant 9 Production and Truck Shop. Any member can nominate any other member from any other member from any group. Nominee must be present to accept nomination or have given written consent to person making nomination. The election of these six (6) members shall be within seven (7) days following the January membership meeting. No more than one (1) candidate shall be elected from each group. There shall be six (6) alternates which will be the runners-up in each group.
- (c) The Local membership may request the President to seek the help of the International for the purpose of aiding the negotiations.

**Section 2 - Compensation for Non-salaried Officials.**

The non-salaried bargaining officials shall be reimbursed from the General Fund if meetings for the purpose of negotiations which are not compensated for by the Company that disrupt their normal working hours. They shall be paid for all hours lost [up to eight (8) hours per day] at their hourly base rate at straight time, plus expenses when the need arises (upon authorization of the Local President).

**Section 3 - Contract Proposals.**

- (a) Prior to the presentation of contract demands to the employer, the bargaining officials of the Local shall present the proposed demands to a meeting of the membership. The membership shall have been notified in advance that one of the main purposes of the meeting is the selection and approval of proposed contract demands submitted by the Local membership.
- (b) A majority vote of approval by the members present shall be required before the submission of any contract demand to the Employer.
- (c) The bargaining officials shall work jointly with the Contract Improvement Committee on the drafting of contract demands.

**Section 4 - Strike Authorization.**

A strike shall be authorized by the Local provided the following procedures have been complied with:

- (a) A special meeting of the membership shall be called by the President. This meeting shall have been clearly stated as a meeting for the purpose of holding a strike vote.
- (b) A vote shall be taken at this special meeting by secret ballot and an 80% vote of approval by the Local membership present shall be required to authorize the negotiating committee to call a strike.

**Section 5 - Approval of Contracts.**

Contracts may not be signed until the following procedures have been complied with:

- (a) A special meeting of the membership shall be called by the President. This meeting shall have been clearly stated as a meeting for the purpose of accepting or rejecting the negotiated contract.
- (b) A vote shall be taken at this meeting by secret ballot and a majority vote of members present for acceptance shall be required before the contract may be signed by the appropriate officials. Rejection of the Contract shall be authorization for a strike.
- (c) After the contract is signed, a copy shall be provided to all members. A copy shall be available for inspection by any member of the Local at the hall.

**ARTICLE IX**

**Nominations, Elections and Installations**

**Section 1 - Nominations.**

- (a) Nominations for all elective officers and committees of this Local shall be open from March 15 to April 25. Any member desiring to be a candidate for any office in the Local shall secure from the Secretary a printed form which he shall properly fill out designating the office to which he aspires and containing thereon the signatures of ten (10) members in good standing.
- (b) The Secretary shall, during the nomination period, keep posted on the bulletin board a complete list of all members seeking election to office.

**Section 2 - Eligibility to Vote.**

All members in good standing on the election date shall be eligible to vote.

**Section 3 - Elections.**

(a) Elections under this Article and the Sections therein shall be conducted by secret ballot among all the members in good standing.

(b) The election of officer and committee shall be held the second Wednesday in May. The polls shall be open from 7:00 A.M. to 7:00 P.M. to conduct the balloting.

(c) If no one candidate gets over 50% of the total votes cast there will be a runoff election between the two (2) candidates with the highest number of votes. This runoff election shall be held on the third Wednesday in May. The polls shall be open from 7:00 A.M. to 7:00 P.M. to conduct the balloting.

**Section 4 - Installations.**

(a) The installations of all Local officers, Executive Board members and Committeemen shall take place at the regular monthly membership meeting in the month of June.

(b) All officers, committeemen shall at the appropriate meeting, be sworn into office by the Local President, Regional Director or any other ILWU officer who shall require each to stand and repeat the following oath of office:

“I, ....(name)...., do solemnly pledge on my honor to perform the duties of my office to the full extent of my ability as set forth in the Constitution and By-Laws of this Local. I will never defraud or misrepresent this Local or the International Longshoremen's and Warehousemen's Union, and will bear true and faithful allegiance to the policies and program adopted by the membership. I will do what I can to protect and advance the security and welfare of all members of this Union, regardless of race creed, color or national origin. I shall turn over to my successor all books, records, files, keys and key combinations, and all other properties of this Local and the ILWU that may be in my keeping or possession at the close of my term of office, resignation, or recall. TO ALL THIS I PLEDGE MY HONOR.”

