

# **LOCAL 4007**

**Albemarle County Professional Firefighters**

**International Association of Firefighters**

## **Constitution and By-Laws**



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# LOCAL 4007 CONSTITUTION & BY-LAWS

## ARTICLE I

### Name

#### *Section 1: Local Number and Name*

The number of this organization shall be Local number 4007. The name of this organization shall be Albemarle County Professional Firefighters- International Association of Fire Fighters.

#### *Section 2: Definitions*

References in this Constitution and By-Laws to "Local" or "Local union" shall refer to the Local as set forth in Section 1 above, and references to "Association" or "International" shall refer to the International Association of Fire Fighters.

#### *Section 3: Compliance*

This Local Union, its officers, representatives, and members shall recognize, observe, and be bound by the provisions of the Constitution and By-Laws of the International Association and the interpretations rendered by the International's General President, the resolutions, and decisions and directives of the Executive Board of officers of the Association, when made in conformity with the authority granted by the Constitution and By-Laws of the Association, and the resolutions adopted and policies established by the delegates at conventions. Article XIII of the Constitution and By-Laws of the Association is recognized as providing the basic rules governing this Local.

## ARTICLE II

### Jurisdiction

"Jurisdiction shall be as follows: All full-time, paid employees engaged in fire fighting, emergency medical or rescue service activities, or related services."

## **ARTICLE III**

### **Membership**

#### ***Section 1: Active***

Any person of good moral character who, at the time of making application is engaged in service within the jurisdiction of this Local, as given in Article II, with the exception of employees holding an “exempt” FLSA status, is eligible for active membership. Anyone eligible for membership in this Local shall not be refused membership or, upon acceptance, be discriminated against because of race, color, gender, sexual orientation, creed, national origin, or by reason of disability.

#### ***Section 2: Honorary***

For meritorious service to the Local, or for distinguished public service, persons may be elected honorary members by a majority vote. Honorary members shall not pay initiation fees, dues or other charges and shall have no voice or vote in the Local. Such membership may be revoked for cause.

#### ***Section 3: Maintenance of Good Standing***

Membership in good standing includes any person who has fulfilled the requirements for membership in this Local and who has not voluntarily withdrawn, become ineligible for continued membership or been suspended or expelled as provided in the Constitution and By-Laws of the International Association of Fire Fighters or the Constitution of this Local.

#### ***Section 4: Separation***

When any member in good standing is separated from the fire service, the local union may allow said member to retain active membership or in lieu thereof, upon request of said member, shall issue a withdrawal card. This Local Union may issue withdrawal cards only to those members who leave the fire service or EMS in good standing or who are precluded by law or Local ordinance or contractually from maintaining union membership by virtue of their fire department position. A former member holding a valid withdrawal card will not be charged a reinstatement fee upon reentry into the organization. A member who is duly elected as an officer of the International Association of Fire Fighters, or elected or appointed as a representative of or to an affiliated labor organization, shall retain his/her active membership in this Local.

#### ***Section 5: Delinquent Members***

Members who fail to pay their monthly dues or assessments by the fifteenth (15th) day following the month such dues are payable shall be notified by the Local officer whose duty it is, that they are delinquent and will be automatically suspended and lose their good standing if payment is not made within sixty (60) days following such notification. Delinquent and suspended members are not entitled to a voice or to vote in the Local or in the affairs of the International.

## ARTICLE IV

### Meetings

#### ***Section 1: Time and Place***

Regular meetings of the Local shall be held on the third Wednesday of each odd month at 1900 hours.

#### ***Section 2: Special Meetings***

Special meetings may be called by vote of a majority of the Executive Board. All members in good standing shall be notified of such special meeting at least seven (7) days prior to the same. The notice shall state the business to be considered at such meeting, and no other business than that stated in the notice shall be in order at such meeting.

#### ***Section 3: Quorum***

The quorum for any meeting of this Local, either regular or special shall be 10% of members (rounded to the nearest whole) in good standing.

#### ***Section 4: Rights of members***

Every member in good standing shall have the right to attend any meeting and to participate in such meeting in accordance with the recognized rules set forth in the manual of parliamentary procedure adopted by this Local. Members shall conduct themselves in such a manner as to not interfere with the legal or contractual obligations of the International or this Local.

#### ***Section 5: Rules for meetings***

The rules contained in Atwood's Rules for Meetings shall govern the meetings of this Local in all cases not in conflict with this Constitution and By-Laws, or the Constitution and By-Laws of the International, or interpretations of these documents.

## ARTICLE V

### Officers and Elections

#### ***Section 1: Number and Titles***

The officers of this Local shall consist of a president, vice president, secretary, treasurer and members of the Executive Board, who shall hold office for 12 months, and until the election and installation of their successors, unless removed from office as provided in the Constitution and By-Laws of the International or this Constitution and By-Laws. The offices of Secretary and Treasurer may be held by the same individual.

