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# AMERICAN MARITIME OFFICERS NATIONAL CONSTITUTION

Affiliated with Seafarers International Union of North America, AFL-CIO ("SIUNA")

PUBLISHED DECEMBER 6, 2021

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## PREAMBLE

We, the members of American Maritime Officers, (AMO), believe in the United States as a government of the people, by the people and for the people, whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states, a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives. We therefore believe it is our duty to our country to love it, to support its Constitution, to obey its laws, to respect its flag and to defend it against all enemies.

## ARTICLE I Name

This Union is a National Labor Organization and shall be known by the name and title of American Maritime Officers (AMO).

## ARTICLE II Objects

### Section 1.

The objects of this Union shall be to unite its members fraternally; to improve, maintain, promote and protect the standards of the craft; and to regulate the seagoing employment-related business matters of members of this Union.

### Section 2.

(a) This Union shall be the exclusive representative for all of its members for the purpose of collective bargaining with respect to wages, benefits, hours and terms and conditions of employment. Such exclusive representation shall include the power to negotiate and execute contracts requiring members to continue membership in this Union as a condition of employment and contracts requiring the employer to deduct, collect or assist in collecting from the members' wages, fees, assessments, fines or contributions payable to this Union.

(b) This Union is irrevocably authorized and empowered exclusively to appear and act for all of its members on their behalf before any Board, Court, Committee or other tribunal in any matter affecting their status as employees, or as members of this Union, and exclusively to act as agent of all members and bind all of them in the presentation, prosecution and adjustment of grievances, complaints or disputes of any kind or character arising out of the employer-employee relationship as fully and to all intents and purposes as the member might or could do if personally present. Said power shall include but not be limited to the prosecution, adjustment and settlement of grievances, complaints

or disputes arising under any collective bargaining agreement to which this Union is a party.

### Section 3.

A majority vote of the membership shall be authorization for any action of this Union unless otherwise specified in this Constitution.

### Section 4.

The powers of this Union shall be legislative, judicial and executive. Such powers shall include: the formation of and issuance of charters to subordinate bodies, affiliates and divisions, corporate or otherwise, the formation of and participation in benefit or other funds and the authority of the National Executive Board to designate the Trustees representing this Union on such funds; and the establishment of enterprises for the benefit of this Union and similar ventures. This Union shall exercise all of its powers with respect to subordinate bodies and divisions created or chartered by it. For convenience of administration and in furtherance of its policies, this Union may make its property, facilities and personnel available for the use by and on behalf of such subordinate bodies, affiliates and divisions. The National Executive Board shall, by majority vote, be empowered to authorize the formation of or issuance of charters to subordinate bodies, affiliates and divisions.

### Section 5.

This union is committed to a policy of non-discrimination with regard to race, gender, sexual orientation, religion, age and national origin both in its internal employment practices and referral practices through its hiring halls.

## ARTICLE III Composition

### Section 1.

All maritime officers, mariners and other individuals of good moral character and known qualifications regardless of nationality shall be eligible for membership after having completed the requirements for applicants.

### Section 2.

All maritime officers, mariners and other individuals who are nationals of other countries and working on vessels, regardless of flag, owned or operated or controlled by American or foreign interests shall also be eligible for membership after having completed the requirements for applicants.

### Section 3.

Other workers may be accepted into membership and shall have such rights, privileges and benefits in this Union as may be prescribed by the National Executive Board.

## ARTICLE IV Membership Requirements, Duties and Obligations

### Section 1.

Any person duly qualified in accordance with Article III may become a member or be reinstated as a member of this Union.

### Section 2.

(a) Any person filing an application for membership or an application for reinstatement may be admitted or readmitted into membership, as the case may be, in accordance with the terms of this Constitution and such additional rules which are adopted, from time to time, and published by the National Executive Board.

(b) The term "membership book" shall mean the official certificate issued as evidence of membership in this Union.

(c) The term "permit number" shall mean the official permit number of applicant status issued to applicant upon the applicant's first employment assignment.

(d) Prior to being granted member status, applicants must have satisfied the initiation fee requirement as noted in this Constitution and have on file letters of recommendation from at least two (2) members.

(e) The number of applicants to be granted member status shall be as determined, from time to time, by the National Executive Board.

(f) The National Executive Board is authorized to, as it deems appropriate, reject an application for membership or drop an applicant from the rolls, provided that such rejected or dropped applicant may reapply for membership at least two (2) years after such rejection.

### Section 3.

(a) Applicants must pay the initiation fee established by this Union within five (5) years. This initiation fee can be paid in a lump sum or paid in five (5) equal annual installments. If rejected by this Union for any reason whatsoever, the fee paid shall be refunded upon the return of all official documents issued by this Union evidencing the applicant's status in this Union.

(b) Where an applicant is permitted by rules established by the National Executive Board to deposit less than the full initiation fee with the obligation to complete payment thereafter, the payments he has made toward his initiation fee shall not be returned to him unless he has been affirmatively denied admission by this Union. In the event the applicant fails to complete payment of his initiation fee in the manner prescribed by this Constitution, any payments made by the applicant shall be forfeited and the applicant shall be deemed ineligible for admission into membership.

### Section 4.

Prior to acceptance into membership, applicants shall make every effort to understand this Constitution and their duties to this Union and its members.

### Section 5.

An applicant is required to truthfully complete the application for membership provided by this Union. Failure to do so shall result in forfeiture of all fees paid and removal as an applicant unless otherwise directed by the National Executive Board.

### Section 6.

No applicant shall be granted membership who is a member of another maritime union.

### Section 7.

To preserve unity and to promote the common welfare of the membership, all members of this Union shall uphold and defend this Constitution and shall be governed by the provisions of this Constitution and National Executive Board or National Executive Committee rulings, orders and decisions.

### Section 8.

Evidence of membership or other affiliation with this Union shall, at all times, remain the property of this Union. Members may be required to show their evidence of membership in good standing in order to be admitted to Union meetings.

### Section 9.

Only members in good standing shall be allowed to vote at official membership meetings on matters affecting this Union or in any referendum on any matter or in any election of National Officers and National Executive Board Members.

### Section 10.

Members and applicants of this Union are duty bound to recognize every other member and shall not slander their

character, or willfully or maliciously injure them in any way, on penalty of being suspended or dropped from this Union. Members and applicants are expected to do all in their power to maintain the interest, the life and the usefulness of this Union. They shall comply with and observe all provisions of all outstanding collective bargaining agreements under which they may be employed and observe and comply with all the duly adopted decisions of the National Executive Board.

#### **Section 11.**

(a) Members about to leave their contracted positions shall report this to this Union, which shall furnish, if possible, a competent member to fill the vacancy. Any member seeking a position shall report this to this Union.

(b) No member shall accept seagoing employment outside of this union without clearance from this union.

(c) Members shall not be permitted to accept a position upon any vessel until they have reported to and have been cleared by this Union.

#### **Section 12.**

Applicants for membership are duty bound to comply with all membership obligations as specified in this Constitution but shall have only such rights specifically granted herein.

### **ARTICLE V Finances**

#### **Section 1.**

(a) Effective January 1, 2015, the annual dues rate for each rating for the two (2) groups specified below shall be as follows:

#### **Group 1 - Deep Sea and Great Lakes Areas:**

- Chief Engineers and Captains \$1,772.00
- 1st Assistant Engineers, Chief Officers and Electronic Technicians\* \$1,672.00
- 2nd Assistant Engineers, 2nd Officers and Radio Officers\* \$1,580.00
- 3rd Assistant Engineers, 3rd Officers and Stewards \$1,488.00

\*Electronic Technicians, Radio Officers, and Great Lakes Stewards who do not achieve 200 days of covered employment in a calendar year shall pay the non-sailing dues rate of \$112.00 per quarter and \$448.00 per year.

#### **Group 2 - Inland Waters Areas and Others:**

- Dues Range: \$448.00 Annually, \$112.00 Quarterly, to \$1,236.00 Annually, \$309.00 Quarterly

(b) The initiation fee for Group 1 applicants shall be \$5,500.00 and for Group 2 applicants \$3,500.00 unless otherwise determined by the National Executive Board. If an applicant moves from Group 2 to Group 1 the higher initiation fee shall apply. Applicants who have not fulfilled their initiation fee requirements are subject to the initiation fee in place, including increases, as noted in the AMO National Constitution.

(c) dues rate of each rating and the initiation fee of applicants shall be established by the National Executive Board at the beginning of each calendar year and shall be applicable for the entire calendar year. The dues rate each member/applicant is required to pay shall be determined by the rating within the group in which the member/applicant is registered, assigned or employed or by the rating for which he is receiving vacation benefits on January 1st of each calendar year. If a member/applicant is not assigned, employed or receiving vacation benefits on January 1st of any year, his dues rate for the entire year shall be determined on the basis of his first job assignment or receipt of vacation benefits after January 1st of that year. Persons eligible to register in Group 1 on or after January 1st of any year, must, in order to register for any job, pay the Group 1 3rd Assistant/3rd Officer rate, provided that the first job assignment of the year shall determine the dues rate of such persons for the entire year.

Pro-rated dues shall be assessed for applicants in lieu of quarterly dues when shipped within 30 days of the next quarter.

Members/Applicants, other than National Officers and National Executive Board Members and National Representatives, employed in a shoreside capacity on whose behalf contributions are being made to any of the AMO Plans, Committees, or related entities, shall pay, as a minimum, the dues rate in effect for Group 1 3rd Assistant/3rd Officer. National Officers and National Executive Board Members shall pay the dues rate in effect for Group 1 Chief Engineers and Captains.

(e) The non-sailing dues rate for all members/applicants other than those in Group 2 shall be \$888.00 per year. The non-sailing dues rate for Group 2 members shall be \$448.00 per year. This dues rate will be applicable to all members and applicants who do not sail or receive vacation benefits at any time during the calendar year.