**ARTICLE X**

**Removal of Officers and Committeemen**

**Section 1 - Recall Elections.**

Upon a signed petition of 20% of the members of this Local in good standing, any elective position shall be subject to a recall election.

**Section 2 - Procedures for Recall Elections.**

A petition seeking recall of a Local elective position shall be filed with the President or Secretary-Treasurer of the Local. In the event the President is the subject of the recall petition, the petition shall be filed with the Secretary-Treasurer. In the event that the Secretary-Treasurer is the subject of the recall petition, the petition shall be filed with the President. The President (or Secretary-Treasurer) shall present the petition to the Local meeting for that month and shall announce that a secret ballot on the petition will be held during the following month's meeting. At the following month's regular meeting, before the secret ballots are taken, one of the signatories to the petition shall be entitled to make a statement in support of said petition, and the officer, committeeman or employee whose recall is sought, shall then be entitled to make a statement in reply. After the above has been complied with, secret balloting shall be conducted. It shall require a majority vote of the entire Local membership to approve or disapprove such requested recall action.

**Section 3 - Absenteeism.**

Any elective salaried officer or employee who absents himself three (3) consecutive times without sufficient cause from the duties and meetings assigned to him or whose conduct is detrimental to the organization, shall have his position declared vacant by the presiding officer and he shall not hold any position in the Local for not less than one (1) year following his vacancy. All elective Union Officers and essential members shall be reported off to attend all Union meetings and Union activities upon authorization of the Local President.

**Section 4 - Automatic Removal from Office.**

Any man holding office within this Local shall be automatically removed from that office if found guilty of any charges brought against him as set forth in Article XI and the Sections therein.

**Section 5 - Office Vacancies.**

When a vacancy is caused by death, recall, resignation, or any other cause, nominations shall be promptly declared open for such vacant offices except the office of President which is filled by the Vice President under Article VI, Section 2, page 10. Nominations shall be accepted for a period of five (5) days following the written notice that the vacancy exists, and a notice announcing the election will be posted for at least fifteen (15) days. An election shall be held by secret ballot by the Local Balloting Committee within thirty (30) days after the vacancy has occurred. The polls shall be open for voting not less than a total of twelve (12) consecutive hours. As soon as a vacancy exists, the membership shall also receive written notice from the President or Vice President that a vacancy exists, that nominations are open, the date when nominations will close, and the date and hours of the

election. The election and counting of the ballots and the posting of the results shall comply with the foregoing Article VII, Section 1.

## ARTICLE XI

### Disciplinary Action

#### Section 1 - Suspension and Punishment.

This Local shall have the power to fine, suspend, or expel members for violation of this Constitution and By-Laws, or for violation of the ILWU Constitution, or for conduct which might jeopardize the reputation or welfare of the Local or its members.

The President-Business Agent and/or Vice President, along with any Local member, steward, or officer that the President-Business Agent and/or Vice President deem necessary, shall investigate and shall attempt to informally resolve any alleged violations.

If any member fails or refuses to confer in good faith with the President-Business Agent and/or Vice President during the Local's investigation or attempt at informal resolution, he/she shall be fined two hundred fifty (\$250.00) dollars.

Before imposing a fine of two hundred fifty (\$250.00), the Local will send one letter by Certified Mail-Return Receipt Requested to the member at his/her last known address in the Local's possession, with instructions to confer with the President-Business Agent or Vice President within ten (10) calendar days or be fined two hundred fifty (\$250.00) dollars.

#### Section 2 - Grounds for Punishment.

A member of the Local may be tried and punished upon any of the following grounds and through the Trial Procedure in Section 3 of this Article.

- (a) Violation of any Article or Section of the Local or the ILWU International Constitution.
- (b) Engaging in conduct detrimental to the welfare and interests of the Local membership or the ILWU
- (c) Disobedience or regulations, rules, mandates and decrees of the Local or the ILWU.
- (d) Tampering with ballots or in any manner interfering with the fair and proper conduct of any election of this Local.
- (e) Maliciously and falsely slandering officers or members of this Local.
- (f) Engaging in the breaking of a properly and legally authorized strike of this Local or any Local affiliated with the ILWU

(g) Failure to properly account for any funds, monies, properties, records, or assets of the Local.

