

**BY-LAWS**  
**INTERNATIONAL**  
**LONGSHOREMEN'S**  
**ASSOCIATION**  
**AFL-CIO**



**LOCAL 1402**

703 E. Harrison Street  
Tampa, Florida 33602

Revised and Amended April 2010



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**INTERNATIONAL LONGSHOREMEN'S ASSOCIATION • AFL-CIO**

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Richard P. Hughes, Jr.  
*President*

April 16, 2010

Mr. James C. Harrell, President  
Local 1402, ILA, AFL-CIO  
707 E. Harrison Street  
Tampa, FL 33602

**Re: Proposed Amendments to By-Laws**

Dear Brother Harrell:

The proposed amendments to Local 1402's by-laws have been reviewed and are hereby approved.

Fraternally yours,

Richard P. Hughes, Jr.  
*President*

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Mr. Harold J. Daggett, Exec. Vice-Pres., ILA, AFL-CIO  
Mr. Robert E. Gleason, Sec.-Treas., ILA, AFL-CIO  
Mr. Benjamin S. Bryan, Vice-Pres., ILA, AFL-CIO  
Mr. Clyde Fitzgerald, Pres. SA&GCD, ILA, AFL-CIO  
James R. Watson, Esq.  
Marrinan & Mazzola Mardon, P.C.

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## **BY-LAWS**

### **LOCAL 1402, ILA, AFL-CIO**

#### **ARTICLE I**

##### **Name**

**Section 1:** This organization shall be known as Local 1402 of the International Longshoremen's Association, AFL-CIO.

**Section 2:** The charter of this Local Union shall not be surrendered so long as a minimum of ten (10) members in good standing desire that the organization continue.

#### **ARTICLE II**

##### **Object and Purpose**

The object of this Local Union is: to unite within the Local all workers employed in the trades and industries under its jurisdiction; to improve their wages and hours of work; to increase the job security and to better the working and living conditions of its members; to establish and maintain collective bargaining; to promote the best interest of its members and their families; to secure and promote laws for the benefit of its members and labor generally; to promote welfare programs; to instill the spirit of patriotism and devotion to country among its members, their families and with the labor movement.

#### **ARTICLE III**

##### **Jurisdiction**

This Union shall have jurisdiction to organize, admit to membership and represent all classes of person specified,

described or referred to in Article III of the Constitution of the International Longshoremen's Association. The geographical jurisdiction of this Local Union shall be limited to that specified from time to time by the International Union.

#### **ARTICLE IV** **Membership**

Except as hereinafter provided, any worker who is employed or seeks employment in a trade, industry or occupation within the jurisdiction of the I.L.A. shall be eligible to apply for membership and shall be admitted to membership without regard to race, age, sex, citizenship, or ethnic origin thirty days after application unless just cause can be shown for rejection of the application.

#### **ARTICLE V** **Officers**

**Section 1:** This Local shall elect by secret ballot – among its members in good standing, a President, a Vice-President, a Vice-President/Business Agent for the Port of Manatee, a Recording Secretary, a Financial Secretary, an Auditing Committee of three (3) members, and an Executive Board.

**Section 2:** The Executive Board shall consist of the President, Vice-President, a Vice-President/Business Agent for the Port of Manatee, Recording Secretary, Financial Secretary, and six (6) members elected by the general membership from the general membership.

**Section 3:** All officers shall be elected for a term of three (3) years.

**ARTICLE VI**  
**Duties of Officers**

**President**

**Section 1:** The President shall be the principal executive officer of the Local.

**Section 2:** The President shall preside at all meetings of the Local and the Executive Board.

**Section 3:** He shall countersign all checks, which have been signed by the Financial Secretary.

**Section 4:** He may employ and discharge office personnel and temporary special organizers, the salary of such office personnel and organizers to be set by the Executive Board.

**Section 5:** He shall enforce the provisions of the ILA Constitution and of these By-Laws.

**Section 6:** He shall appoint and be an ex-officio member of all committees.

**Section 7:** He shall have such other and further powers as are enumerated in these By-laws and as are usual to his office.

**Vice-Presidents**

A. The Vice-President shall assist the President in the performance of his duties and shall act for the President in his absence.

B. The Vice President/Business Agent (Manatee) shall have the responsibilities of business agent at the Port of Manatee. Among other duties as assigned such vice president shall include responding to inquiries, disputes and grievances relating to the dispatch of longshore personnel and working conditions at the Port of Manatee.