(f) In addition to the above, the annual dues rates may be increased effective January 1st for the subsequent year by an amount not to exceed the equivalent of the same percentage of the increase in wages and all other benefits negotiated by the Union which became effective in the prior calendar year for a particular group.

The National Executive Board shall have the authority in any particular year to suspend or forgo, in whole or in part, the aforesaid percentage dues increase. Any such action shall not affect the percentage dues increase in any subsequent year.

The National Executive Board, on or before November 1st of each year, shall determine the amount of dues and initiation fee increase, if any, for each rating in each group to be effective on the following January 1st. Any question or dispute concerning the dues rate of a rating or group shall be resolved by the National Executive Board, whose decision shall be final and binding on all members.

(g) All dues shall be paid in advance quarterly. The Union shall issue an official receipt for all monies received from members. No member shall be deemed in good standing or shall be entitled to any benefits of this Union unless the member's

dues are fully paid through the current quarter. Subject to applicable law, it shall be the duty of each individual member to assume all the responsibilities of maintaining membership in good standing.

#### **Section 2.**

Any member who shall be in arrears for membership dues for a period of one (1) year shall be dropped from membership unless otherwise ordered by the National Executive Board, but in no case may such a member be maintained on the membership rolls if the member is in arrears for two (2) years in dues payments.

#### **Section 3.**

A member who is in arrears for fines, assessments or other indebtedness to this Union, and who does not pay this debt within one (1) month of the due date, shall automatically be dropped from the roll of membership without notice.

#### **Section 4.**

The foregoing time limits shall not run:

- (a) While a member is actually participating in a strike or is locked out.
- (b) While a member is an in-patient in a hospital or has a documented disability.
- (c) While a member is in the Armed Services of the United States, provided that the member was in good standing at the time he entered the Armed Services, and that he applies for reinstatement within 90 days after his release from active duty in the Armed Services.

Unless otherwise ordered by a majority vote of the membership, the National Executive Board may designate additional circumstances during which the time specified in Sections 2 and 3 shall not run.

It shall be the right of any member to present in writing to the National President any question with respect to the application of this Section 4, and the National Executive Board shall decide such questions unless otherwise ordered by a majority vote of the membership.

#### **Section 5.**

This Union shall have the power to impose fines not to exceed the amount of the Group Initiation Fee of the member for any violation of membership obligations.

#### **Section 6.**

Any applicant who is in arrears in payment of initiation fees for a year shall be dropped as an applicant unless otherwise ordered by the National Executive Board.

#### **Section 7.**

Any application for reinstatement shall have the same status as any application for original membership. Any application for reinstatement after a member is expelled shall be approved by a 2/3 vote at regularly scheduled monthly membership meeting at Headquarters.

### **ARTICLE VI System of Organization**

#### **Section 1.**

National Officers, National Executive

Board Members, National Representatives and members shall be governed in this order by:

- (a) This Constitution;
- (b) Majority vote of the membership;
- (c) National Executive Board;
- (d) National Executive Committee.

#### **Section 2.**

National Headquarters shall be located in Dania Beach, Florida. The functions of this Union shall be administered at and by National Headquarters.

#### **Section 3.**

National Headquarters and Ports shall be manned by such National Officers and National Representatives as shall be determined by the National Executive Board.

#### **Section 4.**

#### **National Executive Board**

(a) Effective January 4, 2016, there shall be a National Executive Board consisting of the National President, National Secretary-Treasurer, National Executive Vice President, National Vice President, Deep Sea, National Vice President, Great Lakes, National Vice President, Inland Waters and National Vice President, Government Relations. Each member of the National Executive Board shall have one (1) vote. A quorum for meetings of the National Executive Board shall be a majority of National Executive Board members. Members in good standing of this Union are encouraged to attend National Executive Board meetings, but shall have no voice or vote in these proceedings.

(b) In addition to the other duties of the National President, the National President shall call National Executive Board Meetings during the year. The time and place of each such meeting shall be determined by the National President. To avoid expense and delay, the National Executive Board may be polled on any decision via telephone, e-mail, or other means of communication. Such decision shall be reduced to writing and signed by the Members of the Board. All National Executive Board Members shall have the right to have their votes recorded.

(c) The National Executive Board shall be empowered to discuss and prepare reports and recommendations on any part of this Union's activities, policies and plans. The adoption of any such recommendation by a majority vote of the National Executive Board shall make the provisions thereof binding Union policy, unless modified or otherwise altered by a majority vote of the Membership, provided such policy is not inconsistent with the provisions of this Constitution.

(d) Meetings of the National Executive Board shall be held in executive session when circumstances dictate.

(e) The National Executive Board has established a policy regarding agency fee payers.

(f) There shall be no loans to Officers, National Executive Board Members, Agents, Representatives, Employees or Members of AMO.

## **Section 5.**

### **National Executive Committee**

(a) There shall be a National Executive Committee consisting of the National President, the National Secretary-Treasurer and National Executive Vice President.

(b) The National Executive Committee shall meet no less frequently than twice each year at such places as may be designated by the National President and at such other times as the National President may elect.

(c) Each member of the National Executive Committee shall be entitled to cast one (1) vote in that body. Its decision shall be determined by majority vote of those members present.

(d) It shall be the duty of the National Executive Committee to establish and direct the policies, strategies, rules and business of this Union which shall advance and protect the interests and welfare of this Union. The adoption of any such action shall make the provisions thereof binding Union policy, provided such action is not inconsistent with the provisions of this Constitution unless modified or otherwise altered by a majority vote of the National Executive Board.

(e) The National Executive Committee shall direct the administration of all Union affairs, properties, policies and personnel in any and all areas except as otherwise specifically provided for in this Constitution.

(f) The National Executive Committee shall be responsible for overseeing the formulation of bargaining demands and contract negotiations, provided these actions are not inconsistent with past practice of any respective area or any other provision of this Constitution.

(g) The National Executive Committee shall determine, subject to the provisions of this Constitution, the terms and conditions of affiliation for any group of workers desiring affiliation.

(h) The National Secretary-Treasurer, or in the National Secretary-Treasurer's absence, an appointee of the National Executive Committee, shall keep accurate minutes of all meetings of the National Executive Committee.

(i) The National Executive Committee may act without holding a formal meeting provided all members of the National Executive Committee are sent notice of the proposed action or actions, and the decision is reached by a majority vote, provided sufficient votes are received to constitute a quorum.

## **Section 6.**

### **Membership Meetings**

All official membership meetings shall be held at Headquarters and recorded by minutes. Official minutes shall be distributed to all Port offices of AMO and posted on the AMO Website for inspection by members in good standing. When no quorum is present, this shall be noted in a report distributed as official minutes.

## **ARTICLE VII National Officers, National Representatives and other Elective Positions**

### **Section 1.**

The National Officers of this Union shall be elected, except as otherwise provided in this Constitution. These National Officers shall be those specified in Article VI, Section 4, and such additional National Officers as may be designated in the National President's pre-balloting report.

### **Section 2.**

The following positions in this Union shall be voted upon in the manner prescribed by this Constitution:

- (a) Recording Secretary
- (b) Reading Clerk
- (c) Committee Members of:
  - Trial Committee;
  - Credentials Committee;
  - Tallying Committee;
  - Financial Committee;
  - Negotiating Committee; and
  - Strike Committee

### **Section 3.**

Additional Committees may be formed upon the recommendation of the National Executive Board unless otherwise provided by a majority vote of the membership. Committees may also be appointed as permitted by this Constitution.

## **ARTICLE VIII Duties of National Officers, National Representatives and Committee Members**

### **Section 1.**

#### **The National President**

(a) The National President shall be the Executive Officer of this Union and shall represent and act for and on behalf of this Union in all matters consistent with this Constitution.

(b) The National President shall be a member ex-officio of all committees.

(c) The National President shall be responsible for: the organization and maintenance of the correspondence, files and records of the Union; setting up, and the maintenance of, proper office and other Union administrative procedures; and the proper collection, safeguard and expenditure of all Union funds, Port or otherwise. The National President shall be in charge of, and responsible for, all Union property and shall be in charge of National Headquarters and Port Offices. The National President shall be responsible for the issuance of a monthly comprehensive report covering the financial operation of the Union for the previous month. Whenever there are time restrictions or other considerations affecting Union action, the National President shall take appropriate action to ensure observance thereof. The National President shall, unless otherwise ordered by a majority vote of the membership, designate the number and persons who may, in any instance, sign checks drawn upon Union fund

(d) Unless otherwise provided for in this Constitution, the National President shall designate the number and location of additional Ports and the jurisdiction, status and activities thereof and may close such Ports. The National President shall designate the National Officer or representative in charge of each Port. Should any new Constitutional Ports be established between the election of National Officers, the National Executive Board will propose amendments to this Constitution so that a representative complement for any such Port shall be elected as members of the Credentials Committee and the Tallying Committee. The National President may assign or reassign any elected official or representative to any Port or to other duties at a wage level determined by the National President with the approval of the National Executive Board.

(e) The National President shall supervise the activities of all Ports. In the event of the incapacity of any elected National Officer, National Executive Board member, National Representative or Committee member, the National President may designate a replacement to act as such during the period of incapacity.

(f) At the regular April membership meeting of every election year, the National President shall submit to the membership a pre-balloting report. This report shall contain those National Officers specified in this Constitution and the number of additional National Officers that are to be elected. The National President shall also, in such report, designate, with the approval of the National Executive Board, a depository to which the ballots are to be mailed or delivered. Unless otherwise ordered by a majority vote of the membership, the report shall be deemed accepted.

(g) The National President shall be Chairman of the National Executive Board and the National Executive Committee.

(h) The National President shall be responsible within the specified limits for the enforcement of this Constitution, the policies of this Union and all rules and rulings adopted by a majority vote of the membership, the National Executive Board and the National Executive Committee. The National President shall strive to enhance the strength, position and prestige of this Union.

(i) The National President may delegate to a person or persons the execution of such of the National President's duties as the National President may decide, subject to the limitations set forth in this Constitution.