(h) Advocation or directly or Indirectly participating in any action designed to assist a rival labor organization or to transfer the affiliation of his chartered Local from the ILWU.

Nothing herein stated shall in any way infringe upon the rights of any member to criticize any action or policy of the ILWU administration or the administration of this Local.

#### Section 3 - Trial Procedure.

(a) All charges must be submitted in writing through the Secretary-Treasurer and must be filed by a member in good standing. Any charges must be signed by the accuser.

(b) The accused shall be sent a copy of the charges by the Secretary-Treasurer by Certified Mail-Return Receipt Requested with instruction to be present at the meeting of the Trial Committee. The Executive Board shall investigate the charges and act as the Trial Committee.

(c) At the trial the accused may present his witnesses and shall be entitled to cross-examine the witnesses of the accuser. The trials shall be open to any member of the Union who is a member in good standing. The Chairman of the Trial Committee shall preserve order at all times, and no member will be permitted to discuss or interfere in any way with the trial proceedings unless he is asked by the Chairman of the Trial Committee to give testimony.

(d) If one or more members have the same charges preferred against them, their cases may be consolidated for trial but separate verdicts shall be found.

(e) If the accused fails to appear for trial without an excuse which satisfies the Trial Committee, such failure or refusal shall be considered by the Committee as conclusive proof of guilt and they shall act accordingly.

(f) Any member of the Union must appear as a witness at the trial if requested by the Trial Committee, by the accuser, or by the accused and if he does not do so he may be fined twenty-five (\$25) dollars. The request to appear shall be made by Certified Mail-Return Receipt Requested, to the address Which is Shown for him on the Union books. Members shall give their testimony on their honor as members; non-members shall give testimony under oath.

(g) The decision of the Trial Committee shall consist of the following:

1. Verdict of guilty or not guilty.
2. Statement of what the Trial Committee found to be the facts.
3. Recommendation of punishment.

This decision of the Trial Committee shall be in writing. It shall be delivered to the President to be read at the next regular membership meeting of the Union. If there is a minority report, it shall also be presented to the membership. All Trial Committee reports are subject to approval of the membership. After the Trial Committee report is read to the membership, it shall be voted upon without debate. Unless found guilty, the accused may participate in his regular activities and in all meetings of the Union.

(h) Any member who has been found guilty and wishes to appeal the action of the Trial Committee as concurred in by the membership, must do so in writing within fifteen (15) days after being notified by the Secretary-Treasurer. The appeal must be in writing and shall be made to the International Executive Board through the International Secretary-Treasurer. Pending the decision

of the International Union, the decision of the Local shall be binding and must be complied with before the right to appeal can be accepted by the next tribunal in authority and shall remain in effect until reversed or modified.

(i) Any member bringing charges with malice aforethought or charges which are not founded upon actual fact may be fined fifty (\$50) dollars for the first offense and shall be expelled for the second offense.

## **ARTICLE XII**

### **Economic Structure**

#### **Section 1 - Local Funds.**

This Local shall have the following named funds.

- (a) General Fund.
- (b) Funds deemed necessary by this membership

#### **Section 2 - Revenues.**

Monies for the Local Funds shall be acquired as set forth in the Articles and Sections of the Constitution and By-Laws.

#### **Section 3 - Deposition.**

The Local Funds shall be deposited by the President and/or Secretary-Treasurer in a Government-insured bank in the name of MINE, MINERAL AND PROCESSING WORKERS, LOCAL 30, INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION or in a building and loan association or trust company that is federally insured, in the name of the Local. Separate accounts shall be maintained for the individual Local Funds.

#### **Section 4 - Administration.**

The President, Secretary-Treasurer and Board of Trustees shall be the custodians of the Local Funds. All checks against the funds shall bear at least two (2) of the following signatures, President, Vice President, and Secretary-Treasurer.

#### **Section 5 - Audits.**

The Board of Trustees shall audit the Local's funds quarterly during the months of January, April, July and October as set forth in Article VI, Section 8(a) of this Constitution.

## **ARTICLE XIII**

### **Investments of Local Funds**

#### **Section 1 - General Funds.**

The General Fund to this Local shall not be used for the purpose of investments.

## **ARTICLE XIV**

### **General Fund**

#### **Section 1 - Revenues.**

The General Fund shall be kept separate of all other funds and shall contain all monies from dues, initiation fees, fines, assessments, etc., not specifically marked for purposes other than the General Fund by the Constitution and By-Laws.