## **Recording Secretary**

**Section 1:** The Recording Secretary shall keep correct minutes of all meetings of this Local, have charge of its seal, which he shall attach to all documents requiring authentication. He shall make his books, records, and papers available for examination at such times as the President, the Executive Board, or the membership shall direct. At the expiration of his term of office, he shall deliver to his successor all property he may have in his care and custody belonging to the Local. All Local property shall remain on the premises unless otherwise ordered or permitted by the President, the Executive Board or the membership. All documents are to remain in his custody and none of the Local's records to be moved from the premises without the knowledge of the Recording Secretary.

**Section 2:** He shall have such further powers as are usual to his office.

## **Financial Secretary**

**Section 1:** The Financial Secretary shall collect and receive all monies paid to the Local and deposit them in its name in such bank or government securities as the Executive Board may direct.

**Section 2:** He shall sign all checks drawn upon this Local.

**Section 3:** He shall keep true and accurate accounts of all his transactions and shall make reports thereon to the Auditing Committee, the Executive Board, and the Local.

**Section 4:** He shall pay all the regular expenses of the Local and such additional expenses as may be approved by the membership.



**Section 5:** He shall have such further powers as are usual to his office.

### **Auditing Committee**

**Section 1:** The Auditing Committee shall examine the accounts of the Financial Secretary at least once every six-(6) months, and report the condition of same in writing, to the Body.

**Section 2:** They shall examine all bills referred to them by the Local and report upon same.

**Section 3:** They shall examine and audit all accounts of all committees, and report to the Local on same.

**Section 4:** The books and accounts of the Local shall be audited at least annually by a certified public accountant appointed by the Executive Board, where the income of the Local is \$10,000.00 annually.

### **Sergeant-At-Arms**

The Sergeant-At-Arms shall help the President in keeping order at all meetings. It shall be his duty to see that only members of the Local attend its meetings, except upon invitation by the Chair.

## **ARTICLE VII**

### **The Executive Board**

**Section 1:** The Executive Board shall be the highest governing authority within this Local between its meetings.

**Section 2:** It shall exercise general supervision over the property and affairs of this Local.

**Section 3:** It shall have such further powers as are necessary or appropriate to effectuate the power

granted to it by the International Constitution and by these By-laws.

**Section 4:** A majority of the members of the Executive Board shall constitute a quorum for the transaction of business, and all decisions of the Executive Board shall be by the concurring vote of a majority of all its members present.

### **ARTICLE VIII** **Bonding of Officers**

Before entering upon his duties, the Financial Secretary and any other officer, representative, or employee of this Local who handles or holds funds or property of this Local shall execute a bond to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others in an amount and in a form as required by law. The premiums on all bonds and insurance shall be paid by this Local.

### **ARTICLE IX** **Nomination and Election of Officers**

**Section 1:** Nominations of officers shall take place at the regular meeting in November of election years. Such nomination and meeting shall be held on written notice and shall be at least fifteen (15) days prior to the election. Nominations shall be made for officers in the order in which such officers are set forth in Article V, Section 1, hereof.

**Section 2:** Written notice of the election must be given to each member at least fifteen (15) days prior to such election by mailing such notice to each member at

his last known home address. The notice of nominations referred to in Section 1 of this Article and the notice of election referred to in this section may be combined into one notice so long as the following conditions are met:

- (a) The notice must specify the officers to be filled by election;
- (b) The notice must specify the time and place for nominations to be made, and the proper procedure for submitting nominations;
- (c) Such notice must be mailed to each member at his last known home address within a reasonable time before nominations are held;
- (d) The notice must specify the time and place of the election.

**Section 3:** The election shall be by secret ballot. Members must present their dues book at all elections and only members in good standing will be permitted to vote. Each candidate shall be permitted to be represented by an observer who is a member of the I.L.A. at each phase of the election process. The observers shall receive no compensation from the Local. The results of the election for each portion shall be published separately. All election records, including the ballots, shall be maintained by the Local for at least one (1) year.

**Section 4:** Newly elected officers shall be installed at the first regular meeting subsequent to the election.

**Section 5:** There shall be no write-in votes permitted.

**Section 6:** In the event of a vacancy in office by reason of death, resignation, removal or otherwise, the unexpired term, if less than one (1) year shall be filled by

appointment of the Executive Board. If the unexpired term exceeds one (1) year, then the vacancy shall be filled by special election. Such special election shall be by secret ballot at a meeting held on at least fifteen (15) days written notice to the members, which notice shall set forth the special election as an order of business for such meeting.