(j) The National President is directed to take any legal and all measures and employ such means which the National President deems necessary or advisable to protect the interests and further the welfare of this Union and its members in all matters.

(k) By virtue of election as National President, the National President is designated to serve as a Vice President of the Seafarers International Union of North America, AFL-CIO, and as a delegate to the SIUNA Convention.

(l) In the event the National President shall be unable to carry out his duties by reason of incapacity or in the event of a vacancy in the office of the National President for any reason including death, resignation or removal, the National Executive Committee shall, at the time of such incapacity or vacancy, determine and designate by majority vote of the remaining members of the National Executive Committee, the successor in office to the National President from amongst the existing members of the National Executive Committee. In the event of a tie, the successor in office to the National President shall be the National Executive Committee member so designated by a majority vote of the National Executive Board.

### **Section 2.**

#### **National Secretary-Treasurer**

(a) Duties of the National Secretary-Treasurer shall include such assistance to the National President as the President may direct and to take charge of the correspondence, files and records of this Union, to take charge of its accounting and bookkeeping system, to take charge of the collection, safeguarding and expenditures of all Union funds, and provide a monthly comprehensive report to the National President covering the financial operations of this Union for the previous month and perform such other duties as may be determined by the National Executive Board.

(b) The National Secretary-Treasurer, with approval of the National President, will establish a Petty Cash Fund in each Port where the National President deems establishment of such a fund to be necessary. One (1) official or representative shall be designated as responsible for overseeing maintenance of the Petty Cash Fund records, filing weekly financial reports concerning receipts and disbursements and the security of the Petty Cash Fund. The National Secretary-Treasurer shall oversee the reconciliation of the use of the Petty Cash Fund for each location. The Petty Cash Fund will not be used for loans or individual expenses. The Petty Cash Fund will be used for office supplies or materials.

### **Section 3.**

#### **National Executive Vice President and National Vice Presidents.**

(a) The National Executive Vice President shall assist the National President in the execution of his duties and shall carry out such other duties as may be determined by the National Executive Board.

(b) National Vice Presidents shall be in direct charge of the administration of Union affairs in the Port under their jurisdiction as assigned and determined by the National President. They shall also be responsible for the enforcement and execution of this Constitution, the policies of this Union and the rules adopted by the National Executive Board.

(c) National Officers shall account, financially, or otherwise, for their activities in any Port Office whenever demanded by the National President. National Vice Presidents and National Executive Board members shall prepare and forward to National Headquarters

weekly financial reports detailing their prior weekly income and expenses, and comply with all other accounting directions issued by the National President.

(d) National Vice Presidents, with the approval of the National President, shall designate which members at that Port may serve as representatives to other organizations, affiliations with which have been properly permitted.

(e) The foregoing is in addition to those other duties prescribed elsewhere in this Constitution.

(f) National Representatives shall perform whatever duties are assigned to them by the National President or the person designated to act in behalf of the National President.

(g) The National President, National Secretary-Treasurer, National Executive Vice President, Area National Vice Presidents and National Executive Board Members for the Deep Sea, Great Lakes and Inland Waters areas shall be considered elected as delegates to the SIUNA Convention by virtue of their election as officers of AMO with full voting rights in accord with the SIUNA Constitution.

#### **Section 4.**

##### **Committees**

(a) Trial Committee

A Trial Committee shall conduct trials of persons charged, and shall submit findings and recommendations as prescribed in this Constitution. It shall be the special obligation of the Trial Committee to observe all the requirements of this Constitution with regard to charges and trials. The Trial Committee's findings and recommendations must specifically state whether or not the rights of the accused, under this Constitution, were properly safeguarded. A Trial Committee shall be elected in accordance with Article XII, Section 2 of this Constitution.

(b) Financial Committee

The Financial Committee shall meet at National Headquarters and: conduct a semi-annual (26 week) audit of the finances of National Headquarters and each Port, which audit shall include the examination of regular weekly financial reports of the National President, National Secretary-Treasurer, National Executive Vice President, National Vice Presidents any other National Officers as well as the National Secretary-Treasurer's monthly comprehensive report for the semi-annual period under review; note discrepancies where they exist; and report on their findings and make recommendations. Members of this Committee may make dissenting reports, separate recommendations and separate findings. The report and recommendations of this Committee shall be completed within a reasonable time after the election of its members and shall be submitted to the National President, who shall cause the report and recommendations to be read at the following month's regular membership meetings.

National Officers and National Representatives shall comply with all

demands made for records, bills, vouchers and receipts by the Financial Committee. No report shall be considered complete without an accompanying report and audit statement by a Certified Public Accountant. The National President is charged with the selection of the Certified Public Accountant. Any action on the Financial Committee report and recommendations shall be determined by the National Executive Board.

The Financial Committee's duties shall include not only reviewing and signing off on the cover vouchers, but also the documents provided that are specified in this Article VIII, Section 4(b) and by engaging in a review with the Union's auditor and comptroller, which review should be for a period of up to two (2) days as the Financial Committee deems necessary. The Financial Committee shall identify and thoroughly review a representative number of randomly selected financial documents in each category to be audited. Any member of the Financial Committee shall have the right to expand the extent of his review beyond the random sampling selected by the Committee as a group. More than one (1) member of the Committee need not review any given document unless there appears to be a problem with a document. Additionally, an independent auditor should either be on site or available by telephone to provide interpretation and guidance to all members of the Committee while they are conducting their review.

(c) Negotiating and Strike Committees

When the National Executive Committee determines that a Negotiating Committee is necessary, one (1) shall be elected in accordance with Article XII, Section 3.

The Negotiating Committee shall represent the Union in all negotiations for contracts and changes in contracts.

A Port may establish a similar Committee for itself, provided permission by the National Executive Committee has been obtained. The Port Negotiating Committee shall submit a report and recommendations upon completion of the negotiations. In such event, the Port Negotiating Committee shall forward its report and recommendations, together with comments by the National Vice President, or the National Officer officially in charge designated by the National President to the National President who shall then cause the report and recommendations to be submitted to the National Executive Committee, together with any report and recommendations which the National President deems desirable to make. In no event shall a Negotiating Committee obligate this Union or any Port without the prior approval of the National Executive Board.

The National Executive Committee shall decide when any strike shall begin and end. A three (3) person Strike Committee designated by the National President shall be charged with the preparation, execution and termination of a strike plan binding on all members and other persons affiliated with this Union, when approved by the National Executive Committee.

(d) All Committees set forth in this Section 4 shall carry out such other duties as the National Executive Committee may direct.

(e) The term of any elected Committee member shall continue so long as is necessary to complete the Committee's function unless terminated sooner by the National Executive Committee.

#### **Section 5.**

##### **Vacancies**

Should a vacancy occur in any elective office by death, resignation or other cause, the National President may designate a successor, who must otherwise be qualified to fill said office, until the next election of National Officers.

### **ARTICLE IX Term of Office; Wages of Elected National Officers; National Executive Board Members; Employees and Others**

#### **Section 1.**

The term of office for each of the National Officers and National Executive Board Members specified in Article XI and such additional National Officers and National Executive Board Members included in the National President's pre-balloting report shall be four (4) years.

#### **Section 2.**

The compensation to be paid the holder of any office, or other elective position, for which a Union-wide vote is held, shall be determined, from time to time, by the National Executive Board.

#### **Section 3.**

All other classifications of employees shall be hired, discharged and compensated at the discretion of the National President.

#### **Section 4.**

Unless modified by a majority vote of the Union Membership, the National President, with approval of the National Executive Board, may contract for, or retain, the services of any person, firm or corporation, not employees of this Union, when it is deemed in the best interest of this Union.

### **ARTICLE X Qualifications for National Offices**

#### **Section 1.**

Eligibility requirements for all elective National Offices of this Union shall be as follows:

(a) The nominee must be a member for two (2) years prior to the date of the commencement of the nomination period and must be a member in good standing of this Union at the time of nomination, and at the time of election; and

(b) The nominee must have either 180 days of employment, including days of vacation, with companies party to a collective bargaining agreement with this Union, during each of any two (2) full calendar years of the three (3) full calendar years immediately preceding the election year or equal time served as a full time and paid elected official of this Union or full time employee of any Plan, Committee or similar entity created by agreement with

the Union and one (1) or more contracted employers or combination thereof.

(c) No member may be a nominee who has been found guilty of an act or acts detrimental to the Union within five (5) years from the date of such finding as finally determined under this Constitution.

#### **Section 2.**

No member can accept nomination as a candidate or be a candidate for more than one (1) office in any AMO election.

#### **Section 3.**

All candidates for, and holders of other elective positions not specified in Article XI shall be members in good standing of this Union and meet all other eligibility requirements for office specified in Section 1 above.

#### **Section 4.**

All candidates for, and holders of elective offices and positions, whether elected or appointed in accordance with this Constitution, shall maintain their membership in good standing at all times. Failure to do so shall result in ineligibility to be a candidate for or to hold such office or position, and shall constitute a vacancy in such office or position.

### **ARTICLE XI Election of National Officers and National Executive Board Members: National President, National Secretary-Treasurer, National Executive Vice President, National Vice Presidents**

#### **Section 1.**

(a) Notice of Nomination and Election. Notice to the membership for nomination and election to any AMO office or position shall be given in accordance with applicable law and regulations.

(b) Nominations.

Any member may submit the member's own name or the name of any other member for nomination for any office including National President, National Secretary-Treasurer, National Executive Vice President and National Vice President by delivering in person or by registered mail or U.S. Postal Service Express Mail or its non-fax private courier equivalent a letter addressed to the Credentials Committee in care of the National President at the address of National Headquarters. The letter shall contain only the information required by this Section. Any other documentation or material not required by this Section included with this letter shall be returned to the member by the Credentials Committee. The National President or his designee is charged with the safekeeping of these letters and shall turn them over to the Credentials Committee.