#### **Section 2 - Deposition.**

The General Fund shall be deposited as set forth in Article XII, Section 3 with the added stipulation that any excess in the fund over and above the amount of five thousand (\$5000) dollars shall be transferred to the Building Association.

#### **Section 3 - Expenditures, Withdrawals, and Disbursements.**

- (a) No monies shall be withdrawn from the General Fund without the proper presentation of bills and due authorization by the Local membership.
- (b) Monthly bills, salaries, strike assistance, and all other expenses not covered in preceding or succeeding Articles and Sections of this Constitution shall be paid from the General Fund.
- (c) All requests for donations must be referred through the President to the Local Executive Board for its approval. All recommendations for donations in excess of forty (\$40) dollars shall require a majority vote of approval at the regular meeting or special membership meeting of the Local.
- (d) Should the assets of the General Fund be depleted to less than one thousand (\$1000) dollars, the President, after the majority vote of approval by the membership, may declare an assessment to stabilize the assets of the fund in accordance with Article XVI, Section 2.
- (e) Regular ILWU per capita payments and assessments levied against the Local membership shall be paid from the General Fund.

(f) Disbursement from the General Fund shall include donations to ILWU locals requiring aid, labor unions engaged in strikes or lockouts, and Defense Committees engaged in defense and legal aid to secure the release of union members unjustly imprisoned for union activities. Such donations shall be handled in accordance with Section 3(c) or this Article.

(g) The Local membership may disburse sums from the General Fund for any cause it deems worthy provided that all requests for donations be on the agenda and brought through the Executive Board after a majority of the membership present vote to do so at a regular or special meeting of the Local, provided the purpose of the donation or disbursement has been clearly stated beforehand. Non-Union donations shall not exceed \$1,400 in any one calendar year.

(h) The General Fund of this Local shall in no instance be used for any purpose other than the business set forth in the Articles and Sections of this Constitution.

(i) All Union members shall be reimbursed from the General Fund for meetings or Union activities which are not compensated for by the Company which disrupts their normal working hours [up to eight (8) hours per day] at their hourly base rate at straight time plus expenses when the need arises upon authorization of the Local President.

(j) **Life Insurance:** The Union may furnish each member of Local #30 Group Life Insurance in the amount determined by the Local #30 membership. The insurance premiums will be taken out of each members monthly union dues. A member who has retired may at his option carry the same life insurance provided he pays the premium on such life insurance annually.

## **ARTICLE XV**

### **Building Association**

#### **Section 1 - Revenues.**

Per Capita not to exceed one dollar and fifty cents (\$1.50) per member and rent of one hundred dollars (\$100) shall be paid monthly by Local #30 for the purpose of maintaining a Building Association.

## **ARTICLE XVI**

### **Dues, Initiation Fees, Fines, and Assessments**

#### **Section I – Dues.**

(a) As of January 1<sup>st</sup> 2021, the dues of this local shall be \$100.00 per month per member.

(b) No monthly dues increase shall be raised upon members of this local except by a 2/3 majority vote of those present by a secret ballot at a regular meeting of this local. Any future dues increase will be read at membership meeting, posted and read a second time at a following membership meeting and then voted on. In no instance shall the suspension of the By-Laws be used to regulate the monthly dues or assessments.

#### **Section 2 - Levied and Suspended Assessments.**

No assessments shall be levied upon members of this Local except by a 2/3 majority vote of those present by secret ballot at a regular meeting of this Local.

#### **Section 3 - Payment.**

(a) A member is in good standing only when his dues, assessments, and all other indebtedness are paid on or before the delinquent date as set by the Local.

(b) Members five (5) days or more in arrears in dues payments shall have their names read and can be expelled from the Local at the first regular Local meeting following the reading of their names unless their delinquency has been corrected. Such persons shall only be re-admitted as members of this Local in the same manner as new applicants who desire to join the Local and only after they have followed the procedure prescribed in Article III, provided, however, that no application under this Section shall be considered for a period of twelve (12) months after the expulsion.

(c) Members delinquent in payment of fines and assessments are subject to disciplinary action as set forth in Article XI of this Constitution.

(d) A member five (5) days in arrears in his dues is subject to a fine in the amount to be set by the membership from time to time, to apply equally to all delinquent members.