#### ***Section 2: Eligibility for Office***

Any member in good standing shall be eligible to be a candidate for office in this Local.

#### ***Section 3: Rights of Candidates***

Every candidate for office shall have the right to request distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidate's own personal expense. "A candidate for office" includes a candidate for membership on the Executive Board. There shall be no discrimination in favor of or against any candidate with regard to the use of membership lists.

#### ***Section 4: Use of Funds Prohibited in Elections***

No funds received by this Local through initiation fees, dues, or assessments or otherwise, shall be contributed or applied to promote the candidacy of any person in election of officers. This section does not prevent the expenditure from Local funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate.

#### ***Section 5: Method of Nomination and Election***

Each member in good standing shall be given at least fifteen (15) days advance notice, in writing, of the date, time and place at which nominations shall be made, and at least fifteen (15) days advance notice, in writing, sent by mail to the last known address of the member, of the date, time and place at which elections shall be held. Any member in good standing may nominate eligible members for office. Elections shall be by secret ballot; write-in voting shall not be permitted. If there is only one candidate for a given office, such candidate shall be declared elected. There shall be no voting by proxy in the election of Local officers. The candidate receiving a majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, there shall be a run-off election between the two candidates who received the most votes.

#### ***Section 6: Elections Committee***

The President shall appoint an Elections Committee which shall be responsible for distributing and tabulating the ballots. Each candidate for office shall be entitled to appoint one observer who shall be permitted to witness the manner of distribution and casting of ballots and attend the meeting of the Elections Committee at which the votes are tabulated.

***Section 7: Ballots Preserved***

The ballots and all other records of an election shall be preserved by the Secretary for one year following such election.

***Section 8: Vacancies in Office***

When an office becomes vacant by reason of death, resignation, or removal of the incumbent, the Executive Board shall elect a successor by majority vote, no later than thirty days from the date the office is vacated.

**ARTICLE VI**

**Duties of Officers**

***Section 1: Local President***

It shall be the duty of the President to preside at all meetings of the Local and at meetings of the Executive Board. He/she shall be the executive head of the Local. He/she shall be a member ex-officio of all committees. He/she shall appoint such committees as may be provided for in this Constitution and By-Laws and such special committees as may be authorized by the Local. Together with the Treasurer, he/she shall sign all orders and checks lawfully and properly drawn. He/she shall enforce strict observance of the Constitution and By-Laws of the International as this document relates to the Local, and the Constitution and By-Laws of the Local. He/she shall have general supervision of the activities of the other officers and the chair of committees. The President shall discharge on behalf of the Local such duties as may be imposed upon him/her by applicable law including the execution and filing of any reports to Federal or State authorities, and he/she shall cause to be maintained by the Local such records as the law requires them to be kept in support of reports filed by it. The President, by virtue of his/her election, shall be a delegate of this Local to the convention of the International.

***Section 2: Local Vice President***

The Vice President shall assist the President in such a manner as the President may determine. In the absence of the President he/she shall preside at meetings of the Local and of the Executive Board. If the office of President becomes vacant, the Vice President shall be acting President until the office of President is filled by election by the Executive Board.

***Section 3: Local Secretary***

The Secretary shall have custody of all documents, records, books and papers belonging to the Local, except as may be otherwise provided by this Constitution and By-Laws. He/she shall keep an accurate record of the meetings of the Local and of the Executive Board, of which he/she shall be the Secretary. He/she shall attest all official documents with his/her signature and the seal of the Local. He/she shall conduct the correspondence of the Local promptly. He/she shall maintain the official list of members in good standing, which shall be kept accurately and on a current basis. The Secretary shall discharge on behalf of the Local such duties as may be imposed upon him/her by applicable law including the execution and filing of any reports to Federal or State authorities, and he/she shall cause to be maintained by the Local such records as the law requires to be kept in support of reports filed by it.

***Section 4: Local Treasurer***

The Treasurer shall receive all monies due the Local, from whatsoever source, and shall disburse the same only by voucher signed by the President in conformity with a vote of the Local. Such disbursement shall be by check, which shall also be signed by the President. He/she shall maintain and keep current a record of members with their dues payments, assessments and all financial transactions promptly and accurately entered. He/she shall be prepared to exhibit receipts and vouchers upon the audit of his/her books. He/she shall forward the annual audit of the Local to the International General Secretary-Treasurer, over the seal of the Local.