The letter shall be dated and shall contain the following:

(1) The full name of the nominee, and, if the nominee wishes, any special name to appear on the ballot;

(2) The nominee's home address and mailing address;

(3) The nominee's book number;

(4) The title of the office or other position for which the member is a candidate;

(5) Proof of employment required for candidates shall be as specified in Article X, Sections 1 and 3. Proof of employment shall be demonstrated by submission of signed letters from AMO contracted employers, AMO or the AMO Plans, originals or copies of certificates of discharge or pay vouchers from AMO contracted vessels, or signed vouchers from the AMO Vacation Plan.

(6) Annexing a certificate in the following form, signed and dated by the proposed nominee:

"I hereby certify that I am not now, nor have I been for the five (5) years last past, convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Titles II or III of the Landrum-Griffin Act, or conspiracy to commit any such crime.

"However, with respect to any of the crimes specified below wherein a conviction occurred on or after October 12, 1984 or wherein an appeal was pending from such conviction on or after that date I hereby certify that I have not been convicted of or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury or violation of subchapter III or IV of Chapter 11 of Title 29 U.S.C. or any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element; for a period of 13 consecutive years last past, or, if so, I have received legal permission from the appropriate governmental agency excusing me from compliance with this prohibition. Proof of any such legal permission is attached to this certification."

(c) The nominating letter must reach National Headquarters no earlier than the commencement of the May National Headquarters regular membership meeting and no later than the commencement of the June National Headquarters membership meeting of the election year.

(d) In the case of any regular election for any office of this Union any member has the right to nominate himself or any other member provided that where a member has been nominated by another member the nominee must, within two (2) weeks after receipt of notification that the member has been nominated, submit the required letter of acceptance in the same form and containing the same information as required in the case where a member has nominated himself.

(e) Notice as to the time for nominations for candidates for each election shall be sent to the last known address of each member no later than 15 days nor more than 30 days prior to the commencement of nominations.

## **Section 2.**

### **Credentials Committee**

(a) A Credentials Committee consisting of five (5) members and two (2) alternates, members in good standing, who are in attendance shall be elected at the regular June membership meeting.

No National Officer or candidate for office or position shall be eligible for election to this Committee. The Committee decisions shall be by majority vote with any tie vote being resolved by a majority of the membership at special meetings called for this purpose at the National Headquarters Committee Members shall elect a Chairman.

(b) After its election, the Committee shall assemble at National Headquarters as soon as practicable and shall receive all nomination letters in the care of the National President or his designee. It shall determine whether the person has submitted his nomination correctly and possesses the necessary qualifications. The Committee shall prepare a report listing each nominee and his book number under the office or position he is seeking. Each nominee shall be marked "qualified" or "disqualified," according to the findings of the Committee. Where a nominee has been marked "disqualified," the reason must be stated in the report. The report shall be signed by all the Committee members and be completed and submitted to National Headquarters in time for the next regular membership meetings after their election. At the meetings, the report shall be read and incorporated in the minutes.

(c) When a nominee has been disqualified by the Committee, the nominee shall be notified immediately by certified mail, U.S. Postal Service Express Mail or its non-fax private courier equivalent or e-mail to the nominee's listed home and mailing address. The nominee shall also be sent a letter containing the reasons for such disqualification by certified mail to the nominee's home address and mailing address. A disqualified nominee shall have the right to take an appeal to the membership from the decision of the Committee. Such appeal must be in writing and must be forwarded to National Headquarters not later than 14 days after the date of the mailing of the notice of disqualification. In all events, the postmark date or date on the certified mail, U.S. Postal Service Express Mail or its non-fax private courier equivalent or e-mail shall govern. In any event, without prejudice to his written appeal, the disqualified nominee may appear in person before the Committee within two (2) days after the date on which the certified mail, U.S. Postal Service Express Mail or its non-fax private courier equivalent or e-mail is sent, to correct his application or argue for his qualification.

(d) The Committee's report shall be prepared early enough to allow the disqualified nominee to appear before it and still reach National Headquarters in time for the next regular membership meeting.

(e) A majority vote of the membership at this meeting shall, in the case of such appeals, be sufficient to overrule any disqualification by the Credentials Committee, in which event the individual so previously disqualified shall then be deemed qualified. Unless so overruled, the Committee's report shall obtain.

(f) Each member of the Committee shall be paid the rate of \$300.00 per day and reimbursed for legitimate out-of-pocket expenses.

(g) If the Credentials Committee finds there is only one (1) person qualified for any elective office or position, that person shall be declared to have been elected without the necessity of an election.

(h) Unless otherwise provided for a specific office, in the event the Credentials Committee determines there is not a qualified candidate for an office or position, the National Executive Board shall designate a member in good standing to fill the office or position until the next general election. Upon such designation being accepted, the provisions of Article XI, Section 2(g) shall govern the selection of the designee.

## **Section 3.**

### **Balloting Procedure**

(a) (i) The National President, subject to the approval of the National Executive Board shall, not later than June 1st of each election year, designate an independent mailing and balloting service to administer the election. The duties of such independent mailing and balloting service shall include supervising the printing and mailing of the ballots, ensuring the secrecy of and inaccessibility to the Depository during the election, mailing of duplicate ballots and receipt of written requests from members, supervising the ballot collection and tallying procedure with the Tallying Committee and to take such other measures as the independent mailing and balloting service may deem necessary to ensure a fair and impartial election. In the event the independent mailing and balloting service is unable to fulfill its duties as determined by the National Executive Board, the National President shall replace the independent mailing and balloting service with another such service.

(a) (ii) The National President shall ensure the proper and timely preparation of ballots by the independent mailing and balloting service. The ballots so prepared shall be the only official ballots. The ballots may contain general information and instructive comments, not inconsistent with the provision of this Constitution. All qualified candidates shall be listed alphabetically within each category. No write-in votes shall be permitted. All qualified nominees shall be entitled to timely notice of the date, time, and location of the preparation of ballots. Individuals must be members in good standing of this union to observe the preparation of ballots.

(b) The ballot shall be enclosed in an envelope which shall have on its face the word "Ballot." This envelope, with ballot enclosed, shall be enclosed in an outer envelope, which shall have on its face an official number which shall correspond

with an official number assigned to each member. Lists of the names of the membership, together with the corresponding official numbers, shall be made available to the Tallying Committee for the purpose of checking, at the time of the count, the voting eligibility of members whose ballots have been received. The official numbers shall be consecutive, commencing with Number 1. A sufficient amount of envelopes and ballots shall be printed and distributed. A record of the ballots, by amount, shall be maintained by the National President.

(c) Such outer envelope shall be addressed to the Depository designated by the National President pursuant to Article VIII, Section 1. (f) of the Constitution to ensure the secrecy of the ballot and shall be held in safekeeping by the Depository, which shall be in the same County where National Headquarters is located. The Depository shall be secured and paid for by the Union. During the balloting period, the Depository shall only provide access to the designated independent mailing and balloting service. At the conclusion of the balloting period, the depository shall only provide access to the designated independent mailing and balloting service and elected Tallying Committee. The outer envelope shall have a return address to a post office box in the same county in the state where National Headquarters is located. In addition, only the independent mailing and balloting service shall have access to the designated post office box selected by the National President. The independent mailing and balloting service shall take ballots returned to the post office box as undeliverable to National Headquarters and oversee the remailing of the return envelope, affixing the most recent address for the member whose original ballot envelope was returned to the designated post office box.

(d) The ballots shall be secret and must be cast by mail. Ballots which contain the signature of any voter or other distinguishing marks shall be void.

(e) Ballots shall be sent to the member's last known residence or last known mailing address, as indicated in the records at National Headquarters. Members will have the opportunity to request their ballots be sent to them aboard their vessels.

(f) A member shall be entitled to write to the independent mailing and balloting service, c/o National Headquarters, for a duplicate Ballot and receive same by mail provided he states in his letter that he has not received his ballot or that his ballot has been lost or mutilated so that it can not be used. All duplicate ballots shall be marked either by color or serial number to identify them as such. Duplicate ballots shall be counted unless the original and duplicate ballots mailed to the member are both cast, in which event neither shall be counted. Each duplicate sent by the independent mailing and balloting service shall be recorded on a list maintained by the independent mailing and balloting service. The list shall be included in the election records, which are to be preserved in accordance with Article XI, Section 4(j).

(g) All members shall be mailed ballots on August 1st of the election year, unless August 1st falls on a Saturday or Sunday, then the ballots will be mailed on the previous Friday; the ballots are to be

returned as provided in subparagraph (h) herein. In order for the member's ballot to be counted, the member must be in good standing for the quarter in which the ballot cast is to be counted, with such standing established not later than November 30th of the election year.

(h) Voting shall thereupon commence and continue through December 1st inclusive. If December 1st falls on a holiday, or a Sunday, balloting shall end on the next succeeding business day. Ballots received after December 1st or the next succeeding business day shall be disqualified. Members who become in good standing after September 1st but on or before November 15th shall be mailed a ballot, which must be received by mail on or before December 1st or the next succeeding business day, if December 1st is a Sunday or Holiday, in order to be counted.

(i) Elections shall be held at regular four (4) year intervals for National Officers. Elected National Officers are to be installed in office as of midnight December 31.

#### **Section 4.**

##### **Ballot Collection, Tallying Procedure, Protests and Special Votes**

(a) A Tallying Committee consisting of five (5) members and two (2) alternates, in good standing, shall be elected from those in attendance at special meeting called by the National President or the National Officer officially in charge designated by the National President, at Headquarters on the Monday morning in the week preceding the week of the regular December meetings for the express purpose of electing a Tallying Committee. Five (5) members and two (2) alternate shall be elected at Headquarters. No National Officer or candidate for office or position shall be eligible for election to this Committee. The Committee Members shall elect a Chairman and Secretary.

The elected Tallying Committee shall, with the independent mailing and balloting service, proceed to the Depository in the Port of Dania Beach, Florida with an empty ballot box prior to the closing of the bank on the day of the regular December meeting.

