

**City of Winchester**  
**Fire & Rescue Local 3401**  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



***CONSTITUTION***  
***AND***  
***BY-LAWS***  
*Amended 1/31/11*

# CITY OF WINCHESTER FIRE & RESCUE LOCAL 3401

## INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

### CONSTITUTION AND BY-LAWS

#### Preamble

In the belief that in union there is strength, this union of uniformed fire and rescue personnel was formed. The mission of this Local Union is to promote safety, professionalism, uniformity, and fellowship within the Winchester Fire and Rescue Department. To achieve our mission we shall: promote higher education of our members; harmonious relations between Local and our employer; and work in cooperation with other fire and rescue professional organizations to achieve the goals and commitments of the International Association of Fire Fighters.

#### ARTICLE 1

##### Name

- Section 1:** The number and name of this organization shall be Local Number 3401, City of Winchester Fire and Rescue, International Association of Fire fighters.
- Section 2:** References in the Constitution and by-laws to 'local' or 'local union' shall refer to the Local as set forth in Section 1 above. References to 'Association' or 'International' shall refer to the International Association of Fire Fighters.
- Section 3:** 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 and the interpretations rendered by the General President, the resolutions, decisions, and directives of the Executive Board or 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 13 of the Constitution and by-laws of the Association recognized as providing the basic rules for governing this local. The delegates to the 1992 International Convention voted to refer to officers of the IAFF as General President and General Secretary-Treasurer.

## **ARTICLE 2**

### **Jurisdiction**

Jurisdiction shall be as follows: All paid employees of the City of Winchester, whose job title is Firefighter/EMT, Firefighter/EMS Specialist or Lieutenant.

## **ARTICLE 3**

### **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 2, will be 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, sex, creed, national origin or by reason of disability.

#### **Section 2: RETIRED:**

Members, who have retired from this union or have otherwise withdrawn as members in good standing, may be allowed to return to this union within 6 months as active members. Retired Active members shall pay only ½ per capita to the International and will be granted all privileges of active membership.

#### **Section 3: HONORARY:**

For meritorious service to this local or for distinguished public service, persons may be elected honorary members by 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 4: 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 or the Constitution of this local.

**Section 5: SEPARATION:**

When any member in good standing is separated from the fire service, the local union may allow said member to retain active membership in lieu thereof, upon request of said member, shall issue a withdraw card. A former International member holding a valid withdraw 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 6: DELINQUENT MEMBERS**

Members who fail to pay their monthly dues or assessments by the fifteenth (15<sup>th</sup>) day following the month such dues are payable, shall be notified by the Local Treasurer that they are delinquent. Said member will be suspended if the payment is not made within sixty (60) days following such notification. After notification, delinquent member shall be responsible for all past dues plus an assessment equal to the amount of the past dues plus **twenty-five (\$25.00)** dollars for reinstatement fee. Delinquent and suspended members are not entitled a voice or vote in the local.

**Article 4**

**Meetings**

**Section 1: REGULAR**

Regular meetings of the local will be held on one day during the last week of each month. Date, time, and place will be announced at least seven (7) days prior to said meeting.

**Section 2: SPECIAL**

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

**Section 3: QUORUM**

The quorum for any meeting of this local shall be four (4) members in good standing, and one (1) member of the Executive Board. This is a total of five (5) members.

**Section 4: RULES**

The rules contained in Robert's Rules for meetings shall govern the meetings of this local in all cases not in conflict with this Constitution and by-laws, the Constitution and by-laws of the International, or the interpretations of these documents.

## ARTICLE 5

### **Officers and Elections**

**Section 1: OFFICERS**

The officers of this local shall consist of a President , Vice-President, Secretary, Treasurer, one (1) Executive Board member, and two (2) Trustees.