**ARTICLE X**  
**Eligibility for Office**

No person shall be eligible for office in the Local who fails to meet the requirements specified in Article XIII, Sections 3, 4 and 5 of the International Constitution.

**ARTICLE XI**  
**Salaries and Expenses**

**Section 1:** The regular salary and fringe benefits to be received by the Officers shall be fixed by the membership. Any change in salary and fringe benefits shall also be fixed by a majority of the membership present and voting at a regular or special meeting on at least fifteen (15) days written notice which notice shall state that the fixing of the salaries and/or fringe benefits will be an order of business at such meeting. Officers shall also be reimbursed for expenses reasonably incurred in the performance of their duties upon presentation of appropriate documentation.

**Section 2:** Those members who are not salaried Officers shall, upon a decision of a majority of the members present and voting at a meeting of the membership, be reimbursed for the time lost from work on account of union business and shall be reimbursed for expenses expended on account of union business.

## **ARTICLE XII**

### **Delegates to the Conventions**

**Section 1:** This Local shall be represented by delegates to the ILA and its subordinate body conventions. The number of delegates shall be fixed by the membership. Delegates shall be elected in the same manner as the officers, by secret ballot.

**Section 2:** The representative of the Local at such conventions and the compensation to be paid to them, if any, shall be determined by the membership, as the occasion requires.

**Section 3:** The President and the Vice President shall be eligible, by virtue of their office, to serve as delegates of the Local to the ILA and subordinate body conventions.

## **ARTICLE XIII**

### **Meetings**

**Section 1:** Regular meetings of the Local shall be held on the 2<sup>nd</sup> Tuesday of each month at 7:00 P.M.

**Section 2:** Special meetings may be called by the President or a majority of the Executive Board on at least three (3) days notice.

**Section 3:** Special meetings of the Executive Board may be called by the President or any three (3) members of the Executive Board.

**Section 4:** Fifteen (15) members shall constitute a quorum for the transaction of business at all meetings of the Local.

**ARTICLE XIV**  
**Dues, Revenues and Funds**

**Section 1:** The initiation fee for this Local shall be Six Hundred Dollars (\$600).

**Section 2:** The dues for this Local shall be:  
(a) active members Four Dollars (\$4.00);  
(b) retired members Ten Dollars (\$10.00).

**Section 3:** Any member who is thirty (30) days or more in arrears in the payment of dues shall be automatically, and without notice, suspended from all rights and privileges of membership. Any member who is eighty (80) days or more in arrears in the payment of dues shall be given written notice that failure to pay within ten (10) days shall mean automatic expulsion; and upon his failure to pay within such ten (10) days, he shall be automatically, and without further notice, expelled and dropped from the Local.

**Section 4:** Any member who derives employment via the Local's hiring hall shall incur a charge to the Local, for the services so provided, five (5%) percent of his gross earnings inclusive of royalty, vacation and holiday payments.

**Section 5:** Assessments shall not be levied except by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

**Section 6:** Any member failing to pay assessments as and when due shall be subject to discipline as provided herein. Nothing in these by-laws shall limit the right of

the ILA or any of its subdivisions, including this Local, to enforce the provisions hereof in a court of law.

**Section 7:** Any member of this Local who has been suspended or expelled for the non-payment of dues or assessments may be reinstated only upon the payment of all monies due at the time of his suspension or expulsion, together with his initiation fee, if expelled, and such additional indebtedness for dues and assessments as accrued during the period of his expulsion unless otherwise ordered by the Local with the approval of the International Secretary-Treasurer.

**Section 8:** Increases in initiation fees or dues shall be made by a majority vote by secret ballot of the members in good standing at a general or special meeting if after fifteen (15) days notice of intention to vote such, or by a majority vote of members in good standing voting in a membership referendum conducted by secret ballot.

## **ARTICLE XV**

### **Discipline**

**Section 1:** The term "discipline" when used in this section shall include without limitation, fine, removal from office or job, disqualification to run for office, or suspension or expulsion from membership.

**Section 2:** Any member, officer, or representative, of this Local shall be subject to discipline who is found guilty, after notice of and opportunity for hearing upon charges as provided for in this Article, of violating any provision of this Constitution and By-laws, the Constitution and By-laws of the International or District Organization, or any decision of this Local, the District Council, the Executive Council or District Organization or

of dishonesty, misconduct or conduct detrimental to the welfare of this Local or the International.