The independent mailing and balloting service and the Tallying Committee shall remove all the ballots from the Depository, count the ballot envelopes and place them in the empty ballot box in the presence of any member in good standing who may be observing.

The independent mailing and balloting service and the Tallying Committee shall then seal this box and return it to National Headquarters, where it shall remain sealed and in the custody of the independent mailing and balloting service and Tallying Committee until such time as the ballot box is opened and the ballots are checked and counted.

(b) The independent mailing and balloting service and the Tallying Committee are charged with the tally of all the ballots and preparation of a report setting forth in complete detail the results of the election, including a complete accounting of all ballots and ballot envelopes, and reconciliation of the ballots and ballot

envelopes with the rosters and verification lists of membership. The report shall clearly detail all discrepancies discovered and shall contain recommendations for the treatment of these discrepancies. The independent mailing and balloting service and all members of the Committee shall sign the report, without prejudice however to the right of any Committee member to submit a dissenting report as to the accuracy of the count and the validity of the ballots, with pertinent details. Only members in good standing shall be entitled to be present as observers at the tallying of the ballots.

(c) The independent mailing and balloting service and the Tallying Committee are also charged with the receipt and evaluation of written protests by any member who claims an improper denial of the right to vote. If they find the protests invalid, they shall dismiss the protests and so inform the protesting member, by e-mail or overnight mail on the day of dismissal.

If they find the protests valid, and the vote or votes can affect the outcome of the election, the independent mailing and balloting service and the Committee shall order a special election for the office so affected on such terms as are practical. If the Tallying Committee and independent mailing and balloting service order a special election, on finding one (1) or more protests valid, such order shall be subject to approval or disapproval by a majority of the membership at the next regularly scheduled membership meeting at Headquarters. The report of the independent mailing and balloting service and the Committee shall include a brief summary of each protest received, the name and book number of the protesting member, and a summary of the protest's disposition.

(d) The independent mailing and balloting service and the Tallying Committee shall commence proceedings on the same day as the ballots are collected and shall complete the proceedings as soon as possible. The independent mailing and balloting service and the Tallying Committee may, at their sole discretion, retire for the evening even though their task has not been completed and shall return to a sealed box all ballots and envelopes and ensure the custody and security of the ballots and envelopes until the resumption of their duties by the committee the following day no later than 9:00 A.M.

Each member of the Committee shall be paid the rate of \$300.00 per day, as determined by the National Executive Board, and reimbursed for legitimate out of pocket expenses.

The proceedings of the independent mailing and balloting service and the Committee, except for the actual preparation of the report and dissents, if any, shall be open for observation to any member in good standing.

The independent mailing and balloting service and the Tallying Committee shall file a tally of the Ballots cast within 24 hours after the completion of the ballot count.

(e) The December regular membership meeting at Headquarters in the election year shall be held in recess by the National President or National Officer officially in

charge designated by the National President until the independent mailing and balloting service and Tallying Committee have completed their work.

The meeting shall be officially reconvened in order to receive the preliminary report including the tally of the independent mailing and balloting service and Tallying Committee. A majority of the membership, at that meeting, may order a recheck and recount where a dissenting report has been issued by one (1) or more members of the Tallying Committee.

(f) The candidate or candidates receiving the highest vote shall be deemed elected. In the event of a tie vote for office, the National President shall, within 10 days, direct a runoff election among the candidates receiving the tie vote; the runoff election shall be a mail ballot referendum conducted for a 90-day period in accordance with the provisions of this Article.

(g) Any challenge to the conduct of the election of National Officers (other than appeals by disqualified nominees for candidacy governed by Section 2 of this Article) shall be made not later than 20 days from the date of the preliminary report and tally of the Tallying Committee. Such challenge must be in writing and signed by the complaining member or members and shall be sent by certified or registered mail to the National Executive Board, in care of the National President. The National Executive Board shall hold hearings and shall make its decision on such challenge within 30 days after the conclusion of the hearings and in any event not less than 60 days after receipt of the challenge. If a recount is held pursuant to subparagraph (e) of this Section and a challenge to the conduct of the original count shall have been made prior to the decision to hold such recount, the challenge shall be deemed null and void. After the recount, if any, the complaining member or members may renew such challenge in accordance with subsection (g) of this Article.

(h) The decision of the National Executive Board may be appealed by the complaining member or members, in person or in writing, to the membership at the first regular membership meetings which next follow the receipt by the National President of written notice of appeal. The written notice of appeal must be received within 20 days after the date of mailing or notification of the decision of the National Executive Board to the challenging member. If the notice of appeal is received by the National President less than five (5) business days before the first such regular membership meetings, then the appeal shall be presented to the next regularly scheduled membership meetings. A majority of the members voting at such meetings shall control. The action of the National Executive Board and the membership on any such appeal shall be final.

(i) The final report by the independent mailing and balloting service, the Tallying Committee and the National President, under this Article, shall be entered in the minutes of the next membership meeting.

(j) The National President is directed and authorized to issue other directions as to the election procedures as are required by law. These directives shall be part of the

election procedures of this Union. The National President is specifically charged with the post-election preservation and retention of all election records, including the ballots, as required by law.

#### **Section 5.**

##### **Installation into Office**

(a) The candidate elected shall be that person receiving the highest number of votes cast for the particular office or position. Where more than one (1) candidate is to be elected for a particular office or position, the proper number of candidates receiving the successively highest number of votes shall be declared elected. It shall be the duty of the National President to advise each candidate which candidate or candidates were elected within seven (7) days of receipt of the final report of the Tallying Committee and the independent mailing and balloting service.

(b) The duly elected National President, National Secretary-Treasurer, National Executive Vice President, and National Vice Presidents, elected shall take their respective positions and assume the duties thereof at midnight December 31st. At that time, the terms of their predecessors shall expire. This shall not apply where the successful candidate for National President cannot assume his office because he is at sea, in which event the provisions of Article VIII, Section 1(l) dealing with succession shall apply until such office is assumed.

(c) Before assuming office, all elected Officials, shall take the following oath:

"I....., do hereby sincerely pledge my honor to perform the duties of my office as described by the Constitution, and to uphold this Constitution to the best of my ability. I will deliver to my successor in office all books, papers and other property including all computer files, hardware and software of this Union that may be in my possession at the close of my official term. Further, I do solemnly swear (or affirm) that I am not a member of any organization which advocates the overthrow of the Government of the United States by force, violence or other subversive or unconstitutional methods, and during my term of office, I will not knowingly aid or support the activities of any such party or organization.

"All this I solemnly promise with the full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor."

#### **Section 6.**

Incumbent officials of the Union shall continue to hold office until successors are elected, qualified and installed.

#### **Section 7.**

Vacancies Occurring Between Credentials Committee Report and Start of Election

(a) In the event a candidate for contested office who has been found "qualified" by the Credentials Committee dies, or becomes permanently incapacitated or becomes disqualified following issuance of the Credentials Committee Report and prior to commencement of balloting, the commencement of balloting for National Officers and National Executive Board

members shall be postponed to October 20th of the Election Year to allow additional nominations with notice to all members by mail at their last known address for the contested office(s) in which a death or permanent disability or disqualification has occurred and all other contested offices. Additional nominations of National Officers as ordered by the National Executive Board shall occur in September of the Election Year. The previously elected Credentials Committee shall reconvene in early October and issue a supplementary Report in time for the October Membership meeting. The election of all contested Offices shall be conducted from October 20th when ballots are mailed to December 21st inclusive. If either date falls on a holiday or Sunday, balloting shall commence or end, as the case may be, on the next succeeding business day. Ballots received after December 21st shall be disqualified. The Tallying Committee shall be elected as provided in Article X, Section 4 (a) of the Constitution and proceed to collect the ballots at the Depository in Broward County, Florida in the morning on the next business day after the close of the balloting period. The Tallying Committee shall pick up the ballots and tally same as specified in Article X, Section 4 and issue its report, along with a dissenting report, if any, to special membership meetings called solely for this purpose prior to December 31st of the Election Year at Headquarters.

(b) If a vacancy shall occur amongst the candidates for a contested National Office caused by death, permanent incapacity or other disqualification of a candidate subsequent to 12:01 a.m. on the date the balloting period commences and prior to 12:00 midnight on the date the balloting period ends in the Union's Election year, such vacancy shall not be filled and the votes cast for such deceased, incapacitated or otherwise disqualified candidate shall be counted by the Tallying Committee. If such candidate shall have received the highest number of the votes cast, a vacancy shall exist in that office and shall be filled in the manner provided in this Constitution for vacancies in office occurring by reason of death after election and assumption of the National Office as provided in Section 1 and Section 5 of Article VIII of this Constitution by the National Executive Board with the designated successor taking office on the date the vacancy is deemed to exist.

(c) In the event a candidate for Elective Office, who has either been declared elected by the Credentials Committee pursuant to Article XI, Section 2(g) of the American Maritime Officers National Constitution or who has received the highest number of votes cast as reported by the Tallying Committee and independent mailing and balloting service dies, is permanently incapacitated or otherwise disqualified before being installed in Office, the Office shall be deemed vacant and filled in accordance with this National Constitution.

## **ARTICLE XII Other Elections**

### **Section 1.**

#### **Financial Committee**

The Financial Committee shall consist of three (3) members in good standing who

shall be elected at the National Headquarters meeting at the second regular membership meeting held after the close of the six (6) months and year end of the Union's fiscal year for which the Committee is to make the required audit. If no quorum is present on that date, a special meeting shall be called within one (1) week for the sole purpose of electing a Financial Committee. No member shall be elected unless in attendance at the meeting. No National Officer or employee may be elected to serve on the Financial Committee.

### **Section 2.**

#### **Trial Committee**

A Trial Committee shall be elected at a regular membership meeting at National Headquarters where the trial will take place. It shall consist of five (5) members in good standing, of which three (3) shall constitute a quorum. No National Officer or employee may be elected to serve on a Trial Committee. No member who intends to be a witness in the pending trial may serve, nor may any member who cannot, for any reason, render an impartial decision. It shall be the duty of every member to decline nomination if he knows, or has reason to believe, any of the foregoing disqualifications apply to him. The members of this Committee shall be elected under such generally applicable rules as are adopted by a majority vote of the membership. No member shall be so elected unless in attendance at the meeting.