***Section 5: Local Executive Board***

The Executive Board shall consist of the President, Vice President, Secretary and Treasurer, and four additional at-large members who are elected at the annual meeting. The four operational shifts shall each have one representative. It shall be the duty of the Executive Board to exercise general supervision and control of the invested funds and property of the Local. It shall have the authority to act in the name of the Local during intervals between meetings, such acts being subject to confirmation by the membership at the next regular meetings of the Local. It shall provide for an annual audit of the Treasurer's books. It shall meet at the call of the President or on call signed by a majority of its members. A majority shall constitute a quorum.

***Section 6: Bonding***

All officers and employees of the Local who handle funds or property of the Local shall be bonded in such amounts as may be required by the Board of Trustees and the International General Secretary-Treasurer, in compliance with applicable law. The expense of the first five thousand dollars (\$5000) of bond shall be borne by the International. If additional bond is necessary, the Local shall pay the additional premium. The Local shall have sufficient bond to cover at least ten (10%) percent of its current liquid assets.

## **ARTICLE VII**

### **Delegates and Alternates to International Conventions**

#### ***Section 1: Delegates***

If, in accordance with Article IV, Section 2 of the International Constitution and By-Laws, this Local is entitled to Delegates in addition to the President, they shall be elected by secret ballot of the members in good standing.

#### ***Section 2: Alternates***

Alternates to conventions shall be elected by secret ballot of the members in good standing. The credentials of delegates and alternates must certify to this method of election.

## **ARTICLE VIII**

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

#### ***Section 1: Initiation fees***

Initiation fees shall be paid in the amount of one month's dues.

#### ***Section 2: Dues***

Dues shall be one percent (1%) of Firefighter's base annual salary rounded to the next dollar.

#### ***Section 3: Assessments***

Assessments may be made only in the following manner: Each member in good standing shall be notified in writing at least thirty (30) days in advance of the date on which the vote for an assessment is to occur. The proposed assessment shall become effective upon a majority vote of the members in good standing, by secret ballot at a general or special meeting.

#### ***Section 4: Increases in Rates***

Increases in rates of initiation fees, reinstatement fees, or dues or assessments shall require notice of such proposed increase to be given to the members in good standing at least thirty (30) days in advance of the date on which the vote for such increase is to occur. The proposed increase shall become effective upon a majority vote of the members in good standing, by secret ballot at a general or special meeting.

#### ***Section 5: Reinstatement fees***

Reinstatement fees shall be fifty (\$50), plus all back dues and assessments.

## **ARTICLE IX**

### **Misconduct, Trials and Appeals**

#### ***Section 1: Misconduct and Trials***

Any member charged with misconduct as defined in Article XV of the International's Constitution and By-Laws shall be served with written specific charges as required by Article XVI of the International Constitution and be given a reasonable time to prepare his/her defense and afforded a hearing as provided in Article XVII of the International Constitution.

#### ***Section 2: Appeals***

Appeals may be made in accordance with Article XVIII of the International's Constitution and By-Laws. Such appeal must be filed with the International General President of this Association within thirty (30) days of the action to be appealed.

## **ARTICLE X**

### **Audit**

The books and accounts of this Local shall be audited annually, and the last such report of audit shall be forwarded to the International's General Secretary-Treasurer with the seal of the Local within one hundred and eighty (180) days of the close of the Local's fiscal year, and shall include an accurate accounting of all employees within the Local Union's Fire Department.

## **ARTICLE XI**

### **Amendments**

#### ***Section 1: Proposed Amendments***

This Constitution and By-Laws made under its provisions may be amended by a two-thirds (2/3) vote (except for changes in dues and assessments, and initiation and reinstatement fees, which shall require a majority vote, as provided in Article 8, Sections 3 and 4) at a regular meeting, provided that each member in good standing is notified in writing of the proposed amendment at least fifteen (15) days in advance of the meeting at which the vote will be taken.

#### ***Section 2: Adopted Amendments***

A proposed amendment to this Constitution, or any By-Laws made under its provisions, shall be submitted for approval to the International's General President prior to its printing, or issuance, after it has first been adopted by the membership.

## *SHIFT MEETINGS*

Shift meetings should be regarded as generally undesirable if any other method can be used to achieve the desired results. This is because of the fundamental difficulty in this type of meeting, which includes the necessity for agreement between the two meetings as to final action. When shift meetings are determined to be necessary, it is essential that the following procedures be followed.

1. Both shift meetings should be held, if possible, within 24 hours. It is always desirable to complete action as soon as it can be done. This is true of any group decision and especially true of shift meetings. Both meetings are considered as constituting one meeting as far as total votes are concerned and also the final results that are to be determined.
  