#### **Section 4 - Collection.**

All monies shall be collected or received by the President and/or Secretary-Treasurer and held to the account of the Local.

## **ARTICLE XVII**

### **Constitution Amendments**

The Constitution may be amended in the following manner: Any member in good standing may introduce a motion at any regular monthly meeting to amend the Constitution. Such a motion shall forthwith be referred to the Local Executive Board for a report and recommendation to be made at the next monthly meeting. At the regular membership meeting at which the Local Executive Board makes amendment together with its report shall be read, and the proponent of the amendment shall be entitled to make a statement in support of the amendment. If the report and recommendation of the Local Executive Board shall be entitled to state the position of the Local Executive Board. Thereafter the proposed amendment shall be placed upon the floor for discussion and for vote. A two-thirds (2/3) vote by secret ballot of those present shall be required to amend the Constitution.

## ARTICLE XVIII

### Dissolution

This Local cannot be dissolved as long as there are ten (10) members in good standing.

## ARTICLE XIX

### RAND MINE DIVISION

**Section 1 - Jurisdiction.** There is hereby established the **RAND MINE DIVISION** (hereafter called the "Division") of Local 30. The jurisdiction of the Division shall be gold and other precious metals mining work in and around Randsburg, California.

**Section 2 - Autonomy.** The Division shall be an autonomous unit, operated and administered independently of Local 30 and its sections, units or divisions. In this regard, the Division shall have its own elected officers, boards, committees, representatives and membership list. The Division shall have sole ownership, control and responsibility as to all assets, properties and financial matters of the Division. Only Division members in good standing shall be eligible to participate in elections, meetings, activities and other matters concerning the Division unless otherwise expressly authorized by the Division. Division members shall not be eligible to participate in elections, meetings, activities, and other matters concerning Local 30 other than the Division of Local 30.

**Section 3 - Limitations as to Local 30.** The officers, boards, committees and members of Local 30 who are outside the Division shall have no authority or responsibility concerning the affairs and administration of the Division, except as may be specifically authorized by the Division.

**Section 4 - Job Rights.** No members employed within the jurisdiction of the Division shall have any right to a job under any other collective bargaining agreement the Local may be party to. Nor shall other members of the Local have any right to a job under the collective bargaining agreements under which the members of the Division work.

## BY-LAWS

### ARTICLE I

#### Meetings

**Section 1 - Educational Meetings.**

Educational meetings shall be held whenever it is deemed necessary.

**Section 2 - Regular & Informational Meetings.**

1. The regular meeting will be held at a time determined by the membership.
2. The informational meeting will be held the following day at a time determined by the Membership. This will be for swearing in of new members and an informational meeting only.

**Section 3 - Special Meetings.**

Special meetings shall consider only such matters as they are specifically called for. Special meetings shall be scheduled comparable to the regular meetings so that all members can attend.

### ARTICLE II

#### Dues, Initiation Fees, Fines and Assessments

**Section 1 - Dues.**

- (a) The monthly dues of this Local shall be governed by the Local Membership.
- (b) Any member who is absent from work sixteen (16) calendar days during any month because of sickness or injury, or on long term disability shall not be required to pay his regular monthly dues for that current month. These provisions shall also apply to disabled members as covered under Article III, Section 3 of this Constitution. The Local shall only go back 30 days from this passage of this amendment for return of Union dues.
- (c) A member refusing to pay his dues, fines, assessments, or other indebtedness as set forth shall be automatically expelled from the Local, as provided in Article XVI, Section 3.
- (d) Part time employees shall be required to pay Union dues after the completion of 173 hours work, and each 173 hours work thereafter.

**Section 2 - Initiation Fee.**

The initiation fee of this Local shall be determined by the membership.

**Section 3 - Fines and Assessments.**

Fines and assessments, unless otherwise stated in the Constitution and By-Laws, shall be payable monthly, and the amounts if not set forth in these By-Laws, shall be determined by the membership through a referendum ballot.

## **ARTICLE III**

### **Copies of the Constitution and By-Laws**

Every member of this Local shall receive a printed copy of the Constitution and By-Laws at the time of his initiation. It is the member's responsibility to read them so as to be prepared to know the duties and obligations contained therein.

## **ARTICLE IV**

### **Membership Cards and Buttons**

#### **Section 1 - Membership Cards.**

Each member after being initiated shall receive a membership card from the Local so that he shall be able to show his standing in the Local.