**Section 2: ELIGIBILITY**

Any active member in good standing shall be eligible to hold 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 candidates' own personal expense. "A candidate for office" includes a candidate for membership on the Executive Board. There shall be no discrimination in favor 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**

Nominations and elections shall take place at the Regular Meeting for the Month of September. All members 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 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.

Those declared elected will serve a two year term beginning on the first day of October after the election and hold office until the last day of September of their give term. The President, Vice-President, ad Treasurer shall be elected on the even numbered years. The Secretary one (1) Board Member, and two (2) Trustees shall be elected on the odd numbered years.

**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 ad 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 prior to the expiration of the term, a special election will be held at the next regular meeting, in accordance of Section 5 of this Article, to fill the un-expired term within thirty (30) days after the vacancy occurred.

## ARTICLE 6

### Duties of Officers

**Section 1: 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 shall be the executive head of the Local. He shall be a member ex-officio of all committees. He shall appoint such committees as may be authorized by this Local. Together with the Treasurer, shall sign all orders and checks lawfully and properly drawn. He shall enforce strict observance of the Constitution and by-laws of the International as this document as it relates to this Local, and this Constitution and by-laws. He shall have general supervision of the activities of the other officers and the chairman of committees.

The President shall discharge on behalf of the Local such duties as may be imposed upon him by applicable law, including the execution and filing of any reports to the Federal or State authorities, and he shall cause to be maintained by the Local, such records as the law requires to be kept in support of reports filed. By virtue of his office, he shall be a delegate of this Local to the conventions of the International and other affiliated organizations.

**Section 2: VICE-PRESIDENT**

The Vice-President shall assist the President in such manner as the President may determine. In the absence of the President, he shall preside at all meetings. If the office of President becomes vacant, the Vice-President shall be acting President until the office is filled.

**Section 3: SECRETARY**

The Secretary shall have custody of all documents, records, books, and papers belonging to the local, except, as may be otherwise provided by the Constitution and by-laws. He shall keep accurate records of the meetings of the Local and the Executive Board. He shall attest all official documents with his signature and the Seal of the Local. He shall maintain the official list of members in good standing. Together with the President or Treasurer, shall sign all orders and checks lawfully and properly drawn. In the absence of the President and Vice-President, the Secretary shall fill the duties of the President.

The Secretary shall discharge on behalf of the Local, such duties as may be imposed upon him by applicable law, including the execution and filing of any reports to the Federal or State authorities, and he shall cause to be maintained by the Local, such records as the law requires to be kept in support of reports filed.

**Section 4:     **TREASURER****

The Treasurer shall receive all money due the Local from whatsoever source, and shall disburse the same only by check, which shall be signed by the President or Secretary. He shall maintain and keep current a record of members with their dues payments, assessments, and all financial transactions. He shall be responsible for the timely payments of the per-capita tax to the International and all affiliate organizations. He shall prepare and present a proposed budget to the Executive Board at least thirty (30) days prior to the end of this Local's fiscal year. In the absence of the President, Vice-President, and Secretary, the Treasurer shall serve as Presiding Officer of Meetings.

The Treasurer shall be prepared to exhibit receipts and vouchers upon the audit of his books. He shall forward the annual audit of the Local to the General Secretary/Treasurer over the seal of the Local, within 180 days of the close of the Local's fiscal year. He shall make available all financial transactions to the membership at all regular meetings. The Treasurer shall discharge on behalf of the Local, such duties as may be imposed upon him by applicable by law, including the execution and filing of any reports to the Federal or State authorities, and shall cause to be maintained by the Local, such records as the law requires to be kept in support of reports filed.

**Section 5:     **EXECUTIVE BOARD****

The Executive Board shall consist of the President, Vice-President, Secretary, Treasurer, and one Member at large. It shall be the duty of the Executive Board to exercise general supervision and control of the 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 shall be reported to the membership at the next regular meeting 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 a majority of its members. A majority shall constitute a quorum. In the absence of the President, Vice-President, Secretary, and the Treasurer, the Executive Board Member shall serve as Presiding Officer of Meetings.