**Section 3:** Subject to the provisions of this Article the Executive Board shall have power to discipline any member, officer or representative of this Local whom it finds guilty of any conduct specified in Section 2.

**Section 4:** Proceedings under this Article may be initiated by any member of this Local by filing written charges, within ninety (90) days after the event giving rise to the charges, specifying the acts or conduct with which the accused is charged with the Recording Secretary. The Recording Secretary shall promptly transmit a copy thereof to the accused at his last known address, together with written notice of the time and place of the hearing thereon, which shall be held not less than five (5) days after the date of notice.

**Section 5:** Hearings on charges shall be held within sixty (60) days from the receipt of the charges by the Executive Board or by a committee appointed by the Executive Board to hear and report the evidence to it. The accused shall be afforded a full and fair hearing and shall have the right to appear at such hearing, produce and cross examine witnesses, file statements and be represented by any member of the ILA in good standing designated by him for that purpose. Upon completion of the hearing a decision shall be rendered by the Executive Board in writing which decision shall be served by the Recording Secretary upon the accused and the accuser. In any case, where the accused or the accuser is a member of the Executive Board, the accused or the accuser, as the case may be, shall not sit on the Board and the remaining members of the Board shall have power to act.



**Section 6:** Hearings may be held on any charge notwithstanding the failure of the accused after being given notice pursuant to the provisions of this Article to appear thereat.

**Section 7:** A member who has been expelled from this Local pursuant to the provisions of this Article may be reinstated to membership by vote of the membership.

**Section 8:** Appeals may be taken from any decision rendered pursuant to this Article in accordance with Article XIX of the International Constitution.

## **ARTICLE XVI**

### **Protest of Election of Officers**

The procedure to protest the election of local officers shall be as set forth in Article XX of the ILA Constitution.

## **ARTICLE XVII**

### **Adoption and Amendment of By-Laws**

**Section 1:** These By-laws shall become the official By-laws of the Local upon approval by a two-thirds vote of the members present at the initial organizational meeting.

**Section 2:** An amendment to these By-laws may be proposed by the Executive Board or any twenty (20) members in good standing, by submitting same in writing, and signed by said proposers, to the Recording Secretary. The Recording Secretary shall read the proposed amendment at the next regular meeting of the Local. No action shall be taken on such proposal until the succeeding regular meeting of the Local, or a special meeting called for such purpose, at which time the proposed amendment shall be presented for a vote of the members to be held

by written, secret ballot. A written copy of the proposed amendment shall be sent to all members prior to said meeting. Approval by a two-thirds vote of the members and the President of the International shall be required for adoption. In the case of any amendment increasing dues or initiation fees, at least 15 days' notice of the meeting to vote on such amendment shall be given to all members.

**ARTICLE XVIII**  
**Property of the Local**

All officers of the Local at the expiration of their term of office shall surrender to their successors all books, money or other property of the Local that may be in their possession.

**ARTICLE XIX**  
**Order of Business**

<b><u>First</u></b>	Calling of meeting to order.
<b><u>Second</u></b>	Roll call of officers.
<b><u>Third</u></b>	Reading of minutes of last regular or special meeting.
<b><u>Fourth</u></b>	Report of officers.
<b><u>Fifth</u></b>	Reading of communications and bills.
<b><u>Sixth</u></b>	Report of committees.
<b><u>Seventh</u></b>	Balloting for candidate.
<b><u>Eighth</u></b>	Initiation.
<b><u>Ninth</u></b>	Proposing for membership.
<b><u>Tenth</u></b>	Unfinished Business.
<b><u>Eleventh</u></b>	New Business
<b><u>Twelfth</u></b>	Good and Welfare.
<b><u>Thirteenth</u></b>	Adjournment.

**ARTICLE XX**  
**Rules of Order**

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

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

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

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

**Section 5.** A motion to be entertained by the Presiding Officer must be seconded and the mover as well as the seconder must rise to be recognized by the chair. It shall be reduced to writing at the request of the Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And these several motions shall have precedence in order herein arranged.

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

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

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

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

- 1) Amendment to the amendment.
- 2) Amendment.
- 3) Original Proposition.

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

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

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

**Section 26.** Before putting a question to vote, the Presiding Officer shall ask: "Is the Local ready for the question?" Then it shall be opened for debate. If no member rises to speak, the Presiding Officer shall then put the question, and after the vote is taken has shall immediately announce the results.

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

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

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

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

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

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