#### **Section 2 - Buttons.**

Members may secure dress buttons from the Local Secretary-Treasurer at a cost designated by the Local.

## **ARTICLE V**

### **Suspension of the By-Laws**

No Article or Section of the By-Laws shall be suspended unless at least two-thirds (2/3) majority of the members in good standing so order.

## **ARTICLE VI**

### **Amending the By-Laws**

No article or section of the By-Laws shall be amended unless a written statement of such amendment is posted in the business office for a period of five (5) days prior to the regular membership meeting of the Local, and read at that meeting and the next regular monthly meeting of the Local. At the second regular meeting of the Local (after posting) a referendum ballot will take place and a 2/3 majority vote of those present shall be required to carry the amendment.

## **ARTICLE VII**

### **Clarification**

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

### **Rules of Procedure**

The following rules governing procedure shall be observed by the Local membership.

1. On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of the meeting at any time to dispose of any urgent matter.
2. All resignations must be submitted in writing.
3. A motion to be entertained by the presiding officer must be seconded, and the mover as well as the seconder must rise and be recognized by the chair.
4. Any member having made a motion can withdraw it by consent of his second but any motion once debated cannot be withdrawn except by a majority vote.
5. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.
6. A motion shall not be subject to debate until it has been stated by the chair.
7. When a member wishes to speak, he shall rise and respectfully address the chair and if recognized by the chair, he shall be entitled to proceed for three (3) minutes only.
8. If two or more members rise to speak at the same time, the chair shall decide which is entitled to the floor.
9. Each member when speaking shall confine himself to the question under debate and avoid all personal, profane or abusive language.
10. No member shall interrupt another while speaking, except to a point of order and he shall definitely state the point, and the chair shall decide the same without debate.
11. If a member while speaking is called to order, he shall take his seat until the point of order is decided; if decided in order, he may proceed.
12. If any member feels himself personally aggrieved by a decision of the chair, he may appeal to the body from the decision.

13. When appeal is made from the decision of the chair, the Vice-President shall then act as chairman: said appeal than may be stated by the chairman. The member will then have the right to state the grounds of appeal, and the chair will give reasons for his decision; thereupon the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain such an appeal.

14. No member shall speak more than once on the same subject until all the members desiring the floor shall have spoken, and no member shall speak more than twice on the same motion without unanimous consent of the body.

15. The presiding officers shall not speak or vote on any motion unless he retires from the chair, but on points of order, or in case of a tie he shall have the deciding vote.

16. Meetings of this Local shall be conducted according to the Roberts Rules of Order.

17. No member shall leave a meeting without first asking permission to do so from the presiding officer.

### **GENERAL RULES**

1. Except for reasons beyond control of the individual, all members are required to vote in Local elections, regular or special, or where voting is for twelve (12) hours or more. Failure to vote will subject the member to a fine of five dollars (\$5.00), except for sick or injured members and all members who have been justifiably excused by the Local President or the presiding officer.

2. All members are required to attend the regular monthly meeting of the Local or be subject to a fine of five dollars (\$5.00). This rule does not apply to members who are sick or injured, working, retired, out of town on vacation, or members who have been justifiably excused by the President or the presiding officer.

3. Sick or injured members, or member who will be out of town, who wish to vote on an absentee ballot in the Local election may do so by applying to the President who shall issue proper instructions for voting and returning of absentee ballots in time to be tabulated.

4. Any member accepting nomination and election to any Local office or committee and who does not assume his responsibility when elected, shall be subject to penalty by the Local membership.

5. No election campaigning shall be conducted in the area where voting is taking place.

6. Any member ejected from a meeting of the Local for creating a disturbance, or drunkenness, etc., shall be automatically fined ten dollars (\$10.00) by the presiding officer.

7. A majority of members must first approve the contract before it is signed by the Negotiating Committee.

8. A strike shall be authorized when the members shall be called to such a meeting, and a secret ballot vote of 80% of those present shall be required to call a strike. A majority vote of those present is needed to call of a strike. The ILWU shall first be promptly notified before any strike action is taken on the job.

### **ORDER OF BUSINESS**

1. Opening
2. Pledge to Flag
3. Minutes and Communications
4. Report of President and Officers
5. Reports of Committee Chairmen
6. Unfinished Business
7. New Business
8. Good and Welfare
9. Adjournment