2. In order to establish the results of action taken in shift meetings, the total votes cast for and against the motion are added together. For example, let us assume that Meeting A votes for a motion and Meeting B votes against it. Meeting A-40 for, 20 against; Meeting B--30..for, 40 against. The total vote is 70 for and 60 against, 130 votes. A majority is necessary to adopt any main motion, in this case 66 votes. So the motion is adopted. If Meeting A adopts a motion and Meeting B amends it and sends it back to Meeting A, and Meeting A defeats the amendment, the total number of votes in both meetings determines whether the amendment is adopted.

For Against
Meeting B 80 50
Meeting A 50 55
130 105

The total vote is 235. Vote necessary for adoption of the amendment is 118, so the amendment is adopted.

3. The announcement of a vote may be made only after final action by the last meeting to vote. It is essential that NO announcement be made until the final vote.
  
4. If a motion is made at one meeting and later, in the same meeting, it is indefinitely postponed, the motion is killed and does not go to the other meeting.
  
5. If an amendment is offered at Meeting A and this amendment is defeated at that meeting, and later the same amendment is offered at Meeting B and adopted, it is necessary for the motion as amended, to be returned to Meeting A for final vote.
  
6. If a motion is made and adopted at Meeting A, it is not in order for Meeting B to table it. Meeting B must take some action on the motion, whether amendment, reference to committee, or something else.

7. If Meeting A defeats a motion, it does not go to Meeting B. However, Meeting B can originate another motion, the same as that defeated in Meeting A. As a practical matter, this would only be done when the proponents of the motion have reason to believe that there have been changes of viewpoint toward the motion, or that the combination of votes in the two meetings in favor would be enough to adopt the motion.

8. If Meeting A adopts a motion and it is considered by Meeting B which proposes amendments and adopts them, and then adopts the motion as amended, the motion as amended must be voted on by Meeting A.

9. If a motion is passed by Meeting A and Meeting B votes to refer it to a committee, this has to be referred back to Meeting A for a final vote on referring to a committee; the combined votes of both meetings determine whether it goes to committee.

10. If Meeting A, when considering a motion that originated at that meeting, votes to table it, the motion does not go to Meeting B. Meeting B, however, may originate the same or a similar motion and, if adopted, send it to Meeting A.

11. If Meeting A adopts votes to postpone a motion to a definite time, the motion and the postponement to a definite time will both be considered by Meeting B. The total votes cast for the postponement will determine whether this is done.

12. If meeting A adopts a motion and meeting B votes to postpone it to a definite time, the motion for postponement is to be considered by Meeting A.

13. The Minutes of Meeting A are to be read only at the next session of Meeting A, not at Meeting B. Each Minutes require action for adoption by the meeting where they originate and no action by the other meeting.

14. When the action by one meeting makes it necessary to consider a motion at a later meeting where some of the members, because of a shift change, also change their meeting attendance, roll-call vote should always be taken. Unless this is done, there is no way to prevent complete confusion as to when and how a member has already voted. As this situation of change of shift is a part of the two shift procedure, the practice of rollcall voting should be followed in shift meetings.

Roll-call lists have to be prepared in advance by the Local Union Secretary. The names of all members in good standing are listed, in strictly alphabetical order, on the left of each page; to the right are three columns headed, "Yes", "No" and "Present." The Secretary calls each name and the member responds by saying "Yes" or "No" or "Present." This response is recorded by the Secretary in the proper column. Members have a right to change their votes from "yes" to "no" or from "no," to "yes" or from "present" to "yes" or from "present" to "no," at any time before the result is announced. They cannot change their vote from "yes" or "no" to "present." After the vote has been announced, there can be no changes.

15. Having the vote taken by written ballot is not to be done in shift meetings, except, of course, in elections. The object of the roll-call vote is to assure that members vote only once, even though their shift has changed.

16. Because of the fact that, if there are three shifts, 2/3 of the members will be off duty at a given time, there is no need for three-shift meetings. There are too many possible complications in running three-shift meetings, all of which for some purposes would have to be regarded as one meeting. There could be almost endless adoptions of amendments to motions and delaying tactics of various kinds. A determined minority in these meetings could effectively prevent action through tactics to be found in any manual of parliamentary law. The object of Local Union meetings includes the consideration of subjects properly presented to the membership, and to take action by majority vote. Under the circumstances which would prevail in the three-meeting procedures, it would be extremely difficult to either adequately consider subjects or to take final action upon them. Responsible union leadership is properly concerned with providing the maximum practical protection for member's rights in meetings. The three-shift meeting procedure, by its very structure, offers many opportunities for the curtailment of these rights. It is for these reasons that such meetings should not be held. As the Local plans and conducts two-shift meetings, it should keep in mind the basic principles which apply to the conduct of all meetings: the minority has the right to express its views and to offer any proper motion, while, eventually, the majority makes the decision. Once the decision has been made, it is the duty of all members to abide by the result until another decision is reached. This is the essence of democracy.