**Section 6:     **TRUSTEE****

The trustees shall check the books of this local twice a year and at such other times as they deem advisable, and he/she shall have full access to all books and records of the Treasurer pertaining to financial matters of the Local. The trustees shall make a report of their findings on examination of the books to the executive board and to the general membership.

**Section 7: 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 \$2,500 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 7**

**Delegates and Alternates to International Conventions**

**Section 1:** If, in accordance with Article 4, 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 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 8**

**Initiation Fees, Dues, and Assessments**

**Section 1: INITIATION FEES**

Initiation fee shall be thirty dollars (\$30.00).

**Section 2: DUES**

Dues shall be fifteen dollars (\$15.00) per pay or three hundred ninety (\$390.00).

**Section 3: NEW MEMBERS**

New members, at the time of application, shall not be under disciplinary review by this local's jurisdiction and pay the Local Treasurer the amount equal to the Initiation Fee plus one month dues. Said new member will then be paid up through the current month.

**Section 4: ASSESSMENTS**

Assessments may be made only in the following manner: each member in good standing shall be notified in writing at least thirty 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 regular or special meeting.

**Section 5: DELINQUENT MEMBERS**

Members who fail to pay their monthly dues or assessments by the fifteenth (15<sup>th</sup>) day following the month such dues are payable, shall be notified by the Local Treasurer that they are delinquent. Said member will be suspended if payment is not made within sixty (60) days following such notification. After notification, delinquent members shall be responsible for all past dues plus fifteen (\$15.00) dollars for reinstatement fee. Delinquent and suspended members are not entitled a voice or vote in the local.

**Section 6: REINSTATEMENT**

Members that resign or have membership revoked and are still in the fire and rescue service of this Local's jurisdiction may be reinstated if said person is not currently under disciplinary review and must pay fifty dollars (\$50.00) for each calendar year of separation from this local, plus a reinstatement fee of (\$50.00) prior to reinstatement to good standing.

**Section 7: INCREASES**

Increases in rates of initiation fees, reinstatement fees, dues, or assessments shall require notice of such proposed increase to be given to the members in good standing at least thirty days in advance of the date o 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 regular or special meeting.

**ARTICLE 9**

**Misconduct, Trials, and Appeals**

**Section 1:** Any member charged with misconduct as defined in Article XV of the International Constitution and By-Laws shall be served with written specific charges as required in Article XVI of the International Constitution and be given reasonable time to prepare his defense and afforded a hearing as in Article XVII of the International Constitution.

**Section 2: APPEALS**

Appeals may be made in accordance with Article XVIII of the International Constitution and By-Laws, such appeal must be filed with the General President of this Association within 30 days of the action to be appealed.

## **ARTICLE 10**

### **Audit**

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

## **ARTICLE 11**

### **Amendments**

**Section 1:** This Constitution and By-Laws made under its provisions, may be amended by a two-thirds vote, (except for changes in dues and assessments, and initiation and reinstatement fees, which shall require a majority vote, as provided in Article 8) at a regular meeting, provided that each member in good standing is notified in writing of the proposed amendment at least fifteen days in advance of the meeting at which the vote will be taken.

**Section 2:** A proposed amendment to this Constitution, or any By-Laws made under its provisions, shall be submitted for approval to the International General President prior to its printing, or issuance, after it has first been adopted by the membership.

# **BY-LAW CHANGES**

LOCAL 3401

**March 2008**

## **ARTICLE 1**

### **Name**

**Section 1:** The number and name of this organization shall be Local Number 3401, Winchester Professional Fire Fighters and Paramedics, International Association of Fire Fighters.

## **ARTICLE 2**

### **Jurisdiction**

Jurisdiction shall be as follows: all full-time, paid employees of the City of Winchester, whose job title is Fire Fighter, Fire Fighter/Technician, Sergeant, Lieutenant, or Captain.