### **Section 3.**

#### **Negotiating Committee**

(a) The members of the Negotiating Committee shall be elected by a majority vote of the membership in that fleet for the contract being negotiated. Notwithstanding anything to the contrary in this Constitution, the National Executive Board may be constituted as the Negotiating Committee.

(b) In the event there is a need for a Strike Committee, the National Executive Board will act as the Strike Committee. The National President shall act as Chairman and may designate a working committee of not less than two (2) National Executive Board members and two (2) rank and file members, all of whom shall report to the full National Executive Board as needed.

### **Section 4.**

Unless otherwise specified herein, all Committees shall be elected when and as required.

### **Section 5.**

Reading Clerk and Recording Secretary

At each official regular or special membership meeting held at Headquarters, the membership shall by majority vote elect a Reading Clerk and a Recording Secretary, who shall serve in such capacity for that meeting only.

## **ARTICLE XIII Code of Trial by Charges**

### **Section 1.**

All violations of this Constitution, laws, rules, regulations or Shipping Rules of this Union shall be tried by this Union and if charges are proven, the penalties imposed shall be enforced by this Union.

### **Section 2.**

When a member of this Union is accused of an offense which, if proven, would subject him to a penalty, the proceedings shall be conducted in accordance with the following rules:

(a) The accusation shall be made in writing, and it shall state the charges and the specifications upon which these charges are based. The accusation shall also specify the time and place of the alleged offense as nearly as can be determined. Once the charges and specifications are received at National Headquarters, the National Secretary-Treasurer shall notify the accused of the charges and specifications. At the discretion of the National President, and depending upon the gravity of the alleged offense, the accused shall be given the opportunity to sign a Waiver of Charges in lieu of trial within 30 days of notification and accept the penalty proposed in the waiver. The Waiver of Charges shall be provided by a member of the National Executive Board as directed by the National President. If the accused does not sign the Waiver of Charges, the charges and specifications shall be processed in accordance with this Article.

(b) The charges and specifications shall be presented to the membership at the next regularly scheduled monthly membership meeting at Headquarters, signed by two (2) or more members in good standing and, if accepted by a majority vote of the attending members, the National Secretary-Treasurer shall notify the accused member immediately that charges have been preferred against the member and shall serve or cause to be served upon the accused by mail, directed to the accused's last known address with the postage prepaid, a copy of the charges and specifications, together with a notice directing the accused to be present at a meeting of the Trial Committee. The notice shall specify the date and time of the hearing before the Trial Committee, which shall take place at National Headquarters not less than 30 days from the date the notice is mailed. For good cause, the Trial Committee may extend the time at which the hearing will take place. In the event the accused does not attend the hearing, the Trial Committee may proceed in his absence.

(c) No other persons other than the accused, accusers and their counsel shall be present at the trial without the consent of the Trial Committee. The Trial Committee shall be entitled to have legal counsel present.

(d) Each witness shall be examined separately and apart if desired by the accused or accuser and all testimony shall be transcribed. The cost of the copies of the transcript shall be borne by the Union.

(e) At the hearing, the Trial Committee

shall give the accused, the accuser, or their counsel, an opportunity to present evidence or argument as to the guilt or innocence of the accused, as set forth in the charges and specifications.

(f) The accused and the accusers shall have the benefit of counsel if they desire, provided said counsel shall be a member in good standing of this Union.

(g) The Trial Committee shall within 30 days of the close of the hearing issue its decision as to the guilt or innocence of the accused and the penalty, if any, to be imposed.

(h) The Decision and Recommendation of the Trial Committee shall be submitted to the membership at the next regularly scheduled monthly membership meeting at Headquarters. The record, including the transcript, if any, shall also be transmitted by the Trial Committee. The members of the Union present at the meeting, shall decide by vote upon the guilt or innocence of the accused, a two-thirds vote of the members voting being necessary to convict; such vote shall be taken on each separate specification. If convicted, the members of this Union shall then by a two-thirds vote declare a degree of punishment.

(i) The Committee shall have power to summon and interview persons and summon papers on behalf of the parties and to procure from the National Secretary-Treasurer such summons in a form as may be necessary for that purpose, and may adjourn the hearing from time to time at its discretion.

(j) In the event a National Officer of the Union is accused by a member, orally or in writing, of any misconduct or nonfeasance in office, said National Officer shall have the right, at his option, to file charges against such member with the National Executive Board. Upon the filing of charges, all proceedings to be followed shall be the same as in the case of charges filed against an elected official under Article XXIII hereof, and any penalty, if imposed, shall be in accordance with Article XIV hereof.

## **ARTICLE XIV Penalties**

### **Section 1.**

Any member found guilty in accordance with the procedures of this Constitution shall be subject to the degree of punishment as follows:

(a) Public reprimand.

(b) Fined for each proven offense.

(c) Fined for each proven repetition of offense.

(d) Suspended pending reinstatement.

(e) Suspended for a stated period.

(f) Suspended pending payment of dues, fines or assessments.

(g) Dropped from the roll of membership.

(h) Dropped from the roll of membership with fine or fines charged to his account.

## **Section 2.**

In no case shall the fine for each proven charge exceed the amount of the guilty member's Group initiation fee in effect at the time the Membership determines the penalty or shall the term of suspension exceed two (2) years; suspended members who are not reinstated at the expiration of such period shall then be dropped from the roll of membership. In cases where members are fined, they may be suspended pending payment, or they may be given 60 days before such suspension is enforced.

## **Section 3.**

Members are not required to pay dues during the period of disciplinary suspension. If members are dropped from membership for any reason, and such persons desire reinstatement, they must pay all their indebtedness to this Union and make application for reinstatement.

## **ARTICLE XV Publications**

### **Section 1.**

The Union may publish such pamphlets, journals, newspapers, magazines, periodicals and general literature in such manner as may be determined by the National Executive Board.

### **Section 2.**

(a) The AMO and its National Officers, shall not print, publish or distribute any mailing list of its members and shall not give, sell or otherwise provide any names and addresses of its members to anyone except for the independent mailing service, Pension, Medical, Safety & Education, Vacation Plan and other Plan purposes.

(b) The AMO, its National Officers shall not use the name of AMO as authorizing the publication of any book, pamphlet, circular or other printed matter, containing any advertisement whatever, nor shall AMO authorize any person or persons to do so, unless approved by the AMO National Executive Committee.

## **ARTICLE XVI Bonds**

National Officers, whether elected or appointed, as well as all other employees of this Union, shall be required to be bonded under such terms and conditions as may be determined, from time to time, by the National Executive Committee, provided however, that elected National Officers whose responsibility it is to handle the liquid funds of this Union, or who are empowered to convert securities in their possession into cash, shall each be required to furnish a bond at the expense of the Union in an amount required by law but not less than \$25,000.00; such bond is to be executed by a reliable surety company and approved by the National President. The bond, when furnished, shall be placed in the custody of the National President, who shall in turn be responsible for ascertaining that such bond is kept in force throughout the term of office of such elected National Officers. No elected National Officer who is charged with the responsibility of handling funds and assets of the Union may assume office or remain

in such office unless a satisfactory bond is in force and effect. It is expressly provided that the amount and content of the bond and the National Officers to be covered thereunder shall, at all times, be consistent and in compliance with provisions of any applicable law.

## **ARTICLE XVII Expenditures**

### **Section 1.**

Policies or specific instructions with regard to expenditures to be made or expenses to be incurred shall be determined by the National President in accordance with this Constitution.

### **Section 2.**

As determined by the National President, monies may be appropriated from the treasury of the Union for political purposes which are permitted by law.

## **ARTICLE XVIII Income**

### **Section 1.**

The income of this Union shall include receipts from dues, initiation fees, assessments, contributions, loans, interest, dividends, as well as income derived from any other legitimate source.

### **Section 2.**

No member shall be required or permitted to pay or deliver any sum of money to any Union representative without obtaining a temporary receipt, signed and dated by an authorized Union official. It is the duty of the member to demand such temporary receipt in lieu of an official Union receipt to be issued to the member by Headquarters at a later date.

### **Section 3.**

No assessment shall be levied except after a vote of the members in good standing conducted under such rules as may be determined by the National Executive Board, subject to these conditions:

- (1) The ballot must be secret;
- (2) The assessment must be approved by a majority of the valid ballots cast;
- (3) Reasonable notice of the intention to vote upon such proposed assessment at Membership meeting shall be given prior to the Membership meeting.

### **Section 4.**

All payments by a member or applicant of this Union shall be applied to the monetary obligations owed to this Union by the member or applicant, commencing with the oldest as measured from the date of accrual of such obligation. The period of arrearage shall be calculated accordingly. All payments to this Union not made in person, shall be forwarded to the National Secretary-Treasurer at Headquarters.

## **ARTICLE XIX Formulation of Shipping Rules**

### **Section 1.**

Shipping Rules, containing the details for registration and assignment of jobs and

rules governing conduct and procedure shall be issued by the National Executive Board. Shipping Rules shall be Union policy.

### **Section 2.**

The National Executive Board may make special exceptions or rules for any company or vessel for organizational purposes.

## **ARTICLE XX Quorums**

### **Section 1.**

The quorum for a regular or a special meeting at Headquarters shall be five (5) members.

### **Section 2.**

The quorum for a National Executive Board or a National Executive Committee meeting shall be a majority of its members.

### **Section 3.**

The quorum for any committee meeting shall be the majority of the elected or appointed members in good standing.

### **Section 4.**

The decisions, reports, recommendations or other functions of any segment of the Union requiring a quorum to act officially shall be that of the majority of the quorum present at the officially called or required meeting and shall not be official or effective unless the quorum requirements are met.

## **ARTICLE XXI Meetings**

### **Section 1.**

The National President, or an elected official designated by the National President, or if the National President is incapacitated, an elected official designated by the National Executive Board, shall call and convene a regular monthly membership meeting on the first Wednesday of every month except in the months of January and July when the membership meeting will be held on the second Wednesday. The meeting shall be at National Headquarters. The convening officer may, in his or her sole discretion, cancel, postpone, or move the location of a membership meeting only for exigent circumstances such as hurricane or flood watches or warnings, states of emergency declared by government authorities, or damage to the National Headquarters premises. This meeting shall be commenced at 1:00 P.M. local time. In the event a quorum is not present at 1:00P.M. local time the National President or National Officer officially in charge designated by the President shall postpone the opening of the meeting until a quorum is present, but in no event later than 1:30 P.M. local time. If a quorum is not present by 1:30 p.m., then the meeting shall be canceled, and the Order of Business shall be carried over to the next monthly membership meeting.

### **Section 2.**

Special meetings can be held at

Headquarters or any Port and called only by the National President or as directed by the National President.

### **Section 3.**

#### **Meeting Chairman**

(a) The Chairman of each meeting at Headquarters or any Port, shall be the National President or a National Officer designated by the National President. The Chairman shall keep order under rules of order specified in this Constitution.

(b) The Meeting Chairman may cast a vote only in the event of a tie.

### **Section 4.**

#### **Order of Business**

1. Call to Order
2. Election of Recording Secretary and Reading Clerk
3. Obligations
4. Reading of the Minutes of previous meetings
5. Communications and action taken
6. Resolutions and action taken
7. Shipping and Registration Report
8. Ships' Activity Report
9. Report on Applications for Membership
10. National Secretary-Treasurer's financial report.
11. Election of the Financial Committee or Financial Committee Report
12. Charges and Election of Trial Committee, and other special Committees
13. Report of National Executive Vice President and National Officers
14. National President's Verbal Report
15. Unfinished Business
16. New Business
17. Good and Welfare
18. Adjournment

### **Section 5.**

#### **Rules of Order**

1. No motion shall be placed before the meeting unless moved and seconded, or be open for discussion until stated by the Chair. When a motion is before the meeting, the only superseding motions in order are as follows:

- a. To adjourn;
- b. The previous question;
- c. To postpone indefinitely;
- d. To postpone to a specific time;
- e. To recommit and refer;

f. To amend;

g. To substitute; and they shall take precedence in the order named, the first three (3) to be decided without debate.

2. If two (2) or more members rise to speak at the same time, the Chair shall decide who is entitled to the floor. No member shall speak longer than five (5) minutes, or more than once upon the same subject or question until all who desire have spoken, or more than twice without permission of the meeting.

3. No motion shall be entertained while a member has the floor, and members making or seconding motions shall rise and address the Chair.

4. No member shall be interrupted while speaking, except for a point of order.

5. If a member, while speaking, is called to order, he shall, at the request of the Chair, take his seat until the question is decided; then, if in order, he may proceed.

6. Unless an appeal is taken, the decision of the Chair shall be final upon all points of order. A majority of all members present and entitled to vote shall be necessary to sustain an appeal. Any member voting in the minority may change his vote to affirmative and give notice that he will move to reconsider at the next meeting.

7. Any member may call for a division of the house on any question when subject matter permits, and when three (3) members call for the ayes and nays they shall be ordered taken by the Chair.

8. When the ayes and nays shall have been taken, the result shall be noted in the minutes.

9. Rules of Order not herein provided shall be decided according to Robert's Rules of Order.

## **ARTICLE XXII Definitions and Miscellaneous Provisions Relating Thereto**

### **Section 1.**

#### **Incapacity**

Unless otherwise set forth herein, the term "incapacity" shall mean (1) any illness or other condition preventing the affected person from carrying out his duties for more than 45 days, or (2) suspension from office or membership as provided for in this Constitution or (3) failure to maintain membership in good standing in this Union. Nothing contained in this Article shall be deemed to prohibit the temporary assumption of duties of more than one (1) office, in which event no vacancy shall be deemed to exist with regard to the office of the National Officer as designated by the National President taking over the duties and functions of the one (1) incapacitated. The period of incapacity shall be the time during which the circumstances exist.

### **Section 2.**

#### **Vacancy and Vacancy Not Caused By an Incapacity**

Unless otherwise set forth, the term "vacancy" and the term "vacancy not caused by an incapacity" shall be the same, and shall include failure to perform the functions of any office by reason of death, or resignation or expulsion from the Union with no further right to appeal in accordance with the provisions of this Constitution and failure of an elected office holder to maintain membership in good standing at all times, or creation of a new office which is to be elective.

### **Section 3.**

#### **Majority Vote of the Membership - Union as A Whole**

When applicable to this Union as a whole, the term "majority vote of the membership" shall mean the majority of all the valid votes cast by members in good standing at an official meeting at Headquarters.

### **Section 4.**

(a) Majority Vote of the National Executive Board

When applicable to the National Executive Board, "majority vote" or "majority vote of the National Executive Board" shall mean a majority of the votes of those entitled to vote.

(b) Majority Vote of the National Executive Committee

When applicable to the National Executive Committee, "majority vote" or "majority vote of the National Executive Committee" shall mean a majority of the votes of those entitled to vote.

### **Section 5.**

#### **Membership Action**

The term "membership action" shall mean the same as the term "majority vote of the membership."

### **Section 6.**

#### **Titles**

Where the title of any office or position is referred to in this Constitution, all references to it and the provisions concerned with it shall be equally applicable to whomever is acting in such office or position.

### **Section 7.**

#### **Election Year**

The "Election Year" shall mean that calendar year prior to the calendar year in which elected officials and other elected position holders are required to assume office.

### **Section 8.**

#### **Applicant in Good Standing**

The term "applicant in good standing" shall mean a person seeking admission or readmission to this Union whose dues are paid through the current quarter, who has not satisfied the initiation fee requirements, and who has been issued a permit number after filing the appropriate application for membership and whose

acceptance into membership in this Union is pending.

### **Section 9.**

#### **Member**

The term "member" shall mean a person who has filed an appropriate application for membership in this Union, fully satisfied the initiation fee, provided two (2) letters of recommendation from members and has been accepted as a member by the National Executive Board.

### **Section 10.**

#### **Member in Good Standing**

The term "member in good standing" means a member whose dues are paid through the current quarter and who is not under suspension or sentence of expulsion as provided by this Constitution.

### **Section 11.**

#### **Membership Book and Permit Number**

(a) The term "membership book" shall mean the official certificate issued as evidence of membership in this Union.

(b) The term "permit number" shall mean the official permit number of applicant status issued to applicants upon the applicant's first employment assignment.

### **Section 12.**

#### **Meetings**

(a) All meetings conducted pursuant to this Constitution shall be governed by Robert's Rules of Order unless otherwise provided for herein.

(b) Whenever the day on which a scheduled Union meeting or action is to take place falls on a holiday, the meeting or action shall be put off until the next business day at the same hour.

### **Section 13.**

#### **Calendar Year**

The term "calendar year" shall mean a 12 month period beginning with January 1st.

### **Section 14.**

#### **Area**

The term "area" as used in this Constitution shall mean Deep Sea Area, Great Lakes Area or Inland Waters Area.

### **Section 15.**

#### **Gender**

Whenever the masculine gender is referred to in this Constitution it shall also be deemed to include the feminine gender.

### **Section 16.**

#### **Counsel**

The term "counsel" when used as "counsel" to members during a trial or other proceeding means a member in good

standing who acts as an advisor.

### **Section 17.**

#### **Suspend and Forgo**

The term "suspend" means to defer to some future date which may not exceed two (2) years.

The term "forgo" means permanently relinquish.

## **ARTICLE XXIII Impeachment and Removal from Office of Elected National Officers and National Executive Board Members**

### **Section 1.**

#### **Charges and Answer**

Charges of misdemeanors in office, malfeasance, misfeasance, nonfeasance, corruption, favoritism, extortion, oppression in office, gross misconduct, habitual drunkenness, or failure to conform to the AMO National Constitution or to a National Executive Board Policy may be filed by a full time elected National Officer or any three (3) members of the National Executive Board, or by a 10% vote of all members in good standing of AMO, at regular Membership Meetings at Headquarters, against any elected National Officer of the Union. Such charges shall be filed with the National President or National Secretary-Treasurer, who shall, within 30 days of its receipt, mail a copy to each member of the National Executive Board and to the National Officer or National Executive Board Member so charged. The National Officer or National Executive Board Member charged shall file a written answer to the charge not later than 30 days following the mailing of the charges by the National President or National Secretary-Treasurer.

### **Section 2.**

#### **Trial**

Upon the filing of the aforesaid charges, the National Executive Board shall designate a Trial Committee, consisting of three (3) members who must be full time and paid elected National Officers of the Union, at least one (1) of whom shall be from an area different than the other two (2) members. The Trial Committee shall conduct a hearing at a place and time which it shall designate, provided, however, that the date of the hearing may not be set earlier than 30 days following the mailing of the charges by the National President or National Secretary-Treasurer.

### **Section 3.**

#### **Trial of the Accused**

A written record of the hearing shall be made. There shall be full opportunity for examination and cross-examination of all witnesses. The charged National Officer or National Executive Board Member may be represented by counsel. The Trial

Committee shall have full authority to determine the rules of procedure which shall govern all parties. The Trial Committee shall have full authority to direct the charged National Officer or National Executive Board Member to produce or make available to the Trial Committee or its designated agent any books, records or other documents in the possession or under the direction or control of the charged party, and to direct any such charged party to submit to examination.

#### **Section 4.**

##### **Decision of the Trial Committee**

(a) After a full hearing, the Trial Committee shall render a written decision which shall be filed with the National President or National Secretary-Treasurer, who shall distribute copies to the charged party, the party or parties who filed the charges and to each member of the National Executive Board. Said decision shall either recommend a dismissal of the charges in whole or in part, or a suspension or dismissal from office of the charged party, or such other course of action which it deems necessary to obtain compliance with this Constitution or AMO policy.

(b) Any decision which calls for the suspension or dismissal from office of the charged party shall also contain a provision relating to the membership of said charged party. In the case of a suspension or dismissal of the charged party from office, the charged party's membership may be suspended, or in the case of a dismissal, he may be expelled from membership. Also in case of dismissal, the charged party shall be barred from holding any office, position or employment in the Union. In the case of a suspension or dismissal of the charged party, a vacancy shall be deemed to exist and filled in accordance with this Constitution.

(c) The full record of the proceeding shall be kept at AMO National Headquarters.

#### **Section 5.**

##### **Appeal to the National Executive Board**

In the event either the charged party or the charging parties desire to appeal to the National Executive Board, notice of the appeal, together with a memorandum setting forth the exceptions taken and a brief comment, shall be filed with the National President or National Secretary-Treasurer within 20 days of the mailing by the National President or National Secretary-Treasurer of the Trial Committee's decision.

If no such appeal is taken within the prescribed time, the decision of the Trial Committee shall be presented to the membership during the next scheduled membership meetings where, if ratified by a majority vote, the decision shall be final.

#### **Section 6.**

##### **Decision of the National Executive Board**

The National Executive Board, (no charged or charging members of the National Executive Board shall be permitted to participate in discussions or vote on this appeal) shall meet at the call of the National President and based on the entire record, shall render its decision as to the acceptance or rejection of the decision of the Trial Committee in the event an appeal has been taken. Its acceptance or rejection based on the appeal shall be in writing and conveyed to the charged and charging parties within 3 days after making its decision, thereafter presented to the membership during the next scheduled membership meetings where, if ratified by a majority vote, the decision shall be final.

#### **Section 7.**

##### **Immediate Suspension**

If the final decision is against the accused, he shall be automatically suspended or removed from office or position in accordance with the final decision, and, in the case of dismissal, the accused who is found guilty shall be barred from holding any future office, position or employment in the Union.

#### **Section 8.**

##### **Criminal or Civil Liability**

A decision rendered in favor of or against any accused under the provisions of this Article shall not in any way limit his criminal liability or his civil liability under the law to this Union.

### **ARTICLE XXIV Affiliation**

#### **Section 1.**

(a) The National President or his authorized designee, with the approval of the National Executive Committee, shall have the authority to affiliate with any other Union, group of Unions or an Association, provided, that the autonomy of AMO is guaranteed and maintained and the National President determines this to be in the best interest of AMO and its membership.

(b) There shall be no merger of this Union with any other Union without prior approval by:

1. A majority vote of the National Executive Committee followed by;

2. A majority vote of the members in good standing by mail ballot referendum under such terms as may be determined by the National Executive Committee.

#### **Section 2.**

The National Executive Committee shall have the authority, whenever it may determine it is in the best interest of the membership, to submit to a referendum vote among the membership any issues, policy, or action. Any such referendum shall be conducted in accordance with the procedure outlined in this Constitution for elections except that the time and duration of the vote and all other pertinent details shall be set by the National Executive Board.

#### **Section 3.**

By virtue of the affiliation of AMO with the Seafarers International Union of North America, AFL-CIO, the President of the SIUNA shall have the right to attend any membership meeting of AMO, its National Executive Board or National Executive Committee with a voice but no vote concerning the deliberations.

### **ARTICLE XXV Amendments**

This Constitution shall be amended in the following manner. The National Executive Board may propose and submit to the membership proposed amendments which, if approved by a majority vote of the membership, shall be deemed adopted. Such submission may be made to the membership at the next regularly scheduled monthly membership meeting at Headquarters or by conducting membership referenda including voting, tallying and certifying of results by an independent third-party vendor using secure internet, electronic and/or telephone balloting systems as the National Executive Board may determine.

### **ARTICLE XXVI Internal Appeals Procedure**

#### **Section 1.**

Before resorting to any court, tribunal or agency, any member or applicant for membership must appeal any action or decision taken by any National Officer, concerning the handling or disposition of any contractual grievance pursuant to the procedures set forth in this Article.

#### **Section 2.**

The route of appeal is:

FIRST, to the National Executive Board; by written appeal within 60 calendar days after the member or applicant is notified of the decision or action under challenge; and SECOND, to the membership at membership meetings.

#### **Section 3.**

##### **Procedures at Each Level of Appeal**

This Section specifies the procedures at each level of appeal.

(a) Appeal to the National Executive Board:

An appeal to the National Executive Board shall be in writing and postmarked not later than 60 days after receipt by the appellant of notice of the action or decision being appealed. The appeal shall be as specific and detailed as possible, and shall include all information available in support of the appeal. The appeal shall be addressed to the National Executive Board, c/o the National President.

The National Executive Board shall appoint a one (1) member Appeals Committee to consider the appeal and make recommendations. This Appeals Committee shall be composed of a member of the National Executive Board, but shall not include as a member any National Officer who has previously participated in the consideration or disposition of the contractual grievance involved.

The appeal and any supporting information shall be forwarded by the National President to the designated Appeals Committee. After a review of the appeal and supporting information, the Appeals Committee may hold a hearing, unless the Committee concludes that no useful purpose would be served by a hearing in which event the Appeals Committee, in its discretion, may make recommendations on the appeal without a hearing. The Appeals Committee shall use its best efforts to complete consideration of the appeal and make a recommendation within 60 days, which, together with the full record, shall be submitted to the National Executive Board. The National Executive Board shall consider the record, together with the Appeals Committee's recommendation, and shall make a decision on the appeal. The National Executive Board shall use its best efforts to render its decision within 60 days of receipt of the Appeals Committee's recommendation, concerning the appeal and supporting documentation. Any National Officer who has previously participated in the consideration or disposition of the contractual grievance involved shall not participate in the deliberations or decision concerning the appeal in question.

A copy of the decision of the National Executive Board shall be sent to the appellant by the AMO National Secretary-Treasurer by overnight express mail or its private courier equivalent at the last known mailing address of the appellant.

#### **(b) Appeal to a Membership Meeting**

An appeal to the membership at membership meeting of this Union from the decision made by the National Executive Board shall be made by a member in person or in writing and by an applicant in writing addressed to the National Secretary-Treasurer of the AMO within 30 days after the member or applicant is notified by the National Secretary-Treasurer of the decision by the National Executive Board concerning the decision or action under challenge. The appeal will be presented at the next membership meeting. The National Secretary-Treasurer of the Union shall notify the appellant in writing by certified mail, return receipt requested, at the last known mailing address of the appellant within 60 days after the meeting of the action taken on the appeal by the membership.

#### **Section 4.**

Upon receipt of the decision of the membership, the appellant shall be considered to have exhausted his internal appeals.

#### **Section 5.**

The following rules, unless otherwise indicated, shall govern all levels of the appeal procedure:

#### **(a) Contents of Appeal**

Any appeal should set forth the action or decision being appealed, and should include all information and documents in support of the appeal. The appeal should be as specific and detailed as possible, and must be signed by the member(s) or applicant(s) involved.

**(b) Calculation of Time**

The time limits of Section 3 of this Article begin to run from the time the appellant first becomes aware, or reasonably should have become aware, of the alleged action or decision appealed. In the case of an appeal from a decision of the National Executive Board, the time limit shall begin to run when the appellant first receives notice of the decision. For purposes of this Article, "day" means a calendar day. If mailed, an appeal will be considered filed on the date it is postmarked.

**(c) Time Limits for Appeal**

To be considered, an appeal must comply with these time limits, if no other time limit is specifically set forth in this Constitution: appeal to AMO National Executive Board, 60 calendar days; appeal to AMO membership meeting, 30 calendar days.

**(d) Extensions of Time**

In the case of any appeal, the National President may waive the time for filing the appeal if warranted by the circumstances and otherwise not prohibited by this Constitution.

**(e) Compliance Pending Appeal**

The decision of the lower tribunal, in all cases, must be complied with before an appeal can be accepted by a higher tribunal in authority, and shall remain in effect until reversed or modified. The National President may, upon written application of an appellant, waive in whole or in part requirements of such compliance where unusual circumstances warrant.

**(f) Counsel**

Any party to an appeal before the National Executive Board shall be permitted representation by counsel, or other representative of the party's choice. Unless otherwise specified in this Constitution, counsel is not permitted before the membership meeting. The party retaining counsel, or other representative, shall bear any cost of such representation. The Appeals Committee, or National Executive Board, as the case may be, shall be entitled to have representation or the assistance of counsel, regardless of whether or not any party to an appeal chooses to utilize counsel.

**(g) Briefs**

Any party to an appeal may submit a brief or other written statement of position.

**(h) Hearings**

Hearings shall be such as determined appropriate in the discretion of the tribunal considering the issue, and shall bring to light all facts and issues involved. The appellant and appellee (or their representatives) shall be required to appear, with such witnesses as they may choose, and shall answer fully and truthfully all questions put to them. The parties shall be afforded full opportunity to present their respective positions on all matters bearing on the action, decision, or penalty under review. A hearing held by the National Executive Board, through its Appeal Committee, shall be held at a Union office, as close as possible to the

locality from which the appeal originates in order to minimize the expense and inconvenience to the parties.

**Section 6.**

It shall be the duty of any member, applicant or group of members or applicants, if aggrieved by any action, decision or penalty imposed, to exhaust fully the member, applicant or group remedy and all appeals under this Constitution and the rules of this Union before going to a civil court or governmental agency for redress.

**ARTICLE XXVII  
Savings Clause**

The provisions of this Constitution shall be interpreted and applied in accordance with all applicable laws. If any provision of this Constitution shall be declared invalid or inoperative by operation of law or any Court of law, the National Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute a provision which meets the objections to its invalidity and which will be, to the extent possible, in accord with the intent and purpose of the invalid provision. The remainder of this Constitution or the application of such Article or Section to persons other than those as to which it has been held invalid, shall not be affected.